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to employ a lawyer to prosecute. Do you reckon he would take the trouble, would he be mean enough, unwise enough, to hire a lawyer to prosecute the claim for these Indians unless he thought there was something in it?

Mr. TELLER. I decline to go into the question as to what the Secretary of the Interior might do or what he might not do. I am going to deal with the facts, not with suppositions, as does the Senator.

Mr. TILLMAN. The Senator from Colorado is indulging in some suppositions.

Mr. TELLER. Not at all.

Mr. TILLMAN. Very well. The Senator may know all about it, but I contend that it is more decent and more in accord with justice that the court should determine it than that the Senate should do it.

Mr. TELLER. If the Senator would wait, if he would be patient until I could make a statement, he would see that he does not know anything about this case. Nor does he know anything about the law that applies to it.

Mr. TILLMAN. I know a little something about justice, though.

Mr. TELLER. I hope he does. But he is not asking justice now.

Now, what are the facts? The Government appointed a man to go down there and pay out this money. That was perfectly proper. Mr. Jenkins is a man against whom I have never heard anything alleged, and I will venture to say nobody has ever alleged anything anywhere, not even in a letter from an unknown correspondent of the Senator——

Mr. TILLMAN. I have not heard a word about Jenkins, but Brown is being sued.

Mr. TELLER. Brown is treasurer of the Seminole tribe. He is a man of as high character as any man in that section of the country. Nobody will deny that he is. Mr. Brown gave a bond. The Government exacted, before allowing the money to go into his hands, a bond of $400,000 for the proper payment of this money. I say $400,000. It was either three hundred of four hundred thousand dollars.

Mr. DUBOIS. Three hundred thousand dollars.

Mr. TELLER. The Senator from Idaho says $300,000. It was much more money than he was receiving, because he received only the money that belonged to the minor heirs of these Seminole soldiers. Mr. Brown technically may be in bad shape. The judge of the probate court that had to pass upon Brown's acts in paying the money over to the Indian minors, instead of ratifying them in open court, ratified them in chambers. If the judge had been sitting on the bench there would have been no question about the propriety of it. Nobody has yet charged that Mr. Brown misappropriated the money, but it is claimed—and that is the ground upon which the suit is brought—that technically he did not have the approval of his acts, because the court acted in chambers and not in court. It was a probate judge, as we would say in my State and in most of the States. But I will venture to say that 90 per cent of those things are done in chambers, and with every other tribe except the Seminoles under the Arkansas law it could have been done in chambers.

Mr. TILLMAN. The Senator is a great lawyer, and I am not anything but a common, ordinary man, but if his objection to Mr. Brown being sued—for that must be the basis of this action—is that it rests on mere technicality, why should Mr. Brown object to being sued when the technicality would relieve him as soon as it was demonstrated to the satisfaction of the court that it was a mere omission of some little official etiquette or provision of law? If there is not down under this something else indicating dishonesty or something else, why should Brown object to being sued?

Mr. TELLER. I have never had a word from Mr. Brown in my life. I expect before the Senator gets through he will charge me with desiring to steal something.

Mr. TILLMAN. The Senator does not expect anything of the sort. I contradict him flatly.

Mr. TELLER. It would be just as appropriate for him to do that as to charge Mr. Brown with peculation.

Mr. TILLMAN. Mr. Brown is already being sued to recover what it is alleged he misappropriated.

Mr. TELLER. If the Senator will let me get through, he may take all the afternoon if he desires.

Mr. Brown paid out the money. He paid some of it to these attorneys. That is one of the objections that is made. He paid it to them under their contract. He was holding this money for citizens of the United States and not the Indians. Can any lawyer here or anywhere else tell me that the Secretary of the Interior or any other officer is doing anything more than to pay the money to the men who are entitled to it? When he paid it, that was the end of it. They are not now suing Brown because he did not pay the money. They are suing Brown because a certain character down there thought there was a technicality and that Brown could be compelled to pay the second time, and he went to work and got up these suits.

Mr. President, the Government of the United States has brought no suit against this man. The Government would not stand an hour in court if it brought the suit. Two hundred and eleven suits have been brought against Mr. Brown, that being the number of cases in which he had to pay to the heirs of soldiers as the guardian appointed by the court. His conduct was approved by the judge, but it ought to have been approved by the court.

I wish to say that everybody then supposed that the law of Arkansas which was in force as to every other tribe and which had been adopted applied to the Seminoles. It was found that it did not apply to the Seminoles. If he had paid this money under like circumstances to the Choctaws, Chickasaws, Creeks, or any other Indians except the Seminoles, under the Arkansas law which had been adopted down there for the other tribes it would have been an absolute payment, and there never would have been a word heard about it.

Now, Mr. President, a man who I will say is not of good character brought these suits. They are speculative suits. If he can get from Mr. Brown money of this kind, he will recover something. The amendment leaves the right of every man there to prosecute this man if he wants to. We hold Mr. Brown's bond, and, so far as the Government is concerned, he will be relieved from the interference of the United States. The United States had a right when they paid money into his hands to ask him to give bond that he would pay it out, and if he has not paid it out properly, they can sue him on his bond.

Mr. MORGAN. Is that the whole effect of this proposed legislation?

Mr. TELLER. That is the whole effect of it. Here is a provision that leaves to every man a right to sue, and leaves every suit that is brought in the name of the individual still pending.

I suggest to the Senator from South Carolina that he may know more about this than the committee that had it under examination for some time, and he may think that he is more anxious to protect the rights of the Indians than the members of the Committee on Indian Affairs. Mr. President, I do not believe he is either better acquainted with the facts or that he has any more anxiety and zeal to do the right thing with the Indians than we have. They are not Indians under the law; they are white men; and we could not take away their right to bring suit if we should try. If in this bill there was a provision that those men should not bring a suit, we would have no authority to enact it. They are citizens. As I said the other day, they have now every right that the best, the wisest, and the greatest in this land have; and we have not attempted to do anything, except to say that, so far as the Government is concerned, it will not interfere with Mr. Brown. Beyond that we have not taken a single step nor made a single movement. Every right these Indians have now by law they will have. We have not attempted to take away their right; and if we should, it would be a useless effort on our part.

Mr. President, we have had a good deal of trouble with this bill. We have done the best we could with it. I will venture to say that in the whole history of legislation here no committee has ever been perplexed with such difficult and unsatisfactory conditions as has the Committee on Indian Affairs on this bill. I do not know now, nor does any other man, and the Senator from South Carolina is not wise enough to find out for us, or even for himself, what may be the effect of the condition down there, and what may be and what properly should be the law as to their property. With that we have done the best it was possible for us to do. We sat hours and days considering how we could handle this question, to preserve to them all that belonged to them. If we have not done it, it is because we have been incapable of doing it after all the labor and effort that we have given it.

This conference report, Mr. President, does not suit me, but I know that there must be an end to this controversy. This bill is needed, and the Indians will suffer immensely more than any other part of the people if the bill does not speedily become a law. We had to extend the tribal relation to protect them. We have done everything we could; and, Mr. President, it does not come with good grace from a Senator here, who knows nothing about the facts, to practically array this committee as being engaged in an attempt to commit a crime against the Indians, or to deprive them of an opportunity to pursue their case, if they

have got one, in the courts of the country. If the Senator was anything more than, as he says, "a cornfield lawyer," he would know, and if he was a real good cornfield lawyer, he would know to-day that no man living and no power on the face of the earth can take away from them the rights of citizenship that we have given them, and which they have assumed, some of them for more than five years past.

Mr. CLAPP. Mr. President, personally I was in a good deal of doubt as to the merits of this amendment. Perhaps if it had been left to my own volition I would have rejected it as an initiative, and practically I so stated the other day. But the Senate adopted this amendment. It strikes me that it would have been too late to recede from it even the day we had the report up last week, but, if not, the Senator from South Carolina last night had the same opportunity before the other report was formerly withdrawn that he would have had the afternoon it was before the Senate.

Mr. TILLMAN. I understood that the report was withdrawn last night. Was the report which we are now discussing presented yesterday?

Mr. CLAPP. No, sir; the Chair held yesterday that the original report had not been withdrawn. Am I correct, Mr. President?

The VICE-PRESIDENT. The Senator from Minnesota is correct.

Mr. TILLMAN. If the Senator will pardon me, I should like to know, if that report was not withdrawn and was in the possession of the Senate, how did this committee of conference get hold of it to go out and agree to a new one?

Mr. CLAPP. Because, when the report first came in, the point of order being made by the junior Senator from Colorado [Mr. PATTERSON] and urged by some of the senior Senators, the chairman of the committee of conference recognized that the point of order was well taken, that practically, for all practical purposes——

Mr. TILLMAN rose.

Mr. CLAPP. Now, if the Senator will wait a moment—that practically disposed of the matter. But in order to get the view of the Senate on some of the questions involved, the matter was left before the Senate for consideration. The day the debate closed on it, April 3, the Senator from South Carolina called the attention of the chairman of the conference committee to his objection to this section 9, and when we reached that the chairman of the conference committee stated:

> The Senator from South Carolina has called attention to section 9, where the Senate amendment was concurred in. I think the Senator is quite correct, and, so far as the chairman is concerned, it will be the sense of the conferees to strike that out in conference.

That is the statement which was made on the floor of the Senate.

Mr. TILLMAN. Now, Mr. President——

Mr. CLAPP. And in justice to the conferees of the Senate, I will state that they stood by him when it came to conference; but when we reached the conference, the House conferees having the right to accede, it was beyond the power of the Senate conferees to withdraw the amendment which the Senate had placed in the bill.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from South Carolina?

Mr. CLAPP. Certainly.

Mr. TILLMAN. The Senator has opened up a brand new phase, which I want settled before we go any further, and that is this: If the original conference report made here last week, and the substance of which is in Senate Document 269, was before the Senate yesterday evening and only withdrawn formally after the speech of the Senator from Texas [Mr. BAILEY], I want to know when and by what authority the conferees agreed to Document 307, which is now before the Senate. If the conferees have taken the responsibility on themselves to go out and call the House conferees together to consider a matter which was in the possession of the Senate, which had not been returned to the possession of the Senate conferees, I want to know how that comes about. I should like to have the Chair's ruling on that, for here is the report printed yesterday, obtained by me yesterday afternoon, announcing the agreement that has been made in a new conference; when, under the ruling of the Chair, the old conference was on his table and out of the jurisdiction of the Senate conferees.

Mr. CLAPP. Whatever may be the consequences——

Mr. TILLMAN. I want the Chair's ruling, if the Senator will please allow me to get it, as to whether or not there is any conference report before the Senate now.

Mr. CLAPP. There is not any question——

The VICE-PRESIDENT. There is a conference report before the Senate.

Mr. CLAPP. Certainly there is.

Mr. TILLMAN. Will the Chair please rule how it got here?

The VICE-PRESIDENT. The conference report was submitted by the conferees on the part of the Senate last evening.

Mr. TILLMAN. But the new conference report, if the Chair will pardon me, was submitted before the old one was withdrawn.

The VICE-PRESIDENT. No; the conference report was submitted after the old conference report was formally withdrawn.

Mr. TILLMAN. Formally withdrawn; but I am speaking now about the technicality. My honorable friend from Colorado has made a great point upon me this morning about technicalities. I want to stand by the technicalities of the rule of the Senate, and I want the Chair to rule on it. Can the conferees of the Senate go ahead and consider matters in controversy between the two Houses when the conference report which they submitted last week is still in the possession of the Senate?

Mr. TELLER. I should like to make a suggestion to the Senator from South Carolina, who seems to think that he is losing some opportunity. If there is anything offensive in the view of the Senate in the present conference report with reference to this amendment, it is just as open to the Senator from South Carolina to attack it as it was before. It has been agreed to by the conferees of the two Houses. It could not be taken out or modified or changed in any way without the consent of the other members of the conference committee.

Now, if the Senator thinks he can get a vote of the Senate and vote it out, he can do it just as well now as then. The truth is he can not do that under the rule. All we can do is to reject this report. We can not in this body even instruct the conference to take it out. We can say we will not adopt it, and it goes back to the committee of conference; and if they return it again in some shape it is here again, and so again. If the Senator can show that this is not a proper provision, he has not been deprived by anything the conference committee has done of any of his rights, as I understand the law.

Mr. TILLMAN. The Senator from Colorado either purposely misunderstands me or else we can not see the thing in the same light. I want the ruling of the Chair as to the status of the report which was here last week and five minutes before we adjourned yesterday, when the Senator was trying to get this report up and formally withdrew the conference report which had been submitted last week. At the same time, and before that, a report is presented, treating on the same subject, showing that the conferees have considered it, notwithstanding it was in our possession and had not been acted upon. I contend that under the rules of the Senate the conferees had no authority whatever to touch this report until it was formally withdrawn last night. And yet we have it here that they not only have proceeded to consider it, and agreed to this proposition in the amendment numbered 24, but came in and submitted the new report before they got the old one out of the possession of the Senate. I want to know how that hocus-pocus was brought about.

Mr. McCUMBER. The Senator has just stated that this new report was presented before the other report was withdrawn.

Mr. TILLMAN. No.

Mr. McCUMBER. I wish to ask the Chair if the RECORD shows that to be the case?

The VICE-PRESIDENT. The RECORD does not show it.

Mr. TILLMAN. The Senator misunderstood me. I did not say——

Mr. McCUMBER. The Senator stated that it was presented before the other one was withdrawn. All Senators heard him make that statement.

Mr. TILLMAN. I said it had been acted upon by the conferees, and I contend that they acted without any authority, because the report was in the possession of the Senate, lying on the desk of the Vice-President, and the conferees had no more jurisdiction over it than I had. That is my contention.

Mr. McCUMBER. On the contrary, Mr. President, the Senator stated that the report was presented before the other report was withdrawn. Those were the words that were used by the Senator. I heard them, and that is the reason why I wanted the know whether the facts disclose such to be the case. As I understand the rule, we could not necessarily do anything further with that case so long as it was in the hands of the Senate, but before the new report was made the other report was withdrawn. It does not seem to me to make any difference whether the committee considered it a few minutes before and were ready to make their report five minutes or one minute or five

hours afterwards. It complies with the law and the rules if it was presented to the Senate after the other report was withdrawn.

Mr. TILLMAN. I should like to have the stenographer, with the consent of the Senate, read what I said.

REGULATION OF RAILROAD RATES.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. TILLMAN. I do not know whether any Senator is now prepared to discuss the unfinished business or not. I should like to hear from anyone who wants to speak before I take any action in regard to the matter.

Mr. FORAKER. Mr. President, I should like to make an inquiry of the Senator from South Carolina as to what he knows as to the desire of other Senators to address the Senate in reference to the pending bill. I want to speak briefly in support of some amendments which I have offered.

Mr. TILLMAN. Does the Senator from Ohio wish to go on now?

Mr. FORAKER. I do not expect to go on now. I thought some Senator would speak at 2 o'clock. That is what some one told me.

Mr. TILLMAN. No Senator has indicated to me any desire to speak to-day. I have had notice from the junior Senator from Wisconsin [Mr. LA FOLLETTE] that he wants to speak next Tuesday. The Senator from Louisiana [Mr. FOSTER] expected to speak to-day, but he is unwell. The junior Senator from South Carolina [Mr. LATIMER] has indicated that he wants to speak to-morrow, but I do not know of anyone who wants to go on now. I should be glad if the Senator from Ohio would proceed, if he feels like it.

Mr. ALDRICH. I suppose when the Senator alludes to the Senator from Wisconsin he means the junior Senator from Wisconsin.

Mr. TILLMAN. I mean Senator LA FOLLETTE.

Mr. ALDRICH. I understand the senior Senator from Wisconsin [Mr. SPOONER] expects to speak to-morrow morning.

Mr. TILLMAN. I understood that he would speak to-morrow morning.

Mr. CLAPP. Mr. President, I would suggest——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. TILLMAN. Certainly.

Mr. CLAPP. I suggest that the unfinished business might be laid aside temporarily, and if later it appears that some Senator wishes to speak to-day it can be resumed.

Mr. TILLMAN. While we have got it up I will suggest to the Senator from Rhode Island, and I simply make the inquiry in view of the lagging character of the debate and the indication that very few Senators are prepared to make speeches or seem to desire to make them, whether he can suggest a time when we might get a vote.

Mr. ALDRICH. I am greatly surprised that the Senator from South Carolina should allude to this debate in the manner he does. I have never in my experience in the Senate known a debate on a great question that was so well sustained and so continuous as this debate has been, and I am greatly——

Mr. TILLMAN. The Senator will pardon my inexperience. I have not heretofore been charged with caring for any babies or furnishing rations for them every day, and this one seems to be begging.

Mr. ALDRICH. Occasionally, but not very often; and I think the Senator perhaps ought to be forgiven in view of his inexperience.

Mr. FORAKER. There are a great number of Senators who want to address the Senate, some of whom have not spoken at all, as I am told, and some who have addressed the Senate want to speak again as to certain amendments which they desire to offer. I wish to speak only as to certain amendments. The Senator is familiar with the amendment I want to offer to the bill. I have been under the impression that I ought to delay doing that until the Senators who want to make regular speeches are through with their general discussion of the subject. I would have been prepared to go on at this moment, and I can go on if that is desired. I will do so rather than have it go out that we have allowed the country unnecessarily to suffer from the outrages that are being cured by this measure.

But if there is a matter under consideration now, the matter in charge of the Senator from Minnesota [Mr. CLAPP], I can yield until we get through with it. I just came into the Chamber as the unfinished business was being laid before the Senate. If the Senator from Minnesota desires to continue with the conference report it will be entirely agreeable to me to wait until he gets through, if that is only a reasonable time, as I assume it will be. Then we can take up this bill and I can go on with it.

Mr. TILLMAN. I have no desire, and I hope Senators have not felt that I have been endeavoring to press this matter unduly. As I said, I am inexperienced in this sort of thing, the great responsibility resting upon me, and the suggestion of some of my older friends on the other side that I ought not to let the debate lag has caused me to press it as much as I have done. I think if the Senator from Rhode Island would indicate some day in the future, within two or three weeks, or even a month, when we could decide that we would vote on the bill and all pending amendments, why, then this matter might get out of the way for anybody or anything, and the Senate could turn its attention to something else, and the pending bill would be called up only when some one wanted to speak on it.

Mr. FORAKER. If the Senator will allow me to make a suggestion, it is that we go ahead with the regular discussion until we can fix a time for taking up the amendments. I do not like, for the reason I expressed a moment ago, to be presenting an amendment when some Senator wants to make a speech covering the whole subject, but I will be willing to fit in any time or any place. The Senator from Louisiana [Mr. FOSTER] and the junior Senator from Wisconsin [Mr. LA FOLLETTE] will doubtless desire one day, and if the Senator could only tell us something about how many Senators desire to speak we could then get some idea as to when we might reach amendments.

Mr. TILLMAN. If Senators will not be kind enough to notify me of their wish to speak, much less of the time they have selected, I do not see how I can gratify the Senator's desire. But I am doing the best I can. I make inquiry; I give notice around that I would be glad to have any Senator who wants to talk to do so. I do not want to press this matter, as I said, with undue haste or to obstruct any of the ordinary and legitimate and proper things that we have to do here.

Mr. FORAKER. I am told by Senators about me that the conference report which has been under consideration can perhaps be concluded in a short time. I suggest to the Senator that the unfinished business be laid aside temporarily and that that business be concluded, if that be the desire of the Senator from Minnesota, who has it in charge. I will follow after that, if it is not too late and if it is agreeable to everybody.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. TILLMAN. With pleasure.

Mr. ALDRICH. If my friend from South Carolina is able to restrain his inexperienced zeal for a few days, until a few more of the important speeches have been made, I hope that we may be able then to get some agreement.

Mr. TILLMAN. Can the Senator inform me from his side of the Chamber when any more important or set speeches are to be made?

Mr. ALDRICH. I spoke of the senior Senator from Wisconsin [Mr. SPOONER], who will speak to-morrow. Just what effect that will have upon the debate I do not know. The Senator from Ohio [Mr. FORAKER] has already announced his purpose to speak. I do not know of other speeches on this side. I should think that before the end of this week we might be able to foresee the end, perhaps, of what might be called the general discussion.

Mr. TILLMAN. Well, Mr. President, I shall, of course, have to be content with what appears to be very meager information.

Mr. FORAKER. I am just as impatient as the Senator from South Carolina, and I shall have to be content, too.

Mr. TILLMAN. Now I ask that the unfinished businsess be laid aside temporarily, and that the Senator from Minnesota be allowed to go on with the conference report.

The VICE-PRESIDENT. The Senator from South Carolina asks that the unfinished business be temoprarily laid aside. Without objection, it is so ordered.

FIVE CIVILIZED TRIBES.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

Mr. TILLMAN. Now, I should like to have the ruling of the Chair as to what authority, if any, the conferees of the Senate

have got to take up and to act on a report which is in the possession of the Senate?

The VICE-PRESIDENT. The RECORD discloses the following. This is the record of yesterday's proceedings:

Mr. CLAPP. I formally withdraw the other report and submit this one. I ask that it may be published in the RECORD, so as to appear in the morning.

The Chair is clearly of opinion that the chairman of the conferees on the part of the Senate had a right to withdraw the report which had been submitted, and that he also had a right to make the report which is before the Senate.

Mr. TILLMAN. Well, Mr. President, that still does not answer the query. My contention is that the conferees of the Senate, having submitted a report on the 3d of April, or some day preceding it, which certainly was discussed on the 3d of April, and having left that report on the table of the Vice-President, they had no jurisdiction of this subject from that day until yesterday evening; that the Senate conferees have had no authority whatever to act in dealing with this subject; that the whole subject yesterday afternoon was in the possession of the Senate and in the same parliamentary condition as it was when the report was presented. Yet, in the face of that contention of mine, which the Chair seems unwilling to decide——

The VICE-PRESIDENT. If the Chair has not been fully understood by the Senator, he will say that he has no power to go into the conference room; that he has power only to deal with the status of the report as it appears upon the record of the Senate, and all questions that may arise thereon.

Mr. TILLMAN. Then I ask the Chair to rule on the question which I submit to the Chair, whether or not the report which was presented here last week remained in the possession of the Senate, outside of the jurisdiction of the conferees, until 5 o'clock yesterday afternoon, or whatever hour it was when it was withdrawn.

The VICE-PRESIDENT. The report remained in the custody of the Senate until it was withdrawn, as disclosed by the RECORD.

Mr. TILLMAN. Then I want the Chair to rule as to whether a new report which was printed two or three days ago is a valid and legal document; whether the conferees have not transcended their authority and usurped authority by going out in some room here and taking the report which was on the table of the Vice-President and working upon it as though it had been withdrawn and was in their jurisdiction. That is what I want the Chair to rule on.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. The conference report is here at the Secretary's desk, and was formally laid before the Senate by the Chair.

Mr. TILLMAN. At what hour?

The VICE-PRESIDENT. Yesterday afternoon. The Senator from Colorado is recognized.

Mr. TELLER. If the Senator will yield to me, I wish to suggest that there is only one way to dispose of this question, and that is to vote on the question whether we will accept the conference report or reject it. That is the only question before the Senate.

The VICE-PRESIDENT. That, in the opinion of the Chair, is the only question that is before the Senate.

Mr. TILLMAN. Mr. President, I dislike to persist in trying to get the ruling of the Chair upon a proposition which he does not seem willing to discuss or to present to us and give us his opinion on. Let me say to the Chair he has the documents there or he can get the printed documents here. I have here Senate Document 269, being the conference report presented by the Senator from Minnesota [Mr. CLAPP] March 19. The Chair has just ruled that that report remained in the possession of the Senate and under its sole jurisdiction until 5 o'clock or such hour yesterday afternoon when it was withdrawn.

Immediately upon the heels of that withdrawal "Mr. CLAPP presented the following," being Document No. 307, relating to the same subject-matter, which had already been printed, and he brought it into the Senate with the indubitable evidence that the conferees had taken jurisdiction over this Indian bill; had gone out and acted as though they had it in their control; had prepared a new report and had it printed before they withdrew the old one.

Now, I want to ask the Chair to rule whether or not the new report is a legal document; whether there was any authority for the conferees to prepare such a document.

The VICE-PRESIDENT. Will the Senator from South Carolina be kind enough to send to the Chair the document which he says is the report?

Mr. TILLMAN. I will send the two documents to the Chair. Here is one which was presented last night, and already printed when presented.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. The document which the Senator from South Carolina says is the conference report is a print of the conference report. The conference report itself is on the Secretary's desk, and was presented yesterday.

Mr. TILLMAN. But that print was made before yesterday.

The VICE-PRESIDENT. The conference committee can make a print of its report at its convenience, at any time it sees fit. That is a matter over which the Chair and the Senate have no control.

Mr. TILLMAN. But, Mr. President——

Mr. CLAPP. And it can undoubtedly be thinking about things in the meantime.

Mr. TILLMAN. But it can not undoubtedly be writing about things in the meantime.

Mr. CLAPP. And it can undoubtedly be writing about things in the meantime.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from North Dakota [Mr. McCUMBER]?

Mr. TILLMAN. With pleasure.

Mr. McCUMBER. I simply wish to say to the Senator that this report is in the possession of the committee of conference; it belongs to the committee of conference until it has been presented, and therefore it is not subject to the control of the Senator or the control of the Senate. It being in the possession of the committee, they can give publicity to it and make it a part of the records of the Senate only when they present it. Prior to that time it is subject to change. It is not a conference report until it is delivered.

Mr. TILLMAN. Well, I try very hard to get light, but the more people talk on this subject the less light I get. Legally or technically, I will say, my friend from Colorado [Mr. TELLER] having pressed that point so much, this report, in my judgment and according to the ruling of the Chair, was in the possession of the Senate, with full power to do anything it pleased with it, and without the jurisdiction of the conferees to do anything they pleased with it. That report being in the possession of the Vice-President (the President of the Senate), until withdrawn the action of the conferees in going off and agreeing to those changes is a clear personal usurpation of authority, which possibly saved time, but has no legal existence or standing. However, I may be in error.

Mr. CLAPP. Undoubtedly.

Mr. TILLMAN. Mr. President, let us get back, without raising the issue as to whether or not this conference report is in here legitimately; let us brush that aside as a technicality which does not affect the matter, and go down to the meat in the proposition.

I am sorry that I will have to appear to repeat, because there are a number of Senators here who were out a moment ago when these facts were brought out, and for the benefit of those Senators—and I hope they will give me their attention for a few moments—I want to state just what is in issue here.

There is a provision in the original bill which the House passed which was stricken out by the Senate, and in its place a Senate amendment was put. That Senate amendment provides, among other things, for the validation and ratification of the acts of one Brown, administrator de bonis non of some Seminole Indians in the Indian Territory, for whom Congress had in 1900 appropriated $186,000. Brown paid out this money, but he paid it out in such a way that the claimants, the Indians, to whom it belonged, have felt that they were robbed or imposed on. Their complaint having reached the ears of the Secretary of the Interior, he authorized the employment of a lawyer, who is now prosecuting in the courts there this administrator for maladministration and to recover the money which the Government had appropriated to the Indians six years ago.

The Senate amended this bill in such a way as to validate Brown's acts, thereby throwing those suits out of court. The lawyer employed by the Interior Department is to be thrown out of court by an act of the Senate. Instead of leaving the matter in the jurisdiction of the court to determine whether or not Brown had administered his trust honestly and in accordance with the law, the Senate steps in and declares that Brown has administered that estate honestly, that his act shall be validated, and that the suit shall stop. That is the sum and substance of it.

The Senate put this provision in the bill and the House disagreed to it, except with an amendment. That was the condition of the old report, which was on the President's table yesterday afternoon; and now the report which was born a day or two before the old one was withdrawn is in the posses-

sion of the conferees. The new report put the Senate amendment out of consideration, and the thing is done, it is settled finally; in other words, there is no longer any contention between the two Houses; and, as I understand it, this last report settles all the differences between the two Houses. I will ask the Senator from Minnesota if that is not true?

Mr. CLAPP. Yes; it is a full report.

Mr. TILLMAN. Very well. Now, then, Mr. President, it is very evident to my mind, as the Senator said a moment ago, that these Indians will have the right to go into court and sue as individuals; that they are no longer wards of the United States, but are citizens, and will have the right to complain about this, because in this very same report there is a provision which looks to a continuation of the guardianship of the United States over these full-blood Indians for twenty-five years longer—a new provision. In one case we say they are citizens, and therefore we ought not to protect them by having a lawyer employed to sue in their interest, and in the very same breath we say they are not capable of taking care of themselves, not even the grown ones, and we are going to continue guardianship and control over their property and prohibit them from alienating their property for twenty-five years longer. Now you see it and now you don't. [Laughter.]

These poor little orphans down there, whom Mr. Brown may or may not have defrauded, were sought to be protected by the Secretary of the Interior by bringing suit to recover; and we say that is not worth while, that this man is clean and honest, instead of letting a jury say so, or instead of letting a court determine whether he is clean and honest; we say on an ex parte statement that we will not try the case. That is what I am objecting to, and that is why I want this report rejected, in order to strike out the provision in this bill which validates the acts of Brown and destroys the opportunity of these little Indian children, the heirs of the Seminoles who have died, of getting back from him what he has misappropriated.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. TILLMAN. With pleasure.

Mr. CLAPP. As several Senators have entered the Chamber since this matter was first brought up, I want to call the attention of the Senator from South Carolina to the fact that this does not do what he claims it does. It does so far as the United States Government is concerned, but there is a proviso that this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him. The only question at stake is whether some lawyer down there can come up here, work up a job, get a fee from the Government, and bring 225 suits, or whether these people, like other people, shall be left to bring their own suits. That is the only question that is raised by this amendment.

Mr. TILLMAN. Mr. President, the Senator says that with a great deal of emphasis, and no doubt he believes it; but the question is, Did the Secretary of the Interior permit himself to be duped or gulled by any lawyer who came here hunting an opportunity to bring these suits? If so, he is not fit for his place as a member of the Cabinet.

Mr. CLAPP. Mr. President, if the Senator will allow me, that does not follow from what I said. So far as the Secretary of the Interior being duped, he was not duped in this matter probably; but what I said was, that in all probability—and I repeat it—some lawyer found that this probate judge had approved the accounts of this administrator in chambers, instead of in open court, and so he comes up here and makes it appear, just as the friend of the Senator from South Carolina, who has aroused his sympathy, has made it appear. I would not say the Senator had been duped in this matter; but it is in that way that attorneys get these jobs, and I use that term advisedly. These things do not always emanate, they are not always initiated by the Department; but men down there work up these things, and they get the Secretary to employ an attorney at the expense of the United States Government to bring some 225 suits, I think the number is.

Mr. TELLER. Not in the name of the United States?

Mr. CLAPP. No; not in the name of the United States. As I have stated before, I was not much in favor of this amendment, but I believed that it should be discussed in its fullness. This Senate ought not to be led to think that this amendment, which perhaps is not any longer on our desks, absolutely takes away the right of these people to recover, if they have any such right. On the contrary, that right is expressly preserved by the language of this amendment.

Mr. TILLMAN. The language of this amendment, Mr. President, reserves that right to the ear, but breaks it to the hope. But just consider for a minute what chance there will be for some ignorant Indian children, whose estates have been "absorbed"—if you like that term better than "stolen"—by this administrator whom we appointed; for we selected Brown, they did not. We authorized Brown to pay out this money, and we prescribe the manner in which it should be done. Then, if he did comply with the law, why do you not let the court settle it instead of having the Senate settle it? You let the court settle it by putting it back on each individual Indian, whether he be a grown one or a child, who undertakes to sue individually in the court, to determine whether or not he has been wronged by Brown. That is the way you do. You have been acting as guardians for these Indians; you intend to continue to act as guardians after preventing them from selling their property, although they are such great "citizens;" but you will not act as guardians to protect them from the thieves whom you put in charge of their property. I say it is a disgrace; and when I am told that some lawyer comes up here to get a job, and I look at the course which this amendment has followed in getting into the Senate and through the House, the necessary inquiry in my mind is whether some lawyer or some one else has not been here in Brown's interest.

Mr. CLAPP. Will the Senator pardon me if I interrupt him for a moment?

Mr. TILLMAN. Certainly.

Mr. CLAPP. If he was here, the Senator from South Carolina was asleep at the switch; but this measure passed the open Senate ten days or two weeks ago.

Mr. TILLMAN. The time when the Senator from South Carolina was asleep at the switch was when the committee of which the Senator from Minnesota is chairman stole it from my committee, for I am chairman of the Committee on the Five Civilized Tribes, and this bill ought to have gone to my committee.

Mr. CLAPP. It would have been a sorry spectacle if it had.

Mr. TILLMAN. It would not have had a steal like this in it, if I am not a lawyer. I would have protected these Indians, as far as I was able, from having a lobbyist come here and throw them out of court when the Secretary of the Interior had employed a lawyer to protect them against the agent of the Government.

Now, Mr. President, I will read just what the Senator from Minnesota himself said on April 3——

Mr. CLAPP. Before the Senator reads that, I want to state——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. TILLMAN. With pleasure.

Mr. CLAPP. For the benefit of Senators who have come in since this discussion opened, I will say again that on that day I stated that I had felt rather against this amendment. I have been all the time rather against it, and I am not defending it now, but I do want the statements made about it to be full and accurate. That is all I care about it.

Mr. TILLMAN. I want the Senator to have the very fullest opportunity to cover every solitary point and side of it. I will simply read his language, and if he is not satisfied with that he can elaborate it. He said:

> But there is a good deal of evidence in that matter—

That is, the Brown matter—

> which, to speak guardedly, perhaps throws some suspicion around the transaction. There seems to have been a sort of circuitous route by which a good deal of the money went to many who were very closely connected with the administration of the affairs down there, at least so much so that I felt no hesitation, if there was any demand for it, in leaving it out, though I am not as clear on the subject, perhaps, as I might be.

In addition to that, in the open Senate the Senator from Minnesota promised me that it would go out in conference, and yet here it comes back, agreed to by both bodies. Now, with that statement, I am done.

Mr. CLAPP. The Senator knows that is not a fair statement to make.

Mr. TILLMAN. I do not want to do the Senator any injustice.

Mr. CLAPP. You know that it was absolutely beyond the power of the Senate conferees to strike out the Senate amendment. What I said was that, so far as the Senate conferees were concerned, it would be their sense to strike it out. I said:

> I think the Senator is quite correct, and, so far as the chairman is concerned, it will be the sense of the conferees to strike that out in conference.

And one of the Senator's own colleagues has stood here to-day and stated that the effort was made, and made in good faith; and the Senate conferees stood by the chairman on that question. The Senator has no right to refer to it in that manner.

Mr. TILLMAN. Well, I do not want to do the Senator any injustice.

Mr. CLAPP. Then be fair.

Mr. TILLMAN. I want to be fair. I simply want to state the facts. I was told by the Senator from Iowa [Mr. ALLISON], whose knowledge of parliamentary affairs the Senator from Minnesota will not dispute, that when the Senate, if it should so choose, should order that amendment receded from in the open Senate it was permissible to do so; and I sat here waiting for three-quarters of an hour or longer to get an opportunity to move that the Senate recede from that amendment.

I was told by the Senator from Minnesota that it would go out in conference; and yet when the report gets back here not only has the chairman of the Senate conferees not stood by his promise to me—I did not even know who the other two Senate conferees were—but the House insists on adopting the Senate amendment without crossing a "t" or dotting an "i," though they once refused to accept the Senate amendment without an amendment. Then the Senate conferees stood up so strenuously for what the chairman said would be the action of the conferees; they stood so strenuously for that which they supposed to be the will of the Senate that they agreed to it as soon as they got a chance. I do not charge any bad faith——

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. TILLMAN. I will not charge the Senator with bad faith——

Mr. CLAPP. The Senator is talking again of a thing he does not know anything about. The Senate conferees did not agree to it as soon as they got a chance. There were two or three days that we were trying to get the House conferees to strike that provision out, as the Senator from Idaho [Mr. DUBOIS] and the Senator from North Dakota [Mr. MCCUMBER] will admit. For the Senator to stand here and say that the first chance we got we agreed to it is unfair.

Mr. TILLMAN. I beg the Senator's pardon.

Mr. CLAPP. I do not suggest it that the Senator should beg my pardon, but that he should ascertain the facts, and then discuss them. For him to stand on this floor and say that the first chance they got the Senate conferees acceded to the request of the House, is not borne out by the facts. Not only that, but in the effort to get them to strike this out, we called the Senate committee together and got their consent to putting this provision on the Indian appropriation bill, so that it would be a subject again of discussion in the Senate. At one time it looked as though the House conferees, in view of the assurance that the item would go on the appropriation bill, would recede and let this item go out, but afterwards they refused to do so.

Mr. TILLMAN. Mr. President, I do not want to do anybody an injustice. It is not my nature to do so; and I am not disposed to complain too strenuously of the Senator from Minnesota, because possibly he could not help himself. The Senator from Wisconsin [Mr. SPOONER], who knows something about this matter, objected to it, and said he wanted to speak on the evening when we had the conference report up before. The Senator from Iowa [Mr. ALLISON] said the item ought to go out, and told me it could go out, and the Senator from Maine [Mr. HALE] told me it could go out, and he would help to get it out; and yet here we are face to face with the fact that we have got to let this conference report go through, and let this wrong or outrage, or whatever you may term it—it may be a mistake—go through.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Montana?

Mr. TILLMAN. With pleasure, always.

Mr. CARTER. I understand the fact to be that about 240 suits have been commenced in connection with this matter.

Mr. TILLMAN. Two hundred and twelve, the Senator from Colorado [Mr. TELLER] says.

Mr. CARTER. The number is approximately two hundred and something.

Mr. TILLMAN. Two hundred and something, anyway.

Mr. CARTER. The question arises in my mind as to whether this amendment in its present form, if adopted, will cause these actions to abate. If so, has the statute of limitations intervened so as to prevent the institution by individuals of other suits to enforce their rights? It would be rather unfortunate, I think, where a substantial right is alleged, to have an act of Congress abate a pending suit if the defendant could plead the statute of limitations as to an action now commenced. That is a very important matter to determine. If it is to be determined in the affirmative, then the Senate should resort to very strenuous measures to prevent its culmination.

Mr. TELLER. Mr. President, will the Senator from South Carolina allow me to make a statement to the Senator from Montana [Mr. CARTER]?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Colorado?

Mr. TILLMAN. Yes, sir.

Mr. TELLER. I want to state to the Senator from Montana that these people are citizens of the United States and not Indians under the law. They have brought the suits in their own names, and this amendment in no way interferes with their suits.

Mr. CLAPP. And it would not abate them.

Mr. TELLER. It would not abate them, and could not abate them if we had put it in the bill that it should abate them. The Senator knows that. They have brought the suits, and the Secretary of the Interior has employed counsel to prosecute the suits at the expense of the United States. The Senator was not here when I made a statement upon the facts in this case.

Mr. CARTER. I was not, and am glad to hear the statement of the Senator.

Mr. TELLER. When the Senator from South Carolina gets through I will repeat briefly what the facts are.

Mr. TILLMAN. I will read the amendment——

Mr. CARTER. I will state further, in order that the Senator from Colorado may be advised of the suggestions that occurred to my mind in the matter from hearing the general debate, first, the Indians were, as I understand, under the guardianship of the Government and a certain act of Congress was passed appropriating a considerable sum of money, which was paid by the Government to a guardian or an administrator, who was expected to make distribution of the funds thus paid to him. Presumably that administrator was under the control of some court. The Government then reached the conclusion during the period of guardianship over the Indians that the administrator had not discharged his trust faithfully and well, and, so believing, commenced an action, or a series of actions, to compel an accounting by the administrator and the payments of the amounts due. While those suits are in progress, this legislation comes forth for consideration. I believe that is the present situation of the matter, at least I so understand it.

Mr. TILLMAN. I will read the amendment for the Senator's benefit.

Upon dissolution of said tribal governments—

This is the amendment—

Upon dissolution of said tribal governments—

Which this bill, I believe, is to end finally. I will ask the Senator from Minnesota to tell me whether this bill is not for the purpose of finally ending tribal governments?

Mr. CLAPP. So far as it can be done at this time the tribal governments are maintained in order to safeguard against any contingency there as to certain land grants.

Mr. MCCUMBER. I want to say to the Senator that the bill especially continues the tribal relations in force, and does not discontinue them.

Mr. TILLMAN. The amendment continues:

All causes then pending in any tribal courts—

As I understand, these suits are in the United States court—

Upon dissolution of said tribal governments all causes then pending in any tribal court shall be transferred to the United States courts in Indian Territory by filing the papers therein with the clerk of the proper district, after which such causes shall proceed to final determination as if originally instituted in said United States court.

Now, here is the trouble with me:

The disbursements, in the sum of $186,000, to and on account of the loyal Seminole Indians, by James E. Jenkins, special agent appointed by the Secretary of the Interior, and by A. J. Brown as administrator de bonis non, under an act of Congress approved May 31, 1900, appropriating said sum, be, and the same are hereby, ratified and confirmed.

In other words, the acts of this administrator in paying these Indians what the Government appropriated for them are taken absolutely out of any and every court's possession, because they are validated and they are confirmed, with this proviso at the bottom:

Provided, That this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him.

In other words, they say to the little orphan Indian children, and others, even grown Indians who are like children, you can bring suits for your own benefit individually, but the Government will no longer protect you by paying for the lawyer it had already employed to prosecute the suits. And instead of leaving the matter in the jurisdiction of the Secretary of the Interior, who is charged with administering the affairs of these Indians, Congress steps forward and declares the acts of the administrator valid and lawful—no harm done—and places the responsibility and the burden of suing a rich man upon the individual Indians or the children of Indians. That is the situa-

tion. If the proposition receives but one vote, I shall ask for the rejection of this report because of this infamy.

Mr. TELLER. Mr. President, I do not suppose it is necessary to repeat what I said before, but some Senators have come in who seem not to understand this matter, as evidenced by the question of the Senator from Montana [Mr. CARTER], and I wish to make a brief statement of the facts.

The Senator from South Carolina thinks he has found a steal here. He is the only person, so far as I know, who holds that there has been a steal.

Some of the Seminole Indians took part on the Confederate side and some on our side during the civil war. When the war was over those who had been affiliated with us, the United States, claimed that they had been damaged by the Confederate soldiers, both Indian and white, to a large extent, in the way of the loss of stock and houses and fields, etc. They made their claim immediately after the war. They repeated it for several years. Finally, after they had become citizens of the United States, they employed some attorneys to prosecute this claim before Congress, and Congress finally made an appropriation, an appropriation that had been recommended several times before, but never had become a law.

The Government of the United States, after this appropriation was made, authorized a man by the name of Jenkins to take the money and go down and pay it out, not to the tribes, not to Indians, but to citizens of the United States who were entitled to it under the law—the men who had been loyal and who had been in our Army. There was no trouble to find who they were because there was a record of their services for the Government. But there were some minor heirs who were to be paid as well as adults who had survived, and Mr. Jenkins paid over the money that belonged to the heirs to a man by the name of Brown, who was the treasurer of the tribe. Mr. Brown was appointed guardian, and he paid out the money to the heirs. He went before what would be called, in my country at least, a "probate judge" to approve of his conduct; that is, the payments. The judge in chambers, when he ought to have done it in court, approved of his act.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. TELLER. I will if the Senator will not put in another speech.

Mr. TILLMAN. I do not want to do any more talking. I have said enough. I want to ask the Senator if the settlement of an estate, which this practically was, and the final closing up of the account are not required by the law to be done in open court?

Mr. TELLER. I suppose so.

Mr. TILLMAN. Why is that the case, except to give everybody an opportunity then and there to be present and protect his rights?

Mr. TELLER. If the Senator asks me a question which is pertinent to this matter, I will answer it. The Senator has twice made a statement here, and he has not been accurate in his figures or his facts.

Mr. TILLMAN. I wanted to get some legal information from the Senator, but if he is not willing to give it to me I will have to be content with my ignorance.

Mr. TELLER. In the Indian Territory the probate matters are governed by the laws of Arkansas, except as to the Seminoles, who are not under their provisions. With respect to every other Indian tribe down there an approval in chambers is just as effective as in open court. I will venture to say that in a great majority of the cases throughout the country the settlements of estates are made in chambers and not in open court. At least that has been my experience, and I have had some in that line for fifty years.

Mr. Brown paid the money to the Indians. They have the money. There is not a man who has ever dared to say Mr. Brown did not pay the money to the parties to whom it belonged.

Mr. TILLMAN. I dislike to interrupt the Senator, but the chairman of the committee has said that some of it went in the payment of store accounts and one thing or other that indicated that very little ever saw the Indians' hands.

Mr. TELLER. There were some store bills paid, but they were paid on the order of the Indians, or of the guardian, whose business it was to pay them. He had a right to pay them, if they were the debts of his wards, and if he had gone into open court and had the account allowed nobody would have questioned it.

Then a certain party down there—a lawyer—went to work and brought suits. Those suits were not brought in the name of the United States. They are not touched by this amendment. They are still pending; and I need not say to the Senate, most of whose members are lawyers, and if not lawyers at least have enough common sense to know that the United States does not have the power to dismiss a suit that a citizen has brought anywhere, not even in a Territory. Those suits are pending. Somebody thought there should be added, and it was added in committee, this clause, which was thought would make it certain:

> That this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him.

There may be some minors who have not brought suit. The Secretary of the Interior, I understand, has employed somebody to prosecute these suits. They are not Government suits. They are the suits of individuals. These people were citizens of the United States on the day the contract was made with these attorneys. They were citizens when the Government voted this money. It was undoubtedly the duty of the Secretary of the Interior to send somebody down there to pay out the money, as he did when he sent Mr. Jenkins. Mr. Jenkins paid certain money to the guardian. He has made his report. Nobody questions it.

The proposition was simply to provide that Mr. Brown and Mr. Jenkins would have no further relation with the Government. The Government has not claimed any further relation with them. The party who brought the suit, a lawyer, as the Senator from Minnesota said, I presume has a contract that he shall have 50 per cent or more of all he recovers. If he can recover something, he will be ahead, and if he does not recover anything he will not lose anything. That is the condition.

On the question of unfairness on the part of the chairman, I do not think I need say a word to the Senate. I do not think he needs any defense. But this was the fact. This amendment, which is exactly as it passed the Senate, not having been changed by a single word, was accepted by the House committee and became a part of the bill. It was not subject to revision even by the committee without the unanimous consent of the conferees. Two members of the conference committee at least, I am told—I was not a member of the conference committee—two men on the House committee, two men of as high character as there are in the House of Representatives, two men who have had more to do with Indian legislation in the last ten years than any other two men in the United States, I will venture to say—one of them, at least, by blood having as much interest in the Indians as the Senator from South Carolina—who would not stand for a moment for anything that was dishonest or unfair, said, "This matter is settled. We will keep the amendment in the bill. It is in the interest of good government and justice and right."

Mr. President, as I said, and I repeat it, there was no evidence before our committee that even an Indian complained—not one. Mr. Brown, I will venture to say, from what I know of him, and personally I do not know him, has a reputation as good as that of any man in the Indian Territory. He is a man of high character, who was a member of the tribe of Seminoles when it existed; a man who has been honored by the tribe. He has not stolen anything. But it is thought that perhaps he disbursed money without authority, because he did not have the authority of the court. His appointment was made in the same way—in chambers. The approval of his accounts took place in chambers; and then it was found that the Arkansas law which authorized that to be done applied to every Indian tribe there except the Seminoles. If the same course had been pursued with respect to the Cherokee or Choctaw tribe, it would have been valid under the law. But the Arkansas law did not apply to the Seminoles, and so there is a technical question.

The 210 or 211 suits are pending and are not disturbed by this bill. The Department may go on, if it sees fit, and employ an attorney to prosecute a suit in the name of the citizens of the United States, for their benefit, but if it does it will be a dereliction of duty at least, for when an Indian becomes a citizen of the United States he in all respects stands like any other individual citizen. I have here the authority of the Supreme Court, an authority from which there is no dissent, that in all respects Indians, when citizens, stand like any other individual. We have not pretended to continue any guardianship over those Indians, and have not exercised any guardianship over them for some time in the past.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. TELLER. I will yield for a question.

Mr. McCUMBER. The Senator is so thoroughly acquainted with this partiuclar case that I wish he would enlighten the Senate upon this proposition: What is the necessity of inserting this provision in the bill? In other words, what injury and injustice would follow if it be left out? I think I know

pretty well myself, but I think the Senator knows it much better.

Mr. TELLER. I do not know what bond Mr. Jenkins gave, but Mr. Brown gave a bond of $300,000 to the Government of the United States for the proper expenditure of the money. He has paid it out, and he has paid it out as it ought to have been paid out. There is not any question about that; and if the matter could have been discussed in the open Senate there would have been some evidence brought here, if it had been required, to that effect. But the bill passed without any controversy whatever until the Senator from South Carolina received a letter from down there—I do not know who it is from; perhaps it is from this attorney or somebody else—saying there is something wrong about it.

Mr. TILLMAN. It is not from any lawyer.

Mr. TELLER. And on the strength of that the Senator asserts that there is a steal in this. There is not a particle of evidence of a steal, and if there had been a reasonable doubt before the committee, the committee would not have inserted it. I get my ideas of this from men who know, and I will venture to say that one of the members of the House committee knows about these facts just exactly as I know about them. We have given as much attention to it as we could give. We have had an arduous time, as I have stated before, with this bill. We have devoted more hours to it than any committee has devoted to any bill in the Senate in years; and then a Senator who knows absolutely nothing about it, who is ignorant of the very first fact in the case, tells us that the Government has brought a suit, when the Government has not brought any suit. Those are individual suits, which we leave pending,

Mr. SPOONER entered the Chamber.

Mr. TELLER. The Senator from Wisconsin has come in. The Senator from South Carolina took the liberty to say that the Senator from Wisconsin knew something about this question.

Mr. TILLMAN. I took the liberty, if the Senator will pardon me, to say that the Senator from Wisconsin, at the close of the debate the other evening, when this bill was last before the Senate, said he wanted to talk on it. That is all I said.

Mr. TELLER. Whatever it may have been, I submit to the Senator from Wisconsin that these men have been citizens for at least four or five years. They were citizens when the attorneys made the contract with them. They were citizens when the money was voted. They were citizens, of course, when it was paid, and the Government of the United States has no right to say, and it is under no earthly obligation to say, that there has been any fraud, unless it has the proof of it, and if there is any, it must be left to each individual to assert his own right, and the Government is powerless under the law to come in here. The Government may employ somebody to prosecute the suits, if it wants to, and there is nothing in the bill that prevents the Secretary from employing counsel, if he sees fit. The relation between Mr. Brown and Mr. Jenkins and the Government is determined by this bill, and that is all there is of it.

Mr. TILLMAN. Will the Senator answer me a question? What are the scope and power of the words "the disbursements," going on to say of Jenkins and Brown, "are hereby ratified and confirmed?"

Mr. TELLER. That is——

Mr. TILLMAN. Wait a minute. Let me get through the question. Does that mean that the receipt of the money from the Government by Brown is ratified and confirmed, or does it mean that the payments by Brown to the Indians are ratified and confirmed?

Mr. TELLER. It means that so far as Brown and Jenkins have performed any service for the Government, that credits them with proper service. That is all there is of that.

Mr. SPOONER. The Senator from Colorado has referred to me in relation to this matter as having some knowledge.

Mr. TELLER. I merely said that the Senator from South Carolina said that the Senator from Wisconsin had some knowledge.

Mr. SPOONER. I know nothing whatever about the matter. I was informed that the Government had employed counsel either to investigate this matter, or, it having been investigated, to bring suit.

Mr. TELLER. I will say to the Senator that I never understood that the Government had any counsel, except what the Senator from South Carolina has stated. It may be true.

Mr. SPOONER. I do not know what the Senator from South Carolina stated. But I think if the Government sustains any relation of trust to it, perhaps it would be more generous and just, if originally it is responsible in any way for the expenditure, that the Government should not step out of it, or be put out of it by legislation, and leave the heirs, some of whom I am told are children, to prosecute individual suits, which in all human probability they would not do. That is based upon my prejudice against legislating in a controverted matter; that is all.

Mr. TILLMAN. That is all I am quarreling about.

Mr. SPOONER. My difficulty with it is this——

Mr. TILLMAN. The Senator from Wisconsin understands that it is a Senate amendment?

Mr. SPOONER. I did not understand it was a Senate amendment.

Mr. TILLMAN. It is a Senate amendment; and when the last report was here—we have two now; one was born two days before the other one died. The Senator from Colorado protests that I ought not to mention that, but the Senator from Wisconsin was not here then.

Mr. TELLER. The Senator has mentioned it a dozen times.

Mr. TILLMAN. The Senator from Wisconsin was not here. That is no reflection on him, as he was doubtless busy with other matters.

Mr. SPOONER. It is a reflection on me not to be present when the Senator from South Carolina makes an observation.

Mr. TILLMAN. It is not a question of my making an observation. It was a statement of a condition. I was merely alluding, in the way of pleasantry, to the fact that the first conference report which the Senator from Wisconsin wanted to discuss laid on the table of the President of the Senate until 5 o'clock yesterday afternoon, or until the Senator from Texas [Mr. BAILEY] got through with his speech. Then the chairman of the committee asked to withdraw it, and immediately presented a new one.

I have been contending in my feeble way that this new one is illegitimate; that the other conference report being in the jurisdiction and control of the Senate, the conferees had no power over the subject-matter; that they have acted entirely outside of their jurisdiction and power—jurisdiction and power both, if they can be joined together. The Senator from Wisconsin has been trying to divide them. I contend that the conferees have acted entirely outside of their jurisdiction and power in formulating a new report and then, a minute and a half after they got the old one out, bringing it in.

However, without going into that technical question, the merits of the case, as I understand them, are that litigation now pending in the United States court in the Indian Territory is interfered with, and the acts of the agent and of the administrator are ratified and confirmed, and the only redress or opportunity for redress that is given is that the little Indian children, orphans, are permitted to go in court on their own hook.

Mr. SPOONER. I have no hesitation whatever in saying that, in my opinion, if there is a controversy of that kind, whether the suit has been begun or whether counsel has been retained by the Government to prosecute the necessary investigation with a view to bringing a suit, Congress ought to keep its hands off.

Mr. TILLMAN. I will state for the information of the Senator that suits have been begun. A lawyer has been employed by the Secretary of the Interior to prosecute those suits, to get from the administrator appointed by the Government an accounting to know whether he has settled honestly with those Indians.

Mr. TELLER. There is not any proposition here to interfere with those suits.

Mr. SPOONER. But, as I understand, after this bill is passed the Government is out of it.

Mr. TELLER. It ought to be out of it. It ought never to have been in it.

Mr. SPOONER. Why?

Mr. TELLER. Because these people are citizens, and have been for five years.

Mr. SPOONER. Were they citizens when this thing was done?

Mr. TELLER. They were citizens when the bill was passed. They were citizens when the money was paid.

Mr. TILLMAN. Why did you appoint a guardian for them?

Mr. TELLER. A guardian was appointed under the laws of the country.

Mr. TILLMAN. Why did you not make the guardian settle in open court, according to law?

Mr. TELLER. They still have the chance to make the guardian settle in open court if they want to.

Let me tell the Senator from Wisconsin what the condition is here. The chairman of the committee was under the impression that the Senate committee could drop out the amendment at any time. The House committee and the Senate committee agreed upon their amendment. It had passed beyond the jurisdiction of the conference, except by unanimous consent. When they went back the Senate conferees found that two conferees on the part of the House—and I do not know but that

the three—were in perfect accord with the Senate amendment and thought it ought to be retained. They had agreed to it. They said, "We are not going to change. That is the proper thing. We will leave it there." The Senator knows that the Senate conferees, it being a Senate amendment, were absolutely without jurisdiction of the question, and if we send back the report, probably the House will stand by the amendment and the bill will fail. If there was evidence of fraud, I am sure I would be as quick to open it as anybody else. I do not believe there is any fraud. There is not any evidence of any fraud. I do not know of anybody who believes there has been fraud, except the Senator from South Carolina.

Mr. SPOONER. Will the Senator allow me to ask him a question? How long ago did the transaction occur out of which this originated?

Mr. TELLER. Recently.

Mr. TILLMAN. The money was appropriated, if the Senator will permit me, in 1901, and Brown was appointed administrator de bonis non to make a settlement with the Indians, and he settled it, most of it for himself, so the statement goes, and the heirs are suing, or the Government on behalf of the Indians as it wards is suing him for an accounting.

Mr. TELLER. That is not correct. The Government is not suing.

Mr. TILLMAN. The Government is employing a lawyer.

Mr. TELLER. A shyster lawyer down there brought a lot of suits.

Mr. SPOONER. Representing the Government?

Mr. TELLER. I never heard that the Government employed him. It may have employed him.

After we supposed we were through with this bill at least, and the other bill—the appropriation bill—the chairman called the committee together, and we proposed, if the House would recede and let us take this amendment out, to put it in the Indian appropriation bill, so that the Senator from South Carolina and everybody else could fight it out in open Senate. The House conferees declined to allow that to be done. It is important that this bill should become a law.

Mr. SPOONER. I think it is.

Mr. TELLER. And the sooner the better.

Mr. SPOONER. Is there any ground upon which the Government intervenes on account of trusteeship or anything of that sort?

Mr. TELLER. None in the world; no more than in your case or mine. I am disgusted with the idea that the Government of the United States can take away from a citizen of the United States the right to sue for what belongs to him. I say it belittles the Senate when anybody makes a suggestion of that kind.

Mr. SPOONER. Are these Indians citizens?

Mr. TELLER. They are all citizens. Every one of them is a citizen. It is not tribal money. It never was. It is individual money.

Mr. SPOONER. What does the Government have to do with it?

Mr. TELLER. Not anything in the world.

Mr. SPOONER. How does the Government get in at all?

Mr. TELLER. It gets in because we appropriated the money, and the Government put the money in the hands of Jenkins to pay it out. He went down there and paid it out, paying part of it to Mr. Brown, as guardian, and part of it to the Indians, on his own account.

Mr. SPOONER. Is there any charge made against Mr. Jenkins?

Mr. TELLER. No; except they say that it was improperly paid to the Indians; that Mr. Brown had not been legally appointed guardian, although he was guardian de facto, because the court appointed him in chambers, and then the court approved his account in chambers, when it ought to have been approved in open court. The law of Arkansas is the law that governs, but it does not apply to the Seminoles. It does apply to the other Indians. As I stated, if this had been a payment to the Choctaw Indians it would have been all right, because under the Arkansas law the judge can do this in chambers or in court.

Mr. SPOONER. Does the dissolution of the tribal relation have any relation to the matter?

Mr. TELLER. Not the slightest in the world.

Mr. SPOONER. Of course the Senator will agree with me that where a controversy is pending in which private parties are interested it ought not to be interfered with by legislation.

Mr. TELLER. I want to impress the Senator with the fact that there is no attempt to interfere; and there is not a man of ordinary common sense who will take the bill and say so, it seems to me.

Mr. TILLMAN. The Senator from Colorado may not know how offensive his words are.

Mr. TELLER. I will take them back.

Mr. TILLMAN. Because when the Government appoints an administrator——

Mr. TELLER. The Government does not appoint an administrator.

Mr. TILLMAN. Some part of the Government did. The United States Government is in charge of the whole Indian Territory, and some of its agents somewhere did appoint an administrator, and that administrator was given this money to pay out, and after he paid it out, a good deal of it to himself, probably honestly—I do not say it was not honestly——

Mr. TELLER. None of it.

Mr. TILLMAN. Some of it was due him. He had credited these children or some Indians, and he settled with himself, or something like that. I do not know whether that is true or not. But there is this about it. He is charged by these Indians with having cheated them——

Mr. TELLER. No.

Mr. TILLMAN. And with misappropriating their money. The charge was such that the Secretary of the Interior felt that he ought to protect them at least enough to employ a lawyer to sue him in the United States courts to recover.

Those suits are now pending, and the proposed amendment here in this bill takes those suits out of that court, as far as the Government is concerned, stops the payment by Mr. Hitchcock of that lawyer, and leaves these children and these Indians to prosecute their own individual claims against this man without any assistance from anybody. That is the situation.

Mr. SPOONER. Is the Government a party to that suit?

Mr. TILLMAN. The Government is a party to it only to the extent that the Secretary of the Interior has employed a lawyer to prosecute or to sue this man Brown to make him account for the trust that was reposed in him and settle fairly and honestly.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. SPOONER. In just a moment. I do not exactly understand this proposition. There is something rather peculiar about it. If this happened in a State, there would, in due process of law, be a judicial proceeding by a court. The Government, having no interest, I do not see what the Government has to do with his accounts as administrator. Therefore I do not see how it is at all proper to deal by an act of Congress with Mr. Brown as administrator of these children.

The disbursements, in the sum of $186,000, to and on account of the loyal Seminole Indians, by James E. Jenkins, special agent, appointed by the Secretary of the Interior—

Now, that is one thing. What Mr. Jenkins did as agent of the Government might be ratified.

Mr. TELLER. Mr. Jenkins paid this money to Mr. Brown for these heirs, supposing that he had authority to do so.

Mr. SPOONER. That may be all right. Mr. Jenkins having acted in good faith, ratifying what he did, that drops out Mr. Jenkins, he being the agent of the Government. So far so good. But this goes further and says:

and by A. J. Brown as administrator de bonis non, under an act of Congress approved May 31, 1900, appropriating said sum, be, and the same are hereby, ratified and confirmed.

He was not an administrator appointed by the Government. He was an administrator of some Indian children appointed by a court in due course of proceeding.

Mr. TELLER. No.

Mr. SPOONER. How, then?

Mr. TELLER. The court appointed him in chambers and ratified his act in chambers, when he ought to have been appointed in open court, under the law that exists.

Mr. SPOONER. But on that account shall the Government step in and ratify his disbursements?

Mr. TELLER. I do not think it does ratify his disbursements.

Mr. SPOONER. That is what it says:

The disbursements, in the sum——

Mr. TELLER. It would do the same thing if Mr. Brown was not mentioned at all.

Mr. SPOONER. This is a very extraordinary proposition.

The disbursements, in the sum of $186,000, to and on account of the loyal Seminole Indians, by James E. Jenkins, special agent appointed by the Secretary of the Interior—

That is one thing. I have no objection to that. He is the agent acting in good faith—

and by A. J. Brown—

Who was not the agent of the Government, who was acting, however he may have been appointed, as administrator of these

Indian children, and whose conduct as administrator they challenge as being to their disadvantage. Now, what has Congress to do with his accounts as administrator?

Mr. TELLER. I do not know that Congress has anything to do with it.

Mr. SPOONER. Then what business has it here?

Mr. TELLER. This may not be the best form of amendment. I did not draft it.

Mr. SPOONER. No; but that is what it says—

and by A. J. Brown as administrator de bonis non, under an act of Congress approved May 31, 1900, appropriating said sum.

That is simply the sum which was appropriated and which Jenkins paid over to Brown as administrator de bonis non. Now, Brown's disbursements are hereby ratified and confirmed.

Mr. TELLER. I understand it was drafted really in the interest of Mr. Jenkins. I do not know how it comes that Brown's name is in it; but that seems to be the case. However, the practical question is, What does the Senator want to do with it? Does the Senator want to send it back to conference?

Mr. SPOONER. The practical question is this——

Mr. TELLER. It is beyond the power of the Senate to change it now.

Mr. SPOONER. Without agreement with the House.

Mr. TELLER. That is true. Do you want to send it back for the conferees to try again? I have no objection to its going back.

Mr. SPOONER. I judge of it from the face of this paper. I have no doubt whatever, nobody can have, of the desire of the committee to do what is right—right by the Government and right by everybody. I understand perfectly that this bill is full of trouble and complications and intricacies which puzzled and burdened the committee. But there is a proposition on the face of the bill which can not be defended, in my judgment, here or anywhere else.

Mr. TELLER. I should like to say to the Senator that, in my judgment, there are a dozen things in the bill that can not be defended.

Mr. SPOONER. Ah, but, Mr. President, do they concern private interests, especially the interests of children? Do they thrust the Congress between an administrator de bonis non and the cestui que trust? That is this proposition.

Mr. TELLER. May I ask the Senator a question?

Mr. SPOONER. Certainly.

Mr. TELLER. Does the Senator suppose that this body has the power to deprive a citizen of his right of action against another citizen?

Mr. SPOONER. Does the Senator, if he will permit me to answer his question by asking another——

Mr. TELLER. I would rather have the Senator answer that first and then I will answer a question he may ask.

Mr. SPOONER. No.

Mr. TELLER. Very well. We have not attempted to do that. We could not do it if we tried to do it.

Mr. SPOONER. No. I am here dealing with children, children of those who have been under the tutelage and guardianship of this Government until recently, who have become by operation of law citizens.

Mr. TELLER. Are their rights any less for that reason?

Mr. SPOONER. No; not their legal rights.

Mr. TELLER. Are their rights any less because they have been under the tutelage of the Government?

Mr. SPOONER. No; not their legal rights. If the Government says, "We step out of this," and if the Secretary of the Interior is influenced by this legislation not to expend another penny in protecting the interests of these minor Indians, these heirs, does the Senator think that the Indians will have any protection at all? Now, the question I want to put to the Senator is this——

Mr. TELLER. I deny the right of the Government of the United States to interfere there or anywhere else with citizens——

Mr. SPOONER. So do I.

Mr. TELLER. Minors or adults.

Mr. SPOONER. So do I.

Mr. TELLER. I wish we could get rid of the idea that because these people have been wards of the Government they are to remain ever the wards of the Government.

Mr. SPOONER. But what I wanted to ask the Senator from Colorado is, What right has Congress to ratify by act——

Mr. TELLER. Congress has a right——

Mr. SPOONER. One moment.

Mr. TELLER. Go ahead.

Mr. SPOONER. What right has Congress to ratify by act the disbursements of an administrator de bonis non of a citizen of the United States appointed by a court?

Mr. TELLER. Does the Senator think we have got the power to do that?

Mr. SPOONER. I do not think we have.

Mr. TELLER. Nor I either.

Mr. SPOONER. Then I——

Mr. TELLER. And the bill does not do it either.

Mr. SPOONER. Let us see whether it does or not.

Mr. TELLER. If it tries to do it, it does not do it.

Mr. SPOONER. Ah, but, Mr. President, this has no business here and——

Mr. TELLER. I want to say to the Senator that I am not insisting that it has any business here. But it is here, and I want to know what remedy the Senator proposes to take to get rid of it?

Mr. SPOONER. I am saying what I am saying, Mr. President, not for its effect here, but for its effect possibly elsewhere. So far as the bill ratifies the action of Jenkins, the agent of the Government, in disbursing money appropriated by Congress in the act referred to in the bill, he having acted in good faith, even if it be said not with the utmost wisdom, I have no objection to it. If he acted in good faith and is under bond I would not have the Government hold him to strict liability in such a case. I leave that; I am not objecting to it; but I come to this provision which could not, it seems to me, find its way into a bill upon any good ground or any possible defensible ground. We ratify or propose to ratify here as fully the disbursements of Brown as the disbursements of Jenkins. Why is that here? Why is the great Government of the United States thrust in here between Brown, the administrator de bonis non, and these Indian children who are claiming that he has defrauded them?

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. SPOONER. Certainly.

Mr. CARTER. I should like to direct the attention of the Senator to this state of facts: It is claimed that Brown's appointment as administrator de bonis non was defective in that the appointment was made in chambers instead of in open court.

Mr. SPOONER. Does this validate his appointment?

Mr. CARTER. I wish to ask the Senator's view upon this aspect of the case. Will not this act make of Brown the agent of the United States in making his disbursements and thus render the cause of action of these people against him as administrator possibly impossible of prosecution?

Mr. SPOONER. If it does——

Mr. CARTER. In order that the Senator may secure my thought fully, I will state that according to the contention Brown was not an administrator at all legally appointed. He did make disbursements. He made disbursements of public moneys of the United States handed over to him by Jenkins for the purpose of being disbursed. Do we not by this act make of Brown the agent of the United States and relieve him of liability to these Indian children who may now allege a cause of action against him?

Mr. TILLMAN. Will the Senator from Wisconsin permit me to ask the Senator from Montana a question?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. TILLMAN. The Senator from Montana is erroneous in his statement unless the Senator from Colorado [Mr. TELLER] is erroneous, because there is nothing here that I have seen or heard which relates to the invalidity of Brown's appointment. It is but the fact that when he went to settle his accounts he got the approval of the probate judge in chambers, which was contrary to the law. In my part of the country no probate judge can settle an estate and grant relief to the administrator unless he has advertised for two or three weeks to all the creditors and everybody else interested as a notice to come into court and settle, so that they may be there to protect their interests.

Mr. CARTER. I disclaim any knowledge of this subject-matter from personal investigation. My information concerning the infirmity of the appointment was gleaned from the statement made by the Senator from Colorado.

Mr. TELLER. That is correct.

Mr. CARTER. That he was appointed in chambers.

Mr. TELLER. And the settlement was approved in chambers when it ought to have been made in open court.

Mr. CARTER. The appointment and also the settlement ought to have been made in open court.

Mr. SPOONER. Now, Mr. President, what a proposition! Having been appointed in chambers, having accepted the appointment, having taken as administrator de bonis non the

funds, having given his bond as administrator de bonis non, I suppose Brown would not be permitted in any court in the world, in defense of a suit for an accounting, to allege that he was not lawfully appointed. He would be estopped upon every principle laid down in the books to attack the validity of his own appointment in order to shield himself in court from a dishonest or improvident disbursement of the moneys which he had received as an administrator de bonis non.

Mr. TELLER. Will the Senator allow me to make a statement?

Mr. SPOONER. Certainly.

Mr. TELLER. It is claimed by these people that there is a cause of action in somebody; that Mr. Brown had not any right to receive the money because he was not a guardian. "It is true he paid the money to me, but he was not my guardian. Having accepted it, I can now ask him to pay it over again." That is about all there is of it.

Mr. SPOONER. No; that raises another question.

Mr. TELLER. Mr. Brown is still insisting or trying to insist that he was the guardian. He does not repudiate that.

Mr. SPOONER. That he paid the money only to the persons who were entitled to it?

Mr. TELLER. He said he did.

Mr. SPOONER. They said he did not.

Mr. TELLER. They do not say he did not, but they say he had no authority to act for them, to receive the money or anything else for them.

Mr. SPOONER. If he paid it over to a person who was not entitled to it and to whom he would have been obliged to pay it had he been guardian, certainly that person would not be permitted to challenge the validity of the payment because he was not technically a guardian.

Mr. TELLER. Of course not.

Mr. McCUMBER. Let me call the Senator's attention to one fact which has not been brought out here. I understand that a great many of the complaints are based upon the fact that the practice in the payment of money for minors had been to pay to the guardian or to the father or mother, and that in these instances the administrator had paid the money to the father or mother though the parent had not been appointed a legal guardian of that child, instead of paying it to the child itself, and that that was the case in nearly all those payments. Now they seek to recover upon the ground, of course, that it was not properly paid to the child. I understand that that is the ground of many of the complaints.

Mr. SPOONER. I understand. The proposition is not, then, to ratify, which Congress could not do, as against third parties, or to legalize the appointment of this administrator de bonis non, but it is to ratify, or to attempt to ratify—which as powerful as this Government is, Mr. President, it can not do by any legal act—the payment by the administrator de bonis non to persons who were not entitled to the money. Is that the object of this provision? If the money was paid, the administrator de bonis non paid at his peril. He had no more right to pay money belonging to minor children to the father or the mother than he had to pay it to you, and if he paid it to them and the father drank it the relationship of the person to whom he paid it is no defense to be urged by him.

I never have known such a proposition to be in a bill, and it to me is the worst kind of legislation. There is something in it that is ulterior—on the outside, of course. It is a bad precedent. It is wrong, and so far as it could by any human possibility have any effect upon these minor children it ill befits the legislative power of the Government of the United States. I agree that if the House insists, they having agreed upon the Senate amendment, it is beyond reach except in the courts, but I sincerely hope the House committee will see its way clear and its duty clear to take it out.

Mr. McCUMBER. I wish to call the Senator's attention to another matter that I understand was brought out before the committee. How is this attorney who is employed by the United States to be paid? Is he not to be paid out of that very fund? Did it not appear in evidence before the committee that all of this money had not been paid out, but that some twenty-odd thousand dollars had not yet been paid out, and that they were utilizing the balance of the twenty-odd thousand dollars to pay the expense of a suit—money that should have been disbursed generally, and which belonged to individuals who were satisfied with the disbursements that had been made and were not attempting to bring any action? I understand there was something of that kind.

Mr. SPOONER. That is, outside of this amendment?

Mr. CLAPP. No.

Mr. McCUMBER. It is not outside of the amendment when you say the Interior Department shall employ an attorney and pay the attorney out of the funds that belong to the individuals of the tribe.

Mr. SPOONER. Is there anything of that kind in this?

Mr. McCUMBER. No.

Mr. CLAPP. If the Senator from Wisconsin will yield a moment, of course I realize as well as anybody else that the position of defending these bills subjects one to a good deal of criticism, and it perhaps can not be avoided. Somebody has got to act as chairman of this committee, some one has got to report these bills, some one has got to submit to the action of the House conferees.

As I have stated two or three times, I never was very much in favor of this amendment. I rather opposed it from the beginning, and if it had been my own choice I think I would have left it out. There were some things about it that I did not like. But there is another side to this thing. While we may stand here and plead for the Indian child, we may perhaps forget that under the ostensible purpose of setting aside the appointment of Mr. Brown the money that belongs to those people is being used as suggested by the Senator from North Dakota. There was evidence before the committee that this fund was there, and, so far as one is concerned, I am willing to stand here and say I believe that the attorney who started this thing down there thought he could get a portion of this fund if he could come up here and appeal to the Department and throw before the Department those phases of this matter which would naturally appeal to the sympathy of the Department, and get the employment of the Department. I believe the fund that is left there now—I forget how much it is—is being destroyed by this very proceeding.

While I never have favored the amendment, I must say there are two sides to it, and there is reason for the contention which the Senator from Colorado has made for the amendment. If it is true that it seeks to validate the appointment of Mr. Brown, it is an absolute nullity in that respect. If it is true that, assuming it to be valid, it would settle the account of these heirs, it is then an absolute nullity. This Government, while it may seek to project itself between these contesting parties, can not successfully do so. This Government can not bar the rights of those heirs. While the amendment may have been unfortunately drawn in that respect, so far as it came to the committee, it related more particularly to Mr. Jenkins than it did to Mr. Brown; but so far as this amendment is susceptible of the criticism that it seeks to settle that appointment, to validate that appointment, and to validate that accounting and stand as a bar to recovery, if any of those parties have a right to recovery, it must of necessity be an absolute nullity. Notwithstanding this, and to put it beyond any question, the committee added the clause which provided that this should not prevent the bringing of other suits.

I am thoroughly satisfied that the House conferees will not join in the report unless this amendment is contained in it. No stronger appeal can be made to the conferees than was made to them in this interest; and my own honest, candid judgment is that its rejection means the defeat of this bill. At the most, it is only an assertion of something—if the Senator is correct about that—the assertion of something that as an assertion is an absolute nullity.

Mr. TILLMAN. Will the Senator from Minnesota permit me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from South Carolina?

Mr. CLAPP. Certainly.

Mr. TILLMAN. Is it possible that the House of Representatives, which in the first instance knew nothing about this transaction, because they did not insert it and it is not in the bill until we got it——

Mr. CLAPP. No, sir.

Mr. TILLMAN. Is it possible, I say, that the House of Representatives will defeat this bill, which everybody concedes is an important and necessary piece of legislation, because the Senate, having mistakenly put on an amendment in relation to the affairs of one Brown—that now, if we do not let it stay in the bill, they will defeat the bill? That is preposterous. I may not know as much about the temper of the House conferees as the Senator does, but I do not believe the House would sustain its conferees in such action.

Mr. CLAPP. Then I submit a parliamentary inquiry. I had supposed that unless the House conferees and the Senate conferees agreed to a conference report upon a bill there would be no bill for the House to agree to or disagree to. If I am mistaken about that, our remedy is a very plain one.

Mr. TILLMAN. I have asked Senators who have had greater experience along this line than I have had, and I myself have had some little experience along that line, and I am told that

when a controversy of this kind arises between the two Houses, and the issue is made, and the Senate says, "We wanted this once and put it in the bill, but since we have found upon fuller consideration that it ought not to be in," it is easy to get the House to instruct its conferees to consent to its withdrawal. All you have to do is to report to the respective Houses, and they will instruct their conferees what to do.

Mr. CLAPP. My experience in this body, while it has been somewhat checkered, has been brief; but I have been told by those who have been here longer that the Senate never has pursued the policy of instructing its conferees. I do not know what the policy of the House is in that respect. But the conferees on the part of the House—two of them with very long service in Indian work and one of them by ties of blood bound in sympathy with the cause of the Indian—would have a very strong case before the House upon the question of whether or not they should be sustained, not in standing against the contention of the Senate, but in standing upon an amendment that the Senate, in open Senate, had adopted to this bill. If we were standing here in the Senate insisting that the House should recede, or that the House conferees should recede from a House amendment, then it would be a different proposition, but this is a Senate amendment. While we may change our minds, while we may, after we have adopted this amendment in open Senate, say to our conferees, "We do not want this amendment," yet the House conferees would have a very strong argument when it came to the question of whether or not they should be sustained in adopting an amendment which the Senate had agreed to.

Mr. TILLMAN. But would not——

Mr. CLAPP. The Senator must remember one other thing, that with all the Senator's interest in this matter—and it is sincere beyond question—there can be two sides to a question, even if he is on one side of it. He must remember that the men who have insisted on this in conference, the men who are familiar with this question, the men who have been familiar for years with this work, believe that that amendment ought to be there, and they will contend for it in the House. The amendment having been adopted in the open Senate, I do not believe that we can get it out. I believe it would mean the defeat of this bill to eliminate it.

Mr. TILLMAN. Mr. President, I do not see upon what theory the Senator from Minnesota proceeds in supposing for a minute that these experienced House conferees, who know so much about Indian affairs, and one of whom is part Indian, yet never discovered the importance of this legislation when they prepared their own bill, should object to the Senate taking out of a bill a provision inserted here, as we now think, erroneously. It was not discussed, and it never could have gone in there, in my judgment, by a vote of the Senate if the facts had been brought out. It was adopted without debate, as committee amendments generally are.

Where there is no discussion and exposure of objectionable features, such amendments go without discussion, and the Senator's contention can not be correct that the House would defeat this bill on account of our contending for the great principle of letting things in court stay in court until the court determines whether there is justice or injustice or wrong or right on one side or the other, and not come here and validate the act of an agent or the act of an administrator in dealing with these funds. I do not believe the Senator understands the other House if he imagines for one minute that it will occupy such an absurd position as that.

Mr. CLAPP. Probably not; but I understand this bill somewhat, or at least this section of it, and the argument is just the argument the Senator has made, if it were in favor of the United States letting controversies between private parties alone. I am not so certain—I am not advocating this amendment, and I have stated my position several times in regard to it—that it could have been defeated in the first instance upon a thorough discussion, when it was known that it was proposed here to take funds that have not yet been paid out, and use those funds to bring 216 suits upon the technical ground that the administrator had been appointed by the judge sitting in chambers when the law provided that the appointment should be made in open court.

I say again to the Senator, notwithstanding his sympathy and notwithstanding his interest and earnestness, that there are two sides to that question.

Mr. TILLMAN. Now, Mr. President, will the Senator permit me?

Mr. CLAPP. Certainly.

Mr. TILLMAN. The statement that has just been repeated, which was brought out by the Senator from North Dakota [Mr. MCCUMBER], that there is still remaining a part of this $186,000 undisbursed, which is being used by the Secretary of the Interior to employ a lawyer to prosecute these claims, is a new side of the proposition. The fact that the Secretary of the Interior must have discovered that this administrator was swindling and defrauding those children, which made him step forward and take part of the money which the administrator had not already used or stolen, is proof positive to my mind that this thing ought to go out, because it stinks to heaven of too much that is rotten.

Mr. MONEY. Mr. President, I do not know whether the Senator in charge of the bill is willing for me to enter upon a discussion of this question at this time. I was not here during the discussion on the House bill nor on the amendment made by the Senate; but I find here an amendment, which I presume the Senate placed upon the bill. I do not know but that this matter has been fully explained. I have had no opportunity to look into the matter in advance. I should like to understand it, and if it has not already been explained I should like very much if the Senator in charge of the conference report would explain it, as I have no doubt he can satisfactorily. I make this inquiry not as a matter of contention, but for information. I can not read the amendment myself, but I have had it read to me.

Mr. TILLMAN. I will read it to the Senator.

Mr. MONEY. It has been read to me.

Mr. TILLMAN. It is section 19.

Mr. MONEY. Yes. I find here there is one inhibition upon the full-blood Indians alienating their lands for the term of twenty-five years. There is also a provision as to their leasing any lands other than homesteads for more than one year, under such rules and regulations as may be prescribed by the Secretary of the Interior.

I want to ask the Senator if this provision was put in here in view of the fact that Congress has passed a law dissolving the tribal relations and making each one of these Indians a citizen of the United States? That is according to the decision last year, I think it was, in the case of Heff, when the Supreme Court decided that the Indians were no longer in tribal relations, but were citizens of the United States, and that the United States could not resume their guardianship, if I recollect the decision aright. If this is true, then I ask the Senator what is the authority for again assuming this guardianship and declaring what shall be done by these Indians with their own private property, they being now citizens of the United States? I ask that in good faith, because I should like to have it explained.

Mr. CLAPP. That is another of the conditions we have been drawn into. After you have made a treaty with an Indian, giving him the right of citizenship, and then allotting him lands, simply with a restriction, I believe then he owns that property as absolutely as the Senator owns his own home, subject only to the restriction of alienation; and that it is beyond the power of Congress after that to enlarge that restriction, or, in other words, reduce the right of alienation.

But this question came up in this manner: There were several propositions before the committee. The committee felt that as to this matter of alienation by allottees of their lands it was a very difficult question to settle. Some felt that if they could not alienate them, they could never rise to a concept of business transactions; and that if they do alienate, they frequently squander the fruits of their allotments. But it was finally agreed in the previous conference report that we would remove the restrictions as to alienation by the mixed bloods, and decrease the restrictions as to the right to alienate as to the full bloods.

Under the laws and treaties down there, the different tribes would, before this bill passes, come into the right of alienation by degrees—some of them in one year, some of them in two years. There were different rules; but we brushed that all aside and adopted this plan. When we got it into the Senate on the former report we had placed a provision in the first part of that section that the restrictions as to alienation as to mixed bloods should be removed; but, at the suggestion of the Department of the Interior, we inserted restrictions as to leases of oil and other valuable mineral lands, subject only to the approval of the Secretary of the Interior. We were then met by the suggestion that if we gave the unlimited right to alienate, we placed a restriction upon the right to lease, because by the process of leasing you might in time divest yourself of your property. If they could alienate, they could sell, but they could not lease.

It was desirable to get this bill through on account of schools, and the question of taxes arose. In the last conference report we left out all reference to the mixed bloods, leaving them under existing laws and treaties; but we put in here an additional prohibition against alienation on the part of the full bloods. The members of the committee and others contend that, notwith-

standing the Heff case and the other cases, we have the right to do that. It was thrashed out to some extent here in the Senate; and it has been suggested, I will say to the Senator, that the Department of the Interior may be yet able to frame a provision in regard to the mixed bloods that will meet the possibility of oil leasing and such things. If so, we can place it on an appropriation bill. So it was thought best for the time being to put the matter in this shape, and try to perfect it later on an appropriation bill.

Mr. MONEY. Mr. President, I have heard with great interest the history of the proposed amendment and how it came to be incorporated in the conference report; but the Senator has failed to answer the question that I wanted answered.

Mr. CLAPP. Then I must have misunderstood the Senator.

Mr. MONEY. No; you gave me the precise reason for doing a thing which the committee, in its wisdom, thought was best for the Indians. I am not doubting the good faith and sincerity of the committee in doing what they considered in the interest of the Indians, but what I want to know is this: Where is the authority residing in this Congress to take the property of a citizen of the United States and put it under wardship?

Mr. CLAPP. If the Senator will pardon me, I told him that personally I did not think that authority existed, but that the other members of the committee thought otherwise, and the Senate seemed to think otherwise when the bill was before the Senate.

Mr. MONEY. I understand that; but I am very glad to know that so distinguished an authority as the Senator from Minnesota agrees with me that there is no shadow of authority for any such action.

Mr. CLAPP. The Senator may withdraw that when he hears the Senator from North Dakota [Mr. McCUMBER].

Mr. MONEY. I do not think I will. I know the Senator is just as well informed about this as anyone else. He is a great deal better informed about it than I am. I do not understand the Indian business at all; it has not been part of my study; but I do know that this Congress has no right to take charge of the property of any citizen of the United States, waiving the treaty relations which we have been steadily disregarding with these people for a hundred years or more. I am referring to the act of Congress which made them citizens, and I am referring to the judgment of the Supreme Court of the United States in the only case which comes to my mind—the Heff case—though I suppose the Senator is familiar with many such cases.

Mr. CLAPP. The case of In re Heff.

Mr. MONEY. That was the case in which the Supreme Court declared that Heff was a citizen and that the United States could not take charge of him. Now, if the United States can take charge of citizens of the United States of any blood in the Indian Territory, they can go into Mississippi and take charge of my private property. The fact that the Indians were once in tutelage does not furnish any argument at all as to their ability to be on an equal level, so far as political and civil rights are concerned, with everybody else. It is similar to what you are now doing in trying to admit Territories to the Union with provisions which they can absolutely disregard the next moment, for when they once get into the Union, notwithstanding those restrictions, they can disregard them, because one State is the peer of all the other States or she has no standing here at all. It makes no difference how many restrictions Congress may endeavor to put around the admission of a Territory as a State, if they are not around the other forty-five States and do not exist as to them, they have no force whatever. I do not believe that this committee or this whole Congress has a right to reinvest the United States with the guardianship of people who, whatever they have been in the past, are now citizens.

I might say something as to the merits of the case as opened by my friend from North Dakota.

Mr. CLAPP. Mr. President——

Mr. MONEY. I hope the Senator will excuse me for one moment. I do not want to get into an argument. I should say that the Senate can rest assured that these men are going to sell these lands. The man who wants Indian lands is not going to hesitate one second to buy because this provision goes into this bill; but the provision will do this: It will put a cloud on the title. The man who wants to buy is going to get the Indian lands for about half of what he would if you do not put in the bill this fancied remedy to secure him against bad and improvident actions in his business.

We can not take care of every incompetent citizen. I would have had the United States taking care of me long ago if my lack of business capacity had been any reason for it. If I were standing in the river of Pactolus with a quart cup I would never be able to secure a grain of gold. So there are thousands of white people who are just as unable to attend to their own affairs as are these Indians. These people are citizens. I do not believe this act will stand before the courts, for I do not see how, under the treaty, under the law, and under the decisions of the court it could be otherwise than that we have no right, no warrant in law, no authority in any respect to assume a guardianship that has been relinquished. These people having become citizens, they remain citizens. I do not understand how a committee here, or the Senate, can change that relation of the General Government.

As to these leases here, the man with a surplus of land—homesteads, I believe they are, according to my recollection, though I am not familiar with these matters, the bill having come up when I was not here—as to these lands, if a man has got a homestead that he wants to improve, why not let him make a lease of his oil or gas lands, or sell them, if he chooses, and get something to improve the land upon which he lives and his children are to be reared, something that will bring him some comfort during his lifetime, and not wait twenty-five years, when they are ready to consign him to the tomb?

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Montana?

Mr. MONEY. Certainly.

Mr. CARTER. As applying to what the Senator from Mississippi is saying, I propound to the committee a question. Is it not true that any one of these Indian citizens may, by application to a court or to the Secretary of the Interior, upon satisfactory proof or showing to the effect that he is individually capable of managing his own affairs, thereby secure an order releasing such applicant from the limitations placed upon his right over the land which he acquires?

Mr. MONEY. I will answer that myself. That is so; but that does not make a particle of difference. You can not put an Indian citizen under restrictions in regard to the control and management of his private property from which you are exempt or any other Senator is exempt. You have no right in any respect to take charge of a citizen's property. If he is incompetent, let the court appoint him a guardian or somebody to take care of that property. That is the business of the court; it is not the business of this Congress. Why should any citizen be compelled to go to the Secretary of the Interior, or to one of his officers, and ask permission to dispose of his property in any way that his judgment or the judgment of his legal counsel or his familiar adviser, his friend, shall tell him is best for his interest?

Why should the Secretary of the Interior be invested with this authority over this private property? I will tell you what it means. I do not say it is the meaning of the Senate; but somewhere back in that country somebody will have control of this money, and there will be graft on every solitary effort made by any Indian to part with his possessions. It is part of a scheme of plunder, in my opinion. I do not mean to discredit anybody here or anybody connected with the committee; but I can not place this in my mind in any other way. There is no reason for it unless somebody somewhere hopes to get money by it. You will find the scandal will be doubled, and if this is gone into, it will not be long before you will hear complaints from the Indian Territory that somebody is authorized by the Secretary of the Interior absolutely to grant a license to a man to sell his own property, when the law already guarantees him the care and keeping of it. It will be found that he had to pay somebody a consideration for the privilege of letting the land on lease to a gas company or an oil company or a coal company, or to any other company, or for selling to them a portion of his homestead to make it more comfortable and a means of support to him and his family.

Whenever there is anything that goes contrary to law, contrary to treaty, contrary to the decisions of the Supreme Court, contrary to common sense, and contrary also to common justice or equity, like this, it becomes immediately, in my mind, the subject of suspicion that somebody wants to get in a hook somewhere to get something that does not belong to him.

I do not believe, if this bill is passed, that it will be administered in the clean and lawful way that it ought to be and that is contemplated by the committee which inserted the amendment here. The committee can not follow the executive nor the administrative government. It can not select the men who are to assume these relations to these citizens and again place them under the tutelage and wardship of the United States. It can not follow every one of them, and every transaction, and see the Indian go and ask for a re-lease to a gas company for 15 or 20 or any other number of acres of his land with the gas company standing there to pay the man clothed with

authority over another man's property a sufficient sum to induce him to give a lease. He can hold that man up. Every Indian and every man proposed to be covered by this authority of the Secretary, or the court, or anybody else can be held up until he is willing to pay for what is his natural, constitutional, inalienable right. I deny the right of Congress to pass any such legislation as this, which takes charge of a man who is an independent citizen of the United States, so far as law and so far as treaties can make him so.

I do not pretend to be familiar with the subject of this legislation, but these are common facts and common principles that lie on the surface, and I say here that it is a gross injustice to every Indian down there who has land at all that he should be put in charge, as to his property, of an officer appointed by the Secretary of the Interior, or anybody else, by an act of Congress or by anything else.

Mr. McCUMBER. Mr. President, the Senator says this is a gross injustice, and in the same address he also makes the further statement that, if the white man wants the Indian's land, he is going to get it anyway, and that there is no power in Congress to protect the full-blood Indian against the rapacity of the white settler. It may be, Mr. President, that that is true, but I for one will not acknowledge the impotency of the Government to protect to some degree and to some extent the wards of the Government so long as they remain wards and so long as the protecting hand of the Government is over them.

Mr. MONEY. Are they still wards?

Mr. McCUMBER. I will answer that. As to whether they are wards now or not is an intricate and a complex legal proposition. I can not exactly harmonize my idea of absolute citizenship with a continuation of a tribal relation. We have continued those tribes; we have continued those Indians as members of those tribes; we have dealt with them as Indians and not as citizens, and we have passed laws for years since we declared them to be citizens which recognized them as Indians, and those laws have been enforced by the courts.

Mr. President, the Senator can not see but that there is some scheme in this; that somebody is getting something out of it. I am responsible on this floor for that amendment. It had not been suggested to me by any person upon the face of the earth, only as I have become acquainted with the Indians, and as I have become more and more impressed, especially since I have been in Congress, by an almost systematic effort to rob the full blood and every other Indian of all the property that he may have.

The Senator states that the Indian is doomed. Perhaps he is. I admit that finally he is; but I insist that it is the duty of Congress to protect him and shield him just as long as it can. I go a step further and say, if we have made any treaty or any agreement which we have since found to be inimical to the interests of the Indians, it is our moral duty to reject that agreement; it is our moral duty to pass a law that will protect him against the rapacity of the white settler. Whether that settler will get that land away from the Indian, even though we put a restriction of twenty-five years against alienation, I am not prepared to say. However, I do not believe that, if you do continue that restriction, the Indian is going to be thrown a pauper upon the Government so long as that restriction continues. I do believe, however, aye, I know it, that the moment you remove those restrictions you have got a pauper to deal with, and to deal with him as you will. Any man who knows anything about the Indian's character—any man who knows the history of the Indians for the last fifty or seventy-five years—will not deny the fact that that is going to be the result.

Mr. President, the question arises as to what is the condition of those Indians in the Indian Territory. I will not attempt to speak with absolute certainty as to what will be the final decision of the Supreme Court with respect to what rights the Indian has obtained by reason of citizenship and what he has forfeited by reason of citizenship. I do know that so far as our treaties are concerned the Supreme Court has again and again held that so long as we can deal with the Indians we are under no obligation to maintain the condition that we create by any one treaty or agreement.

Again, we have heretofore granted an absolute patent to an Indian allottee, and after granting that allotment, giving him the absolute right to sell immediately, we have passed a further law forbidding the sale of that allotment, and the Supreme Court has sustained that law.

Mr. President, I wish to call the Senator's attention to this difficulty that we encounter. The court has again and again, even since we passed the law of citizenship in 1887, stated that although the act gave the Indians certain political rights, it did not necessarily deprive the Government of its control over the property; and that is the only position I have maintained in support of this proposition—that it does not necessarily follow because we have granted citizenship, a political right, that the Indians have thereby become emancipated from the control of the Government over their rights of property.

I have read the Heff case, and I wish to say here that the Heff case does seem to me almost diametrically opposed to this proposition, and yet in a case decided only a short time before, this proposition is laid down clearly and sustained; and the Heff case, which simply decided a political right and not a right of property, does not attempt, in any suggestion by the judge rendering the decision, to controvert or to set aside the conclusions that were reached in the case of The United States *v.* Rickert—the South Dakota case.

I wish to call the attention of Senators to this case, because it is clear and distinct as to what it says and the point it decided. It is The United States *v.* Rickert (188 U. S., 437). I wish to read first the law of Congress granting citizenship to those people, so that we will see that it is fully as broad as anything contained in the grant of citizenship to the Indians of Indian Territory. This is the act approved February 8, 1887. (24 U. S. Stat. L., p. 388.) It reads as follows:

That upon the completion of said allotments—

It dealt with the allotting of land to the Indians—

and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens.

That law passed in 1887, and a very short time after that—in 1891 I think it was—the general law was passed for the allotment of the lands of the Sisseton and Wahpeton Indians in the State of South Dakota. They took allotments under that act, and by operation of law their political status at least was immediately metamorphosed into citizenship. That must necessarily follow. Holding them to be citizens, with all the rights and immunities of citizens and subject to all the laws of the State or Territory in which they were located, the county of Roberts, S. Dak., levied its taxes against the land, against the improvements, against the personal property of those Indians. The taxes were not paid. The officials took, or were about to take, and sell the property when the United States itself intervened through the courts.

What authority had the United States to intervene if they were citizens and if the United States had absolutely relinquished all its authority over them? That right was not questioned on either side. It was not claimed that by reason of their political change they were emancipated from the control of the Government. But it was maintained that under the provision subjecting them to the laws of the State they must pay those taxes.

The case went to the circuit court and from there to the circuit court of appeals, and that court submitted three questions to the Supreme Court of the United States. They were these: First, had the State of South Dakota authority to levy taxes upon the lands? The lands were given under these allotments with the usual clause, and, while it was a patent, it had a restriction for a certain number of years. The State claimed that it had the right to levy the taxes and to sell the property, subject, of course, to that restriction. They could not, of course, deprive the United States of the right to compel compliance with its laws or get any claim free from that restriction. The second proposition was this: Could the State tax the improvements and remove the houses and barns and buildings? And the third proposition, Could it tax the Indians' personal property? Was it subject to taxation?

The court held as to every one of those three propositions that the State of South Dakota could not levy or collect the taxes against any of those species of property. Upon what ground? Let me read just a little portion to show what was the idea of the court. On page 442 the court says:

Counsel for the appellee suggests that the only interest of the United States is to be able at the end of twenty-five years from the date of allotment to convey the land free from any charge or incumbrance; that if a house upon Indian land was seized and sold for taxes that would not prevent the United States from conveying the land free from any charge or incumbrance, and that in such case the Indians could not claim any breach of contract on the part of the United States.

The court goes on:

These suggestions entirely ignore the relation existing between the United States and the Indians.

It seems they claimed there was a relation, even though the tribal relation had been dissolved.

It is not a relation simply of contract, each party to which is capable of guarding his own interests, but the Indians are in a state of dependency and pupilage, entitled to the care and protection of the Government.

Mark those words. This was decided in 1902, eleven years after they had been declared citizens of the United States.

When they shall be let out of that state is for the United States to determine, without interference by the courts or by any State. The Government would not adequately discharge its duty to these people if it placed its engagements with them upon the basis merely of contract and failed to exercise any power it possessed to protect them in the possession of such improvements and personal property as were necessary to the enjoyment of the land held in trust for them.

And again the court said (p. 437):

These Indians are yet wards of the nation, in a condition of pupilage, of dependency, and have not been discharged from that condition. They occupy these lands with the consent and authority of the United States; and the holding of them by the United States under the act of 1887 and the agreement of 1889, ratified by the act of 1891, is part of the national policy by which the Indians are to be maintained, as well as prepared for assuming the habits of civilized life and ultimately the privileges of citizenship. To tax these lands is to tax an instrumentality employed by the United States for the benefit and control of this dependent race and to accomplish the beneficent objects with reference to a race of which this court has said that "from their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it has been promised, there arises the duty of protection, and with it the power. This has always been recognized by the Executive and by Congress and by this court whenever the question has arisen.

Mr. President, when I call the Senator's attention to the fact that that case was decided so many years after this law was passed, and after the Indian had done everything which the act declared made him a citizen, it at least, notwithstanding the Heff case, which decided merely a political right, raises a question as to what the final decision of the court will be. That being the case, for the purpose of protecting these Indians just as long as we can against pauperism, I think we should allow this to go through and let the court determine what it meant, and whether it intended, in the case which I have just cited, to hold that this right of citizenship is a political right and does not interfere and was not intended to interfere with that control of the Government which is necessary to build up these Indians, individuals as well as tribes, into citizenship, and to continue them as long as possible.

If that is true, it seems to me there is ground for holding that we ought to protect them; and I say again to the Senator, you can talk all you are a mind to about civilizing the Indians the same as you would a white man—by making him get down and work himself up, but he never will do it. You can take a white man, and he may be a pauper, and that may be for his best interest, because it places him upon his own responsibility. But you must remember that he has an inheritance of thousands of years which has given him the energy, the determination, the industrial character to build himself up. The exact opposite has been the history of the red man; and because he has those characteristics we may never hope to make him the equal of the white man. If we will admit that, and proceed to make the very best Indian we can out of him, and observe our moral duty, remembering that we have stolen the continent from him—if we do our duty and continue his poor life as long as we can, we will always provide a home for him; give him a home upon terms under which he can not sell it, so that he can come back to it whenever he finds that there is no other place on the face of the earth to lay his head.

Mr. President, that is the spirit which backs the introduction of this amendment, and it is the only spirit that has controlled in seeking to make this amendment a law by passing it through both Houses of Congress, in order to protect the Indians, in the future at least, for as many years as possible.

Mr. MONEY. Mr. President, I give full credit to the zeal and humanity of the Senator from North Dakota [Mr. McCUMBER], and I especially indorse and cordially approve all the latter part of his remarks. I think he has stated the truth about the matter with great force and with great clearness and with great eloquence. I have already given both committees credit for doing what they think is best for the Indians. It happens, however, that my own opinion disagrees as to the result of this method. But that was not what I expected to debate. The only point was, and it still remains in my mind, is that when a man is made a citizen of the United States he is a citizen politically and in every other way, and that there is no authority in Congress afterwards to divest him of any part of that. It is perfectly true that when the Indian was made a citizen there were certain conditions attached. One of them provided for his property, before he was emancipated, as the Senator has termed it. That is true. But that was done in all those cases.

But when an Indian is made a citizen he is as firmly established in all the rights a citizen enjoys as in his political rights. In other words, so far as citizenship goes, there is nothing to distinguish him from the white man, whom the Senator from North Dakota so eloquently portrayed as, by a long line of inherited virtues, being the superior in taking care of himself. I want to say that I most cordially indorse every word the Senator said in that respect. He said it well. I have no doubt in the world that the Senator's good heart, which is overflowing with kindness for these poor people, has prompted him to take the position he has. In my opinion, the emotion which does his heart so much credit has a little bit clouded his reasoning upon the question of the rights of citizenship being equal in every person upon whom citizenship has been conferred. But I have been admonished by my friend, the chairman, that this is not a proper time to enter upon that discussion. I think he is correct about it. I simply rose to a question of information. I shall now leave the subject. The opportunity may perhaps offer, in connection with some appropriation bill, for a fuller discussion of this very point. I want to say to the Senator from North Dakota that I shall be very glad to cooperate with him in anything that will better the condition of these poor people, dependent to a certain extent, but not dependent, in my opinion, now in the matter of citizenship, when it has once been conferred. However, I will not attempt to discuss it further, because I know the Senator from Minnesota is anxious to get along with the bill.

Mr. TELLER. Mr. President, the Senator from North Dakota [Mr. McCUMBER] has cited The United States *v.* Rickert. That is a case where the court passed upon the question whether the Government, holding the land for the Indians in trust, could maintain an action in the courts to prevent the State from taxing the property. The case was brought in equity, and the court decided that the Government had such an interest in the real estate, because it was a trustee, that it could maintain the action. It also held that the presonal property was purchased with money of the Government and was furnished to the Indians in order to maintain them on the land allotted during the period of the trust estate; that it was, in fact, the property of the Government, etc., and that therefore the personal property could not be taxed. It nowhere asserted any principle except the protection of the property for the reasons I have stated. It nowhere asserted any right of jurisdiction over the citizen himself, and in the case of Heff, which has been spoken of, which was rendered this last summer, the court fully sustained everything that has been said here as to the citizenship of an Indian. If the courts had never held it, I do not think the lawyers would have had any doubt about it. In this country every citizen must be alike under the law.

If we can protect these Indian lands longer, we ought to do it. Whether we can add anything to what has already been done, whether, when the Government has given a patent, subject to a limitation of ten years, we can add another ten years, or five years, is a question I think we will probably leave to the courts to determine. It would be a good thing for the Indians if we could do it. Whether we can or not I am not prepared to say.

Mr. SPOONER. Will the Senator from Colorado allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. SPOONER. I understood the Senator the other day to say that there were a great many Indians down there, not full bloods, who were as capable as white men of transacting business and protecting themselves.

Mr. TELLER. Undoubtedly.

Mr. SPOONER. I understood him also to say that there were some thousands of Indians who were not full bloods who were not capable of protecting themselves and taking care of their interests.

Mr. TELLER. Undoubtedly that is true.

Mr. SPOONER. I thought, upon that statement, that, providing it could be lawfully done, the restrictions to be imposed upon any nation should be left subject to the discretion of the Secretary of the Interior, in order that those who were fit might be relieved, without at the same time subjecting the large number who were not fit to spoliation.

I find that the amendment stands now:

That all restrictions upon alienations and leasing of lands of Indian allottees of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes of less than full blood are, except as to homesteads, hereby removed on and after the 1st day of July, 1906.

It is the same proviso.

Mr. CLAPP. No; that has been stricken out.

Mr. SPOONER. How is it left?

Mr. CLAPP. It is left now that all mixed bloods are subject to the existing law, under which they will gradually acquire

the right of alienation and under which they can at any time have it with the approval of the Secretary.

Mr. SPOONER. I was reading the wrong paper.

Mr. CLAPP. If there is nothing——

Mr. TELLER. Mr. President, I wish to say just a word. The Senator from Wisconsin has referred to the fact that I said some of the full bloods were capable. I do not think, taking the full bloods as a rule, that they are capable. Neither do I think the half-breeds are capable. But there are a great many Indians, who have a little Indian blood, who are very capable. I do not want to have it understood that I disparage the ability of the full-blood Indian. I have known a great many Indians, and, as I said the other day, I can call to mind now an Indian who would not be a disgrace to the Senate at any time—an intelligent, active, full-blood Creek. He is an old man now, that is true; but that is the only objection that could be made to him. However, there are some old men in the Senate.

My intercourse with Indians for forty-five years has been close. I have known now and then a full-blood Indian who never came to any public notice who was as capable as the average man in the community in which he lived, and sometimes many of them much more so. I knew an Indian called Ouray. He was a Ute Indian. He was a chief, and he came from a long line of chiefs. He was a man of absolutely great power and a man of good character. When we had difficulty with the Indians, he was the man who went out and composed the difficulty, and brought the Indians in, and did his part to make them behave. I could name a number of instances of that kind within the last forty-five years. History is full of them. The condition, as to certain Indians, in western New York, where I was brought up, still exists. We used to have in the readers the speeches those men made. A great many people supposed those speeches were written by somebody who wanted to make a good speech. I have had made to me speeches by Indians that were full of wit, sometimes amusing and at other times full of pathos, but full of intelligence, and really very eloquent speeches. I know they were eloquent, although the interpreter could not perhaps give full force to what they were, and they expressed themselves as clearly as any people in the world.

Mr. SPOONER. And always dignified.

Mr. TELLER. And always dignified, as the Senator from Wisconsin says. They usually had a sense of propriety which belongs to intelligence. The Indian is not a barbarian in the sense that many classes of the human race are. They have certain laws which are just as binding on them as ours are upon us, both morally and politically, and they adhere to them. They are not to be considered as a weak-minded people. Like all wild people and like all civilized people, they do succumb to the use of intoxicating drinks, and that is one of the banes of their lives. But they are not more so in the native state than the white man is in his ordinary condition.

Mr. CLAPP. I now ask that the conference report be adopted.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

Mr. TILLMAN. Mr. President, I shall have nothing more to say, but for the reasons which we have tried to bring out here I hope the Senate will not adopt this report, but will send it back to conference. I ask for the yeas and nays on agreeing to the report.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

Mr. TILLMAN. I make the point of order that there is no quorum present.

The VICE-PRESIDENT. The Senator from South Carolina raises the question of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Hansbrough	Piles
Berry	Dillingham	Heyburn	Scott
Blackburn	Dolliver	Kean	Simmons
Brandegee	Dubois	Latimer	Spooner
Bulkeley	Elkins	Long	Sutherland
Burkett	Flint	McCreary	Taliaferro
Burrows	Foraker	McCumber	Teller
Carter	Foster	Money	Tillman
Clapp	Frye	Morgan	Warner
Clark, Wyo.	Fulton	Newlands	Warren
Clay	Gallinger	Perkins	Wetmore

The VICE-PRESIDENT. Forty-four Senators have answered to their names. A quorum is not present.

Mr. KEAN. I ask that the absentees be called.

The VICE-PRESIDENT. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. ALLISON responded to his name.

Mr. MORGAN. My colleague [Mr. PETTUS] is detained by sickness from the Chamber.

The VICE-PRESIDENT. Forty-five Senators have answered to their names. A quorum is present.

Mr. TILLMAN. A quorum being present, I again renew my request for the yeas and nays on the adoption of the conference report.

The yeas and nays were ordered.

Mr. FRYE. It is entirely evident that there is no voting quorum present. Therefore I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 12, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 11, 1906.*

The House met at 11 o'clock a. m.

Prayer by Rev. HEZ SWEM, pastor of the Second Baptist Church, Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

DEFINING AND REGULATING JURISDICTION OF UNITED STATES COURTS.

The SPEAKER. The Chair lays before the House the following House bill with a Senate amendment, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12843) to amend the seventh section of an act entitled "An act establishing circuit courts of appeals and to define and regulate in such cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.

The Senate amendment was read.

Mr. BRANTLEY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to; and the amendment was concurred in.

LOWER BRULÉ BAND OF SIOUX TRIBE OF INDIANS IN SOUTH DAKOTA.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 980), and ask that the substitute be read in lieu of the original bill.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the present consideration of a Senate bill, that the reading of the bill be dispensed with and the substitute read instead. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

An act (S. 980) to ratify an agreement with the Lower Brulé band of the Sioux tribe of Indians in South Dakota, and making appropriation to carry the same into effect.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell or dispose of the west half of townships 106, 107, 108, 109, and 110 north, range 27 west of the fifth principal meridian, and fractional townships 106, 107, 108, 109, and 110 north, range 78 west of the fifth principal meridian, and fractional township 110 north, range 79 west of the fifth principal meridian, the same being the western portion of the Lower Brulé Indian Reservation in South Dakota, comprising approximately 56,560 acres: *Provided*, That sections 16 and 36 of the lands in each township shall not be disposed of, but shall be reserved for the use of the common schools and paid for by the United States at $1.25 per acre, and the same are hereby granted to the State of South Dakota for such purpose: *Provided further*, That any Indians to whom allotments have been made on the tract to be ceded may, in case they desire to do so before said lands are offered for sale, relinquish same and select allotments in lieu thereof on the diminished reservation.

SEC. 2. That the Secretary of the Interior shall cause said lands, except sections 16 and 36 in each township, to be appraised by legal subdivisions, and when all of said lands have been appraised the same shall be disposed of under the general provisions of the homestead laws of the United States, and shall be opened to settlement and entry at not less than their appraised value by proclamation of the President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and Spanish wars and the Philippine insurrection, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *Provided further*, That the price of said lands when entered shall be that fixed by the appraisement or by the President, as herein provided for, which shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior, upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry, and the balance in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, promptly when due, all rights in and to the land covered by his entry shall cease,

and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry: *And provided further*, That the lands embraced within such canceled entry shall, after the cancellation of such entry, be subject to entry under the provisions of the homestead law, at the appraised value, until otherwise directed by the President, as herein provided.

When the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made all the required payments aforesaid, he shall be entitled to a patent for the lands entered: *Provided*, That the entryman shall make his final proofs in accordance with the homestead laws within six years, but nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the appraised price, receiving credit for payments previously made, and that aliens who have declared their intention to become citizens of the United States may become such entrymen, but before making final proof and receiving patent they must have received their full naturalization papers: *Provided further*, That the fees and commissions to be paid in connection with such entries and final proofs shall be the same as those now provided by law where the price of the land is $1.25 per acre: *And provided further*, That when, in the judgment of the President, no more of the said land can be disposed of at the appraised price, he may, by proclamation, to be repeated at his discretion, sell from time to time the remaining lands subject to the provisions of the homestead laws, or otherwise as he may deem most advantageous, at such price or prices, in such manner, upon such conditions, with such restrictions, and upon such terms as he may deem best for all the interests concerned.

SEC. 3. That the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, shall, after deducting the amounts of the expenses incurred from time to time in connection with the appraisements and sales, be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the Lower Brule Reservation, and shall be expended for their benefit, under the direction of the Secretary of the Interior.

SEC. 4. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, or so much thereof as may be necessary, to pay for the lands granted to the State of South Dakota, as provided in this act, and for the necessary expenses of appraising said lands as provided herein: *Provided*, That the money expended in appraising said lands shall be reimbursable and shall be deducted from the proceeds received from the sale thereof.

SEC. 5. That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations as to manner of sale, notice of same, and other matters incident to the carrying out of the provisions of this act, and with authority to reappraise said lands if deemed necessary from time to time, and to continue making sales of the same, in accordance with the provisions of this act, until all of the lands shall have been disposed of: *Provided*, That all lands herein ceded and opened to settlement under this act remaining undisposed of at the expiration of five years from the taking effect of this act shall be sold and disposed of for cash, under rules and regulations to be prescribed by the Secretary of the Interior, not more than 640 acres to any one purchaser.

SEC. 6. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections 16 and 36 or the equivalent in each township, or to dispose of said land except as provided herein; or to guarantee to find purchasers for said lands, or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over and expend the proceeds received from the sale thereof only as received, as herein provided.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I would like to ask if this bill has been unanimously reported from the committee?

Mr. BURKE of South Dakota. Mr. Speaker, this bill only affects two townships, and it is strictly in accordance with the agreement made with the Indians in February, 1906——

Mr. WILLIAMS. I did not ask the gentleman that; I asked whether this is a unanimous report of the committee.

Mr. BURKE of South Dakota. It is a unanimous report from the committee.

Mr. WILLIAMS. Then I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment in the nature of a substitute was agreed to; the bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act to authorize the sale of a portion of the Lower Brule Reservation in South Dakota, and for other purposes."

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

Mr. BURKE of South Dakota. Mr. Speaker, I now ask that House bill 9306 lie on the table, it being a similar bill.

The SPEAKER. Without objection, it is so ordered. [After a pause.] The Chair hears no objection.

POST-OFFICE APPROPRIATION BILL.

On motion of Mr. OVERSTREET, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16953—the Post-Office appropriation bill—Mr. SHERMAN in the chair.

Mr. OVERSTREET. Mr. Chairman, I yield fifteen minutes to the gentleman from Ohio [Mr. BANNON].

Mr. BANNON. Mr. Chairman, during the debate in this House on the subject of the engagement on Mount Dajo between our forces and a large band of Moro robbers and cutthroats disparaging reference has been made to the military operations of Gen. Jacob H. Smith on the island of Samar; and in the press of the country a comparison has been made between the Samar campaign and that on the island of Jolo. I happen to be familiar with General Smith's record, and to the end that justice may be done him I shall take the liberty of setting it forth.

This is the legislative branch of the Government, where every Member has the right to entertain and express his views on matters of public importance and concerning the welfare of the nation. We are answerable to our own consciences and our own obligations. To differ with the President is not only our privilege, but a duty which must not be shirked when our views are irreconcilable with his. Politically I always have been and still am his ardent supporter, and personally his warm admirer.

On this occasion I do not differ with him, and from the reports received so far I think it is apparent that no discredit has been brought upon the American Army. Our policy in the Philippines is simply being carried out. The islands became ours as a result of war. I only wish the fortunes of war had never placed them under our authority, but the responsibility is now ours, and it must be assumed. We can not evade it. Our duty is plain. The inhabitants of the islands must respect the American flag. They owe allegiance to the United States of America. Rebellion can not and will not be tolerated. The laws must be obeyed, and we owe a duty to the inhabitants of the island to protect them in their lives and their property from the depredations of marauders, outlaws, thieves, and murderers. There can be no civilization without law and order; and civilization can not be maintained unless the law is enforced. Resistance to law, defiance of it, must be met by force and overcome, and we can not weigh in a delicate balance just how much force must be used to accomplish the end.

But the case of General Wood is a complete vindication of the case of General Smith. This I will endeavor to establish by the facts.

What is the military record of General Smith?

General Smith was a soldier of many wars. When the call to arms resounded throughout this country in 1861 he organized a company, was mustered into the military service of the United States, and was soon at the front. At Shiloh he suffered a severe gunshot wound. He was taken from the field of battle and sent home dangerously sick. But an iron constitution and a strong will power soon asserted themselves, and he recovered and returned to his command. General Grant recommended that he be brevetted for gallantry on the field of battle. He served throughout the civil war as a volunteer, and at its close entered the Regular Army. Years of his life were spent on the American frontier in various Indian campaigns. In the war with Spain he went to Cuba with our troops and, although not the hero of that war, he now carries in his body a bullet from the rifle of a Spanish soldier. He was then sent to the Philippines, and while there was always at the front faithfully discharging his duties. A formidable insurrection broke out in Samar. General Smith was sent to quell it.

Let us now examine what Smith did in Samar and what Wood has done in Jolo.

When Smith arrived at Samar he found that the small garrison of the United States Army at Balangiga had been massacred by the natives. The garrison was surrounded by treacherous murderers while in its mess room at breakfast. Our soldiers were surprised—caught unarmed—and with neither the means nor opportunity of defense were most cruelly and brutally murdered. After the bodies were horribly mutilated the assassins left for the interior of the island. It was not until after General Smith viewed the result of this terrible slaughter—this wanton murder of American soldiers—that he gave the order for which he has been so much criticised. This order was construed by Major Waller in accordance with the laws of war and General Military Orders No. 100; and Major Waller repeatedly testified before the court-martial the interpretation he put upon this order and that the meaning conveyed by it was that only those opposing the Army—those engaged in actual hostilities—in active operations against it, were to be killed. He did not tell Major Waller that quarter was not to be given. For this order General Smith was court-martialed, and the verdict of the court, while finding that he did use certain objectionable language, found him not guilty of directing that the giving of quarter was not desired; not guilty of ordering that all persons capable of bearing arms were to be killed; and, further, that his directions were to kill only those engaged in actual hostilities. An admonition, I believe, was recommended, but, unfortunately for General Smith, he had reached

that period in life when he was subject to retirement on account of age by executive order, and what followed is a matter of history. No doubt the President yielded to what he thought was a popular demand and did what he believed to be right. But what caused General Smith to issue such an order? By whom was it suggested? What were his instructions?

On October 27 General Chaffee wrote directions and gave orders to General Smith as follows:

I am also sending you the *Florida*, which is armed with a couple of gatling and other guns for work in the strait, with a view to stop the damned nonsense of supplying Samar from Leyte. * * * It would not be possible to ask that Leyte be put in the military column until I hear from you officially. I think, with you, that it should be done. * * * I do not propose to hamper you at all, but, on the contrary, give you all the assistance you need to crush the insurrection in Samar, and, as you say, Lukban shall not be governor of Samar if we can prevent it, and I think you can. I recognize that it is a difficult job to catch a weasel when loose in a country so bushy and impassable as is Samar. No doubt there are many places unknown to the troops where rice is grown in sufficient amount to feed a few wood mice. Therefore it may surprise you frequently to find they are able to fill their stomachs when believed they have had nothing at all. * * * The interior must be made a wilderness if that is the only remedy.

What is that but the famous order to make a wilderness of the island? General Smith issued such an order, but when he did so he had in his possession the exact language used by him in a letter which was written deliberately by his superior when not under the excitement necessarily attendant upon the view of a human slaughterhouse.

In various orders and directions given to General Smith by General Wheaton, beginning in 1900, the last order being dated November, 1901, General Wheaton, advising General Smith of the movement of the bands of Filipinos and in making reference to some wells, says:

If possible attack these bands and exterminate them, which will save officers falling into and injuring them internally (the officers, and not the wells) and then taking murderers red-handed and bringing them to the slow justice of the courts. General Grant has just made a very successful cleaning out of a rendezvous of guerrillas and robbers in the mountains, killing forty and destroying seventy-five buildings and a large quantity of ammunition and supplies.

In another letter he says:

One must never be surprised at the rascality of the Filipinos. This anent your account of Ruscas rascality. A more unmitigated lot of scoundrels and rascals never went unhung.

And in another letter he directs Smith as follows:

Do not allow the question of drills or instructions of the troops to take any precedence over exterminating armed bands. There have lately been indications of renewed activity on the part of assassins in your district. Pursue them unrelentingly. If possible, run them down and make an end of them. Less endeavor to pay rent and more to kill the villains infesting the department will have a good effect on the situation.

In June, 1901, he says:

Numbers are being murdered, towns fired into, and attachments ambushed. The best way to negotiate is to chase the scoundrels night and day and administer good medicine to them whenever possible.

In still another he urges haste, because of the volunteers that are shortly to leave the island, and says:

Keep chasing any bands you can. Get a clue as to their staying, or running, places and chase them off the face of the earth. I am much pleased with results so far as accomplished in your district. Let the good work go on until a child can, unmolested, carry a bag of pesos anywhere. We will do this if we have to hang the last black rascal in the department. Exterminate without mercy the assassins, whose inhumane outrages are a blot upon humanity.

In November, 1901, he writes General Smith:

I thoroughly understand your difficulties, and I know that you will do all that can be done with the force furnished you. The many mistakes made out here are beginning to show their effect, and unless some people get over the "little brown brother" and "poor little barefoot" silliness the so-called "war" will be protracted indefinitely.

These instructions were written to Smith while he was in the midst of his Samar campaign.

On October 5, 1901, when Smith was sent to Samar, and immediately under the command of General Hughes, after instructing him as to the best mode of carrying on the campaign on the island of Samar and where to locate his troops, he writes "to subjugate the savages of that section and to cut off insurrecto supplies and assistance from Leyte." He continues further:

The object of locating the three heavy companies across this line is to give them a fair opportunity to kill off the bands of utter savages who have hibernated in the brush in that vicinity, their favorite haunts being Salcedo, Quinapundan, Pambujan, Omagingong, the Upper Asuaz, Tanquip, and Naubag. The books call them heathens, and I guess they are all that with Moro tendencies. Simple burning out appears to do no good; they want to be stayed with and either killed or domesticated.

The order given by General Smith will not compare in cruelty with an order to "exterminate without mercy." If General Smith's order was so violent as to evidence his unfitness to serve in the Army of the United States, what do you think of the language I have quoted?

It will thus be seen that General Smith not only had precedent and authority for using the language he was charged with using, but that authority to carry out his orders was conferred upon him in writing by his superiors in command. Chaffee told him to make the island a wilderness, if that was the only remedy. Wheaton wrote him not only to kill, but to exterminate, and to exterminate without mercy, while Hughes advises that burning out is not sufficient, but that killing also must be resorted to. Here we have in writing the very language General Smith was charged with uttering. I do not condemn the language in these letters. The men using it were American soldiers, and every patriotic American ought to give support to the Army which protects him. These officers knew the problems they had to face; they knew the foes they were dealing with. Savages can not be fought in a civilized manner, and we must stand by the men who fight our battles, who suffer the most severe hardships, and who must face a cruel, savage foe. They are the judges of what kind of force is necessary.

But General Smith quelled the insurrection in a few days. The laws of war were not violated. Secretary Root found as a fact, and so advised the President, with reference to General Smith's orders, that—

No women or children or helpless persons or noncombatants were put to death in pursuance of them.

What order did General Wood give? We do not know. The report is that he was present practically throughout the entire action. He was in command. He telegraphs that a considerable number of women and children were killed in the fight, the number being unknown. In other words, Smith killed neither women nor children; Wood did. Wood is warmly praised and commended by the President. His commendation is General Smith's vindication.

Both General Smith and General Wood faced a relentless, merciless, and treacherous foe. The towns in Samar are on the coast. The interior is a jungle, well-nigh impenetrable, and can only be reached by our soldiers after the greatest of hardships. After the Balangiga massacre the natives fled to the interior. It was necessary to bring them back. General Smith did so. Every written order given by him provided for the humane treatment of these savages, encouraged them to return to the coast, and ample provision was made for feeding them. General Wood drove to the mountains a band of savage murderers and robbers who had been a menace for months to the peaceable natives and American soldiers. Robbery and murder had been rampant. They resisted until the last member of their band was slain or rendered helpless. The taking of life is always deplorable, but occasionally necessity in war demands it. We should always stand by the men who are on the firing line and support our soldiers who must fight for us on the field of battle.

In contending with a savage foe the rules of civilized warfare can not apply, for the very good reason that savages will not themselves adopt such rules. In the Philippine Islands the American soldiery must contend with such an enemy; but even in the case of General Wood, as it seems to me, the laws of civilized warfare have not been violated. The instructions for the government of the armies of the United States in the field were prepared by Francis Lieber, a noted German authority on international law, and these instructions are known as General Orders, No. 100, and were issued April 24, 1863, and approved by President Lincoln.

Section 14 of these instructions provides that—

Military necessity, as understood by modern civilized nations, consists in the necessity of those measures which are indispensable for securing the ends of the war, and which are lawful according to the modern war and usages of war.

Section 15 provides that—

Military necessity admits of all direct destruction of life or limb of armed enemies, and of other persons whose destruction is incidentally unavoidable in the armed contests of the war.

Section 44 provides that—

All wanton violence committed against persons in the invaded country and all wounding, maiming, or killing of such inhabitants may be punished by death.

From the evidence now before us it does not seem that there was any "wanton" destruction of human life, but, on the contrary, it does appear from reports yet unconfirmed that the necessities of General Wood's campaign against the Moros compelled the killing of some women and children incidentally unavoidable in this battle with savages.

There is nothing new in this question. Those who made the early settlements in this country were obliged to strive with savages, and the methods used by them do not differ from the methods necessary in the Philippines to-day.

The early colonists of Massachusetts understood the question. They never hesitated in the face of the enemy. Longfellow, in The Courtship of Miles Standish, explains the methods of the

Pilgrim Fathers in dealing with savages. I commend to those who criticise the conduct of the American army in the Philippines Longfellow's famous description of the Pilgrims' council of war:

Near them was standing an Indian, in attitude stern and defiant,
Naked down to the waist, and grim and ferocious in aspect;
While on the table before them was lying unopened a Bible,
Ponderous, bound in leather, brass-studded, printed in Holland,
And beside it outstretched the skin of a rattlesnake glittered,
Filled, like a quiver, with arrows; a signal and challenge of warfare,
Brought by the Indian, and speaking with arrowy tongues of defiance.
This Miles Standish beheld, as he entered, and heard them debating
What were an answer befitting the hostile message and menace,
Talking of this and of that, contriving, suggesting, objecting;
One voice only for peace, and that the voice of the Elder,
Judging it wise and well that some at least were converted,
Rather than any were slain, for this was but Christian behavior!
Then out spake Miles Standish, the stalwart Captain of Plymouth,
Muttering deep in his throat, for his voice was husky with anger,
"What! do you mean to make war with milk and the water of roses?
Is it to shoot red squirrels you have your howitzer planted
There in the roof of the church, or is it to shoot red devils?
Truly the only tongue that is understood by a savage
Must be the tongue of fire that speaks from the mouth of the cannon!"
Thereupon answered and said the excellent Elder of Plymouth,
Somewhat amazed and alarmed at this irreverent language:
"Not so thought St. Paul, nor yet the other Apostles:
Not from the cannon's mouth were the tongues of fire they spake with!"
But unheeded fell this mild rebuke on the Captain,
Who had advanced to the table, and thus continued discoursing:
"Leave the matter to me, for to me by right it pertaineth.
War is a terrible trade; but in the cause that is righteous,
Sweet is the smell of powder; and thus I answer the challenge!"
Then from the rattlesnake's skin, with a sudden, contemptuous gesture,
Jerking the Indian arrows, he filled it with powder and bullets
Full to the very jaws, and handed it back to the savage,
Saying, in thundering tones: "Here, take it! This is our answer!"
Silently out of the room then glided the glistening savage,
Bearing the serpent's skin, and seeming himself like a serpent,
Winding his sinuous way in the dark to the depths of the forest.

This was the way the Pilgrim Fathers dealt with this question of peace and war, and so it is with the Filipinos. They must recognize the authority of the United States; they must obey the law. Murder and robbery, disobedience to law, will not be tolerated in the Philippine Islands, and the sooner the inhabitants understand that the better it will be for them. We offer them civilization, good government, law, and order. If some of the inhabitants will not accept that, but prefer to resist our authority and to plunder and murder those who do respect our authority, we must use sufficient force to compel them to do so. [Applause.]

To illustrate the character of these Moros I append interviews of Major Scott and Captain Cloman from the Washington Post.

Major Scott said:

"The Mount Dajo fight is nothing more than the proper chastisement of a band of outlaws, whose resistance to the authority of the United States and their own chiefs never at any time rose to the dignity of a national or racial issue."

The foregoing statement was made by Major Scott, who just arrived in this city direct from Manila, and to whom General Wood referred the question of the fight in his cable to the War Department yesterday.

"I can speak from experience," said Major Scott, "for I have spent eight months trying to get the Moros to settle down. They are simply an outlaw band, completely destitute of religion, racial or political significance, and I know the people of the southern islands are more than glad that these midnight marauders are at last put out of business.

"In the old days before the arrival of the American, the chiefs and datos were unable to put a stop to the plundering and pillaging of this band of outlaws. The authority of Spain was merely nominal, and its representatives could do nothing against such depredations.

THIEVERY STOPPED.

"Now things are different. The United States, by a combination of tact and judgment, has managed through its excellent officers in the Philippines to put a stop to this wholesale thievery, and I am confident that the Mount Dajo fight will be the last of its kind. The members of this band were outlaws in the eyes of their own people. The datos and chiefs wanted them brought to terms as badly as did the Americans. I reasoned with them for months and am convinced that they would never have listened to reason. People over there look upon the fight about the same as we think of a running fight with a Jesse James gang.

"Those who think the disturbance was caused by religious troubles are mistaken. The United States has never interfered with the religion of the islands, as other nations have done in their administration of the people. As a result our people have escaped the broils and petty insurrections that fell to the heritage of other Christian nations.

"The Malay Islands have always been more or less troubled with outlaws. About a century ago the better-disposed inhabitants of the province of Sarawak, in the northern part of Borneo, invited an Englishman, James Brooke, to come over and be their rajah. He did so, drove out the outlaws, and gave them such a strong and substantial government that on his death Sarawak passed to the control of Great Britain and has remained so ever since. In like manner the better class of people in Jolo feel thus toward the United States."

Additional light is thrown upon the Moro situation by Capt. Sydney Cloman, former governor of Tawi Tawi, a group of islands in the Sulu Archipelago. Captain Cloman spent two years and a half among the Moros, during which time he made an especial study of the characteristics of the people.

THEY LIE, STEAL, AND KILL.

"The Moros," said he, "are a fatalistic race of people, possessing, as far as I was able to ascertain, but one redeeming feature. They will lie, steal, and kill, but their love for their wives and children is very noticeable.

"I have no idea of the exact conditions surrounding the battle of Dajo, but I imagine from what I know of that part of Jolo that the band of outlaws, who were exterminated, had built a village in the crater of an extinct volcano, and having been unmolested for some time, they naturally were joined by their families.

"While the Moros are fatalists and will plunge into battle regardless of death, yet in the face of their foes they become panic-stricken and totally incapable of consecutive thought.

"When surrounded by the American troops and all points of exit absolutely cut off the Moros will not surrender; neither will they quietly sit down behind fortifications and fight their last battle with method or precision. Instead, they will grasp their knives and other arms and dash about in a frenzy. Their love and tenderness for children will create in them a wild desire to save them. Instead of leaving them in places of safety, where they would not be molested by the troops, the Moros grab up the children and run toward the enemy's lines in an effort to break through and save them.

"Moro outlaws in Jolo have been severely punished by the Government in the past few years, and of course they will fight desperately to avoid being captured.

TAKE OATH TO KILL.

"The desperate character of the individual Moro can best be understood by citing a few of their peculiarities. Under the Spanish Government and since Moros were prone to take an oath before the Mohammedan priest, becoming thereby jura mentado, which pledges themselves to die while killing infidels. Preparatory to starting out on their bloody enterprise the Moros will shave their eyebrows, cut off their finger and toe nails, and then, arming themselves with keen-edged knives, dash out upon unsuspecting Christians and kill until they in turn are killed. After becoming jura mentado a Moro would be disgraced if he did not die while killing Christians.

"Then there is another class of desperadoes, and that is composed of Moros who have determined upon suicide. As their religion condemns self-destruction, these men will run "amok" (amuck), killing all who come in their way, nor will they cease until death overtakes them. The only difference between the latter and former class of Moros is that the former kill only Christians, while the latter usually start in on the ones nearest to them, even though they may be their wives.

"The trouble which the authorities encounter in dealing with the outlaws is that they are supported by their family and friends. Whenever a Moro has committed some act that would entail punishment he immediately allies himself with some band of outlaws. If it stopped there it would not be so bad, but every one of his friends supports him in his outlawry and will go to great lengths to prevent his capture.

"Becoming 'jura mentado' was discontinued by Colonel Pratt, of the Twenty-third Infantry, the first governor of Sulu, who sent word to the Sultan of Sulu that if such practices continued he would send a regiment of soldiers into Maibun, the capital of Sulu, and let them become jura mentado, too."

Captain Cloman's statement regarding the characteristics of the Moros explains how it might be possible that children would be killed in a conflict between the American troops and the Moros. Even though a Moro warrior may have a child under one arm, he has a knife in the other hand, which he will insist upon wielding as long as he has strength. Consequently in firing upon the crazed but dangerous Moros it would be more than probable that some children would be injured.

Mr. OVERSTREET. Mr. Chairman, I yield twenty minutes to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Chairman, in a matter involving a comprehensive knowledge of the various departments of the postal service in the United States I should not venture to set up my opinion against the opinions of the members of the Committee on Post-Offices and Post-Roads. I freely admit that this committee has carefully considered—much more carefully than I possibly could—every item that they have incorporated into the pending bill. They have no doubt had in full view all the needs of the various departments of the service and have given such appropriation to each department as under all the conditions, in their judgment, seemed wise. In what I am to say I do not desire to be understood as undertaking to criticise the committee, either individually or collectively, for anything in the present bill, or for a failure to incorporate any feature that any Member or Members of this House might wish to see in it, but in one important respect my judgment, based upon the information disclosed in the report of the committee, is not thoroughly in accord with the judgment of the committee as expressed in this bill. I believe that it will be generally admitted that the postal clerks in the first and second class post-offices of the United States work the longest hours and receive the poorest pay of any class of Government employees. I note with pleasure, therefore, that in the pending bill an item of $500,000 is incorporated for obligatory promotions, mostly among the poorer paid clerks of this branch of the service. I regret that the committee did not make this appropriation very much larger.

I herewith submit a tabulated statement of the number of clerks of the different grades who are to be employed in the first and second class offices in the fiscal year 1907, from which it appears that 17,780 clerks will receive a salary of $900 or less, while but 7,696 clerks will receive above $900.

Compensation to clerks in first and second class post-offices under the pending bill.

325 clerks, at	$400
900 clerks, at	500
3,500 clerks, at	600
4,565 clerks, at	700
5,010 clerks, at	800
3,490 clerks, at	900
2,735 clerks, at	1,000
1,720 clerks, at	1,100
1,820 clerks, at	1,200

445	clerks, at	$1,300
539	clerks, at	1,400
122	clerks, at	1,500
105	clerks, at	1,600
119	clerks, at	1,700
60	clerks, at	1,800
77	clerks, at	2,000
16	clerks, at	2,100
29	clerks, at	2,200
25	clerks, at	2,400
6	clerks, at	2,500
21	clerks, at	2,600
17	clerks, at	2,700
6	clerks, at	3,000
4	clerks, at	3,200
25,486		

The occupation of a post-office clerk is not a sinecure. The clerk has no fixed hours, but must continue at his work until it is done. He is even not always on duty continuously, but must often report for a certain number of hours of work in the morning, other hours in the afternoon, and still others in the night, depending on the time of arrival and departure of the mails. It is stated by those in a position to know that the average working day the year through of the postal clerks in the first and second class offices of the country is ten and one-half to eleven hours, and during the busier seasons these hours are extended to twelve and even fourteen and fifteen hours out of the twenty-four, and for these extra hours the clerk gets no additional pay. Besides the hours that he directly devotes to the performance of his duties in the office, he must spend considerable time at home in the study of his distribution schemes. It must be apparent to anyone who makes even a superficial examination of the subject that the postal clerk is a very hard-worked and poorly paid employee.

It is a mistaken idea that anybody can be a postal clerk. A successful postal clerk must be a man of some education. He must have a quick and retentive mind, and must be able to remember and forget with about equal facility, as the changing conditions make it necessary for him to be constantly recasting his distribution and mailing schemes.

In view of these well-known facts I unhesitatingly assert that up to this time the postal clerks of the first and second class offices have not received the consideration at the hands of this House that they should. No man capable of performing the duties of a postal clerk is adequately compensated by $600 or even $900 per year. A man fit to be a clerk can not live and properly support his family on $50 or $60 per month; and since, if he gets into debt, he is liable to lose his position, he is often between the devil and the deep sea, and it is no wonder that three-fourths of the postal clerks regard their positions as only temporary, and are looking for an opportunity to better their conditions by obtaining employment outside carrying higher salaries, to the great loss of the service in the large cities of the United States. A man without any education and without any technical knowledge or experience can procure fifty or sixty dollars per month, and often seventy-five, or more, driving an express wagon or a grocer's delivery cart, where all the intellectual effort necessary is that to guide his horses.

Mr. STERLING. Will the gentleman allow me to ask him a question?

Mr. HAYES. Certainly.

Mr. STERLING. Do you not think that the postal clerks are paid just as well as the letter carriers and the rural delivery carriers, both city and country?

Mr. HAYES. I am perfectly willing to admit that in other departments of the service what I am saying as to the clerks would equally apply.

Mr. STERLING. I think your proposition is entirely right, so far as that is concerned. The clerks should be paid more, but they certainly are paid as well as the letter carriers, both in the city and in the country.

Mr. HAYES. I am perfectly willing to admit that the carriers do not receive what they ought to receive.

Mr. STERLING. All ought to receive more than they do.

Mr. HAYES. I do think, however, that in comparison with the other departments of the Post-Office service and the employees of the other Departments of the Government the postal clerks are the poorest paid of any class of Government employees.

I am aware that the fiscal year 1905, which is the last year of which we have a complete record, shows a deficit in the Post-Office Department of over $14,000,000, and I presume that the present year and the year 1907 will show nearly as large deficits. With such a deficiency staring the Committee on Post-Offices and Post-Roads in the face I can understand their reluctance to largely increase the salaries in any department of the service, and yet I believe it is a mistake to gauge our appropriations for salary purposes by the receipts of the Post-Office Department. This Department of the Government should not be considered solely as a revenue-producing agency. It has been created and exists primarily for the use and convenience of the people, and I have never heard a public criticism passed upon appropriations calculated to extend this convenience, or to improve the service, or to increase salaries confessedly too low.

During the last few years Congress has created and vastly extended the rural free-delivery service. I notice that the amount carried by the present bill includes $28,000,000 for this branch of the service. Were it not for the policy which has created and continues the expansion of this service, the deficiency of $14,000,000 would be transformed into a surplus of a like amount. I do not wish to be understood as criticising in any way the policy as to this part of the service. I believe that no money spent by the Government is better expended, but I do not believe that the people of the United States desire the postal clerks to pay for this convenience to the country population of the United States nor any part of it; and yet I am sure that if the present deficiency of $14,000,000 were transformed into a surplus of a like amount, the Committee on Post-Offices and Post-Roads would gladly devote a much larger sum to promotions and increases of salaries in this part of the service than the present bill carries.

Five thousand promotions, chiefly in the six and seven hundred dollar classes, are provided for in the present bill. I undertake unhesitatingly to assert that no less than three times this number of promotions should be provided for. Any clerk having served three years in the Department, who can not earn $1,000 per year, is unfit to be in the Department at all and should be dismissed; and it seems to me that we should, by our legislation, in some manner give the clerks in this Department of the service to understand that if they prove efficient and faithful, by a series of regular promotions they may hope in a few years to come to the point where they may enjoy a salary of at least $1,000 per year, and this as an act of justice due from the Government of the United States. This is as small an amount as a man of some education, refinement, and experience should be asked to work a year for.

I herewith present a comparative table showing the number of clerks in each grade from $600 to $900 per year and the clerks above $900 per year in the service for the years 1905, 1906, and 1907. The clerks in the four grades, $600, $700, $800, and $900 per year aggregate two-thirds of the total force employed, and the proportionate number of those receiving these low salaries is constantly increasing. In the year 1905 66 per cent of the postal clerks were in these four grades. In 1906 there were 67 per cent of the total in these grades, while under the present bill 68.3 per cent are to receive between $600 and $900 per year, and only 31.7 per cent more than $900 per year.

Table showing salaries of postal clerks in first and second class offices for the fiscal years named, except clerks under $600 per year.

Salary.	1905.	1906.	1907.
$600 per year	4,611	4,243	3,500
$700 per year	3,308	4,155	4,565
$800 per year	3,596	4,235	5,010
$900 per year	2,700	2,785	3,489
Under $1,000 per year	14,215	15,418	16,565
All $1,000 per year and above	7,295	7,570	7,696
Total clerks $600 per year and above	21,510	22,988	24,261
Increase in number receiving $1,000 per year and above	.....	275	126
Increase in number receiving less than $1,000 per year	.....	1,303	1,146
Per cent of total under $1,000	66	67	68.3
Per cent of total $1,000 and above	34	33	31.7

It therefore appears that while 5,000 promotions are provided for in the present bill, the condition of the clerks in the Department, as a body, is "getting no better fast." In view of this situation, what encouragement is there to the clerk to continue in the Department or to strive to be more efficient and faithful when there is no certainty that any promotion awaits him even at the end of many years of faithful and efficient service?

In one of the second-class post-offices in my district there are twelve clerks receiving less than $800 per year, who have been in the service more than one year. Those receiving $800 have served as follows: One eighteen years, 1 five years, 1 four years, 2 three years, and 1 two years. Three receive $700 per year, serving as follows: One three and one-half years, 1 one and one-half years, and 1 over one year. Three are receiving $600 per year who have served over one year. In the money-order department of this office are working side by side two clerks, doing exactly the same work, involving the same

responsibility, and requiring a like degree of efficiency, and yet one is receiving $1,000 per year and the other $700, and the effort of the postmaster to secure a promotion for the last-named clerk has, for a year or two past, been without result. I have no doubt that this office is typical of nearly all the offices in the United States, as I have had repeated and urgent requests from the postmasters in my district asking me to see if I could not do something to improve the conditions and increase the salaries of the postal clerks.

As probably a fair example of the first-class post-offices in the United States, I desire to call attention briefly to the post-office at Omaha, Nebr. On December 1 last there were 103 clerks employed in this office. Of these employees twenty-one were drawing $600 per year, fourteen were drawing $700, fifteen were drawing $800 per year, and fourteen were drawing $900 per year. It will thus be seen that two-thirds of the clerks in this office were drawing less than $1,000 per year.

There is another view of this matter. A regular and general increase of salary would, in my judgment, in the end prove to be a very profitable policy for the Government. Clerks working at six hundred, seven hundred, eight hundred, and nine hundred dollars per year must necessarily regard their positions as temporary, to be abandoned when they can secure anything better outside, and many of them are securing better-paying positions. It takes some time and requires a large amount of attention on the part of the older clerks to make of green, inexperienced men, however naturally efficient they may be, valuable postal clerks, and the Department is annually losing a very large percentage of these clerks by reason of the policy of the Government in paying poor salaries and denying to this class of its employees promotions and increases of salary due them by every rule of business and justice.

In this connection I beg to quote from the postmaster at Omaha, Nebr., who, in an interview with him printed by the Omaha Bee on the 4th day of the past month, says that twenty-four of his clerks resigned during the past year and have been replaced with new, inexperienced men. This is nearly 25 per cent of his clerical force. He says:

> To get valuable service out of these recruits, who in many instances seek employment in the Government service under the impression that it is only play and no work, our best clerks must be detailed to teach them what they must do. A short trial and a new man must be taken in, and so the teaching business must be continued—so that the work in the office must be done by the loyal few, and I must require the clerks to work overtime, until the best ones, drawing only living pay, will become disgusted and leave.

Again he says:

> The low salaries are not economical. Inferior men, without any ambition to work and who will not study and learn the schemes because they do not care whether they keep their job or not, are costing the Government at least $1,000 a year for every necessary man in my service.
>
> For instance, I have thirty-two men in the mailing department. If sixteen of these men could do as well as four old-time clerks, who are spending much of their time in teaching recruits, I believe that the work could be done by the sixteen men—one-half of the present force. I do not mean by this that the men now in the department are ignorant or weak men. The only complaint is that they have not had the experience, and with the present salaries I can not expect to keep them long enough so that they may gain the experience. In short, the clerks are not paid enough, and every clerk in this Omaha office and every first-class office in the country ought to be paid as the carriers are paid—a sure advance each year up to a certain sum, not less than $1,000 for a year's work.

Mr. BENNET of New York. Would it embarrass the gentleman for me to interrupt him?

Mr. HAYES. Not at all.

Mr. BENNET of New York. I would like simply to add that the condition which exists apparently at the Omaha and San Francisco post-offices exists also in the post-offices in our large cities in the East. They have exactly the same complaint that their most competent clerks are leaving the service and going into mercantile employment owing to the small salary they receive.

Mr. HAYES. I thank the gentleman from New York. I have no reason to suppose that the post-office at Omaha is not a fair sample of the post-offices in other parts of the United States. The cure for these evils, in my judgment, is the inauguration of a policy of promotions and increases in salaries for all post-office clerks below a certain grade by regular yearly gradations, so as to give the clerk something to work for and to hope for, and I am certain that were such a policy inaugurated and properly carried out, the ultimate result would be not a large increase in the cost of the service, but a great increase in the efficiency of the clerks in the various first and second class post-offices in the United States, and a considerable decrease in the number employed.

I do not wish to be understood as denying that other departments of the service—for example, the carriers—have just claims which should receive the careful attention of this House, and if their claims are found to be just and proper, as some of them no doubt are, they should be generously provided for.

If it is already too late to change the policy of the Government or of this House, so far as the present bill is concerned, I wish to express the hope that when the post-office appropriation bill is framed for the fiscal year 1908 the committee may see its way clear to granting deserved and much-needed relief to the clerks in the first and second class offices of the United States by providing for compulsory promotion of all who receive less than a certain fixed sum, which sum should, I believe, be $1,000 in second-class and $1,200 in first-class offices.

When they understand the subject, both business considerations and sentiments of justice will cause the vast majority of the people of the United States to desire that we should not in effect by our failure to adequately legislate on this subject write over the entrance to every first and second class post-office in the land these words: "Abandon hope, all ye who enter here." [Loud applause.]

Mr. OVERSTREET. Mr. Chairman, I yield to the gentleman from North Dakota [Mr. GRONNA].

Mr. GRONNA. Mr. Chairman, having under consideration the Post-Office appropriation bill (H. R. 16953), which appropriates for the fiscal year 1907, $191,383,848.75, I wish to call attention to one or two items.

The Department's estimate for the fiscal year 1907 is $181,573,264. Of course this is only an estimate—it may be more or less. At any rate, there will be a deficit for the next year, but a considerable less amount than last year's deficit, which was more than $14,000,000. The Post-Office Department is, however, the only Department which is nearly self-sustaining, the revenue being derived from the amount of business done and paid by anyone and everyone who mails a letter or package.

In this connection, I want to say a few words relative to the rural free-delivery service—the only direct benefit the farming community derives from the Government without having to pay a hundred cents on the dollar for it. A joint resolution passed the Fifty-first Congress and was approved October 1, 1890, authorizing the Postmaster-General to test the free-delivery service in small towns and villages. We find in ex-Postmaster-General Wanamaker's report for the fiscal year 1901 that an experiment had been made in forty-six communities, with the result of showing an increase in seven months in the gross receipts of $5,506.10, as against the total cost of carriers of $4,320.60, leaving a net balance as profit to the Government of $850.50 and to the credit of the free-delivery service. We also find that ex-Postmaster-General Bissell, in his report for the fiscal year 1894, referring to the service, said:

> The experiment of free delivery in the forty-six towns and villages in which it was established about two years ago was continued during the fiscal year 1893–94, at a cost of $8,900.44. Nothing transpired during the year in connection with this service to cause me to change the opinion expressed in my last report against it. This service should be discontinued, or—granting, for the sake of argument, that the experiment has shown satisfactory results—should be extended to 40,000 other post-offices.

It was at this time that Congress discontinued the appropriation for this service. In the year 1896 it was that the first rural free-delivery routes were established, and then only as an experiment, as it was estimated it would require from forty to fifty million dollars per year to continue it. We also find in a statement taken from the last report of the Postmaster-General, showing the number of routes established and the amount of money expended from 1898 to 1905, as follows:

Year.	Total amount appropriated.	Total amount expended.	Number of routes in operation.
1898	$50,250.35	$50,241.06	148
1899	150,032.79	150,012.48	391
1900	450,000.00	420,433.17	1,276
1901	1,750,796.29	1,750,321.35	4,301
1902	4,089,075.20	4,089,041.71	8,402
1903	8,580,364.31	8,051,569.79	15,119
1904	12,926,905.44	12,645,275.79	24,566
1905	21,116,600.00	20,874,618.75	32,052
1906	25,828,300.00	----------	----------

You will see, Mr. Chairman, from this report that $20,874,618.75 was used to operate 32,055 rural routes, making an average cost for each carrier of $651.21. Now, then, each route serves approximately 100 families, making a total of 3,205,500 families served, at about a cost of $6.51 for each family. Just multiply this number by 5, which is a fair average for families in the rural districts, and the result will be you have 16,027,500 people served, at a cost of $20,874,618.75, or about $1.32 per capita. And, too, we have not made any allowance for the saving to the Government from the discontinuance of small post-

offices and star routes where rural routes have been established in their stead, but it is safe to assert that, this feature taken into consideration, it would probably reduce the cost of operation to less than $1 per capita.

The number of carriers for city free-delivery service for 1905 was 21,778, at a cost of $20,919,078.13, or at the average rate of $960 for each carrier. Now, why this discrimination? The rural carrier is paid $720 per year and furnishes his own conveyances, feed for his horses, and receives, as stated, $720 per annum, or $60 per month.

Mr. STERLING. Do you know how much this appropriation would have to be increased in order to increase the pay of the rural carriers to $900 a year?

Mr. GRONNA. If you calculate the number of routes that we have to-day, it would take $4,000,000 to give each rural carrier an increase of $10 per month.

Mr. STERLING. Do you propose to offer an amendment to this bill to that effect?

Mr. GRONNA. The gentleman from Ohio [Mr. SMYSER], I understand, has already offered an amendment. He has offered an amendment to increase the pay of the rural free-delivery carriers $10 per month, and I am in favor of that amendment.

Mr. Chairman, I listened with a great deal of pleasure to what the distinguished gentleman from Vermont [Mr. FOSTER] and also the gentleman from Ohio [Mr. SMYSER] said on this question. I am glad to know that the East has among some of its ablest Representatives men who are friends of the farmers and who favor this measure.

I don't want you to figure this on the same basis as does the Massachusetts Republicans—that is, to have the farmer's products and all raw materials put on the free list and their own trust-made goods highly protected. It is not my wish to make a tariff speech just now, but I want to say (and with due respect for all of my colleagues), and in all candor and earnestness, that the farming interests, and especially the western industries, must be recognized and treated fairly. The farmer may be slow in exercising his rights, but he is, however, intelligent enough to know when he is being discriminated against.

Why should not our six million or more farmers, who from last year's production added to our national wealth $6,500,000,000, be entitled to the same consideration that the people in the cities receive. From 35 to 40 per cent of our entire population live on farms, and produced last year 2,708,000,000 bushels of corn, valued at $1,216,000,000; 684,000,000 bushels of wheat, valued at $525,000,000; $605,000,000 worth of hay; $138,000,000 worth of potatoes; $575,000,000 in cotton. We raised 939,000,000 bushels of oats, valued at $282,000,000; $138,000,000 worth of barley; $52,000,000 worth of tobacco; $50,000,000 worth of sugar cane and sugar beets. We produce every year from six to nine million pounds of rice, and why are we not entitled to the best mail service that will enable the farmer to get his daily market reports and papers promptly. The farmers, as a class, are the most intelligent people we have in our entire country, Our ablest men, men possessed of the strongest kind of character, have been reared and educated within the environments of the farm.

The expenditures of the postal service for the year 1905 are shown, by items, in the following statement:

Transportation of mails on railroads	$39,384,916.17
Compensation to postmasters	22,743,342.03
Compensation to clerks in post-offices	21,215,303.41
City free-delivery service	20,919,078.13
Rural free delivery	20,819,944.69
Railway mail service, salaries	13,120,155.78
Transportation of mails on star routes	7,326,596.57
Railway post-office car service	5,509,044.65
Transportation of foreign mails	2,693,812.09
Rent, light, and fuel for first, second, and third class post-offices	2,568,572.73
Compensation to assistant postmasters at first and second class post-offices	1,895,142.72
Mail-messenger service	1,221,903.25
Transportation of mails—regulation, screen, or other wagon service	1,113,497.90
Special-delivery service	855,185.67
Manufacture of stamped envelopes	847,893.08
Transportation of mails on steamboats	685,591.25
Transportation of mails, electric and cable cars	521,825.79
Pneumatic-tube service	355,413.44
Manufacture of postage stamps	381,841.61
Mail bags, cord fasteners, label cases, etc	335,437.97
Salaries of post-office inspectors	334,883.28
Miscellaneous items at first and second class offices	237,987.74
Wrapping twine	203,201.16
Registered package, tag, official, and dead-letter envelopes	197,716.76
Canceling machines	186,721.19
Manufacture of postal cards	166,420.29
Payment of money orders more than 1 year old	164,820.91
Per diem allowance of post-office inspectors	164,800.00
Balance due foreign countries	134,891.24
Transportation of mails, special facilities	134,693.87
Blanks, blank books, etc., for money-order service	122,575.67
Salaries of clerks and miscellaneous expenses, mail depredations, and post-office inspectors	$84,336.81
Wrapping paper	69,989.32
Railway mail service, acting clerks, for clerks injured on duty, and death indemnity	68,502.40
Railway mail service, miscellaneous office expenses	52,563.40
Stationery for postal service	64,991.32
Mail locks and keys	44,267.91
Railway mail service, per diem and expenses of assistant superintendents	26,445.05
Post marking and rating stamps	24,762.68
Advertising at first and second class post-offices	24,062.57
Expenditures under 26 smaller items of appropriation (less than $20,000 each)	158,827.29
Total expenditures for the year	167,181,959.79
Add expenditures during the year on account of previous years	217,209.44
Total expenditures during the year	167,399,169.23
Excess of expenditures over receipts	14,572,584.13
Receipts	152,826,585.10

You can readily see, Mr. Chairman, from this statement that the rural free-delivery carrier is being paid the lowest salary of anyone within the employ of the Government, and I ask that the carriers' pay be increased at least $10 per month or $120 per year. It would require only $4,000,000 for the entire service to grant them this increase.

The carrier in the city who does not require any conveyance (and if he does the Government pays for it) receives $960 per year, or $80 per month. Now, why this difference? The rural carrier has just as much responsibility, is just as intelligent, and is often compelled to travel in stormy weather, when in some localities his very life is in danger; still he is paid on an average of $20 less, saying nothing of his investment necessary for equipment. But you may say the city carrier does, in some instances, require horses and wagons, bicycles, or is compelled to travel on the street cars. That may be true, but does not this bill make an allowance of $725,000 for horse hire and $340,000 for car fare and bicycles, making a total of $1,065,000? Add to this $22,228,000 appropriated for city delivery service and you have a grand total of $23,293,000.

While I do not favor extravagance in the use of Government funds, I do believe it important that we should allow these carriers a fair and reasonable compensation, otherwise you can not hope to maintain this service which the farmers so highly appreciate and which adds to their comforts and benefits in many ways, enabling them to keep in touch with the balance of the world, literally speaking, in receiving their papers and magazines, which in themselves are an education.

So long as we continue to grant subsidies to railroad companies we should not preach economy. Why, this very bill, unless amended, appropriates $142,728.75 to trunk lines from Washington to Atlanta and New Orleans for necessary special facilities, and $25,000 to trunk lines from Kansas City, Mo., to Newton, Kans., for continuing necessary and special facilities.

Now, why first pay the railroads for carrying the mail and then grant them subsidies under the name of "special facilities?" We farmers do not ask for any subsidy. All we want is a fair and reasonable remuneration for our honest work.

I want to serve notice now that when this bill comes up for final passage this provision of the bill I shall oppose. I do not believe in these special privileges to any corporation, because it is the very means of creating trusts and monopolies at the expense of the common people. I am not here, Mr. Chairman, to array any one class against another; I am not here to advocate any special benefit for any industry that may be detrimental to any other industry and oppressive to the people. All I ask is that you grant us, in the spirit of fairness and justice, the same privileges, the same opportunities that you do to others. The American farmer, although the very backbone of our country, has never been unreasonable. He is always willing to give and take, but he does ask and does expect that honesty, fairness, and reasonableness shall prevail. I want to say further that so long as the people of the great State of North Dakota shall send me here as their Representative you must expect me to contend for their interests to the extent of my ability and power. Let us enact good, honest, wholesome laws, and then fearlessly enforce them. [Applause.]

Mr. OVERSTREET. Mr. Chairman, I yield fifteen minutes to the gentleman from Massachusetts [Mr. TIRRELL].

Mr. TIRRELL. Mr. Chairman, on Thursday of last week the gentleman from Illinois [Mr. RAINEY] promulgated certain charges against the watch companies of this country, and especially against the American Waltham Watch Company, located in the district in Massachusetts which I have the honor to represent. I propose to consider a few of those charges—not all of them; nor shall I be diverted to those I do not discuss, as the

time allotted to me is entirely inadequate even to cover thoroughly the points I propose to take up here to-day.

The first charge made by the gentleman from Illinois, which he rolls as a sweet morsel beneath his tongue, is that the Waltham Watch Company and the other watch companies of this country are in a trust. Lest I may misrepresent the gentleman, I desire to call attention to his exact language in the RECORD, where he speaks upon this matter. He says:

I have in my possession some of the export catalogues issued by the American watch trust—by the Keystone company and by the Waltham company and by the rest of them.

Then further on, when my colleague from Massachusetts [Mr. GARDNER] stated that he was a stockholder in the Waltham Company, and that he had never heard that that company was connected with any trust, the gentleman from Illinois refers him to the Ways and Means Committee for information upon that subject, and then a little later on he reiterated what he said upon that point, adding that when a certain consignment of watches which had been sent over from Europe to this country arrived at the port here, he adds in connection with that matter:

When they reached the custom-house in New York they were met by the agents of the watch trust; and I use the term advisedly, in spite of the fact that we have a plutocrat in this House who, by his own admission, is a holder of large blocks of stock in that trust.

Now, I hold in my hand a circular letter which has just been issued by the Waltham Watch Company and signed by E. C. Fitch, the president, and Royal Robbins, treasurer of that company, men of character, men of probity, men of the highest honor, men who are leaders and captains of industry in our section of the country, men who would not attach their names to a statement unless it was absolutely true. Now, let me read to you what these men say on that very point.

Mr. GILBERT of Kentucky. From what paper is the gentleman about to read?

Mr. TIRRELL. This is the Boston Advertiser, of April 7, 1906, and the same statement is also published in other papers in Boston of the same date. They say:

First, we wish most emphatically to state that, so far as we know or are concerned, there is no watch trust in the United States and there never has been. The various American companies are, so far as we have any knowledge, absolutely independent, and operate entirely and solely with regard to their own separate interests. This is not only the condition here to-day, but has always been so.

Now, do you suppose that these men will attach their signatures to a statement like that, to be circulated and disseminated all over this country, unless it is absolutely true? And do you not believe that these men know whether their own company is in a trust? And would they not be likely to know, in the acute competition that there is in the watch business in this country, and, indeed, throughout the world to-day, whether there is any watch company in this country in any trust?

Now, I take up the second allegation of the gentleman from Illinois [Mr. RAINEY], which is that while there are, he says, 15 per cent (and I do not know where he gets that figure), while there are 15 per cent more men employed in the watch factories of this country than there were in 1880, yet the character of the labor employed has deteriorated, because there are more women and 200 per cent more children employed in the watch factories of the country than there were twenty years ago.

Now, I read to you from the letter of the president and treasurer of the Waltham Watch Company upon that particular point, in which they say:

The Waltham company never employed children in any capacity whatever. On the other hand, the employment of children in watch manufacturing is common in Switzerland. In spite of this fact, a recent slight advance in Swiss wages was promptly followed by an increase in the price of Swiss watches throughout their home market.

But I am not relying on the statement of the American Watch Company to corroborate what I have said. I hold in my hand the census bulletin issued May 21, 1902, giving full particulars in regard to the watch industry of this country, and on the fourth page thereof I read as follows:

There are practically no children employed in the industry.

Then, in searching over the tables in this bulletin, I find that in all the establishments throughout the whole of the United States engaged in the manufacture of watches there are at the present time just twenty-six persons employed who are under 16 years of age.

Then go back to the statistics of twenty years ago, and I find there were twenty-four employed. You can not find, in my judgment, a manufacturing industry in this country, and possibly in the world, where there are so few in comparison with the entire number of employees who are under 16 years of age, for there are employed of men alone in the watch industry in this country 6,880 persons.

Now, I take up the third charge made by the gentleman from Illinois, and that is that the tariff has not been instrumental in increasing the wages of employees in the watch factories in this country. In regard to that I have here the statement made by the American Watch Company that the wages paid in our watch factories in the United States are from two and one-half to three times the wages paid to the Swiss workmen. There are 40,000 people employed in the manufacture of watches in Switzerland. Those 40,000 people produce 40 watches apiece a year. We are employing in our watch factories 6,880 and in collateral branches of the business 3,000 or 4,000 more, in round numbers 10,000 people, and we produce in this country to each one of these employees 250 watches a year.

The statement made by the gentleman from Illinois that there has been no substantial increase under the fostering influences of our tariff in the development of the watch industry in this country is contradicted in toto by the census bulletin to which I have referred, for I find that the total value of the assets in the watch business in this country in 1870 was $2,686,133, and in 1900 it was $14,235,191, an increase of over 500 per cent. Not only that, but I find by still further investigation that the business has so increased that our exportation of watches to foreign lands during this same period has rolled up 180 per cent, while there has been a decrease of the imports of foreign watches of 53.5 per cent all along the line.

Now, as to the amount of wages paid. The wages of the women employed in the watch factories of this country year after year, not allowing for a single holiday, not allowing for any stoppage of the business or any breakdown or depression in the trade, the average earnings of the women employed in the watch factories in this country is almost $400 a year, or $385. Just think of that! If you take out the days when the factory must necessarily be stopped for repairs for certain periods during this long lapse of years since 1880, when statistics began, then you will have the facts as stated in the census bulletin, that the women in the factories are receiving nearly $400 a year. Duplicate that, if you can, in any other industry either in a foreign country or in our own land.

What are the wages of the men in the watch factories returned in the same manner? Seven hundred dollars a year is their average wage. So, then, we have this condition of things—an industry which in its capitalization has increased 500 per cent, and since the protective tariff policy of the Republican party has been in operation an increase of foreign exportation of 180 per cent, and wages two and a half to three times that paid in Switzerland to-day, and the employment of the large amount of capital, adding to the taxable assets of the country what I have stated.

There is one more charge—because in my limited time I can not dwell upon these things as I want to—and that is the charge that the American watches are sold cheaper in foreign markets than here. It seems that my friend from Illinois must be strangely ignorant of the economic and business principles which govern all our American manufactures in placing their products in foreign lands. I want to illustrate this by a concrete example with which I am conversant. I am interested as trustee in the manufacture of wood pulp, representing as trustee one of the largest mills in this country. This is an industry of which we knew comparatively little twenty-five years ago.

Our pulp mills, except the outer walls, have been remodeled and torn to pieces twice during that time, but the ingenuity and genius of the American people in a very few years placed it on a permanent basis, and not only upon a permanent basis, but enabled them to manufacture pulp in such quantities that it was impossible to place the whole of our pulp here. Now, when any manufacturing industry produces more than the home market can consume one of two things inevitably follows. You must either shut down your factory until that surplus supply which has accumulated in the warehouses has been disposed of in the domestic market or else you must sell it abroad. Now, if you sell your product abroad——

Mr. GILBERT of Kentucky. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. TIRRELL. I do.

Mr. GILBERT of Kentucky. Will it profit the home industry to sell a manufactured product abroad cheaper than it costs to produce it and ship it abroad?

Mr. TIRRELL. Yes, sir; in some cases it will; and if I have time enough I will demonstrate that here by my own practical experience in business, which is the experience of other manufacturers in other industries. It has to be done if you keep your factories open. The factories which produce more than the domestic demand can take care of——

Mr. GILBERT of Kentucky. How will it pay the home industry to sell it at less to the foreigner abroad?

Mr. TIRRELL. I will show exactly how it can be done. Now, wait one moment, gentlemen, and I will illustrate it.

Mr. WILLIAMS. Before the gentleman answers that question, because I desire to ask another in that connection which is cognate or akin to it—if you reach that stage of production where you have produced a surplus which it pays you to sell at less than it cost rather than close down your factory for a time, why should you ship that surplus to the foreign market to benefit the foreign consumer rather than sell to the American consumer at less than the cost? In other words, why should you give the foreigner the benefit of that surplus production rather than give it to your own people?

Mr. TIRRELL. In making that remark the gentleman knows very little in regard to the pulp business I am talking about—a great business which produces the paper which is put into our books and magazines—because, now, sir, the margin of profit is so small upon paper and pulp that it is a slight fraction of a per cent, and it is only by the manufacture of an enormous quantity of output, and running your factory day and night, that the paper makers and the pulp makers of this country can make even a modest dividend, and most of them during the past ten or fifteen years have been running on such a small margin as to make no dividend at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. I yield five minutes more to the gentleman.

Mr. WILLIAMS. The gentleman does not seem to have understood my question.

Mr. TIRRELL. If I can only get ten or fifteen minutes I will answer it fully, Mr. WILLIAMS; but I ought not to be diverted, as I said in the first place; I am only allowed a very short time, but I will try to illustrate it to you. I beg the gentleman's pardon, I would be very glad to answer questions, but only being allowed five minutes I must conclude at that time unless my time is further extended, which I shall be glad to have done to answer these questions. I want now to attempt to illustrate why the manufacturers do that thing and why it is necessary to do that thing. Now, we will suppose, for example, a pulp mill costs $1,000,000. We will suppose that they manufacture 25 per cent more than can be disposed of in this country, which is practically the case in regard to that industry. Now, then, that 25 per cent must lie in the warehouse until it is sold at a small fraction of a profit and the mill be closed up or else it must be sent abroad and sold at some price over there.

Mr. WILLIAMS. Why not sell it at some price here?

Mr. TIRRELL. Wait a minute, sir. The demand and supply makes a very small margin of profit, and do you ask that the American manufacturer in our own country shall sell his product at a loss? Is he not entitled to a small margin of profit, instead of going and dumping all of his surplus product on the market and lowering the whole price of that manufacture?

Mr. WILLIAMS. I do not ask him to sell at a less price than he does elsewhere.

Mr. TIRRELL. Now, the reason why that is done is this: The fixed charges on the plant are running all the time. We will suppose the plant cost $1,000,000. Now, it is idle, say, for two and one-half months. The fixed charges are running on; the price of everything is running on; all except the day labor is running on. The manufacturer's cost is increased by the mill lying idle in that way with all of these fixed charges running on and no product being obtained from the mill. So that if the accumulated surplus is sold in this country two results will follow. First, the home market being fully supplied purchases will not be made, that surplus can not be placed unless it is sold at a reduced price, which means, in the case to which I am alluding, at less than cost. Second, the mill will soon have to be shut down again, for it is the surplus above the home demand of which we are speaking, and the market having been already supplied here at home with all the product it can handle, and the manufacturer producing 25 per cent more than the home market can handle, it is inevitable that the mill must close until its production again corresponds with the demand. Thus its wage employees are thrown out of employment and the manufacturing cost largely increased under the condition suggested by the able and versatile gentleman from Mississippi.

The American manufacturer, when he produces more than the country requires, in order to make this small margin of profit has got to keep his mill going day and night in many industries. He must do so in the case I have cited. It is the only way he can make money and pay any dividend whatever, because the shutting down of his mill entails a large loss on account of the conditions attached to the business, and in order that he may do this and meet expenditures the American manufacturer sells his surplus product at some price upon the other side.

Now, when he first goes into a new country, when the people do not know the character of our goods abroad, they sell them for a loss, but when their establishments are planted in Belgium, England, and other countries they make a fair profit; and if you read that circular of the Waltham company, which I propose to have published in the RECORD, you will find they do the same thing over there when they are establishing their trade. They do not at first make a profit on their goods. It is only where they are seeking to establish trade, where they have got to compete against conditions that exist, where there are different kinds of credit and difference in methods of sale, and difference in transportation, difference in method of carrying on the business, and where these things must be overcome, and can not be overcome unless you put the prices on your goods so low that the people will buy anyway, on the theory that men will buy where they can buy the cheapest, that this course is pursued; only in such cases are goods sold at or under cost. But after the trade is established, after the houses are planted, after they have obtained salesmen who speak the language to sell the goods, after they have gotten over the difficulties of the transportation question, and after the American product has become firmly fixed in the approval of the people by the use of the article introduced in this way, then it is not necessary, for the foreign purchaser will then buy the goods anyway, and the American manufacturer gets a profit.

Mr. STERLING. They do the same thing in this country in localities wherever they introduce their business.

Mr. TIRRELL. Certainly; that can be easily demonstrated, and that is the reason, and the only reason, why the American manufacturer ever sells at less than cost abroad. It is to establish its trade; it is to fill up a gap, so that he can keep his mill running, so that he can sell the domestic product here at home at a small margin, as he is obliged to do with the acute competition that exists in the United States.

This is the course the Waltham company has followed. That it results as I have stated is evidenced by the fact that that company states that manufacturers and merchants doing an export business must necessarily make considerable price reductions to induce foreign buyers to substitute the new for the old, emphatically, however, asserting that Waltham watches are not sold, except in such cases as I have called attention to, at lower prices than those prevailing here.

Germany, whose wonderful industrial development since Bismarck abandoned his free-trade propaganda and advocated a protective tariff has excited the wonder of the world, has conspicuously followed this practice. It will not soon be forgotten by many of us who heard the debate on Cuban reciprocity in the Fifty-seventh Congress, how that was illustrated by the sugar schedule, by which, in order to dispose of their surplus sugar abroad, so low an export price was fixed in Germany that the home price was about double the foreign and bounties and differentials were paid to equalize the trade.

I do not approve of a policy that would increase the price to the home consumer like that; such a policy is sacrificing a home market for a foreign. It illustrates, however, the extremity to which Germany has gone to secure our trade. It proves that our export trade can not be limited by the prices and terms that govern at home. How much wiser and more farsighted the American policy that sells here its products on small margins and great output, disposing of its surplus in such a manner as to insure a permanent business abroad. [Loud applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TIRRELL. I ask unanimous consent to insert the circular letter of the Waltham Watch Company in reply to the address made by the gentleman from Illinois [Mr. RAINEY] in the RECORD as a part of my remarks, and also leave to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

The letter is as follows:

"NO WATCH TRUST EXISTS"—WALTHAM WATCH COMPANY ISSUES REFUTATION—SAYS THE ATTACK ON OUR TARIFF WAS INSTIGATED—SWISS POLICY IS TO INJURE UNITED STATES INDUSTRY—FOREIGN MARKET MUST BE HELD TO OFFSET DULL TIMES.

In view of the various articles which have appeared of late in the public press, more or less openly in the guise of advertisements, we feel it advisable to depart from our usual policy and to make a brief statement of the actual conditions which govern the watch industry to-day.

In the first place, we wish most emphatically to state that, so far as we know or are concerned, there is no watch trust in the United States, and there never has been. The various companies manufacturing watch movements in the United States are, so far as we have any knowledge, absolutely independent each of the other, and operate entirely and

solely with regard to their own separate, individual interests. This, we repeat, is not only the condition of affairs to-day, but has always been so.

Secondly, as to the export business. We are the largest exporters of watches in the world, and we are proud of the fact. At a dinner recently given in Cairo, Egypt, to a number of Egyptian officials and prominent American representatives it was stated by the president of one of the greatest and most successful mechanical industries of the United States that the American Waltham Watch Company had done as much if not more than any other company to educate the people of the world to an appreciation of the excellence of articles of American manufacture. For more than a quarter of a century it has been the effort of this company to push the sale of American Waltham watches in all parts of the world, thereby demonstrating for the first time that a thoroughly accurate and reliable timepiece can be made and supplied at a price within the reach of everyone. The ability to do so is owing wholly to the superiority of the American workmen and the invention of automatic tools and improved methods.

It can be readily understood that this great exploitation of American watches in foreign countries has necessarily interfered to a large extent with the conditions formerly existing in those countries, and especially with the Swiss watch industry. In retaliation the Swiss manufacturers of watches have combined to combat our competition in every possible way, and have, as we are reliably informed, subscribed a large sum of money to influence public opinion in the United States, and have not hesitated to employ somewhat questionable methods to injure the American watch industry, with which they are entirely unable to compete fairly, either at home or abroad, quality for quality and price for price.

At present this foreign syndicate is attempting to regain the ground already so thoroughly lost in the United States by means of a cry of exorbitant profits by American manufacturers and dealers. Curiously enough, they simultaneously endeavor to influence retail dealers to sell Swiss watches by the sole argument that the dealers can thus obtain much higher profits. These the dealers are, in fact, able to obtain in many instances for the reason that the Swiss manufacturers are prepared to supply to the retail dealers watch movements without any trade-mark or other distinguishing characteristics, thereby making it impossible for the intending purchaser to tell what the quality really is, or to ascertain the actual value of the watch. The dealers are thus enabled to sell a Swiss watch of unknown and inferior quality at a price much higher than they would be able to obtain for an American watch of well-known grade and trade-mark and of a better quality. A similar high profit can not be obtained in American watches for the reason that the trade-marks, grades, and approximate prices are so well known to the public. In the instance where well-known and high-class Swiss trade-marked watches are dealt in, the sale is confined to one leading house in each city, so that there shall be no competition, and a profit, frequently as high as 100 per cent, can be secured for a timepiece no better than and often not as good as an American watch costing half the money.

In spite of the various devices employed by them to bring about a large retail profit in the sale of their own watches, the European manufacturers in the attacks recently instigated on the tariff have laid much stress on our contract plan for the selling of railroad watches.

This brings up the entire question of the necessity of profit for the dealer. Conditions governing the sale of watches are radically different from those obtaining in other branches of trade. The seller of a watch is expected by the purchaser to be responsible for it as long as he lives or is in business. Week after week, month after month, the wearer expects to have it regulated, compared with standard time, and adjusted, generally without charge. All this costs the retailer time and money. Watch buyers desire to have the advice and personal care of the best and most expert watchmakers they can find, and it takes years for a good mechanic to acquire the necessary education and experience. The dealer, therefore, is entitled to a fair profit, and we do not think the American public is disposed to approve the efforts of Swiss manufacturers to prevent his getting it except in their own goods. The trick is too transparent to be good tactics.

It is well understood among all manufacturers and merchants doing export business and introducing new and unknown articles into a foreign market that it is necessary to make very considerable price reductions in order to induce the merchants of that country to substitute the new for the old. This does not mean, however, that the article costs the consumer any less than he pays for the home product, the difference being that added inducements are given by the manufacturer to the foreign merchant for his time and effort in introducing the goods. It is a fact that Waltham watches are not sold to the consumer abroad at lower prices than those prevailing in this country, although in order to introduce them abroad the company is obliged sometimes in the first instance to make somewhat lower prices to the dealers. This condition of affairs is due partly to the reasons given above, and even more largely to the fact that dealers in foreign countries are used to the larger profits which prevail in the Old World, and are unwilling to spend time and effort to substitute a new article at less profit.

A word as to the respective conditions of wage and labor cost here and abroad. Although the products of the Waltham company have to meet in foreign markets the watches of Switzerland on even terms, the wages paid at Waltham are the highest in the world, and are from two and a half to three times the average pay received by the Swiss workmen.

There are many more men employed to-day by the Waltham company than ever before, and at higher wages. There are also more women employed, and at higher wages. The Waltham company does not, and never did, employ children in any capacity whatever. On the other hand, the employment of children in watch manufacturing is common in Switzerland. In spite of this fact, a recent slight advance in Swiss wages was promptly followed by an increase in the price of Swiss watches throughout their home markets.

Although the Waltham company has been steadily reducing prices during the past two years, wages have never been so high at Waltham as at the present time.

It should also be stated that the establishment of a foreign market is necessary in order to safeguard an industry at home. In periods of depression a manufacturer can, by selling an important part of his product abroad, keep his shops open and his workmen employed at home until the time of stagnation is over. Without the foreign market, which is not available unless previously developed, his only alternative would be to shut down his works and throw his people out of employment. In other words, the establishment of this foreign market furnishes an outlet which provides steady work for the American wage-earner.

If the manufacturer does not have a foreign outlet, the injury falls, not upon him alone, but upon his employees; for in the absence of such outlet, in case of hard times or a lessened demand, he must curtail his production and to just this degree throw his people out of work. With his foreign market established he can keep his shops open until the return of good times or of increasing home demand. An illustration of this situation can be found in our own experience during the panic of 1893 and 1894. If it had not been for our foreign trade we should have been completely shut down, but by the help of our foreign outlet our works remained open during this generally disastrous period, while our competitors who had not established for themselves a foreign market were, in most instances, obliged to stop running.

The foreign manufacturer, whose own home market we are thus invading, is in the strange attitude of professing indignation at the prices at which our watches are sold in the United States at the same moment that he is making every effort to regain his lost footing here by offering 100 per cent profits to the retailer at the expense of the public.

The products of the Waltham company reach the consumer at a fair profit to the dealer, and are sold, both at home and abroad, at as low prices as are consistent with high quality and a rate of wages unequaled in the world.

AMERICAN WALTHAM WATCH COMPANY,
By E. C. FITCH, *President*.
ROYAL ROBBINS, *Treasurer*.

BOSTON, *April 6, 1906*.

Mr. OVERSTREET. I ask the gentleman from Tennessee to occupy some of his time.

Mr. MOON of Tennessee. I yield to the gentleman from Mississippi three minutes.

Mr. WILLIAMS. Mr. Chairman, the address which we have just heard is one of the most important that has been made to this House; and I wish to call attention to it. It is the first time that there has been a fair and a frank confession and an attempted defense of this actual existing condition—of the fact that American manufacturers habitually sell cheaper to foreign than to American consumers. The gentleman attempts to explain the condition in a way that has been attempted before, when the explanation was not, however, coupled with the confession of its existence, but strangely coupled with a denial. The gentleman contends that we ship abroad to sell cheaper than we do at home only the surplus products of his particular form of manufacture. The inference is that this surplus theory is to be the keynote of Republican defense of this entire system of selling cheaper abroad than at home. After having said that, and after having undertaken to demonstrate that the system of selling a surplus abroad cheaper than at home is necessary in order to keep the American factory running, he was then asked this question: "But suppose that having reached the stage of production where it pays you to sell part of your product—'the surplus'—at a loss rather than to close down your factory temporarily, why is it that you sell that surplus abroad—abroad only, and not at home—at less than cost?" [Loud applause on the Democratic side.] That question the gentleman has not answered, and that question the gentleman never will answer, because the gentleman dares not answer it. Now, I will answer it for him. I will tell you why it is only abroad that he and others sell their surplus cheaper than cost. Granting, for the sake of argument, that the need to dispose of a surplus is the real underlying reason for the system—and we all know, as a matter of fact, in a majority of cases it is not, because in a great many products they have been carrying on the system for six, eight, ten, or twelve years; and no man, gentlemen, will sell for a series of five, ten, or twelve years at a loss abroad or anywhere else. But, for the sake of argument, admit that they sell only the surplus, and that it is sold cheaper than cost, which is also a doubtful if not a demonstrably incorrect statement, why is it sold abroad only? Why can not the American consumer have some of the benefit?

I will tell you. It is here at home, with a sheltered market; sheltered by the tariff for the planting and growth and fruitage of combinations between manufacturers—I will not use the word "trust," because it seems a red flag in the eyes of a great many people—that the combination rendered possible by the tariff exists. Their price agreements extend only to the home market. The so-called "surplus" in America is only a surplus at the agreed price; at a less price there would be no "surplus." The moment he undertook to sell the surplus at home at less than the agreed price he would break the market—he would break the prices agreed upon by the various factories entering into the combination. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON of Tennessee. I will give the gentleman two minutes more.

Mr. WILLIAMS. And the moment that set in, then the hope that the Republican party has held out to the American people, that in the long run protection would not increase the price of living to the consumer, would be a hope possible of realization. Competition would really set in among home producers of the given article. Each member of the combination would proceed

to sell in competition with the other members of the combination, and the American people would first get their products cheaper, and ultimately get them absolutely cheap.

Ah, Mr. Chairman, there is the gist of it. Why do they sell the surplus *abroad* only, cheaper than the scale price? Why don't they give us the surplus, and give the foreigner, under the benefit of whose laws their industry has not been created and made prosperous at their expense—why don't you give us the benefit of the surplus prices; to us who by our laws have enabled you, at our expense, to be more prosperous than you ever otherwise would have been, and give the foreigner "the real thing?" [Applause on the Democratic side.]

I have thought it well, Mr. Chairman, to call attention in this brief way to this vital point of omission in the gentleman's argument. [Applause.]

Mr. MOON of Tennessee. I yield thirty minutes to the gentleman from Louisiana [Mr. MEYER].

Mr. MEYER. Mr. Chairman, in the brief remarks that I shall make I will not attempt to cover the wide field with reference to the subject of the special mail appropriation, which has been so ably covered by the gentlemen who have spoken in favor of that proposition; but I deem it proper as a Representative of the city of New Orleans, whose people believe themselves largely benefited by that legislation, that I should say a few words in its behalf.

Mr. Chairman, the pending bill making appropriations for service of the Post-Office Department for the fiscal year ending June 30, 1907, contains an appropriation which the report of the committee correctly states is similar to those made for a series of years in former acts, as follows:

For necessary and special facilities on trunk lines from New York and Washington to Atlanta and New Orleans, $142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

APPROPRIATION HAS PRECEDENTS.

The amount of this appropriation is not large. It is indeed very small compared with the aggregate of the bill, which carries appropriations largely in excess of $191,300,000. It affects the business interests of New York and other great commercial cities and centers of the East, to whom it is deeply important to have speedy mail and freight communication with the South and Southwest. It concerns the banker, broker, manufacturer, and the ordinary dealer. To the commercial cities and people of the South living on or near this great trunk line and the branch or lateral railroads connecting with it and profiting by this speedy mail communication this appropriation possesses the greatest possible value.

They do not share in the comparatively small payment made to carry it out, for hardly any of them, I believe, are stockholders in these railroads, but they do share in the great benefit of speedy mail communication. Hence it is that whenever this appropriation has been assailed or menaced the intelligent commercial bodies of the southern cities have come to the rescue and urged that this appropriation should not be disturbed. This interest is felt in a marked degree in the city I represent, but I do not believe that the interest of New Orleans in the policy now pursued is any greater than that of Atlanta or other communities lying on the line of route described in the appropriation.

The appropriation proposed follows the language of former appropriation acts, and it is hard to see how it could be more carefully guarded than it is. It is for "special facilities" on "trunk lines"—that is to say, for extra speed and quicker delivery. It is not merely for "special" facilities, but for "necessary" facilities. Nor is it an absolute appropriation, where the money is to be spent, right or wrong. The money is only to be spent if the Postmaster-General is convinced that it is "necessary for the interest of the public service."

I submit that the making of the appropriations from year to year, in spite of the most violent opposition in Congress, amounts to a very strong expression of opinion by the two Houses of Congress that this appropriation is necessary in order to secure "special" facilities for the postal service, and that this opinion of Congress ought to have great weight with the head of the Department. I think, further, that the Postmaster-General, however able and enlightened, might well deem the unanimous judgment of the bankers, merchants, shippers, and other business men of the South in respect to the value and necessity of this service a point well worthy of his consideration. Still, the responsibility is devolved upon the head of the Department of taking final action, and if this payment were an abuse, as has been most absurdly alleged, or were a mere gratuity to one or two trunk railroad lines, he could correct it.

It has happened time and time again in the history of this Government that Congress has made appropriations for this or that object and the Executive has refused to spend the money. I refer especially to river and harbor bills. It is true, indeed, that the people of the Southern States have a friendly feeling for the great railroad lines whose successful administration is so important to their growth and prosperity; but if only the railroad interest were involved, they would not be found demanding this appropriation as earnestly as they do.

REMARKABLE BENEFITS.

I do not believe there is an appropriation contained in this act where the same amount of money accomplishes a larger amount of benefit to millions of people. I am amazed that the reformer, seeking to restore this Government to its pristine simplicity, purity, and economy, should run through our great annual appropriations of six or seven hundred millions of dollars and pounce on this little appropriation of $171,000 in order to signalize his zeal and vigilance. Yet the debates on this paragraph have been protracted at every session of Congress since I have been in this Hall.

DISCUSSED FULLY IN EVERY CONGRESS.

This subject was fully discussed at the second session of the Fifty-third Congress, and among others by myself. In my brief remarks on former occasions I referred to the appeals to continue this service coming up from the business men and commercial bodies of New Orleans and the whole country tributary to New Orleans. I stated then that these gentlemen had studied this question; knew their own interests. New Orleans is the second exporting city of the country, and entitled to best facilities. We now have three double fast mail trains from New York where we had one before. Under the bill the Postmaster-General regulates the schedules, and these are regulated, not by the convenience and interests of the railroads, but by the public interests.

It appeared in former debates that these appropriations for "special" facilities, which began as far back as 1875, had been kept up every year, and in a number of years had largely exceeded the appropriation which was then contemplated or the sum now to be appropriated. It was stated in debate that no Postmaster-General save Mr. Wanamaker had ever antagonized this appropriation. The Second Assistant Postmaster-General, Mr. J. Lowrie Bell, had reported (see RECORD of April 24, 1894, p. 4045) that the present mail schedules were "improvements over those which have heretofore been enforced."

I think it safe to say that the present schedules are an improvement on anything that went before over this important artery of commerce and mail communication, although the amount appropriated is smaller than in 1894.

Mr. Chairman, it has been boldly asserted in this House in these discussions that the mail service to the South as now rendered would be continued without this special appropriation. There is no authority for this statement.

AUGMENTED MAIL SERVICE.

I think it requires a great deal of hardihood for a Member to rise in this House and assert that the mail facilities of the people of the South and Southwest have not been greatly augmented over the former system.

In the second session of the Fifty-fifth Congress Mr. Swanson, of Virginia, stated that the time for a letter to come from New York to Danville (his own town) had been reduced from eighteen hours and fifteen minutes to thirteen hours and thirty-five minutes, a saving of five hours. The time to Atlanta from New York has been cut down from thirty-three hours to twenty-four hours and twenty minutes, a saving of about eight and one-half hours. The gain between New York and Tampa was then about fifteen hours, and the whole Cuban mail goes that way. Such was the showing made for this improved service in March, 1898, and since that period a still further saving of hours has been made between New York and New Orleans and intermediate points by reason of the faster service established since then.

I remind you of the fact that the Atlantic Coast Line Railroad Company had this subsidy, as you call it, for a while and then threw it up as unprofitable. They were not willing to come up to the Department requirements. If it was a needless subsidy—a mere job—why did they throw it away? In this fact you have a pretty good indication of what we may have to expect if this appropriation be stopped. We shall have one fast mail and passenger train, perhaps, in twenty-four hours to New Orleans—what we used to have in old times. The whole country from Washington via Danville, Atlanta, Montgomery, and other points, with their lateral connections, will have to suffer the evils of a disarrangement of their mail communications and of a tardy, infrequent service.

I am aware, Mr. Chairman, that in the zeal to strike down this

very small appropriation an effort has been made to show that the Post-Office Department is opposed to it and that the Department is authority for the statement that if this appropriation be withdrawn the eight or ten Southern States affected by it will still get as rapid and frequent mail communication as they have to-day. The Department has never put itself on record as saying anything of the kind. It has borne testimony, as I have shown you, to the great improvement in this mail service from New York, via Atlanta, to New Orleans, and to the fact of there being three fast mail trains per day where there used to be only one. In the extended debate had in the Senate some years ago, the Senator from Mississippi [Mr. Sullivan] quoted the Second Assistant Postmaster-General in reply to his specific inquiry whether the Department could secure the service as "prompt and frequent" without the so-called subsidy as with it. The response was:

I regret to say that I can not give a specific answer as to what we will be able to do. It is an open question.

It would have been a very extraordinary statement, indeed, if the Post-Office Department had reported that without this appropriation and authority they could have secured as prompt and efficient mail service for this Southern country as they have to-day. The answer would have been made at once. Why, then, have you been spending this money in the past unless you deemed the expenditure "necessary to promote the interest of the postal service."

The law made that fact a condition, a test of the expenditure.

SOUTHERN CONDITIONS.

Again, we know that the railroads in the South are now under different conditions from those in the North. There are few large cities with us, and the country is sparsely settled. It does not pay to run fast passenger trains. The additional fast mail train a day requires a special expenditure. The train starting from New York at 4.30 a. m. leaves at an hour when no passengers can be expected. They will naturally wait for the afternoon train.

This early train does, however, take the mails of New England, New York City and State, and all the mails over this long route are expedited.

There are few Members in this House, from the East and North especially, who do not know the great value of time in the forwarding and reception of letters, and while their constituents may not be generally interested in this appropriation, many business men in the East will be apt to inquire how and why this appropriation should be singled out for special attack.

It is a melancholy fact that this contest should be renewed every year and that the people of eight or ten Southern States should be forced to fight for this slight recognition in the benefits of a common Government. It is somewhat in contrast with the policy which calls on the South forty years after the close of the civil war to bear her share of the taxation involved in a grand pension system of $150,000,000 per annum. The appropriation is called a "subsidy." That word does not frighten me at all. I am not afraid to vote for fair and just appropriations for all parts of the country.

NOT A POSTAL ABUSE.

There may be abuses, possibly great abuses, in your postal expenditures, but this is not one of them.

I had the honor of entering this body in the Fifty-second Congress. Among the first debates I encountered was with reference to this special mail facility between Boston, New York, and New Orleans. In every session since that time we have heard the same arguments in opposition, and in spite of it each and every Congress has declared in favor of these facilities. I submit that this concurrence of action by every Congress should convince even those opposed to it that there must be indisputable merit in the proposition.

Mr. JOHNSON. May I interrupt the gentleman?

Mr. MEYER. Yes, for a question.

Mr. JOHNSON. Is there anything in the record upon which that appropriation is based—any testimony, any estimate, or anything else?

Mr. MEYER. We may not have direct testimony, but I would refer to the testimony of Postmaster-General Shallenberger, who answered in response to this question as follows, as reported in recent hearings:

Mr. MOON. Let me come down to the hard bottom question of administration; do you want this money or not?
Mr. SHALLENBERGER. We are not asking it or expressing an opinion in reference to it.
Mr. MOON. What is the reason you are silent on that question?
Mr. SHALLENBERGER. We are not silent.
Mr. MOON. You say you do not ask it.
Mr. SHALLENBERGER. We do not ask for it.
Mr MOON. What is the reason you do not ask for it?
Mr. SHALLENBERGER. Because we think the effect on the service at large is better if we do not select any particular route.
Mr. MOON. Then you do not select it because you think that it is a bad example, and has a bad effect on the railway mail service?
Mr. SHALLENBERGER. That is the situation.

Mr. JOHNSON. Mr. Chairman, I do not know what the gentleman has before him that he is reading from, but I have a little fuller quotation than that.

Mr. MEYER. I hope the gentleman will be brief, because my time is limited.

Mr. JOHNSON. I want to show that the Post-Office Department said that they do not want it, but they consider the action of Congress mandatory.

Mr. MEYER. If the action of Congress is mandatory in making the appropriation, is it not a fact that the second provision of same paragraph declares with equal strength and equal positiveness that "no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interests of the postal service?"

Now, I submit that if the first part of this provision making the appropriation is mandatory, the provision is equally strong and explicit, equally mandatory, that the Postmaster-General shall not expend any part of the money unless he deems it necessary in the interests of the postal service. Since I have been in Congress, we have had two Democratic Congresses and five Republican. We have had as Postmasters-General Mr. Bissell, of New York; Mr. Wilson, of West Virginia, both Democrats. We have had as Republicans, Mr. Gary, of Maryland; Mr. Smith, of Pennsylvania; Mr. Payne, of Wisconsin; Mr. Wynne, and now Mr. Cortelyou. Now, can it be argued that all of these gentlemen, able officials, men as conscientious, no doubt, as we are, would expend this money year after year, constantly having before them this provision that "no part shall be expended unless it is deemed necessary for the interests of the postal service?" I do not believe that anyone will impute any such disregard of the intent of the law to these distinguished officials.

Now, further, my friend from North Carolina [Mr. WILLIAM W. KITCHIN], to whose very able argument I listened with great interest a few days since, bases the entire fabric of that argument upon the theory that we will have these fast mail trains whether the special sum is appropriated or not. I submit, Mr. Chairman, that there is no evidence to prove that, or anything like it. On the contrary, we have before us the letter received from Mr. Andrews, the vice-president of the Southern Railway, stating specifically that fast mail train No. 97 would not be run unless they received the extra compensation. It would not pay the company to run them on the schedules now current. Relying upon this statement, his entire proposition must fall.

Mr. WILLIAM W. KITCHIN. If the gentleman will permit me, my friend misunderstands the letter. He does not say the train will not run, but that they will not run the train on this particular schedule.

Mr. MEYER. But this is the core of the matter, because this particular schedule is what we want.

Mr. WILLIAM W. KITCHIN. But he does not threaten to take off the train.

Mr. MEYER. Further, I received a telegram, without any conference or communication on my part, from Mr. Wickersham, president of the Atlanta and West Point Railroad, in which he says:

Atlanta and West Point will discontinue present fast mail train known as "No. 97" should Congress discontinue present appropriation for special facilities, for the reason it is of no advantage to local travel, making few stops and between unseasonable hours. Through travel is not sufficient to justify continuing train exclusively for accommodating passengers, there being no passenger connection with other lines at Atlanta. The train is paying about 40 cents per train mile, exclusive of Government appropriation. We can accommodate our passenger traffic satisfactorily without this train. It does not create new business, but detracts correspondingly from earnings of other trains. Also makes it necessary to operate an east-bound train for the purpose of returning mail equipment.

Mr. Wickersham, as is well known, is a gentleman of the highest character and integrity, whose statements are worthy of all credence.

It seems to me, Mr. Chairman, we can not afford to incur the risk of discontinuing this appropriation in the face of what has been stated by the railroad officials. I believe that they are sincere in their statements. I see no reason why they should attempt to deceive us. The amount involved is too small to warrant them in employing these statements as a "bluff," as some gentleman has intimated recently.

Mr. WILLIAM W. KITCHIN. Will the gentleman permit an interruption right there?

Mr. MEYER. With pleasure, but just for a moment.

Mr. WILLIAM W. KITCHIN. It occurs to me that the gentleman who sent you that telegram was under the impression the only pay that train got came from this special appropriation. Now, I ask the gentleman this question: If the great amount of mail matter which you have just stated this train carries into New Orleans does not show that under the regular statutory pay that train is of enormous profit to the railroad?

Mr. MEYER. Well, I do not care to discuss that. I am not sufficiently posted as to what it pays.

Mr. WILLIAM W. KITCHIN. I mean exclusive of the subsidy.

Mr. MEYER. This gentleman knows what he is talking about. He is the president of two railroads and stands very high in the community in which he lives, the city of Atlanta, and knows whether it pays him or not and what it pays him. I have no reason in the world to question the correctness of his statement, especially as the amount which his road receives as his proportion is scarcely enough to warrant him to jeopardize his reputation as a man of truth and veracity. He certainly would not make an incorrect statement, which he might reasonably expect would be quoted on the floor of this House.

Mr. WILLIAM W. KITCHIN. But however honest he may be—and I am not impugning or reflecting upon his integrity—does not the telegram itself show that he was under the impression that this subsidy or special appropriation was the only pay that train got, when the very fact shows that it must get an enormous pay from the regular rates?

Mr. MEYER. I can not conceive, Mr. Chairman, that Mr. Wickersham is ignorant of the proportion of the so-called subsidy his roads receive.

Mr. SMALL. May I say to the gentleman that there is no evidence here that the amount of pay received is excessive except the statement of the gentleman? There is absolutely nothing from the record, no evidence that would be conclusive upon the fact, and I would ask the gentleman further if the question of the necessity of this appropriation does not depend upon this, that this is necessary to maintain these schedules, not the amount they are getting now? If they are getting too much, that is to be remedied in another way and at another time. I would ask the gentleman if that is not the situation?

Mr. MEYER. In my judgment, that is the situation.

Mr. WILLIAM W. KITCHIN. The fact is, as I stated to my colleague yesterday in arguing that certain roads had got too much because of the great amount of traffic they carried, if this should be one of those roads why should it not be eliminated?

Mr. SMALL. That is a mere matter of conjecture that the gentleman is making.

Mr. WILLIAM W. KITCHIN. It is based upon your argument of yesterday.

Mr. MEYER. Mr. Chairman, I do not think it is necessary to enter into further specific details. I will simply refer to this fact, that of all the great appropriations that are made by this Congress and by this Government the South receives but a small proportion. I do not mean to intimate in any way that there is any spirit of unfairness in the legislation of this House, yet I would urge that even to this small appropriation there has been undue opposition, that to my mind is almost unaccountable.

Mr. SULZER. If the gentleman will permit me to interrupt him. Suppose this subsidy to this railroad were discontinued, do you believe that it would make any difference to you and the people of your State in regard to the arrival of the mail? Would not you, anyway, get your mail about as quick——

Mr. MEYER. By no means——

Mr. SULZER (continuing). Whether the railroad got the subsidy or did not get the subsidy?

Mr. MEYER. By no means, Mr. Chairman. As the case now stands, by this train No. 97 we receive our mail at 11.15 in the forenoon. Were this train discontinued and the old order of things reestablished, the same mail would not reach the city of New Orleans until half past 8 at night; consequently business people would not receive their letters until the following day, making a difference of practically a full business day.

Mr. SULZER. Just another word in that connection. If they did not deliver the mail on account of the discontinuance of the subsidy, do you not believe that the Postmaster-General, who contracts for the carrying of this mail by the railroads, could compel the railroad to deliver the mail just as speedily as it does now?

Mr. MEYER. I will say to the gentleman that the Postmaster-General has not done it in all the years that have past; he has perfect and absolute disposition of the money, and the Department has so far failed to secure the fast mail without paying the railroad this extra compensation.

Mr. SULZER. Do you not think it possible, instead of giving the railroad this bonus, the Postmaster-General could make this railroad deliver the mail as quickly and as speedily as other railroads do?

Mr. MEYER. I have no doubt the gentleman has often heard the old adage, "You can lead a horse to water, but you can not make him drink." The Postmaster-General has no power to compel the railroads to make that connection.

Mr. SULZER. I just want to say, in closing, to my friend from Louisiana that, in my opinion, this Congress has got sufficient power to make the Postmaster-General make a contract with the Southern Railroad Company to carry this mail just as speedily as it is carried now, without Congress voting the railroad a dollar of subsidy or bonus.

Mr. MEYER. Of course, my friend from New York must know that he has no such power. The power to fix rates arbitrarily has not yet been established. The carrier, as party of the second part, must necessarily be consulted.

Now, Mr. Chairman, I beg to submit a few of the numerous letters, petitions, and resolutions sent to me in advocacy of this appropriation.

[From the New Orleans Board of Trade, which numbers in its membership five or six hundred of the leading and most influential business men. February 10, 1906.]

There is considerable apprehension on the part of the business interests of New Orleans that, as the contract for the fast mail service from New York and eastern points to this city is about to expire, there will be no appropriation made for this service.

As the fast mail train No. 97 of the Southern Railway Company runs strictly mail, and has no other revenue, without an appropriation the service is likely to be discontinued.

If the conditions that existed in 1901, when there was much agitation in regard to this subject, made it essential that this service between the North and South should be maintained, it is infinitely more so to-day, when the development of the South has so greatly increased the amount of postal business handled, as is evidenced by the receipts of our New Orleans post-office, which have increased in the past fourteen years from $272,794 in 1891, to $730,419 in 1905, an increase of over $457,000, with a continued increase every year, and an increase of nearly $50,000 last year over 1904.

The board of trade feels that the entire commercial interests of the South would suffer from a discontinuance of the fast mail service reaching through it from the nation's metropolis, and that, on the other hand, all southern commercial interests would be greatly assisted by the establishing of a return fast mail service to that metropolis.

A fast mail service is of benefit not only to the large cities through which it goes, but also to all of the surrounding country. The merchant and planter at the crossroads in the rural districts are not less interested in such a service than are the business men of the cities.

The most immediate connections by mail are necessary in these days of extended commercial correspondence. For many transactions the telegraph will not serve.

We believe that with your assistance, the fair-mindedness and justice of both Houses of Congress will prevent the infliction of so manifest a wrong upon the southern people and their business, and the board of trade trusts, with your help, to prevent any cutting off of our fast mail service appropriation, and, if possible, to secure the additional appropriation requisite for establishing a return fast mail service.

[Letter from New Orleans Board of Trade, March 9, 1906.]

Your communication under date of February 26, addressed to President Kohnke, relative to appropriation for the continuance of the fast mail service between eastern points and New Orleans, was duly received, and he desires me to convey to you his sincere appreciation for the interest you have taken in the matter, which is of such vital importance to the merchants of this city.

As the majority of orders from this city are executed in New York, the advantage of the fast mail for the business men of both cities in the filling of orders, answering of correspondence, and purchase of exchange is practically twenty-four hours.

The regular train on the Southern Railway leaves New York at 4.25 p. m., arriving at New Orleans at 7.15 a. m. of the second morning. If orders are not executed and correspondence prepared for said train, practically a whole day would be lost, whereas with fast mail No. 97 leaving New York at 2.10 a. m. and arriving at New Orleans at 11.25 a. m. the following morning (same morning as the regular train) an entire day is allowed for the executing of orders, answering correspondence, etc.

All foreign mail reaches here on the fast mail, and the matter of exchange and the facilities for filling orders is of great advantage to the business interests of this city.

Should the fast mail be discontinued, it would mean that the business men of New Orleans, who now receive their eastern mail about 11 a. m., would not receive same until the next morning.

No. 97 brings by far the largest amount of mail to New Orleans that is brought by any one train. About 12,000 letters, besides newspapers, etc., are brought in daily, and from 30 to 45 pouches of foreign mail and other packages from various parts of Europe and other foreign countries are received three times a week.

The return fast mail service from here to New York on the same schedule as the fast mail which reaches this city would enable New York business men to get their mail from New Orleans the first thing in the morning instead of in the afternoon.

[Letter from Louisiana Sugar and Rice Exchange, March 2, 1906, transmitting copy of resolutions passed by that body.]

Inclosed I hand you copy of resolutions passed by the board of directors of the Louisiana Sugar Exchange, which speak for themselves.

We are all deeply interested in not only having the appropriation for the present fast mail renewed, but also to have a similar fast mail established northbound. This, as you must realize, will be of enormous advantage to the mercantile and manufacturing interests of New Orleans.

The bulk of domestic exchange here is handled on New York, and the establishment of a fast mail service northbound would save twenty-four hours on all mail matter, and we would appreciate it very much if, through your efforts, this advantage could be extended to our city and State.

[Copy of resolutions.]

At a meeting of the board of directors of the Louisiana Sugar and Rice Exchange held March 1 the following resolutions were unanimously adopted:

"Whereas the city of New Orleans and the South in general have enjoyed for some time fast mail service from New York and other eastern commercial centers; and

"Whereas the time has now arrived for renewal of the appropriation for the continuance of the fast mail from New York and eastern points:

"*Resolved*, That we earnestly request the honorable House of Representatives in Congress assembled to renew the full appropriation for the continuation of this fast mail service, as being absolutely essential to our commercial and industrial prosperity, the advantages of which to our community are too apparent to require recital here."

In addition to this we most respectfully urge that an appropriation be made for the establishment of a similar fast mail service between the large commercial cities of the South and New York and other eastern points. At present the mail leaving here in the evening does not reach New York until the second day about 1 o'clock, and is generally distributed too late to be available for use that day, practically making the mail connections between New York and other large commercial centers a matter of three days.

In these days of commercial activity and the constant use of the telegraph and telephone it is highly important that the mail service be brought up to a similar standard, and we therefore most earnestly urge that a fast mail be established between New Orleans and New York which will enable the delivery of mail matter on the morning of the second day, thus saving twenty-four hours on all mail matter, which in the item of exchange alone would amount to thousands of dollars annually, and thus lessen the tax on the movement of money to and from business centers.

J. C. MURPHY, *President*.

Attest:
W. MARKS, *Acting Secretary*.

[Editorial in Daily States of March 1, 1906.]

The importance of the present fast mail train service between New York and New Orleans, which, on account of the expiration of the term for which the appropriation has been made and because of the tendency of Congress to cut down appropriations for fast mail train service, may presently be discontinued, is shown by an examination of facts and figures as they may be obtained at the post-office.

Postmaster T. J. Woodward and Assistant Postmaster George V. Fuchs went over the entire record and the examination was conclusive that this fast mail train from New York, No. 97, brings by far the largest amount of mail to New Orleans that is brought by any one train.

On an average this train brings to New Orleans daily 12,000 letters and 102 tie sacks of newspapers, besides a baggage car full of newspapers which are not tied.

The train which brings in the second largest quantity of mail is No. 3, also from the East over the Louisville and Nashville route, an average of between 8,000 and 10,000 letters.

The train which brings in the third largest quantity of mail is the Illinois Central, No. 5, between 4,000 and 5,000 letters.

Here is set forth in a nutshell the actual mail No. 97 brings into this city:

Daily, 12,000 letters, or about 100 sacks, and 102 sacks of newspapers, tied, and a baggage car filled with newspapers untied.

Three times a week from 30 to 45 pouches of foreign mail, of which 4 sealed packages come twice a week from Italy, 2 from London, 2 from Liverpool, and 2 from Dublin, and other packages from various other parts of Europe and other foreign countries.

Passing through New Orleans for other points daily are on an average from fifty to seventy-five bags of mail for Mexico, large quantities of exchange mail for Central America, and much which has to be resorted for distribution in the local post-office, going to all points in the near vicinity.

The fast mail is of great advantage and facility to the business men and merchants in the filling of orders and in the purchase of exchange. The postal authorities say that if this city had a fast mail to go from here to New York on the same schedule as the one on which the fast mail now reaches this city it would enable the business men of New York to get their mail from New Orleans the first thing in the morning instead of in the afternoon. It has often been a matter of wonder why New Orleans did not have a return fast mail service to the metropolis. The people of New Orleans ought to have the same facilities as those enjoyed by the people of New York. Then the fast return mail to New York would greatly facilitate the filling of orders in New York and the handling of exchange for that city. More orders are executed by New Orleans business men in New York and more New York exchange is bought in the natural course of business here than in all other cities of the country combined. A return fast mail would mean that this exchange could be had and that orders could be filled at least twelve hours earlier than is at present the case.

If the present fast mail service from New York to New Orleans were discontinued, it would mean that business men who now get their eastern mail at 11.30 in the morning would not get the same mail until the next morning, or about eighteen hours later. As all of the Liverpool, Dublin, and London mail reaches here on this fast train and as nine letters out of every ten are to local cotton men pertaining to the cotton business, a great hindrance and hardship would be worked on the cotton business, the mainstay of the South, by the discontinuing of the fast mail service from New York.

[Letter from Cosmopolitan Bank and Trust Company, March 24, 1906.]

With this we take the liberty of adding our request to that of the New Orleans Progressive Union and others of our neighbors regarding the mail facilities especially desired by the New Orleans business community from this city to New York.

As you are aware, there is now a fast train from New York hence to New Orleans, which is found to be of great service and advantage to the business interests of this city and section, but the mail leaving here for New York is not made in the same time, leaving here at 7.15 p. m. and reaching New York on the second day at 1 p. m., too late for the ordinary business transactions of that day called for by our mail, and hence we are put at a disadvantage by the delay in receipt of our letters in New York.

May we not, therefore, ask and urge your kind influence in the endeavor to have established from New Orleans to New York a train that will leave here at 4 p. m., which would make it due in New York on the second day out by 7 o'clock a. m., thus giving practically a saving of an additional day in the attention to the mail from here.

It is needless to say to you that from the situation and importance of New Orleans as the largest center in the South any such facilities would be of incalculable advantage to this section, and would be highly appreciated by the entire community.

That it is the consensus of opinion of the financial interests of New Orleans that there should be established a train from that city to New York, leaving at about 4 p. m., and arriving on the second day at about 7 a. m., is evidenced by letters from the following banks, etc.:

Interstate Trust and Banking Company.
New Orleans Stock Exchange.
New Orleans Progressive Union.
New Orleans National Bank.
Teutonia Bank and Trust Company.
German-American National Bank.
Bank of Orleans.
Morgan State Bank.
Hibernia Bank and Trust Company.
New Orleans Cotton Exchange.
A. Baldwin & Co. (Limited).
Whitney-Central National Bank.
Citizens' Bank of Louisiana.
Metropolitan Bank.
Colonial Bank and Trust Company.

DUTY TO SOUTH.

Mr. Chairman, in passing upon this question of a fast railway mail service for the Southern States it is our duty to look at the situation presented to-day in that section of the Union. It is true that we do not have in the South large cities such as they have in the North and which force the railroads there to expedite their trains in order to secure business.

GROWING SOUTH.

But our cities and towns all exhibit a gratifying increase. This is especially the case in my own city of New Orleans. What is true of the towns and cities—of New Orleans, Galveston, Vicksburg, Memphis, Nashville, Mobile, and Atlanta—is also true of the Southern States in which they lie. There is a large, steady, and gratifying increase of the population.

The State of Louisiana so far exceeded the average rate of increase for the Union that she became entitled to an additional Member of Congress under each of the two rival plans of reapportionment presented to us in 1901. Such comparatively new and fertile States as Kansas and Nebraska did not present an equal increase with Louisiana, although they possess great resources and are located on great lines of railroads. For a long period after the civil war, depressed and discouraged by military rule, by reconstruction, negro and carpetbag ascendency, the South made little or no progress. But as these evils were removed or mitigated the South began to put on a new life. The tree apparently dead began to put forth leaves and branches, and already we behold the fruit.

AGRICULTURE IMPROVED.

Our cotton crop has been largely developed and for some years past prices have been remunerative. Other crops have done well. The cotton seed once deemed useless has been converted into a most valuable product. Every branch of agriculture has improved.

DEVELOPMENT IN MINING.

Our mines of iron and coal have been developed and we now manufacture pig iron cheaper than any country in the world. We are making steel and selling it abroad. Both of these industries are yet in their infancy. There is hardly any limit to their respective growth.

NEW MILLS.

Cotton mills are going up every day. We are manufacturing coarse cottons cheaper than any other people in the world. Our mills are making the highest grades of cotton goods, and it is only a question of time when the South shall monopolize the cotton manufacture of this country and export these goods freely to other lands. [Applause.]

Many other kinds and forms of manufacturing industry are rapidly springing up. There is hardly one of them that can be mentioned in which the South does not possess equal or superior advantages to any other section of this Union.

SHIPBUILDING INDUSTRY.

Shipbuilding, which has been regarded as exclusively a northern industry, is now being actively prosecuted at Newport News and on the James River, in Virginia. In this rapid forward movement of agriculture, manufactures, and commerce is it not clear to every intelligent mind that rapid, frequent mails are an essential, necessary ingredient? This rapid communication between the South and the North and East is nec-

essary to each—to all the country. [Applause.] To deny it would be a reproach and a scandal.

This, however, is only a part of the story. It is evident that we are on the threshold of a larger, greater commerce with South America, the West Indies, including Cuba, Mexico, and Central America, than ever before. All these countries are rapidly developing. They are attracting immigration, capital, and are about to improve their grand resources.

PANAMA CANAL.

The building of the Panama Canal, now an assured fact, will give a special stimulus to this coming trade. Cuba, freed from the yoke of Spain, exhibits fourfold activities. The South is, or will be, in close touch with all these countries. Your mails and your richest products must pass through her ports and gateways in order to reach these countries. Surely this is no hour for a narrow vision, a contracted policy, or a neglect of the agencies which stimulate commerce and enhance the wealth, power, and glory of our Republic. [Applause.]

REHABILITATION OF SOUTH.

I must not omit to state that this work of southern rehabilitation and progress is mainly, almost exclusively, the work of our own sons. It is not the creation of northern men or the result of foreign immigration. The immigrants from the Northern States or from Europe have followed the lines of climate. They have gone West. More of our sons have gone North and West than the number who have reenforced our ranks of labor and production. We have a right to be proud of this fact. We are paying our full share of the expenses of this Government. Our crops of cotton, tobacco, and other exports go far to swell your favorable balance of trade and bring back foreign gold. We pay heavily for appropriations in which we reap no benefit, and it is a very small return to allow this moderate mail appropriation, so important to our commerce, to remain undisturbed. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 13154. An act for the relief of John T. Irion;

H. R. 16140. An act to authorize the maintaining and operating for toll an existing structure across Ingaloo River, known as "Knox's bridge," at a point where said river is the boundary between the States of South Carolina and Georgia;

H. R. 9165. An act authorizing the Secretary of the Interior to issue patent to the Scandinavian Evangelical Lutheran Little Missouri River congregation to certain lands for cemetery purposes; and

H. R. 2996. An act to reimburse Capt. Sydney Layland for sums paid by him while master of the United States transport *Mobile* in July and August, 1898.

The message also announced that the Vice-President had appointed Mr. PETTUS and Mr. GALLINGER members of the joint committee on the part of the Senate as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," for the disposition of useless papers in the Treasury Department.

The message also announced that the Vice-President had appointed Mr. NEWLANDS as conferee on the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States" in place of Mr. PATTERSON, excused from further service.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. MOON of Tennessee. Mr. Chairman, I yield ten minutes to the gentleman from North Carolina [Mr. PAGE].

Mr. PAGE. Mr. Chairman, it had been my purpose during the consideration of the bill now before the House to make some remarks at some length, particularly upon the subject of railway mail pay, which I think is, on the dense routes, excessive; but circumstances have been such, or my modesty has been so great, that I have not forced myself upon this committee for that purpose; and now, in the few moments that have been assigned me by my friend from Tennessee [Mr. MOON], I want simply to touch a few of those things that have been discussed by gentlemen who have preceded me. The conduct of those gentlemen who have discussed particularly one feature of the bill under consideration, namely, the appropriation to facilitate the mails—and I use this word in deference to their delicate senses—to expedite the mail between Washington and New Orleans, leads me to remark that these gentlemen, who are usually so courteous, who are usually so well possessed of their tempers, have, it seems to me, departed from their daily custom. My amiable colleague from North Carolina [Mr. SMALL], who has made for himself here, as at home, a reputation for courtesy and gentlemanly conduct, so far forgot himself in the heat of discussion in his speech on yesterday as to impress me with being discourteous to one of his colleagues from his own State [Mr. WEBB]. Mr. WEBB made a statement, and my colleague [Mr. SMALL] challenged that statement and challenged him to prove his assertion. When Mr. WEBB interrupted him for the purpose of proving the statement that he had made, my colleague refused to let him do it, and so my purpose upon this floor now, as much as any other thing, is to make peace between the members of my own delegation.

Mr. SMALL. May I interrupt the gentleman a moment?

Mr. PAGE. Certainly, sir.

Mr. SMALL. The interruption, as I understand it, was for the purpose of quoting a statement made by the Second Assistant Postmaster-General. I challenged the gentleman to produce any such statement by that official. I was met by the reply that he had a private letter from the Postmaster-General in response to one that he had written, and I declined, and, I think, properly declined, to permit a letter from the Postmaster-General, Mr. Cortelyou, to be interpolated into my remarks, not intending any discourtesy whatever.

Mr. WEBB. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. PAGE. I yield to my colleague.

Mr. WEBB. My colleague [Mr. SMALL] seems to object that I wanted to put into his speech a statement from the Postmaster-General. I insisted that the letter which I have, and which was written on the 7th of this month, three days ago, was not only signed by the Postmaster-General, but was initialed and countersigned "W. S. S.," which means William S. Shallenberger, the Second Assistant Postmaster-General, and in that letter he says as to whether the withdrawal of special-facility pay by Congress would cripple the mail service between Washington and Atlanta "that no apprehension is felt that the service would be crippled." That is the statement which I wanted to get into the RECORD. [Applause.]

Mr. SMALL. But I would suggest that the letters from the vice-president of the Southern Railway and from the president of the Atlanta and West Point, as read by the gentleman from Louisiana [Mr. MEYER] this morning, contain the positive statement that this specal train 97, under the present schedule for expediting the mails, will not be continued if this appropriation is withheld, and I take it that they know more about the matter than does the Postmaster-General.

Mr. PAGE. Mr. Chairman, I am obliged to my colleagues for the explanations which they have both made.

Now, there was one other statement made by my colleague [Mr. SMALL] that I want to give him the opportunity to correct on this floor. In his speech on yesterday he charged that those gentlemen who had opposed this appropriation to facilitate the mail between Washington and New Orleans had uniformly voted for the appropriation to expedite the mails between the Pacific coast and the island of Tahiti.

Mr. GAINES of Tennessee. Will the gentleman yield for a moment?

Mr. PAGE. No, sir; not now. I refute the charge, and if my language is parliamentary, and if no one will ask to have it taken down, I will say that that statement is untrue as touching quite a number of gentlemen upon this floor.

Mr. WILLIAM W. KITCHIN. Including myself.

Mr. WEBB. And including me.

Mr. SMALL. May I interrupt the gentleman?

Mr. PAGE. Certainly.

Mr. SMALL. I believe it will be admitted that up to the time that I brought the attention of the House yesterday to the subsidy for the mail from San Francisco to Tahiti, that particular subsidy had not been mentioned in this debate. I believe the gentleman will admit that.

Mr. PAGE. Yes.

Mr. WILLIAM W. KITCHIN. You brought it in yesterday, but it has been debated on the floor of the House in previous sessions of Congress, and we have knocked it out, and the Senate has afterwards put it in.

Mr. SMALL. There had been no opposition to it in this debate.

Mr. GAINES of Tennessee. Will the gentleman yield?

The CHAIRMAN. To whom does the gentleman yield?

Mr. PAGE. I do not yield to anyone. As touching the appropriation itself, I have very little to say. My record in

the brief time I have been in Congress speaks for itself. I have uniformly voted against this appropriation for the reason that I have not believed, nor do I believe, that it is necessary to facilitate the mails into that section from which I come. [Applause.]

Mr. Chairman, I refute the charge that the section which is represented on this floor by seven gentlemen, four from the State of North Carolina and three from the State of South Carolina, in which more than one-third of the cotton that is manufactured in America is manufactured, that a section that is prosperous, not only in this line, but along every other line, there is any necessity for it to come to the National Government as a suppliant for its bounty. [Applause.]

I believe, Mr. Chairman, that the great business of that section will bring to it all the facilities for mail and other things that it needs or that it cares to have. There are other railroads running into that great section that I in part represent upon this floor, and their trains go with all the speed that up-to-date locomotives built by skilled Americans can carry them without being paid any bounty by anyone. I believe too much in that section from which I come, in its present prosperity, in its glorious future, and I believe that there is not one iota of necessity for this appropriation from the National Government; and as long as I so believe my vote shall be recorded against it.

Mr. Chairman, passing from this, I want to say one other thing. There is in the bill under consideration a provision made for the weighing of all the second-class matter by the postmasters during the last six months of this year. Anything on earth that will bring to the attention of this House or the committee information that will bring them to solve the great problem of facilitating mails meets with my approval. But it seems to me, Mr. Chairman, that in connection with this provision and remarks made by gentlemen on this floor during this discussion that I see something other than information. As long as magazines and other periodicals of this country were engaged in the exposition of the graft and greed of insurance presidents and others who are high in the financial world, in taking the money that did not belong to them, everybody bid them all-hail and all-speed. But the very moment it was discovered that the Republican party became the beneficiaries of the pilferings of these men, then the edict has gone forth and the writers of these articles have become the "men with the muck rake." [Laughter and applause on the Democratic side.] And in the future you will find that the magazines will not any more have the privilege of the penny postage. [Applause on the Democratic side.]

Mr. SULZER. Mr. Chairman, as the House of Representatives is now in Committee of the Whole House on the state of the Union, I desire to take advantage of the time at my disposal to say a few words in regard to a matter I deem of much public moment and of vital importance to all the people in our land. I refer to the preservation of one of the greatest scenic wonders in all the world—Niagara Falls.

There are pending in Congress at the present time several bills, any one of which, I believe, if enacted into law, will go far to effectually put a stop for a long time to come to the further devastation of these wonderful waterfalls by the sordid hand of industrialism and the greedy selfishness of commercialism; but thus far, I regret to say, no action has been taken regarding the matter, and I very much fear that unless something is done, and very speedily done, this session of Congress will adjourn without anything being accomplished to protect Niagara Falls from further spoliation.

I appeal to-day to those Members in this House who have in charge this important matter to be up and doing, so that ere we adjourn there will be a law upon the Federal statute books that will make it impossible for any more water for commercial purposes to be diverted from Niagara River—a law that will protect and preserve the beauty and the grandeur of this wonder of wonders, in so far as Congress can do so, for generations yet to come. [Applause.]

Mr. Chairman, the "thunder of waters" of the aborigines, the most awe-inspiring spectacle ever seen by a human being, the promised land of all lovers of natural scenery, the scenic Mecca toward which millions of people travel every year from all parts of the world—the tumultuous, tremendous, thundering Niagara Falls—must not be destroyed, but must be preserved in all its marvelous splendor by this generation for all the ages yet to come. This is our duty. We are charged with this responsibility. We can not and we must not evade it. These Niagara Falls do not belong to any country or to any people. They are the inalienable heritage of humanity, and one generation must preserve them in all their power and in all their beauty for the benefit of the next generation. This is the unwritten law of the eternal rights of mankind, and we must not prove false to our trust or recreant to our responsibility.

The devastation of Niagara Falls is a crime against generations yet unborn, and if we permit the piratical interests of utilitarian industrialism, so rampant in this practicable age, to go on with the spoliation of this magnificent gift of the Creator of the universe, we will be false to the great trust humanity has reposed in us and the future will justly hold us up to obloquy and contempt and execration.

We are the trustees of the free institutions of the fathers and of the natural grandeur and scenic glory of our beautiful land, charged by the sacred rights of mankind to transmit them unimpaired to future generations; and if we fail to preserve and protect the institutions of the fathers, and every beautiful picture in nature's art gallery for those who are to come after us we will be false to our duty, recreant to the solemn trust reposed in us, and justly censurable by those who will follow after us.

Mr. Chairman, the mighty surplus waters of the Great Lakes, as they dash in torrential waves through the narrow confines of Niagara River for 32 miles and then tumultuously plunge in myriad-colored volumes over the precipitous falls of Niagara, is one of the greatest, one of the grandest, and one of the most glorious wonders of the earth—the most awe-inspiring spectacle of its kind little man has ever beheld. You must see it to appreciate it. No tongue can do it justice. No pen can describe it. No painter can picture it. But it is not so much the height of the falls that beggars description—it is the immensity of the volume of water that jumps and leaps and tumbles and rages and roars and thunders over the falls that makes them as unique as they are glorious and indescribable.

The waters of the Great Lakes are discharged through the Niagara River into Ontario, and then on and on oceanward through the St. Lawrence. The mean level of Lake Erie is about 572 feet and that of Lake Ontario about 246 feet above the sea. Leaving Lake Erie at Buffalo the Niagara River is navigable and flows with a moderate slope to a short distance below the Welland River, about 19 miles, in which distance it has a fall of something like 14 feet. The slope here is suddenly increased and the river ceases to be navigable. In the next half mile it has a fall of about 50 feet, forming the rapids above the falls. It is divided by Goat Island into two arms of equal size, that on the Canadian side carrying, it is said, about seven times the volume of water carried on the American side. At the foot of Goat Island the waters of both arms leap over a vertical precipice, constituting Niagara Falls proper, that on the Canadian side being known as the Horseshoe Fall, and that on the American side being called the American Fall. The height of the Horseshoe Fall is about 161 feet, and that of the American Fall about 165 feet. Immediately below the falls the river is again navigable for a short distance, and then assumes the character of magnificent rapids as far as Lewiston, 7 miles from Ontario, where it again becomes navigable and remains so until it enters Lake Ontario.

The volume of water flowing over the falls varies somewhat with the level of Lake Erie, which is subject at times to variations of several feet, depending upon rainfall, barometric pressure, and the direction and force of the wind. At the mean level of Lake Erie the volume of discharge is about 200,000 cubic feet per second. When you come to calculate it, the power of this tremendous volume of water is almost incomprehensible. This gigantic body of water going over these majestic falls every second, and the intensely interesting rapids above and below them, make Niagara Falls a place of indescribable scenery and in uniqueness and grandeur among the seven wonders of the earth.

Years ago the State of New York passed a law creating a beautiful park, consisting of about 400 acres, on the American side; and every year the State appropriates $25,000 for its care and maintenance. The Canadian government has also created by law a splendid park on the Canadian side, consisting of about 700 acres. And these parks carefully maintained lend additional beauty and enjoyment to the inspiring wonders of nature.

It is said, and investigation demonstrates it, that the falls are receding from natural causes, regardless of commercial desecration, and in the many centuries to come will be only a shadow of their present greatness and glory. In looking over the surveys made by eminent engineers in 1842, 1875, 1886, and 1890, I find that the American Fall has receded at the rate of 0.64 of a foot a year, or 30.75 feet between 1842 and 1890, and the Horseshoe Fall during the same period, 2.18 feet annually, or 104.51 feet in forty-eight years, a very much higher rate of recession than was ever thought of prior to the second survey in 1875. Of course the falls do not recede evenly; some parts of the crest remain more or less stationary, while others change

rapidly. The figures I have cited represent the points of greatest activity. According to this data, the total area of rock surface which has disappeared at the American Fall between 1842 and 1890 represents about 33,000 square feet, practically three-fourths of an acre. At the Horseshoe Fall there has disappeared during the same period about 275,000 square feet, or over 6 acres. In all descriptions of the American Fall we speak of one, although there are two, but the second one, called the "Luna Fall," is so small that it is seldom referred to, and is interesting chiefly because it affords the sightseer an opportunity to go behind the falling waters into the so-called "Cave of the Winds."

Geologists have given much study to Niagara Falls, and have speculated as to the future length of life of this incomprehensible marvel of nature, and how many thousands of years it will take before the increasing thickness of the Niagara limestone, and the decreasing exposure of the soft underlying shales will reduce the height of the falls to a mere series of succeeding rapids; but I predict that if the present sordid selfishness of industrial vandalism goes on, it will destroy the unrivaled beauty and diminish the incomparable grandeur of this gigantic water inspiration of the world long before any change is produced by natural erosion.

We can not stop the forces of nature in their unceasing work of destruction, but we can and we must fetter the sordid, selfish, spoliation of man.

The great water power available at Niagara Falls attracted the attention of scheming commercialists at an early day, but it was not until this immense power could be transmitted and used in the form of electricity that its development on a large scale became financially profitable. Within recent years the Canadian government, or the Province of Ontario, and the State of New York have granted franchises, the value of which can not at this time be computed in figures, to corporations, allowing them to divert the waters from the falls and use its tremendous force for power purposes. There are, I am informed, a half dozen corporations on both sides of the river chartered by the Province of Ontario, or the Canadian government, and the State of New York, and these soulless corporations are doing more to-day to forever destroy these magnificent falls than the forces of nature have done in all the ages of the past.

This Government and Great Britain, acting separately or jointly, must stop this criminal exploitation of the falls for commercial purposes. It is a crime against future generations, and the two Governments concerned ought to take the matter in hand at once and put a stop to it for all time to come. Congress should have done its duty in the premises long ago. These magnificent falls do not belong to the State of New York or to the Canadian government—they belong to the people of all the world; and it is incumbent on this Government and on the British Government to preserve and protect this magnificent wonder of nature and hand it down to future generations with all its beauty unimpaired and all its grandeur undiminished.

We must pass stringent laws to prevent the further granting of franchises to greedy commercial interests by the State of New York, and appeal to the Canadian government to take like action. The franchise heretofore granted by the legislature of the State of New York were granted with few restrictions, and without a single dollar of compensation to the people; and the money-making value of these franchises, if they can not be forfeited, is beyond the calculation of the human mind. The Canadian government, however, more wise and farseeing, did not grant a single franchise without important reservations and full compensation; and I am informed that the tax or revenue the Province of Ontario, or the Canadian government, derives from the franchises heretofore granted to corporations to divert the waters from the falls of Niagara amounts to about $300,000 annually.

Bills are now pending in the legislature of the State of New York, and in the legislative assembly of the Province of Ontario, granting additional franchises to corporations to divert the waters of Niagara, and unless a stop is put to this ruthless and sordid and selfish practice by the Governments of the United States and Great Britain by virtue of a treaty, it will not be so very many years before the beauties of Niagara, the wonders of the falls, and all the grandeur of this inspiring and indescribable painting—the grandest ever placed by the hand of the Infinite in nature's unrivaled scenic gallery—will be no more.

Now, Mr. Chairman, what can the Congress do? What is our duty? How can we put a stop to the further devastation of this magnificent wonder which belongs to all the people of all the world and for all the ages? I answer these questions by saying that the Congress of the United States can put a stop to the further destruction of Niagara Falls so far as the American side is concerned by passing a law making it a crime for any person or corporation to divert any of the waters from the Niagara River for commercial purposes. The Niagara River is a navigable stream, and it being navigable, under the powers of the Constitution, the laws of Congress in regard to it are supreme. This being so, I contend that the Congress should, without further delay, pass a law along the lines I have indicated, and if this is done it will effectually put a stop to the State of New York granting any more franchises; and I hope that those already granted will be carefully investigated, and wherever possible, abrogated.

But this Government can do more than protect the American side of the falls. It can act through its treaty-making powers. The Niagara River being the boundary between the United States and Canada, the United States and Great Britain have the undoubted right by treaty stipulation to impose such conditions and limitations upon the use of the river and its waters as they deem proper. A treaty duly negotiated between these two powers and ratified by the Senate of the United States would be the supreme law of the land; and if in such treaty it were provided that the waters of Niagara River should not be diverted for commercial purposes and this regulation be enforced by act of Congress the treaty and the legislation would be valid and constitutional—all the rights of the State of New York and of private riparian owners to the contrary notwithstanding. Such a treaty should be quickly negotiated, and I hope it will be. I believe that the President is alive to the real situation, and I trust he will negotiate a treaty with Great Britain at the earliest practicable time to prevent the future spoliation of Niagara Falls. But pending the negotiation of this treaty we, the Members of Congress, have the right and the power to enact legislation as I have suggested that will effectually prevent the further exploitation and devastation of Niagara Falls through the granting of franchises by the legislature of the State of New York. Mr. Chairman, this Government must act in this matter, and act at once, before the cunning and piratical hands of utilitarian industrialism destroy this mgnificent picture, the gretest scenic wonder ever painted by the unerring hand of the Infinite in the art gallery of nature. This generation must preserve in all its grandeur the magnificent water falls at Niagara from the spoliation of sordid commercialism and transmit them unimpaired to future generations. If the executive and the legislative branches of this Government will do their duty, and do it quickly, the Falls of Niagara will be saved. [Loud applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, with the approach of Easter come the stories of threatened massacre in Russia. Men and boys, women and girls, babes in mothers' arms are to be slaughtered by savage bigots, in whose brains the Russian Greek Church seems to have left no trace of mercy.

In the name of Christ and the cross, men called "Christians" have tortured and slaughtered men, women, and children during eighteen hundred years. In the name of the cross bigots have persecuted each other, the Jew, and the heathen. During seventeen hundred years of the Christian era nearly every fanatic who evolved from his mean and miserable brain a "command from heaven" cheerfully and diligently persecuted those of his fellow-men who disagreed with his insanity. Around the stake, in the torture chamber, and on the field of battle "Christian soldiers" have been transformed into wild beasts, sparing none.

While engaged in the congenial occupation of murdering each other, frenzied zealots of nearly all the Christian creeds have made common cause against the Jews. The world has been drenched with their blood, as though God had given command for the extermination of those whom the Old Testament denominates "his chosen children." In Chapter XIII of Deuteronomy the following directions are given for taking care of a town where "false gods" are worshiped:

> Thou shalt surely smite the inhabitants of that city with the edge of the sword, destroying it utterly, and all that is therein and the cattle thereof, with the edge of the sword. And thou shalt gather all the spoil of it into the midst of the street thereof, and shall burn with fire the city and all the spoil thereof.

These directions were, according to the Old Testament, revealed by God and written by Moses. If the legend could be changed to have the order written by Satan and issued from hell, a very great work of justice would be done to the reputations of both God and Moses. It is difficult to form a correct estimate of Moses, but it is certain that he is one of the great figures in the history of mankind. He was a great soldier, a great statesman, a great man, and it is well to redeem his name from slander. The directions were written long after his death, and the wretch who wrote them probably thought that he was inspired—probably thought that his heart of rock and

brain of hate were under divine guidance, whereas he was merely ferocious and insane. The "commands" can not now be read without a shudder, and yet it would seem as if they had been taken as a pattern for the use of the "Christian sword" in dealing with the Jews.

In the Old World persecution of the Jews stains almost every chapter of history. Before the Christian era those people were persecuted, murdered, enslaved; but this was in the regular course of events, the business of nations then being to persecute, murder, and enslave, a sort of orderly procedure in days when every nation was against every other nation, when war was constant, when man had not learned the dignity of labor. But it was not until Christianity had obtained dominion that the Jews were persecuted because they refused to "accept Christ." From then the spirit of oppression has grown. Persecution of the Jews, because they are Jews, is to-day tolerated in but few parts of the Christian world, so far as the statute books go; but the spirit that is breathed in the words "Christ killer" is found in the eyes and on the tongues of Christians in the New World as well as in the old. It is not difficult to find the cause of this. Many people are, after a fashion, taught the Bible. Some read it. Nearly all who are taught it and many of those who read it get the idea that nearly nineteen hundred years ago the Jews crucified Christ; that his cruel death is to be ever a subject of sorrow, and that the Jews are, unless they give evidence by conversion that they join in that sorrow, to be hated and hounded even unto death.

Persecution of Jews has always ceased with apostacy. It is so in Russia to-day. There the Jew who will say that he believes in the Russian Greek Church becomes a man before the law, and his life and property are safe. He is no longer a "Christ killer." Against those Jews who refuse to forsake the beliefs of their fathers the bigots of the Russian church proceed with sword and torch, and never so ferociously as on the anniversary of the day when Christ is supposed to have risen from the dead. At Easter the Russians greet each other, the first speaker saying, "Christos voscress" (Christ is risen), and the response is always "Vo istiney voscress" (He is risen, indeed). Anyone who has visited Russia or studied the history of its people knows what vague ideas are embraced in these Easter greetings. There—and perhaps here—there is a belief that the resurrected Christ triumphed over his enemies—the Jews. The greetings over, horror follows. We can not effectively remonstrate to the Russian Government, asking it to prevent the murders and outrages that follow the dawn of Easter; but we can ask the church of that Government to interfere. We can, observing every propriety, ask that the power of that church be used to prevent recurrence of brutalities that shock the civilized world. We can do more than this. We can set an example. We can teach the men, women, and children of our own land to array themselves on the side of truth. We can teach in press and pulpit, that the statement that Jesus Christ was crucified by the Jewish nation is the wickedest falsehood that ever fell from human lips.

If Christ was a mortal, if he was the son of Joseph and Mary, born in the good old-fashioned way, he was crucified by the Romans. If he was the Son of God, he was crucified by the direction of his Father. Under neither proposition can the Jews be held accountable. If he was a mortal, he was the prisoner of Rome, and the Jews, as a race, never cried for his blood.

Let us look at the evidence. The sayings that are credited to Matthew, Mark, Luke, and John agree that Christ was popular with the Jews at Jerusalem. He had advocated what seemed to him necessary reforms. Those in charge of the Temple objected. He called them harsh names, and the common people seem to have agreed.

Matthew says that when the chief priests and Pharisees would have laid hands on Jesus, after he had driven the traders out of the Temple, they dared not do so, because "they feared the multitude."

Matthew and Mark agree that when the priests and scribes consulted, at the house of Caiaphas, about the killing of Jesus they agreed that it should not be done on a feast day "lest there be an uproar among the people."

Luke says that all the people were attentive to Christ, and that when he taught in the Temple all the people came early in the morning to hear Him, and adds: "And the chief priests and scribes sought how they might kill him, for they feared the people."

When these accounts were written no man knows or has information upon which to found a reasonable guess, but in the discussion of this subject there is not any other testimony to be considered, because there is not any other testimony obtainable. This seems certain: The Jews did not have power to put Christ to death, and Pontius Pilate did not care anything about the religious controversies of the Jews. It is certain that Christ was accused of treason, and it is certain that he was executed by Roman soldiers. That Pontius Pilate did not desire to pronounce judgment; that his wife was opposed to it; that he "washed his hands" of the matter, and then told the centurions to proceed with the crucifixion; all these propositions seem to me absurd. Pontius Pilate cared nothing for the shouts of a rabble. It may be that he was somewhat in disfavor at Rome, that he feared it might be reported there that he had shielded one who was charged with treason, but this can not be made to agree with the story that he first acquitted and then executed his prisoner. To have reported such a proceeding to his Emperor would have been to invite disgrace and dismissal.

But let us take the story as it is generally taught. Let us suppose that a rabble, incited by the priests, made enough noise to induce Pontius Pilate to pronounce judgment of death. How, in the name of common sense, does this place the crucifixion upon the Jewish race? When a mob lynches a prisoner in New Jersey or Delaware or South Carolina we do not say that the victim was lynched by the American people. The mob that yelled at Pontius Pilate was wholly without authority to say that its doings should become a charge against the Jewish race. A mob can not charge its wrongdoings to the debit account of a nation, and yet so liberal a writer as Ernest Renan, after quoting from Mark, says:

> It was, then, neither Tiberius nor Pilate who condemned Jesus. It was the old Jewish party. It was the Mosaic law.
>
> According to our modern ideas, there is no inheritance of guilt from father to son. Each must account to human or divine justice only for that which he himself has done. Every Jew who to-day suffers for the murder of Jesus has, therefore, a right to complain, for he might have been a Simon the Cyrenean, or at least not have been one of those who cried "Crucify him!" But nations, like individuals, have their responsibility. If ever a crime was the crime of a nation, it was surely the crucifixion of Jesus. His death was "legal in the sense that it was primarily caused by a law which was the very soul of the nation."

Admitting for the moment that Christ was crucified under the Jewish law, it may be well for Christians to remember that the law is not found in a secular volume. It is, in all its beauty, found in the thirteenth chapter of Deuteronomy, and the children in our Sunday schools are taught that it was written by Moses, under divine guidance, shortly before his death. It reads:

> 6. If thy brother, the son of thy mother, or thy son, or thy daughter, or the wife of thy bosom, or thy friend, which is as thine own soul, entice thee secretly, saying, Let us go and serve other gods, which thou hast not known, thou, nor thy fathers;
>
> 7. Namely, of the gods of the people which are round about you, nigh unto thee or far off from thee, from the one end of the earth even unto the other end of the earth;
>
> 8. Thou shalt not consent unto him, nor hearken unto him; neither shall thine eye pity him; neither shalt thou spare; neither shalt thou conceal him;
>
> 9. But thou shalt surely kill him; thine hand shall be first upon him to put him to death, and afterwards the hand of all the people.
>
> 10. And thou shalt stone him with stones, that he die; because he hath sought to thrust thee away from the Lord thy God, which brought thee out of the land of Egypt, from the house of bondage.

According to the Christian religion these directions were perfectly good until the Christian era. The New Testament does not tell us that God repented for having taught men that they should murder their children if the latter made the slip of getting on bowing terms with the gods in the next county. The Christian religion amended the old law; it taught new rules, but it never declared that the rules laid down in Deuteronomy were unconstitutional, and to-day the Christian churches teach that the old law was all right in its day. If this is so, then, for over a thousand years the Jews were taught, under divine inspiration, that they had no higher duty than to kill whoever attempted to teach them a new religion.

I do not believe that a sane god ever dictated any such directions, or that Moses ever wrote them. But Renan is wrong in saying that Christ was crucified under this law. He was put to death, not for assailing the Mosaic law, but because he was accused of treason to Tiberius. According to Matthew, the Roman soldiers set over the head of Christ his accusation:

> This is Jesus, the King of the Jews.

Mark says:

> And the superscription of his accusation was written, "The King of the Jews."

Luke says:

> And a superscription also was written over him in letters of Greek and Latin and Hebrew, "This is the King of the Jews."

John is said to have heard of it in this fashion:

> And Pilate wrote a title and put it on the cross. And the writing was, "Jesus of Nazareth, King of the Jews." Then said the chief priests of the Jews to Pilate, "Write not the King of the Jews, but that he said I am the King of the Jews." Pilate answered, "What I have written I have written."

Christ was not stoned to death under the Mosaic law. He was crucified under the Roman law. According to John, Pilate said to the accusers:

Take ye Him and judge Him according to your law.

The Jews answered:

It is not lawful for us to put any man to death.

Matthew says that the mob cried, "His blood be on us and on our children." Neither, Mark, Luke, nor John ever heard of this invocation, and it was probably interpolated in the "Gospel according to St. Matthew" after the Christian religion had been preached to the Romans. Tacitus had written that, in the reign of Tiberius, Christ was "brought to punishment by Pontius Pilate, the procurator." Some one may have thought it would be easier to establish the Christian religion at Rome if the Roman governor and his army could be relieved from the stain of the crucifixion.

If Christ was a mortal, His crucifixion was one of the regrettable incidents of this world. If He was a mortal, He was a martyr, and this whether He suffered death because He desired to reform the management of the Temple or was intent upon removing the Roman yoke from the neck of His people.

But it is not because a human being was crucified that the Jews are persecuted. It is because they are charged with having crucified the Son of God. The words and spirit of the New Testament—the whole theory of the Christian religion—prove that this miserable charge should be abandoned. God created and peopled the world; man was weak and fell, and continued in his wicked ways until God drowned all living things, except a few and the fishes. It would probably have been better if Noah and his family had been drowned also and a fresh start taken. The saved generated wickedness, and the accountability of the human race for original sin continuing, God ordained a scheme of salvation which included the crucifixion of His son. Accepting this as true, how can the Jews be held accountable for the death of that Son. If an omnipotent God orders anything done, the human instruments selected to carry out His orders can not be charged with the acts commanded. The doctrine of repondeat superior applies.

If what happened could have been prevented by the Romans or by the Jews, then the New Testament is worthless. Let us assume that the Jews crucified Christ. Could they have done otherwise? Were they greater than God? According to the Bible, the crucifixion was arranged for by the Father. Why blame the Jews or the Romans or any other mortals? They did not know what they were doing. The Roman soldiers did not believe that they were crucifying the Son of God; they did not know that they were crucifying God himself. Why blame the instruments? Why persecute the descendants?

According to the synoptic gospels and according to John, the arrangements for the crucifixion—every detail—were made by Almighty God, and were known to Christ.

According to Matthew, Christ predicted His death, entombment, and resurrection, saying: "For as Jonas was three days and three nights in the whale's belly, so shall the Son of man be three nights in the heart of the earth."

Christ told His disciples that He must go unto Jerusalem and suffer many things and be crucified. He told Peter, James, and John not to publish the details of His transfiguration "until the Son of man be risen from the dead." He said: "The Son of man shall be betrayed into the hands of men and they shall kill Him." He said that He "came not to be ministered unto, but to minister, and to give His life, a ransom for many." He fell on His face and prayed, "O my Father, if it be possible, let this cup pass from me; nevertheless, not as I will, but as Thou wilt."

When one of His disciples would have resisted the capture, Jesus said that He could, by praying to His Father, obtain for His defense "more than twelve legions of angels," and added: "But how, then, shall the Scriptures be fulfilled that it must be?"

Moses and Elias talked to Jesus about His "decease which He should accomplish at Jerusalem." He said to His disciples:

Behold we go up to Jerusalem, and all things that are written by the prophets concerning the Son of man shall be accomplished.

According to Luke, Christ predicted that He should be delivered to the Gentiles, mocked, spitted on, scourged, and crucified. When Pontius Pilate told Jesus that he had power to crucify or release Him, Jesus answered that the Roman had no power except it was given from above. Everything that was done was done in order "that the Scriptures might be fulfilled." Take this proposition from the New Testament, and the scheme of salvation is gone. Whoever wrote the "Gospel according to St. John," realized this, and these words are there credited to Christ:

As the Father knoweth me, even so know I the Father; and I lay down my life for the sheep. No man taketh it from me, but I lay it down myself. I have power to law it down, and I have power to take it again. This commandment have I received from the Father.

The Jews refuse to believe that their ancestors crucified the Son of God. They are told that those who believe shall be saved, while those who doubt shall be damned. They answer that the proposition does not conform to the Mosaic law, and on this point they are beyond contradiction. They did not believe, and do not believe, that Herod slew all the male children "that were in Bethlehem and all the borders thereof from 2 years old and under." They have not as yet been able to make this story in Matthew agree with that of Luke, who says that Jesus was taken to Jerusalem a few days after His birth. They say that they can not understand why, if Joseph was not the father of Jesus, His mother should say to Him when He was at the age of 13, found in the Temple, "Son, why hast Thou thus dealt with me? Behold, Thy father and I have sought Thee, sorrowing."

To the Jews of nineteen hundred years ago and to the Jews of to-day the New Testament did not and does not appeal with sufficient force to produce belief. The miracles did not convince them. The Christian creed was very indefinite for centuries. St. Paul said:

If thou shalt confess with thy mouth the Lord Jesus, and shalt believe in thy heart that God has raised him from the dead, thou shalt be saved.

The Jews could not find the redeeming quality in this belief. They answered:

If Christ was God, or the Son of God, and was crucified and was raised from the dead, of what consequence is it whether we believe it or not?

When the Christians, in the early days, quarreled about their creed, the Jews were not aided. In the fourth century the creed was settled. Constantine, having embraced Christianity, called or suggested a council of bishops. It is not to be charged against the council that Constantine was one of the vilest murderers that ever disgraced the name of man. The council promulgated a creed. The Jews said, and yet say, that this creed is beyond human comprehension. The trouble with them is that they lacked and yet lack faith, and it is sure that no one without faith can clearly understand that creed. To anyone with faith it is as clear as the Book of Revelations. Not having faith, the Jews have not understood, and not understanding they have not accepted. It might have been better if something had been presented which would have allowed comprehension to precede belief; but it was and is, nevertheless, according to those who did and do understand, most reprehensible for the Jews to remain obstinate. Let this be admitted. Is not their punishment prescribed? Are they not to suffer in hell everlasting? Are they not to be boiled and baked and burned through countless trillions of years? This will, as I understand it, be sufficient to satisfy an offended God.

Why, then, should the prospect not be sufficient to satisfy those who believe in peace on earth, good will to men, and the possibility of hell hereafter? Let the church of Russia speak! Let the Czar speak! He is the head of that church. Not one in a thousand Russians knows that Christ was a Jew. The Russian Greek Church has in its possession many bushels of relics. It has sticks and stones and bones and rags. It proclaims that it has a garment worn by Christ; that it has some of his blood; that it has a picture of the Blessed Virgin, drawn by St. Luke; that it has the hand of St. Mark and the bones of the Prophet Daniel. That there is any efficacy in these relics is not believed by anyone outside of the Russian Church, but within that church they can be made instruments of command. Let the churches of Russia resound with the cry that the hand of St. Mark is the hand of a Jew. Tell the people that the garment of Christ was worn by a Jew. Tell those who crowd the churches that on the day of final judgment Jesus Christ will hold court with twelve Jews as associate judges. Tell the congregations that those who murder Jews will be punished in the next world—will be condemned to eternal punishment. Use the relics. The day will come when they will be cast aside, but that day is many generations afar. While they are paraded, let it be in the cause of humanity. The Russian Greek Church has done little or no good on this earth. It has not taught peace and good will; it has walked with the wicked and the cruel. It has not done its duty to the age in which it is tolerated.

In the greater part of the civilized world philosophy, science, and commerce have secured men from the fangs of ferocious bigots. We know that there never was and never can be a martyr without a murderer. We know that there is not a single word in the accredited sayings of Christ that will justify the murder of a human being. We no longer burn witches; we no longer wage wars of extermination. We no longer use the torture chamber, the stake, or the faggot. We no longer believe that God employs the merciless to execute his commands. We no longer believe that the blood of infants is demanded by a

heavenly fiend. We have not yet fully learned the lesson of true toleration; but we are advancing. It would be impossible to-day for any king who had murdered his wife to successfully start a new Christian church, or for a man who had burned his friend at the stake to be heard on religious questions. The plea of religious belief is no longer accepted as an excuse for crime. This is so in every country that has a true claim to civilization. It is not true in Russia because Russia is not a civilized country. It is better than it was fifty years ago; far better than it was a century ago. It is emerging from the darkness; it is moving toward the light; its steps, halting and painfully slow, are, nevertheless, toward civilization—toward true manhood, true womanhood, and true childhood. It is almost impossible to estimate how much this advance will be aided if the Russian Church will display on every cathedral, on every meetinghouse, on every altar, the legend:

Remember that Christ was born of a Jewess. He was not crucified by the Jews, but died because His death was commanded by His Father, the God whom you worship.

[Loud applause.]

Mr. GAINES of Tennessee. Mr. Chairman, Postmaster-General Bissel annulled a number of very costly "mail subsidies," economized in that way, saving nearly $17,000,000 in the year 1893 or 1894, as he states. He alludes to this in his report, dated November 20, 1894, and I desire to print in the RECORD what he says on the subject, as follows:

ECONOMIES.

While the policy of this Department has been, as foreshadowed in my last annual report, to develop the postal service under existing methods of administration, avoiding expensive experiments, still, great care has been taken to effect economies in all matters not likely, in the opinion of the Department, to affect the efficiency of the service.

HOW MONEY HAS BEEN SAVED.

The economies have consisted mainly in securing relief to the Government from existing contract obligations and from reletting contracts for mail transportation, and upon the cost and amount of supplies. Of the first, the more important relate to the steamship subsidy contracts which had been made by my predecessor pursuant to the provisions of the act of Congress approved March 3, 1891. I found eleven such contracts in existence, most of them running for ten years and none less than five years. Seven of the eleven contracts have been entirely abrogated during the year.

CONTRACTS ANNULLED.

The payments stipulated to be made by the Government under these seven contracts were very large in amount, while the advantages to accrue to it were so *purely theoretical as to render their abandonment the subject of congratulation.* A detailed statement of these contracts will follow in this report. I here state only the aggregate amount saved by *annulment.* I add to the list only such other economies effected in the line of what seemed to be good administration as are capable of definite ascertainment and actual computation.

The total amount of useless expenditure thus avoided is as follows:

Steamship subsidy contracts	$14,431,325.09
Stamped envelopes	906,480.00
Adhesive postage stamps	275,156.00
Repairs of scales	2,000.00
Repairs of carrier satchels	11,435.33
Saving on supplies of twine	12,000.00
From reletting contracts for star service	902,644.84
From reletting contracts for steamboat service	78,006.16
Total	16,619,047.42

CONTRACT OCEAN MAIL SERVICE.

Only three contracts are in operation, viz, New York to La Guayra, New York to Tuxpan, and New York to Habana:

At a cost of	$286,868.00
If they had not been under contract the cost would have been	29,088.72
The difference being	257,779.28

The noncontract system gives us the choice of the fastest and best steamers at a minimum of cost, but has the disadvantage of leaving us without any control over the movements of the vessels.

STEAMSHIP SUBSIDY CONTRACTS.

The following table shows the contracts made by my predecessor under the act of March 3, 1891, the obligations created under each, those canceled during the year, and those now remaining in force:

Statement (1) showing the contracts for ocean mail service fully executed pursuant to the act of Congress approved March 3, 1891, the pay per mile, per annum, and the entire contract term on each route; (2) the contracts which have been canceled, and (3) the contracts still in force.

Route.			Contract term.				Compensation.								
							Per annum.								
No.	Terminals.	Contractors.	Years.	From—	To—	Service discontinued.	No. of years.	Rate per mile.	Amount.	No. of years.	Rate per mile.	Amount.	For the entire contract term.	Whole amount paid up to June 30, 1894.	Unexpended balance.
30	Galveston to La Guayra.	John B. Clarke	5	Jan. 15, 1894	Jan. 15, 1899	Jan. 22, 1894					$0.66⅔	$57,672.00	$288,360.00	None.	$288,360.00
36	New York to La Guayra.	Boulton, Bliss & Dallett.	10	Mar. 1, 1892	Mar. 1, 1902	Still operative.					1.00	81,288.00	812,880.00	$187,414.00	625,466.00
42	New York to Colon	Pacific Mail S. S. Co.	10	Feb. 1, 1892	Feb. 1, 1902	Mar. 31, 1894	2		$82,116	8	1.00	118,612.00	1,113,128.00	166,513.00	946,615.00
44	San Francisco to Panama.	do	10	do	do	Sept. 30, 1893	3	$0.66⅔	99,224	7	1.00	214,985.33	1,802,569.33	141,025.74	1,661,543.59
47	San Francisco to Hongkong.	do	10	do	do	Mar. 31, 1894	2	1.00	95,524	8	2.00	382,096.00	3,247,816.00	198,396.00	3,049,420.00
57	New York to Southampton.	International Navigation Co.	10	Oct. 12, 1895	Oct. 12, 1905						4.00	a760,884.00	7,608,640.00	None.	7,608,640.00
58	New York to Antwerp.	do	10	do	do	Jan. 30, 1894					4.00	a799,968.00	7,999,680.00	None.	7,999,680.00
64	New York to Buenos Ayres.	United States and Brazil Mail S. S. Co.	5	Dec. 10, 1892	Dec. 10, 1897	Sept. 30, 1893					.66⅔	38,213.33	191,066.67	3,152.17	187,914.50
67	New York to Rio de Janeiro.	do	5	Dec. 1, 1892	Dec. 1, 1897	do					.66⅔	62,040.00	310,200.00	12,408.00	297,792.00
69	New York to Tuxpan.	New York and Cuba Mail.	5	Nov. 1, 1892	Nov. 1, 1897	Still operative.					1.00	b130,104.00	650,520.00	215,172.00	435,348.00
70	New York to Habana.	do	5	do	do	do					1.00	73,476.00	367,380.00	122,931.00	244,449.00
	Total												24,302,240.00	1,047,011.91	23,345,228.09

(2) CONTRACTS CANCELED.

30	Galveston to La Guayra.	John B. Clarke	5	Jan. 15, 1894	Jan. 15, 1899	Jan. 22, 1894					$0.66⅔	$57,672.00	$288,360.00	None.	$288,360.00
42	New York to Colon.	Pacific Mail S. S. Co.	10	Feb. 1, 1892	Feb. 1, 1902	Mar. 31, 1894	2		$82,116	8	1.00	118,612.00	1,113,128.00	$166,513.00	946,615.00
44	San Francisco to Panama.	do	10	do	do	Sept. 30, 1893	3	$0.66⅔	99,224	7	1.00	214,985.33	1,802,569.33	141,025.74	1,661,543.59
47	San Francisco to Hongkong.	do	10	do	do	Mar. 31, 1894	2	1.00	95,524	8	2.00	382,096.00	3,247,816.00	198,396.00	3,049,420.00
58	New York to Antwerp.	International Navigation Co.	10	Oct. 12, 1895	Oct. 12, 1905	Jan. 30, 1894					4.00	799,968.00	7,999,680.00	None.	7,999,680.00
64	New York to Buenos Ayres.	United States and Brazil Mail S. S. Co.	5	Dec. 10, 1892	Dec. 10, 1897	Sept. 30, 1893					.66⅔	38,213.33	191,066.67	3,152.17	187,914.50
67	New York to Rio de Janeiro.	do	5	Dec. 1, 1892	Dec. 1, 1897	do					.66⅔	62,040.00	310,200.00	12,408.00	297,792.00
	Total												14,952,820.00	521,494.91	14,431,325.09

Statement (1) showing the contracts for ocean mail service fully executed pursuant to the act of Congress approved March 3, 1891, the pay per mile, per annum, and the entire contract term on each route; (2) the contracts which have been canceled, and (3) the contracts still in force—Continued.

(3) CONTRACTS STILL IN FORCE.

Route.			Contract term.			Service discontinued.	Compensation.							Whole amount paid up to June 30, 1891.	Unexpended balance.
							Per annum.						For the entire contract term.		
No.	Terminals.	Contractors.	Years.	From—	To—		No. of years.	Rate per mile.	Amount.	No. of years.	Rate per mile.	Amount.			
36	New York to La Guayra.	Boulton, Bliss & Dallett.	10	Mar. 1, 1892	Mar. 1, 1902						$1.00	$81,288.00	$812,880.00	$187,414.00	$625,466.00
57	New York to Southampton.	International Navigation Co.	10	Oct. 12, 1895	Oct. 12, 1905						4.00	760,864.00	7,608,640.00	None.	7,608,640.00
69	New York to Tuxpan.	New York and Cuba Mail.	5	Nov. 1, 1892	Nov. 1, 1897						1.00	130,104.00	650,520.00	215,172.00	435,348.00
70	New York to Habana.	do	5	do	do						1.00	73,476.00	367,380.00	121,931.00	244,449.00
	Total												9,439,420.00	525,517.00	8,913,903.00

[a] The length of routes Nos. 30, 57, and 58 have not been furnished officially; consequently the estimates of pay upon those routes are approximate only.
[b] Calculated upon a length of 2,502 statute miles.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Missouri [Mr. LLOYD].

Mr. LLOYD. Mr. Chairman, the postal system of the United States may properly be said to have begun under the illustrious Benjamin Franklin, who was Postmaster-General of the colonies from 1753 to 1774. His administration of affairs during that nineteen-year period was especially noted for its efficiency, and commended not only at home, but abroad, for what he had accomplished, and yet at the end of his long service the postal receipts were only $15,000 per annum. It is remarkable what has been the growth of this wonderful American system. In 1790, when the Government began its existence, there were seventy-five post-offices, and the receipts of that year were $38,000. In 1850, sixty years afterwards, the number of post-offices was twenty-five times as great, and the receipts and expenditures were one hundred and fifty times as much as at the beginning. In 1905 the post-offices were four times as many as they were in the year 1860, and the receipts and expenditures were thirty times as great as they were at that time. The greatest number of post-offices in the history of the Republic was in 1901, when there were 76,945. This number has been reduced each year since that time because of the rural free delivery, and the probabilities are that that number will be greatly diminished in the next few years.

It is not my purpose to follow the history of postal legislation and the development of this great system. I am concerned to talk somewhat with reference to some of the questions that affect the country and some of those in the items of this bill.

The pending measure carries a greater amount in money by $10,000,000 than was ever carried by a post-office appropriation bill. There is not one dollar appropriated that was not thought to be necessary to be appropriated by the Committee on the Post-Office and Post-Roads. It is true that there are some items in this bill upon which there is some difference of opinion. You have seen an exhibition of that difference in the last few minutes. It is not my purpose, however, in the time allotted me, to discuss the special facilities, which is the subject of greatest disagreement.

The postmasters in the United States to-day receive over $22,000,000 for their services. It may be a fact, to which your attention has not been called, that the postmasters of the United States are receiving one-half as much as is paid to the railroad companies for carrying the mail of the country. It may be a fact with which you are not familiar that we pay as much to the city carriers and to the clerks and assistants in city post-offices as is paid to the railroad companies for the transportation of mail.

The postmasters' salaries in the last five years have increased 19 per cent. The pay to the railroad companies for carrying the mail has increased 19 per cent. The letter carriers' salaries in this period have increased 48 per cent, and the compensation for clerks in post-offices has increased in the period of five years 70 per cent. It is my purpose in the remarks that I shall make to confine myself mainly to the question of railway mail pay.

To me, and I suppose to you, it is a difficult and an intricate question to determine whether or not the pay to the railroad companies for carrying the mail is excessive or not. I shall at this moment call attention to the comparative expenditures for railway mail pay and also the expenditures of the Post-Office Department in general. We expended, in 1880, for carrying the mail, $9,200,000; in 1905 we paid $46,700,000, about five times as much. The general expenses of the Post-Office Department in 1880 were $36,000,000; in 1905, twenty-five years later, $181,000,000, or practically five times as much, showing that the progress in amount paid to railroads and the amount paid in the expenditures for the Post-Office Department have kept pace with each other. One of the most difficult things to determine in the investigation of this matter is how the mail is weighed and compensation based thereon is determined.

I submit at this time and will put in the RECORD a statement of the schedule of rates for the railway mail transportation. The law is so framed that the greater amount of mail there is carried, the less per pound it will cost to carry the mail. If there has been an average weight of 200 pounds carried on a railway train, it will cost $42.75 to carry it. An average weight of 500 pounds will cost $64.12. Five thousand pounds will only cost $171, and every additional 2,000 pounds costs $21.37 to carry it. This is an automatic reduction.

Most persons discussing the question of railway mail pay, especially those who are of the opinion that the amount expended for this item is too great, insist that we pay too much per pound for carrying the mail. They insist also that the law affecting railway mail pay has not been changed since 1878, and that because the railroad companies have voluntarily reduced freight rates and passenger charges the law ought to be changed reducing railway mail pay.

Since 1880 the reduction on account of passenger traffic has been from 2½ cents per mile to 2 cents per mile, a reduction of one-half cent per mile, or a decrease of 20 per cent. There has been a diminution also on account of freight charges of 40 per cent; but, strange to say, if you have not investigated it, there has been a reduction of 47 per cent on account of railway mail pay. In other words, the railroad companies in 1905 received 47 per cent less per ton-mile for carrying the mail than they did in 1880, and under this automatic reduction, by reason of the fact that there was so much mail to be carried, there has been this reduction in the rate per ton-mile.

I had always been impressed with the notion that was extant, that every pound of mail carried on a railway train cost the Government from 6 to 8 cents per pound to carry it. That statement has been made in the press; it has found its way into the reports of the Postmasters-General. That statement has been made repeatedly on the floor of this House. My impression is, however, that if you will carefully investigate the matter, you will find that it is untrue that the Government pays to the railroad companies 6 cents, 5 cents, 4 cents, or 3 cents per pound, but that in 1905 the amount per pound that was expended for carrying railway mail only amounted to 2.2 cents per pound.

What is mail? An investigation was made and a weighing was had in 1899 which astounded a great many people. Do you know that according to the weighing that was then made there was actually expended in the United States more money for carrying mail sacks than was paid for carrying the mail? Notice the statement. In 1899 51⅔ per cent of all the mail was sacks. I mean to say that the sacks and pouches were 51⅔ per cent of all the weight of the mail.

Mr. JOHNSON. In weight?

Mr. LLOYD. Yes, sir. I call your attention now to the statement of the weight. The mail was weighed for a period beginning on the 3d day of October and continuing for thirty-five days. The weight for that period was as follows:

	Pounds.
First class	9,000,000
Second class	38,000,000
Second class (free)	3,000,000
Third and fourth class	14,000,000
Government (free)	9,218,000
Equipment	76,806,000

Equipment! Now, what is equipment? Any of us would understand that equipment is not mail, but what is it?

Mr. SMITH of Kentucky. What was the date of that weighing?

Mr. LLOYD. Beginning October 3, 1899, and continuing for thirty-five days. In order to satisfy myself fully as to what equipment was I have obtained from the Second Assistant Postmaster-General a statement on that subject, which I send to the Clerk's desk to be read.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER-GENERAL,
DIVISION OF RAILWAY ADJUSTMENT,
Washington, March 30, 1906.

SIR: Referring to your letter of the 29th instant, asking as to "what 'equipment' is as used in weighing? Does it consist of anything excepting sacks; if so, what? Is the sack and the mail it may contain weighed separately?" I have to state that in the weighing in each post-office of the country from October 3 to November 6, 1899, the mail was weighed separately from the sack or pouch. The tables on pages 258 and 261 of the report of the Postmaster-General for 1900 (Tables I and M) show the weight of the several classes of mail and also of equipment for the thirty-five days covered by the weighing, together with the estimated weight for the year and the percentage of the several classes of mail and equipment. Table I shows mail for all classes of routes. Table M shows only such matter as was sent to railroads.

In the regular weighings of the mail for the purpose of securing data on which the adjustment of pay for transportation on railroad lines is based the sack and contents are weighed as mail. The term "equipment" or "empty equipment" used in the weight returns covers the empty sacks that are used for car dressing—that is, filling the racks so that the proper and expeditious assortment of the mail may be made, as well as such empty equipment as must be carried to meet the needs of the exchanges at intermediate points on the line. It covers, of course, the mail locks as well as the empty sacks.

Very respectfully,

W. S. SHALLENBERGER,
Second Assistant Postmaster-General.

Hon. JAMES T. LLOYD,
House of Representatives.

Mr. LLOYD. You will observe from this statement that equipment means a sack or pouch, and that at the time of the weighing in 1899 the equipment was a little more in weight than the half of the full weight of mail.

There is another fact to which I want to call attention. That is shown by the table before me. At the time of the weighing there was only 40 per cent of the mails that paid any revenue to the Government. At that time there were 1,565,000,000 pounds of mail matter, but only 40 per cent of it was paying any revenue to the United States. You will notice in the table that I read a moment ago Government free matter. There were 9,000,000 pounds of Government free matter.

According to the same proportion, during the year there would have been 96,000,000 pounds of this class. We are worried now about a deficiency of $14,000,000. In the postal business of last year if the Government had paid its own postage there would be no question about a deficit.

Mr. SMITH of Kentucky. May I interrupt the gentleman?

Mr. LLOYD. Certainly.

Mr. SMITH of Kentucky. What is the comparative weight of the Government free matter and other free matter? I understand that there are two classes of free matter—one is the newspaper that circulates in the county of publication and the other is the Government matter—and I would like to understand the difference in the weight, if the gentleman can tell me.

Mr. LLOYD. The second-class free matter, which was county papers circulating in the county in which they were published, amounted to 3,140,000 pounds in that thirty-five days. The Government free matter amounted to 9,218,000 pounds.

Mr. CLARK of Missouri. Will it disturb the gentleman if I ask him two or three questions?

Mr. LLOYD. Certainly not. I yield to the gentleman from Missouri.

Mr. CLARK of Missouri. Is there any proposition in the pending bill to have the Government send its desks and supplies and everything of that kind either by freight or express instead of through the mail?

Mr. LLOYD. Yes; there is.

Mr. CLARK of Missouri. If that is accomplished, would not that save the Government enough to wipe out the deficiency that there is so much talk about?

Mr. LLOYD. I can not answer that, because there is no data by which we can say how much these supplies that have gone through the mails amount to. There is no doubt but that the War Department and other Departments are sending large amounts of furniture and such things through the mails, but just how much there is of it there is no way to determine. We do not know the amount of it, but we do know that the fact exists that it is done.

Mr. JOHNSON. It would not make any difference until the next weighing period came along, would it?

Mr. LLOYD. No, sir.

Mr. CLARK of Missouri. No; it would take four years to get rid of the incubus if you start now, but if you do not start in you never would get rid of it.

Mr. SMITH of Kentucky. Mr. Chairman, the suggestion that the gentleman from South Carolina made about the weighing of the mail is a subject that I want some information about. I have seen the statement somewhere that after the rates were fixed for the transportation of the mails upon the railroads in 1901 that by some order of the Post-Office Department they cut out a lot of second-class matter that had been computed in arriving at the pay that the railroads should receive for the ensuing four years from July 1, 1901, and thereby the railroads were relieved from carrying a great quantity of second-class matter that under the contract they had been required to carry and were actually paid for. Is there anything in that statement or not?

Mr. LLOYD. I hardly think there is any considerable truth in that statement, and yet there is an element of truth in it. But, Mr. Chairman, with reference to the weighing. At the present time second-class mail matter is weighed, and has been for a number of years. We can ascertain how many pounds of that class of mail is carried. We can not ascertain exactly how much of any other kind of mail is carried. I have sought to find out, if it were possible, what was the weight of the mails.

I have been concerned in this argument, if I could do it, to show to every individual, whether he has investigated the subject or not, something about what he pays in dollars and cents and per pound for the mail that is carried. If I say to the average individual that it costs, say, 12 cents per ton-mile to carry mail, then I must try and explain what a ton-mile means. I have been investigating that for about thirty days, and I can hardly find out what a ton-mile is. I observe that Professor Adams, who was employed by the Commission of 1898, states that there were 272,000,000 pounds in ton-miles carried in 1898. How he ascertained that there were 272,000,000 pounds carried a ton-mile I can not explain. There was more mail carried than 272,000,000 pounds, as everybody knows, but I have had difficulty in determining what made a ton-mile in his estimates. I have sought to get down to the practical basis, how much does it cost per pound to carry the mail? We go back to our constituents, to home and friends, who are concerned to know about this matter, and they ask how much is paid for carrying the mail, and I say in response, 10.83 cents per ton-mile. What would they know about it? No more than I do, and I am yet trying to get at what we do pay, as figured out by Mr. Adams, an expert.

Mr. STANLEY. Is it not especially important to have this information not only for our constituents, but in order to make a fair estimate to the railroad men of the mail that is carried, and while the mail is being weighed to get at the amount of mail that is to be carried at the various times when the mail is not being weighed? Now, do you pay them by the ton-mile?

Mr. LLOYD. No, sir.

Mr. STANLEY. Is the weight made to the Government on that basis?

Mr. LLOYD. No; if you will excuse me, I will explain as best I can how mail is weighed and how we determine the compensation—that is your point?

Mr. STANLEY. No; here is what I want to get at. If you can not determine from the statement of the railroads how much mail is carried in a year, have you any data by which you can tell whether the mail that was carried during the mailing season is greater or less than the amount of mail that is carried at some other month or sixty days in the interim between that and the next weighing?

Mr. LLOYD. No; there is no way of determining that.

Mr. STANLEY. Does it not appear to you that this ton-mile list is a cloak to keep from us that very fact?

Mr. LLOYD. I was undertaking to explain the system of weighing the mail. It is a very complicated method, but I believe a very fair one. I obtained from the Post-Office Department a statement of the weighing of the mails between Quincy, Ill., and St. Joseph, Mo., over the Burlington route, which runs through the district in which I am specially concerned. I find

from that statement—they require mail to be weighed for sixty consecutive days—that there was sent out an aggregate amount of mail from Quincy, starting toward St. Joseph, of 811,000 pounds. Now, there was put on at West Quincy, which is the first station after leaving Quincy, 1,360 pounds in the sixty days. In order to obtain the compensation, they multiply that 811,000 pounds by the distance between Quincy and West Quincy, which is two and a half miles. Then they add the 1,360 pounds which was put on at West Quincy. That serves as a basis for computation between West Quincy and the next station, which is Palmyra. Then multiply that sum by the number of miles which intervene between West Quincy and Palmyra. That determines the weight for that distance. At Palmyra there was a very large amount of mail put on and some mail taken off. They find the difference between the two and add that to the amount of mail that was carried between West Quincy and Palmyra. They keep up the process to the end. The same course is pursued on incoming mail. Then they add these several sums together, incoming and outgoing, and divide it by the whole distance, or 206 miles, between Quincy and St. Joseph, Mo.

Mr. SMITH of Kentucky. I have a statement here I want to read, and I ask the gentleman, as this is such a complicated matter, if this is a correct definition of what per ton per mile means? It says, "On any route if one multiplies the miles into the daily weight and reduces the product to tons he will have the tons carried a mile a day on that route. Then dividing the yearly payment by the number of days and divide the quotient by that product he will have the price per ton per mile. This is to be done separately on every route."

Mr. STANLEY. That is something like "How old is Ann?"

Mr. LLOYD. That is a correct statement, I think, but if I was going to make that kind of a statement to one of my constituents, what would he say in reply?

Mr. STANLEY. Now, have we any way of determining whether or not the amount of the Government mail——

Mr. NORRIS. I wonder if the gentlemen could not be induced to talk a little bit louder, so that we can hear their conversation? They are not talking above a conversational tone at present.

Mr. STANLEY. I asked if we have any way to determine whether or not the amount of mail that is carried during this carrying period is a fair average of the mail that is sent out by the Government, especially during those periods—for instance, the weight during this sixty days. Now, can you get any record of the amount of mail that is sent out by the Government during that sixty days, or is there any record to determine it?

Mr. LLOYD. No; there is no record of what is in the mail or what went through the mail, except it weighed so many pounds.

Mr. STANLEY. That is all.

Mr. OVERSTREET. If my colleague will permit, I think the gentleman appreciates that the weight as found at the time of the weighing period is the minimum for the time, because there is a constant growth in the volume of business. I think it is a little more than the average weight.

Mr. LLOYD. That answers a different question.

Mr. OVERSTREET. Then I did not understand the question.

Mr. LLOYD. That answers the question asked by my friend from Kentucky [Mr. SMITH] a short time ago, that if we took out of the mail the carrying of furniture and other things of that kind, if that were withdrawn from the volume, that would be paid for anyhow.

Mr. SMITH of Kentucky. This sixty days' weighing, as I understand, is the general weighing that takes place every four years in advance of the letting of these contracts.

Mr. LLOYD. Yes, sir; the United States is divided into four sections, and there is a weighing in one section each year until the four-year period is completed, and then they go back and go over it again.

Mr. SMITH of Kentucky. The gentleman has also referred to the thirty-five days' weighing.

Mr. LLOYD. That was a special weighing that was ordered by the commission appointed in 1898 to investigate the railway mail pay.

Mr. SMITH of Kentucky. And in that way they ascertain the weight of the different classes of mail and kinds of mail.

Mr. LLOYD. Yes, sir.

Mr. SMITH of Kentucky. But they do not under the general weighing, as I understand?

Mr. LLOYD. That is right.

Mr. STANLEY. How long was it, if the gentleman will permit me, after the general weighing that this special weighing was made?

Mr. LLOYD. Well, the general weighing, you know, goes on each year.

Mr. STANLEY. For that peculiar section?

Mr. LLOYD. For one-fourth of the country. The weighing takes place early in the year, but this special weighing began on the 3d of October and was completed on the 5th of November.

Mr. STANLEY. Do you know when this special weighing was made in Missouri, and do you know how long this weighing was after the last general weighing took place?

Mr. LLOYD. This particular weighing in Missouri to which you refer was in 1902, three years after the special weighing.

Mr. STANLEY. Three years after the Government weighing?

Mr. LLOYD. Yes, sir.

Mr. STANLEY. Do you know how that weighing compared with the last general weighing?

Mr. LLOYD. I do not know; it is very difficult to give an exact answer to that. You can not go back and make a specific computation. It is not decided by the amount put on the train and taken off the train, but is determined by the average amount of mail that is carried from the beginning of the route to the end of the route.

Mr. SMITH of Kentucky. I will suggest to my colleague that the general weighing made in this eastern district—the first district, I think it is called—was from September, 1900, to June 30, 1901, and upon that the contracts were let for the four years on July 1, 1901. The special weighing was made in 1899, as the gentleman from Missouri says, from October to November, 1899.

Mr. STANLEY. This special weighing was made by the Government and not by the Department.

Mr. LLOYD. I stated before this interruption began—and I courted the interruption; I am perfectly willing to answer any questions asked if I can do it, because we are all seeking light in this matter——

Mr. BEALL of Texas. I want to avail myself of that invitation and ask the gentleman a question. Take a case like this: Now, I understand the mail is weighed in a particular locality every four years.

Mr. LLOYD. Yes, sir.

Mr. BEALL of Texas. Supposing the mail going to a certain place during that weighing period amounts to 50,000 pounds. In the succeeding four years there may be an increase in the business of that locality and in the amount of mail carried, and, say, at the end of three years and six months during the same period of time covered by the weighing period it has increased to 100,000 pounds, would the company be paid simply at the rate of 50,000 pounds, or would it be paid on the increased amount?

Mr. LLOYD. They would be paid at the rate of 50,000 pounds until the succeeding weighing period.

Mr. BEALL of Texas. Another four years?

Mr. LLOYD. Yes, sir.

Now, I started to try to explain how to determine what is the weight of mail, and when we determine the weight of mail, then we can easily determine how much per pound it costs to carry it. I must say at the outset with reference to this that it must be largely problematical. As I stated some time ago, the second-class mail is weighed from year to year, and we know what that is. Now, in 1899, when all the classes of mail were weighed, 30 per cent—notice the statement, 30 per cent—in round numbers, was second-class mail matter.

Now, I have taken the second-class mail matter in pounds, as it has been determined by the Government, and have determined on that basis of 30 per cent what would be the full weight of mail during the various periods. If the second-class mail is 30 per cent of all that is carried in mail, including equipment, then taking the second-class mail as 3 cents, 10 cents wil be the whole amount of mail carried. I have made a computation for the years 1880, 1885, 1890, 1895, 1900, and 1905 on this basis, and in a table give the weight of the second-class mail, the estimated weight of all mail, the cost of carriage on the railways, and the cents per pound in cost, as follows:

Year.	Second-class mail.	Weight of all classes.	Total cost of carriage on railway.	Per pound.
	Pounds.	*Pounds.*		*Cents.*
1880	61,322,629	204,480,000	$10,498,986	5.1
1885	101,057,963	336,859,870	16,627,983	4.9
1890	174,046,764	580,153,840	23,395,231	4.3
1895	265,314,382	884,381,270	31,205,342	3.5
1900	382,538,999	1,565,666,508	37,793,981	2.8
1905	618,664,754	2,210,357,000	44,893,960	2.2

According to my estimate we are paying to-day 2½ cents per pound for carrying the mail on the railway trains, rather than 6 or 8 cents, according to the statements that have been made.

Now, it does not follow because of this fact that railway mail pay is not excessive and that it ought not to be reduced. I shall insert in my remarks a statement made by Professor Adams, who is a recognized authority, showing by tables that he has made a comparison between the mail transportation and the express transportation. It is argued, as all of you know, that the railroad companies ought not to receive anything more from the Government for carrying the mail than they receive from the express companies for carrying express matter. Unfortunately, it is impossible for us to determine how much the express companies receive from the people in the transaction of their business.

Mr. RUCKER. Will it disturb the gentleman to go back for a moment?

Mr. LLOYD. No.

Mr. RUCKER. Myself and some of my colleagues are at variance concerning the answer which the gentleman made a while ago. I will assume at first, for convenience, that along a certain line of mail route the weight, as shown by the weighers during this weighing period of sixty days, is 1,000 pounds a day for the sixty days. This forms the basis upon which the contract price for carrying the mail is based.

Mr. LLOYD. No; you take the outgoing mail and the incoming mail.

Mr. RUCKER. Both together, of course.

Mr. LLOYD. Taking the two together, that makes the basis.

Mr. RUCKER. Now, the point I want to get at is this: Suppose that during the next sixty days, instead of the mail carried amounting to 1,000 pounds, it amounts to 2,000 pounds. Does the railroad carry that 2,000 pounds for the same compensation, the same number of dollars, that it carries the 1,000 pounds?

Mr. LLOYD. It gets its pay for four years on the basis of a sixty days' weighing.

Mr. RUCKER. So that if the weight is two times or five times as much, the railroad company gets no more for it than if it just simply continues at the average of 1,000 pounds?

Mr. LLOYD. That is correct.

Mr. SMITH of Kentucky. Do I understand the gentleman from Missouri to say that it is fixed absolutely at the weight shown by this sixty-day weighing, or do they not calculate upon a percentage of increase each year?

Mr. LLOYD. No, sir; and the railroad companies complain because they say the Government requires them to carry a great deal of mail for which they receive no pay. Of course we know that the mail increases each year, and they say that they get nothing for carrying this additional weight of mail.

Mr. JOHNSON. As a matter of fact, is not that complaint well founded? Does not each subsequent weighing show an enormous increase in the amount of mail carried? That is to say, all over the United States we know that there is an enormous development of the business of the country, and that the mails carried are increasing very much.

Mr. LLOYD. That is undoubtedly the fact. The mail is increasing all over the country. Now, I stated a moment ago, in the table I had prepared, that the actual amount per pound was 2.2 cents for carrying the mail. It may be said that we ought to take into account other expenses in determining this estimate. They may say that you are talking about mail when the law contemplates equipment as well, and, in fact, the mail pays twice 2.2 cents per pound. There can be no doubt of that proposition, that we actually pay 4.4 cents for every pound of mail that is carried on a railway mail train, because included in the mail, but not a part of it, in fact, is the equipment. That is plain, is it not?

Mr. STANLEY. Right there, you do not approve of that failure to distinguish between them, do you? You think that there should be a distinction between the mail and the sacks in which it is carried.

Mr. LLOYD. Oh, yes.

I called attention a few moments ago to the enormous weight of equipment. There was paid last year for carrying equipment alone, if the same proportion was maintained as in 1899, over $20,000,000. There is certainly no necessity for this extraordinary expenditure. Economy should be sought in this direction. It is a ridiculous proposition that the mail sacks and pouches should cost more in transmission than the mails. There are at the present time over 1,600,000 mail sacks and pouches in use. If these were equally distributed each day and all of them were used and the same amount placed in each sack, there would be less than 2 pounds of mail in each one. I have no doubt that 10 per cent less sacks might be used and accomplish the same purpose as at present. This would save at least $2,000,000 annually. Sacks and pouches can be reduced in weight by making them of lighter material and putting less iron in the fastenings and clasps. It seems to me that at least 25 per cent of weight might be saved if this economy were assiduously attempted. If this were done it would reduce the weight of equipment one-fourth and save $5,000,000 annually to the Treasury. I am pleased to note that this saving has been begun. The recent contracts for mail sacks and pouches are for those much reduced in weight. Those now making weigh on an average a little over 4½ pounds. I have no doubt this can yet be reduced to 3½ pounds without any injury to the service.

If empty sacks were shipped in bulk from mail centers by freight, there ought to be a saving of $1,000,000 more. There is an item in the pending bill which provides for expenditure on this account. In all weighings after this time empty sacks and pouches should be weighed separately, so the Government may ascertain how much it expends in the transportation of empty sacks. I feel sure that reform along these lines would result in a saving to the Treasury of some seven or eight million dollars each year.

It has been ascertained upon inquiry that the Post-Office Department, Treasury officers, Army officers, and other Government employees have, under the laxity of the penalty privilege, sent through the mails free of postage furniture, safes, desks, Army headquarters equipment, Treasury appliances, and very many heavy articles of merchandise. How much of this has been done no one can tell. How much it means in dollars there is no way to accurately estimate, because there is no data at hand for the computation. One thing is sure—it has added much to the weight of the mails and should no longer be tolerated. Such goods should be sent as any private individual would send them. If such things are excluded from the mails, it would save much to the revenue and would reduce the amount to be paid to the railroads.

It is asserted that the best comparison that can be made to determine whether the railroad companies are receiving excessive sums for carrying the mail would be in comparison with express rates and the amount received for passenger traffic. The report of the statistics of the railways for the year 1905 show that the railroads received from the Government for carrying the mails the sum of $44,499,732, and on account of express the sum of $41,875,636. We have no way of ascertaining the amount of business which the railroads did for the express companies, nor the amount received by the express companies for their charges, so that there is no way of ascertaining the exact data with which to make the comparison, excepting as the railroads have reported the amount received for carrying express matter. I wish to call attention at this time to a table begun by Professor Adams, expert accountant for the Commission of 1899, and completed to date, which shows the average amount received per mile for passenger service at different dates, the amount received per ton for freight carried 1 mile, and the amount per ton mail per mile, including postal-car compensation, at various dates.

Year.	Passengers.[a]	Freight.[b]	Mail.[c]
	Cents.	*Cents.*	*Cents.*
1880	0.0251	0.0129	0.206
1890	.0217	.0094	.1497
1905	.02	.0078	.1063

[a] 20 per cent. [b] 40 per cent. [c] 47 per cent.

This condensed table will show that passenger rates since 1880 have been reduced 20 per cent, freight rates 40 per cent, and mail compensation 47 per cent. This table is accepted as correct, as I understand it, by everyone, so far as made by Professor Adams. The last statement I have obtained myself. This does not show, of course, that the railroad companies do not receive an excessive sum for carrying the mail, but simply serves to inform us that there has been a greater reduction in mail pay than either passenger or freight receipts during that period.

In the hearings before the Commission of 1898, various comparisons were made of express and passenger receipts and freight rates, all of which tended to show that the railroads received more for carrying express than for carrying the mail, but that the difference was very small. In some instances it was shown that the amount paid for carrying the mail was much less than that received for carrying express. Especially was that true on the route between New York and Philadelphia. There is another element which enters into the problem, which is very difficult to determine. Express companies receive pay for weight and distance, while mail is carried at the same rate per pound without regard to distance. The average distance ex-

press is carried is much less than the average haul of mail, but just how much there is no data at hand to determine. It is charged that many items which may be sent either by mail or express are sent by express if the distance is short, and by mail at the greater distance.

In my remarks I have endeavored to present facts rather than arguments. I have tried to call attention to existing conditions, rather than present remedies for existing evils. I have made no demand for reduction of railway mail pay, excepting as the facts developed would indicate its propriety. I have said nothing favorable to the railroads, excepting as the truth shown might indicate it. My own conviction is that more light is needed. The express companies should be required to make public statement of their business just as the railroads and banks are required to do. There should be a complete weight of the mail by classes, and more definite data obtained, so as to determine the rights both of the railroads and the Government. Every critical examination thus far made on the question of railway mail pay has led to uncertainty and doubt as to what was right in the premises.

My colleague on the committee, the Member from Pennsylvania [Mr. SIBLEY], in his excellent address on last Saturday, made some statements with reference to second-class mail matter to which I wish to call attention. In speaking of the cost of carrying the second-class matter, he said it was carried at a loss of more than $27,000,000 annually to the Government, and inquired whether such expenditure was not too great a contribution to this class of mail. There were carried last year 663,107,128 pounds of second-class mail matter. If I am not mistaken in the estimate made as to the cost per pound of carrying the mail, this actually cost the Government $14,588,356, and it received in postage on account of it $6,186,647.54; on this estimate, a loss of a little over $8,000,000 for this transportation. In another portion of his address, in discussing the question of the reduction of pay on account of the great weight of the mail, he made this statement: "It is, therefore, an entirely accurate statement to make, that the railroad pay for a large part of the mail they carry is less than 1 cent per pound." If this statement be correct, and I have no doubt that it is, the Government received full compensation for a "large part," to use his language, of the second-class mail matter, because it paid 1 cent per pound.

If the estimate previously made of the reduction since 1900 per pound of mail in transit is correct, if the second-class mail of 1905 had been taken from the mails there would have been the same cost for its transportation as in 1897. This difference would amount to several million dollars and would fully compensate for the difference between the actual payment for the second-class matter and the amount which would have been received if it had paid its full share of railway pay.

I am not much in sympathy with the attack that is made on the second-class mail. Department officers have for years called attention to what they believe is an abuse. This has become somewhat chronic with them. That there are abuses in this branch of the service I have no doubt. It is true that under the guise of a newspaper or magazine many advertising agencies find access to the people with this cheap postage rate. The existing law may not be enforced as rigidly as it should be, in some directions, so as to exclude the great advertising journals; but in this world with nearly every good there is an attendant evil, and while wrongs may creep into the use of second-class mail it is, after all, the most important part of the mail carried so far as general intelligence is concerned.

The greatest civilizing agencies in America, in my judgment, are sent as second-class mail matter. The grandeur and greatness of this Republic, so dear to all our hearts, is due more to that which is carried as second-class mail than to any other agency. This Republic sprang into existence as "the Joshua that commanded the sun and moon to stand still," as expressed by Benjamin Franklin. The independence and intelligence of its citizenship has been its crowning virtue. If its prowess depended on great navies and frowning fortresses, it would stand fifth in the race for preferment. If marshaled hosts and standing armies were the measure of its greatness, then it would sink into insignificance compared with the nations of the world. If ancestral blood and pampered aristocracy are to be the criterion which determine recognition, then Americans must stand aside and allow the royal pageants to pass. But if individual worth and respectability are determining factors, then our Government stands at the head of the column of achievement. This Government is what it is largely because of the public press and the cross-road schoolhouse. To-day the county newspaper circulates free of postage in the county of its publication at an expense to the Government of over $1,000,000. If you had the writing of the law to-day, would you demand postage for this literature? This is the purest and cleanest of public journalism. It is the channel through which the masses are directly reached. It is the thermometer of public thought, the source of intelligence and information, the medium through which the home is reached and the knowledge of local affairs made known. It deserves this recognition and indorsement of its excellent work. It is a business with little of financial profit, engaged in by moral, patriotic, and exemplary men, free from graft and the demoralizing tendencies of the time. The country commends the law which permits the circulation of these papers free of postage in the counties of publication.

Would you in anywise discourage the great daily newspapers by additional postage burdens, that intelligence which finds its way to every village and hamlet, and, since the institution of rural delivery service, into the homes of many of the farmers of the land? These papers may carry too many advertisements, some may go too far in scandal, vilification and abuse, but these mighty engines of influence have the advantage of the mails at the second-class rate and pay only 1 cent a pound postage. Has the Government acted unwisely in fixing this law? Should this body discourage by any act the dissemination of such information? The laborer as he wends his way to his place of business in the city can for a single cent put himself in touch with the doings of the world. As he returns in the evening for another penny he can take to his home the daily paper for his family to read. The farmer now in most localities when he sits with his family around the evening fire can read the same daily paper and inform himself of the doings and thoughts of the world. Would you place any barrier between the publisher and the reader of these great papers by adding additional postage, whether the postal rate is a source of revenue or a means of expense to the Government?

The hated magazine and the great national weekly press, about which we have heard so much in condemnation because of their failure to bear their part of the postal burden, mean much to the reading public. They give to them the deliberate and thoughtful judgment of great students on the issues affecting mankind. Who would take from the second-class mail the Youth's Companion, the Saturday Evening Post, and kindred publications? Why should the North American Review or the Cosmopolitan and other great magazines be deprived of the quickest transit at the present rate? Why does there sit at either end of the Clerk's desk in this House of Representatives the representatives of great press agencies when the general public is excluded from our council? Why is it that a portion of the gallery is set apart for the press whose information circulates as second-class matter? Is it not because this body is concerned that the information which they send to the country should be sent with the utmost dispatch and reach the greatest possible number of homes? In my judgment no expenditure of the Government brings greater returns; no investment means so much in its relation to the home and schoolhouse; none has added more to the sum of individual knowledge, and no step backward should be taken in this contribution to the intelligence and enlightenment of the people.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Chairman and gentlemen of the committee, I do not often impose myself upon the patience of this body. Experience teaches me that the most effective work is done, not upon the floor of the House by the perpetual talkers, but by the quiet, earnest Members, who attend strictly to their committee work, and give their thought and time to such legislation as properly comes before the committees to which they are assigned.

This country is so big, its interests so varied and so large, that to be successful as a Representative, a Member must make himself a specialist in some particular branch of the service. The age demands high-class specialism, and the man who would make himself felt, either in the nation or as a representative of the people on the floor of this House, must know some one subject, and know it as a specialist.

Not being a member of this committee, I am not as familiar with the provisions of the bill under consideration, carrying as it does nearly $200,000,000 of the people's money, as I am with the bill which has to do with the agricultural interests of the country, and which comes from the committee of which I am a member. Therefore I shall address myself only to that feature of the bill with which I am somewhat familiar on account of the fact that it has to do directly with matters of everyday interest to my district, and in which I have a deep concern.

I wish briefly as possible to discuss the policy of the present Administration with respect to the rural delivery service. Rural delivery was begun as an experiment about ten years ago, Congress appropriating a small sum for that purpose. The Postmaster-General at that time did not think the experiment

would prove successful, and for several years the small appropriation given by Congress was not used—the Postmaster-General refusing point-blank to expend this appropriation, giving as his reason for such refusal that he regarded it as an absolute waste of the public money. The friends of the service, however, were not to be put aside from their purpose by the hostile attitude of the Post-Office Department. On the contrary, from year to year the appropriation for rural delivery was increased, and when the Department found that Congress was in earnest about having a fair experiment made, the money was put to the uses for which it was appropriated and our great system of rural delivery was begun.

No branch of the Government has grown so rapidly as this. Starting with an appropriation of $40,000 ten years ago, the appropriation for rural delivery in this bill calls for an expenditure of $28,000,000. There will be in operation by the end of this fiscal year more than 35,000 rural delivery routes, employing about that many people as carriers. The rural districts are rapidly becoming net-worked with postal routes, and the countryman is each day being brought in closer and closer contact with the busy activities of the world. Gentlemen in this debate have referred to this service as a luxury; I agree to that proposition; it is a luxury, but it is more than that—it is a benefit—the greatest benefit to the greatest number of people that the Government has ever undertaken to confer. It is more than a benefit even; it is an undertaking upon the part of the Government to concede to the great agricultural interest of the country a right which has been denied it since the time when the several States joined together for a more perfect Union. It is an evidence of the fact that the representatives of the American people have at last reached a point where they are willing to do exact justice to all classes of the country. It is the doing of a tardy justice to that class which contributes more than any other to the nation's wealth and glory.

The wisdom of tuose who fought for rural delivery in its inception, their courage in standing up for it in the face of the cold-water policy of the Department, finds justification in the rich fruits it is now bearing. Rural delivery has enhanced from 20 to 50 per cent the value of the farmer's land, and brought him in daily touch with the markets of the world, affording him the advantage of their rapidly changing conditions from day to day. It has become a great university in which 36,000,000 of our people receive their daily lessons from the newspapers and magazines of the country. It is the schoolhouse of the American farmer, and is without a doubt one of the most potent educational factors of the time.

Mr. Chairman, I regret to be forced to believe that the policy of the Post-Office Department at this time is unfriendly, if not actually hostile, if not to a continued existence of the service, then, at least, to a legitimate and reasonable extension of it. My experience with officials in charge of this service leads me to the conclusion that the Department has adopted a policy of repression, if not retrogression, with respect to it.

The regulations of the Department touching the inauguration of new service, I assert, are calculated to bring about delay and to stand between the expressed wishes of the people and the right which they deserve to expect from the Government. The present Postmaster-General evidently has thought it incumbent upon him to call a halt upon the rapidity of the growth of the service, and his policy is doing this most effectively.

Let us illustrate by example the miserable policy of delay now pursued by the Post-Office Department. A community wishes rural delivery. Some enterprising citizen writes his Congressman to that effect and at once a blank petition prepared by the Department is returned. It is necessary that this petition be signed, if the route is of the maximum length of 24 miles, by at least 100 persons. The petition is then returned to a Senator or Congressman, whose favorable indorsement is required as a condition precedent to consideration by the Department. There can be no complaint as to this rule. It is reasonable, as expressive of the will of the people by their chosen Representative, and, in addition, tends to expedition in the inauguration of the service.

Under the old rule of the Department the petition was at once referred to one of its field agents with instructions that the feasibility of the service be investigated as soon as possible.

Under the present policy of repression, however, the officials in charge, acting presumably under orders from the Postmaster-General, take this petition and go over it name by name, and I do not know but that they employ a handwriting expert, and if it is found that the petition is in the handwriting of only one person, then it is returned to the postmaster at the point from which the service is petitioned, with the demand that the petition be returned signed in the handwriting of the petitioners. I do not know what was in the mind of the Department when this new rule was adopted, but I do know that it convicts the Department of one of two things—either a purpose to delay the inauguration of the service as much as possible, for the going of this petition back and forth between the Department and petitioners requires from two to three weeks of time, or it convicts the Department of adopting a policy which is without sense or reason. Those of us who are familiar with country life can well understand how natural it is for the farmer, who may be in the field, or whose hands are soiled from the work being done, to ask the person in charge of the petition to sign for him. This is natural, and if the Department had any appreciation or understanding of country life, it would know this and abandon this new regulation. But, in my humble judgment, the Department does understand the American farmer, knows all about him, and the rule is adopted, not because of a lack of understanding in this respect, but for the sole purpose of causing delay and retarding and holding back the inauguration of the service where it has been petitioned for, on the grounds of mere departmental technicality. Now, then, when these handwriting experts have been satisfied that the petition is genuine, it is then referred to another branch of the Department, and from there it goes to a special agent in the field. In the meantime, when the petition is going this sinuous course, and butting through these walls of obstruction and delay, two and sometimes three months have gone by and the petitioners must patiently wait.

After the departmental critics can discover no further flaws in the petition, the special agent takes it in hand and the territory to be investigated will be reached by him perhaps within six weeks or two months. The special agent, who is usually a most intelligent and conscientious and liberal man, goes over the ground carefully, examines the local conditions, inquires into the particular need for the service, talks with the people along the proposed route, and thereby gets the correct point of view from which to decide as to the feasibility of the service, its necessity, and whether or not the people will patronize it. In his report to the Department he fully covers all these points, so that there can be no reason for any lack of information by officials of the Department. By the time the agent gets the petition and has made this report not less than four months, and sometimes six, have elapsed since it was properly signed by the people interested and sent to the Department through their Representative.

The petition is again in the Department with the favorable report of the Department's own agent, who knows the local situation and the necessity for the service, and whose judgment is usually reliable. The cause for complaint now begins. The petition has reached the hands of the red-tapists—the fellow who either knows nothing of rural conditions, or cares nothing about them, the official who can see no special reason for facilitating consideration, but is willing to allow the petition and the report of the agent to lie in the office to become covered with dust and cobwebs, while the taxpayer, the citizen, is patiently waiting for the service which belongs to him as a matter of justice and right. After the petition has soaked for several months in the Department or is groping about in the mystic maze of its divisions and bureaus, the officials, paid by the money of the people and presumed to be interested in the work of expediting the business of the people, begin to bestir themselves. They move with a slowness, it is true, which can only serve the purpose of holding out the hope to the anxious people that there is still left in this ponderous machine a small spark of vitality. If a Member of Congress is sufficiently energetic to go to the Department six times a week, he may be able, by prodding and begging and cajoling, to hasten somewhat the movements of this machine. I warn gentlemen not to make the mistake of expecting any results by mere letters written in behalf of petitioners. These will avail nothing. You must see these people and help them solve the great mystery of doing the simplest thing on earth. A letter brings nothing in return save a stereotyped answer to the effect that "the matter will be given consideration in the due course of time."

The report of the agent is gone over carefully, critically, deliberately, and painfully slow, and if the eye of the Department detects a single technical flaw in the report, the petition is again referred to the agent in the field for what the Department calls "a supplemental report." The whole process must be gone through with again, and to get a supplemental report requires as much time as to get an original one, and it frequently happens that many months are wasted, and the inauguration of the service, to that extent, delayed because of some red-tape objection raised against the report of the agent. I have known it to happen that one petition has had to run the gantlet of four investigations by the field agent before the departmental critics were satisfied that no further reason for delay could be

found. If no supplemental report is necessary, the recommendations of the agent are considered by the officials of the Department, and after they have concluded that no valid reason exists for their not taking the next step in the process, the postmaster at the initial point of the proposed route is called upon for a certificate as to the number of people who will signify their willingness to patronize it. If upon the return of this certificate—and this, of course, takes time and is a needless delay—it is shown that three-fourths of the entire number of families are willing to patronize the route, the petition receives the departmental O. K. The postmaster is notified that the route will be established, and the Civil Service Commission is called upon to hold an examination for a carrier.

The civil service performs its part in complicating this already complicated web with reasonable expedition. It usually takes not less than six weeks to hold this examination and appoint a carrier.

It is hardly necessary to argue that this machinery is complicated, cumbersome, and calculated to give rise to unnecessary delay in the inauguration of service. From the date of filing the petition to the date of inauguration of the service most usually takes twelve months, and I have a case in my own district in which it took the Department almost that length of time, after receipt of the favorable report of the agent, to get everything in readiness for the inauguration of the service. In the meantime the farmer, whose mail is as important to him as the mail of a Wall street banker or stock gambler, who gets a delivery from nine to twelve times a day, is denied the blessings of this service in order that the unwarranted obstacles of a picayunish policy may be met and overcome.

Mr. Chairman, I assert without fear of contradiction, that no man who has ever followed a petition through this departmental labyrinth can honestly say that he believes the service is being conducted with a view of expedition, and with a sincere purpose of expanding the service so that everyone, everywhere, may receive its benefits in the shortest possible time. You are forced to the conclusion that this whole Department is honeycombed with red tape, delay, and a lack of business method that is exasperating in the extreme, both to the people and to one who represents a district and is anxious to serve it in a businesslike manner.

This rule of requiring three-fourths of the patrons to certify their willingness to patronize the route as a condition precedent to its establishment is a new rule and in line with the present policy of repression in the administration of this service. It is the offspring of the present administration of this great Department, which touches more people and is more intimately associated with and interwoven into the social and economic life of the nation than any other Department of the Government.

Under the former administration of this service it was left to the discretion of the special agent, who went over the territory, saw the people and the houses they live in and the manner of their living, and could best judge of their circumstances and the appreciation they would likely have of rural service, to say whether or not the route would receive that reasonable patronage which would warrant its establishment. The discretion, as was wise and sensible, was lodged in the man whose personal observation entitled his judgment to be binding upon those in the Department, who had no personal knowledge of the actual conditions. The final decision, of course, was reserved for the Department, but that was usually in accord with the recommendations of the agent. Under the new régime the agent has become a mere figurehead, whose reports have become the victims of departmental technicality. The man to whom we pay from fourteen to sixteen hundred dollars a year, in order that we may have his judgment as to the appreciation the people will have for rural service, among other things, is almost entirely ignored upon this point. That he makes a favorable report upon a petition at all ought to be sufficient evidence to the Department that all the requirements have been met and that the necessity exists for the immediate inauguration of service. The agent is the man who knows, and his judgment ought not to be set aside, except when it appears on the face of the report that he is clearly wrong. This new rule concentrates all the authority in respect to this service in the Department, and these men, who can have no idea of the necessity of the service and the conditions which would warrant it in any particular case, are permitted to override the judgment and hamper the efficiency of the agent in extending service. The result is delay, exasperating and unwarranted.

It can not be argued that this three-fourths-certificate rule was promulgated for the purpose of increasing the patronage of rural service, for the administration of it proves the contrary. The rule is enforced with an exactness that would do justice to a Shylock. The Department invariably demands its pound, and I have actually in my own experience had it to happen that a certificate was returned to the postmaster for additional names, when only two names more were necessary to bring it within the rule. A delay of three or four weeks was occasioned and the people denied the privilege of the service for that time because of this illiberal and narrow construction of the rule. But what does the Department care about delay! It is not interested in the extension of the service, if we are to judge by its action; it exists for the purpose of retarding the extension of service. No other class of people on earth would stand for this, except the patient American farmer, and no other Department of the Government would dare to perpetrate this senseless interpretation of a clearly senseless rule. Why should fifty substantial, intelligent American citizens, with every right belonging to American citizens, with every right belonging to taxpayers—willing contributors to the national burden—with every right to this service, have it withheld from them because, perchance, twenty-five other men on the proposed route do not certify their willingness at the time to patronize it? Why should seventy-three citizens be denied the blessings of a daily mail because, perchance, only two people on the proposed route refuse to enter into a binding contract with the Federal Government to patronize a service which at the time they know nothing about? Yet it frequently happens that this is the case, according to the strict interpretation of this rule. The truth is there is no sense and less justice in it; and I firmly believe it was conceived in the general purpose to delay the inauguration of rural service, to hamper its establishment with hard conditions, and to withhold its legitimate extention wherever it is possible to do so by mere technical rules. The Congress which appropriates the money for this service and is representative of the will of the people did not intend, and does not intend, I hope, that it shall be surrounded with a wall of red tape and unreasonable rules in order that the people may be kept from its benefit.

Personally I have no quarrel with the Department. I think they give me the same consideration they give other Representatives. For the gentlemen in charge of this service I have the highest personal regard. They are courteous, agreeable, and always willing to accord such help and information as they can give. The special agents of the Department are particularly clever gentlemen, and their reports are usually fair and just, and give evidence of an earnest desire to discharge their full duty conscientiously and with a due regard for both the interests of the people and the service. The gist of my complaint is against the system and whoever is responsible for it.

The place of delay in the inauguration of this service is here in the Department itself. The injustice done the people is committed after the petition leaves the hands of the agent and reaches the Department, where it must go through the slow grinding mill of red-tapism. The discretion lodged in the Department is too great, their power is too unlimited. That they should abuse it is not unnatural; that they should mistake their own character and imagine themselves masters rather than servants of the people is not surprising. Wherever in all history there has been lodged great power there has always been found more or less abuse of it.

This idea suggests that we, as representatives of the people, charged with the high duty of legislating in the interests of the people, are not without fault in contributing to the abuses which have grown up in the Department by our failure to enact general legislation to govern the service. By our failure to act we have thrown the burden of administering this great service into the hands of the Department without a single suggestion as to how the enormous sum we each year appropriate shall be used. We have said to the Department, in effect, "Here are $28,000,000; use it as seems wisest to you, only use it for the benefit of the rural delivery service." It was my earnest hope that the Committee on Post-Offices and Post-Roads would bring to the attention of the House and for its consideration some comprehensive plan looking to the better organization and administration of this service. Congress must act in this matter sooner or later, and the sooner the better. We can not much longer justify our inaction. The responsibility is upon us of saying in what manner the people's money shall be spent. We can not longer shirk the duty we owe in this respect.

But, Mr. Chairman, to return to the policy of the Department, let me say that it is evident that they are not satisfied with making hard conditions precedent for the establishment of rural service, but they have adopted a plan for the future, according to the report of the Postmaster-General, which will mean the discontinuance of thousands of rural delivery routes now in operation, especially in the South, where the patronage of rural service is not as large as that given it in some other sections of

the country. The Postmaster-General, in his report, page 93, announces the policy of the Department in this language:

> The discontinuance without delay of any route where it is found on inspection that because of a lack of appreciation of the service the expenditure involved is unwarranted.

Again, he says:

> The substitution of every-other-day service where the patronage is not sufficient to warrant daily service, thereby discontinuing the employment of a carrier.

This announcement of the Postmaster-General's policy for the future gave rise to a perfect furor of alarm throughout the country. The people and the press voiced their disapproval in no uncertain language, and Members of Congress were deluged with protests and inquiries. Everybody, with the solitary exception of the Post-Office Department, saw the unreasonableness and injustice of such a course.

Anxious to know what interpretation the officials in immediate charge of this service would put upon the announcement of the Postmaster-General, I wrote to the Fourth Assistant Postmaster-General in January and received this letter in reply, and for the information of the House I shall read it in full, as it touches the points involved:

POST-OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER-GENERAL,
DIVISION OF RURAL FREE DELIVERY,
Washington, January 22, 1906.

Hon. A. F. LEVER,
House of Representatives.

SIR: I have your letter of the 13th instant, in which you state it is generally understood that there is in progress an inspection of rural delivery routes with a view to discontinuing or reducing to triweekly service such of them as show little patronage, and asking to be advised as to the policy of the Department in this regard.

In reply you are advised that the inspection of the service which has been instituted is with a view to ascertaining the cause for any adverse conditions which may exist and the possibility of removing such conditions. On discovering that there is a lack of patronage on a given route consideration is given, first, to the possibility of increasing the interest in the service on the route; second, to the possibility of rearranging the route so as to increase the patronage; third, to the possibility of establishing every-other-day service in lieu of daily service, and, last, to its discontinuance where the conditions are such that the expenditure involved in the operation of the route is unwarranted.

In this connection attention is respectfully invited to the report of the Postmaster-General for the fiscal year ended June 30, 1905, a copy of which is forwarded to you under separate cover, page 93. While no fixed rule as to the amount of mail which should be handled on a rural route has been adopted, still the Department feels that the average rural route should handle 3,000 pieces of mail per month, with a possible minimum of 2,000, but the question of the discontinuance of the service on routes must in all cases depend upon the conditions as they exist on such routes, and the expenditure involved in operating the service on a given route might not be deemed warranted, even though the minimum of 2,000 pieces of mail per month were handled, where it was found that a considerable number of the possible patrons were not availing themselves of the benefits of the service.

As to your inquiry relative to the section of the country which shows the least patronage of rural delivery, I have to say that the Department is not in possession of data as to the number of families patronizing all routes. The average amount of mail handled per route is not an absolute indication as to whether there is a lack of patronage, as a given number of people on one route may take more mail than the same number on another route.

The States included among those handling less than an average of 3,000 pieces of mail per route per month are Indian Territory, 2,806; Kentucky, 2,785; Florida, 2,515; Tennessee, 2,497; Louisiana, 2,411; South Carolina, 2,407; Oklahoma, 2,394; Texas, 2,383; District of Columbia, 2,370; Georgia, 2,147; Arkansas, 2,067; Virginia, 2,015; Alabama, 1,989; North Carolina, 1,909; Mississippi, 1,758.

Very respectfully,

P. V. DE GRAW,
Fourth Assistant Postmaster-General.

This is a most interesting document and discloses a policy which must alarm every friend of rural delivery. You will notice that the Department intends through a rigid inspection of the service to ascertain if the appreciation of it is such as to warrant the expenditure necessary for its continuance. They set up an indefinite standard by which the appreciation of the service is to be measured, and this standard is predicated upon the idea that the appreciation of the service must be shown in the patronage of it, as shown by the number of pieces of mail handled, and this, in the last analysis, means the measure of appreciation in the amount of cancellation. A money value is to be put upon appreciation. I wish to call attention to the fact that the Post-Office Department has never been run with a view to making money. It exists because it is the function of the Government to supply its people with adequate mail facilities; and only once or twice in its history has it failed to show a deficit of receipts over expenditures. The Department was established for the purpose of making the social intercourse between the people of the country inexpensive and easy, for promoting commerce, and for the general welfare, education, and convenience of the people. The idea of making the service self-sustaining has never entered the brain of any Administration save this one. Deficits running in amounts from $3,000,000 to $14,000,000 per annum have not alarmed the people, and have occasioned no special complaint. It seems to me that if reforms are necessary in the Post-Office Department, and I have no doubt of that, the Administration could find some other service than this to begin with. If I had the time, I think I could call their attention to some abuses which might engage them for at least a short while. No one expects that rural delivery will become self-sustaining in a short decade. It is a new service, and its growth must be gradual. It is absurd for the Department to promulgate a rule that a route must be discontinued, where it does not appear that it is handling from 2,000 to 3,000 pieces of mail per month. A strict enforcement of such a rule would practically discontinue all of the routes recently put in in the South. No new service is at once patronized generally. The patronage increases from day to day as the service becomes more and more appreciated, and as the people become more and more satisfied that the service is to be permanent. When route No. 1 at Columbia, in my district, was established there was but one newspaper delivered along its whole length. The people had not come to appreciate the service. After it had been in operation for some little time, however, the mail handled began to increase, and during the quarter ending December 31 last, the carrier on this same route delivered 4,921 newspapers, aside from the other mail. If the Department, when this service was put into operation, had been enforcing this new rule, this route would have been discontinued. I believe the day will come when rural delivery will be self-sustaining, for as the people become more educated, and as newspapers and magazines become to them more of a necessity, they will more and more use the facilities which the Government has put at their doors.

I deny to the Department the right to set a standard of appreciation of this service. I deny it the right of exercising a discretion in a matter about which it can know nothing. How can the Department know what value you or I put upon a letter or a newspaper? It may be that we do not get but one letter a week, but that letter may mean a great deal to us. How can the Department know otherwise? The poor widow living on a rural route, whose boy is at college or in a distant city toiling for his support and hers, may not write many letters and may not receive many, but can it be said that she does not appreciate those she gets from that boy as much or more than does the Wall street broker, whose letters are counted in hundreds? You can not measure the appreciation of this service by the amount of mail handled nor by the cancellation. The power should not be lodged in the Department to say to the people, "You do not appreciate what we are giving you, and therefore we will take it away." The Department must understand that it is not giving to these people anything, for the money which goes to the support of this service comes from the people, and they have a right to expect that some of it, at least, be returned to them.

But, Mr. Chairman, this letter discloses another fact to which I wish to direct the attention of the House. I quote: "While no fixed rule as to the amount of mail which should be handled on a rural route has been adopted," and then the Fourth Assistant states what he conceives to be a reasonable average for each route, and then goes on to couple with his first statement the following: "Where it was found that a considerable number of the possible patrons not availing themselves of the benefit of the service," the route would be considered with a view to its discontinuance. In other words, a route may handle 3,000 pieces of mail per month, and yet if this amount is not sufficiently large to meet the expectations of the Department the service, in the discretion of the Department, can be discontinued. A more indefinite and uncertain rule could not be found. It lodges in the discretion of the Department the right to set up a standard of possible patronage which may be the guide in your community, while a different standard would be the guide in another section. The rule is absolutely unreasonable, and it permits the Department a power of discrimination which can be used to the great injustice of certain sections of the country. This rule does not take into consideration the fact that there may be a possible patronage of 100 people to a route, but for some reason only twenty-five are patronizing it, but these may be taking daily newspapers and the great magazines of the country; their homes may be model homes, and their children in college. The Department, in its discretion, has the right to discontinue the service to these twenty-five people, who are proving themselves worthy of every consideration, because the route does not show the largest possible patronage. Who will say that such an act would not work an injustice? Who will deny such a discretion as this ought not to be lodged in any bureau chief?

This letter announces another rule to the effect that the Department, in its discretion, may reduce the service from daily to triweekly. This is in violation of the fundamental idea of

this service. The whole system of rural delivery contemplates that the American farmer shall have his mail delivered at his door at least once a day. It was the intention of the fathers of this system that a daily mail should go to the man living in the rural districts, and it was not in the mind of Congress, when these appropriations had been made from time to time, that they should be used for the purpose of inaugurating tri-weekly service. Here we have another instance of an abuse of power by a great Department of the Government, and gives another evidence of the necessity for legislation on that subject.

Mr. Chairman, this letter of the Fourth Assistant Postmaster-General shows another thing to which I wish to call the attention of the House. In writing General De Graw, I asked him to furnish me the names of the States in which there seemed to be the least appreciation of rural service as shown by the amount of patronage. I confess that I was not surprised, for I suspected that the state of facts as shown by the Fourth Assistant's letter was perhaps the reason for the rule, when I found him writing that "the States included among those handling less than 3,000 pieces of mail per route per month are Indian Territory, Kentucky, Florida, Tennessee, Louisiana, South Carolina, Oklahoma, Texas, District of Columbia, Georgia, Arkansas, Virginia, Alabama, North Carolina, Mississippi." Thus we see that the solid Democratic South falls within this arbitrary and suspicious rule of the Department. Not a single State among those mentioned in this letter is above the historic line of Mason and Dixon, and I feel that I am justified in the suspicion that this new regulation was adopted for the purpose of perpetuating the policy of discrimination against the South, which has been pursued by the Department since the beginning of this service. I am not building straw men for the purpose of knocking them down, but the records of the Department will bear me out in the statement that this service has been administered in a sectional and partisan manner. And let me say in this connection, Mr. Chairman, that but for the zeal and energy of Southern Representatives in Congress rural delivery would not to-day be in existence. It was a southern man who first proposed it to the Congress and southern men have been its most zealous friends and advocates.

Some years ago I undertook in an argument in the House to show that even then a policy of discrimination against the South had been adopted by the Post-Office Department. I think the fact was demonstrated by the records of the Department, beyond the shadow of a doubt. There has been no change in the attitude of the Department toward the South since that time. The records of the Department will show to-day that 50 per cent of adverse reports upon rural delivery petitions come from the South, while 10 per cent will cover the adverse reports from other sections of the country. The number of routes in operation in Southern States are 50 per cent less than the number in operation in Northern and Western States of equal population and density of population. In the twelve so-called Southern States, with a population of 21,713,000, in round numbers, there were in operation on January 2, 1906, 8,695 routes, while in the four States of Illinois, Indiana, Iowa, and Kansas, with a population of 11,638,000, in round numbers, there were in operation, on the same date, 8,510. These four States, with only half the population, have as many routes in operation as all of the Southern States combined. In the South there is a rural route in operation for every 2,500 of its population, while in the four States mentioned there is a route in operation for every 1,400 of population. The State of Kansas, as rock-ribbed and everlasting in her republicanism as South Carolina is in her democracy, and with a population of only 130,000 more than South Carolina, had in operation 1,555 routes, as against 532 for South Carolina—a difference of over a thousand routes in favor of Republican Kansas. In South Carolina there is only one rural route for every 2,500 of population, while the unit of population for rural service in Kansas is only 950, and the density of population of South Carolina is greater, by far, than that of Kansas. Republican Oklahoma, with a population of only 398,000, has in operation 594 routes—62 routes more than in my own State, with a population four times as great. These comparisons could be carried out ad infinitum and each one would demonstrate the fact that the service has been administered in a partisan and sectional manner that is disgraceful to any government.

This new rule of the Department setting a standard for the number of pieces of mail to be handled on a route is calculated—I fear deliberately intended—to continue this policy of sectional and partisan administration of the service.

Mr. Chairman, I ask for my section nothing more and nothing less than common justice—the application of the much-vaunted "square-deal" principle. We are in the Union; we are here to stay. Your flag is our flag; your country is our country. To its welfare we owe our contributions, and we give them; to its defense we owe our lives, and we have given them. And it does seem to me that the day has come when we should cease to pay the penalty for having had the courage to fight for our conception of right and in defense of a principle which has successfully met every adversary, save that of force alone. [Loud applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield fifty minutes to the gentleman from South Carolina [Mr. FINLEY].

[Mr. FINLEY addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from Indiana [Mr. OVERSTREET] and the gentleman from Tennessee not desiring to use any further time, the Clerk will proceed with the reading of the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated for the service of the Post-Office Department, in conformity with the act of July 2, 1836, as follows:

OFFICE OF THE POSTMASTER-GENERAL.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. SULZER. Mr. Chairman, some time ago—to be accurate, on December 13, 1905—I introduced in this House a resolution calling on the Secretary of State for all letters, dispatches, documents, correspondence, papers, and information between this Government and Austria-Hungary in the case of Marcus Braun, a special immigration inspector of the United States, who was arrested at the instigation of the Austro-Hungarian Government in Budapest, in the month of May, 1905, while in the performance of his official duties in that country. That arrest was unwarranted and unjustifiable, and the Austro-Hungarian Government subsequently apologized for the arrest and reprimanded its officials who caused it.

The resolution, sir, I introduced passed the House unanimously, went to the Secretary of State, and in response thereto that official forwarded to the Congress what purported to be all the papers and documents in this case; but I am reliably informed that the most important document, a letter from Consul-General Chester, at Budapest, which gave his views of the case and set forth in detail all the facts in this matter, was withheld. Why that important letter, so far as Mr. Braun is concerned, was suppressed I do not know, and I do not intend at this time to talk about it. The other papers and documents in this matter have been printed and are on file. They are known as House Document No. 482, printed February 8, 1906. Mr. Braun has answered it specifically, and filed his answer in the State Department.

The facts in the case very briefly are as follows: On the afternoon of May 8, 1905, Marcus Braun, then a guest of the Hotel Hungaria, in the city of Budapest, Hungary, saw one of the State detectives of the Hungarian Government, by the name of Hugo Kalmar, taking out of the letter box of the hotel and reading Mr. Braun's personal and official letters. The detective was just in the act of reading a letter written from Dr. Frank Dyer Chester, United States consul-general at Budapest, to Mr. Braun, relating to emigration matters in Hungary, which Mr. Braun was at the time officially investigating on behalf of the United States Government.

Many weeks before, let me say, Mr. Braun had complained to the United States consul-general at Budapest, to the Hon. Bellamy Storer, United States ambassador at Vienna, and to the Commissioner-General of Immigration of the United States, Washington, that his mail, both official and private, was tampered with, but up to that time he was under the impression that the spoliation of his letters was caused by petty post-office officials, but when he caught Detective Kalmar red-handed in the act he had positive evidence that the unlawful opening of his mail was caused directly by the Austro-Hungarian Government.

Mr. Braun recognized in the person of this detective a man who for weeks prior to this incident had followed him on all the trips he was making in the capacity of United States immigrant inspector throughout that country, and when he caught this detective in the act of rifling his letters he gave expression to his indignation and denounced the act as outrageous, and immediately telegraphed to the United States ambassador at Vienna and to his superiors at Washington for protection.

The day following, namely, on the 9th day of May, Mr. Braun

was served with a summons to appear before the police captaincy of the fourth district of the city of Budapest, on May 10, to answer a charge of insulting a Hungarian official. Consul-General Chester went with Mr. Braun to the chief of police, Mr. Bela Rudnay, to demand an explanation, and he also called on the councilor of the ministry of interior, Dr. Alexander Selley, and at both places they practically admitted that Mr. Braun was under arrest, and considered by them as a private, and not an official person, for the purpose of detecting him in some offense against the Hungarian emigration law, and to make his further stay impossible in that country as an American inspector of immigration.

The evidence secured by Mr. Braun and Consul-General Chester showed conclusively that the reason for this action by the Hungarian Government was that Mr. Braun's official reports of 1904 had hurt the feelings of several prominent officials in the Adrea Steamship Company, which is a concern subsidized by the Hungarian Government, in which many of the highest officials of the Kingdom of Hungary are shareholders. At the beginning both the ministry of interior and the police department, including Detective Kalmar, denied the fact that they had opened Mr. Braun's mail or followed him around, but when they were confronted with the positive evidence in Mr. Braun's possession they made a brazen stand and said: "Well, we had a perfect right to do that. What are you going to do about it?"

By direct order of Prime Minister Tisza the police department issued official statements to the press against Mr. Braun impugning his character, and paid the expenses for printing and circulating a pamphlet, which was sold openly all over the Kingdom, containing all kinds of false charges against the honor and integrity of Mr. Braun.

Subsequently Mr. Braun was discharged, and the officials responsible for his arrest reprimanded by the Austro-Hungarian Government. These are briefly the facts in this case. However, among the papers sent to this House by the Secretary of State, in response to my resolution, is a letter from Mr. Storer, the then ambassador of the United States to Vienna, unjustly reflecting on Mr. Braun. In answer to this letter, and to its reply by the then Secretary of State, Mr. John Hay, and in answer to all the papers on file in the State Department, especially to these sent to the House of Representatives by the present Secretary of State and contained in House Document No. 482, Mr. Braun promptly filed his reply, and I shall ask the House, ere I conclude, for its permission to include this reply in the RECORD as part of my remarks. I believe a great injustice has been done Mr. Braun, and I think he is entitled to have his side of the case presented to the country in his own way and in his own words. To do less would be a denial of justice and a refusal to give him his day in court before the American people. This reply speaks for itself, and is Mr. Braun's defense and complete vindication.

Now, Mr. Chairman, I desire to say in regard to Mr. Braun that on account of the outrageous way he has been treated by certain officials of this Government, and on account of the fact that he could not get protection and vindication from those in authority, who should safeguard his rights as an official and as an American citizen, he has resigned from the office he held, and is no longer in the employ of the United States Government. It may also not be amiss to call to the attention of the Members of this House the fact that Mr. Bellamy Storer, the American ambassador to Austro-Hungary, has been summarily dismissed from the diplomatic service by the President of the United States.

Mr. Chairman, just a few words in conclusion. I want to say that Mr. Braun lives in my district, and has always been an intense and consistent Republican. But politics has nothing to do with this matter. While I am a Member of Congress I shall always do everything in my power to secure justice for my constituents and to vindicate the rights of every man, woman, and child that lives in my Congressional district, regardless of politics, race, or religion. I know Marcus Braun well, and I can testify that he is able, sincere, industrious, intelligent, and affable, and one of the most patriotic and loyal men in all the land. He is entitled to a "square deal," and I shall do all that I can to get it for him. He has been an honest and an efficient official of this Government for several years, and has won the esteem of his official superiors. He is a friend of President Roosevelt, who reposes in him the most implicit confidence. The charges filed against him secretly in the State Department by the Austro-Hungarian Government are absolutely false, and that Government knows the charges to be false. A great wrong and a great injustice has been done Mr. Braun, and he demands that all the papers in this matter filed in the State Department be given the fullest publicity, so that the truth shall be known, and in order that an honest official and a worthy citizen may be vindicated in the eyes of every true American. [Applause.]

Mr. Chairman, I now ask unanimous consent that the letter of resignation and the reply of Mr. Braun to the documents the Secretary of State sent to the House may be printed as a part of my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

NEW YORK, *March 10, 1906.*

Hon. F. P. SARGENT,
Commissioner-General of Immigration,
Department of Commerce and Labor, Washington, D. C.

SIR: In the administration of justice the protection of innocence is as much the province of the law as is the punishment of crime; and in the administration of executive offices the appreciation of work performed is of as great, if not infinitely greater, importance as is the payment of the salary.

This appreciation of services faithfully and loyally rendered can not evidence itself in a more thorough manner than in identifying the labor of the servant as that of the master, and by giving the laborer the power and the authority of those for whom he is at work, and to extend to him, while at work, the broadest protection of those in authority.

One in the service of the United States must feel that he has the power of all the United States at his command, if need be, while faithfully performing his duty. The moment this protection is not at his command—that is to say, not at his disposition—from that moment his usefulness is perceptibly shaken. If such a man deemed himself in need of the protection of his Government, if he called for it and prayed for it, and it was denied him, still more glaringly does the usefulness of that man diminish until it arrives at nil. Then there remains but one manly course open—to retire from his work.

Sir, I am in that position. True, at one time I was told by you that I have performed good work and you did assure me "that some day the merits of my work would be recognized in proper manner," but that future appreciation of my work is of insignificant importance in comparison to my present position, when I am left helpless by the Department to which I appealed for protection against cowardly, brutal attacks upon my honor, and when, against my earnest and solemn protestations, it was allowed to go forth to the world as the last word and "the incident considered closed," that Braun was guilty "of highly improper conduct as an official of the United States engaged in a mission in Hungary, * * * and that his antecedents are not such as to require any further action * * *," conclusions arrived at without my being heard, conclusions based on wickedly false and deliberately malicious and lying statements.

True, I did receive a certain vindication, but the very vindication accorded to me was a veiled injury. When I had heretofore resigned my position I was promptly reappointed; but it was only the salary that was given to me; the kind of work and the nature of the work I had been doing was not again intrusted to me, while the vindication due to me, as I think, should have carried with it the assignment to the very sphere of work I had been performing.

However, American officeholders do not, generally, hold office as a matter of idealism, nor do I, and I would have gladly yielded this point of change of assignment and would have been contented to fill my office, be it in Canada or Granada, New York or Budapest, had the assignment to any work, anywhere, been followed up by the examination of the charges, or, rather, innuendoes, upon which the coordinate branch of the Government acted in a manner to which I can not submit, unless indeed I wished to plead guilty to "improper conduct" or to "shady antecedents." No office to which I could be appointed vindicates me as long as those charges are not exposed to be malicious falsehoods, and I believe I have proven that by documents in possession of the Government.

I have petitioned, pleaded, and implored for a chance to be heard in my defense, but in vain. I was told that "the incident is closed," that I have been reappointed to my old office; that should suffice to make me feel that no further vindication is necessary.

Well, this is a question to which I can respond in but one way. Absolutely exonerating you, sir, from any and all responsibility, and extending to you my most heartfelt and grateful appreciation of your kindness to me, but in view of my earnest appeals for a hearing being disregarded by the Department of State, to which I had submitted them weeks ago, in view of my reappointement to an office, carried with it by an assignment entirely different from the kind to which I thought I was to have been appointed, surely different from the kind of work I had been doing, I pray to be allowed to tender, and I do now so tender, my resignation as immigrant inspector, my resignation to take effect on March 20, 1906, on the day of the expiration of the leave of absence I now enjoy.

Respectfully,

MARCUS BRAUN,
United States Immigrant Inspector.

Marcus Braun's answer filed in the Department of State, Washington, D. C.

78 SECOND AVENUE, NEW YORK CITY,
February 21, 1906.

Hon. ELIHU ROOT,
Secretary of State, Washington, D. C.

SIR: Document No. 482 of the first session, Fifty-ninth Congress, House of Representatives, entitled "Marcus Braun—Message from the President of the United States," has this day reached me.

The document closes with a letter of the late Secretary of State, John Hay, of glorious memory, addressed to Mr. Storer, our ambassador at the Court of the Hapsburgs, at Vienna, wherein the American statesman informs the ambassador that, inasmuch as it appears from the "correspondence that Braun was guilty of highly improper conduct as an official of the United States engaged in a mission in Hungary in openly attacking the Hungarian Government in the newspapers, and that his antecedents are not such as to require any further action than the proper assertion of the dignity of the United States, and inasmuch as Braun has been recalled and the offending petty officials have been reprimanded by the Imperial Government, the Department

does not feel that it is desirable to press the matter further with the Austro-Hungarian Government. For these reasons you may let the matter drop."

Our Mr. Storer has, in supplying the State Department with the information upon which the lamented late Secretary of State thought himself to be justified to close the incident in the manner in which he did, lent himself—I have no doubt that he did so unconsciously—to the commission of a most flagrant miscarriage of justice of which I have been the victim.

He had been misled by deceitful people; his ear had been filled with malicious slanders about me which he was led to accept as truths. He took it for granted that everything that came to him from Austro-Hungarian governmental sources was fact, and without examining them or any of them, he reported them to the home Government, and without any regard for the good old "audeatur et altera pars," I am informed "the incident is closed."

The Department has closed the matter. But is it closed?

As a man of peace, weary and worn out by the unequal fight, a plain, unassuming man against a powerful government, against crafty government officials trying to save themselves, I would gladly have "let the dead past bury its dead."

I will show you, however, later on, that these people's nefarious practices are still at work, right now, here in New York.

The reports sent by Mr. Storer to the State Department are deliberately false and misleading.

He, Mr. Storer, may not know this. I admit it cheerfully, though. Oh, how I wish he had taken the time and the trouble systematically to examine into them!

His recommendation would have been written in another key. He would have laid bare the infamy of certain Hungarian government officials, and would have insisted, with all the dignity and power of this Republic, that the injury done me be atoned for adequately and punitive damages be exacted from them.

With scrupulous care I will abstain from embodying into this brief aught but facts.

I will make no attempts to be eloquent, nor with pathetic appeals to arouse or attempt to arouse sympathy.

This would be—none know it better than myself—a useless and an unpardonable offense toward you, whom the American people have learned to honor and to respect as the just, fearless, and honest judge of men and character. However, I do appeal to you to look into "the case of Marcus Braun."

You must do so because you, the great jurist-statesman, can not give your tacit consent that there shall remain secretly confined in the archives of the State Department a bundle of papers—"a dossier"—which attacks the honor of an American citizen, or attempts to do so; by foul and fell innuendo casts a shadow of doubt upon the manner in which this American citizen has discharged a sworn duty; while this American citizen earnestly maintains that he can carry conviction to every fair-minded American that these attacks upon his honor are emanating from motives and sources impure and dishonest, and that the accusations against him are false as hell and known to be false to those who have had the daring to make them.

Yes, I want to show you that the accusations against me contained in that "dossier," only parts of which have been made public as a "public document of Congress," are deliberately and maliciously false. That the Government which makes them has made them in sheer despair to stop me in my work, which threatened the anyhow—from other causes—shaky Austrian and Hungarian Government with conviction of a gigantic fraud in the administration of its affairs of emigration; that that Government, which made these accusations against me, namely, that I had to be put under police surveillance; that I was looked upon with suspicion; that my past life was shady; that I had left my native country leaving unpaid debts behind me; that I had come into contact with the criminal law of the land—and what else these accusations might be—deliberately, maliciously, brutally, and cowardly told a set of falsehoods against me; and I shall never rest until you, sir, secure for me the triumphant vindication I deserve, and which I must have, unless I want to concede even the most remote possibility of there being even the barest trace of truth in these accusations.

I am fully aware of the weight of the burden I try to put upon your shoulders, but I also know your Americanism. That sublimely high sense of honor and duty which has characterized your life's work will never shirk doing what truth and justice dictate to you in this matter.

The fact that "the incident is closed" will not be a hindrance to you, because in affairs of honor and of truth and of nobility of character there are no statutes of limitation.

The fact that I am quasi rehabilitated by having been appointed to office again will not be reason for you to let bygones be bygones, because the wrong done has not been righted by reappointment.

The fact that an examination of the matter might cause embarrassment—here, there, somewhere; might even bring about the necessity of your telling a friendly foreign Government a piece of your mind and to preach to that Government a sermon upon the command of the decalogue, "Thou shalt not bear false witness"—can not be any reason for hesitancy on your part, because higher that all other considerations are the claims of an American citizen unjustly attacked in that which is dearest to him—his honor.

Nor am I afraid of the possible objection that might be raised known as "the rules of the Department," which stand in the way of a reconsideration or a rehearing of the case. I am not addressing myself to a man whom iron rules, stereotypic regulations, or bureaucratic methods could prevent from action where he thought action to be his duty.

I humbly pray, sir, not to be misunderstood. It is not pecuniary damage or public apology or something of that sort which I demand. I want your Department's thorough examination into every minute detail of the affair. I want your Department's final judgment to be issued, based on testimony and evidence, and not on scurrilous letters, "on dits," "we thinks," "anonymous communications," "we have been tolds," or "I am assureds," even if this comes from so high an officer of the Government as an ambassador to that foreign Government.

Let me now proceed, sir, and I will show you a phase in the condition of affairs in public life of Austria and Hungary the darkness of which is all the more dense for me because by it I am made to suffer for my work faithfully performed, simply to punish me for having laid bare the corrupt practices obtaining in emigration matters in that country.

Unfortunately, a representative of our own Government has allowed himself to be hoodwinked by the wily politicians of Austria and Hungary, and the ambassador at Vienna, our own Mr. Storer, was made to do for that Government—unconsciously, as I have said before—the nefarious deed of "showing me up," and to heap abuse on me and to put me into the most unenviable position imaginable, humiliating me, humbling me, and putting me on my defense.

I shall take up the report of our Mr. Storer seriatim, and I shall be satisfied to leave the result with you.

Before I do this, I must speak "in personam." The red line running through the entire affair is the accusation, by insinuation and directly made, that in 1892, when I left my native country, I did so under a cloud; that a criminal charge was pending against me; that the Hungarian Government felt justified in putting me under police surveillance.

It is incredible to suppose that people endowed with ordinary intelligence should be so awfully stupid as to find no better excuse in the attempt to justify a wrong done than this afterthought to attack my character, but yet the Budapest people do so. The awful stupidity lies in the fact of—what they should have known—my ability to refute their accusations so thoroughly and so convincingly that there remains no other conclusion to come to than that not only are the accusations made against me false and untrue, but that the people making them knew them to be so at the time they made them.

If in 1892 I left my native country under a cloud, why was I not under police surveillance when I first visited Hungary (I visited Hungary after having been in the United States only about twenty months), and why not on the occasions of my other numerous visits, and why did they appoint me to represent them in some important matter in the United States (as hereinafter specified)? Why did they grant me my discharge from the Magyar citizenship? Why did ministers of the Kingdom honor me, thanking me for services performed by me for their nation? Why did prime minister and ministers of the dual monarchy receive me officially and at private hearings? Why should I have become the target for their persecution only after I have in the honest discharge of my duty "showed them up," refused to be bribed into silence or into connivance at or participation in their doings, which I found to be contrary to the requirements of our own laws?

But pray pardon me, I will proceed chronologically. I was born in 1865, in Hungary, and in the year 1887 I was drafted into military service. I left the military service May 2, 1890, having completed the actual service and been placed in the reserve.

I immediately left Budapest and went to Munich, Bavaria, where I remained until October of the same year. From Munich I went to Paris, making stops of a few weeks at the cities of Stuttgart, Karlsruhe, and Strassburg. In Paris I remained until December, 1891, but made frequent trips from there to various parts of Europe in my capacity as a travelers' guide. My last trip as such guide I made in December, 1891, from Paris to Roumania with an Australian family, and having earned a comparatively large amount of money, I decided to emigrate to the United States. I returned to Budapest the first week of February, 1892, made application to the civil and military authorities for permission to leave, and on May 9 started on my journey, duly equipped with the necessary passport and permission entered in my military book from the proper authority. I stopped a few days in Vienna, then in Berlin, and subsequently, on June 12, sailed from Rotterdam on the S. S. *Maasdam* bound for New York, arriving at this port June 22, 1892. Within two or three weeks after my arrival I duly reported to the Austro-Hungarian consulate-general of New York, as prescribed by the rules and regulations, and this also was entered in my military book.

In New York I began work as a canvasser for a picture and frame concern, but already in the fall of that year I had become the reporter of the Oesterr. Ung. Zeitung, a German newspaper dedicated to the interests of the Austro-Hungarians in the United States. I also became connected with the German Herold, then, as now, one of the leading German daily newspapers of the city of New York, and with this latter newspaper I was connected as a reporter when, in April, 1893, that newspaper sent me to the Chicago World's Fair as its special representative.

In Chicago, at the World's Fair, I, in addition to my work as newspaper man, became connected with the establishment known as "Old Vienna," a semiofficial Austrian governmental exhibition or institution, being appointed as the press agent thereof.

In the course of my duty I became aware of dishonest practices on the part of the Austro-Hungarian commissioner-general, one Dr. Anton von Pallitschek, who was also consul-general of Austria and Hungary at New York City. It may not belong here to speak of this case, but it will be interesting enough to state here that, single handed and against the most powerful influences, I succeeded in forcing the Austrian Government to recall the man and to put him on trial for the malfeasance and misfeasance of office I charged him with and to secure his conviction.

I mention now another incident which shows how fully aware were the Magyar governmental authorities of my whereabouts and of my doings, so that if it had been true that when I left Hungary a criminal charge was pending against me I could have been apprehended, or if the criminal charge did not fall within the provisions of the treaty of extradition my passport could have been, as by law it should have been, refused to me.

The incident is this: On my arrival at Chicago one day—I had come and gone frequently from and to New York—I gave my handbag to Parmelee's express to carry to my hotel. In that bag there was, among other things, my passport and my military identification booklet indorsed by the Austro-Hungarian consulate. The express company lost my handbag, and I lost my papers. At my first visit to Budapest, in April, 1894, I reported my loss to the proper authorities having charge of the passport bureau and of the military affairs, and some months later I received a duplicate passport and a duplicate military identification booklet, the same being given to me by the consul-general of Austria-Hungary in New York, through whom the Hungarian authorities had forwarded it.

As stated above, in April, 1894, I visited Hungary. It was my first visit to my native land. I had become acquainted with Mr. E. P. T. Hammond, United States consul at Budapest, and he was good enough to introduce me to the then prime minister of Hungary, Mr. Alexander Wekerle.

I secured a release from participation in the military maneuvers of that year, and this permission to be absent from that service was duly entered in my military booklet. The permission to be absent during the maneuvers of the year before I had obtained that year through the Austro-Hungarian consulate.

I remained in Budapest about five or six weeks. I visited public places, men of affairs, politicians, statesmen, journalists, and newspaper offices. There was never any suggestion of my "having left under a cloud," nor of a criminal charge, nor of any charge against me. I was not molested.

In July, 1894, I was back in New York. I appeared before the

naturalization bureau of the New York court of common pleas and asked to be given my "declaration of intention," known as the "first paper."

The clerk of the court wanted me to forswear my allegiance to "the Emperor of Austria." I refused, claiming that I owed no allegiance to the Emperor of Austria, but did owe allegiance to the King of Hungary, whose subject I was. The clerk refused to see any difference between an Austrian and a Hungarian subject, and I applied to the court for a mandamus.

The subject created an immense stir in Austro-Hungarian circles and journalism; it became a subject of diplomatic and parliamentary discussion, and in your Department, sir, you will find, under date of June 12, 1896, among the diplomatic and state papers, one referring in full to the "naturalization case of Marcus Braun." The Magyar newspapers lauded me for my patriotism; the Magyar ministers had their say with the Austrian minister of foreign affairs. Suffice it to say that one day the present ambassador of Austria-Hungary at Washington had me cited before him at the office of the consul-general at New York, when he, Mr. Hengelmuller, the then and present ambassador, "in behalf of the land," and "under instruction from his Government," expressed his thanks for my "patriotic conduct."

Early in 1895 I had married, the then acting consul and vice-consul of Austria and Hungary, Mr. Otto Eberhard, being one of my witnesses at the ceremony, and promptly, as required by the military laws of the country of my birth, I reported to the proper authorities this change in my "social status."

The New York Journal had just then passed into the hands of John R. McLean, and by the new management I was sent to be the special representative of that paper at the ceremonies of the opening of the Baltic Canal, at Kiel, Germany. I reported that event for the Journal and also for the Festi Naplo, at Budapest.

After the canal-opening festivities I went to Budapest with my wife, and the then prime minister of Hungary, Baron Banffy, asked me about the naturalization matter above mentioned by me, which then had not been finally decided and was still pending. I put him in possession of the facts and the manner and method of the administration of the law, gave him copies of the mandamus papers and the brief of my attorney. The minister president, Baron Banffy, took these papers to Vienna to the Austro-Hungarian foreign minister, Count Goluchowski, and the paper above mentioned, of the date of June 12, 1896, was the result of my work and of my interview with the prime minister of Hungary.

During this visit of mine at Budapest I was received by the minister president of the country, as above stated; newspapers wrote about the "Case of Marcus Braun," the "Patriotic Mr. Braun," who refuses to be known as a "subject of Austria." I was not shadowed. I was not persecuted. There was not even a suggestion of my "having left under a cloud" or of a criminal charge pending against me. I was not molested.

In the fall of 1895—I had returned to New York—Baron Johann Leonhardi, the then consul of Austria and Hungary at New York, engaged me, officially engaged me, to be the American press agent of the millennium festival that was to be held in the following year in honor and commemoration of the one thousandth anniversary of the formation of the country of my nativity.

This designation was officially recognized by the Hungarian minister of commerce. The prime minister and all the other ministers sent me their photographs with flattering letters, to be published by me in the "festival" number of "The Hungarian American," a magazine I had founded, and wherein I boomed effectually the Magyar Millennium Festival and the Budapest Exposition therewith connected.

To the "festival" I went to Budapest, taking with me also the authorization of the New York World to be its special correspondent. I was officially received by the prime minister and the other members of the cabinet, and when, on May 2, 1896, there was held at the Budapest Opera House the famous gala performance, at which even the King was present, I was made the recipient of one of the invitations sent out by the premier. Of about 800 journalists present at the capital of Hungary on that day, only six were invited to that performance, and I was, as I said, one of these six. On April 28, the present and then chief of the Budapest police, Mr. Bela Rudnay, gave me, on my personal application, a special "police-line permit." The addresses of the letters sent to me at New York by the Millennium authorities were not written or typewritten, they were printed; I was evidently on the "list," recognized as one of their own, and, later on, I was paid for my services—true, I had to sue for it. And yet, during all of that time, I was not shadowed, I was not persecuted, there was never any suggestion of criminal charges or of any charges pending against me, or that I had left my country under a cloud; I was not molested; I had an office there, with registered cable address ("Americus Budapest"), at No. 4 Nagy Korona utcza, where my shingle hung out; and in April, 1896, I was given a special police permit by the very same chief of police who in 1905 said he had to shadow me because in 1892 there was a criminal charge made against me. He had not shadowed me on my former visits, nor had he any fears of me on my subsequent visits in 1899, in 1901, and in 1902.

Do you, you the famous jurist-statesman, believe the story of that "criminal charge?"

In 1897 I applied for a discharge from the bonds of my Hungarian citizenship—to have my expatriation recognized by the Hungarian Government. This request was granted in 1897. As you may see from the attached translations of the certificates issued, the laws of Hungary absolutely forbid the expatriation of a citizen against whom any criminal charge is pending. The certification of my expatriation was issued by the mayor of the city of Budapest after the latter had received the following information from the criminal authorities, a certified copy of which was secured by United States Consul-General Frank Dyer Chester at Budapest, and which is now on file at the State Department:

ROYAL CRIMINAL COURT OF JUSTICE,
Budapest, No. 63722, 1897.

To the honorable Mayor's Office of the Capital and Residence City of Budapest, Budapest:

To your inquiry in the matter of Marcus Braun, No. 25609, and dated July 4, 1897, I have the honor to inform you with official respect that there is no criminal procedure against the individual in question under way at this court, and that no sentence has been brought which should be executed upon him.

Budapest, September 16, 1897.

ZSITVAY, *Presiding Justice.*
Doctor SALZER, *Clerk.*

It was the sorry work of our own Mr. Storer, who found in the fact that I applied for this discharge in 1897 a circumstance to hit me hard, and thereby serve his Austrian friends, who evidently appealed to him to save them. Mr. Storer finds that I applied for my discharge, as he says, in 1898, because then the "statute of limitations" protected me.

Our Mr. Ambassador at the Hapsburg court is after all only a country lawyer who argues haphazardly. The Hungarian law knows no statute of limitations when the final discharge from citizenship is asked for, and, as in the United States, the statute of limitations does not run when the person wishing to avail himself thereof has voluntarily absented himself from the jurisdiction. Had he, our Mr. Storer, been of your judicial mind, had he been prompted by a desire to stand manfully and faithfully by his American compatriot, instead of trying to help the Austrian minister of foreign affairs, who, among other things, told him "he" (referring to me) "is, after all, a Jew," he could readily have seen that I made my application to be discharged from the bonds of Hungarian citizenship the first moment I had the right, under the law of Hungary, to do so, namely, in 1897. I had become a citizen of the United States in 1897. Having come to the United States in 1892, I could become a citizen of this country in 1897, and, becoming a citizen of this country in 1897, I could ask for my discharge from Hungarian citizenship only in that same year—1897—as the laws of expatriation in Hungary make it a condition sine qua non that the applicant should be able to show, by submitting his certificate of citizenship from the country of his adoption, that he has actually become a citizen of another country.

Pray forgive me for wearying you with these repetitions. The matter, however, is of supreme importance, and only his high character and his filling a position so important saves Mr. Storer from the positive charge of having acted mala fide, and to have done so intentionally, when he accused me of seeking the protection of the statute of limitations.

Mr. Storer, in his report of May 27, 1905, says that it is true that in 1898 I came back to Hungary and succeeded in obtaining a certificate of recognition of my being a citizen of the United States, and that, under the best legal advice he could obtain, the issuance of such a certificate from any provincial government of the "Austro-Hungarian Empire" only indicates that the person named owes no taxes or military service to his former government, and that there is not pending against him any legal prosecution actually begun before his emigration. Mr. Storer further reports that in my case the statute of limitations of Hungary barred before the year of my return—1898—any prosecution for acts committed before going to America, in 1890, whether they were officially recorded and published before my departure or after I left, and that on this account, there being no prosecution actually pending, certificate of United States citizenship was granted me in 1898. In order to show how superficially, carelessly, and recklessly Mr. Storer makes these statements and draws conclusions, and how ignorant the legal talent must have been from which he sought advice, I quote for your information the particular section referring to these cases of the Laws of Hungary of 1879, entitled "The obtaining and forfeiting of the rights of Hungarian citizenship:"

"SEC. 3. That he is not under criminal investigation in the territory of the laws of the Hungarian Crown; or that there was no sentence of any criminal court against him which remains unexecuted."

But, even assuming that Mr. Storer's contention is correct, do you not think that the presiding justice of the Royal Hungarian criminal court would have answered to the inquiry of the mayor of the city, "Yes; there is a criminal procedure under way against the individual in question, but the same is outlawed by the statute of limitation," provided a cause of criminal action ever existed against me? Of course he would have said so, and the law being very clear on the subject no such certificate ever would have been granted.

I now proceed.

Yes; I forgot to mention it. When, in 1896, I went to Budapest to the millennium festivities I carried with me a very flattering letter of introduction from the then consul of Austria-Hungary, Baron Johann von Leonhardi, praising me with kind partiality for my effective work in behalf of the Hungarians and the millennium in the field of American newspaperdom; a translation of this letter is also attached hereto.

As I said before, I was obliged to sue the Hungarian Government for the recovery of my salary as press agent of the millennial commission, and I then was made aware of having become in the eyes of the Hungarian Government officials "persona non grata;" though up to the time of the bringing of my lawsuit I had been "our esteemed compatriot."

I was attacked in one of their official newspapers, and there was put forward as the author of these attacks an individual by the name of Alexander Hecht, who, however, at that time went by the name of "Hajdu." This individual had lived in the early nineties and until the end of 1894 in New York under the name of "Hecht." He led an immoral life and was frequently involved in litigations which proved him to be a usurer. He was a friend of former Consul-General Von Palitschek.

I had at that time instructed Dr. Desider Olah, my attorney in Budapest, who was prosecuting my claims against the Hungarian Government, to institute proceedings for libel against the two Budapest papers, Nemzet and Magyarorszag, that had printed the libelous allegations of said Hecht-Hajdu, but owing to the fact that I was too far away from the point of litigation, and my attorney asking continually for excessive sums of money, and more particularly because of the fact that, with the aid of the Austro-Hungarian consulate-general of New York City, they attempted to and did manufacture evidence, although but of a hearsay nature, and would not even give me a chance to cross-examine the witnesses, the whole proceeding being ex parte, I did not further prosecute the matter. From the attached exhibit, which is a transcript of the testimony so concocted and manufactured, you will readily see that I could not very well afford to go into this matter more deeply, and this is also the reason why I said to Mr. Storer at Vienna and also to the consul-general at Budapest, Mr. Chester, that under no circumstances would I bring any legal proceedings for the violation of my mail and the defamation of my character, but I positively deny that I ever made this or any similar statement to any newspaper or person, as quoted by Mr. Storer.

The perusal of the testimony taken in 1897 at the Austro-Hungarian consulate of New York in that libel suit of mine is immensely interesting. That in the wide, wide world there should be a civilized country resorting to such judicial (?) methods is simply marvelous. Pray allow me to give a few outlines thereof. I had been charged with having stolen a fur coat and other things from one Horwath, in New

York, and Horwath is produced. He testifies: "Braun boarded at my house; he never stole anything; there was never anything stolen at my house." Then, to counteract this, they produced Ignatius Weitner as a witness, who testifies that "somebody told him that he had heard Horwath say at one time that Braun had stolen at his house." And similar and like testimony, and even this taken ex parte, without notice to me and of course without any opportunity on my part to cross-examine.

Of course I did not prosecute the two libel suits to final end. What sane man would?

Then, in 1905, I am attacked in the most vicious manner for not having continued the prosecution of said libel cases, but this attack is again perpetrated by the same individual, "Hecht"—"Hajdu." He is made to issue a pamphlet, paid for by the Hungarian Government, and about which I have reason to believe the United States consul-general at Budapest made a special report.

Pray, look through the attached exhibits, and you will at once see how futile it would have been for me to have brought legal proceedings at Budapest.

I again visited Hungary in 1899, in 1901, and in 1902. At no time was I shadowed, at no time molested, never any suggestion made of my being a "criminal."

In 1903 I visited Austria-Hungary as an American official of the Bureau of Immigration, Department of Commerce and Labor.

I am not molested; no suggestion is made that in 1892 there was a warrant of arrest issued against me; that I left my country under a cloud; no, no, no; I am received in the most friendly spirit imaginable.

Again in 1904 I am, in official capacity, in Budapest.

Then, in 1905, I suddenly change into a suspicious person or character, and I must be shadowed, and my mail must be tampered with.

And they maintain this up to the last moment, and persuade our own Mr. Storer to believe it. These Hungarian politicians making these charges I forgive; they fought me; it was a question of political life or death to them—with brutality, true, but they fought, impelled by the law of self-preservation.

But why our ambassador at Vienna, Mr. Storer, should have lent himself to do their miserable work is something beyond by comprehension, unless it be that the smiles and the "friendship" of the Vienna nobility are nearer and dearer to his heart than the sacred rights of an American citizen.

Mr. Storer's report, and I assume full responsibility for what I say here, is a tissue of glittering generalities of things "he has been told," "he has heard," "tattle tales," unworthy of him and of the high office he holds.

Among the charges made by the Austro-Hungarian Government and echoed by Ambassador Storer against me is this: "Braun is making, through a Hungarian newspaper, propaganda for emigration to Canada."

How an American diplomatic high officer could have repeated the stupid nonsense is something you, Mr. Secretary of State, will not be able to perceive. Why, sir, if I had been guilty of the offense would the Hungarian Government have dillydallied for a second? Within an hour after that Government had learned something of the sort, having only the most remote semblance of truth, I would have been expelled from the country, as provided by the Hungarian emigration law. Of course I never did anything of the kind, neither directly nor indirectly, and I can not make any denial of the accusation broad enough, earnest enough.

Then Mr. Storer says: "Braun had himself interviewed by newspapers belonging to the opposition party, criticising the Hungarian emigration law and its administration."

I wish to state here that there is absolutely no truth in the accusation, and I defy anyone to prove anything to the contrary. There is not in all of Hungary one paper belonging to any party that contains "an authorized interview" with me, which I "had sought" or which I had not sought. Had I uttered one word of criticism against the Hungarian Government in any newspaper at any time while in Hungary in any official capacity, I could have been promptly expelled, or, if the Government desired to treat me with kid gloves, a marked copy of such newspaper, containing such indiscretion on my part, if sent to Washington, would have sufficed to have secured my prompt recall. I did, at one time, issue one signed statement which I gave "haec verba" later on, but that can not be the basis of Mr. Storer's accusation.

"Mr. Braun failed to present himself at the proper ministry with official credentials and passports, but had evidently sought to obtain notoriety as an influential personage charged with important and confidential instructions. He seemed even to seek in every direction some means of showing himself as a person obnoxious to the Hungarian Government and feared by it."

This is from Mr. Storer.

Now, as to Mr. Storer's accusation, let me say this:

In April, 1903, Mr. Storer introduced me to Doctor von Koerber, the prime minister of Austria. I had a fifteen minutes' pleasant interview with Doctor von Koerber, who sent for Councilor Franz Kaltenbrum, of the ministry of the interior. With that gentleman I had a confab of an hour and a half's duration, exclusively upon the question of emigration, the sum and substance of which interview I used in my report of 1903, and which was published in the Annual Report of the United States Commissioner-General of Immigration of that year. In February, 1905, this high official of the Austrian Government came to the United States on an official mission connected with emigration; he paid me a visit at my house, and on February 14, 1905, the same Mr. Kaltenbrum was my guest at the Hungarian dinner tendered to the President of the United States. A few days later, about the end of April, 1903, I came to Budapest, and was introduced by United States Consul Frank Dyer Chester to the Hungarian prime minister, Mr. Koloman von Szell. The prime minister referred me to Councilor Dr. Alexander Selley, of the ministry of the interior, who is in charge of all matters relating to emigration and police. This interview and a number of others, and documents, prints, circulars which I received from him personally I also refer to, and do so pretty fully in my report of 1903, and yet I am accused of having "failed to present myself at the proper ministry with official credentials and passports."

Did not he (Mr. Storer) introduce me? Did not Mr. Chester introduce me? Did I not call again on the same officials in 1904? Upon my arrival, in April, 1905, Mr. Chester gave me a special Hungarian letter of introduction, hereto attached, which I used while traveling through the country. Why should I have gone to this high official every time I came to Vienna and Budapest? Was I a diplomat or consular officer, or was I simply a plain immigration inspector, an expert, sent out by his Government to observe certain things and to report his observations?

And yet there is the ex parte accusation of "Mr. Braun failing to present himself at the proper ministry with official credentials."

Shall I waste your time, honored sir, in attempting to refute such general charges, that I "evidently sought to obtain notoriety," or I "seemed to seek some means of having myself known as a person obnoxious to the Hungarian Government or feared by it?"

I sought notoriety? No; a thousand times no! I had become notorious enough in the eyes of the Hungarian Government when my report of 1904 had become known to the Government, and the interesting part of the story is that the Hungarian Government knew the contents of my report of 1904 long before the American public learned it. Knew it through what sources? Who knows? But know it they did, as I have full reason to assert, and from their minute, and, to me incomprehensible, knowledge of my work grew the strong feeling of antipathy that manifested itself against me and eventually was intensified by my speech at the Presidential dinner of February 14, 1905.

In my report for the year 1904 I had set forth the truth as I saw it, the truth as it is or then was. I put my finger on the ulcerous sores. I showed how they failed to bribe me, and I showed how willing they were to escape responsibility by simply denying statements, made within one month, denying them with the boldness and audacity of professional liars. Of course I knew then they feared me, just the same as the burglar fears the policeman, but I never did anything, said anything, which would justify Mr. Storer of accusing me that I sought the opportunities to show how they feared me.

I say I knew they feared me. Did not I, until then an unheard-of individual, have the courage to unmask an Austro-Hungarian consul-general as a cheat and help him to be convicted of crime? Did I not, to a certain extent, break up the supererogation of the office of the consuls-general of New York to guide the social and political life of the Hungarians in New York and force them back into their own official spheres?

Did not I unmask the hypocrisy of an Austro-Hungarian consul-general of New York, who, very properly, half-masted the consulate's flag on the receipt of the sad news of the assassination of his Empress Queen, and who proclaimed the usual official mourning for her, and then went to an opera bouffe and leg show performance?

Did not I unmask one of the consular secretaries as being a common gambler, arrested in a raid in a low dive, hauled in a patrol wagon to one of the police courts of New York City? Did not I compel the Austro-Hungarian ambassador at Washington to admit that one of his subordinates who was sent by him to investigate certain conditions of Hungarian miners in West Virginia was a common forger?

Did not I have in mind my experience with the officials of the Government when I had to sue for my earnings as the press agent for the work performed in New York at the time of the millennial?

Had I forgotten my experiences with their administration of justice when I had brought my libel suit against "Nemzet" and "Magyarorszag?"

Of course, I knew I was not persona grata with these people, just as I am surely persona non grata with crooked steamship agents, fake bankers, and individuals of this stamp and this class.

Had I been the most fastidious claimant to forms of etiquette and propriety I could not have complained of my reception in Hungary in 1903 or in 1904.

It was all different in 1905. Then, in 1905, my report was known in Hungary, and I was in the eyes of these people the "black sheep" of the nation, the "foul bird who had soiled his own nest."

Long before I had come to Budapest I was pictured as a traitor. One of the Hungarian papers wrote: "We prefer to shake hands with any of our men who work in the coal mines of Pennsylvania and come back home as good Hungarians than with any of these Americanized Hungarians who dine the President of the United States."

These articles and their English translations I forwarded at that time to the Commissioner-General of Immigration at Washington, and had Mr. Storer paid a little attention to the newspapers of Austria-Hungary he could have readily seen and known how "notorious" I was long before my arrival.

I never added to this "notoriety," nor did I ever attempt, directly or indirectly, to add thereto by an interview, or criticism, remarks, statements, or information of any sort. If I gave any "information," I did so—as it was my right and sworn duty to do—about our immigration laws, and then only in response to requests made to me in good faith, and I repeat it here only as to what our laws were upon this or the other subject.

If I knew anything, I knew the people of Hungary; I knew the state of feeling of the Government; I knew the very air of the land, or, at least, of Government circles, to be pregnant with the feeling of hatred toward me. I knew I must be full of tact, of discretion, of caution, of serene, calm, philosophy, and, above all, I knew I must be absolutely truthful, so as not to give even the semblance of an outcry against me. And what I knew I had to be, I lived up to to the very dot on the "i."

I might be permitted to say here that this "tact" and "discretion" and "caution" were not unnatural to me to preserve. I do not wish to boast, but I wish to point out how I had made trips of more than 200,000 miles for the Bureau of Immigration; had visited England, France, Italy, Germany, Russia, the Turkish and the Balkan provinces, Egypt, Palestine, Cuba, Mexico, and so forth—everywhere on the same or similar mission as sent to Hungary. From nowhere ever came even the hint of an "indiscreet conduct" or "want of tact" or "notoriety seeking" or any charge whatever, although in none of the places was I welcome, because everywhere it was known that I had come to learn of any possible transgressions against our immigration laws, and there are such transgressors in many other countries.

No; a thousand times no. I sought no notoriety; I was not boastful; I was not indiscreet; I was not guilty of want of tact.

Then came the incident of my catching, red-handed, the detective pilfering my mail.

And then came the miserable denials, the prevarications, the lies, the slanders.

I dare to say it, without fear of successful contradiction, that never yet has a more cowardly, miserable trick been played upon an American ambassador or any ambassador of any land than has been played by Minister Count Goluchowsky upon our Mr. Storer, when the Austrian diplomat showed to him the warrant printed on page 10 of House Document No. 482, which warrant of arrest Mr. Storer says induced him not to insist "to obtain from the Hungarian Government an absolute retraction of the statement, as well as a denial of its official character."

I learned of the existence of this document only recently.

Never, absolutely never, had it been mentioned while I was in Budapest.

When I caught the detective he at first denied that he had touched my mail or that he had anything to do with me or my affairs; he claimed even not to know my name.

Then he issued a statement, of which I attach a translation, of having watched me because he had learned that in Munich and in New York I had been guilty of larcenies and defalcations.

The newspaper discussion about this case lasted over a week. There was never in any of the papers a statement that I had figured at any time in the "official police journal," or that a police circular or warrant had ever been issued against me.

When that dectective and his chief and the Government organs pounded me most viciously the "warrant" or "police circular" was not mentioned or even hinted at.

As I said before, and I say it here with the solemnity of an oath, I learn of it now, through Mr. Storer's letter to Mr. Hay, dated May 23, 1905, and printed in House Document No. 482.

Mr. Storer, whom I saw the last time on May 26, 1905, never mentioned that warrant to me; he did not even hint at the existence of such a charge.

According to the police record a warrant was issued against one Marcus Braun; it was issued December 16, 1891, and published in the Police Journal February 1, 1892.

Shall I solemnly deny of being the man named and described in that warrant of arrest?

Yes! I most solemnly deny it! If, indeed, there ever had been such a warrant issued; if it was not convenient to manufacture it for the purpose for which it had been actually used, namely, to hoodwink Mr. Storer, and, through him, our home Government!

A warrant issued against me on December 16, 1891, and published in the official Police Journal, the publication in the hands of every police officer in the dual monarchy, and in all head offices of all police departments throughout Europe, on February 1, 1892, and—just think of it—my passport is dated April, 1892, my official military identification booklet containing permission to leave for America, is dated also April, 1892, and bears the signatures of the military authorities for May 20, 1894, November 11, 1894, December 20, 1895, July 1, 1896, August 19, 1896, and September 17, 1896, entered on the occasion of my various visits to Hungary.

My discharge from the bonds of Magyar citizenship bears date December 6, 1897. Early in 1899 the ministry of national defense sent me, through the New York consulate, a medal.

I visited Budapest in 1894, and again, and again, and again I visited Budapest. At one time I sued the very Government, and the Government settled with me; at one time the chief of police favors me by giving me a special police line permit.

Never is it claimed, hinted at, or suggested that such a warrant had ever been issued; it is not brought forward as a defense when the matter is in court; when, look and behold, it is shown by Count Goluckowsky to Ambassador Storer, and he, believing it to be a bona fide warrant once issued against me, thereupon comes to the conclusion that my past life in Hungary was not blameless, changes his position, and allows the Hungarian Government to escape liability upon the giving of a colorless declaration, a meaningless declaration of not being responsible for what some overofficious subordinate officer has done; whereas there are documents in possession of the State Department showing just the reverse of this assertion.

But, even assuming that such a notice was ever inserted in the Police Journal, does that mean that the person mentioned is guilty of crime? Has Mr. Storer not acquainted himself as yet with the "honest workings" of the Budapest police, notorious all over the world, with a record which makes the deeds of the Tweed régime of New York look like the acts of angels? Let Mr. Storer make inquiries and he will find out that for 5 florins he can get anybody's name into the Police Journal.

Now let me show you that this very avowal of not being responsible for what a subordinate official has done is a cowardly, miserable falsehood and subterfuge.

That not the subordinate did it—what had been done—but that he was the authorized agent of the Government, acting under positive instructions; that the Government of Hungary did it—did it deliberately and did it maliciously.

"The incident is closed," I am informed by the Third Assistant Secretary of State in answer to my inquiry, upon my return from Europe. I am not allowed to go to Washington to present my case, and I am ordered to report for duty at Ellis Island. There by whispers and occasional hints I learn some of the contents of the secret charges filed against me with the State Department. Among the Hungarian residents of New York it is openly discussed how "Braun's record was shown up," and "what a great diplomatic victory Austria-Hungary has won over the United States." I am being ostracized, snubbed, and the anyhow intrigue-ridden officials and superiors of mine in some of the principal ports of entry of the United States, some of whom maintain at all times very close relations with Austro-Hungarian consulates, plainly let me feel their contempt for me.

I appeal to Washington for relief and information; nothing is forthcoming. Under the date of July 13, 1905, I appealed to the President. Please, Mr. Secretary of State, read the attached copy of that letter to the Chief Magistrate of the nation, and then judge for yourself whether the documents referring to my case and shelved in the archives of your Department, jealously guarded as state secrets, were really secrets, or whether or not their contents were known to many people, and naturally were also made known to me through channels close to the Austro-Hungarian consul-general of this city.

Then when the situation becomes simply unbearable, when I am daily flooded with anonymous letters and postal cards, when the residents of the Hungarian quarter of New York get in such a pit of excitement by continuous controversies pro and contra Braun in almost every public coffeehouse, and when these controversies eventually culminate in fistic fights and terminate in police courts, I finally decide to resign my position, and state, as I did state to the Commissioner-General of Immigration in an interview held August 12, 1905, at Ellis Island, that my resignation is due to the picayune, pettifogging behavior of some of my colleagues and superiors, which, however, is only a contributing cause, and that the main reason is, as I stated, "I do not think I can afford to serve any further a Government which can not protect its officers from insults and indignities."

But I will show still more.

I will show, as I have heretofore indicated, that the Hungarian Government still is persecuting me, or at least lending its hand to malicious "busybodies" among the Hungarians of New York.

According to the report of our Mr. Storer, the Hungarian Government disavowed the action of that subordinate official, gave him a reprimand, and Mr. Storer allowed himself to be persuaded that the Hungarian Government had done all that it ought and he could justly demand.

When I had caught Detective Kalmar tampering with my mail, and when he had me cited before the police magistrate for having insulted and having threatened him with bodily harm, the position by him taken was an absolute denial.

He never mentioned that he had watched me; he never mentioned having had any suspicions against me.

I, however, knew—I did not have a suspicion that my mail was being read by the police before I received it, I knew this to be the case. I positively knew it. I reported, not a suspicion, but the positive accusation of this being done. I did so to the consul-general at Budapest, to Mr. Storer at Vienna, and to the Commissioner-General of Immigration at Washington, and I believe there must be a report to this effect in the archives of your Department from Consul-General Chester.

I knew, for instance, at 11 o'clock in the forenoon the contents of my letters that reached me only at 2 o'clock in the afternoon, because they were read at police headquarters before 11 a. m., and I was told of it, and the sum and substance of the letters were given to me under the seal of secrecy by one of the officials reading them—and reading them at the command of the chief of the bureau. This official of the bureau, who read my letters, and several others of his colleagues being told by the chief to read my correspondence because the chief had said to his subordinates it was necessary to catch me red-handed in my business of dealing in white slaves—exporting girls to the United States for immoral purposes—that the year before I had taken out sixty-eight girls.

Of course I said to Mr. Storer that I can not very well give the name of my informant, but did not the United States consul-general at Budapest offer to depose under oath his knowledge hereof, by him ascertained?

This tender of his deposition by the consul-general of the United States at Budapest ought to be, I think, on file in your Department.

I believe there should be among these papers a report, or a letter written by my Budapest attorney to Mr. Storer, relating what he knows upon this subject. He and I, coming out of a theater, were met by a high police official—one of the superiors of Detective Kalmar—who accosted me with the question, "When are you going to Detta?" Now, the possibility of my going to Detta, an out-of-the-way place, insignificant and unimportant—as if, for instance, a New Yorker would be asked, "When are you going to—not to Long Branch, or Newport, or Lakewood, or Washington—but to Flushing, Long Island?"—was hinted at in a family letter received a few hours before, but which letter had—the conclusion is absolutely irresistible—before its delivery to me been read by that police official.

But to return to my story. When Kalmar, the detective, had made his complaint, and had said that he knew nothing of me, had nothing to do with me, or with my mail, and that he did not even know my name, and after I had been fined, the United States consul-general went to Kalmar's chiefs. I had been there with Mr. Chester before the trial. Then, and only then, came a change in their position. Then it was admitted that I had been watched, "because it was a necessity," and finally even the reading of my mail was admitted, not in so many words, but by the evasive answers and the claim of "whatever we did, we had a right to do, because Braun was a suspicious character," etc.

The perusal of all the documents in the State Department ought to show this with absolute clearness. The claim of the Budapest police authorities that Detective Kalmar did not act under their positive orders is a most cowardly shirking of their responsibility, is a deliberate falsehood.

Then they say that Kalmar had been reprimanded for his superofficiousness and unauthorized action.

Let us see. Was he really reprimanded?

The incident was officially "closed" in May, 1905. In the exhibits hereto annexed there are two copies of letters written by this same Detective Kalmar, the first dated June 16, 1905, and addressed to the editor of a Hungarian newspaper in New York, wherein this man Kalmar requests the editor to print in that Hungarian newspaper, published here in New York, a long line of accusations and charges against me—bitter, vituperative slanders—and adds that if the Hungarian paper be not willing to publish that letter, how he will have it translated into English, and then have it printed in the English newspapers of the United States.

The second letter is dated September 25, 1905, and is of a similar nature, and mentions publishing the story in the form of a pamphlet which he, Kalmar, will send to the President.

Of course, it is possible to presume that these letters were written by that detective, whose action was disavowed by the Government of Hungary, and who had been reprimanded (?) for it by the same Government, on his sole responsibility, and that the Hungarian Government, or, at least, his superiors, knew nothing of it; but it is a pretty violent presumption. Much more reasonable is my claim "that the incident is not closed," not closed, at least, by the Hungarian Government circles.

Fuel is added to this more reasonable claim of mine by a pamphlet published and widely circulated here in New York and other cities by one Lajos Steiner, a copy of which I also attach herewith as an exhibit. Of course, it is again possible that Lajos Steiner published that pamphlet on his own responsibility. This, too, however, is a very violent presumption.

Mr. Lajos Steiner is not that kind of a man. We know him here in New York. We know him to be an irresponsible nondescript "agent," with an office in his hat, and we know his record and reputation from all over the United States where Hungarians reside. He is one of the "professional patriots" old Hungary unloaded on the young Republic. He has, or had, the backing of the Austro-Hungarian consulate-general of New York. Personally I know nothing about it, but I know of his repeated boasts to the acting in the Braun matter, for and in behalf of that consulate, and it is pretty well known that he has regular or irregular office hours at that consulate, or where he at least hangs out. A little over a year ago he went to Hungary with letters of recommendation from the Austro-Hungarian embassy at Washington, and the consulate-general of this city, which letters he (Steiner) freely showed prior to his departure, and in which letters he was mentioned as being the proper man for the organization of that "famous" Hungarian National Bank in America, which bank is destined, according to the views of Hungarian Government officials, to quadruple the flow of dollars from Hungarian immigrants in the United States to the country of their nativity.

In a criminal libel suit which I have instituted against Steiner he is being defended by the former law partner of Ignatius Weltner, deceased, who, when in the land of the living, was the attorney of the

Austro-Hungarian consulate-general of New York, and who, as you may see from the annexed exhibits, was the man who concocted and manufactured in the office of that very consulate evidence against me, and which was used in the two libel suits instituted against two Budapest newspapers in 1896. Weitner was the man who, in May, 1899, made the same libelous charges as the Hungarian Government and the Budapest police did against me to President Roosevelt, the then governor of this State, and who did dismiss them as base slanders.

Of course, the fact that Weitner's law partner defends now Steiner may also be only a mere coincidence, but how kind must have been Divine Providence to my accusers to bring these happy chances about.

Pray permit me once more to return to the charges made against me, that articles appeared in Hungarian newspapers, "apparently on my authority," or that I had inspired certain newspaper stories in this emigration matter. The Hungarian Government produces no evidence to substantiate this charge, and I solemnly state under the sanctity of my oath that it is untrue. I am no more responsible for those newspaper articles than I am for the tide that ebbs and flows.

I saw some of these articles after they had been in print, and, pray, what could I do? Protest against the use of my name if I found my name of them? Of course I could not do it. "The other side" would have greeted that as the very chance by them sought—i. e., to engage in a discussion, a controversy, a newspaper fight. Take that article mentioned in Mr. Storer's report, on page 11 of House Document No. 482—the article in the Magyarorszag. I knew as little of its publication, despite Mr. Storer's gratuitous assertion of that article being "published by the apparent authority of Mr. Braun," as did Mr. Storer, and surely he knew nothing of it. If I wanted to have an article published or wanted to suggest the publication of one, I would not go to that newspaper—Magyarorszag. I could not go to that newspaper. This was the very newspaper which I sued for libel in 1896, and in which libel suit the "evidence" spoken of was collected by that publication, and was then being hurled at me by Detective Kalmara and his superiors.

Again and again I deny that I ever had any interviews, that I ever talked for publication with any newspaper man. True, I was besieged by them day after day, but I resisted their importuning, persuasion, promise, prayer; I kept aloof from them. If I ever did receive any newspaper man, it was only at a time while I had somebody whom I could absolutely trust with me.

Mr. Storer, in his letter of May 27 to Mr. Hay, reports that the minister of foreign affairs, Count Goluchowsky, had told him that he had definite complaint laid before him by the Hungarian Government that Mr. Braun was either in the employ of or was intimately connected with a well-known Jewish emigration house in Bremen—Meslar & Co.

That the Hungarian Government had the physical ability to make such a complaint is possible, but that it had any direct or indirect, distinct or faint, close or remote, just or seemingly just, true or seemingly true, probable or possible grounds for making this accusation, or evidence on which to make it, is as atrocious a slander as if it had said that he (Mr. Storer) is the "company" of that firm.

I think the "Meslar & Co." in Mr. Storer's letter is identical with the firm of Missler & Co., and how "intimately connected" I was with that firm is visible from my reports on file in the Department of Commerce and Labor, published with the annual report of the Commissioner-General of Immigration, and also published in House Document No. 384, brought forth by resolution of Congress adopted January 6, 1906. If these reports of mine do not refute and repel this silly charge, then my most solemn oath can not do it. By the way, it is, en passant, worth while to state that the firm named is not a Jewish emigration house; the members thereof are coreligionists of Count Goluchowsky and of Count Tisza, and are not coreligionists of mine.

One thing more. You, sir, might reply to me: "I can not hear an appeal from any decision of my famous predecessor in office." Your predecessor in office has had just time and strength enough to affix his signature to what his subordinate, Mr. Loomis, had reported to him, a synopsis of what he had found in the letters of Mr. Storer. Neither Mr. Hay nor Mr. Loomis had, however, the facts before them as you have them now. This is not an appeal from the decision of the late Secretary Hay. This is a case submitted to you, not "on newly discovered evidence," but on statements of fact never presented to the late lamented Mr. Hay nor ever brought to your attention.

Sir, the closing days of the last and the opening days of this century had their Dreyfus case with its famous secret dossier. Well, thank God, the Republic, which never knew kingcraft or priestcraft, has no need of secret dossiers. Our nation, as a nation, worships that holiest of trinities, law, labor, and liberty, and the foundation stones on which it is built are justice and equality.

Justice and equality to all, even to the Jew. For there is Count Goluchowsky's sorest wound, "that he was a Jew, and that I might know the friction inevitably to be anticipated on that account," reports Mr. Storer.

Yes; I am a Jew. Mr. Storer might have replied to Count Goluchowsky: "No; we in the United States might not have known of any friction arising by reason of one of our officials being a Jew. Why should friction arise from that?"

Mr. Storer seemed to concede the point, and thereby missed a chance to give to a proud empire-kingdom a lesson in religious tolerance which might have had a blissful influence on all humanity.

But that is neither here nor there. I am a Jew, but I am an American citizen of my own free will and choice.

In the name of the elementary laws of our land I demand at your hands my vindication or my condemnation.

The immortal soul of your immediate predecessor will approvingly and contentedly look down on your brave deed of reexamining the case, to which he could give, if at all, but a passing attention.

In spite of my burning desire to be brief, I see my "brief" to have grown to unusual length. I have, however, no apology to offer, except to point out to you the supreme importance of the issues involved. To me naught beneath the sky is of more importance than my good name.

When the statesman warrior at the helm of our ship of state honored me with an appointment, I felt the responsibility. I enthusiastically undertook to prove to my American home, to my superiors, from the Commissioner-General of Immigration up to the President of the Republic, and, still higher up, to the people of the United States, that the naturalized citizen of Hungarian birth is with all his heart and soul, with every throb of his blood and every thought of his brain, a good American, guided by the highest sense of honor and duty, worthy of the confidence of his fellow-Americans.

I implore you to set me right before the American people; I beg of you to study the annexed exhibits, and I respectfully request, as an American citizen, that you put a stop to the interference of foreign government officials with their former countrymen in this country. Kindly consider that for ten long years I have been and am being hounded. Why? For what reasons? Just because I am an American, and because I do not believe in the "modern" doctrine of certain foreign governments to always remain loyal to the country of my nativity, even at the expense of my Americanism. I implore you to take into consideration that, after all, as a citizen it is my sacred right to demand from your Department protection against the interference of foreign governments with my constitutional rights and not be compelled to waste my time and money—until now over $6,000—to fight for my unjustly attacked honor, to defend myself against mean, contemptible, and underhanded conspiracies and slanders.

But above all you have to set me right before the American people.

This "me" is not only the person of Marcus Braun, it is the principle which he represents; faith and confidence in the patriotism of the naturalized citizen, and in his gratitude to the nation which received him, elevated him to the proud position of being its citizen, and which nation had honored him with an appointment to an office of trust and honor.

I submit my appeal to you, sir, with full confidence in your high sense of justice.

Yours, most respectfully,

MARCUS BRAUN,
78 Second avenue, New York City.

APPENDIX.

Copies of translations of documents and correspondence marked as Exhibits No. 1 to No. 23. Copy of letter to Commissioner-General of Immigration, dated June 13, 1905. Copy of letter to the President of the United States, dated July 13, 1905.

EXHIBIT No. 1.

[Duplicate.]

(Cover) Stamped; bearing rubber seal of J. & R. consulate-general of New York. In lead pencil: 48437. Honvéd identification book. Mark Braun, honvéd. Hungarian Royal First Honvéd Infantry Regiment, Budapest. In ink: 6703 7/95. 76050.

First page: Within the book. Honvéd identification book. Marcus Braun, honvéd. Hungarian Royal First Honvéd Infantry Regiment, Budapest. Annual of mustering: 1887. Page of vital statistics: 179. Station where mustered in: Budapest.

Second page: Printed instructions.

Third page: Rank: Honved. Name: Marcus Braun. Army corps: Hungarian Royal First Honved Infantry Regiment, Budapest. Annual of mustering, second company: 1887. Page of Vital Statistics, 179. Residence: Municipality, Budapest. Status of municipality: Capital; county, Pest; land, Hungary.

Fourth page: Birth: Place of birth: Melykut; county, D. Bodrogh; year, 1865. Vocation: Journeyman tinsmith. Special signs of recognition: Partially knock-kneed; speaks languages, Hungarian and German; bodily height: 1,690.

Fifth page: Was mustered in April 1, 1887, according to usual routine, and was enrolled to the First Honved Infantry Regiment. Actual service of two years and ten years reserve. Was placed in reserve December 31, 1889.

Sixth page: Medals of bravery (memorial) or other distinctions: Budapest, May 20, 1894. By order of the commander of the First Honvéd Infantry Regiment "Kieg. par."

Seventh page: Additions to the personal notes, the services done, and the changes of residence. Joined the regiment for instructions of recruits October 6, 1887. Was furloughed November 30, 1887. Joined regiment for service August 22, 1888; was furloughed October 24, 1888; joined service July 9, 1889; was furloughed May 2, 1890.

In conformity with a proscription, No. 6790, dated 8th of October, of the commander's department of the First Honved Infantry Regiment has been absolved from participating in the military maneuvers of this year. XII/11, 894. Fabian.

Eighth page: Rubber stamp in capital letters: "Has reported for permanent residence. Municipality of the capital of Budapest. 1894. XI/11. Fabian.

Ninth page: In conformity of a decree dated December 15, 1895, No. 14302, of the district: "Inasmuch as he is at present permanently residing in North America, New York, he is upon his petition, and in conformity of Part II, section 35, point C, of the Honved regulations, freed from participating at the maneuvers of the year of 1895, and also from appearing this same year at the counterguard reviews." Budapest, First Honved Infantry Regiment Comm'd. Szlavy, Col. Lieut., Regiment Commander.

Tenth page: Reported back to New York at the military subdepartment of the capital city, Budapest, Municipality, July 1, 1896. Kapelle. No. 319 M. B. Reported for residence in New York, the I. & R. Consulate-General, New York, August 19, 1896, the I. & R. Consul, and "Gerent" Dessewfy. Seal of the consulate.

Eleventh page: Inasmuch as he is permanently residing in North America, in New York, he is, in response to his petition in accordance with Part II, section 35, point C, of the Honved regulations, relieved from participating at the military maneuvers of the year 1896 and also from participating at the counterguard reviews. Budapest, September 17, 1896. Seal of the commandant of the First Honved Infantry Regiment. Hartman, Colonel.

EXHIBIT No. 2.

[No. 57. 1896. The chief captaincy of the State police department of the royal Hungarian capital city of Budapest.]

TEMPORARY POLICE PERMIT.

Mr. Marcus Braun, collaborator of the newspaper the New York World, I herewith empower during the duration of the exposition to enter within the police lines at the public festivities by the police drawn and to remain within such lines.

It is compulsory to appear at these festivals in black dress.

This permit is not transferable and remains in force from to-day until October 31, 1896.

Budapest, April 28, 1896.

[Seal of the State police department.]

RUDNAY,
Chief of Captaincy.

EXHIBIT No. 3.

INVITATION.

To the gala performance, given on the occasion of the solemn celebration of the festival of the one thousandth year of the existence of

the Magyar State; at the Royal Hungarian Opera House, 1896, May 2; Saturday evening at 7.30.

Marcus Braun (World).

The invitation serves as ticket of admission, which is not transferable; if not availed of, please to return as soon as possible to the royal commissioner of the Royal Hungarian Opera.

The ladies appear in evening dress; the gentlemen in national gala costume or gala uniform, respectively, in swallow-tail coats and white neckties.

EXHIBIT No. 4.

I. AND R. AUSTRO-HUNGARIAN CONSULATE-GENERAL,
New York, March 20, 1896.

With entire willingness do I declare that I know Mr. Marcus Braun, who is the part owner and the editor of the Hungarian American, a monthly magazine serving the interests of the Magyars in America, and is also collaborator on divers influential daily newspapers, as an active reliable man, who possesses all the qualities which are needed for the support of the interests of the local Hungarian colony.

For these reasons I gladly recommend him to everyone.

BARON JOHN LEONHARDI,
Imperial and Royal Austro-Hungarian Consul.

EXHIBIT No. 5.

No. 37221. 1897.]

OFFICIAL CERTIFICATE.

The municipality of the royal capital city herewith officially certifies that Marcus Braun, at present a resident of New York, journeyman tinsmith, is not in arrears in Budapest with no state nor any municipal taxes, nor of any military service, absolution fees, wherefore there is no hindrance for any of these reasons of he being released from his obligations to the Magyar State.

Budapest, December 6, 1897.

VIOLA, *Vice-Mayor.*

EXHIBIT No. 6.

No. 4302.] IMPERIAL AND ROYAL AUSTRIAN-HUNGARIAN CONSULATE-GENERAL,
New York, December 1, 1896.

On the part of this imperial and royal consulate-general, it is, at the request of Mr. Marcus Braun, herewith affirmed that there is nothing derogatory at this office pending against him.

A certain affair that during the last summer had been brought forward against him, has been cleared up in a satisfactory manner.

The imperial and royal consul-general,

F. STOCKINGER.

[Seal of the consulate.]

EXHIBIT No. 7.

Translations of three letters from the Millennial national committee at Budapest.

[Letter No. 1.]

No. 1164.] Millennial National Exposition, 1896, office of the exposition director.

Hon. MARCUS BRAUN,
103 First avenue, New York:

We take great pleasure to inclose herewith for your kind information and subsequent use, printed proofs of all our cuts we had made up to date, with the sincere request to make the best use of the same.

Thanking you for the interest which you have shown, and soliciting also for the future, I beg to remain,

Respectfully,

SCHMIDT.
Ministerial Councilor and Director of the Exposition.

BUDAPEST, *January 13, 1896.*

[Letter No. 2.]

No. 11646.] MILENNIAL NATIONAL EXPOSITION, 1896,
OFFICE OF THE EXPOSITION DIRECTOR,
Budapest, January 13, 1896.

Hon. MARCUS BRAUN,
First Avenue, New York:

Inclosed we take pleasure to send you herewith the latest little booklet for the purpose that you might kindly use it either in lectures or for newspaper items. We think that it would help considerably the cause of our Milennial Exposition if you would work out the material contained in this booklet and see to it that it should get the widest possible circulation in order that the public's attention may be properly drawn to our country and our exposition.

For your patriotic hard work we express our most sincere thanks, and we hope that we shall greet you here on the occasion of the opening of the exposition.

I remain, most respectfully, SCHMIDT,
Ministerial Councilor and Director of the Exposition.

[Letter No. 3.]

No. 14709.] MILLENNIAL NATIONAL EXPOSITION, 1906,
OFFICE OF THE EXPOSITION DIRECTOR,
Budapest, March 12, 1896.

Hon. MARCUS BRAUN,
Editor and Publisher of the Hungarian American,
1441 Broadway, New York:

Acknowledging your favor of the 14th of last month, I wish to thank you for your multilateral literary activity, brought forth so unselfishly in the interests of the National Millennial Exposition. Under this cover I forward to you the autograph that you desire to have for your great millennial issue, and beg to advise you that in our sphere of activity we will do all that is possible to make those invited to contribute to comply with your commendable request, and also, in an official way, we shall propagate the enterprise you are planning.

Respectfully,

SCHMIDT,
Ministerial Councilor and Director of the Exposition.

EXHIBIT No. 8.

Translations of letters of two cabinet officers of Hungary.

[Letter No. 1.]

To the honorable editor of the
Hungarian American, New York:

His excellency the royal Hungarian minister of national defense received your letter, and in reply thereto instructed me to send you the herewith inclosed photograph of his for kind use.

With distinguished regards.

Yours respectfully, ANDOR TALLIAN.

BUDAPEST, *February 28, 1896.*

(This letter is from the then minister of national defense and the present premier of Hungary, Baron Fejervary).

[Letter No. 2.]

VERY MUCH HONORED MR. EDITOR: Under instruction of His Excellency Alexander Erdely, minister of justice, I have pleasure to reply to your favor of February 12, and to inclose herewith his photograph.

Simultaneously I give herewith, in a few lines, his biography.

Alexander Erdely, born 1839, became after he was admitted to the bar a clerk of the county of Pest; was later advanced to deputy county clerk and later on as chief clerk of the county. On July 19, 1870, he became clerk of the superior court, and in 1871 he was permitted to be judge of the royal civil court of Pest. He became supreme court judge in 1875, and in 1886 was called to the highest tribunal of the land as a judge. He was transferred in 1891 as president of the royal court at Gyor.

The that time minister of justice, Desidariu Szilagyi, recognized his manifold abilities, appointed him as state secretary of his ministry on August 8, 1892.

After the withdrawal of the Wekerle Cabinet on January 15, 1895, the King appointed him minister of justice.

During the time that he was state secretary of the ministry of justice, he was a true collaborator of the Minister Szilagyi, and labored unceasingly for the Hungarian legal reforms.

During his tenure of office of minister of justice, the most important law that was enacted is the obligatory civil-marriage law and the changes in the inheritance law.

He also drafted a new criminal and civil procedure, which will be brought before the House of Parliament at one of its next sessions. He set for himself a very lasting monument by bringing about the appointment of the commission to codify the Hungarian privy rights.

In expressing his excellency's most sincere thanks for your kindness, and acknowledging the receipt of your beautiful magazine, I have the honor to remain,

Your obedient servant, GYULANYI LAJOS,
Councilor of the Minister of Justice.

BUDAPEST, *March 29, 1896.*

EXHIBIT No. 9.

Three tickets connected with the millennial festivities.

[First.]

The Millennial National Exposition of 1896, which is arranged under the protectorate of His Imperial Royal Apostolic Majesty Francis Joseph the First, invites to the festive opening of May 2, 11 a. m., Mr. Marcus Braun. Seat on Press Tribune No. 5.

Signed on behalf of the royal Hungarian minister of commerce, as the president of the National Millennial Exposition.

SCHMIDT,
Ministerial Councilor and Director of the Exposition.

[Second.]

No. 201.] MILLENNIAL NATIONAL EXPOSITION COMMISSARY.

From May 3, 1896, to June 30, 1896, for Mr. Marcus Braun, the New York World newspaper representative.

Valid permanent ticket for the visit of the territory of the Millennial National Exposition of 1896.

Must be shown when requested.

BUDAPEST, April 27, 1896.

SCHMIDT, *Director.*

[Third.]

No. 1596.] ROYAL HUNGARIAN STATE RAILWAYS. 1896—First class.

Mr. Marcus Braun, representative of the New York World.

LUDVIGH, *General Director.*

EXHIBIT No. 10.

[Translated from the Hungarian language.]

HUNGARIAN RELIEF ASSOCIATION OF MUNCHEN,
Munich, May 20, 1906.

Mr. MARCUS BRAUN, *New York.*

DEAR MR. BRAUN: In reply to your letter we are glad to comply with your request, especially for the reason because we have together worked hard in 1890 for the prosperity of our association and because we have kept you in friendly remembrance ever since. Should fate guide you once more among us, we shall be glad to renew our friendship, not only the eight of us, who know you since 1890, but all of our members, who know your merits by the resolution of thanks embodied in the minutes of our proceedings in 1890; we should be all glad to count you among our members.

It is but natural that we should gladly comply with your request, and we state with pleasure that we count you among our good and pleasantly remembered members, that to our knowledge you owe nothing to either the relief association or to any individual member thereof. To this we will always cheerfully and in any form testify, and we only hope that you will neither in the present nor in the future be in need of such testimonial, since it is we who are your debtors on account of your merits in behalf of our association.

We close this letter, written in the name of the Hungarian Relief Association of Munich, hoping that you will honor us with a visit whenever you should happen to pass this way. With patriotic regards,

[SEAL.] DESIDERIUS ZOCHOR, *President.*
BELA NAD, *Secretary.*

For the purpose of identification of the above signatures of Mr. Desiderius Zochor, president of the Hungarian Relief Association, and Mr. Albert Nad, secretary, who are personally known to me.

Munich, May 21, 1896.

For the imperial and royal Austro-Hungarian consul.

[SEAL.] MILTER.

EXHIBIT No. 11.

SUNDAY, *November 17, 1896.*

MARCUS BRAUN, Esq.,
Nagy Korona Street, No. 4, II Floor, 23.

DEAR BRAUN: I made an engagement to take you to M. Daniel, minister of commerce, at 4 o'clock to-morrow afternoon. So be at consulate at 3.30.

Yours, truly, E. P. T. HAMMOND.

EXHIBIT No. 12.

[Decision.]

Marcus Braun, private complainant, against Victor Halasi.

Libel action No. 76262/B. 96, and entered regularly. There is to be held concerning the accusations contained in the complaint, on February 11, 1897, at 3 o'clock p. m., a public jury session. For this purpose there is delivered with this decision to the parties of this action a list of the jurors summoned to act.

The libel division of the royal criminal court. Budapest, 1897, January 16.

TZITVAY,
Presiding Judge.
[Seal of the court.] DR. DULMAR,
Secretary.

[On outer fly leaf:] No. 76949. No. 189. Report of a public session to be held in the libel suit of Marcus Braun, private complainant, against Victor Halasi, for the purpose of drawing the jurors.

DR. DESIDERIAS OLAH,
Attorney, V Dorottya Street, 6.

EXHIBIT No. 13.

[91908. No. crim. 1897.]

In the name of His Majesty the King, the royal criminal court of Budapest, as a trial court in libel matters, has, on the day date below written and in the matter of the libel suit brought by Marcus Braun, as private complainant and represented by Dr. Desiderius Olah, attorney, Budapest, against Victor Halasi, represented by William Varsonyi, attorney, Budapest, brought the following

DECISION.

The royal press juridical court herewith discontinues, based upon sections 268, 110, and 116 of the criminal code, the criminal libel suit presented by Marcus Braun, private complainant, under No. 76262/96, in which complaint of his he, based on section 258 of the criminal code relating to slander and of section 261 relating to defamation of character, had sued for redress; and of this decision he and the attorney for the defense, Victor Halasi, are forthwith to be notified.

ASSIGNMENT OF REASONS.

In the daily newspaper Magyarorszag, dated 1896, July 4, No. 183, there was contained under the heading "Daily news" a notice, designated "Marcus Braun," the contents of which, it was complained, were according to section 258 of the criminal code libelous, and according to section 261 defamatory, and for which a private complaint was lodged on November 28, 1896, under No. 76263/96, against Victor Halasi, and to which complaint on November 6, 1897, under No. 74643/97 of the criminal court records, and to the private complainant delivered on November, 1897, a decision calling upon him to present the judicial bill of complaint and his interrogatories, what to do however he had failed. Therefore, acording to a proscription of the ministry of justice dated 1867, October 1, and No. 733, subdivision 5, the complaint must be considered to have been withdrawn and the further proceeding herein is, according to sections 110 and 116, ended.

Budapest, the royal criminal court sitting as a trial court in matters of libel, December 31, 1897.

[Seal of the court.]
F. ZSITVAY,
Press Matters, President.
RONAI EMIL, *Secretary.*

To DESIDERIUS OLAH, *Attorney.*

EXHIBIT No. 14.

[On fly leaf, front:] Rubber stamp: Royal Hungarian criminal court, entered 1898, March 18. No. 21847.

To the honorable royal criminal court, Budapest. Petitions of Marcus Braun, in his matter against Victor Halasi, for the delivery to him of copies of the minutes of the testimony of witnesses taken. 91968/97 pthy. Rubber stamp indorsement: Dr. Desiderius Olah, lawyer, Budapest.

[The petition within:] Honorable royal court: Having need of the minutes of the testimony taken in the libel suit by me against Victor Halasi, desiring to produce them in America, I make through my attorney, heretofore already duly identified, the request that their copies might be delivered to him. Respectfully, Marcus Braun.

[On fly leaf, rear:] Decision. 2187, crim., 1898. The petition of Marcus Braun, private complainant against Victor Halasi, libel suit, before the Roy. Press matters court, for the delivery to him of the copies of the minutes of testimony taken, is herewith rejected. Because the testimony taken in the course of the examination is under the decision of the court and in the course of the trial and for its purposes at the disposition of the parties of the suit, but this action has not been submitted for final judgment, and the proceedings having been discontinued, and the demand for the copy of the testimony taken is made without any reasons being assigned, and therefore can not be granted.

Budapest, March 26, 1898. Press matter session.

[Seal of the royal crim. court, Budapest.] ZSITVAY,
Present Justice, Press Matter Justice.
N. ZUNAND, *Secretary.*

To DESIDERIUS OLAH, *Attorney, Budapest.*

EXHIBIT No. 15.

[Translation.]

Braun–Nemzet. 53756/96. Libel suit of Marcus Braun against Nemzet. Verbal proceeding. Decision received 96⁸/X Mr. Fischer (ordering an investigation). Decision. 62957/96. Gapári names Alexander Hecht as the writer of the article.

Minutes of examination: Alexander Hecht acknowledges to be the author of the article. Demands that the doings of B. in America be examined through the consulate. He has been informed that at this time B. is under criminal charges and that the Hungarian Society has expelled him for being guilty of blackmail. He desires to prove that B. has absconded from Munich with the proceeds of an entertainment of the "Ungar Verein," and that he has misappropriated moneys of Banker Policzer.

Continued 20/III 97. Demands the examination of Dr. Gerster for B's exclusion from the New York Hungarian Society on account of larceny; the furrier, Géza Horvath, from whom he had stolen fur goods and a gold watch and chain; Julius Firemann, a reporter and the draftsman of the World, to prove that B had claimed here to be the representative of the W.; Charles Takács, from whom he attempted to borrow ten dollars, and because he did not get it he attacked him in divers blackmailing newspapers; Peter Vay, an inhabitant of N. Y., whom he wrote up because he could not get from him two dollars; Ignatius Weltner, whether it be true that he, B, had stolen 70 mark from the society in Munich, or from the president, Mr. Zochor, a gold watch, and how he ran away from there, or the original of the letter containing these facts; demands further the exam. of Philip Freund, Fr. Bossányl, and Stephen Dobó, why had he been excluded from the Hung. Society; Max Schwartz, banker, about the larceny of 70 mark and a gold watch; Louis Ujzab, to whom B went with the complaint that the members of the Hung. Soc. had torn down the picture of the King of Hungary; Anton Pallicock, the former chief comm'r of Austria at the Chicago Fair, how B had been committing divers blackmailing operations; Stephen Dobó, about his report to Baron Feběrváry (deserter from army); demands the exam. of Herman Böhm, what deceits and cheats B had practiced at the Chicago Fair, and for this same purpose demands the examination of Ettiene von Scanavi.

Examination of witnesses, taken 25/11,'97. The witness Zochor, watchmaker, to the merits. The Hungarian Society had arranged in October '89 or '90 a Vintage festival. I do not know any more where the necessary printing matter had been printed, they did cost about 60 marks, although an agent of the printer's office, a certain Levinger, had said the money is presented to us. A few days later, nevertheless, there came to us from the printing office a bill for 70 mark for these printed matters. We left back in the hands of Mr. Braun 70 marks to pay this printing bill. All at once I heard Mr. Braun not to be any longer in Munich, and not very long after the society received from the printer another bill; this one, however, we did not pay. Early in '96 or the last of '95 I received from Braun from America the 70 mark and a letter, later another small sum which he owed me. Who is the Politzer named in the requisitions of the 5th of this month or where he resides is unknown to me.

Taking of testimony 13/III, '97. The witness Politzer. Neither I nor any of my two brothers living here are bankers, we do not know M. B. nor do we know who the banker Polizer might be. About 17 years ago I knew here a lottery agent B., but he did not injure me or my brothers.

The examining judge sets aside the decision to gather proofs as to the charge of military desertion, because they are not connected with the pending matter.

The response of the consulate at Zurich: Mr. B. is, from the time of my official work at Chicago, as a man of bad repute in my memory, who attempted to use his position as a journalist to levy blackmail, but I know nothing personally nor any details, inasmuch as all these informations were received by me mostly from Mr. Ettiene von Scanavi.

Minutes taken at the I. and R. consulate-general at New York 26/VI 97.

1. Geza Horvath: He resided in my house, but never committed any crime. There was no larceny committed at my house.

2. Dr. Bossanyi: To my knowledge, M. B. was expelled from the Hung. Society for the reason because the response of the Munich Hung. Society, in response to the inquiry of the N. Y. Society as to B.'s individuality, had not been favorable to him. He, the witness, has heard from others that B. had misused his position as a journalist and has squeezed money out of people, as from Mr. Carl Poringer.

3. Weltner (Ignatius): The facts stated in the questioning statements of the examining magistracy at Budapest are true in full. He attaches the letter of the Munich Society and the minutes of the New York Hung. Society. (See below the translation of these extr. of the minutes.) At that time he, witness, was the president of the society. B. attacked the society, without any cause, in the German papers of New York and the police newspapers of Budapest. B. showed, in Oct., 96, the letter of the president of the Munich Society, which he refers to as his vindication, but in that letter the fact of misappropriation and of theft are not rebutted. I wish to state that Horvath has told me in presence of many people that B. had stolen from him fur goods and from his wife a watch and chain, and that the fur goods were found by Horvath in B.'s possession, who admitted the theft and made the loss good.

I. (Translation of the Munich letter.) Munich, 96, 23/III. M. B., journeyman tinsmith, formerly member, ran away with 70 marks. Besides this he has caused losses to others; from me he took a watch which he forgot to return; there are such who have been injured by him to 100 marks even. From here he went to Paris, whence similar news came, etc., etc. Desiderious Zochor, Pres.

II. The minutes contained in the letter of the examining magistrate, and which is the basis of the article in the Nemzet, and which has been sent to me is a true copy of those minutes.

STOCKINGER, *Consul-Gen'l.*

Stephen Dobó, member of the Hung. Society, testified:

B. has been excluded from the Hung. Society by reason of the information received from Munich and other places, because his character did not respond to the requirements of the statutes and laws; furthermore B. had attacked in German blackmailing journals the patriotic efforts and aims of the society, and had abused the members of the society and the participants at the society's festivals and ridiculed the program simply because he did not receive the advertisements, and the society, not to aid such as he, would not give it to him. He had heard from Furrier Horvath, in the presence of John Marko and Samuel Weiss, that B. had stolen his H.'s fur coat and watch, and Horvath declared of being amazed that B. leads a leading rôle among the Hungarians of New York; when witness D. demanded from Horvath a written statement of B.'s doings, H. refused, stating that he has been settled with fully and that B. even helped him when he was out of work.

Vay Peter: The matter does not stand entirely thus. I stood in good relationship with B. until I had a disagreeable private affair which B. published in a garbled form in a local paper. Before publishing this story B. had called repeatedly at my house, but did not find me. After the publication I held B. responsible and B. responded, "I was repeatedly at your house to see you; I could not find you; you did not

pay, and I reported the case." When I told this story in a society it caused no astonishment. I was told he had done this to others, and I was told that he had robbed Horvath.

Marcus Schnitzer knows of the larceny of B. only so much that at one time the president of the Hung. Society had shown him a letter from the pres. of the Munich Hung. Society wherein B. had been charged with larceny and misappropriation.

Dr. Arpád Gerster, the honorary pres. of the Hung. Society, had never any knowledge of the matters and can give no information whatever concerning it.

Minutes taken 99 15/IV at the Hungarian Society meeting: Ed. Wurmfold calls the attention of the society to the fact that B. attacks the good name of the society and demands his expulsion.

Minutes taken at same place 22/IV 96. Inasmuch Bertalan Nagy. E. W. and Simon Steindler positively know that B. is bent to injure our society and has libeled the society in German and Hungarian newspapers, he has been expelled by a vote of seven majority. Braun-Magyarország. Libel suit of M. B. against Mogyss and Holló.

Minutes 6/XI 96. Victor Halaszi is the author of the article. The information published was taken from the Nemzet. Assumes responsibility only as a copyist or reporter. Does not know B. and therefore could not have charged him with the matter. Ladiszlaus Inczedi, ass't editor, has called his attention to the article. The manuscript of the article he recognized as his handwriting.

Decision upon complaint 12/11 97, was amicably compromised.

EXHIBIT No. 16.

AN UNVEILED GOVERNMENT COMMISSION.

The press bureau of the police department publishes the following as the declaration of Detective Hugo Kalmar:

The notices in some of the daily newspapers concerning myself, namely, to have opened the letters of Marcus Braun and have followed him on his voyage to Vienna, are slanderous from beginning to end. It is true that I, who have resided in the Hotel Hungaria since many a year, know Marcus Braun, who arrived in the month of April with one Edward Loffler—a man who has been sought for by the police for fraudulent bankruptcy—and who has taken apartments at the hotel hereinbefore mentioned; know him as a dangerous swindler, who misused his acquaintances in America and his connections to blackmail them, and who is living there by swindle and fraud. I began to interest myself, therefore, in Braun, and in accordance with my duty I followed with interest his life here, the grounds of his being here, and watched his connections in this city, which, I admit, might have been to him, who has reasons to cover up his deeds before the police authorities, disagreeable, and must have imbued him to spread lying reports. As to the individual and as to the questions as to who Marcus Braun is, let there be reprinted here a letter of the Hungarian Aid Society of Munich, dated March 23, 1896, in response to a letter of the presidency of the New York Hungarian Society, making inquiries about Marcus Braun:

DEAR COMPATRIOTS: In response to your respected lines of the 11th instant I have the pleasure to inform you that Marcus Braun, journeyman tinsmith, of Budapest, was in 1890 a member of our society, and toward the end of October, 1890, he ran away with 70 marks of our society's money. Besides these 70 marks, he injured seriously many other Hungarians. He had forgotten to give me back a watch which he had borrowed, and there are such persons whom he injured to the tune of hundreds of marks. The honorable presidency would oblige me very much if you were to hand him the inclosed list of names; perhaps he might make good the sums he had stolen from the society. From Munich he went to Paris, whence at that time similar news had gone about him, from which I could not gain the thought of his having commenced to lead a new life. In Munich he played the rôle as his interests required, as tinsmith, as a lottery agent, or as a reporter, etc. I do not cheerfully proclaim the errors of youth, but I regard Mr. Braun to be mature enough to be conscious of the fact that his acts are not compatible with the requirements of honesty.

With patriotic, friendly greetings, I am,

DESIDERIOUS ZOCHOR,
President of the Society.

From Paris Marcus Braun sailed to New York, where, in consequence of a libel suit which Marcus Braun had begun before the Budapest royal court, which, however, later on, before the final trial had taken place, he had withdrawn, divers witnesses' unanimous testimony shows that one Geza Horvath had accused Marcus Braun, in the presence of various inhabitants of New York, to have stolen from him a fur coat and from his wife a gold watch and chain. The fur coat had been found in his house. Braun admitted to have committed the theft and made the loss good, for which Horvath, at the prayer of Braun, abstained from making a complaint. The numerous witnesses examined in New York, at least a majority of them, characterized Marcus Braun as an ordinary adventurer. And such a man dares to attack me, who has been for many years in and has served with honor the state police department of the capital.

HUGO KALMAR.

In this same matter the Budapesti Tudosito has been authorized from competent sources to publish the following:

"It is not true that Marcus Braun, alleged American Government commissioner, had appeared before minister president to make a complaint there. The American consul-general reported yesterday by telephone to the officials of the ministry of the interior the transgressions allegedly committed against Braun. The minister president received his information from hearing of the complaint of Marcus Braun through this official of the ministry of the interior, when he immediately called upon the police department for an explanatory report. To Marcus Braun, however, there had been given by competent authority the advice to make a criminal complaint against the detective."

Marcus Braun makes the following declaration concerning the foregoing:

"The press bureau of the police department published to-day a declaration of a detective of the State police wherein he heaps defamatory abuse upon me. Inasmuch as I am in Hungary on an official mission as the immigration inspector of the United States, I had, through my ambassador, immediately made report to the American Government about the attack on me attempted. It is therefore impossible for me to take notice of the single details of that article until I should have received instructions from my Government concerning the atonement for these daring and unheard-of insults. True to the facts, however, I must state that the detective giving to the public the certain article is identical with the person whom I caught at the hotel examining my letters and whom I then and there publicly held responsible.

"MARCUS BRAUN,
"Immigration Inspector of the United States."

EXHIBIT No. 17.

No. 1496.] AMERICAN CONSULATE-GENERAL,
April 26, 1905.

Recommendation by which I have the pleasure to recommend to the good will of whomsoever it may concern, Mr. Marcus Braun, American Inspector of Immigration, who, according to his commission, issued to him by the Commissioner-General of Immigration at Washington, countersigned by the Assistant Secretary of Commerce, and dated C. M. the 28th, and bearing No. 465, has been sent to Europe to study the emigration from here to the United States and to report thereon.

For all friendly assistance, please to accept, in advance, my sincere thanks.

With eminent esteem,

[Seal of the consulate.] FRANK DYER CHESTER,
Consul-General.

EXHIBIT No. 18.

DEAR MR. BERKOVITZ: The sample copies of your honorable newspaper, which until now you had sent me, I received. I have read them carefully. I thank you very much, your amiability, and I promise to be always your ready servant.

Now, however, allow me to reflect upon your issue, No. 150, of June 30 of the running year, wherein you write not to have given credence to the charges made against Marcus Braun. You are greatly in error, Mr. Berkovitz, because those charges are not false, but they are pure, exact truths, namely, Marcus Braun had stolen, misappropriated, and cheated. These he might deny, but nevertheless they are facts and are true. This circumstance I am ready to anyone at any time and with official documents and by the requisition issued by the royal prosecutor of Budapest, which directs his apprehension for divers thefts, defalcation, and fraudulent transactions.

Braun, knowing these things, escaped from his then residence, No. 8 Haynal street. It is true that these crimes have long ago been outlawed, and the brother of Marcus Braun, Darius Braun, who is well known to the police, informed Marcus Braun that under these circumstances he might come back, and it was fortunate for Marcus Braun that at that time he was not apprehended, or he would have tasted the air of the prison. These are the facts, as I already mentioned—sacred truths.

You write that his enemies say of him that he has committed divers thefts, defalcations, and frauds. I am not an enemy of Braun. I only write these things to you because I know of your fighting for the truth and you proclaim this; therefore somebody probably must have been misleading you, and you gave him credence. I have already mentioned, and it is a fact and the truth—anyhow, I have published these things here officially in all of the daily newspapers of Budapest on May 11, this year, through the channel of the police bureau. Marcus Braun read this here in Budapest, but he did not do aught but to deny them, although I expected that for public defamation he would begin an action against me, and my superiors earnestly advised him to do so, and I myself—I very much would have liked him to sue me; at least he would have given me opportunity and chance to prove it before the forum of the court that he has stolen, misappropriated, and defrauded, and is thus but a common cheat, over whom the police must, indeed, keep a watch. Therefore, as I already have said, that I well know of your fighting for the truth, and you proclaim it, I pray very much to publish this declaration of mine in your honorable journal. Let it be known in America who is Marcus Braun, or if dear Mr. Berkovitz, for any reason, could not grant me this request, then I earnestly beg of you to inform me at once, appealing to your good friendship; because then I, only in the interest of truth, will send in English language, will send to the New York newspapers, with the explanation that I am not at all guided by any vindictiveness.

In conclusion, I inform you that I could write very much more about Marcus Braun's scoundrelisms, anyhow. I am working upon a pamphlet of which I will send a copy to the President of the Republic, wherein there will be set out the deeds of scoundrelism of Marcus Braun in his native country and in Europe, so that if, indeed, he be an employee of the United States, that he has cheated even his own Government, of which I have proof, and he is capable to defraud all America, together with the President thereof.

And now allow me to turn to you with a prayer. Alexander Braun, a brother of Marcus Braun, of Budapest, 22 years old, here lately clerk in an office, after defalcating 1,600 crowns, ran away last year to America to Marcus Braun. I am instructed to look for him and apprehend him. I request you very much, dear Mr. Berkovitz, to write to me whether you know this miscreant, whether he is there in New York with Marcus Braun, and whether in some way this scoundrel could be arrested.

After all these, I pray your indulgence if I have intruded on your time too long, but knowing your good will to me, you will not be angry at me.

Your favor of a reply awaiting, I remain, with sincere and friendly greetings,

Your devoted friend and ready servant,

HUGO KALMÁR.

EXHIBIT No. 19.

GRAND HOTEL HUNGARIA,
Budapest, August 25, 1905.

HONORED MR. BERKOVITZ: Your honored letter of the 4th instant I have received. I make bold to make this reply. I very much regret that you think of not having sent the police reports for the reason because I have begrudged the putting on them the expense of the postage stamps. You are greatly in error, because the police reports have ceased to be published with the 1st of June; now are published the Police Journal, and these are published by the ministry of the interior.

And now allow me honored Mr. Berkovitz, that I might turn to the doings of Marcus Braun, I do not reflect upon his political actions, but now, as I did before, I again maintain that he had stolen, defrauded, and cheated. I greatly regret, however, that I can not send you my complete proofs, because they are in part deposited in the archives of the royal court at Budapest and partly in the archives of the Budapest police department deposited as official documents, and from them to take or legalized copies to take is not possible, but here in Budapest

I am writing to justify my allegations to anybody, and I annex a police requisition from the year 1891, wherein he is being sought by the Budapest royal court for the crime of fraud and orders his arrest, but he had then escaped already, and thus was freed of the prison.

You, honored Mr. Berkovitz, write in your letter that Marcus Braun is not a cheat, but I think I have proven that he did cheat, and I also can prove that he has stolen and misappropriated. You furthermore write that Braun was in Budapest in 1894, 1895, 1896, and 1899. That is very possible, but he had come here secretly, and the authorities have not learned of it or else he would have been apprehended. Lately we have ascertained that in 1899 he had been here with a certain Kiralyfi, under an assumed name, and has taken girls out to America, and inasmuch as this is only a misdemeanor it became outlawed in a year.

And now, dear Mr. Berkovitz, permit me reflect upon that declaration of yours which you write in your letter, that Braun would be a lunatic fit for a strait-jacket if he would resign from his position to sue me and to seek his honor. This, in my opinion, is a very sorrowful and pitiable condition of things, if a man does not sacrifice his position to save his honor, because I think that positions in life a man can get plentiful, but not his honor, and I do believe that you, too, believe me when I declare that without honor a man's life is not worth anything.

But just now the thing comes to a focus, because these days I read in Budapest, Vienna, and Berlin newspapers that Braun has been relieved of his position. True, certain newspapers have written that it was proven what the police of Budapest had said, that Braun had stolen, defalcated, and defrauded, while certain newspapers reported of he having resigned because he would have had to carry uniform. Well, this last, I believe, not even the bell ringer of the Therese district will believe him, because a man who defends himself therewith that he does not seek vindication because he would have to resign from his position, but who does resign on account of his uniform he would have to wear, that is a very nice alternative. In the paper of the 11th instant you had sent me, I also read that Braun had resigned for the reason because he did not want to wear an uniform with bright buttons, but, Mr. Editor, you had added thereto that Braun had at one time worn bright buttons for Francis Joseph. Concerning this I inform you that Braun had been honvéd private in the First Honvéd Infantry Regiment, but there he conducted himself as in private life, he became a fugitive, for which he was already in 1888 hunted and his arrest ordered. I inclose herewith a police requisition wherein he is shown to be placarded.

Dear Mr. Berkovitz, I do not wish to continue this writing. I believe I have half way justified my allegation—entirely I will prove it in my pamphlet—but you can tell Braun, with whom I am told you stand on good footing, that I am to his disposition; now he has no position, now he can sue me; let him come here, and let him face me before the courts that I may prove of he having stolen, cheated, and defalcated.

And now I repeatedly request you, dear Mr. Berkovitz, inasmuch as you write of being ready to serve me in any manner, to tell me whether Alexander Braun, the brother of Marcus Braun, who last year had misappropriated 1,600 crowns and ran away to New York to Marcus Braun, be in New York, and how he could be apprehended.

Now, I beg your pardon if upon your valuable time I have intruded, and I promise to be ever your ready servant.

With special esteem and patriotic greeting,

KALMAR HUGO.

EXHIBIT No. 20.

Translation of sections 22 and 24 of the laws of 1879, entitled "The obtaining and forfeiting of the rights of Magyar citizenship."

SEC. 22. Those persons liable to duty in the army as regulars or as reserves may be discharged from the bonds of the State of Hungary only if they had received from the common minister of war a letter discharging them from the army duties, and the national guardsmen if they receive such a letter from the minister of home defense.

Those persons over the age of 17 years, who are not liable to the above-described army duties, but who are not finally absolved therefrom, may be discharged from the bonds of the State of Hungary if they can prove by the certificate of the proper county authorities that they do not request their discharge for the purpose of escaping military duties.

SEC. 24. The discharge for the bonds of the Kingdom of Hungary can not be denied in time of peace for causes other than those contained in section 22 to anyone who proves—

1. That he has the right to act for himself or that his father or his guardian or committee of his person or property, with the approval of the board of wards, joins in his petition.

2. That he is not in arrears in payment of State or town taxes.

3. That he is not under criminal investigation in the territory of the lands of the Hungarian Crown, or that there was no sentence of any criminal court against him which remains unexecuted.

STATE OF NEW YORK,
City of New York, County of New York, ss:

Dr. Géza Kun, being duly sworn, says: That between 1894 and 1905 I was a practicing attorney at the city of Budapest, Hungary, having been duly admitted to the bar in 1894; that I am familiar with the English and the Hungarian languages, and the foregoing translation of sections 22 and 24 of the laws of 1879 were made by me from the original Hungarian text; that such translation is in all respects true and correct to my best knowledge and belief.

Dr. GÉZA KUN.

Sworn to before me this 24th day of January, 1906.

SAMUEL ROSENTHAL,
Commissioner of Deeds, New York City.

EXHIBIT No. 21.

Answer to Marcus Braun's American commissioner's newspaper attacks upon me. Written by Alexander Hajos. Price, 20 filler. Purchasable in tobacco shops.

To the Magyar public:

The Nap, in its issue of the 14th instant, accuses a man by the name of "Hajos" to compromise Marcus Braun, American immigration commissioner, with defamatory letters, and to have given to Detective Kalmar, in the matter against Braun, untruthful statements. This Mr. Hajos had been a member of the Munich-Hungarian Society, and stood there in the center of many scandalous things. Finally, Hajos has flooded the American authorities with letters defamatory of Braun, which even had come into the hands of Roosevelt, the President of the Republic.

It is true I know Braun personally since June, 1892, when he had come to New York, and have occasionally met him there. I published there, on account of his blackmailing operations, a very sharp article, for which, at that time, he began a libel suit against me; but it is also true that he thought it advisable to drop the matter before trial, because he well knew, to have collected against him very many weighty proofs, which proofs are deposited in the archives of the criminal court of this city.

Thus it is easily understood that the attacks of the Nap I must regard to have been directed against me, and I must, to my sorrow, assume them.

But it is not true of ever having been in Munich, and therefore it is clearly visible that I never could have stood there in the center of any scandal. Considering the accusation of having given to Detective Kalmar defamatory letters about Braun, it is a stupid falsehood, because I see the police found, without any aid of mine, the compromising documents deposited since 1897 with the criminal court, and which date from my law case.

The documents at the criminal court officially prove that Braun had stolen and misappropriated, had throughout years lived upon blackmail and many-sided revolver journalism. Thus, what for any compromising letter? But, if Mr. Braun should desire them, I can serve him. But they are not letters, but authenticated data as to his dishonorable mode of life, of newer date.

What concerns the accusation of being such or such slanderer, the writer of the article of the Nap and of the Függ Magy will have to respond thereto before the Press Tribunal. The latter newspapers at least, have spared me to the extent of having only mentioned me in general only as a slanderer.

That I have flooded the American authorities with defamatory letters concerning Braun and these even reached the hands of Roosevelt, the President of the Republic, is a matter for which I will turn for redress to our ambassador at Washington, Mr. Hengelmüller.

At the time when Braun attempted to blackmail the directory of the Millennium Exposition, respectively the Hungarian Government, to the tune of $15,000=75,000 crowns, the Pester Lloyd, the credibility and seriousness of which is recognized even in foreign countries, declared Braun, in an official declaration, to be a blackmail operator. But Braun did not yield. He threatened he would attack the exposition and the Government in foreign newspapers, and which will be proven in this pamphlet. In consequence of this, I, knowing him, thought it to be my duty for the public welfare, to air his American past career in the semiofficial Nemzet, the seriousness of which newspaper is likewise not to be doubted.

I fought him with open visor. In detail I proved that he is everything except an honorable man. He remained silent or rather said he stopped the libel suit he had begun. Thus in my article, which as is also the article of the Pester Lloyd, here reprinted in full, he is laid low morally. Therefore what other need have I to attack him, when with easy method, in the interest of the public, I have already conquered over him morally? In truth, I would but prepare a certificate of moral poverty for myself, if against this morally dead man I would fight a combat. It is evident that these rumors of my having sent to the American authorities defamatory letters are gigantic lies, such as only Braun can tell.

My belief is strong that President Roosevelt, who is mentioned here, will respond truthfully, even if by his response he would hurt his man. But if perchance—what I do not suppose—the very esteemed Mr. President would refuse to give explanation, then I will ask him through the London Times.

I am further with my personal reputation. In my life I was forced only once, and then by Braun, to wash his dirty linen—what he was made to feel sufficiently. Now I can sufficiently wonder how Braun, knowing of being in the lurch, should, after nine years, arouse me out of my rest. Why does he pick at me? Why does he force me to reckon with him once again before the public? I do not understand it. It might be that it hurts him that the documents by me collected and deposited with the court have been hurled at his head, but anybody could have looked into those documents.

That he is the author of the newspaper attack against me is visible from the fact that since years I have nothing to do with newspaper writing; formerly, too, I but wrote occasionally—as graduated agricultural economist I wrote upon subjects of my calling. I have absolutely no acquaintanceship in newspaper circles, so that he must have begun the chase. The "Nap" again is his mouthpiece; he commenced therein on the 11th already, and in a three-column long article, his attacks upon the police, although it is plain that Mr. Rudnay had been willing quietly to accord him all the satisfaction; but this grand master of the scandal mongers wished to shine before all of the world. Thus did I come, too, in the dark "Nap," and it is beyond doubt that I was dragged into it by the still blacker Braun.

I publish here verbatim the articles of the Pester Lloyd and of the Nemzet. The earnestness, the credibility of these two newspapers require no commentaries.

[Pester Lloyd, evening edition, 1896, June 23.]

LAW-COURT NEWS—A LAWSUIT FOR NEWSPAPER ARTICLES ABOUT THE EXPOSITION.

In the circuit court of the United States, a kind of central court for civil causes in the United States, a lawsuit has been entered on a claim for $15,000 against our exposition—that is to say, indirectly against the Hungarian Government. According to the Bond. Taghl, this is the affair: Marcus Braun, a born Hungarian, but a naturalized American citizen, who had been sojourning here in New York during the Millennium festivities, representing, as reporter, the New York daily—The World, was, as he claims, recommended about a year ago—the Austro-Hungarian consulate-general at New York making the recommendation—as the man who would be most suitable to do in America the booking thereof. The exposition commission authorized the consul-general to intrust that mission to Mr. Braun, and allowed him a fee of 50 fl. for each large and 25 fl. for each smaller newspaper article which he would put into the American newspapers. Mr. Braun took the matter in a genuinely American way into his hands, and he placed not less than 4,000 of these articles in American newspapers, for which, as he reckons it, he now has a demand of $15,000. When at the end of May his bill, which then had already been several thousand dollars, was presented, he was paid 500 fl., and he could not receive any responses to his letters and demands for the payment of his bill.

Mr. Braun, who claims to have made, on his part, contracts with newspapers, came then to Budapest to insist upon the recognition of his claims, but everywhere he found deaf ears. Ministerial Councilor Schmidt, the director of the exposition, acknowledged that he had done great service to the exposition, but laid stress upon the circumstance that this does not exclude of him being a nuisance to the directory.

When Braun's steps at the Government proved also of no avail, there remained nothing else for him than the appeal to law, and in the opinion of his American lawyer friends, the American courts have jurisdiction in the matter. When asked how he could collect a judgment, should he get one, he responded that this was very easy, and told of a case wherein about two years ago a claim against the Spanish Government, which had been sued on and was in the form of a judgment, was collected by levying upon the first Spanish man-of-war that entered an American port.

[Pester Lloyd, evening edition, 1896, June 24.]

LAW COURT NEWS.

A lawsuit for newspaper articles about the exposition. Referring to the notice under this heading in our issue of yesterday and taken from the Bud. Tagbl. we are being assured that the Exposition Commission had not given to Marcus Braun the authority set forth in that notice. Mr. Braun collected a number of American newspapers, in which he found short notices about the Millennium Exposition, telegraphic news about the political festivities, etc., etc., and claimed for each of these "exposition articles" a remuneration which, according to our standard, is altogether out of proportion. This claim had naturally to be rejected. Newspaper clippings can be had by the thousand and the exposition commission can have them very cheaply.

[Nemzet, 1896, July 3, morning edition.]

HUNGARIAN REVOLVER IN AMERICA.

BUDAPEST, *July 2.*

We received the following letter, which by reason of its exceptionally interest contents deserves the attention of the Magyar public, as well as that of the Hungarians who had emigrated to America and that of the consulates in that country:

DEAR MR. EDITOR: In consequence of the news item that one Marcus Braun, an American newspaper man, demands by law the payment to him of $15,000—that is to say, of 37,500 Austrian fl.—by the directors of the Millennium Exposition, I deem it worth while, necessary, even my patriotic duty, to say one and the other thing about that gentleman. And why? It will, in the course of what is being told here, be plainly apparent.

Incalculable is the damage which this "compatriot" journalist of ours working on both hemispheres has been causing and is still causing among the Hungarians emigrating to the United States, the number of which emigrants might exceed a round million souls.

Our daily newspapers just now publish with peculiar sarcasm the notice of the claim of Marcus Braun, alias Marc Braun, originally of Budapest, but now an American journalist, who demands of the directors of the Millennium Exposition $15,000, or 37,500 Austrian gulden, for newspaper articles of an advertising character which he had published.

I must state here in advance that the Hungarians in the United States have since decades had the good fortune that might there as many of us or of what caliber of men might come there, all were received with enthusiasm, which, considering this dry, cold, not too fiery Anglo-American race must indeed be regarded as a marvel. It was not inquired into whether he be a Slovac or a Magyar, he was simply asked whether he first saw the light in Hungary and out of that compatriot promptly became a "My dear sir," he received support at all sides and wherever he looked for it. These conditions we might be grateful for to our revolution and later on to the famous speeches of Louis Kossuth.

This bias for us extended to every single Hungarian, which grew to be, while in search for his daily bread, for him a source of an unspeakable blessing. It is true, one or the other countryman of ours might have meanly misused his position, and for this slowly and by degrees this sympathy for us seemed to have been lessened. The press of that country dealt but very reservedly and very rarely with the Magyars of New York and other cities, everywhere living among themselves, but Mr. Braun soon, and to the sorrow of the Hungarians, very effectually changed these conditions.

This man lives exclusively on denouncing the Hungarians to the Americans—for money, of course—and under favorable conditions to revolverize, to blackmail, the Hungarians. To make his denunciations catchy and eagerly sought for by the newspapers, Mr. Braun ornaments them with divers sensational trimmings and with issues, and then gives them to the World or the Herald or whatever paper might pay most for them. It need not even be explained that the highest aim of the American newspapers is to beat one another with the publication of the most sensational and interesting news items ("item" is an article respecting a piece of news which no other newspaper has as yet published). Their truth or their influence or consequence of the publication is of no matter to those papers.

The "chronique scandaleuse" of the American press of to-day daily ruins, morally or financially, one or two or more Hungarian families, and this is Mr. Braun's merit. Before ruining the victim he has sought out. Braun first calls upon him and demands of him that of the sum which in his own (B's) opinion the victim had dishonestly earned or obtained, he be given so much and so much or else he would denounce him in the newspapers and annihilate him. Many submit to blackmail and pay so as to escape notoriety and trouble. Some pay with blows they deal to him lustily, but this does not prevent him in the continuation of his mode of life in this manner.

Thus, since two or three years, because this blissful work of Mr. Braun takes only since 1893, the American newspapers are continuously full of reports of the scoundrelism and the miserability of all sorts of the Hungarians. One after the other of the newspapers copy these accusations, and the result is that to-day the Hungarian has the meanest reputation of all foreigners amongst the Americans. Wherever he might knock for work he is looked upon with suspicion and prejudice, and he has difficulty, indeed, to secure work. If we consider now that about one million Hungarians are living in the United States, it is with horror that we look upon the work of this compatriot of ours, who misuses his position. The greater part of our immigrants from Hungary are the Slovacs from the northern country; but even they must suffer from it. According to the prevailing opinion, he, being born in Hungary, must be taken as a bad character, wanton, unreliable. He can secure work, but because he is a Hungarian he is paid meaner than his fellow-laborers working with him in the coal mines or at the oil wells.

When the work becomes slack, it is the Hungarian Slovac who is first to remain without bread. These outgoing compatriots of ours are a great economical factor; our newspapers have but lately pointed out how many million dollars do they send home annually by mail. Without any exception, every Slovac, coming back when he had been out there years, brings with him from $600 to $800, 1,500 to 2,000 florins, which he has saved up; he buys a piece of land; he builds a home, keeps a horse, drives a wagon. He is at home, a tax-paying citizen; he sustains the State out of his American earnings.

To-day the sympathy of the Americans for the Magyar is nil. If in American press there be something bad to say, the Hungarian is being put forth as the victim; he is guilty of everything and of anything, and of this change in the public opinion Mr. Braun has a very considerable share.

In the beginning of his American career, in 1894, Braun had handed in a clever "item" which attacked the reputation of thirty-eight Hungarians, all innocent, of course, but of whom he wanted to squeeze a dollar or two of each, but who refused to submit. At about that time the municipality of the city of New York came into the hands of the temperance people. Obsolete laws were resuscitated, the playing of cards was prohibited, but the scope of this order was not clear.

Our countrymen continued to cultivate in Hungarian coffee houses the "Tardly" and the "Kalaber," when lo, one Saturday afternoon the police enters one of these Hungarian coffee houses wherein thirty-nine Hungarian artisans were gathered, and arrests all those present, confiscated even the tables on which they had—for the lowest stakes imaginable—played.

In such cases, as it is there the rule or custom, the guests are never punished, the proprietor is usually fined $5, and the matter is ended. Well, in consequence of this raid many Hungarians, among them myself, were dragged to the police station house, where Braun visited us. He spoke to the "pater familas" temporarily arrested, wanted to frighten them, demanded money, but they, convinced of their innocence, refused to pay.

After a few hours' delay, during which the record of the arrest was taken, we all were taken before the police court and we all were discharged. Next day the newspapers published, to the astonishment of the entire Magyar colony, the story of the life of thirty-nine absolutely innocent Hungarian people, of course put into a form and of course by our Mr. Braun, from which it seemed to appear as if some hidden, great crime had been committed. The outcry against him was great, but Braun laughed; he had received a few dollars for the item.

Such and similar happenings repeated themselves innumerable times. Braun is fishing more successfully in turbid waters, the condition of the Magyars grows constantly worse, and this is the case since that gentleman has erected his tent in New York.

His mission consists everywhere where he can to create false conditions or positions, which is pretty easily brought about among the less educated classes, and then to take advantage of this for his own use and benefit.

To this manner did Mr. Braun secure his connection with the American press, which it is to be regretted is not acquainted with the true condition of affairs and is easily misled. He makes a good living out of it, but it is often that the Magyar emigrant is made to suffer in consequence of his heartlessness.

ALEXANDER HAJOS.

The personal affair I have now finished on my part with this pamphlet. The Lloyd's official communication and the fact to have been frightened off his libel suit shows me to be right, which, however, is not much when opposed to Braun. It requires no proof that only public interest engaged me against him. We clearly see his stubbornness in the exposition matter, which yielded only when I laid bare, in its entire nakedness, his past and made it known to the public. I fulfilled a duty; I passed on, saying: "The Moor had done his duty, the Moor can go."

In the present case Braun's individuality plays no longer any rôle. To-day there can be no longer any question of Kalmar, Roosevelt, Rudnay, or of my modest self. Now, it is necessary to put the affair, which, by the scandal-chasing faculty of Braun, had been by him most cleverly involved into an international matter, in such a light before the public that the same should be graspable at one view, and then the blown-up soap-bubble will burst and the old condition of affairs will, without any harm having been done, be reestablished.

Now, as in 1896, knowing Braun and the circumstances, I look into the woven web and—uncalled for, probably; but provoked by him—therefore with some justification, I help the straightening out of the entanglement.

To-day the public moral of Hungary is forced into the foreground; that must not be permitted to suffer any harm, only the boastful hero therein playing a rôle might fall.

That I arrogate to myself the right to enter into this affair might find its explanation also in the circumstance that about four weeks ago, when the newspapers announced the coming of this prominent man into our midst, I had written to one of the daily papers that this bodes no good. Let us call the attention of the proper authorities that, instead of this gentleman, let there be, in time, some one else sent here, another commissioner; but this notice of mine remained unheeded. And thus the thing happened which ought not to have happened.

A Hungarian is being insulted in a public place and is almost treated with blows. The unfortunate fellow, perchance an officer in public service, feeling his innocence, the contrary of which no one has as yet proven, complains against his aggressor. The aggressor, properly, as everywhere, had been fined. The aggressor, a prominent stranger, receives from the proper authorities guarantees that the Hungarian who it is said had opened his letters will receive exemplary punishment, naturally, however, only then, if such crime be proven him. "That is not enough," says the prominent stranger, "I want his head to fall right now." But the administration of justice does not permit that, and he does not receive that head.

The prominent stranger forthwith begins with hand and feet an attack against the Hungarian police in the form of a three-column-long newspaper article entitled "Cabinet noir," and with all power, but without any reason, he rings the bells of danger. That is understood of itself that the police of the capital could not allow this to go unheeded. This corporation, which had all the opportunity to look into the past of men, discovers in the past life of this prominent stranger serious moral defects, and lays them before that prominent stranger's nostrils.

The American gentleman grows angry and starts a noise, attempts to bring about an international conflict, into which the dignity of our fatherland is dragged, and into the center of that conflict he, by reason of his scandal-loving nature and character, puts himself. From this position I do not budge neither right nor left. But international conflicts are usually arranged that not the individual but the nation steps into the foreground. Clearing from the artificial web and woof the individuality, and we will see that our police has only punished the uncalled-for attacks of Braun. It is immaterial, then, if it happens that the police had found the very weak moral side of that gentleman, but if a fellow carries butter on his head let him walk in the shade.

In short, if that prominent stranger steps out of the self-woven web, the affair stands clearly before us and is in good order. The repulsive moral ulcers and sores make his remaining here impossible; he therefore gathers his tent and goes to Russia; he had, anyhow, the intention to go there, and we wish him a happy voyage. But no; he does not step out of the circle of the self-woven web; he remains in the center of that international conflict, and he remains there because he is inspired to do so. Some well-meaning daily newspaper handles the affair, I do not say mala fide, but does it at the cost of the prestige of Hungary, and enables the man to continue his artistic humbuggery. Let us see; probably we can help to counteract these peculiar symptoms.

Let us say, for instance, that there came to Hatszeg—a place in which I never have been—and into a quasi gentlemanly circle of that place, a stranger. This stranger is an elegant, cultured gentleman; but after six months it turns out that in his manhood days he had for years lived upon blackmail and many-sided revolverisms. Naturally he will be bowed out of good society. It is disagreeable to everybody. It would have been a great deal better if all of this had come to the light of the day before he had entered it, but it is too late. Be this as it may, that stranger no more can enter that circle. This is everywhere the same—that is to say, a loafer is a loafer, even if his true character becomes known only at a later day.

A great part of the daily press says that it fully accepts the former criminal life of Braun, but that now, as long as he is here, all is expiated; that it is immaterial to us to know what he had been, and who he had been heretofore, now that he is here it would have been the bounden duty of the ministry to regard him as a perfect gentleman and to treat him as such.

This is the salient point of the case. This man who, according to the Pester Lloyd, is morally dead, and who has blackmailed the exposition commissioners and the Banffy government, is to-day discussing with our Government authorities in matters of supreme importance. (At this place it might not be inopportune to ask whether this individual who had been rejected by a former government by reason of his bad reputation, does possess impartiality to discuss his mission unprejudiced and unbiased. The absence of his impartiality is proven by the circumstance that he now attacks me, without any cause or reason, because nine years ago in a matter flowing out of the exposition I had something to do with him, showing that the blows he received in 1896 he had not been able to forget.)

These newspapers to-day demand categorically that the leading Government circles should show deference to him and without any scruples continue to discuss matters with him.

Oh, no; this Government is our Government, and our Government can not enter into any discussion with a man who, in consequence of his past, can not receive entrance into respectable society, who by a former government and by a most prominent newspaper has been morally battered; and if this view is clear, then the whole affair stands from one end to the other clearly before me. I know that the very smallest village justice, who has any pride at all in his Magyar nationality reddens with shame to his ears should he hear that his Government is having confab with such a man as that; reddens with shame to his ears, because that man dared to blackmail our dearest institution (the exposition); reddens with shame because that man has insulted and injured our countryman.

But the Hungarian peasant would feel ashamed, even if this man, traveling on an important mission, had committed these things not in our country, but, say, in Egypt. Let it be understood and accepted as a thesis axiomatic, that a man, who, by reason of his past can not be received into a respectable private circle, is not fit to confer in matters of importance with the government of a great nation, and here it is that the public morality of Hungary must be victorious.

If this side of the case is put into the proper light, then that gentleman will again go away and all will be well. We will receive in his place another American gentleman who, though we do not know personally, but with him the government can arrange the pending affairs.

It is therefore a very erroneous proposition that an officer, be he whoever he may, having begun functions, has by doing so expiated his former criminal deeds.

It is a well-known story how at the end of the seventies Editor John Asboth laid bare the past of Councilor Count Zichy-Ferraris, and the count went away. According to the logic of to-day in those newspapers, he was not correct; he should have remained in office although formerly he had been caught stealing silver spoons. With this new logic we place into the hands of Mr. Braun a new weapon and he is smart enough to use it.

The official communication printed in the Pester Lloyd and which for nine years had not been denied has received its denial to-day. A high official of the Millennium Exposition, who enjoys, as a capacity in industrial matters and as a private gentleman, the highest esteem and respect, declares that Braun at that time had performed valuable services for the exposition and has received 6,000 crowns as remuneration.

Whatever may be said, that communication exists after nine years' silence. It can not be annihilated or disavowed. It is evidently fuel on which Braun can feed. He has with that given a kick to the Banffy Government then in office, to the directorate of the exposition, and to the official communication.

Thus to-day Braun stands before us as a man immaculate. Thus to-day the Pester Lloyd, the exposition, the Hungarian Government, etc., all Hungary is put to blame—please continue this—let all the more water flow upon the mills for Braun.

That official report of the Lloyd can not be wiped out of existence, even by the prime minister of that day.

If I were to carry this case into a personal discussion, I would ask any high-school student how is it possible to gather such great merits for an internal exposition in America which deserve to be remunerated with 6,000 crowns?

I could also ask that if some one has achieved great merits by his services for our land, for which services he presents a bill of 75,000 crowns, why is he only paid 6,000 crowns? This is a compromise on a basis of 7½ per cent. I did not know until now that the Hungarian Government pays the bills of persons who have achieved merits on a basis of 7½ per cent proposition. A compromise of debt on a basis of 7½ per cent is considered to be a fraudulent bankruptcy and the punishment thereof is the penitentiary.

I could ask a great deal more. I only ask now how does the official communication of the Pester Lloyd in 1896 cover the explanation of the former chief secretary of the commission, wherein he informed us of the payment of the 6,000 crowns? What is here disavowed? In my view it is doubtless that the Pester Lloyd is not refuted.

Under all circumstances it is a great pity that such weapons are placed in the hands of Braun. With this he is enabled all the more to push himself to the foreground, and we might expect that in consequence thereof our land might be subjected to an international blame.

Very well, four weeks before Braun's coming here had been published in the newspapers I had an idea that his being here will not end without some scandal. I am sorry to see that my tip proved correct. After an article in the Nemzet I had promised myself to have nothing to do with him any more. At the end of my libel suit against him I received material against him from New York, but I had made up my mind not to wash my dirty linen any more.

(Thus a few years ago my attention had been called to a man named Goddard, who at that time was the secretary of Roosevelt, then the governor of the State of New York. By clever maneuvering Braun became friendly with this secretary. Through him he became acquainted with Roosevelt, and then it is said he betrayed Goddard. Anyway, Braun became the favorite of the President. Goddard did not care about the thing; he was a millionaire, and was a politician only as a matter of pastime. I neglected this whole matter and paid no attention to it out of respect to R.)

But I made an exception four weeks ago, because I saw the scandal coming and wished to prevent it. I wrote to the Pesti Hirlap and inclosed the articles of the Lloyd and of the Nemzet. I called its attention to this person who, in 1896, had been ruthlessly rejected by the Government. I wrote that it would be well to call the attention of the present Government to this man, because it will not do to see the Government enter into a conference upon important national affairs with a man of such dishonorable antecedents and a scandal monger. I declared that here it is not the question of the person of Braun; that it is a question of decency, of morality; that it would be a slap in the face of public morality in Hungary should this man be received in Budapest.

The article did not appear. True, had the article been printed I would have had to carry the burden, but it is sure that the American ambassador would have in time received from the Ballplatz, which, given with a hand in kid gloves, concerning the recall of Mr. Braun.

We would therefore have been spared the international scandal, the world would not have been the witness of the fight between our police and Mr. Braun.

Therefore, it is seen, I gave the right "tip," and probably this proves it also of having worked in the interest of the public welfare. I say "probably" because there are many who say let there be a scandal, it is no one's business. With such fatalists I do not enter into any discussion. At the most I would enter into a discussion with those who say that I had personal reasons to raise this hue and cry; to these I could easily prove of having been moved by public interests.

After this confession I am prepared to see myself assailed by the press, which takes Mr. Braun's part. I will hardly take notice of it, however, because I have no connection with newspapers, the press is shut out from me; to write a new pamphlet I have not the time.

I make, however, one declaration that, whatever insult may be heaped upon me out of this matter I shall not regret it, otherwise I would regard it, but now I leave it to the action of the court. If anyone can discover in my past career any such a thing which I hurled at the head of Braun in 1896, I am willing to pray for his pardon, but not otherwise. I do not envy his beautifully rounded out career, because a man who does not resent such attacks on him as have made on him the Pester Lloyd and the Nemzet is not to be envied.

In consequence of his attack I have been sought out by a number of people and I have been asked how is it that a man with such a past has not been made impossible before this in New York by the Hungarians of fifteen to twenty thousand people there residing, and why is it I who is laying bare his career here at home? The majority of our Hungarians over there are journeymen artisans. They do not know how to write polemics. They shun publicity, and if some one blackmails them they prefer to pay. The intelligent part of the colony living over there are shipwrecked figures. I myself was one of them when I had stepped upon the shore of America. Add to this that the intelligent part of the colony which would be able to wield the pen has to a great extent dark pasts, and they do not like to be bothered about the past and prefer to pay and refuse to assume a public rôle. And if it does not fear the past, then there is the struggle for life with an extraordinary difficult battle to secure foothold in the strange land which embitters the life of the light-blooded intelligency there living. Through this apathy and this "what-do-we-care" attitude had Braun been able to terrorize and to misuse the Hungarian colony. No one cared for him.

Suddenly in 1896 general attention is called to his daring attempt to blackmail in a great style the exposition to the tune of 75,000 crowns. To know and to see that a Hungarian ruins his compatriots living far away, to know and to see that the same fellow coming home intends to blackmail his fatherland and the Hungarian Government out of a large sum of money, is, I respectfully suggest, if a man has but a tiny drop of feeling for his fatherland, impossible to disregard in silence, and this solely, and solely this unheard of proceeding on his part was the moving power of my attack on him.

Do not let us forget that the exposition of 1896, in honor of the one thousand years' existence of our nation, was of that glorious feast the most brilliant symbol of which the whole of the civilized world had taken notice. Now, one of our own blood dares to attempt to desecrate the memory of this festival for his own selfish aims. This can not be tolerated by one who knows the true condition of affairs. Braun had emigrated after he had been a soldier and it is hardly fifteen years since he went away. In too short a time there had died out in him his sympathy for his native land, but that is Hekuba to him, be it Roosevelt or the Millennium Exposition, the main point is that he should find the cow giving plenty of milk.

I can not acquit the police of Budapest of the reproach to have committed a tactical error concerning Braun.

I have heretofore said that the lowest path of the intelligence of our emigrated compatriots has a dark past, and this is better known by the police than by myself. It is now four weeks that all of the Hungarian newspapers announced that a gentleman of Hungarian birth will come as an American commissioner of immigration to this city to confer with the Government on important national affairs. Therefore they knew that this man about to come must be an intelligent man. Why did not the police immediately look after to find out what is the truth about the kaleidoscopic changes in the career of this man, and who is he, anyway?

The ministry of foreign affairs could within twenty hours receive from the consulate and from others detailed information. In consequence of this we would not have had the pleasure to receive Braun, and the hauling over of our police department in the press of all the world would not have been a necessity.

But not only then, when the scandal had been provoked, when the American consul had taken his part, then and only then are cablegrams sent, and even announce that they have done so, which on one side shows that the police department was really in trouble and on the other side shows that they had not given any credence to the American consul.

Facing such a man, who, without any rhyme or reason, simply because of his sickly conceit and vanity to create a sensation, and his usual scandal-monger habits—who, without any rhyme or reason, with cold blood, tolls the bells, it would have been in place to deal more carefully, with further forethought, because it should have been known that he will coin capital out of it.

I wish to state that my criticism here is based simply upon the happenings of events as I have learned them from the newspapers.

All this, however, does not change anything upon the subject, and the main thing is that Braun had made his attack without any reason; that for this he had been fined, and inasmuch as it is doubtless true that he had the intention to blackmail the Hungarian State as he for years blackmailed his Hungarian compatriots. Therefore, there can be no room for him here, and thus is evened and smoothed over the entangled affair into which he himself had brought disorder.

It is not excluded that extraordinarily, single-headed, and energetic Yankee might receive for the sake of peace satisfaction to which he might not be entitled, but, on the other hand, might be given to him so as to get rid of him because of his past career, excludes the probability of his acting here in fiduciary capacity.

In conclusion only one word more. Knowing this gentleman and knowing his splendid attainments as an agent provocateur, his mania to hunt up scandal and strife, it is my innermost conviction that the entire story of the opening of his mail and violation of the secrecy of the mail is but a great humbug.

If anyone has committed any violation of the secrecy of the letters of Mr. Marcus Braun, this anyone can not be aught else but Marcus Braun, immigrant inspector, himself, and could stake my life on this.

But I do not stake my head on this as yet because here in Budapest he might find some God-forsaken, hungry people who for money would assume to have opened his letters and who would be willing to be imprisoned for this for six or nine months, and then I would lose my head. It is for this that I do not give Mr. Braun the pleasure of seeing my head on the guillotine. It suffices if the poor detective's head falls as his victim. It is a fact that for once in his life he had very awkwardly arranged matters.

There happened a similar thing in 1894 in New York in the center of which our Mr. Braun stood. Now I remember only hazily the details, but if he desires it I will give him more exhaustive information.

Budapest, May 17, 1905.

ALEXANDER HAJOS.

EXHIBIT No. 22.

BUDAPEST, HUNGARY, *May 15, 1905.*

Hon. BELLAMY STORER,
United States Ambassador and Envoy Plenipotentiary,
Vienna.

SIR: I have the honor to submit to your consideration a statement about the insult, degradation, humiliation, injustice, and unlawful treatment to which I have been subjected by officials of the Royal Hungarian Government, both in my official and private capacity, and for which I ask all such reparation as you may see wise and fit to demand.

At the outset, however, I desire to invite your attention that inasmuch as most of my evidence is of a circumstantial nature, I would respectfully request not to use this statement before the foreign office of the Austro-Hungarian Government or the ministries of the Royal Hungarian Government, because I do not feel warranted to submit my case to any of the departments of courts of this country neither for trial nor for investigation, for the reason that the experience I had so far convinced me fully that I have been singled out as a victim of a plot and conspiracy by very powerful and unscrupulous men, who at any time could command any number of witnesses and officials who would be ready to swear my life away.

I respectfully beg to state that I reached the Hungarian border on April 16, 1905, at Czacsa, Trenczen County, where I made a stop of twenty-four hours for the purpose of investigating the conditions existing with reference of handling emigrants to the United States by the representatives of both the Adria Steamship Company and the Fabrkarten Bureau, the licensed emigrant agents of the Kingdom of Hungary. I duly presented myself there by Mr. Bajan, the chief of said Bureau at Csacza, as a United States immigrant official, who told me that they knew about my coming and were expecting me for quite some time. Mr. Bajan was very anxious to know whither I was going from Csacza, and after having satisfied himself that my next stop will be at the city of Budapest, he sent a telegraphic message to a high official of the Royal Hungarian ministry of the interior, with whom Mr. Bajan told me he was in very close connection. I arrived at the city of Budapest in the evening of the 17th of April and immediately went to the Hotel Hungaria.

April 18 I spent in watching the various depots through which emigrants for the United States were bound to pass, and, engaging into conversations with several of them, I learned many interesting things, which were to lead me to the investigations with which I had been intrusted by the Commissioner General of Immigration, and which investigations necessitated frequent trips from Budapest to country places.

It took me but two or three days to get suspicious about the mail I received at the Hotel Hungaria, and my suspicion was particularly aroused by the fact that almost every letter which I received stuck to the envelope inside. I have reported my suspicions to Consul-General Chester and also to you, sir, and on May 2 in a letter which I sent by way of Berlin to the Commissioner-General of Immigration at Washington, D. C., and I attach herewith for such uses as you may see fit some evidence which will convince you beyond the shadow of a doubt that my mail was systematically opened, and I beg to state here most emphatically that about the opening of my mail at least one high official of the royal Hungarian ministry of the interior knew, and also at least four officials of the royal Hungarian state police, including two officials of very high rank. I also know positively that every one of my letters which I received was not only opened, but also copied and the copies sent to those higher officials who were so very anxious to know the contents of my mail.

I do not positively know the motives of these unlawful acts, but some of the local newspapers of Budapest state that certain high officials of the Royal Hungarian Government considered me a very undesirable visitor because I happen to have the qualification to discover things which they would not like to see published. I do not know how true or untrue this assertion is, but judging from my experiences of last year and of two years ago, and differentiating between the experiences of 1903 and 1904, the assertions made sound very plausible. As a matter of fact, in my last year's report to the Commissioner-General of Immigration, I stated that in 1903, and also at my arrival in 1904, I was received most cordially by the high officials of the Royal Hungarian ministry of the interior, but that after a certain report which I made to Washington had been published both in the United States and in Hungary I became persona no grata, and all kinds of veiled assertions were published in the press against the United States Bureau of Immigration in general and against myself in particular, all of which assertions culminated in the almost open charge that I was in the pay of the steamship trust, but more particularly in the pay of the German lines.

Besides the opening of my mail, which I established beyond the shadow of a doubt, I also established the fact that I was constantly shadowed by detectives, and I told you, at my last visit to Vienna, also of this fact; but I have also at least one witness for this shadowing in the person of Miss Lillian Ridat, whose affidavit I also submit herewith. From the attached copy of my report of May 2, to Commissioner-General Sargent and the copy of a letter of May 3, addressed to the private residence of Mr. F. H. Larned, the chief clerk of the Bureau of Immigration, at Washington, you may notice that I prepared a trap for the "gentleman" who committed the crime of opening my letters, which, according to the laws of all countries, international treaties, and also according to the laws of Hungary, is a felony, punishable by State prison. I do not know whether the trap would have succeeded or not, but when I caught in the afternoon of May 8 Detective Hugo Kalmar tampering with my hotel mail box, looking over the slip, cards, and messages that had been placed there, I thought that there was no necessity for any further evidence, and in my, what I believed to be justified indignation, I jumped at him, and in plain words told him that if I caught him again tampering with my mail box I would knock him down, although I was aware of the fact that he was a detective who had been shadowing me. Kalmar told me right then and there that he did not know me, that I must be suffering from "persecution mania," that he had never shadowed me, nor tampered with my mail box; that he was looking for his key, and as a proof that this was so he asked me for my name.

I publicly denounced both the detective and the hotel people for the outrage committed, and telegraphed to you. Now, what happens next. Fully thirty hours after the incident described above I am served with a summons to appear the next day at 10 o'clock in the morning before the police captain of the fourth district to answer to a charge of misdemeanor. After the receipt of this summons I called upon Consul-General Frank Dyer Chester, to whom I also had reported the incident of the day before, asking his advice, and he came to the conclusion that the best thing we could do was to call the next morning, prior to the hour set for my appearance at the fourth district, on Chief Rudnai. I do not know whether Mr. Chester has reported to you this interview, but I assure you that it drove the blood of shame and humiliation into my face. Mr. Rudnai spoke to the consul-general of the United States in a rather rude and disrespectful manner, denied any knowledge of any orders given to anybody to shadow me, and to open my mail, at the same time refusing, however, to call the chief of the detective bureau for the information desired by Mr. Chester.

On this occasion Mr. Rudnai told me also in a very sarcastic manner that only His Majesty could pardon me, to which I replied that I had not called to ask for any pardon, but that I took grateful notice of his statement that I was already convicted before trial. Mr. Rudnai suggested that I should consider myself very lucky that I had not been arrested immediately at the time when I insulted a member of the Royal state police force, a thing which surely would have happened if a Hungarian would have done the same thing in the United States. Mr. Rudnai also very frequently suggested that I should prefer charges against Detective Kalmar, but I refused to enter into that trap.

I asked Consul-General Chester to accompany me to the captain of the fourth district, where my trial was to take place, but he refused, and I attended the trial all alone. I first protested against the whole proceeding, but was overruled. Kalmar denied of having tampered with my mail or having ever shadowed me. I admitted the incriminating expression, "If I catch you tampering again with my mail, I'll knock you down, although I know that you are a detective." This would have not necessitated any further witnesses, but Kalmar insisted that the portier, the chief of reception, and the head waiter should be called. The three of them testified that they heard what I said, but not one of them saw Kalmar tamper with my mail. I was fined 50 crowns, which I paid under appeal and protest, and then started the official campaign against me, which I will prove to you personally was arranged and instigated by very high Government officials.

A few words now about my alleged bad record: I declare to you, sir, most solemnly and emphatically, that there is not a single black spot in my career. I have never committed any wrong; have never been charged before any court or magistrate with any crime, felony, or misdemeanor, and the alleged wrongdoings which are attributed to me were charged against me before no less a personage than President Roosevelt, and, to wit, in 1899, when he was governor of New York State. These charges were investigated and at that time by the then governor and dismissed as base slanders and libels. The fact that these libelous statements are brought up here convinces me, beyond the shadow of a doubt, that the conspiracy against me was instigated by the Hungarian Government officials, because at that time they also emanated from the same sources, and, to wit, the Austro-Hungarian consulate-general of New York City.

In conclusion I beg to state that when I became a citizen of the United States, in the year 1897, I duly made application to the Hungarian Government to be released from the Hungarian State as its subject. I received the documents and they in themselves are prima facie evidence that there could have been no charge against me of any sort and that I did not even owe one florin taxes, because even for that they would refuse any Hungarian subject the release from the State subjugation. I further beg to invite your kind attention that ever since I have emigrated to the United States I have been eleven times in Budapest, now, for the third time, on official business, and formerly on business for American newspapers I had connections with. During my eleven visits I was in touch with Premier Ministers Wekerle, Banffy, Szell, and Tisza, and other officials, and on every one of my visits the local newspapers took due notice of my presence and wrote more or less complimentary articles about their patriotic fellow-Hungarian in America.

Therefore I respectfully submit that nobody had any right to look upon me as a suspicious person, and certainly nobody had any right to tamper with my mail.

Respectfully,

MARCUS BRAUN,
United States Immigrant Inspector,
Department of Commerce and Labor, Washington, D. C.

LONDON, *June 13, 1905.*

Hon. FRANK P. SARGENT,
Commissioner-General of Immigration,
Department of Commerce and Labor, Washington, D. C.

SIR: In my letter, dated Hamburg, June 8, I reported to you the fact that since, under the instruction of the Secretary of the Department of Commerce and Labor, I left the jurisdiction of Austria-Hungary, several apparently inspired newspaper articles appeared, which were of a very injurious nature to both my person and the mission to which you detailed me.

I referred particularly to a long article of the Vienna Deutsches Volksblatt of June 1, 1905, about which article I have since learned from positive and authoritative sources that it was inspired by the Vienna foreign office. I beg to submit said article herewith in a full and literal translation:

"THE MARCUS BRAUN AFFAIR.

"Yesterday Hungarian semi-official newspapers published an apparently inspired statement, in which it was stated that it was extremely wrong, on the part of a Hungarian police official, to enter into a newspaper polemic with an official of the American Government and attack his personal honor. The statement goes on to say that the official in question has been recalled from Hungary. We would be perfectly satisfied with this notice, which definitely takes the unimportant Marcus Braun affair to the diplomatic grave, and would not further bother about it were it not for the fact that on its surface are some symptomic characteristics. Characteristic with respect of the American Government in the way of selecting their officials, and characteristic of the Hungarian chauvinistic press' attitude when there are conflicts with foreign countries.

"Marcus Braun, a Hungarian Jew, who absconded from his native land in 1891 because there was an order of arrest out against him for swindling; who, in the same year, stole 70 marks from the Hungarian Aid Society, and who made this damage good only a few weeks ago, and who, according to the statements of one Horvath, stole from the latter furs, which theft he admitted. This Braun, who gained among the Americanized Hungarians of New York influence and position, and who at the governor's election of Mr. Roosevelt, and also at the Presidential elections of 1900 and 1904, delivered the naturalized Hungarian votes to the Republican party, was intrusted by his friend Roosevelt with the mission to study the conditions of emigration from central and eastern Europe, and to report about it. It is not surprising that this piece of news touched Hungary very unpleasantly. Braun had similar missions already in 1903 and 1904, and his reports contained veiled attacks against a Hungarian emigration policy. He was known from the beginning to be a sworn enemy of the agreement between the Hungarian Government and the Cunard Line, and he frequently openly expressed himself so. Whether the insinuation is true that Braun was bribed by the North Atlantic steamship trust, for the purpose of compromising the Cunard Line in the United States, and whether the deportation en masse of Hungarian citizens, who arrived from Fiume at New York, and there were not permitted to land, have been due to the lying suggestions of Braun, can not be positively established, because concrete proofs are lacking.

"But the mise en scene of his mission was sufficient ground for Budapest to be on the lookout. Braun's trip was not announced officially from America; he himself did not present himself at the Hungarian ministry and other authorities, and as soon as he arrived he gave out interviews containing rank lies and, among other things, praised Canada into heaven as the land where people should emigrate to.

"The Hungarian Government, instead of declaring most categorically at Washington that they would not tolerate in Hungary an individual against whom orders of arrests were out, and instead of protesting against the sending of a former Hungarian in an official mission, preferred to have Braun watched by the police. Detective Kalmar, who was intrusted with this, thought that it was also his duty to control Braun's mail and was caught in the act at the Hotel Hungaria. And now started the scandal. Braun complained to the police, to the American consul-general at Budapest, to the embassy at Vienna, to the Federal Government at Washington, and to the editors of the Budapest press. All papers of the 1848 Pary, and the Jew papers of this side of the Leitha took the persecuted Braun's part. The latter and Detective Kalmar diligently published interviews—Kalmar exposing Braun's past, who answered by threatening with American war vessels. The affair looked as if it would develop into an international conflict, when diplomacy took a hand, and, thanks to the correct and tact-showing behavior of the American ambassador, Mr. Bellamy Storer, a satisfying solution for both parties was found in the above-mentioned semiofficial statement.

"Now the quarrel is settled. Braun has left Hungary and probably will not so soon go there again. It is now timely to establish the responsibility for each and every one of the interested parties. That the Hungarian authorities have made a mistake has been stated already, but the procedure of the Washington Cabinet is also not beyond criticism. The sending of a naturalized foreigner into his native country on an official mission shows lack of tact. We only remind of the at that time much bespoken case of the Szech Consul Jonas, who, in the year 1895, was appointed American consul at Prague, but whom Count Kalnoky refused his exequator. It shows also lack of respect to send an individual with a tainted past on an official errand abroad. It being stated that Braun's record was submitted to a "commission of honor," and that only after having been exonerated by said commission he got his appointment. This may be true, but it will not be possible to spare that commission the reproach of lack of thoroughness, because a confidential inquiry at Vienna and Budapest would have been sufficient to establish the fact of orders of arrest being out. Finally, the mistake was made by the American Government not to notify officially the sending of Braun. The secret mis en scene of his mission must have so much more pained in Hungary, being that the Hungarian Government acts openly in questions of emigration and has nothing to conceal.

"While the action of the American Government is to be criticised, the attitude of the Hungarian press must be condemned. Out of sheer hatred against Count Tisza they made Braun a victim of police autocracy. They forgot that it was he who in 1902 started the fight against the flag which was sent by the Hungarian National Association. It was overlooked that Braun's ultimatum is to hurt the interests of Fiume; that he enticed to emigration to Canada. No credence was given to the detective about bench warrants, theft, and swindle, while Braun's insinuated threats about the appearance of an American man-of-war were accepted with great comfort. That an outbreak of a conflict with the United States would be suffered all over Hungary; that a diplomatic defeat of Count Tisza also means a humiliation of Hungary, seem to have been immaterial to those gentlemen, who always claim that they are the speaking tube of the will of the nation.

"We herewith take leave of Marcus Braun, and hope we never will hear of him again. It is said that he will go first to Berlin, and then, in pursuance of his mission to Russia and Roumania. We wish him bon voyage. May he, in the circles of Missler, Falck, and Ballin, think about it how he can make the powers at Washington believe that via Fiume only criminals like himself, while via Hamburg and Bremen only angels emigrate to America. For Russia and America [this is evidently a misprint, and should mean Roumania] we give him by all means the advice to show more tact than at Budapest. It may be that in St. Petersburg and Bucharest he will be received politely in spite of his antecedents. But these countries being less friendly to Jews, he runs the risk to be expelled at the least scandal, and perhaps meanwhile Mr. Roosevelt will have arrived at the conclusion that Braun is not worth the coals of a man-of-war."

This article is not only full of malicious libels and falsehoods, but it shows also stupidity. I will not arrogate myself the right to comment on those points as may relate to the doings or nondoings of the United States Government, but I believe it is not only my right, but also my duty to stand up and fight for my personal honor, which now for the past five weeks continuously is ruthlessly, maliciously, and without the slightest foundation, being assailed. I feel that I have to make a statement less my silence might be construed as an admission that I may have committed some wrong before emigrating to America, and that I now feel covered under the protection of American citizenship and the always convenient statute of limitation, which the laws of most countries guarantee, excepting in cases of murder and for the so-called "military crimes."

I beg to submit that I finished the compulsory military service of my native land in May, 1890. It took me fully two years of work before I could save enough money to go to America with, where I landed in June, 1892. Under the laws of Hungary I was still a soldier in the reserve, and the strict rules required that I could not leave without first obtaining permission from both the military and civil authorities of Hungary. I applied for such permission and obtained the same, which fact is duly entered in my military book, which is in my possession, in my desk at my New York residence.

Before permission is given to anyone to leave the country, particularly to leave for America, a diligent search is made by the police and civil authorities whether or not there is any process pending against the applicant, or whether there are any arrears for taxes. Now, can you conceive the idea that I would have received such permission were I under some charge at that time? But I go one step further, lest the idea may suggest itself that my alleged wrongdoings had been discovered after I had obtained my papers and left.

The rules of military men in the reserve require that whenever they go abroad they must report to the nearest Austro-Hungarian consulate of the place where they stay for more than two weeks. In obeyance of said rule, I reported within two weeks after my arrival in New York to the Austro-Hungarian consul-general of that city, which fact is also entered in my military book. Soon after my arrival at New York I accepted a position with the Frame manufacturing firm, of which Mr. Victor Wellisch, of 123 Second avenue, New York, was the manager, and who may be in a position to give information about my behavior, etc.

In October, 1892, I entered the services of the Austro-Hungarian Gazette, of which Mr. David Schnitzer, who at present resides at Chicago, Ill., was the publisher. In November of the same year Mr. Marcus Schnitzer, of 13 Park Row, New York, became part owner of the paper, and under his management I continued to work as reporter. At the end of December, 1892, I was engaged by Mr. Herman Alexander, at that time managing editor of the German Herald, also as a reporter. Mr. Alexander is at present the editor and publisher of Das Echo and the Plattdeutsche Post, both published in New York City. At that time I commenced also to work up local news items for English papers, such as the New York Herald, the New York World, and once in a while also for the New York Sun.

At about the end of April 1893, the New York German Herald sent me to Chicago as it special World's Fair correspondent. There I accepted also a position as press agent for the "Old Vienna" Company at the Midway Plaisance, and in August of the same year I became the correspondence of the German edition of the New York Journal.

In that capacity I exposed the crooked transactions of Dr. Anton von Palitschek, consul-general for Austria-Hungary at New York, and Austrian commissioner to the World's Columbian Exposition. Already at that time the Austro-Hungarian Government authorities were ransacking all the records of the world for the purpose to find some damaging evidence against me, whereby my exposures of their high official could be discredited. Their trouble was of no avail. The evidence I gathered against Dr. Anton von Palitschek was of such damaging nature, that the Vienna Government was compelled to recall him; he was subsequently arrested at Vienna, charged with embezzlement and other crimes, and was found guilty before a jury. But, being that the Austrian law requires at least two-thirds of the jurors for or against conviction, and in Palitschek's case the jury stood only seven for to five against conviction, he could not be sentenced and simply was dismissed from the Government service.

I continued in the service of Das Morgen Journal as reporter, and in April, 1894, I made my first trip to Europe. I was at least three weeks in Budapest, and duly reported to the authorities as prescribed by law, and this fact is also entered in my military book. During my stay at Budapest I interviewed the then prime minister of Hungary, Mr. Wekerle, to whom I was presented by Mr. Edward P. T. Hammond, United States consul at Budapest. The Hungarian newspapers at that time reported that fact fully, and there again the police failed to apprehend me if I were wanted, as it is being stated now by official statements from the Hungarian Government.

In June, 1895, the New York Journal and Das Morgen Journal sent me as special correspondent to the celebration connected with the opening of the Baltic Canal at Kiel, Germany. I was then newly married, and took my wife with me. After finishing my work in Germany I went with Mrs. Braun to Budapest, Hungary, and remained there till

August of the same year. I again reported to the authorities, and it was again entered in my book. I had at that time also a long interview with the then Prime Minister Banffy, who was very anxious to find out all about the status of Hungarians in America, he having heard that I had started proceedings against the naturalization clerk of the supreme court of New York, because he refused to state on my "first papers" that I was a Hungarian, and insisted on putting me down as an Austrian. Premier Banffy and the entire Hungarian press praised me at that time sky high for having made such a patriotic fight for the recognition of Hungary in the United States.

In January, 1896, I started with the publication of a monthly magazine, printed in the English language, entitled the "Hungarian American." In the month of April, 1896, I was sent by the New York World to Budapest as special correspondent to the millennial celebration of Hungary. I remained in Budapest from April 20, 1896, till June 25 of the same year, again reported to the authorities, and have it entered in my military book, and at that time I had a "scrap" with the directors of the Millennial Exposition and the minister of commerce, because they refused to pay by services which I rendered as press agent for the exposition in America, and for which I held a contract from the Hungarian Government, given to me by the Austro-Hungarian consul at New York, Baron Leonhardi. I placed the matter in the hands of a Budapest lawyer. The Hungarian Government had me attacked in one of their official papers, but subsequently settled my claim out of court.

A libel suit which I brought at that time against the official organ of the government I withdrew upon the advice of my lawyer, because he informed me that Francis Stockinger, consul-general at New York, together with a lawyer by the name of Ignatius Weltner, John Nyiri, and a number of other persons, had sent statements about me to the court at Budapest, which on their face bore the stamp of fabrication and were absolutely illegal and inadmissible under the law, but my lawyer was afraid that the court under certain pressure might admit those statements and hearsay stories as evidence, and thereby lose my case. My lawyer concluded by saying that inasmuch as the Hungarian Government has settled my claim, thereby acknowledging that I was right, it was sufficient moral satisfaction for my not pressing the libel suit any further.

Having in the meantime, to wit, in June, 1897, become a citizen of the United States, and being aware that Consul-General Stockinger, with his satellites, continued to blackguard me, I wrote to the State Department at Washington, inquiring what remedy I, as an American citizen, would have against the Austro-Hungarian consul-general, who was conspiring against me, and who interfered with my constitutional right of making a living. The State Department wrote in answer that Mr. Stockinger was just as much subject to the laws of New York State as any other resident, whereupon I got a hold of him upon the street and told him in plain English words that if he was not going to stop his blackguardism I would either have him arrested or else give him a sound thrashing.

At that time I also made application to the Hungarian Government to be released from the bonds of that State, having become an American citizen. After a long wait, I believe in the month of January, 1898, I received documents dated Budapest, December 3, 1897, and consisting of transcripts from the civil, military, and criminal authorities of Hungary, stating that none of them had any claim against me—in other words, showing an absolutely clean record.

In 1899, and, to be more correct, in the month of May in that year, I, as president of the Hungarian Republican Club of the city of New York, arranged a banquet, to which the President, at that time governor of New York State, had accepted an invitation. A few days before the banquet Mr. Roosevelt received a letter from the aforementioned Ignatius Weltner, warning him not to go to that banquet because the man at the head of the organization giving the banquet, meaning me, was a fugitive from justice from Europe, a criminal, and general bad character. Governor Roosevelt found that letter somewhat peculiar, and had the charges contained therein investigated by Supreme Court Justice Blanchard, Capt. F. Norton Goddard, and Mr. George R. Manchester.

The accusations made by Weltner could not be substantiated by him, and referring the investigating committee to the Austro-Hungarian consulate, where Weltner claimed that the documents about my bad record could be inspected, the committee found from the then acting consul-general for Austria-Hungary, Mr. Freyersleben, that there was not an iota of truth in Mr. Weltner's statement. Consul-General Stockinger had in the meantime been recalled from New York on account of scandalous behavior at the time of the death of Empress Elizabeth, of Austria-Hungary, and it was I who committed that crime of exposing his behavior.

Governor Roosevelt attended the banquet, and then and there accepted an invitation for the banquet of the Hungarian Republican Club of the City of New York for the following year, and which he also attended.

In the years 1899, 1901, and 1902 I also visited Hungary. Of course I was persona ingrata with the powers of Vienna and Budapest, they having received so many reports from the consul-general of New York as to what a holy terror I am. The most unpardonable sin I could commit in the eyes of these people was the Americanizing of "their subjects" and "their colonies."

At this instance I desire to plead guilty to the only true charge contained in the above translated article of the Vienna Deutsches Volksblatt. I refer to the charge which says that it was me who, in 1902, made a fight against that Hungarian flag which was sent over for the purpose of keeping the Hungarians of the United States in loyalty to their fatherland. There was quite a turmoil about that flag, and upon the President's request I made a report about it, which report was transmitted by the President to the State Department, from where I received also a letter of thanks and acknowledgment. At this time the question seems opportune. From where did the Deutsches Volksblatt get the information about this flag affair, if not from official sources from Vienna? Or where from should they have known the affair of Consul Jonas, if not from the Vienna foreign office?

When, in March, 1903, I was appointed special immigrant inspector, official Austria-Hungary on both sides of the Atlantic tried to win me over. All kinds of inducements were offered to me to join organizations in New York which are under the protection of the Austro-Hungarian consul-general. I reported to you last year the fact how Messrs. Selley and Kaltenbrunn, the councilors of the ministeries of inte- Hungarian home at New York. During my official trip of 1903 I was received by Prime Minister Szell at Budapest and Prime Minister Koerber at Vienna. I had interviews lasting for hours with Messrs. Selley and Kaltenbrunn, the councilors of the ministries of interior of Austria and Hungary, respectively. Both gentlemen gave me evidences against steamship agents, which I used as exhibits in my report to you in the year 1903.

Last year I again called on both aforementioned gentlemen, and I had lengthy interviews not only with them, but also with Prime Minister Tisza. To my knowledge the American Government had neither in 1903 nor in 1904 officially apprised the Governments of Austria and Hungary of my mission, nor have these two Governments objected to my person because of a tainted past or because of the fact that I am a former Hungarian. I only became objectionable when in the performance of my sworn duty I reported facts to the Bureau which these Governments would have liked to be unknown. And now the silly diplomatic representation is made that my coming was not officially announced from America, and that a naturalized citizen of Hungarian birth ought not to be sent on official missions to Austria-Hungary.

As far as the silly charge is concerned that I have been bribed by the steamship companies of the North Atlantic trust, or by their agents, I can safely dismiss the same by simply pointing to my reports, which are in your possession, and for the refutation of the lying statements that I gave out interviews enticing to emigration to Canada, and God knows what else, I beg to attach hereto the only interview to which I consented and which appeared in the Budapest Magyar Hirlap and the Kivandorlasi Ertesito of April 30, 1905, and which was in answer to the following five questions:

"What is the purpose of your present trip?"

"Do the United States discriminate between emigrants from the various European countries?"

"Is the attitude of the immigration authorities alike toward all the steamship companies?"

"The newspapers wrote a good deal about proposed restrictive measures in the American immigration laws. What is true about it?"

"Would you recommend the Hungarians should emigrate to Canada in preference to the United States?"

The Kivandorlasi Ertesito printed my answer in Hungarian and in bad English, and from its contents you may see for yourself whether I said anything objectionable, except to such people who wanted to continue to dump the scum of humanity onto our country. All other reported interviews with me are falsehoods. Before the scandal became public at Budapest I only gave out the inclosed statement, and after that time I positively refused to make any other statement than that of having placed the entire matter into the hands of my Government, and consequently could say nothing for publication. It is true that any number of people called on me and of whom I know that they were sent for the purpose of getting me to say things which the Hungarian Government could use as a weapon against me, but I refused to enter into that trap.

There is one redeeming feature about the article of the Vienna Deutsches Volksblatt. The fact is acknowledged that I was shadowed by order of the Hungarian Government, and that my mail was tampered with. At the trial at which I was fined 50 crowns, Detective Kalmar most emphatically denied of ever having seen me before I attacked him, or of having tampered with my mail. Chief Rudnay, of the Budapest police, also made a statement to Consul-General Chester that never any orders had been issued to watch me. The day following, however, he gave out an official statement that I was an obnoxious foreigner, etc.

It seems that the Hungarian Government believes in the Latin saying "Semper aliquid haeret," or, in plain English words, "Just throw plenty of mud; something will stick." And there is no question about it that in those countries like Russia, Italy, Roumania, Greece, Montenegro, etc. I can not at present make any investigations without exposing myself to insults and official hindrances. After full satisfaction will be given for the insult, injury, and humiliation to which I was subjected, I can safely go to these countries, and therefore I beg to reiterate that my further stay in Europe is of little or no use for the time being, and once more earnestly and respectfully I ask for permission to return to America. I also beg to repeat that I am in ill health in consequence of the ordeal, and for the last five weeks I am under continuous medical treatment.

Respectfully,

MARCUS BRAUN.

[Copy.]

NEW YORK, *July 13, 1905.*

His Excellency THEODORE ROOSEVELT,
President of the United States,
Oyster Bay, N. Y.

MR. PRESIDENT: I am writing this memorandum upon the advice of Mr. Loeb, whom I saw twice since my return from Europe, and to whom I complained most bitterly about the outrageous way I have been treated abroad while doing my duty as an officer of this Government, and I still more bitterly complain about the way the American representative abroad and the Department of State at Washington have taken up my case, or rather, to correct myself, have disposed of it.

Mr. President, I have secured such an abundance of evidence and submitted the same to the Hon. Bellamy Storer, American ambassador at Vienna, Austria, that it would have been enough not only to obtain the most sweeping satisfaction for both the American Government and myself, but it positively would have been instrumental to ridicule the diplomacy of Austria-Hungary before the whole world. It seems, however, that the ambassador did not use the evidence I have submitted to him, but, on the contrary, must have made such reports to the Department of State at Washington that the said Department seemed to feel justified to consider my case as a closed incident, as I am informed in a letter, of which the following is a true copy:

DEPARTMENT OF STATE,
Washington, July 10, 1905.

MARCUS BRAUN, Esq.,
78 Second Avenue, New York, N. Y.

SIR: I have your letter of July 9, asking the "present status" of your case against the Hungarian Government, and I beg to inform you that, after reading the correspondence in relation to the matter, I find that it is considered by the Department as a closed incident.

I am, sir, your obedient servant,

HERBERT H. D. PEIRCE,
Third Assistant Secretary.

I have not seen the correspondence between the foreign office at Vienna, the American ambassador, and the State Department at Washington, but judging from the hilarious joy expressed by persons of this city who are in close connection with the Austro-Hungarian Government, I know this, that they claim a great diplomatic victory over the United States. If they actually did secure such a victory, Mr. Presi-

dent, then allow me to state that the American ambassador, and through him the Department of State, were deceived by the Austro-Hungarian Government in such a shameful manner that if universally known, our American diplomacy would be held up to the ridicule of the entire world.

I understand that Ambassador Storer reported to the State Department that while it was true that I was treated outrageously, yet it seems that the claim of the Austro-Hungarian Government is justified; that I had a bad record; that I showed lack of discretion; that I was an enemy to Hungary; that I was an agent for foreign steamship companies and that I joined with the deputies of the opposition party to embarrass and defeat the Hungarian Government. In addition to this, I understand that the claim was advanced that it was very unkind on the part of the American Government to send a native Hungarian who expatriated himself and became an American citizen, on a mission which was very embarrassing to the Hungarian Government.

As to the first charge, I respectfully invite attention to the inclosed copy of my statement sent to the Commissioner-General of Immigration, for the substantiation of which I hold official documents. This statement I also submitted to Ambassador Storer, but I understand it never reached the State Department.

Other documents were procured by Dr. Frank Dyer Chester, consul-general of the United States at Budapest, and were offered by him to Ambassador Storer, but the ambassador suggested that he should simply keep them in his safe at Budapest. Doctor Chester also offered to make an affidavit before the ambassador, setting forth an interview which he had with a state detective at Budapest, Hungary, and who solemnly declared before him that he had assisted the detective whom I caught tampering with my mail, in copying out my letters at police headquarters, and that the orders for that were given by the ministry of interior, and that all this was done for the purpose of making my further stay in Hungary as an investigator impossible. To this also the ambassador replied that it was not necessary and of very little use, since we were not in a position to disclose the identity of the official, because he would lose his position and possibly be punished besides for giving away state secrets.

I requested Consul-General Chester to make an independent report, with which request I believe he complied, but at the Bureau of Immigration at Washington I was told that nothing was heard, and therefore I take the liberty to inclose herewith for your perusal authenticated translations of certain documents issued by the Hungarian ministry of interior, by the royal criminal court of justice at Budapest, by the council of the capital and residence city of Budapest, and the ministry of national defense at Budapest. These documents were issued in 1897 upon my petition to be discharged from all further bondage of the Hungarian authorities at the time when I became a citizen of the United States, and on its face shows that I must have had an absolutely clean record in every respect, otherwise such documents could not have been issued. As a matter of fact, the Hungarian Government does not accuse me of having ever done anything wrong in my native land, but simply claim that I was a very bad man while abroad. In their official attacks made upon my character they stated, for instance, that I have been a curse to the Hungarians in America, that I blackguarded and blackmailed them, and that I stole from one Horvath, in New York, furs and a gold watch, between the years 1896 and 1898, and that a descent was made at my house and those goods seized on that occasion.

Another of my alleged misdoings is that I was the treasurer of the Hungarian Relief Society, at Munich, Germany, sometime between 1890 and 1891, and that I robbed that society to the aggregate amount of 70 marks (about $16.10), for which alleged crime they have nothing else to show but a letter. This ridiculous charge was made against me already nine years ago, and if I am not mistaken, was made also to you, Mr. President, in the spring of 1899, when you were kind enough, as governor of this State, to accept the invitation of the Hungarian Republican Club of New York to dine with us at the Café Boulevard. This charge emanated, as you will probably remember, also from the Austro-Hungarian Government, and was made by one Ignatius Weltner, attorney for the Austro-Hungarian consulate in New York.

I hope you will remember, Mr. President, that you had these charges investigated by the late Capt. F. Norton Goddard, Supreme Court Justice Blanchard, and one or two other gentlemen, who found this charge and all other charges made at the same time, to be false and not substantiated by anything. This ridiculous charge was brought up against me for the first time in 1896, when I had made a claim against the Hungarian Government for services rendered as press agent, and which was used at that time as an excuse why they should not pay me. At that time I sued the Hungarian Government, and my claim was subsequently settled out of court, but I took also precaution to procure from the Hungarian Relief Society, at Munich, a document, an authenticated translation of which I inclose herewith, showing that the accusation is nothing but a base slander. Still it seems that the American ambassador at Vienna accepted the statement of the foreign office at Vienna without asking for any proofs.

As far as the charge is concerned that I showed lack of discretion I have to say but so much—that for fully three weeks I was aware of the fact that my mail was constantly opened by the Hungarian Government, that a detective shadowed me at all times, and that I knew of the existence of a scheme to put up a job on me, and I never said a complaining word to anybody in that country, except to the consul-general at Budapest and the ambassador at Vienna, and only when I caught the state detective, Kalmar, red-handed, tampering with my mail, that I gave vent to my feelings. If that is lack of discretion, Mr. President, then I always want to be indiscreet.

The Hungarian Government tried all kinds of schemes to involve me into some trouble; they went even to the extent to try the badger game on me, by sending young women into my room at the Hotel Hungaria at Budapest, but I refused to bite. I was besieged day after day by newspaper men for statements, which I refused to make, and they were particularly anxious to get me to criticise the policies of the Hungarian Government, but all of which was of no avail. I was coaxed to visit the Opposition Deputies of the Hungarian Parliament, which I refused to do. I not even went to see Count Apponyi, whereas common courtesy would have required it that I should pay my respects to the distinguished statesman who is such a great friend of the United States, and who wrote to me such a beautiful letter on the occasion of the Hungarian Republican Club banquet on February 14, which you, Mr. President, graced by your presence.

As far as to the charge that I am an enemy of Hungary, I call upon your testimony, Mr. President. You have honored me quite often to talk to me about Hungary, Hungarians, and their affairs, and you will best know my feelings toward the country of my nativity, and, as far as the charge is concerned that I am an agent for steamship companies, I simply point to the various reports I have made since I am in the Government service. They show conclusively how much of an agent I must be for steamship companies.

Of course, it is not within my province to discuss that feature of the grievance of the Austro-Hungarian Government that it is unkind to send a native Hungarian on missions like the one I was sent, but, as a layman, I respectfully beg to submit that it would be a very unfortunate precedent for this country to sustain such objections. I did not go to Hungary in any diplomatic capacity. I look upon my mission as the work of an expert, whose duty it is to observe conditions and to report on them, but even admitting that the claim of the Austro-Hungarian Government was justified, why were not those objections raised two years ago, when I came to Hungary in the same capacity, and why were not those objections raised last year? And, if everything is admitted, if I really was an obnoxious man with a criminal record and all other bad things that are said about me—even then, according to my conception, the Austro-Hungarian Government was wrong in the extreme, because their business would have been to simply make a quiet protest to the American Government, and not enter into a conspiracy against a comparatively insignificant officer and thereby create a scandal.

In order to prove to you, Mr. President, that I was not always objectionable to the Government of my native country, I inclose herewith an authenticated translation from a letter of recommendation, signed in 1896 by Baron Leonhardi, the then Austro-Hungarian consul of New York, and I inclose also a printed envelope from the directors of the Millennial Exhibition of 1896 (gotten up by the Hungarian Government in celebration of the one thousandth anniversary of Hungary's existence as a State), and which will show that I was good enough for them at that time to propagate their affair in the United States; but I became obnoxious to the Hungarian Government soon thereafter, because it was reported to them that I was very successful in Americanizing the Hungarians sojourning in the United States, and that is a great crime in the eyes of the gentlemen who are not able to create conditions in their country that would enable people to make a living there. The greatest crime I committed, in the eyes of these people, is that I was fortunate enough to have you, Mr. President, recognize the American citizens of Hungarian birth, and honor them with your presence at the banquet.

I hope you will pardon this lengthy memoranda, but I feel that I owe that to myself, my family, and to my fellow-citizens that I should insist upon a complete vindication. My only stock in trade is my good name. I declare most solemnly, Mr. President, that I have never done, knowingly, anything wrong in my life. I always was a hard-working man, and I was always a very poor man. I am still hard working, and I am very far from being well off. Of course I have always known how to make my living, and to support my family, and as long as Providence will keep me in good health, I purpose to do the same thing. And therefore, Mr. President, I hope you will admit that I would not be worth my salt if I would not stand up and fight for my rights. I have been most outrageously subjected to the greatest indignities, and I appeal to you, Mr. President, that you should not allow this incident to be regarded as "closed," as I have been informed by your Department of State from Washington.

Respectfully,

MARCUS BRAUN,
78 Second avenue.

DEPARTMENT OF STATE,
Washington, March 26, 1906.

MARCUS BRAUN, Esq.,
78 Second avenue, New York City.

SIR: I have to acknowledge the receipt of your memorandum or brief, dated the 21st ultimo, with reference to House Document No. 482, Fifty-ninth Congress, first session, in the matter of Marcus Braun, and to say that it is the opinion of the Department, in view of all the circumstances of the case, that it would be inexpedient to reopen the question so elaborately discussed in your brief on file in the Department.

I am, sir, your obedient servant,

ELIHU ROOT.

[Mr. WM. ALDEN SMITH addressed the committee. See Appendix.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. JOHNSON. I renew the amendment. I wish to inquire of the chairman of the committee what has been the result of the provision adopted two years ago for a purchasing agent at the Post-Office Department?

Mr. OVERSTREET. Mr. Chairman, that office has been created, and that department is now in operation. Of course it will take some time to explain the extent of it. Provision is made in the latter part of this bill, which the gentleman will observe, putting that office under the head of the Fourth Assistant Postmaster-General.

Mr. JOHNSON. Is it true that he has done all of the purchasing for the Post-Office Department, as required by law?

Mr. OVERSTREET. As far as this bill is concerned, we make provision for all supplies that fall under the authority of the Fourth Assistant Postmaster-General, except in those instances where, by reason of the peculiarity of the supply, it is particularly and exclusively limited to one particular department. The advertisement is had, and upon the requisitions of the various assistants the purchasing agent meets the requisitions as the service may find it necessary. In other words, the purchasing agency is operating successfully and satisfactorily.

Mr. JOHNSON. I am glad to hear it. I withdraw my formal amendment, Mr. Chairman.

Mr. GAINES of Tennessee. I renew the amendment, Mr. Chairman, for the purpose of making an inquiry. A few moments ago I asked the very able gentleman from South Carolina [Mr. FINLEY] a question about this St. Louis bank fraud order, and my friend from Georgia [Mr. BARTLETT] said that

the distinguished gentleman from Indiana [Mr. CRUMPACKER] had introduced a bill on the subject, and I have the pleasure of seeing the gentleman in his seat. I hope he will take a few moments and explain the bill to the House.

Mr. OVERSTREET. Mr. Chairman, I want to know what the motion was.

Mr. GAINES of Tennessee. It was a formal amendment to get information from the gentleman from Indiana [Mr. CRUMPACKER], who has introduced a bill relating to the subject of issuing fraud orders by the Post-Office Department, in this St. Louis bank matter. There is a bank in St. Louis that seemed to be perfectly solvent——

Mr. OVERSTREET. If the gentleman from Tennessee will permit me, that bill, as I understand, is before the Committee on the Judiciary, but it has no relation to this bill under consideration.

Mr. GAINES of Tennessee. I have had a great many inquiries about it. I never have seen it, and the gentleman from Indiana can explain it in a few moments, and I hope he will be allowed to do so. There are several preachers in my district who are stockholders in this bank.

Mr. OVERSTREET. The gentleman from Indiana can explain it to the gentleman from Tennessee, if he wishes, without taking up the time of the committee.

Mr. GAINES of Tennessee. But there are other gentlemen here who want to know about it.

The CHAIRMAN. The Chair will state that it is not in order for the gentleman to explain, as it is not germane to the bill. Without objection the pro forma amendment will be withdrawn.

The Clerk read as follows:

Salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at $2,750 each; 6 inspectors, at $2,400 each; 15 inspectors, at $2,250 each; 15 inspectors, at $2,000 each; 10 inspectors, at $1,800 each; 95 inspectors, at $1,600 each; 18 inspectors, at $1,500 each; 78 inspectors, at $1,400 each; 25 inspectors, at $1,300 each; and 100 inspectors, at $1,200 each; in all, $578,100: *Provided*, That all persons employed on the 30th day of June, 1906, as superintendents of division, rural delivery, and inspector of agents, rural delivery, shall, on July 1, 1906, be appointed as post-office inspectors of the grade of $1,800 per year: *And provided further*, That all persons employed on June 30, 1906, as rural agents shall, on July 1, 1906, be appointed as post-office inspectors as of the same grade of salary which said persons were, on June 30, 1906, receiving as rural agents, except not to exceed 143 of such agents shall be so appointed as post-office inspectors.

Mr. OVERSTREET. Mr. Chairman, I move to strike out in line 12, page 2——

Mr. JOHNSON. Before any amendment is offered, Mr. Chairman, I want to make the point of order against the paragraph.

Mr. OVERSTREET. I will withdraw my amendment, Mr. Chairman, and offer it later.

Mr. JOHNSON. Having made the point of order——

The CHAIRMAN. What is the gentleman's point of order?

Mr. JOHNSON. I ask to reserve it in order to have an explanation from the chairman of the committee as to why the inspectors are consolidated.

The CHAIRMAN. Will the gentleman from South Carolina state his point of order?

Mr. JOHNSON. My point of order is that this is legislation; that they are legislating a whole class into office.

The CHAIRMAN. And the gentleman reserves that point of order?

Mr. JOHNSON. I reserve it because I want an explanation of it.

Mr. OVERSTREET. Mr. Chairman, answering the gentleman's question, because I think the point of order will not properly lie, I will state that under the authority of law covering almost one hundred years, the Postmaster-General has clear authority for such arrangements within the jurisdiction of his Department as may seem best for its administration. Following the practice under such authority, from time to time changes are made under the direction, by special orders, of the Postmaster-General.

On the 1st of last December, and under this general statutory authority, the Postmaster-General made such changes in the organization as brought under the chief post-office inspector not only the post-office inspectors of the service, but the rural agents as well. There are, therefore, at this time under this reorganization two inspection services, both under a common head—that of the so-called "post-office inspectors" and that of the so-called "rural agents."

The general line of work of the post-office inspectors and their authority and salary have not been disturbed, except in one instance, which I will explain later. The merger is for the purpose of better administration, bringing under a common head the supervision of these two branches of inspection, and which are now under that head by reason of this special order of the Postmaster-General. That better administration will be an economy by reduction of the general expense of the two services. The other reason is to enlarge the power and authority of the rural agents. Under the law as at present operated, the rural agent is limited to the inspection of the rural route or the examination of territory with a view to the installation of rural service, or to slight changes incident to the growth of that service. The authority of the post-office inspector is not only to do as much as the rural agent is now permitted to do, but, as well, to inspect the accounts of postmasters of each of the several classes, and also to act as an officer of the Government in the investigation of depredations against the service or the postal system. If, therefore, under existing conditions, a rural agent happens to be at a certain office, his power would be restricted simply to the investigation of that rural service, and if the accounts of that postmaster needed inspection in regard to the bookkeeping, or if there had been some slight infraction of the law relative to depredations at a small post-office, the rural agent would not have authority to make this investigation, and it would be necessary to send for a post-office inspector for that purpose. It has been thought, therefore, that not only in the interest of better administration, but in the interest of economy, to merge these two services.

Now, Mr. Chairman, under existing law there is authority for 161 rural agents, but by reason of the fact that the service has been considerably extended there has not been found any necessity to continue so large a corps of such officials. The number now in the service, under existing law, of rural agents is 150 instead of 161. Therefore by merging these rural agents with post-office inspectors, clothing them with additional authority which is suggested, it would result in an economy to the administration of a little over $83,000. But, Mr. Chairman, it has been found from experience that the six division superintendents of rural delivery, those men who have operated at the six different points of the country in the superintendence of this service of rural extension, should be continued in the service by reason of their knowledge and experience rather than to legislate them out and put new men into their places for that particular purpose. Therefore the merger was made for the purpose of holding all of those individuals.

Mr. JOHNSON. Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON. Mr. Chairman, under discussion of the point of order I did not think the gentleman would be confined to the five minutes.

The CHAIRMAN. The gentleman is not discussing any point of order; the gentleman from South Carolina has simply reserved the point of order.

Mr. JOHNSON. Well, I hope the gentleman will be allowed to go on with his explanation.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the gentleman may proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. OVERSTREET. I would like to inquire of the gentleman if I have failed to cover any point that he desired to have explained?

Mr. JOHNSON. Under this merger the chief inspector of the Post-Office Department practically becomes the head of the rural free-delivery service, does he not?

Mr. OVERSTREET. No; he is now at the head of the rural agents, but he does not become the head of the service. The head of the service is first, the Fourth Assistant Postmaster-General, and under him comes the superintendent of rural delivery. The chief post-office inspector is now under existing law, under the operation of the administration of that service, at the head of the management of the rural agents.

Mr. JOHNSON. Just one other question? Is it not true that rural agents and post-office inspectors have been in the discharge of very different duties heretofore?

Mr. OVERSTREET. No; not entirely. The post-office inspectors have a larger field of authority than rural agents. Whatever change is being made by this merger is to make the rural agents equal in authority with the post-office inspectors.

Mr. JOHNSON. But does not the gentleman make the men, whose chief business heretofore has been to detect crime against the post-office laws, rural agents, to do an entirely different kind of work, that they are not familiar with, and also make rural agents, who have heretofore been laying out routes, post-office inspectors, to search out evidences of crime?

Mr. OVERSTREET. Mr. Chairman, the gentleman is entirely mistaken. This merger changes in no respect whatever the duties or authority of the post-office inspectors. It makes no change with respect to that service at all, so far as their duties

and authority are concerned. It does enlarge the duty and authority of the rural agent; but the gentleman will appreciate, I think, that any rural agent with sufficient ability and intelligence to go into a community for the purpose of laying out a rural route would be equally able to make an investigation of an ordinary depredation along that route, or would be equally able to make an ordinary routine inspection of the books of the fourth-class postmasters. It is for the purpose of avoiding duplication of expense, duplication of work, that we seek to make this merger; but not as the gentleman thought, for the purpose of extending the power and authority of post-office inspectors to perform rural-agent services. They have that power now, but the rural agent has not the other power.

Mr. FOSTER of Vermont. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. OVERSTREET. I yield to the gentleman from Vermont.

Mr. FOSTER of Vermont. I wish to ask the gentleman, the chairman of the committee, a question. How many of these rural agents are there in the service of the Government at the present time?

Mr. OVERSTREET. The law to-day authorizes 161. One hundred and fifty are employed.

Mr. FOSTER of Vermont. And this bill provides for 143?

Mr. OVERSTREET. Six of these men are now division superintendents, and one is what is known under the present law as "inspector of agents," but it was intended to move to strike out that latter term from the bill and reduce the other to 142, because the inspector of agents, I understand, has been provided for in the legislative bill.

Mr. FOSTER of Vermont. Then, as I understand it, the 362 inspectors——

Mr. OVERSTREET. Three hundred and seventy-seven the total will finally make.

Mr. FOSTER of Vermont. The 377 inspectors includes these 143 who are now called "rural agents?"

Mr. OVERSTREET. Yes, sir. Under this merger the rural agents are merged into a specific inspector organization at the same salaries which the rural agents are now employed at, while the six division superintendents, who are now receiving twenty-four hundred dollars a year and no per diem, are merged into that organization at a salary of eighteen hundred dollars a year with the ordinary per diem. Now, Mr. Chairman, I would like to inquire if the gentleman withdraws the point of order?

Mr. JOHNSON. Mr. Chairman, I withdraw the point which I made in order to obtain this explanation for the House. I now desire to ask the gentleman one other question. Are any salaries increased in the section just read?

Mr. OVERSTREET. I am glad the gentleman suggested it. I said a while ago I would explain it, but I had overlooked it. Under existing law, Mr. Chairman, there are fifteen post-office inspectors in charge throughout the country. Five of these inspectors are on a salary of $3,000 a year and ten are at a salary of twenty-five hundred dollars a year each. They perform similar services so far as responsibility and importance are concerned. We therefore make the fifteen at twenty-seven hundred and fifty dollars each in order to equalize the salaries where equal responsibility already exists.

Mr. JOHNSON. Will the gentleman let me interrupt him?

Mr. OVERSTREET. Certainly.

Mr. JOHNSON. It is the first time in this Congress a committee has undertaken to equalize by lowering some and raising others.

Mr. OVERSTREET. There are only five of them, and they have only been increased for one year. Now, Mr. Chairman, I renew my amendment. In line 12, page 2, strike out the language "and inspector of agents, rural delivery."

The Clerk read as follows:

Amend in page 2, line 12, by striking out the words "and inspector of agents, rural delivery."

The question was taken; and the amendment was agreed to.

Mr. OVERSTREET. I offer the following amendment: In line 21, page 2, strike out "forty-three" and insert "forty-two."

The Clerk read as follows:

Line 21, page 2, strike out "forty-three" and insert "forty-two."

The question was taken; and the amendment was agreed to.

Mr. CRUMPACKER. Mr. Chairman, I move to strike out the words "one hundred and," in line 21, page 2; so as to read "not to exceed forty-two."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 21, strike out the words "one hundred and."

The CHAIRMAN. Does the gentleman desire to discuss the amendment?

Mr. CRUMPACKER. I do. Mr. Chairman, under the provisions of this bill, if it should be enacted into law, there will be 520 post-office inspectors traveling throughout the country, armed with royal warrants authorizing them to arrest any citizen whom they may suspect of having violated any postal law or regulation.

Mr. STAFFORD. I do not believe the gentleman wants to make a misstatement. There are not 520, but 377 provided for.

Mr. CRUMPACKER. It is a question of figures. I have added the several numbers in this section, including the 143 rural agents who are to be made inspectors, and it makes 520.

Mr. STAFFORD. One hundred and forty-three are already included in the 377 that are enumerated.

Mr. CRUMPACKER. That may be, but in my judgment we have too many inspectors, considering the large power they have over the liberties and the rights of the people. There are already too many.

Mr. STAFFORD. But if you lessen the present combined force, you will restrict and hinder the extensions and supervision of the rural delivery service.

Mr. CRUMPACKER. I appreciate the fact that it is necessary to protect the mails against fraud and abuse, but we have a system of post-office inspection service that seems to me can not be defended upon any just and fair theory of administration. Post-office inspectors have the right, or at least they exercise the power, of arresting, fining, and collecting penalties from citizens of the country under a law or regulation that exists at this time. I read in a local paper, published in the district I have the honor to represent, a few days ago about an inspector from the city of Indianapolis—a man whom I know personally, a very excellent gentleman—who had gone to two ladies in a little village, who had sent the county paper to some friend, and had put some lead-pencil inscription on the margin. He went to their home and fined them $10 each, and collected it on the spot. The post-office inspector returned the money, I have no doubt, to the Government. I want to say, gentlemen of the committee, that that practice is going on all over the United States to-day. There is no question about it.

Mr. BUTLER of Pennsylvania. Will the gentleman allow me to ask him a question?

Mr. CRUMPACKER. I yield to the gentleman for a question.

Mr. BUTLER of Pennsylvania. Do I understand the gentleman to say that post-office inspectors collected, for some supposed offense, $10?

Mr. CRUMPACKER. Why, of course. Is that news to the gentleman?

Mr. BUTLER of Pennsylvania. It is, absolutely. I did not suppose they would do that sort of thing. It is not authorized by law.

Mr. CRUMPACKER. They do it.

Mr. NORRIS. Will the gentleman from Indiana yield for a question?

Mr. CRUMPACKER. I yield for a question.

Mr. NORRIS. I want to ask the gentleman if there is any law now in existence that permits a post-office inspector to exercise that kind of authority?

Mr. CRUMPACKER. I assume there is; otherwise they would be guilty of criminal extortion.

Mr. OVERSTREET. I think the gentleman from Indiana ought not to make any such statement as this unless he can cite the law. I state there is no such law.

Mr. CRUMPACKER. I say, I assume, Mr. Chairman, that there is a law or regulation of that kind or the officer would be guilty of criminal extortion, and I understand that it is a common practice for inspectors where there is a technical violation of law to say to the alleged criminal: "Now, you can pay so much to the Department"—the money goes to the Department doubtless, or the officers would not collect it—"you can pay so much to the Department and save yourself the trouble of being prosecuted before a United States commissioner or before the Federal courts."

Mr. GROSVENOR. Now, Mr. Chairman, I would like to ask the gentleman from Indiana if this suggestion of his, which I do not mean to dispute or affirm, is not directly a charge of robbery against the Post-Office Department? Is there any channel through which the money can ever reach the Post-Office Department without attracting their attention to the felonious manner in which the post-office inspector came by it?

Mr. CRUMPACKER. I understand there is a system of penalties imposed by the regulations of the Post-Office Department. The gentleman must remember that that Department has legislative, executive, and judicial powers combined. It exercises all the powers of the Government over the postal busi-

ness of the country. It is not the fault of the Postmaster-General, but it is the law.

Mr. PADGETT. Mr. Chairman——

Mr. BUTLER of Pennsylvania. Will the gentleman allow me one question?

The CHAIRMAN. To whom does the gentleman yield?

Mr. CRUMPACKER. I yield to the gentleman from Tennessee. I saw him first.

Mr. PADGETT. I wanted to say to the gentleman from Indiana that I have in mind a concrete case where an inspector in the town of Columbia, Tenn., fined a citizen of that town $10 in each of seven cases—$10 for each offense. He proposed to arrest him, and the man said to him: "If you will not require me to be arrested I will pay $10 in each case," which he did.

Mr. CRUMPACKER. I think there is no question about the practice, and I assume that it is authorized by law. The Internal-Revenue Service is conducted on the same plan. A deputy collector may impose a penalty of 50 per cent or a certain other per cent of the amount of a special tax if it is not paid on the day it is due, and collect the penalty. That is a common practice. The amount thus collected is turned in and accounted for.

The CHAIRMAN. The gentleman's time has expired.

Mr. CRUMPACKER. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. Is there objection to the request?

There was no objection.

Mr. SMITH of Kentucky. Now, I want to ask the gentleman a question in that connection.

Mr. CRUMPACKER. If it is simply a question. I have some views that I want to submit to the committee on this matter.

Mr. SMITH of Kentucky. Those penalties you speak of which are collected by deputy commissioners of internal revenue are imposed by law, are they not?

Mr. CRUMPACKER. I assume they are, of course, and I assume that the others are.

Mr. SMITH of Kentucky. Does not the gentleman know that if the taxes are not paid by a certain date a penalty per cent is added and collected?

Mr. CRUMPACKER. The criticism that I am making is of the law and not of the officers, because I assume that they are performing their duties in accordance with the postal regulations or the law. I do not know which it is; possibly it may be both.

Now, I think inspectors are clothed with too much power, or there are too many of them. There are 520 of these secret emissaries who go about the country looking after the business of the Post-Office Department, and incidentally, by dark-lantern methods, make inquiries into the reputation and the business carried on by every citizen, every association, and every corporation throughout the land. Who knows how many secret reports that may reflect upon the character of individuals, associations, or business concerns are now sleeping in the archives of the Post-Office Department that have never come to light, put there by confidential reports of those emissaries? And when I speak of them as emissaries I do not mean it in an offensive sense. There is a system of postal espionage in this country that is absolutely inconsistent with the spirit of free institutions, and it is not what should be expected in a land of law and liberty.

Post-office inspectors may lodge complaints with the Postmaster-General that the business of an individual is fraudulent. The Postmaster-General may be satisfied from the secret reports of the inspectors that there are some irregularities in the character of the business the particular individual is conducting, and he may peremptorily enter a fraud order and withhold from that individual the privileges of the mails, absolutely ruining his business and blasting forever his business reputation. When that citizen calls upon the Postmaster-General, asking permission to see the charges that have been made against him, he is informed that they are confidential and is refused the privilege.

Now, something was said a few minutes ago about the People's United States Bank, at St. Louis, Mo. That institution became a victim of the post-office inspectors. A fraud order was issued against the institution about six months ago, and it was put into the hands of a receiver as an insolvent corporation after the fraud order was issued, at the suit of the secretary of state of the State of Missouri. Administered by a receiver, the institution paid every depositor a hundred cents on the dollar. It has already repaid to the stockholders 92½ per cent of the par value of their stock, and it has an abundance to pay the balance; and last week the supreme court of the State of Missouri decided that the order appointing a receiver and adjudging the bank insolvent was improperly issued in the first place; that it never was an insolvent institution; but what good does that do?

The mandate of the court ordered the receiver discharged and the affairs of the bank turned over to the company, but there stands the fraud order against the institution and against its president in the Post-Office Department, and they can not conduct any business in the way of correspondence and nothing but ruination is their fate. The president of the bank applied to a Federal court for a review of the fraud order and for a mandate against the Postmaster-General compelling him to restore to the bank the privilege of the mails. That court decided that the right to the mails was not a vested right and the discretion of withholding the privileges of the mails for fraud was vested in the Postmaster-General and was not subject to review by any court.

I do not know what may be the merits of that case, but some time ago I introduced a resolution in the House and had it referred to the Committee on the Post-Office and Post-Roads——

Mr. OVERSTREET. Oh, the gentleman must state the facts if he hopes that the committee will consider them at all. No such resolution as that ever came from the gentleman to the Committee on the Post-Office and Post-Roads.

Mr. CRUMPACKER. It went to the Committee on the Post-Office and Post-Roads, requiring the Postmaster-General to report to the House the facts upon which he issued the fraud order.

Mr. OVERSTREET. That is true. I thought the gentleman referred to the bill spoken of by the gentleman from Tennessee.

Mr. CRUMPACKER. The resolution is the one I had in mind. The Committee on Post-Offices reported the resolution back to the House and it was adopted, and a week or ten days ago the Postmaster-General courteously informed the House that it would not be compatible with the public interest to give the House or the country the information upon which that important order was issued. That bank never has known, and probably never will know, upon what evidence the Postmaster-General made the order ruining its business and wrecking its prospects.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. OVERSTREET. Mr. Chairman, I think it is due to the committee to understand that 99½ per cent of the argument of the gentleman from Indiana has been directed to matters entirely foreign to this bill. I think it is unfair for him to leave the impression and seek to prejudice the committee against a bill by a tirade against the Post-office Department on matters that have nothing to do with this committee.

The Committee on Post-Offices and Post-Roads reported the gentleman's resolution without the change of a syllable, and it is not worthy, it is not deserving, of the criticism of the gentleman from Indiana. The fraud order belongs to another committee, is the result of another law, and not to the items contained in this bill.

Mr. CRUMPACKER. Will the gentleman yield?

Mr. OVERSTREET. Just a moment. I did not interrupt the gentleman. Now, the fraud order is authorized by a statute that has been on the books for almost a generation, and the Committee on Post-Offices and Post-Roads has nothing to do with it. This bill contains nothing relating to that statute. The criticism by the gentleman from Indiana against the espionage of the post-office inspectors as a basis for fraud orders is not a proper argument to sustain his amendment. That is what I am interested in. We have been debating under general debate for almost ten days nearly every conceivable subject, and now when we get to the bill itself it is left for the gentleman from Indiana to raise some extraneous subject which will probably prejudice the mind of somebody to attack this particular provision of the bill.

There is no law on the statute book, and I challenge the gentleman to cite a single one, bearing out his claim that the post-office inspector has authority or the right to assess a fine or to put anybody under arrest.

Mr. BUTLER of Pennsylvania. It is in the post-office regulations.

Mr. OVERSTREET. The post-office regulations do not authorize it either.

Mr. CRUMPACKER. The gentleman from Indiana has challenged me, and I want to state that post-office inspectors do have authority to make arrests. They perform regular detective service.

Mr. OVERSTREET. The post-office inspector merely carries out the instructions of the Postmaster-General in investigation, and he does no conclude that investigation, but it is left for

the Postmaster-General or the proper official of the Department to pass upon his report.

Now, Mr. Chairman, we have provided here for no additional post-office inspectors. We have provided here for no increase of salary, except such as I have named, but we have sought to give the advantage to these rural agents, clothe them with equal authority. The gentleman gives his figures as to the number of post-office inspectors, which I am sure is at least 50 per cent from the facts, and almost 100 per cent. I can not be expected to fight against imaginary accusations. We have stated here all the facts. We provide for the merger of these post-office inspectors authorized by law with the rural agents now in the service, and the gentleman moves to strike out 100 of these rural agents. I do not believe this committee, nor this House, and I do not believe the gentleman's constituents, will approve his striking out 100 rural agents. That is what his amendment amounts to. The amendment is to strike out the merger of 100 rural agents, which would mean their elimination from the service. Whatever may have been in the gentleman's mind, that will be the result of his amendment.

Mr. BUTLER of Pennsylvania. Whose amendment is it?

Mr. OVERSTREET. The gentleman from Indiana [Mr. CRUMPACKER] moves to strike out 100 agents and leave 42. I hope the committee will vote down the amendment.

Mr. CRUMPACKER. Mr. Chairman, I desire a minute to state to my colleague that I made no criticism of the Committee on Post-Offices and Post-Roads. I think in that assertion this committee will bear me out. I have made no reflection on the committee. I was making a criticism about the law, not even against the Post-Office Department, but the law under which some indefensible practices are going on.

Mr. OVERSTREET. Does the amendment have anything to do with that?

Mr. CRUMPACKER. Yes; it has this to do with it: It takes from the list of post-office inspectors who go about with these lettres de cachet in their pockets—it reduces their number by 100.

Now, in regard to my amendment, I expected when I had an opportunity to withdraw it. I wanted an opportunity to say something to the House on the fraud-order question and the practice that is going on over the country in the hope that it might possibly result in some wholesome legislation, not from the Post-Office Committee, because legislation of that kind should come from the Committee on Judiciary. The gentleman was a little bit too sensitive, I think, when he took to himself and his committee some of the criticisms I intended for the law and for the whole Congress, and not for the gentleman at all.

Mr. OVERSTREET. Then you admit your amendment does not seek to correct any of the things you desire to correct by that amendment?

Mr. CRUMPACKER. Not unless you strike out all the post-office inspectors. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn. [After a pause.] No objection is heard.

Mr. HUGHES. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 1, line 11, after the word "each," strike out "six" and insert "ten."

Mr. OVERSTREET. Mr. Chairman, I did not hear that amendment.

The amendment was again reported.

Mr. OVERSTREET. Well, I can not agree to that, and I hope the amendment will be voted down.

The question was taken; and the amendment was rejected.

Mr. BEALL of Texas. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry of the chairman of the committee. I desire to make this inquiry as to whether or not the Committee on Post-Offices and Post-Roads had any hearings before that committee upon the different items in this bill?

Mr. OVERSTREET. Most assuredly, Mr. Chairman, upon all the items.

Mr. BEALL of Texas. That was my impression. I want to follow that by another question. I want to know why it is impossible for a Member of this House at this time to have access to a copy of those hearings?

Mr. OVERSTREET. Why, Mr. Chairman, I can only say the Committee on Post-Offices and Post-Roads, like all other committees of the House, has a very limited authority in the way of printing. We printed all the copies that we felt we had authority to print and gave them out just as fast as Members inquired for them.

Mr. BEALL of Texas. How many copies were printed?

Mr. OVERSTREET. One hundred, I understand. We have general authority to print, which is only for the use of the committee, and we have very generously exhausted our entire supply by giving them to Members as fast as we had demands for the copies.

Mr. BEALL of Texas. Does not the custom prevail with other committees, with the authority they already have or by distinct authority secured from the House, to print a sufficient number of copies to give at least each Member of the House who wishes one a copy?

Mr. OVERSTREET. I do not so understand.

Mr. BEALL of Texas. So that those Members may ascertain what these hearings are?

Mr. OVERSTREET. My understanding is the committees of the House authorized to hold hearings are permitted to print a limited number of copies of the hearings for the use of the committee, and that number is usually a very limited number. There has certainly been no disposition on the part of the committee to decline to give out copies of the hearings, and we have given all they have I am informed.

Mr. BEALL of Texas. There are only about eighteen members of the committee. Then, according to the gentleman's position, it was necessary to have only eighteen copies printed?

Mr. OVERSTREET. Oh, if we limited it, logically that would be the result, but it costs a little more to print a hundred than it costs to print eighteen, and it costs much more to print 500.

Mr. BEALL of Texas. Does not the gentleman think it would have been much better to have had 500 copies printed in order that every Member of this House might have an opportunity to know something about what is contained in this bill?

Mr. OVERSTREET. Mr. Chairman, under the law a copy must be furnished to the Library. You will find a copy there, and the law does not provide for as many copies of the statute as there are Members of the House. I would ask the gentleman if he has inquired at the Library?

Mr. BEALL of Texas. I did not inquire at the Library, but I made divers and sundry inquiries elsewhere without success.

Mr. OVERSTREET. I am very sorry the gentleman was unable to secure a copy.

Mr. BEALL of Texas. Does not the gentleman think if he had made the effort that the House would have given him the permission to have had the additional number printed?

Mr. OVERSTREET. Why, anybody could have objected to it. Why did not you ask for it? This is the first time the gentleman has ever called my personal attention to it.

Mr. BEALL of Texas. But it is not the first time I have called the attention of members of the committee to it, because I have earnestly sought for two or three weeks to get possession of one of these precious documents containing the hearings before the committee over which the gentleman presides.

Mr. OVERSTREET. I suggest the gentleman can still ask for that in the House. Perhaps the gentleman will realize he is quite as much at fault as anybody else.

Mr. BEALL of Texas. No; I do not realize it; I do not admit it, because that was a matter peculiarly within the jurisdiction of the Committee on Post-Offices and Post-Roads. If these hearings are of any value to the committee, they would be, Mr. Chairman, of value to this House. There is more reason why the Members of this House should have the hearings than the members of the committee, because the members of the committee are situated so that they can be present and get the benefit of the hearings at the time they are had before the committee, but the only way by which the Members of this House can secure any information as to what is contained in this bill is through these hearings here in the House, and with almost four hundred Members only 100 copies of these important hearings are printed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FINLEY. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I ask unanimous consent to extend the remarks I made this afternoon.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

For traveling expenses of inspectors without per diem, and of inspectors in charge, expenses incurred by field inspectors not covered by per diem allowance, and traveling expenses of the chief post-office inspector, $70,000.

Mr. JOHNSON. Mr. Chairman, on page 3 I desire to offer an amendment. Page 3, lines 15 and 16, strike out the words "and traveling expenses of the Chief Post-Office Inspector."

When the legislative, executive, and judicial appropriation bill was before this House on the 29th of March, I interrogated the chairman of the committee, or the gentleman having charge of the bill [Mr. LITTAUER], and inquired of him why the salary of the Chief Inspector had been increased in that bill. You will find on page 4584 that the gentleman in charge of the bill explained that it was a very responsible position, that the chief inspector resided in Washington, and that he received no per diem allowance or traveling expenses, and for that reason the Committee on Appropriations increased his salary $500 in the legislative, executive, and judicial appropriation bill.

Mr. OVERSTREET. If the gentleman will permit me, do I understood the gentleman to say that the record shows, from a statement made by the chairman of the Committee on Appropriations, that the increase of salary of the Chief Post-Office Inspector was because he received nothing for traveling expenses? If that is true, I will accept the gentleman's amendment.

Mr. JOHNSON. I will read what the gentleman told me in answer to my question.

Mr. OVERSTREET. I simply want to get the record, Mr. Chairman.

Mr. JOHNSON (reading)—

> Mr. JOHNSON. Is there any increase in salaries?
> Mr. LITTAUER. The Chief Inspector's salary is increased.
> Mr. JOHNSON. What was the reason for increasing his salary?

Then the colloquy proceeded. He was speaking about the salaries of other people, and I said the only way to equalize was to equalize up, and then Mr. TAWNEY said:

> He resides here in Washington, is located here in the Department, and receives no per diem allowance whatever. He gets nothing but straight salary, while the other inspectors have per diem and traveling expenses in addition to their salary.

Upon that statement this House increased his salary $500. That increase having been made for that reason, I propose to strike from this bill the provision for traveling expenses.

Mr. OVERSTREET. Mr. Chairman, this committee has no jurisdiction over the Chief Post-Office Inspector, and has nothing to do with the increase of his salary, if such increase has been made. The fact is, however, he has headquarters in the city of Washington, and must necessarily, in the discharge of his general duties, at various times during the year travel from his headquarters. He does not receive any per diem, but has a straight salary. Now, the record which the gentleman has just read did not, if I correctly understood it, make any suggestion about his traveling expenses. He says he receives no per diem. That record, unless I failed to hear it aright, did not state that he did not receive any traveling expenses; therefore I think the amendment ought to be voted down.

Mr. JOHNSON. Well, will the gentleman let me read it again?

Mr. OVERSTREET. I will.

Mr. JOHNSON. This is from Mr. TAWNEY, chairman of the Committee on Appropriations, on page 4472 of the RECORD of March 29. Referring to the Chief Inspector, he said:

> He resides here in Washington, is located here in the Department, and receives no per diem allowance whatever. He gets nothing but straight salary, while the other inspectors have per diem and traveling expenses in addition to their salary.

Mr. OVERSTREET. Well, Mr. Chairman, I am obliged to take exception to the statement made by the chairman of the Committee on Appropriations just referred to. All inspectors do not get per diem and traveling expenses. The fact yet remains that record does not state that the Chief Post-Office Inspector gets "no traveling expenses." It said he got no per diem. We are making no provision for per diem, and only provision for such traveling expenses on official duty while away from his home, his domicile, and his official headquarters. I think the amendment of the gentleman ought to be voted down.

Mr. HULL. Are not the per diem expenses allowed to the other inspectors intended for traveling expenses? Is not that a fact, whether you call it traveling expenses or per diem expenses? Is it not really the same thing?

Mr. OVERSTREET. That has been regarded substantially as a substitute.

Mr. HULL. In the one case they are limited, so that the amount can not exceed $4 a day, while in the other case if their expenses are more, they are allowed for. Is not that the only difference?

Mr. OVERSTREET. No matter what the difference is, in respect to this particular officer, he receives no per diem, but should receive his actual expenses when traveling away from his home, his official headquarters, and his domicile. That is all this provides. Now, we have nothing to do with the increase of the salary. I do not know whether it is meritorious or not. I was not on the floor at the time that subject was under consideration, as referred to by the gentleman. I only know this, Mr. Chairman, that in view of the necessities of good administration the Chief Post-Office Inspector is obliged at times to leave his headquarters, in strict obedience to the necessities of the administration, and when he does, his actual expenses should be provided for. That is all this provision seeks to do.

Mr. SMITH of Kentucky. I should like to ask the gentleman a question.

Mr. OVERSTREET. I yield to the gentleman from Kentucky.

Mr. SMITH of Kentucky. If this language does not mean that the Chief Inspector received no traveling expenses heretofore, I should like to know what it does mean.

Mr. OVERSTREET. Mr. Chairman, if the gentleman will pardon me, I said a moment ago that I could not accept that statement, even though it were made by the chairman of the Committee on Appropriations, because, as a matter of fact, I know he has received traveling expenses. This is identically the same language as the existing law, so that if that statement was made, it was a mistaken statement.

Mr. SMITH of Kentucky. So that if the committee in that case was led to increasing the salary of this inspector upon the theory that he received no traveling expenses, they did so under a misapprehension.

Mr. OVERSTREET. I think so.

Mr. LACEY. I move to strike out the last word. I do it for the purpose of making an inquiry of the chairman of the committee. I notice on page 2 that the inspectors are rated at from $2,250 down as low as $1,200. Then it further provides that they may be allowed, in the discretion of the Postmaster-General, not to exceed $4 per day as a per diem allowance when out on the road and engaged in the performance of their duties.

Mr. OVERSTREET. Those who receive less than $2,000 get that per diem allowance when out on duty.

Mr. LACEY. That is what I was coming to. Now, it provides that the man who draws over $2,000 a year shall not have a per diem, so that what I want to know is this: A post-office inspector drawing $1,800 a year is allowed by the Department $4 a day per diem in addition to that, making his income over and above his traveling expenses amount, perhaps, to $2,600 or $2,800 a year, while the $2,000 man can not draw the per diem at all, apparently, on the face of this bill. Now, what is the reason for that?

Mr. OVERSTREET. It is perfectly simple, if the gentleman will permit me.

Mr. LACEY. That is what I wish to know.

Mr. OVERSTREET. The men who are receiving salaries of $2,000 and upward are stationed at fixed points.

Mr. LACEY. All of them.

Mr. OVERSTREET. All of them. Of course, from time to time it becomes necessary for them to go away, when conducting investigations and matters of that sort.

Mr. LACEY. When they are ordered away, should they not have their per diem?

Mr. OVERSTREET. They get their actual traveling expenses then.

Mr. LACEY. The others get their expenses and per diem both?

Mr. OVERSTREET. Oh, no; not at all. They only get the per diem in lieu of all of their expenses.

Mr. LACEY. Including their traveling fare?

Mr. OVERSTREET. Certainly.

Mr. GAINES of West Virginia. I think not.

Mr. OVERSTREET. They are allowed to ride free on trains that carry postal cars.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. OVERSTREET. I yield to the gentleman from Missouri.

Mr. CLARK of Missouri. I should like to ask if the traveling expenses of the Chief Inspector include his hotel bills and all of his expenses?

Mr. OVERSTREET. Oh, certainly; his actual expenses.

Mr. CLARK of Missouri. The upshot of the thing is, then, taking this bill in connection with the legislative, executive, and judicial appropriation bill, that we increase the salary of this man because he gets no per diem.

Mr. OVERSTREET. Mr. Chairman, if the gentleman will pardon me, I said a while ago that I did not want to be bound by the reasons given in that debate for the increase in the salary.

Mr. CLARK of Missouri. I will put it another way, then.

Mr. OVERSTREET. We are simply providing here as we always have provided, and, in my judgment, always should pro-

vide, for the actual traveling expenses of this official when he is away on official business.

Mr. CLARK of Missouri. The upshot of these two bills is this, that for some reason—as far as the gentleman from South Carolina [Mr. JOHNSON] is concerned, he says it was in lieu of per diem; it may have been for some other reason on the part of other gentlemen—but for some reason this man's salary was increased $500 per year in the other bill. Now it is increased by the sum total of whatever his traveling expenses may be. So that you have two increases for the same man at the same time.

Mr. OVERSTREET. But the expense would be in the interest of the Government upon whose official business he happened to be called. He has been receiving it all the time. Mr. Chairman, I ask for a vote.

Mr. CLARK of Missouri. Then an inspector who lives in Washington is financially better off while away from home if his expenses are paid than he is while staying at home?

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. JOHNSON) there were—ayes 25, noes 67.

So the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL.

For compensation to postmasters, $24,000,000.

Mr. RIXEY. Mr. Chairman, I move to strike out the last word. I want to say that there are men who have responsible and quasi official duties to perform and for whom I see no provision in this bill. I refer to the post-office referees in the Southern States. [Laughter.] I would like to ask the chairman of the Post-Office and Post-Roads Committee whether this bill carries any salary or compensation for those referees?

Mr. OVERSTREET. I will state to the gentleman that my district is included in the referee schedule. [Laughter.]

Mr. RIXEY. I had heard that possibly the gentleman's district was included and treated as southern territory. [Laughter.] Mr. Chairman, I can possibly best illustrate the objections to the present system of appointment of postmasters and establishment of post-offices by reference to my own district as an example. Something over twelve months ago the Post-Office Department appointed three gentlemen in the Eighth district of Virginia for the purpose of recommending persons to be appointed to fourth-class offices. To these three gentlemen were referred all applications and petitions for appointments as postmasters in the fourth-class offices. To them were also referred petitions for the establishment of new post-offices. These three gentlemen lived in different parts of the district. They divided up the territory among themselves and persons who were applicants for postmasters had to go to the referee in whose territory the county happened to be for recommendation for appointment to offices.

Mr. BYRD. Will the gentleman allow me a question?

Mr. RIXEY. Certainly.

Mr. BYRD. Did the Member of Congress have anything to do with the appointment of the referees?

Mr. RIXEY. The Member of Congress had nothing to do with the appointment of the referees or the appointment of the postmasters. I am not complaining that I am not consulted about the appointment of postmasters; I do not ask it, but I do insist that when the people in my district want a post-office established, or a postmaster appointed, I have a right to go to the Department here in Washington for that information, and not to be told, as I am told frequently, that the matter has been referred to the post-office referees—gentlemen who are irresponsible, so far as their official connection with the Department is concerned. These referees decide who shall be the postmaster and where the post-office shall be located, of course subject to the approval of the Department, which is generally given as a matter of course. It would not like to turn down its assistants who serve without pay.

This condition of affairs should be changed. It is not right that people from my district, who come here to interview the Department on this subject, should be unable to secure any information until this referee—assistant to the First Assistant Postmaster-General—makes his report. Instead of being able to obtain information at the Department, I have been compelled to tell some of my constituents to go and see the referee, and get his indorsement. These referees were appointed something over twelve months ago. One has since been made collector of internal revenue and moved his office to the city of Richmond, another has since been appointed a clerk in the Pension Bureau, and the third one, and not an officeholder, has resigned. [Laughter.]

Now, Mr. Chairman, I do insist that the Post-Office Department, when I come with the recommendation for the establishment of a post-office, shall not refer me to the pension clerk here in Washington, or refer me to the gentleman who holds a Federal office in the city of Richmond, or tell me to wait until these gentlemen report. Why should not the patrons of the office be consulted? The system of appointment of postmasters and location of post-offices by referees—who are generally either Federal officeholders or aspirants for some office—is a disgrace to this Government, and is a positive proof of the incapacity of the Post-Office Department. The First Assistant Postmaster-General, who has charge of this matter, should change the rules of that Department, or, if he can not administer his office, should resign, or this House should cut down the compensation that he receives. [Applause.]

The Clerk read as follows:

For compensation to assistant postmasters at first and second class post-offices: Two, at $3,500 each; 25, at $3,000 each; 5, at $2,500 each; 2, at $2,000 each; 12, at $1,900 each; 20, at $1,800 each; 55, at $1,700 each; 100, at $1,600 each; 90, at $1,500 each; 100, at $1,400 each; 210, at $1,300 each; 350, at $1,200 each; 340, at $1,100 each; 250, at $1,000 each; 60, at $900 each; 60, at $800 each, and 60, at $700 each; in all, $2,123,800.

Mr. OVERSTREET. Mr. Chairman, I move to amend, in line 23, page 4, after the word "all," to insert "not to exceed."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 23, after the word "all," insert "not to exceed."

The question was taken; and the amendment was agreed to.

Mr. BENNET of New York. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 9, strike out "thirty-five hundred" and insert in lieu thereof "four thousand."

Mr. OVERSTREET. Mr. Chairman, I make the point of order that this is contrary to existing law.

Mr. BENNET of New York. Mr. Chairman, will the gentleman reserve the point of order for a minute and a half?

Mr. OVERSTREET. I reserve the point of order.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

Mr. BENNET of New York. Mr. Chairman, unquestionably if the point of order is pressed, it is good; but I simply want to call the attention of the House to the fact that every assistant postmaster in the whole United States is paid on a schedule which is identical, except those in Chicago and New York, and that schedule provides that they shall be paid at the rate of 50 per cent of the salary of the postmaster. Those in Chicago and New York, with all the duties that they have, are not paid as well as the men in other cities, and I think that injustice ought to be corrected. If this amendment were adopted it would correct it.

Mr. OVERSTREET. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. OVERSTREET. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16953—the Post-Office appropriation bill—and had come to no resolution thereon.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL, by direction of the Committee on Military Affairs, reported the bill (H. R. 18030) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes; which was read the first and second times, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. SULZER. Mr. Speaker, I reserve all points of order upon the bill.

The SPEAKER. The gentleman from New York reserves all points of order upon the bill.

LAWS IN RELATION TO THE DISTRICT OF ALASKA.

Mr. COLE. Mr. Speaker, I ask unanimous consent to take up the bill H. R. 12872.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12872) to amend an act entitled "An act to amend and codify the laws relating to municipal corporations in the district of Alaska," approved April 28, 1904.

Be it enacted, etc., That the act entitled "An act to amend and codify the laws relating to municipal corporations in the district of Alaska," approved April 28, 1904, be, and the same hereby is, amended by adding at the end of section 2 thereof the following:

"*Provided*, That any town heretofore or hereafter incorporated in the district of Alaska may extend or otherwise modify its boundaries in the manner hereinafter provided. A petition praying for such extension or modification shall first be presented to the judge of the United States district court presiding over the court in the judicial division in which the town is located, which petition shall be signed by at least sixty qualified voters of said town and shall specify the existing boundaries, as well as the proposed new boundaries of such town, the number of inhabitants thereof, and such other facts as may tend to show good ground for such extension or modification of boundaries. The judge shall thereupon, by an order, fix a time and place for considering said petition, which time shall not be less than thirty days after the date of such order. A printed or typewritten copy of said order shall be posted in three of the most public places in said town at least thirty days prior to the time fixed for considering said petition. At the time and place fixed for considering said petition the judge shall give a reasonable hearing to those who are in favor of and to those who are opposed to the same; and if he is satisfied that it is for the best interest and welfare of the people of such town for the boundaries thereof to be changed, he shall, by an order, so adjudge. He shall also, by said order, specify the changes which he deems necessary in the boundaries, and direct that at the time of holding the next annual election in said town, or sooner, if deemed necessary, an election be held, by separate ballot, as prescribed in the case of an original incorporation, to determine whether the people of such town desire the boundaries thereof changed. A printed or typewritten copy of said order shall be posted at three of the most public places within said town at least thirty days prior to the day of election. Every person qualified as an elector in said town shall be qualified to vote upon the question of the proposed change of boundaries thereof. Said election shall be held under the charge of the officers of the town appointed for the purpose of holding elections; and all proceedings subsequent to such election, down to the entry of the order of the judge making such change of boundaries, shall be the same, so far as may be, as the proceedings upon the original incorporation of a town."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and it was read the third time, and passed.

On motion of Mr. COLE, a motion to reconsider the last vote was laid on the table.

GRANTING CERTAIN LANDS TO DURANGO, COLO.

Mr. HOGG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2188.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2188) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs.

Be it enacted, etc., That the following-described tract of land situate in suspended townships 38 north, range 6 west, and 38 north, range 7 west, New Mexico principal meridian, in La Plata County, Colo., to wit: Beginning at corner No. 1, at the junction of Missouri Gulch with the Florida River, running thence north 20 degrees and 7 minutes east 4,900 feet to station No. 2; thence north 77 degrees and 2 minutes east 1,060 feet to station No. 3; thence north 8 degrees and 24 minutes east 2,400 feet to station No. 4; thence north 7 degrees and 28 minutes west 4,600 feet to station No. 5; thence north 10 degrees and 23 minutes east 5,400 feet to station No. 6; whence corner No. 1, reservoir No. 3, or Lake Lily, bears south 50 degrees and 7 minutes east 1,200 feet; from said corner No. 1, Lake Lily, the monument on Mount Valois bears south 23 degrees and 10 minutes east 4,792.6 feet; United States location monument Tempest bears south 31 minutes east 2,896 feet; thence from station No. 6, aforesaid, north 87 degrees and 31 minutes east 1,550 feet to station No. 7; thence south 38 degrees and 37 minutes east 3,300 feet to station No. 8; thence south 84 degrees and 30 minutes east 2,700 feet to station No. 9; thence south 33 minutes east 4,000 feet to station No. 10; thence south 30 degrees and 24 minutes east 2,500 feet to station No. 11; thence south 77 degrees and 26 minutes east 3,200 feet to station No. 12; thence south 43 degrees and 51 minutes east 1,750 feet to station No. 13; thence south 5 degrees and 58 minutes west 2,250 feet to station No. 14; thence south 44 degrees and 17 minutes west 2,000 feet to station No. 15; thence south 77 degrees and 31 minutes west 4,800 feet to station No. 16; thence south 54 degrees and 45 minutes west 3,300 feet to station No. 17; thence north 87 degrees and 27 minutes west 6,400 feet, more or less, to station No. 1, the place of beginning; including those four certain reservoirs claimed or occupied by said city of Durango, known as reservoir No. 1 or upper park reservoir; reservoir No. 2 or Santa Maria Lake; reservoir No. 3 or Lake Lily, and reservoir No. 4 or Lakeside Lake, subject to any former grant or conveyance affecting said lands, be, and the same are hereby, granted and conveyed to the city of Durango, county of La Plata and State of Colorado, to have and to hold said lands to its use and behoof forever for the purposes of water storage and supply of its waterworks and the protection of its water supply, and for such purposes said city shall forever have the right in its discretion to control and use any and all parts of the said premises herein granted and conveyed in the construction of reservoirs, conduits, and flumes, and in the laying of pipes and mains and in making such improvements as may be necessary to store, utilize, protect from pollution, and enjoy the waters contained in any natural or constructed reservoir, basins, or waterways upon said premises.

SEC. 2. That if the said city of Durango shall, at any time hereafter, abandon the lands above described and cease to use the same for said purposes said above-described lands shall revert to the Government of the United States.

The committee amendments were read, as follows:

Amend, on page 1, in line 6, after the word "Colorado," by inserting the words "within the San Juan Forest Reserve."

Further amend by adding the following provisos to section 1, on page 4: "*Provided*, That the city of Durango shall pay for said land $1.25 per acre: *Provided further*, That the Forest Service of the United States Department of Agriculture shall have full power to patrol the said lands, and to protect them from fire and trespass: *Provided further*, That the Forest Service may dispose of the timber upon the said lands, except so much thereof as may be growing within 100 feet from the margin of any natural or constructed reservoir or of the main creeks within the said boundary flowing into any such reservoirs, under such additional rules for lumbering to protect said waters from pollution as shall be prescribed by the Forester and approved by the mayor of the city of Durango: *And provided further*, That if said city shall fence all or any part of said lands it shall provide practicable gates in such fence at points to be designated by the supervisor of the San Juan Forest Reserve."

The SPEAKER. Is there objection?

Mr. WILLIAMS. Reserving the right to object——

Mr. HOGG. Mr. Speaker, I would like to move to amend by striking out the second section.

The SPEAKER. The gentleman gives notice in case the bill is considered he will move to strike out the second section.

Mr. WILLIAMS. What does section 2 do?

Mr. HOGG. It contains a provision for a reversion of the property back to the Government in case they cease to use it. That was done when the original bill did not provide for the payment to the Government of this dollar and twenty-five cents an acre. This amendment which has been suggested by the committee charges them a dollar and a quarter an acre, which is the Government price, and this amendment obviates the necessity for that provision. They have to pay for the land at the Government price.

Mr. WILLIAMS. Is that all the land is worth?

Mr. HOGG. It is not worth that for any other purpose.

Mr. WILLIAMS. Is this a unanimous report of the committee?

Mr. HOGG. Yes, sir.

Mr. WILLIAMS. Is there a lawsuit now between the State of Kansas and Colorado affecting the use of the waters of this river?

Mr. HOGG. No; this water flows into the Gulf of California, in the western portion of the State.

Mr. WILLIAMS. This is the other river?

Mr. HOGG. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment offered by the gentleman from Colorado.

The Clerk read as follows:

Strike out section 2.

The amendment was agreed to.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. HOGG, a motion to reconsider the last vote was laid on the table.

Mr. HOGG. Mr. Speaker, I have another bill—H. R. 10292.

Mr. WILLIAMS. Mr. Speaker, if this is the request for unanimous consent, I will be forced to object.

Mr. HOGG. It is very short.

Mr. WILLIAMS. Perhaps at some other time I might not object to it, but I object now.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12843. An act to amend the seventh section of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the several acts amendatory thereto; and

S. 3292. An act to incorporate the Grand Council of the United States of the Improved Order of Red Men.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4302. An act to amend the provision in an act approved March 3, 1899, imposing a charge for tuition on nonresident pupils in the public schools of the District of Columbia;

S. 4426. An act to amend section 927 of the Code of Law for the District of Columbia, relating to insane criminals; and

S. 4168. An act to correct a typographical error in act approved July 1, 1898, entitled "An act to vest in the Commissioners of the District of Columbia control of street parking in said District."

LEAVE OF ABSENCE.

By unanimous consent, Mr. SCROGGY was granted leave of absence indefinitely, on account of illness.

Mr. OVERSTREET. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned to meet to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for relief of Col. Luis Fontana y Esteve, of Iligan, Mindanao, P. I.—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting, with a copy of a communication from the Auditor of the Department, a recommendation as to the destruction of certain papers—to Joint Select Committee on Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. NORRIS, from the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred the House joint resolution (H. J. Res. 120) proposing an amendment to the Constitution of the United States, providing for the election and term of office of members of Congress, reported the same without amendment, accompanied by a report (No. 3165); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BATES, from the Joint Select Committee on Disposition of Useless Papers in the Executive Departments, to which was referred House Document No. 593, relative to the disposition of useless papers in the Treasury Department, reported the same, accompanied by a report (No. 3168); which said document and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SPIGHT, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 11932) to grant American registry to the bark *Homeward Bound*, reported the same without amendment, accompanied by a report (No. 3166); which said bill and report were referred to the Private Calendar.

Mr. GOULDEN, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 7014) to provide American registers for the steamers *Marie* and *Success*, reported the same without amendment, accompanied by a report (No. 3167); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DENBY: A bill (H. R. 18022) to suspend the coming of Chinese laborers into the United States, and to provide for the admission into the United States of certain other Chinese persons and persons of Chinese descent, and for other purposes—to the Committee on Foreign Affairs.

By Mr. MURPHY: A bill (H. R. 18023) in relation to practice in civil actions in the District of Columbia—to the Committee on the Judiciary.

By Mr. BURTON of Ohio: A bill (H. R. 18024) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. CRUMPACKER: A bill (H. R. 18025) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes—to the Committee on Insular Affairs.

By Mr. STEENERSON: A bill (H. R. 18026) permitting the building of a dam across the Mississippi River near the city of Bemidji, Beltrami County, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON of North Carolina: A bill (H. R. 18027) to provide for the purchase of Fort Fisher, in the State of North Carolina, and to establish a national park thereat, and so forth—to the Committee on Military Affairs.

By Mr. PARSONS: A bill (H. R. 18028) making appropriations for the repair and improvement of the court-house and post-office building at New York City, N. Y., and the sidewalks surrounding the same—to the Committee on Public Buildings and Grounds.

By Mr. LOUD: A bill (H. R. 18029) to fix the salaries of tea examiners at the various ports of the United States—to the Committee on Ways and Means.

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 18030) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes—to the Union Calendar.

By Mr. STEPHENS of Texas: A joint resolution (H. J. Res. 135) to reduce the rentals of certain Indian lands in Oklahoma Territory—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 18031) granting an increase of pension to Daniel H. Toothaker—to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 18032) granting an increase of pension to Mary H. Scott—to the Committee on Pensions.

By Mr. BONYNGE: A bill (H. R. 18033) granting an increase of pension to Ida R. Broadwell—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 18034) granting a pension to Mary A. Montgomery—to the Committee on Pensions.

Also, a bill (H. R. 18035) granting a pension to Jacob N. McCullough—to the Committee on Pensions.

Also, a bill (H. R. 18036) granting a pension to William White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18037) granting a pension to John S. Alderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18038) granting an increase of pension to E. W. Briggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18039) granting an increase of pension to John W. Stephens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18040) granting an increase of pension to Thomas Akin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18041) granting an increase of pension to William R. Hiner—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 18042) granting an increase of pension to James H. Sinclair—to the Committee on Invalid Pensions.

By Mr. BYRD: A bill (H. R. 18043) for the relief of Thomas P. Burnham, administrator of the estate of D. J. Burnham, deceased—to the Committee on War Claims.

By Mr. CAMPBELL of Ohio: A bill (H. R. 18044) granting an increase of pension to Thomas Murphy—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 18045) granting an increase of pension to John M. Webb—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 18046) granting an increase of pension to John H. Allison—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 18047) granting an increase of pension to William Carpenter—to the Committee on Pensions.

By Mr. HULL: A bill (H. R. 18048) granting a pension to Mary G. Cummins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18049) granting an increase of pension to James M. Means—to the Committee on Invalid Pensions.

By Mr. KEIFER (by request): A bill (H. R. 18050) to enable the President to restore Second Lieut. Henry Ossian Flipper to duty, rank, and status in the United States Army—to the Committee on Military Affairs.

By Mr. KENNEDY of Nebraska: A bill (H. R. 18051) for the relief of Charles A. Hubbard—to the Committee on Claims.

By Mr. LAFEAN: A bill (H. R. 18052) granting a pension to John Lewis Bernard Breighner—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 18053) granting a pension to Willis R. Denny—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 18054) granting an increase of pension to Stewart J. Donnelly—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 18055) for the relief of the estate of Solomon Landis, deceased—to the Committee on War Claims.

By Mr. McGUIRE: A bill (H. R. 18056) granting an increase of pension to Moses Davis—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 18057) for the relief of the estate of James S. Ford, deceased—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 18058) granting an increase of pension to John Bailey—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 18059) granting an increase of pension to Catherine McDowell—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 18060) granting a pension to Shray J. Harwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18061) granting an increase of pension to Oliver W. Shockley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18062) granting an increase of pension to Henry Shireman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18063) granting an increase of pension to William C. Peterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18064) granting an increase of pension to James M. Watts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18065) to amend and correct the records of Company I, Fourth Regiment Missouri Volunteer Infantry, by including the name of William J. Elmer therein, with the dates of his enlistment and discharge—to the Committee on Military Affairs.

By Mr. NORRIS: A bill (H. R. 18066) granting an increase of pension to Alexander M. Fergus—to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 18067) granting an increase of pension to Joseph Guiott—to the Committee on Invalid Pensions.

By Mr. RUPPERT: A bill (H. R. 18068) removing the charge of desertion from the naval record of Frederick T. Thompson—to the Committee on Naval Affairs.

By Mr. SAMUEL: A bill (H. R. 18069) granting an increase of pension to Cornelius Vanderbilt—to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 18070) for the relief of Josiah Saudt—to the Committee on Military Affairs.

Also, a bill (H. R. 18071) for the relief of Samuel Snyder—to the Committee on Military Affairs.

By Mr. SMITH of Texas: A bill (H. R. 18072) granting an increase of pension to Charles W. Bracken—to the Committee on Pensions.

Also, a bill (H. R. 18073) granting an increase of pension to Mary McFarlane—to the Committee on Pensions.

By Mr. STANLEY: A bill (H. R. 18074) for the relief of the estate of W. C. Russell, deceased—to the Committee on War Claims.

By Mr. SULZER: A bill (H. R. 18075) granting a pension to Anna E. Kingston—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 18076) granting an increase of pension to Elizabeth Bartley—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 17547) granting an increase of pension to Florence L. M. Mentz, and it was referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the T Square Club, of Philadelphia, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. ADAMS of Pennsylvania: Petition of the T Square Club, of Philadelphia, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Andrew Eissler, jr., et al., for the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. AIKEN: Paper to accompany bill for relief of Elizabeth Hodges—to the Committee on Pensions.

By Mr. BARTHOLDT: Petition of the St. Louis Credit Men's Association, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of Camp Lorance B. De Witt, Army of the Philippines, for bill by Mr. ROBERT W. BONYNGE, of Colorado, relative to medals for officers and enlisted men of the Army—to the Committee on Military Affairs.

Also, petition of citizens of St. Louis County, against consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BEALL of Texas: Paper to accompany bill for relief of Andrew C. Woodard—to the Committee on Pensions.

Also, paper to accompany bill for relief of J. J. Elliott—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Thomas B. Hutchinson—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of W. H. Dobbins—to the Committee on Invalid Pensions.

By Mr. BINGHAM: Petition of the T Square Club, of Philadelphia, against commerical spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. BOUTELL: Petition of citizens of Glenwood, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of Thomas Aiken—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William R. Hiner—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William White—to the Committee on Invalid Pensions.

Also, petition of the Independence County (Ark.) Union, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John W. Stephens—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Victor Grange, North Fairfield, Me., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Mr. CLARK of Florida: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. COLE: Petition of citizens of Bellefontaine, Ohio, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. COOPER of Wisconsin: Petition of citizens of Racine and Somers, Wis., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DARRAGH: Petition of citizens of Lakeview, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DRISCOLL: Petition of Kemp, Burpee & Co., the Syracuse Chilled Plow Company, and A. R. Fairbanks et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FOWLER: Petition of citizens of Elizabeth, Dover, Rahway, Rockaway, Plainfield, Hope, Summit, Roselle, and Westfield, N. J., for bill H. R. 15442—to the Committee on Immigration and Naturalization.

By Mr. GARDNER of Massachusetts: Petition of the Twenty-fourth Club of Haverhill, Mass., for legislation to improve the condition of women labor in the United States—to the Committee on the District of Columbia.

By Mr. GILLETT of Massachusetts: Petition of North Brookfield (Mass.) Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GLASS: Paper to accompany bill for relief of William H. Patterson—to the Committee on Invalid Pensions.

By Mr. GOEBEL: Petition of the Nomad Club, of Cincinnati, Ohio, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. GOLDFOGLE: Petition of the National Council of Women of the United States, for a child's bureau in the District of Columbia (child-labor bill)—to the Committee on the District of Columbia.

By Mr. GRAHAM: Petition of J. M. McElvany et al., for relief of the landless Indians of northern California—to the Committee on Indian Affairs.

By Mr. HAMILTON: Petition of citizens of Bangor, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of soldiers of Summitsville, Ind., for increase of pension for ex-prisoners of war (H. R. 15585)—to the Committee on Invalid Pensions.

By Mr. HASKINS: Petition of Eclipse Grange, of Thetford, Vt., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HAYES: Petition of the First Congregational Church of Redwood City, Cal., for relief for Indians of California—to the Committee on Indian Affairs.

Also, petition of J. G. Watson et al., for relief of certain landless Indians in northern California—to the Committee on Indian Affairs.

Also, petition of the National Council of Women of the United States, for bills S. 50 and H. R. 4462 and 6001 (child-labor bills)—to the Committee on the District of Columbia.

Also, petition of citizens of Santa Clara County, Cal., for relief of Indians in California—to the Committee on Indian Affairs.

Also, petition of M. Bulman, against passage of bill H. R. 12973—to the Committee on Foreign Affairs.

By Mr. HILL of Connecticut: Paper to accompany bill for relief of William Carpenter—to the Committee on Invalid Pensions.

By Mr. HOUSTON: Paper to accompany bill for relief of estate of N. B. Reese (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. LAFEAN: Petition of A. B. Farquhar, of York, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LIVINGSTON: Paper to accompany bill for relief of estate of Solomon Landis, of Fulton County, Ga.—to the Committee on War Claims.

By Mr. LOUD: Petition of many citizens of Michigan, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Rose City, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PEARRE: Petition of citizens of Takoma Park, Md., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. REEDER: Petition of citizens of Glen Elder, Kans., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SCHNEEBELI: Petition of the Baltimore and Philadelphia Steamboat Company, against bill H. R. 17129 (on a patented article—to the Committee on Interstate and Foreign Commerce.

Also, petition of Henson & Pearson, the Provident Lumber Company, the Lumberman's Exchange, the W. M. Lloyd Company, and the H. C. Patterson Company, all of Philadelphia, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of William Petit—to the Committee on Pensions.

By Mr. SOUTHARD: Petition of Cuyahoga Lodge, No. 20, of the Brotherhood of Boiler Makers and Iron-ship Builders of America, for the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of M. C. Trout, urging that the Postmaster-General be required to show cause for issuing the fraud order against the People's Bank—to the Committee on Rules.

Also, petition of Katherine C. Murphy, Mrs. W. A. Somerville, and Mrs. Ella C. Magruder, for legislation to investigate the industrial condition of women in the United States—to the Committee on the District of Columbia.

Also, petition of numerous veteran soldiers of Ohio, for the Dalzell bill (H. R. 9)—to the Committee on Invalid Pensions.

By Mr. SPIGHT: Papers to accompany bill H. R. 17944, relative to a bridge across Tallahatchie River, Mississippi—to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNSEND: Petition of Onsted (Mich.) Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Jackson County, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WEEMS: Petition of R. P. Scott et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Theodore T. Bueil—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *April 12, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

BUREAU OF ENGRAVING AND PRINTING.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Director of the Bureau of Engraving and Printing submitting an increase in the force provided for in the legislative, executive, and judicial appropriation bill as proposed by the House of Representatives, and heretofore paid from the appropriations for engraving and printing, and suggesting an amendment to the restrictive provision in connection therewith; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

FOREST RESERVES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 5th instant, a statement of the amount of money that has been collected under the provisions of section 5 of an act entitled "An act providing for the transfer of forest reserves from the Interior Department to the Department of Agriculture," approved February 1, 1905, and the approximate estimate of the amount that will be collected during the present fiscal year, etc.; which, on motion of Mr. HEYBURN, was ordered to lie on the table, and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 980. An act to authorize the sale of a portion of the Lower Brule Reservation in South Dakota, and for other purposes; and

S. 2188. An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 6158. An act granting an increase of pension to Henry Rittenhouse;

H. R. 6401. An act granting an increase of pension to William V. Van Ostern;

H. R. 9924. An act granting an increase of pension to Carrie A. Conley;

H. R. 11748. An act granting an increase of pension to James Wilson; and

H. R. 13010. An act granting an increase of pension to Alice B. Hartshorne.

The message further announced that the House had passed a bill (H. R. 12872) to amend an act entitled "An act to amend and codify the laws relating to municipal corporations in the district of Alaska," approved April 28, 1904; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 3292. An act to incorporate the Grand Council of the United States of the Improved Order of Red Men;

S. 4168. An act to correct a typographical error in act approved July 1, 1898, entitled "An act to vest in the Commissioners of the District of Columbia control of street parking in said District;"

S. 4302. An act to amend the provision in an act approved March 3, 1899, imposing a charge for tuition on nonresident pupils in the public schools of the District of Columbia;

S. 4426. An act to amend section 927 of the Code of Law for the District of Columbia, relating to insane criminals; and

H. R. 12843. An act to amend the seventh section of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the several acts amendatory thereto.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Flatbush Taxpayers' Association, of Brooklyn, N. Y., praying for the enactment of legislation providing for the construction of a United States battle ship at the Brooklyn Navy-Yard; which was referred to the Committee on Naval Affairs.

Mr. FRYE presented a petition of the board of aldermen and common council of Bridgeport, Me., praying for the enactment of legislation to establish national forest reserves in the Appalachian and White Mountains; which was ordered to lie on the table.

Mr. PROCTOR presented a petition of Green Mountain Council, No. 5, Daughters of Liberty, of Newport Center, Vt., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Shakespeare Club of Lyndonville, Vt., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented a petition of Concord Lodge, No. 537, Brotherhood of Railroad Trainmen, of Concord, N. H., and a petition of Unionville Council, No. 159, Junior Order of United American Mechanics, of Sandy Bottom, Va., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of the Citizens' Northwest Suburban Association, of Washington, D. C., praying for the enactment of legislation providing for the purchase of additional land for the extension of Rock Creek Park; which was referred to the Committee on the District of Columbia.

Mr. HEYBURN presented an affidavit to accompany the bill (S. 5212) to correct the military record of John J. Muehleisen; which was referred to the Committee on Military Affairs.

Mr. RAYNER (for Mr. GORMAN) presented an affidavit to accompany the bill (S. 2129) for the relief of the vestry of St. Paul's Protestant Episcopal Church, situated near Point of Rocks, Md.; which was referred to the Committee on Claims.

He also (for Mr. GORMAN), presented an affidavit to accompany the bill (S. 2728) granting an increase of pension to Louisa Carr; which was referred to the Committee on Pensions.

Mr. KNOX presented a memorial of the Pittsburg Steel Construction Company, of Pittsburg, Pa., and a memorial of Alexander Laughlin & Co., of Pittsburg, Pa., remonstrating against the passage of the so-called "anti-injunction bill;" which were referred to the Committee on the Judiciary.

He also presented memorials of L. H. Workman, of Farmington; Robert Buist Company, of Philadelphia; National Nitro-Culture Company, of West Chester; M. H. Haines, of Rossiter; Henry A. Dreer, of Philadelphia; Charles M. Weaver, of Ronks, and of S. L. Allen & Co., of Philadelphia, all in the State of Pennsylvania, and of Peter Henderson & Co., of New York City, N. Y., remonstrating against the enactment of legislation providing for an appropriation for the distribution of free seeds; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of C. W. Biddinger, of Steelton; William Dreosbach, of Philadelphia; J. C. Singleton, of McKees Rocks; F. J. Crow, of McKees Rocks, and of Council No. 282, Junior Order United American Mechanics, of Wilkesbarre, all in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of E. C. Little, of Washington; Alex. Reed, of Washington, and Hawthorne Avenue Presbyterian Church, of Crafton, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented memorials of The Bible Workers' Band, of the First Baptist Church of Homestead; the South Side Branch, Woman's Christian Temperance Union, of Pittsburg, and of 10 citizens of Homewood, Pittsburg, all in the State of Pennsylvania, remonstrating against the repeal of the present anti-canteen law; which were referred to the Committee on Military Affairs.

He also presented petitions of John M. Gallaghet, of Pittsburg; 3 citizens of Leechburg; Alfred F. Edgell, of Philadelphia; John S. Hang, of West Philadelphia; T Square Club, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation to prevent the destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were referred to the Committee on Forest Reservations and the Protection of Game.

CONDITIONS IN THE KONGO FREE STATE.

Mr. MORGAN. I present a memorial from the Kongo Reform Association, a very large, intelligent, and powerful body of men. I am not quite sure but that the President of the Senate several days ago presented a similar memorial. I now present it with the request that it be inserted in the RECORD, and also that it be printed as a document. I do not care to detain the Senate by having it read, because Senators, I think, will read it with great interest, and the reading at this moment would produce no impression upon the country.

There being no objection, the memorial was ordered to lie on the table, to be printed as a document, and to be printed in the RECORD, as follows:

To the Congress of the United States of America:

In pursuance of the end sought in memorials heretofore addressed to you in the interest of the people of the Kongo State by members of our association in many parts of the country we would most respectfully ask your attention to the following statements:

We have learned with satisfaction that the State Department, while recognizing that our Government does not share the powers of the Berlin signatories, is prepared to give careful consideration to all information regarding conditions in the Kongo State, and to any suggestions that may be offered as to forms of action believed to be open to our Government.

NEW MISSIONARY TESTIMONY.

As respects the facts of the situation, we beg to submit to you the inclosed documents, one of which (Document A) contains the signature of fifty-two missionaries, being a unanimous expression by a conference held at Kinchassa (Stanley Pool), Africa, January 11, 1906, which was representative of six nationalities and of six well-known organizations engaged in mission work in the Kongo State. Of these missionaries, nineteen are connected with American missionary societies.

We would particularly call your attention to the following paragraphs in this document:

"We had hoped when we last met two years ago that some amelioration of the unhappy condition of things existing would be effected, but we profoundly regret to state that in many parts of the land this condition is still unaltered.

"We have never been other than loyal to the State, and have borne this and other grievances, which we would have more strongly protested against but that we hoped they were only a passing phase of affairs.

"We have no object in view but that of the interests of humanity and the desire that the natives shall not be caused to disappear from off the face of the earth. And so we would utter again our solemn protest against the terrible state of affairs still existing in the Kongo State, and we appeal in the name of justice, liberty, and humanity to those who value these blessings to help in every lawful way to secure them for all the Kongo peoples."

FINDINGS OF THE COMMISSION OF INQUIRY.

The second document (Document B) presents citations made from the report to King Leopold by the commission of inquiry appointed by him. The selections herein made from this report present passages relating to the condition of the native people. It appears to us that these passages should be viewed independently of other points treated in the report of the commission. Whether the wholesale defeat of the aims in view in the recognition of the Kongo State is excusable because of adverse conditions; whether the enterprise of the State in the construction of public works counterbalances the oppression, enslavement, and threatened extermination of the people; whether any alleged improvement in conditions is permanent, and extends beyond the little section visited in the vast territory; whether laws upon the statute books have been sincere, or otherwise; whether the reforms suggested are adequate and properly guaranteed; whether the present system of enforced labor is justified and must be continued; all these, we believe, are questions for consideration by a responsible tribunal, and should not be confused with the one vital question now at issue, the condition of the people under the rule of the Kongo government.

THE TESTIMONY HEARD BY THE COMMISSION.

The third document (Document C) is submitted with a view to remedying a grave defect in the report of the commission of inquiry. The Kongo government has failed to make accessible to the public, and to other governments, the evidence presented at its hearings. It seems to us that this course, which would not be tolerated in any civilized country in a case of importance, is the more to be regretted in this instance in view of the ex parte character of the commission's appointment, and the gravity of the interests affected. We would respectfully urge that the publication of this evidence by the Kongo government shall be requested by you. As a provisional substitute for such publication, we present the statements of witnesses in the accompanying document. The fact that their authors declare these statements to be a reproduction of records of the commission now on file at Brussels—a representation which may at once be disproved if it is unreliable—gives us additional confidence in calling your attention to the shocking disclosures thus made.

INTERNATIONAL ACTION A NECESSITY.

With reference to the condition thus disclosed, we would respectfully urge that international action is a necessity. The Kongo Government evidently is disqualified for dealing satisfactorily with the existing situation, in view of its alleged responsibility for the wrongs reported, and of its acknowledged commitment to maintenance of the system of territorial monopolization to which it is declared these wrongs are directly traceable.

As respects the procedure to be chosen by our Government in promoting the desired international action, it is obviously unfitting that we should attempt decision, yet, in view of the expression made to us by the State Department, we beg leave to offer the following suggestions:

RELATION OF THE UNITED STATES GOVERNMENT TO THE BERLIN SIGNATORIES.

We would respectfully call your attention to the fact that, while it is plain our Government does not share the supervisory powers belonging to the signatories of the general act of the Berlin conference, it is equally clear that our Government is not to be regarded as having cut itself aloof from the body composing the conference at Berlin; for, when this body, five years after its meeting at Berlin, was reconvened at Brussels, the United States Government, by virtue of its original relations to the issues under consideration and its presence and influence at Berlin, was invited to participate in the conference; and, while careful to avoid any form of action implying full ratification of the Berlin act, our representatives, in response to the urgent request of their associates, and under cabled advice from the United States Government, were full participants in the action taken. We would, therefore, urge that, by virtue of this renewal of relations with the powers having

supervisory relation to the administration of the Kongo State, we may at this juncture with entire propriety suggest to the powers the importance of meeting again for consideration of the grave reports now current, and may also without impropriety participate in the discussions of such meetings, while declining to act in provisions implying definitely supervisory functions.

It may be noted that assurance of recognition by the powers of the propriety of such manifestation of concern is afforded by the desire so strongly expressed at Brussels for continued participation by our Government in the settlement of issues in the Kongo territory. It will be recalled that one important action of the conference at Brussels was modified in form because, as the president, a representative of Belgium, stated, a different form of proceduce would be "desirable in view of facilitating the accession to the treaty of a great power, which, from the very beginning of the labors of the conference, has given token of its sincere sympathy with the work undertaken and of the cooperation which it is disposed to give it, a cooperation which the conference has great interest in receiving."

POWERS AND OBLIGATIONS UNDER THE BRUSSELS ACT.

We would further ask your attention to the fact that the Brussels conference, regarded independently of its relations to the preceding conference, apparently offers ground for action by our Government. You will recall that this conference represented a joint cooperative effort for relief of conditions in the Kongo territory. While dealing primarily with measures for "repression of the African slave trade," it was animated by a purpose of larger scope disclosed by the declaration of its aim of "effectively protecting the original population of Africa and securing for this vast continent the benefits of peace and civilization."

Certain engagements were entered into by the powers administering government in the designated territory, certain other engagements falling to the contiguous powers and certain minor engagements belonging to all the signatories; but all alike committed themselves to the cooperative purpose represented by the conference. It would appear also that the United States Government was a full signatory of the general act of Brussels, France alone ratifying the agreement partially, as is indicated by the protocol signed at Brussels January 2, 1892. The reservation made in the action of the United States was of the character of a memorandum presenting an interpretation of the scope of the act, an interpretation conceded by the other signatory powers.

We recall that the President of the United States, in making publication of the general act of Brussels, states that it was duly ratified, together with the protocol of January 2, by the United States Government, and adds that the act is "made public to the end that the same, and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof."

We would urge that, under the general act of Brussels, our Government is entitled to suggest to the powers the propriety and importance of instituting an inquiry to determine whether the government of the Kongo State, by its permission of conditions reproducing the worst horrors of the slave trade, is not in violation of the spirit, and of certain specific engagements, of its agreement under the act of Brussels, and that it may inquire, further, whether the system of monopolization of territory and products maintained and enforced by the Kongo government is not itself fatally hostile to the discharge of the engagements contracted by the government in the act of Brussels and thus fatal to the purpose of the powers as represented by that act. It would further appear that our Government, having the power, is under obligation to take this course in view of the extreme gravity of current reports.

It is noteworthy that, in its treaty with the Kongo State, our Government makes mention of the obligations which that State has contracted by virtue of the act of Brussels, and indicates its desire to facilitate discharge of these obligations (Article X).

OTHER INDEPENDENT GROUNDS OF ACTION.

While holding, as we have thus indicated, that our Government is entitled to participate in the proposed international consideration of conditons in the Kongo State, and that it is important that at this juncture it shall discharge its full responsibility for the protection of a cruelly wronged people, we would ask your attention to the treaty relations sustained by the United States to the Kongo Government. The treaty pledged "full, entire, and reciprocal liberty of commerce," and provides that "the citizens of the United States can freely exercise their industry or their business in the whole extent" of the territory of the Kongo State, a provision with which the commercial system maintained in the Kongo State is in direct conflict. It provides also for resort to a tribunal of arbitration "in case difference of views shall arise respecting the maintenance, obligation, or interpretation of any provision of the engagement."

It is apparent that yet another form of action is open to our Government, which has certain rights by virtue of its membership in the family of nations. The reserved right belonging to individuals and nations to protest against iniquity and to intervene for the protection of helpless victims of oppression is inalienable with our Government.

HISTORICAL POSITION OF OUR GOVERNMENT.

The Kongo Reform Association, representing citizens of all sections of the country, irrespective of party or religious connection, is deeply concerned that our Government shall not fail to discharge its just obligations for relief of the unjust and cruel conditions to which we have invited your attention. We recall the interest taken by the United States in the avowed philanthropic mission of the Kongo State, the recognition promptly extended to it, and the favor shown to it at critical periods of its history.

The position of our Government, as defined by its relation to the conferences, would seem to give us a unique advantage in that we have conspicuously declined to accept any form of political benefit in this territory, and may, therefore, act for the protection if its people without suspicion of other than high and generous motives. We recall that in entering the conference at Berlin our representative, Mr. Terrell, said: "The Government of the United States has wished to show the great interest and deep sympathy it feels in the great work of philanthropy which the conference seeks to realize. Our country must feel beyond all others an immense interest in the work of this assembly." In urging a full participation by our Government in the action of the conference, it was remarked by a prominent member of that body: "We attach the highest value to the cooperation of the United States in our work. We know that their traditional policy is to stand aloof from the treaties and political arrangements of European nations, but the work which we are carrying on is purely humanitarian; its only object is the extinction of the slave trade and the improvement of the negro's lot—an object for which the United States has so often poured out blood and treasure."

The president of the conference, Baron Lambermont, a representative of Belgium, remarked: "The president continues to hope that the Government of the United States, which was the first to recognize the Kongo Free State, will not be one of the last to give it the assistance of which it may stand in need."

With an unfaltering confidence that the action taken by our Government will be in accord with these generous sentiments, and that through it this people, disfranchised of the sacred rights of life, liberty, and the pursuit of happiness, may rise at length from their low estate to that place in the commonwealth of nations for which development under a just rule may fit them, our communication is respectfully submitted.

G. Stanley Hall, Samuel B. Capen, Benjamin F. Trueblood, John R. Gow, Wm. E. Huntington, Herbert S. Johnson, Frederick B. Allen, Edward H. Clement, Edward M. Hartwell, Thomas Lacey, Charles F. Dole, Edward W. Capen, Edwin D. Mead, Everett D. Burr, Charles Fleischer, Thomas S. Barbour, local committee of the Kongo Reform Association.

HUGH P. MCCORMICK,
Corresponding Secretary.

BOSTON, MASS., *March 30, 1906.*

DOCUMENT A.

An appeal from missionaries in the Kongo State.

KINCHASSA, STANLEY POOL,
KONGO INDEPENDENT STATE,
January 11, 1906.

We, the undersigned evangelical missionaries from Great Britain, the United States of America, Canada, Germany, Sweden, Norway, and Denmark, working on the Kongo, many of whom have been in the country for over twenty years, being assembled at our third general conference at Kinchassa, Stanley Pool, desire to place on record our views as to the present state of affairs in this country. We had hoped when we last met two years ago that some amelioration of the unhappy condition of things existing would be effected, but we profoundly regret to state that in many parts of the land this condition is still unaltered.

We are greatly disappointed that the memorial presented to the sovereign of the state, through the governor-general, on 1st of March, 1904, has elicited no reply.

We regret that the report of the commission of inquiry as published does not convey to the general public an adequate impression of what has occurred, since so much evidence presented has been omitted or only referred to in very modified terms.

Although we recognize the courtesy of the commissioners and their impartiality in hearing evidence and feel gratified by the fact that their findings have entirely justified the attitude taken by missionaries and others in exposing the terrible state of affairs, we still feel that the reforms suggested are merely palliative, leaving untouched the main root of the evil, which we all recognize to be the system in force. On the one hand this system, wherever applied, robs the native of his right to the free use of the land and its products and, on the other, compels him to labor as a serf under the name of taxation, while for the most part practically nothing is being done for the good of the natives thus taxed.

We are convinced that the atrocities, which have been abundantly proved, and which still continue to be perpetrated, no less than the general oppression resulting from this so-called "taxation," are the natural outcome of the system adopted, of the radical alteration of which we see no sign.

Several missionaries present [from the interior] have testified that the acts of oppression complained of are still practiced, and, despite the recommendations of the commission, practically no attempts have been made to change the old régime. We earnestly protest against this continued disregard of all the appeals and evidence laid before the authorities.

We also emphatically protest against the repeated refusal to sell sites for mission stations to our societies, contrary to the provisions of the general act of the conference of Berlin. We have never been other than loyal to the State, and have borne this and other grievances which we would have more strongly protested against but that we hoped they were only a passing phase of affairs.

We have no object in view but that of the interests of humanity and the desire that the natives shall not be caused to disappear from off the face of the earth. And so we would utter again our solemn protest against the terrible state of affairs still existing in the Kongo State, and we appeal in the name of justice, liberty, and humanity to those who value these blessings to help in every lawful way to secure them for all the Kongo peoples.

Trusting in Almighty God, we send forth this our protest and appeal.

Alexander L. Bain, A. B. M. U.; Hilda Bain, A. B. M. U.; Fred'k Beale, C. B. M.; George R. R. Cameron, B. M. S.; Josephine M. Cameron, B. M. S.; Ernest Cartwright, C. B. M.; Emil Cederblom, S. M. S.; James A. Clark, B. M. S.; Joseph Clark, A. B. M. U.; Lawson Forfeitt, B. M. S.; Mary Forfeitt, B. M. S.; Peter Frederickson, A. B. M. U.; Matilda R. Frederickson, A. B. M. U.; Horace S. Camman, C. B. M.; Viola C. Camman, C. B. M.; J. O. Gotaas, A. B. M. U.; H. H. C. Graham, B. M. S.; George Grenfell, B. M. S.; W. A. Hall, A. B. M. U.; Charles H. Harvey, A. B. M. U.; H. P. Hawkins, A. P. C. M.; A. F. Hensey, F. C. M. S.; Thomas Hill, A. B. M. U.; Clara E. Hill, A. B. M. U.; John Howell, B. M. S.; Emmeline Howell, B. M. S.; George S. Jeffrey, C. B. M.; Rose Jeffrey, C. B. M.; R. Lanyon Jennings, B. M. S.; Hilda H. Jennings, B. M. S.; K. E. Laman, S. M. S.; W. H. Leslie, M. D., A. B. M. U.; Clara H. Leslie, A. B. M. U.; Thomas Lewis, B. M. S.; Gwen. E. Lewis, B. M. S.; Catharine L. R. Mable, M. D., A. B. M. U.; Paul C. Metzger, A. B. M. U.; Thomas Moody, A. B. M. U.; Seymour E. Moon, A. B. M. U.; T. Hope Morgan, C. B. M.; E. Louise Morgan, C. B. M.; G. N. Nykvist, S. M. S.; H. Richards, A. B. M. U.; A. E. Scrivener, B. M. S.; J. R. M. Stephens, B. M. S.; Alfred R. Stonelake, B. M. S.; Ellen S. Stonelake, B. M. S.; Ernst Storm, S. M. S.; Ester Storm, S. M. S.; H. Wallbaum, C. B. M.; Margaret Wallbaum, C. B. M.; Martin Westling, S. M. S.

NOTE.—A. B. M. U. stands for American Baptist Missionary Union; A. P. C. M. for American Presbyterian Congo Mission; B. M. S. for Baptist Missionary Society; C. B. M. for Congo Balolo Mission; F. C. M. S. for Foreign Christian Missionary Society, and S. M. S. for Swedish Missionary Society.

DOCUMENT B.

Extracts from the Commission's report.[a]

MATERIAL DEVELOPMENT.

In this sinister and mysterious continent a state has become constituted and organized with a marvelous rapidity, introducing into the heart of Africa the benefits of civilization. To-day security reigns in this immense territory. Almost everywhere the white man, where not animated with hostile intentions, can penetrate without escort or arms. Towns resembling our most coquettish seaside resorts, which lighten up and animate the banks of the great river; and the two rail heads of the Lower Congo Railway—Matadi, where the ocean steamers arrive, and Leopoldville,[b] the great fluvial port, with the activity of its dockyards, make one think of busy European cities.

GOVERNMENT FIRMLY ESTABLISHED.

With a limited number of officials the State has accomplished the task of effectively occupying and administering its great domain. By the wise distribution of its government stations it has succeeded in coming into contact with what is practically the whole native population. The villages are now few which fail to recognize the authority of "Boula Matadi." Reports received periodically enable it to profit immediately from the experience of its 2,000 agents. On its side it lets its directing power be felt. From instructions constantly forwarded to the department chiefs it makes known a programme to be followed by the officials of every grade. The unity of administration is found everywhere.

APPROPRIATION OF LAND AND PRODUCTS.

In default of a legal definition, it seems to have been generally admitted on the Kongo that lands considered as being occupied by the natives are exclusively the portions of territory upon which they have established their villages or raised their plantations.

It has even been admitted that on the land occupied by them, the natives can not dispose of the produce of the soil except to the extent in which they did so before the constitution of the State.

As the greater portion of the land in the Kongo is not under cultivation, this interpretation concedes to the State a right of absolute and exclusive ownership over virtually the whole of the land,[c] with this consequence: That it can dispose—itself and solely—of all the products of the soil; prosecute as a poacher anyone who takes from that land the least of its fruits, or as a receiver of stolen goods anyone who receives such fruit.

THE NATIVE—POSSESSES NOTHING.

There are no native reserves, and, apart from the rough plantations which barely suffice to feed the natives themselves and to supply the stations, all the fruits of the soil are considered as the property of the State or of the concessionaire societies. Thus, although the freedom of trade is formally recognized by law, the native does not own in many places the objects which constitute trade.

CHANGE OF RESIDENCE PROHIBITED.

The laws of the State guarantee in the most absolute manner the personal liberty of the natives who enjoy, in the same manner as the white man, the right of traveling all over the territory. Such, moreover, is the doctrine of the courts, who have affirmed this incontestable right. However, the local government has in recent circulars appeared to contest, if not the strict right, at least the possibility of the native displacing himself. These circulars, based upon the principle that all land not effectively occupied belongs to the State, deduce therefrom the consequence that the native can not settle elsewhere than in the village where he was born without obtaining the authorization of the State beforehand.

The activity of the natives is thus limited to very restricted areas, and their economic condition is immobilized. Thus abusively applied such legislation would prevent any development of native life. In this manner not only has the native been often forbidden to shift his village, but he has even been forbidden to visit, even temporarily, a neighboring village without special permit. A native displacing himself without being the bearer of such an authorization would leave himself open to arrest, to be taken back and even punished.

ALL PRODUCTS CLAIMED BY THE STATE.

The labor tax is the only impost possible on the Kongo, because the native, as a general rule, possesses nothing beyond his hut, his weapons, and a few plantations strictly necessary for his subsistence.[d]

It is useful to point out that according to the arrete of 5th October, 1889, "any person can use his weapons to defend his life or property threatened by one or several elephants. If the adoption of such measures lead to the capture or the death of the elephant, the animal must be handed over to the district commissioner."

DEFENSE OF SMALL PAYMENT MADE TO NATIVES FOR PRODUCTS OF COUNTRY.

It is just, on the other hand, that remuneration should be limited to the value of the labor furnished by the native, and that he should not be paid according to the value of the produce obtainable by his work, because as a rule the produce does not belong to him—he merely furnishes the work necessary to secure it.

COLLECTION OF PRODUCTS AND BONUSES TO AGENTS.

Each official in charge of a station, or agent in charge of a factory, claimed from the natives, without asking himself on what grounds, the most divers imposts in labor or in kind, either to satisfy his own needs and those of his station, or to exploit the riches of the domain.

When the agent was reasonable, he endeavored to conciliate the interests of the State or the companies with those of the natives, and sometimes he obtained much without violent measures, but numbers of agents only thought of one thing—to obtain as much as possible in the shortest possible time; and their demands were often excessive. This is not at all astonishing, at any rate as regards the gathering of the produce of the domain. For the agents themselves regulated the tax and saw to its collection and had a direct interest in increasing its amount, since they received proportional bonuses on the produce thus collected.[e]

THE FOOD TAX.

The population in the first zone must furnish the kwanga every four days; those in the second, every eight days; those in the third, every twelve days. Such is the system. Its inconveniences can immediately be observed. All the witnesses heard by the commission have been unanimous in criticising, notably the exaggerated quantity imposed upon the women of certain villages, the continuity of the imposition, and the long journeys demanded of the taxpayers. The most painful aspect of this tax is its continuity. As kwanga only keeps for a few days, the native, even by duplicating his activity, can not succeed in liberating himself from the imposition for a lengthy period. This imposition, even if it does not demand the whole of his time, weighs upon him continually by the short time elapsing between the supplies he has to furnish, which causes the tax to lose its true character and transforms it into a veritable corvee, since there is always with him the thought of the delivery that must soon be made.

These carriers are the people who constitute the industrious element in the village, and if the greater part of their time is absorbed by the exigencies of the tax and the necessity of providing for their own sustenance, they have barely the time, even if they show good will, to devote themselves to anything else; whence comes the abandonment of native industries and the incontestible impoverishment of the villages. Missionaries, both Catholic and Protestant, whom we heard at Leopoldville, were unanimous in accentuating the general wretchedness existing in the region. One of them said that "this system, which compels the natives to feed 3,000 workmen at Leopoldville, will, if continued for another five years, wipe out the population of the district."

It is not admissible that one should be compelled to travel 150 kilometers (94 miles) to bring to the place of delivery a tax representing a value of about 1½ francs (30 cents).

As for the sheep, the goats, the fowls, and the ducks, the commission was able to observe for itself their increasing scarcity, and consequently their dearness. What is the reason for this impoverishment? Precisely because these animals, instead of being an object of commerce, are demanded as a tax, often in a most arbitrary fashion. The native who only receives remuneration insufficient in his eyes, and in any case notably inferior to the real value, is not in the least encouraged to breed goats or fowls.

Apart from a few kilograms of fresh fish for the white men, which are generally furnished without difficulty, virtually the entire produce of native fisheries consists in rations of dried fish for the black workmen. This imposition gives rise to the same inconveniencies as in the case of the kwanga imposition. Almost everywhere the quantities demanded have given rise to complaints, especially on the part of chiefs of villages, the population of which had decreased, and which were taxed disproportionally to the number of their inhabitants. We found that, some of the banks of the river being sparsely populated, stations like those of Nouvelle Anvers, for instance, were compelled to call in the services of fishermen a long way off. Natives inhabiting the neighborhood of Lulonga were compelled to travel in canoes to Nouvelle Anvers, a journey of from 40 to 50 miles, every fortnight, to bring their fish, and taxpayers have been imprisoned for delays which were, perhaps, not attributable to them, if one bears in mind the considerable distances to be traversed to satisfy the demands made by the imposition.[f]

THE PORTERAGE SYSTEM.

Judicial officials have informed us of the sorry consequences of the porterage system; it exhausts the wretched people who are subjected to it, and threatens them with partial destruction.[g]

RUBBER COLLECTION.

This circumstance—exhaustion of the rubber—explains the repugnance of the native for rubber work, which, in itself, is not particularly painful. In the majority of cases the native must go one or two days' march every fortnight, until he arrives at that part of the forest where the rubber vines can be met with in a certain degree of abundance.

[a] These representative extracts are carefully verified translations of the original French of the report, indorsed as accurate by the local committee of the association.

[b] Regarding the condition of the natives of this region, the commission speaks in a later paragraph: "The general wretchedness, etc." See p. 24. Compare with this the description given of the State's school at Boma, p. 35. Of like import is the statement in the memorial to Congress, April, 1904: "Certain material enterprises, as the railway, bear witness to great energy and perseverance, though identified with terrible cost to the lives of the natives; but these enterprises are connected directly with the one aim which, unhappily, seems to have absorbed the energies of government—that of enriching itself by a swift exploitation of the natural products of the State."

[c] The claim leading to this appropriation by the government of the vast Kongo territory first appeared in a document issued July 1, 1885, which at the time was supposed to be dictated by concern for the rights of the natives. It declared that "no one may dispossess any native of land occupied by him," adding that "all vacant land is considered as belonging to the State." Later, through successive public edicts, the breadth of the term "vacant" became apparent.

[d] The report states that "some products have been allowed to the natives;" it instances "palm kernels, which form the object of an important export trade in the lower Kongo." It should be borne in mind that it is only in this territory of the lower Kongo, a district representing but the one-hundredth part of the area of the State, that any form of trade is found. Above Stanley Pool the sale of any product by natives or the purchase of products by a foreign trader is a crime.

[e] Payment to agents of the State of bonuses, varying with the amount of rubber and ivory obtained by them was strenuously denied by the Government until M. Vandervelde, in the Belgian Parliament, produced a circular of the governor-general establishing the practice, with letters from the secretary of state, in which the system was elaborated. The commission states that the law establishing the system of bonuses has been rescinded, but admits that it is charged that the system is universally prevalent under another name.

[f] The report recommends that the State shall "itself partially supply stations with dried fish and rice." It is thus made apparent that the entire military force, numbering some 30,000 men, besides the thousands of workmen and the European agents, have been quartered upon the people, the impost being laid upon the several localities concerned without regard to the strength or feebleness of the population.

[g] Corroboration of this statement is given by Mr. Glave, the companion of Stanley. "I saw the dead body of a carrier lying on the trail. He was nothing but skin and bone. These posts ought to give some care to porters. The heartless disregard for life is abominable. No wonder the State is hated." (Century Magazine, vol. 54, p. 713.)

There the collector passes a number of days in a miserable existence. He has to build himself an improvised shelter, which can not, obviously, replace his hut. He has not the food to which he is accustomed. He is deprived of his wife, exposed to the inclemencies of the weather, and the attacks of wild beasts. When once he has collected the rubber he must bring it to the State station or to that of the company, and only then can he return to his village where he can sojourn for barely more than two or three days, because the next demand is upon him.[a]

THE RULE OF FORCE.

The only legal means at the disposal of the State for compelling the native to work is by ordaining a labor tax.

As soon as the territory near to the villages was exhausted, and, consequently, the labor of the native become more painful, force was alone able to conquer the apathy of the native.

The disinclination of the negro for all work; his particular antipathy to gathering rubber, have made force a necessity.

The native only understands, only respects, force. He confounds it with justice. The State must be able to insure the triumph of law, and consequently force the native to work.

From what precedes, it may be concluded, we think, that everywhere on the Kongo, notwithstanding certain appearances to the contrary, the native only collects rubber under the influence of force, directly or indirectly exercised.

Very often, then, in order to secure workmen, force has been used and chiefs have been compelled to furnish workers as they have furnished soldiers.

Until recently this compulsion has been exerted in divers ways, such as carrying away of hostages, imprisonment of chiefs, stationing sentinels or overseers, fines, and armed expeditions.

Officials in charge of stations, arrogating to themselves a right which never belonged to them, have flogged rubber collectors who have not completely satisfied the requirements demanded of them. Some have even committed outrages, which is established by the judgments of the courts. Natives instructed to supervise the prisoners have been guilty of acts of violence toward them, often of the gravest character.

THE SENTRY SYSTEM.

By sentries are meant the black overseers, equipped with muzzle-loading guns, whose official duty it is to direct the work of the natives in the forest. The greater part of their time, however, seems to be spent in reminding the natives of their obligations, making sure that they go to the forest, and accompanying the gatherers when they return to the post.

Among these overseers some, who make up the personnel of the post and who almost always are strangers to the region, go to the villages during working hours and report to the whites those who are idling at home instead of being at work. Frequently, that more complete supervision may be had, they are delegated to a village to stay permanently.

This system of native supervisors has given rise to numerous criticisms, even on the part of State officials. The Protestant missionaries heard at Bolobo, Ikoko (Lake Mantumba), Lulonga, Bonginda, Ikau, Baringa, and Bongandanga, drew up formidable accusations against the acts of these intermediaries.

They brought before the commission a multitude of native witnesses who revealed a large number of crimes and excesses alleged to have been committed by the sentinels. According to the witnesses, these auxillaries, especially those stationed in the villages, abuse the authority conferred upon them, convert themselves into despots, claiming the women and the food, not only for themselves but for the body of parasites and creatures without any calling which a love of rapine causes to become associated with them, and with whom they surround themselves as with a veritable bodyguard; they kill without pity all those who attempt to resist their exactions and whims. The commission was obviously unable in all cases to verify the exactitude of the allegations made before it, the more so as the facts were often several years old. However, the truth of the charges is borne out by a mass of evidence and official reports.

Of how many abuses the native sentinels have been guilty it would be impossible to say, even approximately. Several chiefs of Baringa brought us, according to the native custom, bundles of sticks, each of which was meant to show one of their subjects killed by the capitas.

The accusations against the sentries seem to be well founded. Moreover, the agents examined by the commission or present at its sittings did not even attempt to refute them. The least unfavorable opinion about the sentries was that of the manager of the Abir company, who said, "The sentry is an evil, but a necessary evil." We can not share this view. In our judgment the institution, as we have seen it at work in the Abir and Lulonga territories, should be suppressed.

There is no despot more cruel than a black given control of other blacks, when unrestrained by ties of race, family, or tradition.

FLOGGING WITH THE CHICOTTE.

The blacks employed by the State should accept, along with the other conditions of their contract, the disciplinary punishments which practically are the same as apply to the soldiers. The use of the chicotte is the most frequent form of punishment. The rules indicate fifty strokes as the maximum, and not more than twenty-five may be given an offender in any one day. In case of a wound being caused, or fainting, the strokes must cease immediately.[b]

Despite the provisions of the law as to the use of the chicotte, violations at times occur, either in its too frequent use for minor offenses or in exceeding the prescribed number of strokes.

MUTILATIONS.

It is principally during armed expeditions that the mutilations occurred to which certain witnesses, and particularly the Protestant missionaries, drew the attention of the commission.

It is more than probable that at the beginning of the occupation some white officers tolerated this barbarous custom (of cutting off hands) or at least did not do what they could to root it out. The result of this has been the mutilation of living natives whom the soldiers or sentries had believed to be dead.[c]

THE HOSTAGE SYSTEM.

When the rubber fell short, the agents arrested the chief of the village, or seized as hostages some of the inhabitants, often women, taken haphazard, * * * and kept them sometimes for several months.

We were, it is true, assured that the prisoners were not badly treated, that excessive labors were not imposed upon them. We have even been told that the lot of the women prisoners was not more painful than the existence of beasts of burden to which native custom subjects them. Nevertheless it is undeniable that imprisonment has often been aggravated by its accompanying circumstances.

We were informed that the houses of detention were often in a very bad state, that the prisoners were insufficiently fed, and that the death rate amongst them was high.[b]

ABUSE OF NATIVE CHIEFS.

The intermediary between the white man and the natives ought to be, as far as practicable, the village chief. * * * These, indeed, govern often in a paternal manner; in every case their rule is accepted by the populations. The natives hold them in much respect and affection, and it is very rarely indeed that they complain of them. We refer here only to the chiefs of villages or of shall groups of villages.

Chiefs have been utilized to get labor from the natives and imposts, but only by making them personally responsible for all shortages and for all the faults of their people, without recognizing their being possessed of any rights or authority over their people. Many have disappeared or lie hidden; others refuse all contact with the white man.

The imprisonment of the chiefs has completely destroyed their authority, the more so as they have been forced to the performance of servile tasks.

MILITARY EXPEDITIONS.

Frequently expeditions of this kind are simple reconnaissances, a peaceful tour, in the course of which the white officer simply leads his troops into the disobedient or delinquent village. He puts himself in touch with the chiefs, convincing the blacks, who care for nothing but force, of the power of the state and showing them the futility of allowing their obstinacy to bring them into conflict with the regular troops. Often this mode of procedure produces admirable results.

Occasionally it is deemed necessary to act more energetically. In such cases the written order given by his superior to the commander of the expedition was limited to the direction that he should "recall the natives to their duties." The most frequent result is that the natives flee at the approach of the expedition without attempting any resistance. The practice generally followed then consisted in occupying the deserted village or the neighboring plantations. Driven by hunger, the natives come back, either singly or in small groups. They arrest them and try to lay hold of the chiefs or headmen, who almost always yield, pledging themselves never again to fail in their obligations, and sometimes they are compelled to pay a fine besides. When it happens that the natives delay in reappearing, the customary plan is the sending of search parties to beat the bush and bring in all the natives they may find. The dangers of this system are readily seen. The armed black left alone feels the reviving of the old sanguinary instinct, which even the most rigid discipline can with difficulty hold in check. It is in connection with this form of service that the greater part of the murders have been committed for which the state soldiers are reproached.

A still more difficult operation is that of the expedition sent out to capture the fugitives.

The vague indefiniteness of the orders given, and sometimes the irresponsibility of those charged with their execution, have frequently resulted in unjustifiable murders. It often happens that the natives, to escape the payment of the tax, and especially the collection of rubber, migrate singly or in a body, and go to settle another district. Then a detachment of troops is sent after them who, sometimes by persuasion, sometimes after a fight, bring the fugitives back again.

In the course of such expeditions grave abuses have occurred; men, women, and children have been killed even at the very time they sought safety in flight. Others have been imprisoned. Women have been taken as hostages.

At times the military expedition assumes a character still more openly repressive. The order given to the commander of an expedition was generally worded as follows: "N——— is instructed to punish or chastise such and such a village."

Military action of this nature always goes beyond its purpose; the penalty being in flagrant disproportion to the offense. The guilty and the innocent are involved in the same punishment.

The consequences are often most sanguinary. And this is not surprising. If, in the course of delicate operations for the capture of hostages and intimidation of the natives, constant watchfulness could not always prevent the blood-thirsty instincts of the blacks from breaking close—when orders to punish are given by superior authority it is difficult to prevent the expedition from degenerating into massacres, accompanied by pillage and incendiarism.

In considering these facts one must bear in mind the deplorable con-

[a] An edict, limiting the labor requirement to forty hours per month, was issued November 18, 1903. It appears that the commission found the edict a dead letter. In another paragraph it is definitely stated that this act was neutralized at the outset by an action of the governor-general. (See p. 41.)

With this may be compared the following earlier edict: "I beg to bring to your notice that from January 1, 1899, it is necessary that 4,000 kilos of India rubber shall be furnished every month. To insure this result, I give you carte blanche." (Written instructions of Commandant Verstraten, district commissioner in the Kongo State, to his subordinates.)

Compare with this the declaration made by the Kongo government in July, 1900. (See p. 43.)

[b] Compare testimony of witnesses, pp. 49, 60, 62.

[c] The commission is disposed to believe that this practice of mutilation perpetuates an original native custom. This conclusion is at variance with views strongly expressed by those familiar with the country for many years. As to the main fact—that the severed hands are brought to the white agents as proof that orders given them have been executed—there appears to be no difference between the conclusions of the commission and the statements of missionaries and other independent witnesses.

[b] A missionary, who read the above, comments: "I shall never forget the impression left on my mind by the sight of one of these horrible houses of detention. It was at Mompona, in the A. B. I. R. territory. It was a small, low-roofed, circular building, with the only entrance to it through another building of the same type. The latter was occupied by a number of sentries with Albini rifles. Inside the other were herded a large number of women, girls, and boys—a mass of bones held together by black skin. I addressed myself to one poor skeleton of a woman lying in front of me where I stood. I asked her if she was sick. 'Two days ago,' she answered, 'I gave birth to a child, and, oh! white man, I am dying of hunger; I've had nothing to eat.' She was so weak that it was with difficulty she could articulate her words. And oh, the faces of those others! The horror of it! Outside the building there was a row of those skeleton women in the chain, followed by a sentry with an Albini and a chicotte, going back and forward from the garden to the river."

fusion still existing in the Upper Kongo between a state of war and a state of peace; between administration and repression; between those who may be regarded as enemies and those who have the right to be regarded as citizens of the State and treated in accordance with its laws. The commission was struck with the general tone of the reports relating to operations described above. Often, while admitting that the expedition had been sent out solely for shortage in taxation, and without making allusion to an attack or resistance on the part of the natives, which alone would justify the use of arms, the authors of these reports speak of "surprising villages," "energetic pursuit," "numerous enemies killed and wounded," "loot," "prisoners of war," "conditions of peace." Evidently these officers thought themselves at war—acted as though at war. This situation can not be prolonged. In the interests of the people and of the agents of the Government, the natives must not be open to find themselves treated from one day to another as enemies beyond the pale of the law. In any case it should be understood that the mere fact of a delay or shortage in the payment of taxes, if it gives rise to the use of force, should not justify expectations having the character of operations of war.

We hasten to say that military expeditions of this nature have become rare in most of the districts.[a]

DEPOPULATION OF COUNTRY.

Several missionaries heard by the commission pointed out the depopulation they said they had noticed in some regions known to them. It is evident that the commission could not arrive at a conclusion in this respect. Nevertheless, if we accept Stanley's figures, it is incontestable that a large part of the population must have disappeared, for, from Stanley Pool to Nouvelle Anvers, the banks of the river are almost deserted.

It often happens that the natives, in order to escape from taxes, and especially from the rubber tax, emigrate in twos or threes, or en masse, and settle in another region or even in another district.

It may easily be conceived that the riverine peoples, who were the first to feel the impositions levied by the white man, should have endeavored to escape from these impositions, and have taken refuge on French territory, or in other parts of the territory, where they assumed the impositions could not reach them. The population has in some cases been drained, so to speak, by the frequent levies of soldiers and workmen.

It is not too bold to assert that at the present time the great majority of the natives escape all imposts either because of the incomplete penetration of their territory (by the white man) or because of the exodus of the population whom former exigencies or the proceedings of certain agents have terrified.[b]

It must not be inferred from the foregoing that the population is everywhere decreasing or that the unions are always sterile. In the Lopori and the Maringa basins, and upon the banks of the Kongo River, from Mobeka to the falls, as well, we have noticed that there are frequent villages and a considerable number of young children.

THE STATE'S CONTRACT SYSTEM.

The law demands that each master or employer shall see to it that every contract for services is written out and presented to the proper authority for indorsement. Sanction can not be given until it is certain that the workman understands perfectly and accepts voluntarily the conditions of the engagement.

On the Upper Kongo, on the contrary, it may be said that almost nowhere are the intentions of the legislator—not to say the letter of the law—regarded.

The unfortunate effects of long engagements are peculiarly observable in the case of children. The district commissioners employ, especially for the work in the fields, children 7 and 8 years of age, who find themselves bound for many years by a contract which possibly they have voluntarily accepted, but whose full meaning certainly they were not in a position to know. Now, by the instruction of the director of justice, the officials can not refuse to sanction contracts if the children say they accept them.

THE WARDS OF THE STATE.

At Boma and at New Antwerp there have been established what are called "educational colonies." * * * Native children up to the age of 12 years are allowed to enter these colonies. They follow three courses or three years of study.

The State has incurred the reproach of "recruiting," under pretense of helping—but against the desire of the parties interested—young natives who are wanted to fill the ranks of its constabulary.

The State retains guardianship of the children until their twenty-fifth year. The duration of this tutelage is excessive. The decree fails to appreciate native conditions of life; 30 or 35 years is usually the limit of the length of life of the black; his sixteenth year is the beginning of adult age, and the result of this provision practically is to keep the wards of the State almost to the end of their life in the position of minors.

The dormitories at Boma are built of bamboo, which the cold night wind easily penetrates. Thus exposed the children develop lung trouble, to which the native offers but feeble resistance. On this account the death rate among the pupils of the State is quite large.

Feeling such a condition intolerable, the present director of the colony set about replacing these dormitories by solid brick buildings. But falling short of funds he had to use the young pupils themselves to do the work. Children of from 6 to 12 years of age had to dry and carry bricks. Their studies consequently were completely interrupted, and, without advantage to their intellectual or even practical development, the children were changed into laborers and kept at work which often exceeded their strength.

THE CONCESSIONARY SOCIETIES.[c]

By concession is meant the right given to commercial companies, for a considerable financial return, to gather exclusively for their own profit certain products of the territories of the State.

The concessionaire societies, by the fact that they are commercial, pursue lucre and not humanity and civilization.

It is apparent that such a company, upon which the State has imposed no restrictions, regards itself as absolute mistress in its domain, and it is not to be wondered at that the laws of the State have been openly violated.

In order to allow the companies to use this (coercion) the State, claiming a right to a certain amount of labor as an assessment, delegated its powers in part to the concessions. That is to say, it authorized these societies to require of the blacks labor in the rubber forests and also other forms of assessment, and to use coercion in obtaining them.

It is in the territories exploited by the concessionary companies that the most flagrant abuses have been committed.

These (concessionaire) societies have done nothing in the interest of the natives or to improve the regions they occupy.

It was barely denied that in the various posts of the A. B. I. R. which we visited, the imprisonment of women hostages, the subjection of the chiefs to servile labor, the humiliations meted out to them, the flogging of rubber collectors, the brutality of the black employees set over the prisoners, were the rule commonly followed.[b]

THE HIGHER COURTS COMMENDED.

The commission has received no complaint throughout its long investigation, and makes no criticism, as to the discharge of their important and delicate duties by the courts administered by trained magistrates.

A FUNDAMENTAL DEFECT OF THE JUDICIAL ADMINISTRATION.

The unsatisfactory character of this (system of) judicial centralization appears at once, for it involves extension of the jurisdiction of the Boma court through the whole country.

EXPERIENCE OF WITNESSES.

It is a sorrowful truth, which experience has demonstrated, so the magistrates tell us, that a large number of native witnesses compelled to go from the upper Kongo to Boma never see their villages again, but die during the voyage which is imposed upon them. The resistance of the natives to change of diet and climate is, so to speak, nil. The mere word "Boma" terrifies them. Thus, at the present moment it is very difficult, if not impossible, in many regions of the upper Kongo to induce the natives to testify before the tribunals. The inhabitant of the upper Kongo summoned as a witness flies to the forest. He must be treated as a criminal—hunted, chained sometimes; in any case subjected to force—to conduct him from his village to the court.

Even when all possible care is extended to them the ranks of these unfortunates are found to be very rapidly reduced by a homesick longing for the great equatorial forests. It is, therefore, not surprising that the deaths are still more numerous when, as sometimes happens during their long journey or in the localities in which they are to render their testimony, they are given unsuitable lodgings or are without sufficient food.[c]

Before the records, the witnesses, and the accused party can be brought to court many months, years even, pass. Meanwhile the white agents have returned to Europe, the negroes are no longer to be found, recollections are effaced, the facts are transformed into legends.

It is needless to call attention to the great injury wrought by this state of things to the prestige of law and the judicial administration.

It often happens that the injured native, rather than expose himself to the dangers and fatigues of a voyage to Boma, declines to complain.

[a] Unfortunately this impression is not supported by the latest testimony. See pp. 64–72.

[b] The commission, in general, is inclined to attribute the shocking decline in the population primarily to other causes than the wrongs suffered under the rule of Government. The effect of these wrongs in promoting depopulation is, however, clearly recognized. Missionaries of long residence in the country uniformly ascribe the swift decrease in population to administrative abuses.

For example, Mr. Gilchrist, referring to certain diseases to which the decline has been attributed, says:

"With regard to the causes of depopulation in the Lolanga district, where I have lived for fourteen years, I emphatically affirm that for one who has died of sleeping sickness there have been twenty deaths due to lung and intestinal diseases, and for one death due to smallpox there have been forty due to lung and intestinal troubles. Sleeping sickness has been in our district not more than seven years and never epidemic. Smallpox we have had twice in fourteen years, and comparatively few died of it. The lung and intestinal diseases are without doubt due, in a very large proportion of the cases, to exposure involved in collecting the taxes and in hiding from the soldiers in the forests, as well as the miserable huts the natives now live in, because they have neither time nor heart to build better."

[c] In these the King has as a rule not less than one-half interest.

[b] Endeavor is made to shield the State (the King) from responsibility for the excesses characterizing the rule of these societies. But these societies are commissioned by the State. The King is a controlling shareholder in the A. B. I. R. Company, for example, whose notorious maladministration figures so conspicuously in the report. His interests in this company a few years ago had a market value of $6,000,000. Documents have been published which show that State soldiers have been supplied regularly to these companies for enforcement of their exactions, and that great quantities of ammunition have been furnished them. The report shows also incidentally that commissioners of state have made visits to this section, and that official reports have been made to the central administration of all their transactions. It should be borne in mind also that even the horrors disclosed in the territory of the Abir trust do not surpass those revealed in the private domain of the King (Domaine Prive), as recorded in Mr. Scrivener's visit to this territory. (See Memorial to Congress, pp. 51, 52.)

[c] The death of so many witnesses during the journey to the lower river can hardly be ascribed solely to natural causes. This painful passage in the commission's report suggests apprehension that the fears of the natives must have operated in some cases to prevent the giving of testimony freely to the commission and that even this damaging report may unavoidably fall short of a full disclosure of the conditions the commission sought to investigate. Compare with this the following:

"The commission arrived on Tuesday, 15th November, 1904. I had a telegram on Sunday asking me to have witnesses in all readiness for the following day, but the exigencies of steamer life delayed them until Tuesday. I got as many witnesses as possible from the riverine towns; there was no time to attempt to get any from inland. If there had been time given, I am not sure whether I could have obtained any witnesses, for two reasons: (1) The inland people particularly are greatly afraid of giving evidence, lest worse should befall them, (2) and I had not food for them during their stay, for the food I was able to grow on my station was not sufficient for my men and boys, and the weekly kwanga tax was a great drain on the resources of the villagers. The inquiry was held on one of the steamers with all formality, and was as public as the limits of the steamer permitted. At the close of the inquiry the witnesses were paid some pieces of cloth to share among themselves.

"There was not, so far as I know, any direct attempt to suborn witnesses at Lukolela either before, for, or after the Commission's inquiry. The only thing we had to overcome was the fear engendered by the previous treatment witnesses have experienced in detention and removal to Leopoldville." (Rev. John Whitehead, Lukolela.)

Infractions remain ignored abuses multiply themselves, the discontent of the people increases, and even manifests itself suddenly by violence and revolts which the intervention of justice might have prevented.

POLITICAL PRISONERS.

The commissioners have observed in the prisons the presence—often in considerable numbers—of inmates who appear upon the lists as political prisoners. They are incarcerated under a simple order from the administrative authority. The cause of their arrest in general is in no way political. As a rule, they are natives who have neglected to meet their assessments. There are others who have given shelter to those who were delinquent or who were fleeing from justice.

A HELPLESS JUDICIARY.

It is strange to observe that while the law surrounds with serious safeguards individual liberty it should allow administrative action to be deprived, so to speak, of all check or contro[1].

Judicial officers can not, according to government regulations, prosecute Europeans without the permission of the public prosecutor himself (who resides in Boma, the capital), and the public prosecutor can not accede to the request without the permission of the governor-general, who has supreme supervision over the machinery of the law.

The deputy of the court, when upon his circuit, has need of transportation, food supplies, and an escort. Now, in this respect he is entirely dependent upon the commissioner of the district, who can give or withhold the canoe, the soldiers or the police officers, the rations.

The commission found, indeed, that very often proceedings which had been started by the assistants of the public prosecutor against white men accused of having ill treated natives were not followed up owing to administrative decision. No motives being assigned for these decisions, it would be difficult to say to what extent they were justified. In any case, it is necessary that henceforth the responsibility of such measures should be left to the judicial authority.[a]

THE MISSIONARY.

Often also, in the regions where evangelical stations are established, the native, instead of going to the magistrate, his rightful protector, adopts the habit when he thinks he has a grievance against an agent or an executive officer to confide in the missionary. The latter listens to him, helps him according to his means, and makes himself the echo of all the complaints of a region. Hence the astounding influence which the missionaries possess in some parts of the territory. It exercises itself not only among the natives within the purview of their religious propaganda, but over all the villages whose troubles they have listened to. The missionary becomes, for the native of the region, the only representative of equity and justice.[b] He adds to the position resulting from his religious zeal the influence which in the interest of the state itself should be secured to the magistrate.

THE ACCUSING RECORD OF ADMINISTRATIVE INDIFFERENCE TO THE RIGHTS AND INTERESTS OF THE NATIVE PEOPLES.

A decree of the King-Sovereign of December 5, 1892 (not published in the Bulletin Officiel) directs the secretary of state "to do whatever he may deem necessary or practicable to insure the exploitation of the Domaine Prive."

For a long time (i. e., until November, 1903) the administration believed it could derive from this (decree) the right to make assessments, and also to delegate this privilege to companies, without any specification as to the nature or amount of the tax or even the degree of force that might be employed to secure it.

Under date of November 18, 1903, the King-Sovereign issued a decree fixing a uniform law of taxes for the entire State. So far as relates to the natives, the substance of this law is as follows: Every adult native who is in good health is subject to assessment, to consist of labor for the State. The maximum amount during any one month is forty hours of actual labor, and the work is to be paid for; this remuneration to be not less than the actual wages paid in the neighborhood.

In only a few of the districts had this law been put into effect up to the time of the coming of the commission.

A circular of the governor-general on February 29, 1904, announces to the district commissioners that the effect of enforcing the new law (of November, 1903) regarding assessments must be not simply to maintain the results of previous years, but to show a constant increase in the revenues.

Presented in a form so absolute these instructions were bound, in the majority of cases, to prevent the district commissioners from reducing impositions that were excessive by establishing new returns. And, indeed, many of them contented themselves with reenforcing the amount of the preceding taxes.

Does the Government intend by this that agents should merely seek to increase the number of enrolled contributors in proportion as under peaceful rule, the territory should become more accessible and the natives more amenable to taxation?

Article 54 (of the King's edict of November, 1903) states that in lieu of seizable property forced labor may be demanded. But how shall this be done? Shall one put a native in chains and inflict corporal punishment? How long may he be imprisoned and to what labor shall he be put? It is true that interpretative circulars have fixed one month as the maximum term of detention at hard labor, but it is evident the regulation is still left subject to the judgment of the agents.

No restraint was placed upon the agents as respects the manner of their conformity to the official standard.

The law of November 18, 1903, does not adequately decide in the question as to compulsory measures.

The law of the Free State has never defined what is to be understood by the term 'land occupied by the natives.'

The law requires payment of the local rate of wages as the minimum, but the circular of February 29, 1904, seems to indicate that it shall be the maximum.

The same lack of definiteness prevailed as regards the means of compulsion, when necessary to use this for nonpayment of taxes. The agents, like all the rest, followed no rule.

A law ought to indicate clearly what officials can declare the operations of war, decide conditions under which they may be undertaken, and the form they shall assume. Then one will know certainly when he is under the empire of the common law of the State and when he should bow to martial law.

It is true to say in general that everything regarding prescription and assessments as relates to the natives, until the last years, was left to the judgment of the agents.

We must say that the agents were not properly cautioned against these excesses.

In this great concession (the Abir) there was only one state agent, the commandant of the police force stationed at Basankusu. Although having legal duties and powers, he has never reported to the superior officers any illegal acts occurring in his district. His rôle has always been restricted to quelling native revolts or to bringing refractory villages back to work. We are justified in believing that he thought he had no other mission to fulfill for the instructions given him as read by us relate always to these matters.

(Official) infractions of law in the exercise of force have but rarely been brought to the courts.

LIMITATIONS OF THE COMMISSION'S FUNCTIONS.

The commission has not deemed the determining of personal responsibility to be the object of its inquiry.

We will not enter upon the question of the freedom of trade in its relation to the Berlin act. Such an inquiry would take us beyond the limits set for us.

A CHARACTERISTIC DECLARATION OF THE KONGO GOVERNMENT.

These ideas (embodied in the commission's report) are the same already expressed by the secretaires-general in their report to the King-Sovereign on the 15th of July, 1900. It is there stated that the plan followed by the Government "is to exploit the private domain solely by the voluntary contributions of the natives, the inducing motive to work being a just and adequate remuneration."[a]

DOCUMENT C.

Testimony at hearings of the commission.[b]

BWEMBA—STATION OF THE AMERICAN BAPTIST MISSIONARY UNION.

Mr. Billington made a statement dealing chiefly with forced labor, the tying up of men and women, etc., confirming the report sent by him to his mission headquarters in Boston, which were embodied in the memorial presented to Congress in April, 1904.

BOLOBO—STATION OF THE ENGLISH BAPTIST MISSIONARY SOCIETY.

Mr. Grenfell, who has been cited frequently as an upholder of the present régime, a contention based apparently upon statements made by him some years ago, before he became personally acquainted with the present state of affairs on the upper river, expressed to the commissioners his disappointment at the failure of the Kongo government to realize the promises with which it inaugurated its career. He declared he could no longer wear the decorations which he had received from the sovereign of the Kongo State. He stated that the evils from which the country was suffering were due to the haste of a few men to get rich, and the absence of anything like a serious attempt to properly police the country in the interests of the people. He instanced the virtual impossibility of a native obtaining justice owing to witnesses being compelled to travel long distances either to Leopoldville or Boma.

Mr. Scrivener dealt with the appalling condition of affairs he discovered in King Leopold's special reserve, the Domaine de la Couronne, during his 150-mile journey through that district in 1903,[c] and brought forward a number of native witnesses in proof of his statement. Lieutenant Massard, one of the officials implicated, from whom the press published last year a letter attacking Mr. Scrivener, was subsequently arrested.[d]

In the course of the examination the commissioners asked a rather youthful witness: "How is it you know the names of the men who were murdered?" "One of them was my own father," was the unexpected reply. "Men of stone," wrote Mr. Scrivener, "would be moved

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[1] M. J. M. Jennings, who served for many years as a magistrate under the government of the Kongo State, spoke as follows in an address at Verviers a few weeks since:

"The Kongo judiciary is subservient to the governor-general, who at any moment can remove the judges and assistant public prosecutors; it is therefore powerless to suppress abuses. * * * The entire organization of the judicial department depends upon the administrative authorities. * * * A white man can not be summoned before the courts without an authorization from the governor-general. If a magistrate wishes to travel, he must apply to the district commissioner for food, canoes, and carriers. If he is not on good terms with that official, he will get bad and insufficient food, weak carriers, etc. Once a Liege magistrate, who was not on good terms with the executive official of the district, received for four months' journey a defective canoe, 2 pounds of flour, and a pot of butter. A magistrate will therefore exercise wise discretion before coming into conflict with an official. * * * A circular issued in 1904 states that when a magistrate is about to investigate abuses he must place all the facts before the executive administrator of the district. As three times out of four the guilty parties have merely carried out the orders of that very official, whom they know to be interested in the affair, the kind of task which the magistrate has to perform is to be imagined. His task can indeed be rendered impossible by the executive official. As the magistrate, furnished with the barest necessities, makes his way to the scene of the outrages he proposes investigating, the executive official will dispatch fleet messengers to the guilty party, and when the magistrate arrives at his journey's end he can find no witnesses, and inquiry becomes impossible. The magistrate, say the natives, is the small judge; the executive official the great judge."

[2] With this may be compared a paragraph (relating to another section of the vast state) found in the memorial of missionary societies to Congress, April, 1904:

"A white officer, unacquainted with the missionary whom he was addressing, after a cruel raid jokingly remarked that he had killed many people and secured a fine lot of curios. He said that while his soldiers were firing upon the villages the people ran wildly about crying, 'Sheppite, Sheppite.' It was their name for Rev. W. H. Sheppard, the associate of Mr. Morrison, whom they were beseeching to come to their aid."

[a] Compare with this, for example, the commission's findings as to systematic universal employment of force, p. 26.

[b] Selected from affidavits secured from those who appeared as witnesses before the commission.

[c] For Mr. Scrivener's report of the journey see Memorial of Missionary Societies to United States Senate in Senate Document No. 282, Fifty-eighth Congress, second session, pages 51, 52.

[d] A number of witnesses produced by Mr. Scrivener in connection with the trial of Lieutenant Massard were sent to Boma in December, 1904. On May 10, 1905, they had not yet returned to their homes and families. Witnesses sent to Boma from Baringa—1,000 miles away—in August, 1904, did not return until April, 1905, several of the party having died in the interval.

by the stories that are being unfolded as the commission probes into this awful history of rubber collection."

In the course of his testimony Mr. Scrivener said: "Not only are the natives often obliged to go several days' march into the forests to collect the rubber, but they are also compelled to all go to the government station, which is sometimes a great distance away, to each carry strips of rubber which, all told, sometimes weigh actually less than the sticks on which they are tied for carriage. The natives who collect rubber impositions should only be required to furnish them quarterly, and the transport should be limited to the number of men necessary to effect it instead of compelling all the men to undertake long and useless journeys."

"You mentioned that five natives were placed in single file and killed with a single shot by Lieutenant Massard, or by his orders. Among the witnesses you are able to produce, are there any who can testify to this incident?"

"No; I do not know of any. The fact itself I had from M. Dooms.[a] He received me very hospitably. During the whole of the meal we partook of together he spoke of nothing but the horrors he had heard of. Upon my return from the lake I saw M. Dooms again, and he gave me the account of the murders committed by Massard, or by his orders—shooting the natives as they brought in the rubber, or placing them one behind the other and driving one bullet through the lot.

"I expressed my surprise to M. Dooms that he should not have brought to the knowledge of the judicial authorities the facts with which he acquainted me. He replied that it was useless to do so now, and that he would expose them when he got back to Belgium. He also intimated to me his desire to leave the State service, because he did not like having to compel the natives to work beyond their strength. I had been waiting for the revelations of M. Dooms, and when I saw that their appearance was being delayed I gave publicity to the facts which had been revealed to me."

Seventeen native witnesses were then examined by the commission. Each testified to murders and massacres committed by white men and their agents.

LULANGA—STATION OF THE KONGO BALOLOLO MISSION.

Mr. Gilchrist's testimony: "They asked me to tell them all I knew about the La Lulanga. They prefaced my remarks by saying: 'Of course you know that this company is in the free-trade territory of the State?' They smiled when they said this, and so did I. I gave them instances that showed how free (!) it was. Just a few days before I had met a number of men of Bokotola, who, with their neighbors, were living in the forest, with all its discomforts and exposure in a wet season like the present, rather than stay in their own village and be harassed and abused by the company's agents. I informed them also of the sentry régime, with all its cruel accompaniments, and of what Mr. Bond and I had seen on our way from the Ikelemba, of their slave driving in those towns contiguous to their headquarters at Mompoko. I also told them what we had seen of the desolation in all the districts; of the butcheries wrought by the white men of the State and companies who had from time to time been stationed there. Everywhere the people were compelled to serve the companies in rubber, gum copal, or food. At one place two men arrived just as we were leaving with bodies covered with marks of the chicotte given by the trader of Bosci because their quantity was short. * * * Given favorable conditions, particularly freedom, there would soon be a large population in these interior towns."

Q. "What do you regard as causes of depopulation?"

A. "(1) Sleeping sickness. This has never appeared in epidemic form in our district; only in isolated cases.

"(2) Smallpox. Very few have died of this sickness.

"(3) Unsettled condition of the people. The older people never seem to have confidence to build their houses substantially. If they have any suspicion of the approach of a canoe or steamer with soldiers they flee.

"(4) Chest diseases, pneumonia, etc. The people flee to the islands, expose themselves to all kinds of weather, contract chills, which are followed by serious lung troubles, and die. For years we never saw a new house because of the drifting population. They have a great fear of soldiers.

"(5) Want of proper nourishment. I have witnessed the collecting of the State imposition, and after this was set aside the natives had nothing but leaves to eat.

"(6) Excessive taxes. The forty hours' work supposed to be given to the State is entirely a misrepresentation of the facts. The collecting of firewood alone occupies more than that time. That is sufficient without any other imposition.

"(7) Another thing that may account for the decreasing population is the constancy of the taxation. This sours the people. They feel they have no interests of their own."

BARINGA—STATION OF THE CONGO BALOLO MISSION.

[This territory is controlled by the A. B. I. R. Concessionaire Society.]

Mr. Harris gives the following account of the hearing at this station:

"Specific atrocities during 1904 were dealt with; then murders and outrages, including cannibalism; then the destruction of the Baringa towns and the partial famine that resulted. Next followed the irregularities during 1903. I drew attention to the administration of M. Forcie, whose régime was a terrible one, including the murder of Isekifasu, the principal chief of Bolima; the killing, cutting up, and eating of his wives, son, and children; the decorating of the chief houses wth the intestines, liver, and heart of some of the killed.

"Following this I came to M. Tagner's time, and stated that no village in the district had escaped murders under this man's régime. Next I spoke of irregularities common to all agents, the public floggings of practically any and every one; quoting, for instance, seeing with my own eyes six Ngombe men receive 100 strokes, each delivered simultaneously by two sentries. I referred to the imprisoning of men, women, and children, all herded together in one shed, with no arrangement for the demands of nature. I showed that very many, including even chiefs, had died either in prison or immediately on their release.

"I next spoke of the indiscriminate fines and the taxes imposed even on the food of the people and pointed out that the murders and cannibalism of the sentries were only an exaggeration of their general conduct. Then I spoke of the difficulties faced by the natives in reporting irregularities, as they have first to ask permission of the rubber agent. Here I quoted the sickening outrage on Lomako. (The details are unfit for printing.)

"I then pointed out that we firmly believe that but for us these irregularities would never have come to light. The relations that are at present necessary between the A. B. I. R. and the State render it highly improbable that the natives will ever report irregularities. The A. B. I. R. can and do impose on the missionaries all sorts of restrictions if we dare to speak a word about their irregularities. I quoted a few of the many instances which found their climax when Mrs. Harris and I almost lost our lives for daring to oppose the massacres by Van Caelcken. I stated that we could not disconnect the attitude of the State in refusing us fresh sites for missionary work with our action in condemning the administration. We are not allowed to extend the mission, and, further, we are forbidden to trade even for food, though all this is in clear violation of the Berlin act. So far as we are aware, until 1904 no single sentry had ever been punished by the State for the many murders committed in this district.

"Sixteen Esanga witnesses were questioned one by one. They gave clearly the details of how father, mother, brother, sister, son, or daughter were killed in cold blood for rubber. Then followed the chief of all Bolima, who succeeded Isekifasu (murdered by the A. B. I. R.). He stood boldly [a] before all, pointed to his twenty witnesses and placed on the table 110 twigs, each twig representing a life for rubber. 'These are chiefs' twigs,' he said, 'these are men's, these shorter are women's, these smaller still are children's.' He said that the white man fought him, and when the fight was over handed him his corpses, and said: 'Now, you will bring rubber, won't you?' To this he replied 'Yes.' The corpses were cut up and eaten by M. Forcie's fighters. He told how he had been chicotted and imprisoned, and put to the most menial labor by the agent, of numbers of stolen and ravished wives, and of the many anklets, spears, shields, etc., that he has been forced to give the sentries.

"Bonkoko told how he accompanied the A. B. I. R. sentries when they went to murder Isekifasu and his wives and little ones; of finding them peacefully sitting at their evening meal; of the killing as many as they could, also the cutting up and eating of the bodies of Isekifasu's son and his father's wives; of how they dashed the baby's brains out, cut the body in half, and impaled the halves.

"Again, he told how, on their return, M. Forcie had the sentries chicotted because they had not killed enough of the Bolima people.

"Longoi, of Lotoko, placed eighteen twigs on the table, representing eighteen men, women, and children murdered for rubber. Lomboto shows his mutilated wrist and useless hand maimed by the sentry. Isekansu shows the stump of a forearm, telling the same pitiful story. Every witness told of floggings, rape, mutilations, murders, imprisonments, and of illegal fines and irregular taxes, etc. The commission endeavors to get through this slough of iniquity and river of blood, but finding it hopeless, asked how much longer I could go on. I told them I could go on until they were satisfied that hundreds of murders had been committed by the A. B. I. R. in this district alone. I stated that witnesses only awaited my signal to appear by the thousand.

"I further pointed out that we have considered about 200 murders only from the villages of Bolima, Esanga, Ekerongo, Lotoko; that by far the greater majority still remain. Every one saw the hopelessness of trying to investigate things fully. To do so, the commission would have to stay here for months."

Mr. Stannard's testimony: "Not more than a tithe of the witnesses were examined, but that was because the commissioners considered the charges against the A. B. I. R. fully proved. The director of the A. B. I. R. had every opportunity of disproving the evidence, but the utmost he could do was to attempt to explain away things and plead ignorance. I said I wished to confirm all Mr. Harris's evidence, except the things that he had actually seen and I had not. I pointed out that we had together drawn up the evidence to be laid before the commission, so as to avoid repetition.

"Whilst I was stationed at Bongandanga they always had women prisoners, this being part of the ordinary routine of the A. B. I. R.

"Women were imprisoned because the men were short in their supplies. If a certain village or certain villages were short, a number of the women from those places would be seized and put into prison until the men made up their deficiencies.

"I spoke of the method of bringing in rubber workers by sentries. Every fortnight these people were brought in from their villages, distant about 30 to 40 miles. Before reaching the A. B. I. R. they had to pass through the Mission Station. In the front came a line of five or six sentries abreast, marching military fashion, with rifles or guns across their shoulders. Following these came a number of prisoners tied neck by neck. After these came the men and boys carrying their rubber, with sentries amongst them at different intervals, and then a number of sentries at the rear hurrying up the stragglers.

"I have seen rubber workers being carried away by their friends from the A. B. I. R. station after having been severely chicotted.

"When the police officer comes it is usually at the request of the A. B. I. R., and he is told only their side of this story. He hears nothing about the difficulty the people have in getting rubber and the terrible treatment they have received. The people think he has come to fight them and they either assume a hostile attitude or run away.

"The representative of the Kongo Government in the territory distinctly resented our action in reporting outrages connected with the procuring of rubber. The restrictions imposed upon us in the matter of foodstuffs, etc., are the direct result of this.

"With reference to taxation, I submitted:

"(1) It is wrong that all the taxes of a large territory should go to the shareholders of a commercial company.

"(2) Whilst it is right that natives should work, it should be shown them that there is some benefit from working.

"(3) The natives should work principally for their own good, whilst at the same time paying their taxes.

"The native evidence was overwhelming. The witnesses were so numerous that the commissioners felt it would be a tremendous task to hear them all, and they did not think it necessary, as they considered the charges more than proved. The director of the A. B. I. R. was asked what he had to say to these things, and he had to confess that he could not dispute the evidence.

"The witnesses from Esanga told how on one occasion, because forty-nine instead of fifty baskets of rubber were brought in, some of their people were imprisoned and sentries were sent to punish the people. One poor woman was trying to catch fish in a stream near by her village when she was surprised and shot by rubber sentries.

"Another witness told how he found the corpses of his mother, uncle, and sister killed by the sentries. All had harrowing stories to tell of the brutal murder of near relatives. Some had been shot before their

[a] M. Dooms was the successor of Lieutenant Massard. He told Mr. Scrivener he would denounce Massard's cruelties when he reached home. It was announced later that he had been killed by a hippopotamus.

[a] This word becomes pathetic as one thinks of what these natives had suffered from the pitiless power of their oppressors and of what they might suffer after the commission had gone.

eyes; others had fled to the bush to save themselves, and when they returned had found the dead bodies of their relatives lying about.

"Defenseless women and children were shot down indiscriminately in order to strike terror and fear into the hearts of these unhappy people so as to force them to bring rubber. This has been the normal condition of these people's lives for years.

"Whilst the men were in the forest trying to get rubber their wives were outraged, ill treated, and stolen from them by the sentries. Usually the sentries would attack a village either at night or very early in the morning and in cold blood shoot down the defenseless people, who offered no resistance. The history of the A. B. I. R. in these parts is one of oppression, blood, and iniquity.

"Lontula gave a horrible story of massacre, mutilation, and cannibalism, crimes committed by those who were acting under the instructions and with the knowledge of white men. At one time, after they had killed a number of people, the cannibalistic fighters attached to the A. B. I. R. force were rationed on the meat thus supplied.

"Inunga, of Ekorongo, came with his bundle of twigs representing thirty-three people killed by sentries, and when asked why they had been killed replied 'because of rubber.' He mentioned four white men who had sent their sentries to do this dreadful work.

"Boali, a woman of Ekorongo, appeared before the commissioners, and her maimed body itself was a protest against this iniquitous rubber system. Because she wanted to remain faithful to her husband, who was away collecting rubber, she was shot in the abdomen, receiving an awful wound. She fell down insensible, and the wretches were not yet satisfied, for they then hacked off her foot to get the anklet she was wearing.

"Lonboto, her husband, told how they flogged him because he was angry on seeing his wife's mutilated body.

"Bomolo, chief of Bolumboloko,[a] said: 'There is no rubber in the forest. They search for it, but it is now finished. When they brought what rubber they could get to the station, they were flogged with chicotte, being laid on the ground.'"

BONGANDANGA—STATION OF KONGO BALOLO MISSION.

Mr. Ruskin's testimony: "I have been ten years upon this station, and during this time I have seen the following things:

"Expeditions of sentries armed with Albini rifles, followed by town people with spears and shields, they in turn followed by women with baskets for loot, etc. M. Peterson has led such expeditions, generally on Sundays.

"Large numbers of women in prison, compelled to work in the sun, some with children at the breast.

"In 1895 I visited the river Bolombo before the A. B. I. R. commenced operations and found large flourishing towns, people happy, and plenty of food, fowls, goats, etc. In 1901 the change was most noticeable. The natives were terrorized by sentries and had to live in the forest. In Bosinga and Eala, which were flourishing towns, I could not see a hut.

"In 1899 I saw poles at the A. B. I. R. factory to which four men had been tied, stripped, with heads shaven, for a day and night without water or food. In the morning their eyes were protruding, their features all swollen, and they cried for some one to bring a gun and put them out of their misery."

The commissioners handed to Mr. Ruskin Mr. E. D. Morel's book, "King Leopold's Rule in Africa," and asked him if the things reported there were those he was about to report. If so, it would save fatigue and time if he would confirm them wholesale. Mr. Ruskin read them and, with the exception of one or two typographical errors, confirmed the whole.

"With regard to the system, I have no hesitation in saying that it is iniquitous in the extreme, and if continued will end in the total depopulation of the country. The administration of the system varies with the agent, but the system itself remains the same."

Mr. Gamman's testimony: "After taking the oath I said that as soon as the approach of the commission was known the sentries ran into the village and compelled the men to return at once to their own towns. As soon as I knew that the commission had arrived, I sent to the town to procure witnesses, but they had all gone.

"The commission asked me if I could account for these things. I replied that it seemed to me that some persons were very anxious to get rid of all who could give evidence.

"The president asked what I thought was the reason of the deaths of those chiefs. I replied, lengthened and repeated confinement in prison, hard work, improper food, and, not least, broken heart.

"I cited the murder by sentries in the time of the agent, M. Baelde. In Boseki two sentries named Bolungia and Iseowangala tied up a man named Iseokoko to a tree and demanded from him 1,000 rods.[b] He was only able to supply 300 and one or two dogs. This, they said, was not sufficient. Because the rest was not forthcoming, Bolungia shot him dead. I gave the names of witnesses for this, but they were not called. I also informed the commission that Bolungia (one of the murderers) is at the present moment a sentry in the employ of the A. B. I. R. here.

"The president then asked me if I had any general statement to make. I thought the rubber tax was exorbitant. The rubber in the immediate districts was finished; nearly all the villagers had to go two days in the forest for their rubber, work five days there, and then return and bring the rubber to the factory. It was especially hard for those villages far from the factory. We understood that the tax was to be forty hours' work a month. The rubber tax for Nsungamboya was thireen days in every fifteen days. Thus the people only had four days a month at home. I knew of no village where it took them less than ten days out of the fifteen to satisfy the demands of the A. B. I. R.

"I stated that the greatest iniquity was the power put into the hands of untrained, armed sentries, who so frequently and atrociously abused their positions, and were never punished for even the most brutal crimes. As far as I know, not one sentry has ever been severely punished for their abuses of power, their seizing of wives and property, or even murder—cases which have been proved without any shade of doubt. In reply to a question by the President, I said I did not think it was possible to get in the same amount of rubber without the sentries, because it was excessive, and all power had been taken out of the hands of the chiefs.

"Continuing my evidence next day, I said that I thought I could prove that gross abuses of their position were still perpetrated by the sentries, and also that the sentries were not properly superintended by the A. B. I. R. agents. The women to whom I had referred the day before were tied up by Mbongedza purely for purposes of extortion—it could not have been for rubber—as the husbands were at the time carrying their rubber to Bongandanga. The names of the women were Nsala, Bokali, Ekokula, Botono. This was not even denied by the sentry, and although M. Delvin promised to revoke him, he was only detained one night, and he is at the present moment a sentry at Nsungamboyo.

"The number of women seized by the sentries from Nsungamboyo was almost innumerable. A young man gets the gun, is sentry at Nsungamboyo, and in a few months has quite a number of wives.

"Lokungu, my witness, was then called. He had a piece of string with forty-two knots, each knot indicating a person killed at Nsungamboyo. He also had a packet of fifty leaves, each leaf representing women whom he knew had been seized by the sentries; he could give the names of all, and there were many more whose names he could not remember.

"He had seen that day, in walking from our station to the steamer, four of these women in the house of a sentry; one was his own daughter. The names of these four women were Iysovu, Benteke, Bofola, and Boyuka. If a man is sick and can not possibly go for his rubber, his friends must give a substantial present to the sentry. If a male native down on the list as a rubber collector dies, his friends must do something handsome to get the name taken off the books."

IKAU—STATION OF KONGO BALOLO MISSION.

Mr. Lower's testimony: It was proved that a number of natives anxious to give evidence had been threatened, cruelly treated, and in some cases prevented from going to Ikau by native sentries.

Mr. Lower produced a long list of murders committed in the concession, bringing forward many native witnesses to prove the facts.

The names of sixty men, women, and children murdered by Government sentries were given, with dates and remarks upon each case.

A few typical instances are here given:

"Sentry demanded deceased's wife. He refused, was bound first and then tied to a post and shot. Corpse untied by Iseofoso, witness."

"Sent to secret prison. Beaten by sentries. Set free. Died one day later. The sentry Iseowaka demanded 1,000 rods before permitting relatives to have the body."

"Rubber deficient. Imprisoned. Sentries dug a hole and laid him face downward in it. They then jumped on him, ramming him with stock of gun until dead. They took the body to the white agent, who, without inquiring the cause of death, told them to take him away and bury him."[a]

"Bonkongya requested deceased to let him have his daughter. On refusal he sent two sentries, who killed him by hanging."

"The A. B. I. R. agent 'Lowoso' sent the sentries. The child Impogni had right hand and left foot and part of foreleg cut off for purpose of getting the ornaments which were on them."

"A woman was shot and her children were hacked with knives."

Testimony of Mr. Charles Padfield: "On 4th December, 1904, when the commission of inquiry was expected, the white agents at Boyeka endeavored to bribe the villagers to silence in the matter of atrocities committed upon the people. The villagers, knowing that the commission of inquiry was coming, refused to receive the blankets offered them.

"About September of 1904 the white agents at Boyeka sent a sentry to the village of Nkoli to get the rubber. Some of the able-bodied men of the town having died, several villagers went to the white agent, begging that the number of baskets of rubber demanded should be reduced from forty to thirty. This request the white agent refused, and sent the sentry Ekolelo to punish the people if the rubber was not complete. The people were unable to produce the full amount, and thereupon the sentry shot the chief, Bombambo, the charge entering the abdomen on the right side and passing out at the back.

"The son of the murdered chief, accompanied by another man, named Bosolo, took the corpse to the white agent (known to the natives as 'Ekotolongo') and complained. But he told them that the chief had been shot because the rubber was not complete, and ordered them to take the corpse back to their town. He called his dog and set it on them, the dog biting the son on the leg as he carried the corpse of his father.

"The town of Inganda had to produce twenty baskets of rubber per fortnight. On one occasion, in 1904, the people had only collected sixteen baskets. The sentry Maboke was sent for the rubber, and finding it short beat a villager so severely with his gun that he died. Lofali and other men carried the corpse to the white man, who said that the man had been killed because the rubber was short.

"Some time later the people of this village were five baskets of rubber short, and the sentry Mambuso caught a villager and took him to the white agent at Boyeka. The white agent thereupon ordered the villager to be chicotted in his presence. The victim of this brutality was then taken to Bassankusu (headquarters of the A. B. I R. Society), where he was kept five days, after which he was brought back again to Boyeka, again chicotted by the white agent's orders, and sent back to his home. His body was so fearfully lacerated that he died two days later. The villagers, led by the headman, Lofali, took the corpse to the white agent, who told a sentry to thrash Lofali with the chicotte, and to-day he bears the scars so received.

"The town of Bokenyola has to send ten women on Sunday and forty on other days to work at the factory. On one occasion, when the forty women had been working all day, the white agent, Lokoka, had the women in the evening all lined up, ordered them to strip themselves naked, and then * * *. (What follows is unfit for printing.)

"Early in 1904 the sentries of the La Lulanga Company were sent to Bolongo for the rubber due from that village. The people had gone to the forest, but had not been able to procure the full quantity. As a punishment three villagers were murdered and another wounded. The villagers brought the dead body of one of the murdered persons and also the wounded man to M. Spelier, the director of that society. He accused them of lying, and told them to return to the town.

"About the middle of 1903 the people of the village of Bomengi had started to carry the rubber overland to the factory, when a sentry, Engonda, arrived in a canoe. The people told him that the rubber was on its way, but he refused to believe it, and shot the chief. The white agent, Lokoka, declined to take any action.

"On another occasion the white agent, Lokoka, sent messages to the village of Bosokoli to inform the people that they would have to supply double the amount of rubber, adding that if they did not he would punish them. The people could not comply with the demand, and the white agent sent his sentries. They killed two men. The chief com-

[a] Bolumboloko was again raided by A. B. I. R. soldiers in April, 1905, some months after the visit of the commission.

[b] The native currency.

[a] It should be borne in mind that these soldiers or sentries are themselves flogged and degraded if the rubber is not forthcoming from the villages under their control.

plained to the white agent, who said, 'No palaver,' and told the sentries to throw the bodies into the river.

"Some time afterwards the white agent, hearing that the chief was angry, instructed him to bring the rubber in person. When the chief came he was chicotted by order of the white agent and imprisoned for about four months, during which time he was made to work every day and frequently thrashed.

"In 1903, when the sentry attached to the village of Lobola had gone to the society's factory with the rubber imposition, the village was looted by other sentries. The people having remonstrated, the sentries shot four men, including the village chief; and, pursuing a boy, slashed him across the body and cut off his right hand. Two villagers went to complain to the white agent, 'Bomba,' taking with them the corpse of one of the murdered persons. The white agent told them to go away and put the body into the water.

"About the same time the people of this village, when taking their rubber to the white agent, Lokoka, were told by him to bring in addition ten fowls, sending a sentry to see the order carried out. The people objecting, the sentry shot a villager named Maloko. A relative took the corpse to the white agent, but he simply told him to go away.

"In the spring of 1903, while the sentry attached to the village of Busanbongo had gone to Mampoke with the rubber imposition, two other sentries came and looted the village of most of its possessions. Because the people objected one sentry shot the man Mokembe, while the other sentry shot the man Biacia in the right arm, which to-day he is unable to use.

"The women at Mampoko had to tread the clay used for brick-making, and on one occasion the sentries stripped the women, and in the presence of the white man in charge of the work * * *. The women went to M. Speller, the director, and he told them to go away.

"In 1904 the people of the village of Bokutolo received as pay for their rubber three flat beads. They asked for more pay, as they had not received anything for the last eight times they had brought rubber. For answers the white agents seized the man Mboyo and one holding him another beat him until he died.

"On the third occasion of their bringing in the rubber after the above murder, the white agents gave the people a small mirror. The people asked for money. As answer the white agents seized the man Bokectu and beat him with the chicotte so severely that he died. The eye-witnesses of these murders, and also of the widows of the men killed, were examined by the commission of inquiry."

MONSEMBE—STATION OF ENGLISH BAPTIST MISSIONARY SOCIETY.

Testimony of Mr. Weeks: "The commission of inquiry arrived here on the evening of 6th January, 1905, and at 8.30 a. m. the following day the court assembled and I was summoned to appear before it. The court-house was the deck of a steamer—an ample space between two cabins. The president attended in a scarlet gown with lace bands, Baron Nisco in a black gown with white bands, and the Swiss member in a dress suit. Soldiers were on either side armed with guns, and with bayonets fixed. The court was dignified and impressive.

"After taking the usual oath I was called upon to make my statement. I drew the attention of the commission to the fact that my attitude toward the State was not the outcome of the present agitation in England, because I had written as far back as the 6th November, 1897, a strong appeal to the commissaire of the district of Bangala for a reduction of the taxes, as the people were in a state of semi-starvation, and the population was decreasing rapidly. I told them that three officers of the State came and investigated my complaints, found my charges true, but nothing was done to relieve the natives.[a] They accepted as proved my charges in re exorbitant taxation.

"The next point considered was that of depopulation. In 1890 there were over 7,000 people within a certain area, comprising the towns of Bongwele, Moluka, Mantele, Bonjoko, Mokobo, Nkunya I, Nkunya II, Bombala, Monsembe, the Creek towns, Upper and Lower Bombelinga; that the Creek, which had formerly 1,500 persons, had now only 67, and that out of the 7,000 people in the above towns we last counted 574, and that the State had just taken a census and found only 551, and that in the other parts of the district there is a like decrease. They accepted that as proved.

"I then referred to the killing of twenty-two men, women, and children by M. Mazy (Mabata) in the Bokongo section. They said that M. le Juge Grenade had fully confirmed my accusation and had supplied more details than I had given. Charge proved.

"Then came the question of depopulation through sleep sickness. I said that on my arrival at San Salvador in 1882 I found the people suffering from sleep sickness, that the people were not taxed, that they lived under normal conditions, that the birth rate kept pace with the death rate, and that the town had since increased. The first case of sleep sickness in Monsembe was brought to our knowledge in 1892—two years after our settling in the district—since which time the deaths have increased through semistarvation and worry. The eternal fortnightly tax depressed the people and made them an easy prey to disease of all kinds.

"We then reached the labor question.

"They asked if it was not necessary to force the natives to work.

"I said, 'No. Look at all the mission stations, steamers, etc., all built and maintained without the use of forced labor.'

"It had never occurred to them that all our work was done without the employment of forced labor. I called their attention to the industry of some young men within 50 yards of their steamers, who were making chairs and tables. As they were under our protection and knew they would enjoy the fruits of their labor they worked hard. Given a guaranty, I said, that the natives would reap the fruits of their toil and not be cheated out of them, they would work without force. The State could buy its native produce by giving a fair market price, dealing honestly with the natives and winning their confidence.

"I stated my conviction that State trading was the cause of most of the abuses, and that there would be no real reform until the State gave up trading; that the time and energy of the commission would be wasted unless the State abandons trading. State trading was the curse of the country and the ruin of the people. The promotion and perquisites of officials depended largely on the amount of rubber or other produce they collected from their districts. They could not administer the country while taken up with trading.

"In conclusion I said that we came here to teach and preach, and instruct in various ways the natives among whom we live. We are not political agents, and we care not a jot who rules the country, so long as we have freedom to do our religious work and the natives are treated fairly. But when we see them being crushed out of existence, what are we to do? Appeal to the Kongo executive? We have done that, and wasted our time, paper, and stamps. What are we to do? Sit quietly, because we are supposed to be in a foreign country? Why, the very stones would cry shame upon us if we were to be silent about the grievances of these people."

A SUPPLEMENTARY LETTER.

On January 5, after the commission had left Baringa, Mr. Harris wrote the president of that body:

"While you were at Baringa a chief from Boendo escaped from the sentries guarding his village and came through the forest in order to lay his case before you; but he experienced such difficulties that he arrived too late to see you, for he found, to his keen disappointment, that you had gone down river. He had brought with him several eyewitnesses of barbarities, also 182 long twigs and 76 smaller ones, which the chiefs of his village had sent you, in order to prove that the A. B. I. R. had murdered 182 men and women and 76 children in their village during the last few years. These people were killed by hanging, spearing, cutting the throat, but mostly with the rifle. Some of the women were tortured to death by forcing a pointed stake through the vagina into the womb. I knew of other such instances, but in order to test him I asked him for an example. 'They killed my daughter Nsinga in this manner; I found the stake in her.' He told me of many other instances of terrible brutality, torture, and murder. He further said that since he had left his town a messenger had followed him to say that the A. B. I. R. sentry, Lofela, had clubbed his wife to death with his gun."

Further details of tortures inflicted upon the people are too horrible for reproduction. Mr. Harris gave in this letter a long list of murdered people—men, women, and children. He concludes:

"This chief said that the reason why he was unable to supply more names of children was because they were too small, many of them being quite babies, who were killed with their mothers. I hope the commission will be able to find a place in its dossier for this letter."

AS TO PRESENT CONDITIONS.

On January 17 Mr. Harris wrote as follows to the vice-governor-general:

KONGO BALOLO MISSION, BARINGA,
January 17, 1905.

To his excellency the VICE-GOVERNOR-GENERAL:

SIR: I have the honor to acknowledge your excellency's wish, expressed to me through His Britannic Majesty's acting consul, that we will not delay in informing the authorities of irregularities that we think ought to be known. During the last few months we have done this, but there is yet very much to be told; more than I can ever hope to deal with. I am sending this communication through Commissaire-General B———, in order that he may be fully acquainted with the facts.

I have just returned from a journey inland to the village of Nsongo-Mboyo, the incidents of which have so impressed me that I feel it wise to give you an account.

In the employ of the mission is a man who, as a youth, was captured in a native quarrel from this village, and, being anxious to know if his relatives were still alive, he has constantly urged this journey upon us.

Madame Harris and I left Baringa on January 8, arriving at Nsongo-Mboyo on January 11. I had heard much of the plenty and beauty of this village from my man, but arriving there we found nothing but desolation; there was the place where once the village had been; that was all. However, by sending forward scouts, I got to know where the people were, and after pushing on for another three-quarters of an hour, preceded by men shouting that we had not come to fight, I found the old chief and some of his young men; a little later the mother of our employee emerged from the forest. Then, your excellency, a sight appeared which moved us deeply; the employee, though a grown man, broke down and wept; naturally, one would have expected him to show pleasure at seeing his mother. I asked him why he cried. "Oh, Bondele,[a] how can I be happy? My relatives have all been murdered for rubber; my friends have not a house to live in, or food to eat; my sister, with her right hand and left foot off testifies to the brutality of the sentries." I had ample proof of this; there was not a house for us to sit in; the people were living in holes in the earth, hollow trunks of trees, and in little grass caves; many lived in the open, with a few leaves for a covering. The chimpanzee is better housed and fed than these people, and in greater safety, too. The old chief said: "White man, I am full of shame; I can not give you a fowl to eat yourself, or manioca for your men; I am ruined." The only present the mother of my employee could give her son was a few leaves for pottage. They had ceased working rubber, because they said they could not find it; and even when they took what little they could, the white men only flogged them; they were therefore waiting now, expecting that every day the white man would come again and kill them. The abject misery and utter abandon is positively indescribable; though I know of many villages that have suffered, not one that I know of has ever presented such a picture of hopelessness and despair.

A few months ago M. Pilaet took his sentries there and between them killed:

Men—Isekalokuji, Bofofi, Itoko, Ilumbe.
Women—Imengi, Bofua, Bokangu, Nkawa.
Children—Mongu, Iyoki, Bomambu.

The young woman Imengi was tied to a forked tree, chopped in halves with a matchet, beginning at the left shoulder, chopping down through the chest and abdomen and out at the side. It was in this way the sentries punished the woman's husband.

Bolumba, another woman, wishing to remain faithful to her husband, had a pointed stake forced into her womb, and as this did not kill her she was shot.

I found that, as in other towns, enforced public incest formed amusement for the sentries. (The names of victims and relationships are given.)

After spending some time with the people and hearing their miserable story, also seeing much proof with my own eyes, I made my departure, but before I came away one young chief stepped out and said, "Tell them (the rubber agents) we can not and therefore will not find rubber; we are willing to spend our strength at any work possible, but rubber is finished. Our mothers, fathers, sisters, brothers, have been murdered in scores for rubber; every article of any value has been

[a] Mr. Harris's native name.

[a] Mr. Weeks's long series of disclosures to the Government have had the effect of proving once again how hopeless it is to expect that on the Kongo adequate punishment, or even punishment at all, will follow crime where white men are concerned, especially Government officials. In one prominent case in which shocking murders were committed by a force under Lieutenant Mazy, that officer was allowed to return to Belgium after the charges made by Mr. Weeks were in the hands of the authorities at Boma.

stolen from us, spears, knives, brassiets, fowls, dogs, etc., and we are now ruined; if we must either be massacred or bring rubber, let them finish us right off, then we suppose they will be satisfied."

It was touching to see the old chief as he wrung my hand again and again. "Oh, Inglesia, don't stay away long; if you do, they will come; I am sure they will come, and then these enfeebled legs will not support me; I can not run away. I am near my end; try and see to it that they let me die in peace; don't stay away."

I was so moved, your excellency, at these people's story that I took the liberty of promising them, in the name of the Kongo Free State, that you will only kill them in future for crimes.

The following are the names of some of the people murdered by the A. B. I. R. for rubber: (Here follow the names of thirty-eight men, twenty-six women, and sixteen children, and of the sentries by whom the murders were committed.)

I have the honor to be, your excellency's obedient servant,

JOHN H. HARRIS.

On April 7 Mr. Stannard wrote as follows:

"The devil's work is in full swing again. The A. B. I. R. are determined to get their rubber from this district, no matter what it may cost in the shedding of blood and human suffering. The people have been told that very soon the sentries are coming again to kill more, and that if they do not bring in rubber they will soon be 'finished off.' Of course we shall report this to the State, but what is the use? Its action in regard to Van Caelcken's trial does not give much encouragement or hope that any real justice will be done."

August 19 Mr. Stannard writes again:

"They have also taken away the chief of Bolumboloko, who was tied by the neck, and Lontulu, the senior chief of Bolima. These are two of the most respected and influential men in the district, and their arrest and deportation are shameful. It is significant that they were two of the principal witnesses before the commission of inquiry. * * * Every important witness against the State is the object of the State's disfavor, and as soon as there is the slightest opportunity they are made to suffer.

"The fact is that for a man to speak of these atrocities, which should bring shame to any white man's face, is to make himself a marked man by the State with all that it involves.

"When the commissioners were here, they told us and the directors of the A. B. I. R. that the A. B. I. R. had absolutely no right to force the people to bring them rubber, and that it was illegal for them to do so, and yet now it is being done by the State itself, whose officers are working openly hand in hand with the A. B. I. R. in this abominable traffic. The commissioners said that some reforms were imperative and must be introduced immediately. But the reforms are as bad, if not worse, than the former condition. The commissioners said that extra judges must come into the district. The judicial officer is practically a nobody—he tells us that he can not do anything; that there are only certain things which come within his province for investigation, and that he has no power to act. The real judge, we are told, who has been granted special power, is Commandant H———, the man who, whilst police officer, was the tool of the A. B. I. R., and who is now helping them with his increased authority to do what the commission of inquiry pronounced an illegal thing, viz, force rubber from the natives at the point of the rifle. This is the kind of judge provided on the Kongo. In this country the judge joins hands with the lawbreakers, the plunderer, and the oppressor, and then sits in judgment on his victims. When these are the views and this the attitude of the executive and judicial authorities, where is there any room for hope?

* * * * * * *

"Lately there arrived in the Kongo a M. Rice,[a] who is said to be a very high official and large shareholder of the A. B. I. R., and to whom the greatest deference is shown by State officers. He says the State can not take away the charter of the A. B. I. R., and he has also obtained a promise from the commandant of the district to force the people to work rubber.

"On the 21st July he reached Baringa on an A. B. I. R. steamer, accompanied by Mr. Delvaux, the director of the A. B. I. R., and went up the river, their steamer being immediately preceded by another. Shortly after the director returned down river, and we were informed that M. Rice had remained at Mompona. Then on 11th August the A. B. I. R. steamer again arrived at Baringa with Mr. Delvaux, en-route for the Upper Maringa, accompanied by Commandant H———, with a body of soldiers. The general talk is that he has gone to fight the people and make them bring in more rubber.

"An armed sentry was sent round to the inland villages of this district telling them to work rubber. We are informed by the soldiers here that, on the return of the steamer from up river, their wives are to be sent down to Bassankusu, and they and their white men are going all round the country hunting the people and forcing them to work rubber. In the light of the past rubber-hunting expeditions and all the revelations made before the commission of inquiry, I leave you to imagine the scenes of bloodshed and the unspeakable horrors that are now about to be perpetrated upon the unhappy people in the far interior. And all this while the words of the commissioners are still fresh in the ears of the people, promising them that their sufferings were at an end! It would seem that the commission of inquiry was only intended to deceive the public, and give the men out here breathing time in their unholy work. Be it remembered that in this case it is the State itself which is opening this new chapter of horrors for the benefit of the rubber company.

"At one moment it is the company that is the tool of the State, whilst at another time it is vice versa, but it is useless to differentiate between them. For all practical purposes they are one and the same.

"A few months ago the director of the A. B. I. R. said that a commission was coming to examine the forests, to find out whether there was rubber and to what amount. It has come in the shape of Commandant H——— and his subordinate officers, with their respective companies of soldiers, who are to scour the country, carrying death and destruction in their train, in order to drive the people into the depths of the forest to search for rubber—for that substance which to the people has become synonymous with death. It is piteous to hear the natives plead that the rubber is finished, and ask to be allowed to bring meat or pay their taxes in some other way, but nothing will suffice except rubber. Some time ago there were reports that the State was going to take over the A. B. I. R., but that is no longer spoken of. But it would make no difference, for exactly the same system would remain, and what the State was able to pronounce illegal when done by the A. B. I. R. would be legal when done by themselves."

[a] Spelled "Rice" in Mr. Stannard's letter. From the description apparently M. F. Reiss, described in the official statutes of the A. B. I. R. Society as "commissaire" of that society.

REPORTS OF COMMITTEES.

Mr. GEARIN, from the Committee on Claims, to whom was referred the bill (H. R. 11976) for the relief of the Compañia de los Ferrocarriles de Puerto Rico, reported it with an amendment, and submitted a report thereon.

Mr. FRAZIER, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5927) for the relief of the board of trustees of West Tennessee College, Jackson, Tenn.; and

A bill (H. R. 14541) for the relief of C. R. Williams.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 3863) to correct the military record of Stephen Thompson, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 3686) for the relief of Robert G. Carter, United States Army (retired), reported adversely thereon, and the bill was postponed indefinitely.

Mr. WARNER, from the Committee on Indian Affairs, to whom was referred the bill (S. 2418) to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. FULTON, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10605) for the relief of Edward F. Stahle;

A bill (H. R. 6675) for the relief of the Methodist Church at New Haven, Ky.; and

A bill (H. R. 6982) for the relief of James W. Jones.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (S. 4823) for the relief of Madison County, Ky., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3329) for the relief of Madison County, Ky., reported adversely thereon, and the bill was postponed indefinitely.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 5028) to remove the charge of desertion from the military record of Thomas F. Callan, alias Thomas Cowan, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4794) to correct the military record of John McPherson, reported adversely thereon, and the bill was postponed indefinitely.

Mr. FOSTER (for Mr. TALIAFERRO), from the Committee on Military Affairs, to whom was referred the bill (S. 5358) to remove the charge of desertion from the record of Edward Kelly, reported it with an amendment, and submitted a report thereon.

JUDICIAL DISTRICTS OF IOWA.

Mr. KITTREDGE. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 16014) to amend an act entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein," approved June 1, 1900, and all acts amendatory thereof, to report it favorably with amendments. I ask the attention of the Senator from Iowa to this report.

Mr. ALLISON. This is a local bill affecting one of the judicial districts in Iowa, and it is rather important that it should be passed without delay. It will take no time. I ask unanimous consent that it may be considered now. It is a House bill with amendments.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on the Judiciary was, to add at the end of section 1, line 2, page 2:

And the county of Appanoose, heretofore within said southern division, is hereby transferred to and made a part of the eastern division of the southern judicial district of Iowa.

The amendment was agreed to.

The next amendment was, to add as section 3:

SEC. 3. That all crimes and offenses against the laws of the United States committed within said Appanoose County shall be prosecuted, tried, and determined at the terms of the circuit and district courts of said eastern division of the southern judicial district of Iowa at Keokuk, in Lee County: *Provided, however,* That all criminal offenses committed prior to and all prosecutions begun and pending at the taking effect of this act shall be proceeded with and finally determined as if this act had not been passed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SHILOH ELECTRIC RAILWAY COMPANY.

Mr. OVERMAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 16125) authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park, and to operate electric cars thereon, to report it favorably without amendment.

Mr. MONEY. I ask unanimous consent for the present consideration of the bill (H. R. 16125) authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park, and to operate electric cars thereon, which has just been reported by the Senator from North Carolina [Mr. OVERMAN]. I make this request because there is no opposition to the bill. It merely affords a mode of travel to visitors to that military park, which they have not now.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. That appears to be rather an important bill, Mr. President.

The VICE-PRESIDENT. Does the Senator from New Jersey object to its consideration?

Mr. KEAN. I should like first to hear some explanation of it.

Mr. MONEY. Mr. President, in response to the request of the Senator from New Jersey, I will say that this is a bill which has been reported favorably and passed by the House of Representatives, and it has been reported favorably by the Committee on Military Affairs of the Senate. It is designed to enable an electric traction company to extend its line to the military park at Shiloh. There are a great number of visitors going to that park, and the means of access to it are very difficult. The present road is quite insufficient, it being in a country where there is no rock. The object of the construction of this road is to afford facilities to people to visit that national park. The bill has been approved by the Secretary of War and also by the Park Commission. There is no opposition to it anywhere that I know of, and I do not see how there could be. It is a matter which ought to be acted on as soon as possible, because this road is now being built, and it is desired to go on with it. It is simply a license to the company to lay the necessary tracks.

Mr. KEAN. I will state to the Senator that this seems to be rather an important bill. It has just been reported this morning, and I think it had better go to the Calendar.

The VICE-PRESIDENT. Under objection of the Senator from New Jersey, the bill will go to the Calendar.

Mr. MONEY. I hope the Senator will examine the bill and not make objection to it the next time it comes up.

Mr. OVERMAN, from the Committee on Military Affairs, to whom was referred the bill (S. 5616) authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park and to operate electric cars thereon, reported adversely thereon, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. DUBOIS introduced a bill (S. 5665) to regulate the employment of child labor in the District of Columbia; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. McLAURIN (by request) introduced a bill (S. 5666) to refund legacy taxes illegally collected; which was read twice by its title, and referred to the Committee on Finance.

Mr. MALLORY introduced a bill (S. 5667) for the relief of the estate of John Bunch, deceased, and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURKETT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5668) granting an increase of pension to George P. Sealey; and

A bill (S. 5669) granting an increase of pension to Leander C. Hicks.

Mr. TALIAFERRO introduced a bill (S. 5670) granting an increase of pension to Isaac L. Duggar; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 5671) granting an increase of pension to Richard L. Delong; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 5672) granting an increase of pension to Felix G. Murphy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5673) granting an increase of pension to Hilton Springsteed; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 5674) to make sections 6, 8, 13, 14, 15, 16, and 18 of the act of May 28, 1896, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, applicable to the office of the United States district attorney for the southern district of New York and his assistants, except as otherwise provided in this act; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BURROWS introduced a bill (S. 5675) for the relief of Maj. Seymour Howell, United States Navy, retired; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 5676) for the relief of the heirs of the late James S. Calhoun; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5677) for the relief of George T. Larkin (with accompanying papers);

A bill (S. 5678) for the relief of the Mountain Creek Baptist Church, of Hamilton County, Tenn. (with an accompanying paper); and

A bill (S. 5679) for the relief of the estate of F. K. Center, deceased (with accompanying papers).

Mr. FRAZIER introduced a bill (S. 5680) granting an increase of pension to Thomas J. Bowser; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 5681) granting an increase of pension to William Grant; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HANSBROUGH (for Mr. GAMBLE) introduced a bill (S. 5682) to permit Dollie A. Fountain, of Walworth County, S. Dak., to purchase certain lands herein mentioned; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OVERMAN submitted an amendment proposing to appropriate $75,000, to be expended under the direction of the Bureau of Manufactures, to investigate the commercial and industrial conditions of foreign markets, etc., intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $3,000 to reimburse George W. Dant for losses and expenses, including counsel fees, incurred by him growing out of the Ford's Theater disaster on June 9, 1893, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. DOLLIVER submitted an amendment relative to the distribution of the annual appropriations for the fulfillment of existing treaty stipulations with the Sac and Fox Indians of the Mississippi, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

DISPOSAL OF TIMBER ON PUBLIC LANDS.

Mr. CLARK of Montana submitted an amendment intended to be proposed by him to the bill (S. 5327) providing for the disposal of timber on public lands chiefly valuable for timber, and for other purposes; which was ordered to lie on the table, and be printed.

WITHDRAWAL OF PAPERS—SHEFFIELD L. SHERMAN, JR.

On motion of Mr. WETMORE, it was

Ordered, That the Secretary of the Senate be directed to take from the files of the Senate the papers accompanying the bill (S. 5578, 59th Cong.) granting an increase of pension to Sheffield L. Sherman, jr., and return the same to said Sherman, there having been no unfavorable report on the said bill.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17359) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 11.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 6, 7, 9, and 12; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out in the last line of said amendment the words "to be available until used" and insert in lieu thereof the following: "to continue available during the fiscal year nineteen hundred and seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "and, to continue available during the fiscal year nineteen hundred and seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "silver coin, including;" in line 2 strike out the word "fifteen" and insert in lieu thereof the word "ten;" in line 5, before the word "silver," insert the word "fractional;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "two thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"WAR DEPARTMENT.

"For completion of the contract for grading and filling the reservation at Washington Barracks, District of Columbia, entered into by Captain John Stephen Sewell, Corps of Engineers, in May, nineteen hundred and three, twenty-five thousand five hundred dollars;" and the Senate agree to the same.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

LUCIUS N. LITTAUER,
JAMES A. TAWNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

DEPARTMENTAL INFORMATION AFFECTING MARKETS.

Mr. CULBERSON. Mr. President, I desire to submit a concurrent resolution, but before doing so, I ask the indulgence of the Senate for a moment to make an explanation.

Several weeks ago the House of Representatives passed a bill, H. R. 10129, amending section 5501 of the Revised Statutes. The Senate after receiving the bill passed it with an amendment and it went to conference. The conferees reported to each of the Houses among other things an amendment to add, after the word "thereof," on page 2, line 14, of the bill, the words "and every member of Congress." The report of the conference committee stated frankly that in the judgment of the committee this amendment was contrary to the rule of the two Houses because it had not passed either of the Houses. On objection by several Senators the report was withdrawn. The Senator from Massachusetts [Mr. LODGE] suggested that the matter could be cured by the adoption of a concurrent resolution authorizing the committee of conference to make the amendment to which I have called attention. In order that that may be done I offer the concurrent resolution which I send to the desk.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States, be, and the same is hereby, authorized to agree to an amendment on page 2, line 14, of the bill, by inserting after the word "thereof" the words "and every member of Congress."

Mr. CULBERSON. I ask for the immediate consideration of the concurrent resolution.

The VICE-PRESIDENT. Is there objection to its present consideration?

Mr. GALLINGER. I ask that it be read again.

The concurrent resolution was again read.

Mr. GALLINGER. I have no objection to it.

Mr. TELLER. Mr. President, I am not going to object to the consideration of the resolution, but I should like to suggest to the Senator who offers it that it would be quite as easy and, in my opinion, a good deal more regular to enact it as a law instead of passing a resolution giving instructions to the conferees. We have power to amend the existing law in this way if we see fit or we can pass an independent bill.

I do not object to the resolution, but, as a matter of propriety and regular proceeding in the Senate, I do not think it a wise course to pursue. Beyond that I do not care to say anything.

The VICE-PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CULBERSON. I will simply say, in answer to the suggestion of the Senator from Colorado, that on the consideration of this matter several weeks ago it was suggested by the senior Senator from Massachusetts [Mr. LODGE] that the amendment might be made in this way, and so far as I now remember no one in the Chamber (and I think the Senator from Colorado was here at the time) objected to that course. The suggestion apparently meeting the unanimous approval of the Senate, certainly of those present, by their failure to object, I simply pursued this course because I believed it to be in accordance with the general wish of the Senate on the subject.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

FIVE CIVILIZED TRIBES.

Mr. CLAPP. I ask that the conference report on House bill 5976 be laid before the Senate.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

The VICE-PRESIDENT. The question is on agreeing to the report. On that question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I am paired with the Senator from Missouri [Mr. STONE]. He is not in the Chamber, and I withhold my vote.

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW], and therefore I withhold my vote.

The roll call was concluded.

Mr. ALLISON. I am paired with the senior Senator from Alabama [Mr. MORGAN] on this question, he being necessarily absent from the Chamber.

The result was announced—yeas 41, nays 11, as follows:

YEAS—41.

Aldrich	Culberson	Hansbrough	Proctor
Allee	Cullom	Heyburn	Scott
Ankeny	Dick	Kittredge	Smoot
Bacon	Dillingham	Knox	Sutherland
Bulkeley	Dolliver	Lodge	Teller
Burkett	Dubois	Long	Warner
Carter	Flint	McCumber	Warren
Clapp	Foraker	Nixon	Wetmore
Clark, Mont.	Frye	Penrose	
Clay	Fulton	Perkins	
Crane	Gallinger	Piles	

NAYS—11.

Blackburn	Latimer	Money	Simmons
Daniel	McLaurin	Overman	Tillman
Kean	Mallory	Rayner	

NOT VOTING—37.

Alger	Clark, Wyo.	Hale	Newlands,
Allison	Clarke, Ark.	Hemenway	Patterson
Bailey	Depew	Hopkins	Pettus
Berry	Dryden	La Follette	Platt
Beveridge	Elkins	McCreary	Spooner
Brandegee	Foster	McEnery	Stone
Burnham	Frazier	Martin	Tallaferro
Burrows	Gamble	Millard	
Burton	Gearin	Morgan	
Carmack	Gorman	Nelson	

So the report was agreed to.

AGREEMENT WITH LOWER BRULÉ BAND OF INDIANS.

Mr. CLAPP. I ask the Chair to lay before the Senate the amendments of the House of Representatives to Senate bill 980, which has just come from the House.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 980) to ratify an agreement with the Lower Brulé band of the Sioux tribe of Indians in South Dakota, and making appropriation to carry the same into effect.

The amendments of the House of Representatives were to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell or dispose of the west half of townships 106, 107, 108, 109, and 110 north, range 77 west of the fifth principal meridian, and fractional townships 106, 107, 108, 109, and 110 north, range 78 west of the fifth principal meridian, and fractional township 110 north, range 79 west of the fifth principal meridian, the same being the western portion of the Lower Brulé Indian Reservation in South Dakota, comprising approximately 56,560 acres: *Provided*, That sections 16 and 36 of the lands in each township shall not be disposed of, but shall be reserved for the use of the common schools and paid for by the United States at $1.25 per acre, and the same are hereby granted to the State of South Dakota for such purpose: *Provided further*, That any Indians to whom allotments have been made on the tract to be ceded may, in case they desire to do so before said lands are offered for sale, relinquish same and select allotments in lieu thereof on the diminished reservation.

SEC. 2. That the Secretary of the Interior shall cause said lands, except sections 16 and 36 in each township, to be appraised by legal subdivisions, and when all of said lands have been appraised the same shall be disposed of under the general provisions of the homestead laws of the United States, and shall be opened to settlement and entry at not less than their appraised value by proclamation of the President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and Spanish wars and the Philippine insurrection, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *Provided further*, That the price of said lands when entered shall be that fixed by the appraisement or by the President, as herein provided for, which shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior, upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry, and the balance in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, promptly when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry: *And provided further*, That the lands embraced within such canceled entry shall, after the cancellation of such entry, be subject to entry under the provisions of the homestead law, at the appraised value until otherwise directed by the President, as herein provided.

When the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made all the required payments aforesaid, he shall be entitled to a patent for the lands entered: *Provided*, That the entryman shall make his final proofs in accordance with the homestead laws within six years, but nothing in this act shall prevent homestead settlers from commuting their entries under section 3301, Revised Statutes, by paying for the land entered the appraised price, receiving credit for payments previously made; and that aliens who have declared their intention to become citizens of the United States may become such entrymen, but before making final proof and receiving patent they must have received their full naturalization papers: *Provided further*, That the fees and commissions to be paid in connection with such entries and final proofs shall be the same as those now provided by law where the price of the land is $1.25 per acre: *And provided further*, That when, in the judgment of the President, no more of the said land can be disposed of at the appraised price, he may by proclamation, to be repeated at his discretion, sell from time to time the remaining lands subject to the provisions of the homestead laws, or otherwise, as he may deem most advantageous, at such price or prices, in such manner, upon such conditions, with such restrictions, and upon such terms as he may deem best for all the interests concerned.

SEC. 3. That the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, shall, after deducting the amounts of the expenses incurred from time to time in connection with the appraisements and sales, be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the Lower Brule Reservation, and shall be expended for their benefit, under the direction of the Secretary of the Interior.

SEC. 4. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, or so much thereof as may be necessary, to pay for the lands granted to the State of South Dakota, as provided in this act, and for the necessary expenses of appraising said lands as provided herein: *Provided*, That the money expended in appraising said lands shall be reimbursable and shall be deducted from the proceeds received from the sale thereof.

SEC. 5. That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations as to manner of sale, notice of same, and other matters incident to the carrying out of the provisions of this act, and with authority to reappraise said lands if deemed necessary from time to time, and to continue making sales of the same, in accordance with the provisions of this act, until all of the lands shall have been disposed of: *Provided*, That all lands herein ceded and opened to settlement under this act remaining undisposed of at the expiration of five years from the taking effect of this act shall be sold and disposed of for cash, under rules and regulations to be prescribed by the Secretary of the Interior, not more than 640 acres to any one purchaser.

SEC. 6. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections 16 and 36 or the equivalent in each township, or to dispose of said land except as provided herein; or to guarantee to find purchasers for said lands, or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over and expend the proceeds received from the sale thereof only as received, as herein provided.

To strike out the preamble.

And to amend the title so as to read: "An act to authorize the sale of a portion of the Lower Brule Indian Reservation in South Dakota, and for other purposes."

Mr. CLAPP. I move that the Senate concur in the House amendments.

The motion was agreed to.

WATER RESERVOIRS AT DURANGO, COLO.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2188) granting to Durango, in the State of Colorado, certain lands therein described for water reservoirs, and the amendments were referred to the Committee on Public Lands.

HOUSE BILL REFERRED.

H. R. 12872. An act to amend an act entitled "An act to amend and codify the laws relating to municipal corporations in the district of Alaska," approved April 28, 1904, was read twice by its title, and referred to the Committee on Territories.

STATUE OF GEN. NATHANAEL GREENE.

Mr. SIMMONS. I ask unanimous consent——

Mr. TILLMAN. I shall have to insist that we can not enter upon the unanimous-consent agreements for the consideration and passage of private or special bills. There are two Senators waiting to address the Senate, and I now ask that the Senate proceed to the consideration of the rate bill. The Senator from North Carolina [Mr. SIMMONS] can get his bill in a little later.

Mr. SIMMONS. I will say to the Senator that this is a very short bill.

Mr. TILLMAN. If I give way to the Senator, some one else will want to get in. However, I will give way to the Senator, but I give notice that I shall surrender to no one else.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the bill (S. 2072) to provide for the erection of a statue of Gen. Nathanael Greene on the battlefield of Guilford Court House.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $25,000 for the preparation of a site and the erection of a statue of Gen. Nathanael Greene on the battlefield of Guilford Court House, in Guilford County, N. C.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I now ask that the unfinished business may be laid before the Senate.

The VICE-PRESIDENT. The Senator from South Carolina asks that the unfinished business be laid before the Senate. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. LATIMER. Mr. President, the agitation for Government supervision of railroads has been prominently before the country for a number of years, and the people, in my judgment, without regard to section or party, are back of this agitation. In the earlier period of railroad development the people, through their holdings of stock and the liberal aid which was granted by the State, had an interest in almost every railroad enterprise. While that condition of affairs continued complaints against railroad management were few. When, however, railroads became profitable and the necessity for public aid no longer existed, they gradually passed under the control of corporations through various schemes of reorganization. As corporate control progressed, complaints increased. At the present time seven corporations control practically all of the railroads of the country, and no argument is necessary to convince a thinking man that this consolidation means the elimination of competition and the placing of despotic power in the hands of a few men. This monopoly of the transportation facilities and elimination of competition has brought about gross abuse of the rights of the public by the railroads, and it is the imperative duty of Congress to exercise its power to see that the interests of the people are protected.

I am not disposed to support the passage of any measure which will unjustly affect the railroads. The people demand nothing unfair. On the contrary, they realize that the railroads have been one of the most important factors in the development of the country, and that any enactment of law which would cripple them would be a grievous mistake. The greatest care should be exercised in the framing of a law intended to give relief to the people to see that no injustice is done the railroads.

I have followed the debates in the House and Senate on the pending bill with great interest. Such diversity of opinion exists as to the powers of Congress to deal with this question that it is difficult to reach a conclusion satisfactory to myself. I have grave doubts as to whether any legislation that may be enacted will prove effective in putting a stop to the unjust practices of the railroads. Their ability to circumvent the law will, I fear, be equal to the emergency. I am convinced, however, that they will not suffer injury by reason of any law which may be enacted, and I have little sympathy with the declarations made by their representatives that ruin will follow to them from the passage of this act.

Government regulation of railroads is not a new proposition. Many of the States have commissions which adjust and regulate rates on domestic traffic, and from 1887 to 1897 the Interstate Commerce Commission exercised this power. No injury to the railroads has been shown to have resulted from this supervision. On the contrary, during the ten years when rates were fixed by the Interstate Commerce Commission the railroads made a net profit of about 8 per cent per annum, or 80 per cent for the ten years, and added 35,000 miles of road. The protest made by the railroads against the passage of any legislation on this subject is based, not on their fear of ruin, but on their greed and desire to continue to reap ill-gotten gain.

Mr. President, I will say here that if Congress had the power I would favor the creation of a commission of seven members, with full and final authority to fix rates and make such other rules and regulations as might be necessary to protect the shippers of the country. In my judgment such a commission, which should be composed of men learned in the law, of wide business experience, and knowledge of railroad affairs, would reach as nearly a just and impartial solution of railroad regulation as any tribunal to which the matter could be referred. It would have no interest, directly or indirectly, in the subject-matter of cases coming before it, nor would its investigations be limited by technical rules of law. All of the facts, conditions, and circumstances bearing upon the questions at issue could be gone into, and a judgment rendered which would meet the demands of justice and equity. I believe that such a commission would constitute a board of arbitration between the public and the railroads to which all their differences could be submitted and adjusted in the spirit of compromise to their mutual advantage. None of these advantages could be obtained by conferring jurisdiction upon the courts to adjust these matters. The judges would necessarily have only a theoretical knowledge of the questions brought before them, and would be bound in their judgments by a strict application of technical and sometimes harsh rules of law. What is needed at this juncture is common sense and good judgment, and not the mystifying and confusing distinctions of the law.

In the present crisis, when consolidation of transportation facilities has reached a climax, and when the people are powerless to prevent abuse of railroad power, it is absolutely necessary for the Government to interpose in the interest of the people. That can best be done by organizing a commission with authority and powers sufficiently elastic to embrace all the complex conditions that exist. The only hope for a proper solution of the problem is to deal with it comprehensively, and that can only be done through a specially authorized commission. So strongly am I convinced of the wisdom of this course that I would be glad to see the pending bill passed with an amendment distinctly forbidding any interference by the courts with the work of the Commission. It may be that such a law would be unconstitutional, but that question can not be decided until the Supreme Court of the United States shall have passed upon it. It is our duty as the representatives of the people to enact laws which seem to us to be wise and prudent, and which will give effectual relief when passed. We are the legislative branch of the Government, charged with the responsibility of carrying out the will of the people, and if that will, in this instance, can be carried out best by making the authority of this Commission final, it should be done, leaving to the court the responsibility of construing the law. Should it be held unconstitutional, it will lie in the wisdom of the people to say whether the law should be amended in conformity with the decision of the court, or whether an amendment to the Constitution conferring the necessary power upon Congress to enact such legislation, should be adopted.

If I am correct in my judgment that the organization of a commission with full and final authority to regulate railroads is the wisest and best solution of the problem, then it follows that the Commission should have authority to sustain and enforce its orders. Any restriction of that authority will impair the effectiveness of the work of the Commission, and I believe that it would be better to pass a law giving final authority to the Commission and let the Supreme Court of the United States pass upon it and then reach the situation as it may develop by constitutional amendment, or by modification of the law. It would be a matter of no great difficulty to secure the adoption of such an amendment to the Constitution. Already the legislatures of twenty of the States have passed joint resolutions favoring the passage of stringent railroad legislation, and the innumerable petitions from all classes of the people clearly indicate that the public is thoroughly aroused to the necessity of Government supervision and control of the railroads.

I am led to believe, however, from the discussions that have taken place here and in the House, that we will be unable to pass the pending bill without providing for a review by the courts. This being true, we should pass the bill in such form as will as nearly as possible accomplish the desired end. It is of the highest importance that we should enact a law at this session of Congress. The people are demanding immediate relief, and, not being able to secure what I believe the conditions demand, I shall vote for the pending bill with such amendments as tend to throw safeguards around the work of the Commission.

The pending bill, known as the Hepburn bill, seems to me to embrace in the main all of the essential features needed in a bill of this character. It provides for the public inspection of rates, fares, and charges made by the railroads for the transportation of property and passengers; that all service rendered shall be reasonable and just, declaring unlawful any unjust and unreasonable charge for any service. It also provides that the railroads shall make an annual report and shall furnish to the Commissioners any information which they may desire; that the Commission shall have jurisdiction over private cars, elevators, refrigerators, terminals, private switches, and all other means and devices used by the railroads. Section 15 of the bill provides: That the Commission is authorized and empowered, whenever, after full hearing upon a complaint made under the provisions of the bill, it shall be of the opinion that the rates charged are unjust and unreasonable, or otherwise in violation of this act, to determine and prescribe what will be the just and reasonable maximum rate to be charged in such case; to issue an order that the carrier shall put its findings in effect; and that such order shall go into effect thirty days after notice to the carrier and shall remain in force, unless suspended or modified by the Commission, or by a court of competent jurisdiction.

"Also, that whenever carriers shall publish and file joint rates, charges, etc., and fail to agree among themselves as to the apportionment or division thereof, the Commission may after hearing make a supplemental order prescribing the portion of such joint rate to be received by each carrier party thereto; and also, after hearing on a complaint, to establish through routes and joint rates as the maximum to be charged and prescribe the conditions under which the same shall operate; and also to prescribe the value of any service, directly or indirectly, which any owner of property transported under this act may render in connection with such transportation." It is provided in section 16 of the bill, "That for each violation of the orders of the Commission by a carrier a penalty of $5,000 shall be forfeited to the United States, and that in case of a continuing violation each day shall be deemed a separate offense." Also, all necessary provision is made in the act for the enforcement and carrying out of the law.

Various points of objection are made to the bill and many amendments have been offered by Senators, but none of the amendments that I have examined, except that offered by the Senator from Ohio [Mr. FORAKER] disturbs or changes the main features of the bill. The Senator from Ohio is of opinion that Congress can not confer the power to fix rates upon a commission. If his contention should be sustained by the court, then the bill would be of no avail. The Senator from Pennsylvania [Mr. KNOX] urges that the bill should contain a distinct provision for a judicial review of the findings of the Commission, while the Senator from Texas [Mr. BAILEY] contends that, while such a review should be provided for, the power of the courts to issue interlocutory or intermediate orders, suspending the rate fixed by the Commission until after full hearing should be expressly denied. There seems to be a concurrence of opinion

that the only question which the courts can take into consideration upon review of the findings of the Commission is whether or not the rate fixed is just and reasonable.

If the courts are to have the power to review the findings of the Commission, I am in favor of limiting that power by denying them the right to issue interlocutory orders. However, grave doubts as to the power of Congress to do this have been expressed by the Senator from Wisconsin [Mr. SPOONER] and other able constitutional lawyers. The main object which we should seek to accomplish is to prevent mere dilatory litigation on the part of the railroads. I believe that the penal provision of the bill, which fixes a penalty of $5,000 for each violation of the orders of the Commission, will have the effect of preventing an abuse of the right of court review. In other words, it seems to me that, having provided for an able commission, with full power to fix and regulate rates and with a heavy penalty for a violation of its orders, we have secured in the main all the features necessary to make this bill effectual. Not being a lawyer, and therefore unacquainted with legal decisions and distinctions, I am not prepared to discuss the legal phases of this bill. I will be satisfied with the action of the Senate in respect to these matters so long as the main features of the measure are retained.

I do not believe that the right of the courts to review the findings of the Commission, if that review be restricted to the justness of the rate, will impair the practical application of this legislation, provided a heavy fine is imposed upon the railroads as punishment for violating the orders of the Commission, either openly or by recourse to legal proceedings. The Senator from Pennsylvania [Mr. KNOX] has expressed some doubt as to the constitutionality of this provision for a fine, on the ground that the fine provided for in the bill is so large as to practically prevent a review by the court. It seems to me, however, that this contention is not well founded, because no fine will have to be paid if the rates fixed by the Commission are found to be unjust and unreasonable, and the railroads can easily secure immunity from the fine by putting the orders of the Commission in force. But even this difficulty may be obviated by providing that the railroads shall put up a bond to cover the difference between the rate fixed by the Commission and that charged during the litigation. In my judgment, either of these provisions would effectually prevent any undue delay and unnecessary litigation. However, I am convinced that when a Commission, such as is provided for in this bill, shall have been organized and begun its work its decisions will be found to be so uniformly just to all interests concerned that no necessity will exist for further litigation, unless the object be to cause delay and to prevent justice, in which case a fine ought to be imposed.

Mr. President, the combinations of capital which now control the transportation facilities will not voluntarily relinquish their power to any considerable extent. In the absence of preventive legislation, they will continue in the future, as in the past, to wring from the toiling masses their hard earnings and to place increasing burdens upon our commerce. It is the people least able to bear it who, in the last analysis, have to pay the unjust charges fixed by the railroads. More than nine-tenths of our people are dependent upon their daily labor to secure the necessities of life, and in proportion as the price is advanced by excessive cost of transportation their burdens are increased and their opportunities diminished.

I hope that the pending bill, with such amendments as may be required to perfect it, will become law, and that by it relief may be afforded to the people without real injury to the railroads. Delay in the passage of this legislation would, in my judgment, endanger the prospects of its ever becoming law. Another Congress or President might not so truly represent the people on this question. We ought, therefore, to make the best of a favorable opportunity to place upon our statute books a law which is signally in the interest of a majority of our people and in line with our plain duty.

Mr. FORAKER. I do not know what has become of the Senator in charge of the bill. He was here a moment ago. I rise only to inquire whether or not it will be agreeable to him for me to present some amendments at this time. [A pause.] The Senator in charge of the bill has just been discovered.

Mr. TILLMAN. I beg the Senator's pardon.

Mr. FORAKER. It is the first time he was ever off duty since he has been a member of this body.

Mr. TILLMAN. In what way?

Mr. FORAKER. The junior Senator from South Carolina [Mr. LATIMER] concluded his remarks, and apparently there was no one ready to address the Senate further on the bill now before the Senate.

Mr. TILLMAN. Except the Senator from Ohio [Mr. FORAKER], who had informed us yesterday afternoon, and also informed me this morning, that he would proceed this morning, and I was patiently waiting for him to begin.

Mr. FORAKER. I rose to inquire of the Senator whether or not it would be agreeable for me to offer some amendments at this time. Of course, it was a pleasantry I indulged in when I called attention to the fact that he was not at his post; but he was in such excellent company, being with the Senator from Iowa [Mr. ALLISON], and no doubt hearing words of wisdom, that I ought not to complain.

Mr. TILLMAN. I hope the Senator will pardon me and will not accuse me of neglect when I was just waiting for him to begin.

Mr. FORAKER. I exonerate the Senator with pleasure. I have already said he never before was away from his post, so far as I have any recollection.

Mr. President, when, a few days ago, I presented an amendment prohibiting the granting of free passes there was some discussion on that general subject. Since then I have received a number of letters from employees of the railroads, protesting against their being denied passes over the lines of other roads than those on which they are employed. They have made a case so strong as to excite my sympathy, and I want to give notice to the Senator in charge of the bill that I desire to amend the amendment as I originally presented it by striking out, in line 5, on page 2, the words "over its own lines."

The effect of striking out these words will be, if the amendment shall be adopted, to give authority to the officers of the railroads to give a pass to the employees of any railroad, without regard to whether or not they are employees of their particular road. I think if there is any class of people entitled to consideration in connection with this general subject it is that class of people who take their lives in their hands, so to speak, when they accept that kind of employment. I am disposed to show to them every consideration we possibly can consistent with the establishment of a policy that will break up the objectionable features of the pass system.

I have had some other communications in regard to this amendment, on account of which I desire to insert, in line 6, on the first page, after the word "for," the words "the same or equally good accommodations, and;" so that the provision will read:

SEC. 3. That no carrier engaged in interstate commerce shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person a greater or less compensation for interstate transportation of passengers than it charges, demands, collects, or receives from any other person for the same or equally good accommodations, and a like and equally good service.

In that form I shall insist upon the amendment, and would be glad to have a vote upon it at any time that it may suit the convenience of the Senate to vote on amendments.

Mr. HANSBROUGH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. FORAKER. Certainly.

Mr. HANSBROUGH. I have examined the amendment offered by the Senator from Ohio and have no hesitation in saying that I think it is a very proper amendment. But I wish to ask the Senator if he thinks his amendment covers the case I shall state. I do not know how far the practice prevails in other States, but in the State of North Dakota it is the practice of the railroad companies once each year to invite and take from their homes in each county in my State to the agricultural college of the State from 50 to 100 farmers free of charge. The farmers are invited to join the excursion at a given point. They are taken to the agricultural college, where they are entertained by the citizens of Fargo, a city of twelve or fifteen thousand inhabitants, and after two or three days there they are returned by the railroad companies without any cost to them.

Now, I ask the Senator if he thinks his amendment would cover that case. I do not care to vote for an amendment that would deprive the farmers of my State of the privilege they are enjoying in this respect.

Mr. FORAKER. The inquiry addressed to me by the Senator from North Dakota only illustrates the difficulty of dealing with this general proposition. I do not think the amendment, as I have framed it and as I have offered it, would allow free passes to be given or free transportation to be given to the people to whom he refers. As I understand, the people to whom he refers are farmers, and they are transported free of cost by the railroads to the agricultural college of the State, where they receive the benefit of education for a limited term—a week or such matter.

Mr. HANSBROUGH. They are entertained by the citizens of Fargo, where the college is located.

Mr. FORAKER. The exceptions, according to the amendment as I now have offered it—and I shall ask that there may be a reprint of the amendment as I have changed it—are as follows:

Provided, That nothing herein shall prevent the free carriage of destitute or indigent persons, or the issuance of mileage or excursion passenger tickets, or prevent such carriers from giving free or reduced transportation to ministers of religion, or to the inmates of hospitals, eleemosynary and charitable institutions, or to prevent any such carrier from giving free transportation to any of its officers, agents, employees, attorneys, stockholders, or directors, or to the families of its employees.

Inasmuch as these people, according to the statement of the Senator from North Dakota, are transported as an excursion, the officials of the road would be authorized to sell transportation to them at a nominal price. They could not give it away; they could not make it absolutely free; but they could make for that particular excursion any kind of a rate, no matter how low it might be; a nominal rate. I think the amendment in the form in which I have it is as liberal as I can make it, though I would be glad to make it more liberal in order to include the class the Senator from North Dakota mentions.

Mr. HANSBROUGH. Before the amendment is voted on I will ask the privilege of offering an amendment to it which will include the class of cases to which I referred.

The VICE-PRESIDENT. The amendment of the Senator from Ohio as modified will be printed and lie on the table.

Mr. FORAKER. I will send it to the desk in order that it may be so dealt with.

Before we pass from that I wish to ask the Senator from South Carolina if he has thought it out enough to have an intelligent notion in his mind whether we shall deal with these amendments one after another at some early day? The point is this: If we are going to discuss all these amendments before we vote on any of them, those that are first discussed will be entirely forgotten long before we come to take a vote, because there have been, I suppose, fifty or sixty amendments offered here. I have offered a number, and I know that nearly every Senator has offered some kind of an amendment.

Mr. TILLMAN. In reply to the question of the Senator from Ohio I will say that I thought I made my own views perfectly clear the other day. I do not believe it would be desirable or wise for us to undertake to pass on amendments in this way, because, as I said then, many Senators are busy on other matters; they are not thinking especially about these amendments; most of the discussion so far has been upon the legal aspect of the question; and in my judgment the wisest and best course for the Senate to pursue, if it wants to have intelligent action by Senators, would be to agree upon some time for the final vote, and then three or four or five or six days preceding that, on full notice to everybody, the Senate would take up the amendments, and under some rule of five-minute or ten-minute or twenty-minute speeches discuss the amendments and dispose of them after they are discussed while the arguments pro and con are fresh in the minds of Senators, and they can determine whether any given amendment is necessary or desirable. That is my own judgment. Of course the Senate will control this matter according to its own wishes, but whenever I make a request for unanimous consent to fix a date for a vote I shall incorporate in it some such provision as that.

Mr. FORAKER. That meets my view entirely. All I want is that at some time we shall take up the amendments as such. I have refrained from pressing any of the amendments I have introduced only because the time until now has been taken up with the general discussion of the subject, and I did not want to break in upon that kind of a discussion with these amendments, which can be better considered separately.

Mr. TILLMAN. I will say further for the information of the Senator that I was informed this morning by the senior Senator from Wisconsin [Mr. SPOONER] that he had not expected to make a speech to-day, though the Senator from Rhode Island [Mr. ALDRICH] had announced such to be the case. He thought he would speak to-morrow; and the Senator from Louisiana [Mr. FOSTER] has just informed me that he feels that he will be able to go on to-morrow or the next day on the general subject. The junior Senator from Wisconsin [Mr. LA FOLLETTE] informed me yesterday that he would be prepared by Tuesday next.

So the general discussion on the varying phases of the bill will not be exhausted before Tuesday, if then, and probably by that time we may be able to get an agreement as to a time for voting; and this question of debating amendments and passing upon them while we are familiar with their character will be incorporated in the agreement—at least, I hope so.

Mr. FORAKER. That is entirely satisfactory.

Mr. LODGE. The Senator from South Carolina spoke of Saturday.

Mr. TILLMAN. That is already assigned, I believe.

Mr. LODGE. We have to be present, I suppose——

Mr. TILLMAN. At the services.

Mr. LODGE. At the laying of the corner stone.

Mr. TILLMAN. Only to-morrow and Monday and Tuesday remain for the set speeches that are already on deck, so to speak, or in sight.

Mr. FORAKER. I would rather postpone the offering of these amendments and the making of comments upon them until amendments are the special order, for I think Senators will then give more attention to amendments. Just now everybody is giving attention to the general subject.

But inasmuch as no one wants to address the Senate I will, if it is agreeable to the Senator from South Carolina having the bill in charge, present another amendment at this time and make some explanation of it.

Mr. TILLMAN. Of course the Senator has no need to get any permission from me, because it is perfectly agreeable to me to hear him always. He always speaks with such force and eloquence that I enjoy him very much.

Mr. FORAKER. I only meant in the sense that I was not conflicting with any purpose the Senator might have in view with respect to the bill.

Mr. ALLISON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. FORAKER. Certainly.

Mr. ALLISON. I wish to make a single suggestion with reference to dealing with amendments. It seems to me, in order to avoid complication in voting on amendments, it might be wise to take up the bill and consider it by sections, so that one section can be taken up and amendments to that section may be offered and disposed of, and so with the next section.

Mr. FORAKER. I think that is a good suggestion, and it is entirely agreeable.

Mr. ALLISON. I only wanted to make the suggestion.

Mr. FORAKER. That does not conflict with what I have in view now.

Mr. ALLISON. I understand. I merely wished to make the suggestion.

Mr. FORAKER. The amendment I now offer is an amendment adding a section to the bill. It does not conflict with any provision in the bill.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Rhode Island?

Mr. ALDRICH. The only remark I wish to make is that all these suggestions as to methods of procedure are, I suppose, in a certain sense premature. When that matter is up we will consider them carefully.

Mr. FORAKER. There is no agreement being attempted.

Mr. MORGAN. I should like to have a statement from the Chair as to what the rule of the Senate is in considering the bill. My view of it is that suggested by the Senator from Iowa [Mr. ALLISON], that the rule of the Senate requires that when a bill is taken up for consideration it shall be considered by sections, and disposed of section by section; that all amendments relating to a particular section shall be considered, and then the section is passed over and we take up the next section. That is the rule of the Senate.

The VICE-PRESIDENT. The Chair understands that to be the general practice.

Mr. MORGAN. That is the rule of the Senate. I want to say that in this matter I intend to object to any departure from that rule. If I am here, I shall object to any unanimous-consent agreement that seeks to set aside that rule.

Mr. FORAKER. I did not hear what the rule is to a departure from which the Senator from Alabama says he will object.

Mr. ALDRICH. I submit to the Chair the suggestion that there is no rule of the Senate which provides for the treatment of amendments. The mode of procedure has usually been fixed by unanimous consent from time to time on different bills. I think there is no rule of the Senate on the subject.

The VICE-PRESIDENT. The method suggested by the Senator from Alabama is according to the usual parliamentary practice, as the Chair understands.

Mr. ALDRICH. Yes; but there is no rule of the Senate on the subject.

The VICE-PRESIDENT. There is no written rule, but it has been sanctioned by practice.

Mr. MORGAN. It has been sanctioned by practice to such

an extent that I am justified in objecting to any departure from it.

Mr. ALDRICH. But there is no rule.

Mr. FORAKER. When the time comes we can no doubt agree as to how the amendments shall be disposed of.

The amendment to which I now call the attention of the Senate and which I shall offer, as I have already stated, as an additional provision to be attached at the end of this bill, is an amendment which provides an alternative remedy as against these evils. It provides, Mr. President, that when a complaint is made before the Interstate Commerce Commission, the shipper, if he be the complainant, or a community, if it be the complainant, may elect to proceed under this provision instead of under the provision of the Hepburn bill, if we enact it into law.

This is a proceeding that will be had in the courts altogether. That there is a necessity for some such proceeding as this being provided for at the present time is made more and more plain to my mind by every Senator who addresses the Senate. The Senator from South Carolina [Mr. LATIMER], who concluded his remarks only a moment ago, said, in concluding, that the bill was not according to his liking; he would be glad to have it amended; and in some amended form, although he might not like it, he was going to vote for it. And so it was in the House of Representatives. When the committee reported this bill they took care to say that it was probably not satisfactory to any member of the committee that reported it favorably. It is common knowledge that the so-called "Hepburn bill," if it be enacted into law, will not meet entirely the views of more than a few Members of the House or members of the Senate; perhaps it will not entirely meet the views of anybody.

While there is that diversity of opinion as to what this legislation should be, there is no difference of opinion, Mr. President, on the point that if we enact the Hepburn bill or any measure like it, without amendment, we will necessarily encounter a great many constitutional and legal questions. I am not going to speak about them now, because I have done that on another occasion at length. But I will call the attention of the Senate to the fact that the Hepburn bill raises, in the first place, a question as to whether or not Congress has power to fix rates at all. Senators may say that this is not a serious question, but I think it is. I think the Supreme Court took pains to advise us that it is an open question upon which it does not regard itself as having expressed an opinion, and that in so recent a case as the Northern Securities case.

It will raise also—if that point be passed safely when this bill becomes a law and is put to the test in the courts, as no doubt it will be sooner or later—the question whether, under this bill as it is drawn, as it passed the House, as it was reported from the Senate Committee on Interstate Commerce, as it stands down to this moment, does not delegate legislative power to the Interstate Commerce Commission. Of course I do not know how it may be amended in that particular; it is possible that it will be so amended as to obviate that question; but it seems to me it is impossible to obviate it, and it is a serious question which we should avoid, if we possibly can, by legislating upon this subject.

Then, in addition to those questions, the bill will raise the question, if it becomes a law and be put into operation, as to port differentials; whether the Commission can, if the rates over any road to any one of the Atlantic ports of entry be challenged, maintain as against that challenge the difference in rates which confessedly has been made only to overcome the natural advantages of the port of New York as compared with the port in whose favor the differential in question is made.

It will raise another very important and, I think, most serious question, as to whether we can constitutionally empower the Commission in the way it is proposed to empower it, to establish through routes and make joint rates as to railroads that can not and will not agree, but which are as separate and distinct as two individuals may be.

Then there is another serious question arising because of the penalties provided in this bill, and another because of the elimination, as I will term it, of jury trials in actions brought on awards of damages made by the Commission. I do not mean the elimination in express terms, for everybody will say that could not be done, but the elimination of jury trial by making a jury trial utterly impossible in the form of action provided for in this bill.

Then, in addition to that, I think a very serious question will be raised, if this bill be not properly amended so as to avoid it, as to the power of visitation which it undertakes to confer upon the Commission, to be exercised by it. As to these common-carrier companies, they being companies incorporated under State laws, I doubt the power of Congress, in regulating interstate commerce, to go further than the regulation of interstate commerce may require. I doubt the power of Congress, for instance, to require that a corporation organized under the laws of a State, engaged not only in interstate commerce, but also in intrastate commerce, shall keep no books, not even a memorandum of a transaction, except only such as the Interstate Commerce Commission may prescribe. I doubt the power of Congress to have anything whatever to do, except only to gather information for statistical purposes, with the business of a corporation that is confined wholly to a State.

Mr. President, there are other questions than these which will be raised. Some of them have already been very elaborately argued. Some questions have been raised also by amendments; but I am speaking only of those that the bill itself necessarily raises. I do not mention these questions for the purpose of now taking them up and debating them, for I have already heretofore done that. I only mention them to show that if what we have in view is not simply the passage of a rate-making bill, but a remedying of the evils that shippers are justly complaining of, we should avoid in legislating that which raises so many serious constitutional and legal questions, if we can, and we should, if we can, resort to some other method that avoids all of them.

I introduced a bill at the beginning of the session which I thought did avoid all of them. I have become satisfied, however, that that bill, in the form in which I introduced it, can not possibly pass; that a rate-making bill such as this is, or something like it, will pass and having reached that conclusion, I have determined that instead of insisting upon my own bill as a substitute for the pending measure, I will offer this amendment to be added to this bill. It is an amendment that is not in conflict with any provision of the bill. It is an amendment that amounts simply to a broadening and a strengthening of existing law. It is an amendment that not only avoids all these legal complications, but that avoids every question as to the practicability of the law. It is an amendment that involves, if we adopt it, the enactment of law that has already received the sanction of the Supreme Court of the United States, and about which, therefore, there can not possibly be any criticism as to its constitutionality, neither can there be—because experience has demonstrated it—any question as to its workability and entire practicability.

The amendment is merely of the third section of the Elkins law now in force. The amendment has been printed. If any Senator is enough interested to allow a page to hand him a copy of it, he will see at a glance just what is new matter; that it is very simple; that it is very easily understood. It is offered, as I said a moment ago, not to take the place of anything in this measure, but only to preserve and perfect in so far as we can the law now existing, the law in force, the law as to the efficiency of which men have testified without exception who have had to do with the regulation of interstate commerce; a law which the Interstate Commerce Commission has said in its official report is an excellent law, an efficient law; a law which every member of the Interstate Commerce Commission who was asked about it when he appeared before the Interstate Commerce Committee of the Senate testified was an excellent and efficient law and that it had accomplished great good.

In some remarks I made in the Senate on the 28th of February last I set forth at length these testimonials not only from the Interstate Commerce Commission acting officially in the making of its reports, but also testimonials given by witnesses who appeared before the committee, including the members of that Commission and including such distinguished representatives of the sentiment in favor of railway rate legislation as proposed in the Hepburn bill as Governor Cummins, of Iowa; Mr. Cowan, of Texas, and other gentlemen whom I might mention.

I am warranted, Mr. President, in view of the testimony I have already put in the RECORD, in saying that there has never been since the first interstate-commerce act of 1887 any legislation enacted either by the Congress of the United States or by the legislature of any of the States that has done so much to afford to the shippers of this country a remedy that was efficient and satisfactory in its character as the Elkins law, which we enacted in February, 1903. That law as we originally enacted it and as it stands to-day was designed to reach all the evils now complained of except one class of evils. It was aimed expressly by its terms at rebates, in whatever form they might be granted, and at discriminations by the carriers in their treatment of shippers in whatever form or whatever guise those discriminations might be allowed or practiced. When you have reached every form of rebate and every form of discrimination, you have reached every evil that has been complained of except only excessive rates. The Elkins act did not undertake to deal with excessive rates.

Mr. MORGAN. Will not the Senator from Ohio incorporate that act in his remarks and let it go into the RECORD?

Mr. FORAKER. Yes; certainly. The entire Elkins law?

Mr. MORGAN. Yes; the entire act.

Mr. FORAKER. At the request of the Senator from Alabama, I ask that the entire Elkins law be printed in the RECORD as an appendix to my remarks.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. FORAKER. I ask also that the amendment which I offered may be printed in full preceding the Elkins law.

The VICE-PRESIDENT. Without objection, it is so ordered.

[See appendix.]

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. FORAKER. Certainly.

Mr. DOLLIVER. I have no criticism to make upon the Senator's eulogy on the Elkins law, and I have heard testimonials in favor of it that have been produced from many quarters; but I have not been able to find any actual evidence of the value of that law in dealing with any of the railway abuses with which we have been concerned. It seems to have been, so far as the Government and the courts are concerned, without a very extended application, so far as I can find out.

Mr. FORAKER. Permit me to call the Senator's attention to two or three cases, very celebrated among the cases that have been recently decided, where the litigation was conducted under the Elkins law.

I will first call his attention, however, to the case reported in 189 U. S., with which I know the Senator is entirely familiar, known as the Wichita case, where a suit was brought in equity by the Interstate Commerce Commission against the Missouri Pacific Railroad, at the request of Wichita, to enjoin a discrimination against Wichita, as the Commission alleged in its bill of complaint, the ground being that Wichita was situated on one of the lines of the Missouri Pacific, not on the same line, and less distant from the city of St. Louis than Omaha was, which was situated on another line of the Missouri Pacific, and yet the rate was more to Wichita than it was to Omaha.

That proceeding was commenced before the Elkins law was passed. There was some doubt about the jurisdiction of the court in the court below, because then the Elkins law had not been passed. But when the case reached the Supreme Court the Elkins law had been passed, and the Supreme Court held that the Elkins law took effect and was applicable to that case as well as to any other case that might thereafter be brought, and that the proceeding could be maintained under the Elkins law, and remanded it with that direction to the court.

Mr. DOLLIVER. Now, Mr. President, if anything else has ever happened in that case I have not been able to find a record of it.

Mr. FORAKER. The Senator is aware of what happened. When the case went back the parties adjusted their differences, because here was a plain, unqualified remedy that the Congress of the United States had provided. The Supreme Court having upheld the law, and the way of the litigant being made plain and easy, they got together and adjusted their differences just as effectively as though it had been by a judgment.

Now, let me tell the Senator of another case. The Senator is familiar with what is known as the "Chesapeake and Ohio and New Haven coal case." That was a suit brought under the Elkins law to enjoin a rebate which was being granted and paid by the Chesapeake and Ohio on coal, which the Chesapeake and Ohio itself had sold to the New Haven road in the way the Senator is familiar with. The rebate was granted by making a difference in the price. That proceeding was commenced under the Elkins law, was prosecuted through to the Supreme Court of the United States, and the Supreme Court of the United States held that the court had jurisdiction to enjoin that abuse; and not only to enjoin that abuse, but to enjoin the continuation of the Chesapeake and Ohio in the business of owning coal mines and trading in coal.

Mr. DOLLIVER. But I apprehend, Mr. President, that that suit could have been maintained under the original interstate-commerce law.

Mr. FORAKER. It was not undertaken under the original interstate-commerce law, and I do not think it could have been maintained under that law.

Mr. DOLLIVER. I notice that a similar suit was maintained against all the roads carrying packing-house products out of Kansas City some years before the interstate-commerce law was enacted.

Mr. FORAKER. That suit was commenced under the original law, but in the court below there was a most serious contention as to whether or not the court had jurisdiction, and whether it had power to grant the relief that was prayed for, and the Elkins law came to the relief of that prosecution just as it came to the relief of the other. Since the Elkins law there has been no question about the jurisdiction of the courts to enjoin proceedings of this kind. There is wherein is its great excellence.

Now, a few days ago we had another case called to our attention. A coal-mine operator in West Virginia made complaint that he could not get his fair allowance of cars; that he was discriminated against. He appealed to the Interstate Commerce Commission, and the Interstate Commerce Commission looked into it sufficiently to have an opinion that there was ground for a suit. Immediately, under the Elkins law, it applied for a writ of mandamus to compel the railroad company to grant to this coal-mine operator a fair share of the cars. They alleged, I believe, it was entitled to 33⅓ per cent of the cars that were for the use of the mine operators in that locality. That was heard in the circuit court without delay and a favorable judgment rendered. It was taken to the circuit court of appeals and there that judgment was affirmed, Chief Justice Fuller presiding at the circuit and delivering the opinion, the prayer of the petitioner being granted, with this modification, that instead of allowing 33⅓ per cent of the cars they allowed 31 per cent, which they found to be the exact and proper proportion.

So I might go on if it were not, Mr. President, that the law is yet a comparatively new law and there has not yet apparently been much endeavor to put it into operation by those who are charged with the duty of enforcing it. But in every instance where the law has been applied it has proved, as I said, an efficient remedy and a prompt remedy.

But it yet has some defects. It applies, as I said, only to rebates such as were prohibited in the Chesapeake and Ohio and New Haven coal case, and to discriminations such as were alleged in the Wichita case, as I will call it for the want of a better name—the one I referred to a few moments ago. It did not undertake, as I stated, to deal with existing rates, and why not?

Mr. President, until long after this legislation was enacted nobody heard of any serious complaint about excessive rates. It was all about rebates. For years the shippers of this country have been complaining, and justly complaining, about rebates. Nobody ever made any serious complaint about rates being too high until this agitation commenced, and not then until in the very last months of it.

Rebates and discriminations have been the complaint, and justly so. When a shipper living in Chicago or living in Iowa or living in Cincinnati buys goods in New York, he not only wants a just and reasonable rate, but he wants, above all other things, to know that his competitor in business at home does not get any lower rate than he gets; and it is because he has not been able to know that, it is because this habit of making rebates has been practiced, growing out of the fierce competition to which the railroads were subjected, that the shippers have been making a special complaint about rebates.

Another class of complaint was about discriminations. A shipper did not want to be discriminated against by having a preferential rate allowed to his competitor or by having an allowance made to his competitor on account of a so-called "terminal road," or on account of an elevator charge or on any other account. The community did not want to have rates so adjusted relatively as that it would suffer in its competition with other cities in contending for a market that it wanted to supply.

So we had complaints about rebates and we had complaints about discriminations, but I never heard of a complaint about excessive rates, except now and then, perhaps, some exceptional instance was brought to our attention, until within the last two or three months.

So recently as last November the representatives of the railroad employees of the country called upon President Roosevelt and to him entered a protest against this proposed legislation on the ground that by a reduction of rates their wages might be put in jeopardy. The President said, in answer to them, that he did not think the result of the operation of the proposed law would affect wages, for he did not understand there was to be any reduction of rates, remarking in that connection that he had heard but very little complaint—perhaps he said, "very little, if any, complaint at all"—of that kind. I can not quote his exact language, but that is the effect of it, as every Senator here will remember.

Down I say, until that time there was no complaint about rates being too high. When a representative of my own home city of Cincinnati came here to testify before the Interstate Commerce Committee, a very intelligent and well-informed man on this subject—Mr. Hooker—he took occasion to say that in his

long experience he had never known of excessive rates. Perhaps he used the words "extortionate rates." He said the complaint was not that rates were in and of themselves too high, but only that they were relatively too high as compared community with community, their particular complaint being that rates over the road from Cincinnati to Chattanooga and Atlanta and other points in the South are relatively too high as compared with the rates from New York and other Atlantic seaboard cities to the same common points in the South.

Now, Mr. President, it was because down until February, 1903, nobody had made any complaint about rates being too high, that we did not undertake to deal with that subject in the so-called "Elkins law." I know whereof I speak, because while I did not draw that law, while I do not know who did draw it, I did help to make amendments to it. I was on the subcommittee to which it was referred, and I remember that for weeks we were studying not only the provisions of that bill, but the whole general subject.

Mr. ELKINS. For months.

Mr. FORAKER. Yes; for months, as the Senator from West Virginia suggests. We were studying it most conscientiously. We were hearing all who came, whether the representatives of shipping interests or the representatives of railroad interests, getting all the light, getting all the information as to what we should do with respect to it; and in all that hearing, from the beginning to the end, not one single witness ever told us about excessive rates. Go search the record and ascertain. It was all about rebates; it was all about discriminations.

Finally we came down with such historical incidents as all are familiar with, but to which I need not now refer, in our experience with this legislation, to the present session of Congress. In the House of Representatives they undertook to deal with this subject; and meanwhile, everybody having been induced to give attention to the general subject, we suddenly had three classes of complaints instead of only two. One was added. To rebates and discrimination were added excessive rates, and we commenced to hear and to discuss about excessive rates.

Well, we had gone over all that in the hearings the Senate committee had given last spring, and with the result that witness after witness testified—shippers and railroad men alike—that so far as they had knowledge there was no serious complaint anywhere of excessive rates. The trouble was about rebates and about discriminations, and all alike testified that rebates and discriminations were being broken up and put an end to by the Elkins law in so far as it was being enforced.

So the House took up this subject with a view of dealing with all these complaints, and they considered rebates in all the various forms in which they have been allowed, not only rebates granted and paid in money, secretly or openly, but rebates allowed by discriminations—by allowance for terminal roads, for elevator charges, for icing charges—rebates of every character and description that could be thought of. Every kind of a rebate that human ingenuity could devise was talked about, and discriminations of every character were testified about, and they considered them in the House; discriminations as to localities, discriminations by means of relative rates that were unjust. I should call attention to another complaint, that of rebates and discriminations by reason of a lack of uniformity in classification. They considered them all, and what was the result? They reported a bill, and in the report not only said, as I said a minute ago, that no member of the committee was entirely satisfied with the bill, but they went on to say that they had found it inconvenient to deal at this time with relative rates between communities, and so they had passed that subject over in silence; that they had found it inconvenient at this time to deal with the subject of uniform classification, and so they passed that over in silence.

As to rebates they did not say anything at all and did not put anything in their bill. They never mentioned them in any way, shape, manner, or form whatsoever, but so far as the classes of complaints we have been hearing so much about were concerned they confined themselves to excessive rates, and had nothing to offer to break up rebates, nothing to offer to change the wrong of unjust relative rates, nothing to break up and destroy discriminations of any kind whatever except only by excessive rates, and excessive rates, as I pointed out, was the least of all the evils that have been complained of.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. FORAKER. Certainly.

Mr. DOLLIVER. Does the Senator from Ohio understand that the bill as passed by the House makes no reference to rates that are unjustly discriminatory?

Mr. FORAKER. No; it does make reference to rates that are unjustly discriminatory in the sense that they are by comparison excessive rates. The Member of the House, Mr. HEPBURN, who had the bill in charge, the Senator will remember, took occasion to speak upon that subject, and others did. There was no common agreement there, and perhaps none here.

Mr. DOLLIVER. If the Senator would examine section 15 of the bill, he would notice that it deals not only with rates which are excessive—that is to say, unjust and unreasonable—but also with rates that are unjustly discriminatory.

Mr. FORAKER. Well, unjustly discriminatory as to what?

Mr. DOLLIVER. In any respect forbidden by law. It undertakes to deal with discrimination involving the relative rates between places by giving the Commission absolute command of the rate at the high point. I will add, while I am on my feet, that probably their failure to go elaborately into the subject of rebates and discriminations was because they shared the fine confidence of the Senator from Ohio in the law of 1903.

Mr. FORAKER. They did, undoubtedly, Mr. President, and that is exactly what I am coming to. I am pointing out with great particularity that, while it is true, as the Senator says, that the word "discriminatory" is used, yet the bill is so framed, as has been asserted over and over again, as to apply only to excessive rates; discriminatory as to what? There is not a word in the bill to show. Not discriminatory as to communities. They expressly say they did not undertake to deal with that subject. They said it in their official report, which I have a right, I suppose, to quote in this presence.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Rhode Island?

Mr. FORAKER. Certainly.

Mr. ALDRICH. I should be glad to know the Senator's opinion as to the meaning of the words "unjustly discriminatory." Does that mean that when a rate, say, from New York to St. Louis, by the New York Central is less than the rate from New York to St. Louis by the Pennsylvania road, it would be a rate that was unjustly discriminatory?

Mr. FORAKER. Well, Mr. President——

Mr. ALDRICH. I should like to have somebody who has authority, if there is such a person, state the meaning.

Mr. FORAKER. I have no authority. I am giving to this bill the interpretation those who framed it and brought it before the House of Representatives gave to it, and I am saying with respect to it that while it uses that indefinite term it does not tell us discriminatory as to what, but it can have but one meaning.

Mr. ALDRICH. Perhaps the Senator from Ohio is willing to allow the Senator from Iowa [Mr. DOLLIVER] to make a statement on this point.

Mr. FORAKER. Yes; I am willing, but I want to say "unjustly discriminatory," as this bill has been interpreted from the beginning, is a complaint that is referred to in the bill for which the remedy provided is a lessening of the rate that may be challenged as unjustly discriminatory because too high as compared with some other rate. That is what has been contended all the while. So you come back, in the case of an alleged discriminatory rate, to the question whether or not the rate that is complained of is too high as compared with some other rate.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. FORAKER. Certainly.

Mr. DOLLIVER. I have tried to point out once or twice here that the bill deals only with complaints directed against a railroad or a joint route constituting a line of railroad. Of course it does not undertake to deal with the discrimination that arises from the fact that one railroad between two points charges a different rate than another railroad between two points. In fact, such a case is not imaginable in the present state of the business world.

Mr. ALDRICH. It seems to me that it might be easily imaginable that one party might object to the New York Central Railroad, in the case to which I have alluded, charging much more than the Pennsylvania did for substantially the same service, say, from New York to St. Louis. If people who are suffering from unjust discriminations of that kind have no relief from this bill, as I understand the Senator now to contend, I am very glad to know it.

Mr. DOLLIVER. I have examined a good many railway schedules, and I have failed to find any two roads between two given points, one of them charging a low rate and the other a high one. The railway world would think that that would speedily operate to transfer the entire business to the road that was charging the low rate.

Therefore, I say, the Senator's suggestion is not a practical one. But if a railroad between New York and St. Louis is charging a rate to an intermediate point unreasonably high, which amounts, of course, to a discrimination to those points on the road that are entitled to as low or a lower rate, an absolute command over that discrimination is given to the Commission by this bill, and it is given all authority to reduce that rate, not because it is too high, but because it works an unjust discrimination against some other point on the line.

Mr. FORAKER. I knew the Senator would answer in that way. He could not answer in any other.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Rhode Island?

Mr. FORAKER. Certainly.

Mr. ALDRICH. Allow me to pursue that subject one further step. Suppose instead of the rates being from New York to St. Louis, in one case it is a rate from Boston to St. Louis, the distance being greater than from New York to St. Louis, and the rate from Boston to St. Louis is much less than the rate from New York to St. Louis. In considering what should be a reasonable rate from New York to St. Louis, would not the unjust discrimination be taken into consideration?

Mr. DOLLIVER. If it was the same line——

Mr. ALDRICH. No; not the same line at all.

Mr. DOLLIVER. Then this bill gives the law no application to a differential arising between points on separate lines of road.

Mr. ALDRICH. But that is not in the bill. That is only the Senator's contention as to something which is outside of the bill, an understanding of his about it. There is nothing of the kind in the bill.

Mr. DOLLIVER. I am not undertaking to discuss anything that is outside of the bill. I have undertaken to interpret the bill, and I think I have interpreted it correctly, if I can get anybody to read it. I seem to be at a disadvantage in that respect.

Mr. ALDRICH. There is nothing certainly in the bill, and I have read it with more or less care several times, which says that this unjust discrimination must be along the same line.

Mr. DOLLIVER. But the bill says that the complaint must be against a carrier or a line of carriers. The complaint is thoroughly described, and the Commission entertains no complaint except one made under section 13 of the present law.

Mr. ALDRICH. The complaint is that the rate is unreasonable, and the complainant cites instances where there is a rate between two points at a greater distance that is lower, and, therefore, that the rate on that account is not only unreasonable, but unjustly discriminatory.

Mr. DOLLIVER. That would be a question of evidence. If the Senator would examine carefully section 13 of the existing law he would see exactly the character of the complainant and exactly the character of the complaint. Those are the only complainants and the only complaints that could be entertained by the Commission.

Mr. ALDRICH. What is the character of evidence the Commission would be obliged to take into consideration in determining a reasonable rate?

Mr. DOLLIVER. I would not undertake to go into that.

Mr. FORAKER. The Senator from Iowa has contended all the while that only one rate or the rates on one line of road could be challenged and dealt with at a time. I do not think many Senators agree with him as to that. I think when a rate is challenged they can take into consideration other rates between the same points and for such use as may be legitimate and proper in determining whether or not the rate charged is an excessive rate.

Now, in the case put by the Senator, when he comes to illustrate what is meant by discriminatory, he comes to an absolute agreement with me as to what this bill means. We all know that the rate from New York to San Francisco is a very low rate. I do not know exactly what it is, but we will say it is a dollar from New York to San Francisco on first-class goods. I do not know exactly what the rate from New York to Denver is, but we will say it is two dollars and a half, for the sake of illustration, on first-class goods.

Now, what will be the complaint before the Commission if this bill becomes a law? The complaint will be that the rate from New York to Denver, as compared with the rate from New York to San Francisco, is excessive, that it is too high, and in that way it is unjustly discriminatory. In no other sense can the question of discrimination be raised under this proposed statute. In no other sense could they undertake to deal with the subject.

It will not be claimed that under this law the citizens of Cincinnati, for instance, could go before the Commission and say "the rate from Cincinnati to Atlanta is $1," or whatever it may be, "and the rate from New York, twice the distance, is only the same, and therefore we are discriminated against." The Commission could not entertain any such complaint. That is the character of discriminations we have heretofore dealt with.

The other idea that the bill undertakes to deal with is not at all enlarged by the use of the words "unjustly discriminatory," the operation of the bill being confined to a single line, as the Senator from Iowa contends, because it is a question whether under all the circumstances the rate from New York to Denver in the case I put is too high.

Mr. DOLLIVER. Mr. President, unless it can be shown in such a case that the rate from New York to Denver is too high, the evidence is then conclusive that the discrimination, whatever it is, is neither unjust nor unreasonable.

Mr. FORAKER. Certainly; and now the Senator answers himself. In answering whether or not the rate is too high he answers whether or not there is discrimination. If the rate be not too high there is no discrimination. That is just what I was contending for.

But now I want to get back to where I was. I was pointing out that in the House the framers of this bill, by the report, as they have informed us, have shown that they did not undertake to deal with any of these questions, except only whether or not rates were too high. They ignored everything else, and why did they ignore it? They ignored it because they found out that it would be impossible, in the first place, in my judgment, to deal satisfactorily in a measure of this kind with these other difficulties, and because, in the second place, they, too, by their proposition to enact this law without any reference to these other complaints paid tribute to the existing statutes.

They knew, just as we know now, that under the Elkins law, if the Department of Justice will only put it into operation, they can find a remedy for every complaint, and a better remedy than could be provided by such a bill as this, by simply a proceeding in court. That being the kind of law that we have, I have supposed all the while that we could best legislate to provide efficient remedies by strengthening and broadening it and by making the proceeding under that law without expense to the shipper. I set about doing that. It never occurred to me that anybody would become more intent on passing this particular kind of government rate-making legislation than they would be on remedying the evils it is claimed that this legislation is intended to remedy, but in that I seem to have been mistaken.

That law, as I say, provided that when a complaint was made before the Interstate Commerce Commission, and the Interstate Commerce Commission was of the opinion that there was a reasonable ground for the complaint, it might bring suit on behalf of the shipper to enjoin the rebate or to enjoin the discrimination. It said nothing at all about excessive rates. It did not even mention them. Nobody asked for any legislation on that account. Now, however, that excessive rates are being talked so much about, I think we should provide for them; and so, in proposing to amend that third section of the Elkins law, I have provided that, on complaint of the shipper that he is being charged an excessive rate, the Commission shall so far investigate that complaint as to determine whether or not there be reasonable ground to believe that the complaint is well made, and if so, the Commission shall, if the shipper so request, stop its hearing there, if the case is to be proceeded with, and shall at once send it to the Department of Justice, with a statement of the complaint and a brief statement of the facts relied upon to sustain it. Thereupon it shall be the duty of the Attorney-General to send it to the proper district attorney, who shall immediately, without any delay whatever, without any option to him, bring a bill in the circuit court; and it shall be the duty of the court immediately to postpone all other business and proceed summarily to hear that complaint and to pass final judgment upon it. The bill will provide, as I propose to amend it, that this proceeding shall be in the name of the Government, at the expense of the Government, and without any expense whatever to the shipper.

Mr. President, it seems to me, in view of our experience with this statute, that with these amendments it will give a more certain, a more speedy, a less expensive, and more efficient remedy than anything that has been suggested.

Why should this be at the expense of the Government, instead of at the expense of the shipper? For this reason: No shipper who is subjected to an unjust rate suffers alone; he is only one of a class. There may be hundreds, there may be thousands, of shippers who are prejudicially affected by that rate just as the complaining shipper is. The proceeding, therefore, should be in its nature a quasi public proceeding on behalf of all who are interested. That kind of proceeding can not be entertained by the courts, unless we by statute so enact.

Therefore I undertake to confer the power upon the court in such a case as that to entertain a bill setting forth that complaint and asking for relief against it. I have provided that that proceeding shall be not only in the name of the Government, but at the expense of the Government, and without any expense whatever to the shipper. The reason shippers have not had the relief which they should have had is largely due to the fact, Mr. President, that no shipper feels like going to law with a railroad for his antagonist, and he will not do so unless he have a grievous case that he can not well longer endure; but if you make his remedy easy, if you make it without expense to him, if you make it in the name of the Government, the very minute he makes a complaint and the Interstate Commerce Commission investigates that complaint and comes to the conclusion that there is probable ground for it, and then notifies the railroad company, the railroad company, knowing that it is to be sued, not by a shipper but by the Government, without expense to the shipper and at the expense of the Government, will in every case, I think we may safely say, quickly adjust that difference with the shipper if it can possibly do so. No railroad would care to be prosecuted in that way if the complaint were a just one; they would resist only unjust complaints; and in that way we would get rid of much of the litigation that is talked about.

Now, according to the way I have proposed to amend this section, the Interstate Commerce Commission would entertain this complaint, and the shipper, when he files his complaint, will be given an option to say to the Interstate Commerce Commission, instead of proceeding under the Hepburn bill—I will call it that for the sake of intelligently referring to it—and having a full hearing before the Commission and then going into the court under this broad review amendment, which it is insisted shall be put upon this bill, and which I think the probabilities are will be put upon it—the shipper will say: "Instead of proceeding before the Commission, and then proceeding again and doing it all over again in the court, I would rather have the Government take up my battle and fight it for me in the court in the first instance. I ask you, therefore, to send this to the Department of Justice, and have the proper district attorney bring the suit, and I will look on and make suggestions while the fight proceeds and the Government pays the bill."

Mr. BACON. Will the Senator permit me to ask him what he means when he designates definitely by the word "this"—"this broad review?" What broad review does the Senator refer to.

Mr. FORAKER. I said "this broad review" that has been so much discussed here in this Chamber.

Mr. BACON. We have heard quite a number of suggestions as to review and the breadth that it should have. The Senator, being very active and well informed in the matter, and doubtless having information upon which he predicated that expression, I wish—not for argument, but for information—to ask——

Mr. FORAKER. I will give the Senator the information if I can——

Mr. BACON. What is the view of the Senator as to the breadth of the review that is contemplated and which he says he thinks will be incorporated as a feature of the bill?

Mr. FORAKER. Mr. President, in the remarks I made here on the 28th of February, I dealt with that subject and expressed myself fully in regard to it; but I have no objection to briefly restating it. I said in those remarks that we were proposing by this bill to command the Interstate Commerce Commission, when a rate was challenged and found to be unreasonable and unjust, to set it aside and substitute in place of it a rate that would be just and reasonable and fairly remunerative. That did not mean a confiscatory rate nor an extortionate rate.

I said in that connection that as to a confiscatory rate on the one hand or an extortionate rate on the other hand, it was my opinion that the court was open to the carrier whose property was about to be confiscated or to the shipper who was being subjected to an extortionate rate to apply for a remedy, without anything being put in this statute on the subject; but I said, as between the extortionate rate on the one hand and the confiscatory rate on the other, there was a wide latitude. Anywhere between the two extremes the Commission might fix a rate, as to which it might be contended that it was just and reasonable and fairly remunerative, and being a legislative act, it would not be subject to review by the courts unless we should so say. But I said, having commanded them to make a just, reasonable, and fairly remunerative rate, we ought to lodge authority somewhere to revise their work, and say whether or not they had complied with the command of Congress—not that the court should make the rate, but merely ascertain whether the Commission had made a just and reasonable rate. I illustrated that in this way: I said the Commission might make a rate which would yield a return of 6 per cent on the property employed in the transportation; that I did not doubt any court would hold was a just, reasonable, and fairly remunerative rate. They might put it so low as to yield only 4 per cent. About that the courts might differ. It might be so low, again, as to yield only 2 per cent.

I said I thought the court would hold in that case that the Commission had failed to comply with the command of Congress, or had failed to fix a just, reasonable, and fairly remunerative rate, and that the court would say so if we gave it the authority. That is the kind of broad review I have been talking about. I have explained it just as I did when I first spoke, but more briefly, because I do not want to go into it in the extended way in which I then did.

Mr. BACON. What I desired to ask the Senator was whether he meant by that expression a review that would put it into the power of the reviewing court to review the entire action of the Commission?

Mr. FORAKER. I think so.

Mr. BACON. Review it de novo?

Mr. FORAKER. When the Senator says "the entire action of the Commission," I presume it would be necessary to go over the entire action; the bill as it now is, when this question does get before the court, requires the court to go over the entire proceeding, for the bill as it now is——

Mr. BACON. The Senator does not take my inquiry.

Mr. FORAKER. If the Senator will wait just a moment, I think he will see that I do; but I will suffer another interruption, and be glad to be interrupted again. If the Senator so desires, I will hear the Senator now.

Mr. BACON. Mr. President, thanking the Senator for his courtesy, I will say that I was more desirous to get from the Senator what he intended to be understood as meaning by the expression "this broad review." If the Senator will pardon me a moment, I wish to know whether the Senator had in mind a review which would simply cover the law questions in the case—not only the constitutional, but other law questions—or whether he meant a review of the entire action of the Commission, involving not only legal questions, but all questions that might grow out of the exercise of discretion?

Mr. FORAKER. Certainly, Mr. President; all questions—the evidence, all the circumstances, and everything else. I do not think a court could intelligently determine whether or not a commission, in fixing a particular rate as just and reasonable and fairly remunerative, had acted in compliance with the command of the statute unless the court was possessed of all the facts that operated on the mind of the Commission.

Mr. BACON. I understand the Senator by that means to accomplish that which he has suggested on some previous occasion—that this really ought to be with the court, if it is to be exercised, and not with the Commission; that the Commission really would, under the view of the Senator, be very little more than those who would suggest, and that the court at last would be the tribunal which would determine and fix the rates. Is that the view of the Senator?

Mr. FORAKER. That is the view, though I might state it somewhat differently from what the Senator has stated it.

Mr. BACON. I am asking that for the purpose of asking the Senator a succeeding question when I fully understand what his proposition is.

Mr. ALDRICH. With the permission of the Senator from Ohio [Mr. FORAKER], I will suggest to him that the proposition of the Senator from Georgia [Mr. BACON] is a very broad one—that the court shall fix the rate.

Mr. FORAKER. No; I did not observe that the Senator from Georgia said that. Did the Senator ask me whether or not I advocated the fixing of rates by the court?

Mr. BACON. No; the Senator from Rhode Island [Mr. ALDRICH], I think, does not exactly state what I said; and, with the permission of the Senator, I will endeavor to again state it.

Mr. FORAKER. I am going to speak presently as to what the power of the court is in respect to fixing rates——

Mr. BACON. Mr. President——

Mr. FORAKER. And if the Senator will only yield to me until then, I think I will answer what is in his mind.

Mr. BACON. I want to correct what the Senator from Rhode Island [Mr. ALDRICH] suggested as to what I had said. I did not intend at least—and I do not think that the RECORD will bear out the statement—to say that the purpose was to have the court fix the rate.

Mr. ALDRICH. The Senator used that language.

Mr. BACON. The Senator will pardon me. Let me make my statement. What I think I substantially said was, that would

be the effect of it; not that de novo the court should fix the rate, but that if the Supreme Court, the court of final resort, had the review of all the features of the action of the Commission, not only including law questions but including everything which would arise out of the exercise of discretion—if they had the whole subject-matter thus brought before them for determination, the effect would be the same as if they fixed the rate.

Mr. FORAKER. Let me answer that question, as the Senator has now modified it; and I hope the Senator will let me proceed.

There is nothing whatever in anything I said, and I did not imagine there was anything in what the Senator asked me, that indicated that I was contending that any court—the Supreme Court or the circuit court—should fix the rate. In the case put by the Senator, if the Commission had fixed a rate which became the subject of judicial review, the only question would be whether or not that particular rate was a just and reasonable rate, and that is simply and purely a judicial question. The court would not substitute another rate in place of that rate.

Mr. ALDRICH. Will the Senator from Ohio allow me to ask a very brief question of the Senator from Georgia?

Mr. FORAKER. Yes; very well.

Mr. ALDRICH. Does the Senator from Georgia think that a court can ascertain whether the constitutional rights of a party have been invaded by an order without an inquiry into the facts as well as the law?

Mr. BACON. That is a pretty broad question. It is an abstract one. In a concrete case the question could be very much more easily answered. Of course there is no case that does not have facts connected with it, and out of the facts arises the law.

Mr. ALDRICH. The Senator was inveighing, as I understood him, against a proposition to allow the courts to investigate the facts, and I could not see any other process by which they could ascertain them.

Mr. BACON. If the Senator will pardon me, I desire to say I was not inveighing against anything. I was trying to get a statement from the Senator from Ohio as to exactly what he meant by the expression "this broad review." As I have suggested, the purpose of my inquiry was to ask him another question predicated upon a reply to that. That was the purpose I had, but as the Senator from Ohio said he preferred to go on, I refrained from asking the other question.

Mr. FORAKER. I do not wish, of course, to be discourteous to the Senator or to cut him off.

Mr. BACON. I do not so consider it at all. I do not understand the Senator to be in any manner discourteous.

Mr. FORAKER. I have no objection at all to yielding at any time to a question. But if the Senator will read the remarks I made on February 28 he will find that I dealt at some length with this subject. I have undertaken to state exactly what was the effect of that which I then said. As the Senator from Rhode Island has so pertinently suggested, no court of review could determine whether or not a given rate was confiscatory in one case or extortionate in another without not only looking through the proceedings of the Commission, but also looking at all the facts and hearing all the testimony that might properly be offered. That would apply, therefore, to a constitutional or restricted review, as it has been called, just as much as it would to the broad review about which I have been commenting.

I was about to say, when the Senator interrupted me, that one criticism that I think we have a just right to insist upon as to this bill is that in the proceeding that it does provide for, where the court reviews any action brought by the Commission to enforce its order, the language of the statute is that the court shall review with a view to determining whether or not the order was regularly made; that is all; not whether it was a lawful order, not whether it was in compliance with the command of the statute, but whether or not the proceeding had been regularly instituted and proceeded with.

How absolutely without value that is as a remedy, Senators will realize when their attention is called to the fact that this proceeding which the courts are to determine the regularity of is by the statute made an irregular proceeding. There are no pleadings to be filed; there is no bill, no answer, no demurrer, no motion, no anything. A shipper may write a letter and make a complaint, and immediately the machinery provided by this bill and the existing law is set into operation. Nobody comes and makes formal answer. They come and answer each according to whatever the suggestion may be that is in his mind that he desires to make. Testimony is taken; and not only is it the duty and practice of the Commission to hear all that may be brought by the parties, but the language of the statute is that the Commission shall proceed in its own way, on its own motion, without a suggestion from anybody, to get any kind of evidence on which it may see fit to predicate an order. A greater cheat and fraud and humbug could not be suggested—I do not want to use offensive language, but I want to use expressive language—than is employed in the review provided for in this bill; in suits to enforce the orders of the Commission the court shall look at nothing except only to see whether or not the order was regularly made, whether an irregular proceeding, commanded by the statute to be such, is a regular proceeding. There is no ground of defense whatever in such a provision.

It is to avoid all such troubles as that that I want the amendment for which I am speaking to be added to this bill. It is not in conflict with any provision of this bill, but it is a remedy in and of itself which the shipper shall have a right to resort to as an alternative remedy.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Yes.

Mr. TILLMAN. I should like to ask the Senator if it is not possible or probable that the men who drew this bill, in using the words "regularly made," did not have in mind to limit the courts to the question whether or not the Commission, acting as the instrument of Congress, had obeyed the law of Congress in its proceedings, and that there was no purpose to have the court try the case itself and determine whether or not the rate was other than lawful—in other words, whether it had been made according to law?

Mr. FORAKER. Well, Mr. President, the Commission——

Mr. TILLMAN. I am merely asking for the Senator's view on that supposition.

Mr. FORAKER. I take pleasure in giving the Senator the benefit of my view. When I recall that the existing law provides that the court, when called upon to enforce an order of the Commission, is authorized to hear fully and determine whether or not the order was lawfully made; when I recall that the bill framed and sent to the Interstate Commerce Committee of the Senate by the Interstate Commerce Commission provided carefully that the review of the court should be to determine whether the orders of the Commission called in question had been lawfully made; when I remember that this law has been in force all these years, and was the first proposition that was brought before our committee, and that not until the Hepburn bill and the other bills introduced about the same time were brought forth, did anybody hear of such a thing as confining the court to the question whether or not the order had been regularly made—when I recall all that, I think it is very clear what was intended, and that is that the Commission should hear a complaint and, in the irregular way in which the Commission proceeds, should make an order. If the railroad refused to carry it out, then the Commission should bring a suit in the court to enforce its order, and in that proceeding the court could determine not whether the order had been lawfully made—which would be to determine whether or not it had been made in accordance with the command of Congress—but whether or not it had been regularly made—that is to say, whether or not notice had been given to the other party in time, whether or not anybody had been allowed to come before the Commission, whether or not testimony had been heard, whether or not the requirements of the statute in such an irregular proceeding had been complied with. There is not anything about whether it had been made in accordance with the statute under which the Commission was acting.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. FORAKER. Certainly.

Mr. CLAPP. I desire to call the attention of the Senator to this fact: Whatever may be the strength of the legal position of the framers of this bill, the suit to which the Senator from Ohio calls attention has nothing whatever to do with the suit which the carrier institutes to protect his rights under the order of the Commission.

Mr. FORAKER. Mr. President, if the Senator from Minnesota had listened more attentively he would not have interrupted me to say that, because that is exactly what I did say. The bill does not provide for a suit being brought by the carrier. I was speaking of that provision of the bill where the Commission is authorized to bring a suit to enforce its own order.

Mr. CLAPP. Yes; but the Senator was insisting that under the suit the only question that could be raised was the regularity of the order.

Mr. FORAKER. Certainly; and I do still.

Mr. CLAPP. The history of this thing is simply this——

Mr. FORAKER. Can not the Senator give that in his own time?

Mr. CLAPP. That is the trouble. Every time this bill is assailed, when we want a discussion of the bill we are asked to wait until its opponents get through.

Mr. FORAKER. I yield to the Senator. I want the bill to have "a square deal" [laughter], and I want to do all I can to give it one.

Mr. CLAPP. Independent of "a square deal," this debate is doing no good unless it is based upon an analysis of this bill. It will not do simply to stand here and deliver addresses upon questions arising under the pending bill. I am not criticising the Senator from Ohio in saying that, but I am justifying my own course. I think we ought to debate this bill, and, as these questions arise, discuss them so as to see whether we are right or whether we are wrong. If we are wrong, we are as anxious as anybody else to be placed right.

Under the existing law, the order does not as a legal matter go into effect, and the Commission has to bring suit to enforce it. That involving the order itself, of course, under the present law, the carrier can raise these questions. The purpose of this bill is to change that rule and put the order into effect at a given time named in the proposed law or else set by the Commission in its order. This bill as it is now framed contemplates that, before the order goes into effect, the carrier may be heard; in other words, the order goes into effect unless suspended or vacated by a court.

The action provided for on page 16 of the bill, to which the Senator from Ohio calls attention, is a sort of supplementary proceeding, not involving the question of the constitutionality of the order; but after the carrier has had its opportunity to test that question, then the bill provides—

> If any carrier fails or neglects to obey any order of the Commission, other than for the payment of money, while the same is in effect, any party injured thereby, or the Commission in its own name, may apply to the circuit court in the district where such carrier has its principal operating office, or in which the violation or disobedience of such order shall happen, for an enforcement of such order.

That is, after the carrier has had its opportunity to combat the order on the ground that it is an invasion of constitutional rights; and then, in the supplemental proceeding, the carrier has neglected or failed to interpose its objection, and the order has gone into effect; this proceeding is simply to enforce it. There is no occasion, it seems to me, that in that proceeding there should be any question except as to the regularity of the order.

Mr. FORAKER. Mr. President, the indignation of the Senator from Minnesota is rather surprising to me. If he had been in the Chamber during all the time I have been occupying the floor, he would have known that I have already commented on the fact that, in my opinion, the court, under this bill as it is framed, could hear a question where a constitutional right has been infringed, but that, without action on our part, it could not inquire as to the reasonableness of a rate.

Mr. CLAPP. Then, if that be true, why is the Senator attacking the provision on page 16?

Mr. FORAKER. Because it is a fraud, a cheat, and a humbug, and I intend to expose it as such. That is why; and I am not going to do it in essay form, either.

Now, Mr. President, I call attention to the fact that under existing law, when a carrier refuses to obey an order of the Commission, the Commission has authority to go into court and sue the carrier to compel it to obey the order, and the court will determine whether the order was lawfully made.

The provision of existing law is that in such a proceeding as that the inquiry of the court shall be as to whether the order was lawfully made. That means not only a regular proceeding before the Commission, but it means also a rate, if that be the subject-matter of the order, that is in accordance with the command of Congress that it shall be a just and reasonable rate. And the court in such a proceeding will hear everything and determine whether the order was lawfully made.

Mr. CLAPP. Is it not a fact that under existing law that is the first suit? I do not want to be considered——

Mr. FORAKER. I have already commented on that. Under the existing law the Commission has no right to make a rate to be substituted——

Mr. CLAPP. No; but under existing law the suit brought by the Commission is the first suit brought, the first occasion for bringing any suit. Until that suit is brought there is no occasion for applying to a court.

Mr. FORAKER. Does not everybody know that without being told who knows that the law as it stands does not authorize the Commission to make a rate at all? It is only because we are now proposing to change the law and to authorize the Commission to make a rate and compel the carrier to put it into operation, unless he submits to a penalty of $5,000 a day for not doing it, that the other provision about applying for an injunction is incorporated in the bill. I have already commented on that. I do not want to go over it again.

Mr. CLAPP. I do not ask the Senator to go over it again. But I submit, while everybody ought to know that, if a man had listened to the Senator's argument, in which he seeks to draw a parallel between a suit under existing law and a suit provided for in section 16 of this proposed law, the supplemental law, he would draw the conclusion that there was some other provision in existing law.

Mr. FORAKER. I have already argued that all I care to; I think I have said all that I should be required to say on that subject.

There is no provision in this bill authorizing the hearing by the court of any complaint except only that the rate is extortionate on the one hand or confiscatory on the other. As to rates between those, there is no authority for a review by the court at all; and that is what I want to put into the bill, so that the court may make such a review.

Mr. ELKINS. Mr. President——

Mr. FORAKER. Let me finish, and then I will yield. When the carrier refuses to obey an order that the Commission makes, under the law as it is to-day the inquiry is as to whether the order was lawful. Under the law as it will be if this bill is enacted into law the court will have jurisdiction in such suits to inquire not whether the rate is lawful, not whether the Commission has obeyed our instructions and given a just and reasonable and fairly remunerative rate if we adopt the bill in that form, but the inquiry will be whether or not the Commission has proceeded regularly. I do not need to call on anybody to tell me why that was put in. Everybody knows. It was put in there to restrict the power of the court, in so far as it is competent by statute to do it, to inquire as to an invasion of purely constitutional rights of property, and nothing else.

Now, in the bill framed and sent to us by the Interstate Commission they provided that upon this same inquiry the question to be determined by the court shall be not whether the order had been regularly made, but whether the order had been lawfully made. Never until the Hepburn bill and those that came in about the same time did anybody presume to ask the Congress of the United States to limit a court in reviewing the question whether a commission to which, as the Senator from South Carolina [Mr. LATIMER] well said this morning, we are proposing to give the most autocratic power had, in the exercise of those powers, obeyed our command or violated our command. They undertake to do it by inserting the word "regular." There is not any secret as to what was meant by it, but the character of such a proposed amendment of the law does not appear until it is remembered that this inquiry is to be, whether an order was regularly made in a proceeding which under this proposed statute is commanded to be irregular. It could not be anything but regular. You could not violate the statute by any kind of departure from ordinary judicial proceedings in which the Commission might see fit to indulge.

This much I started out to say, but I would like——

Mr. ELKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. ELKINS. Will the Senator from Ohio allow me just one question?

Mr. FORAKER. I will; but I should like then to conclude what I have to say.

Mr. ELKINS. I should like to ask the Senator how he construes the words "determine and prescribe what may in its judgment?" If those words remain in the bill, as between a confiscatory rate and an extortionate rate, is not the finding of the Commission final and can not be reviewed?

Mr. FORAKER. Yes. The insertion in this bill of the words "in its opinion"——

Mr. ELKINS. "In its judgment."

Mr. FORAKER. "In its judgment;" that is to say, they shall ascertain in the first place whether or not, in their opinion, a rate that is challenged is unjust and unreasonable; and if so, they shall set it aside and state what in the judgment of the Commission is a just and reasonable rate.

If you get into the court to review this question of regularity, the question will be whether an irregular proceeding has been regular, and whether the opinion in the one case as to the rate set aside and the judgment of the Commission as to the rate substituted are, in fact, the opinion and judgment of the Commission. In other words, there is no review possible, for who can say the rate was not what the opinion of the Commission was it should be? It is a craftily drawn statute, or bill—

I hope it will never be a statute in this form—intended deliberately by lawyers who knew what they were doing to take away from the court all power of review with a view of determining whether a rate in a given case is just and reasonable.

Mr. BACON. Will the Senator pardon an interruption?

Mr. FORAKER. Certainly.

Mr. BACON. I make it for the purpose of getting the Senator's interpretation of certain sections to which I desire to call his attention. On page 11 of the bill there is evidently a contemplation of a resort to the courts on the part of the carrier in case it deems the rate to be confiscatory or otherwise unlawful. That is true, is it not?

Mr. FORAKER. That is what I have already commented on.

Mr. BACON. Very well. The Senator will pardon me a moment. This is only suggestive. The question I wished to ask the Senator is this: The language he complains of on page 16 relates to the case of a carrier who fails to obey the order of the Commission.

Now does not that relate to a case exclusively where the carrier has failed to avail himself of the opportunity to go into court and where he simply stands defiant of the Commission; and is it not the case in which the law seeks to provide that not having challenged the lawfulness, if you please, of the order of the Commission, not having sought by resort to the courts to set aside the order of the Commission, thereby recognizing the finality of the order, the carrier is in disobedience of it? If that be the case, is it not proper that the inquiry should be limited to the question whether the order was regularly made and the carrier duly served?

Mr. FORAKER. The Senator has, I think, failed to perceive the character of the argument I have been making. I have been contending that under the provision to which the Senator calls my attention, where the carrier may apply to the court, it has no authority, because the statute does not give it any, to apply except only where the rate is confiscatory, or, in the case of the shipper, where the rate is extortionate. Now, I am talking about the rates that are intermediate between the two extremes, those that, according to the proposed statute, are to be just and reasonable and fairly remunerative. But we are bound to assume that most of the rates would fall within the latter class. I say the proposed statute gives no opportunity whatever for a review in court of the question of reasonableness. It gives no opportunity to the court to review or to the carrier or the shipper to apply to the court upon that question——

I want the attention of the Senator from Georgia, if the Senator from Kansas will let me have it, for the Senator from Georgia interrupted me, and I am anxious to hurry along without being further interrupted if possible. Therefore, except only as to the invasion of constitutional rights this bill gives no remedy at all. They are the only ones that can be contemplated by the provision to which the Senator has called my attention.

When it comes to the question whether a rate is reasonable in such a case as the other provision relates to, where the carrier has refused to obey and the Commission has brought suit, why should not the court be allowed to examine that question, and see whether the rate prescribed is just and reasonable and fairly remunerative? Does not Congress want the Commission to make just and reasonable and fairly remunerative rates? Could not the court be allowed, if it is going to review it at all, to review that particular question?

But now, Mr. President, that brings me to another phase of this bill that I want to speak about. I did not have it in mind to speak about it in this connection, but I will. What is it that this bill provides? That the Commission shall fix a just and reasonable and fairly remunerative rate.

When I spoke here as long ago as last December I pointed out that that was such an indefinite standard that it was not any standard at all. All that Congress can do, if it has power to make rates at all, is to fix just and reasonable rates. If we confer that power on the Commission, we have divested ourselves of every particle of the rate-making power we have and given it all to the Commission. And yet Senators tell me there is no delegation by this provision of legislative power.

Are these words sufficient to create a standard? I contended that they were not as long ago as the time I have mentioned. I contended that they were not, at considerable length, when I spoke here on February 28. I want to renew that contention—not to argue it over again, but to call attention to a decision rendered by the Supreme Court of the United States since those arguments were made. I refer to the decision of the Supreme Court in the Michigan Tax cases, the opinion being delivered by Mr. Justice Brewer. I have it before me. When I spoke here in December I took the position that if we proposed to authorize the Commission to make rates we had power to do it, if we have power to make rates at all. But I said in doing so we must be careful so to confer the power as to make their duty with respect to rate making purely administrative. In that behalf we must be careful not to confer upon the Commission any exercise of judgment or discretion. If we did, it would be fatal, because if the Congress have power to make just and reasonable rates, it is the judgment of Congress that the people are entitled to and not the judgment of some commission.

Now, I gave some illustrations of what I meant by that. I called attention in that connection to the fact that in Iowa as long ago as when the first "granger law," as it was called, was enacted, back, I think, in 1873 or 1874, this question arose and they met it. They met it in one of the ways in which it must be met, and one of the few ways in which it is possible to meet it. They divided the railroads into classes—Class A, Class B, Class C, Class D—and then they provided that the rates on everything they could think of to alphabetically enumerate, from apples down to watermelons, should be fixed according to a table which they set out in their statute; on freight of a certain kind, which they named, over a road falling within Class A, so much per mile; so much per mile on a certain commodity over a railroad that fell in Class B, Class C, Class D, and so on, respectively. But what was the result, and why did they do that? Why did they go to the trouble to classify roads and to fix the rates with that care? Because they recognized that they could not intrust legislative discretion or judgment to a commission or to any official of the law. They recognized that they must establish a standard to which the commissioner could conform by simply making a mathematical calculation. He could inquire what class the road belonged to, what the particular freight was, how many miles it was to be shipped, and then taking the table he could figure up what the rate was.

They did the same thing, only not so elaborately, in Wisconsin. They classified the roads and fixed the rates, in principle, according to the Iowa statute. They did the same thing, in effect, in Minnesota, but instead of authorizing the commission to make rates they authorized the commission there to make a recommendation as to what the rate ought to be, and if the road did not see fit to adopt the recommendation, which the commission had a right to make, it was the duty of the commission to go into court and get an injunction enjoining the railroad from charging any other rate, or a mandamus compelling it to charge only the rate fixed.

Mr. BACON. Mr. President——

Mr. FORAKER. If the Senator from Georgia will bear with me for just a moment, another way to confer this power and make it administrative in character would be for Congress to say the Commission shall fix rates at so much per ton per mile. In other words, as the Senator from South Carolina [Mr. TILLMAN] the other day said he was coming more and more to believe ought to be the rule, to fix rates on a flat mileage basis. That, I believe, is almost his exact langauge. The Senator from South Carolina nods his assent, and thus we have that established.

Mr. GALLINGER. The Senator from Ohio does not assent to that.

Mr. FORAKER. I do not assent to that. If I were to assent to that and that were to become the law, I do not know what the growers of strawberries in South Carolina would do, or what the peach growers of northern Georgia, who are so ably represented by the Senator from Georgia, would do. They are making a great clamor to me for fear there will be legislation enacted here that will put them at a disadvantage in getting into the market at New York as compared with the peach growers of Delaware.

Only a few days ago—I have already referred to it in the Senate, but I will do it again, as perhaps I have the attention now of some Senators who did not hear me then—I received two letters by the same mail—one from the citrus-fruit growers of southern California, complaining of the Supreme Court because of a decision it recently announced, and claiming that they were subjected to unjust rates, unjust conditions, and the other from a place in Delaware—Medford, I believe it was, or some such name as that; Milford, possibly—complaining that the people in southern California had practically the same rate from California into New York that they have from Milford, Del. A flat mileage basis would make impossible that kind of rate making.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Certainly.

Mr. TILLMAN. The Senator says he is opposed to the idea of a flat mileage basis.

Mr. FORAKER. Yes.

Mr. TILLMAN. Is not that in accordance with the Declaration of Independence?

Mr. FORAKER. That is going back a long way to fix rates.

Mr. TILLMAN. That is the foundation of this fight, if we are ever going to settle it right, because if the people of Delaware are discriminated against by the local roads and are compelled to pay an equal amount on their peaches to get them to New York that the people of South Carolina are paying—and we do not pay any more than they do, though we are 800 miles away—it is wrong. Now, I say that, and I will stick by it, although I am a peach grower myself in South Carolina.

Mr. FORAKER. I think the peaches will be pretty hard and sour by the time the Senator gets home if we are to make that kind of a law. The greatest achievement of the railway system of this country has been the inauguration of a system of rate making and charging for the transportation of freight that has made every section of this country accessible to every other section.

Mr. GALLINGER. On a commercial basis.

Mr. FORAKER. It is done upon a commercial basis.

The making of rates is very much misunderstood by some people, perhaps possibly by myself, but as I understand it, there is really no such thing as individuals making rates. The laws of trade and commerce make them. The railroads which haul peaches out of South Carolina do not want to charge so little for taking them to New York as will be equal only to a like service rendered for the transportation of peaches from near-by Delaware, but they do it. Why? In order that the people of South Carolina may grow peaches, and that they may have a market for their peaches.

Mr. TILLMAN. Mr. President——

Mr. FORAKER. The Senator will bear with me for a moment. The question all the while is not whether they are charging too little from South Carolina to New York, but whether they are charging too much from Delaware to New York. And if they are not charging too much from Delaware to New York, who is harmed? Not the people in South Carolina, because they have a market that they could not get into except for the low rate; not the people of Delaware, if they are charged only a just and reasonable rate, because the people of South Carolina are permitted to come into that market in competition with them on no better rate than they have, and surely not the consumers in New York who are thus given two sources of supply and the benefit of competition.

Mr. TILLMAN. Now, will the Senator permit me?

Mr. FORAKER. In a minute. I want to make plain that no one can complain. Not the people of South Carolina; not the people of Delaware; not the people in New York, for they have two sources from which to draw their supplies instead of only one. If the people of New York had to rely upon the peach orchards of Delaware alone for their supply, peaches would be worth a good deal more than they are now.

Mr. TILLMAN. Will the Senator permit me?

Mr. FORAKER. Yes.

Mr. TILLMAN. I want to say to the Senator that if he knew a little more about peaches and their growing he would not be arguing like he does for this simple reason: The peach crop in South Carolina begins to move to market the last of June, and it is done and gone, eaten up, before the Delaware peaches are ripe.

I want to say while I am on my feet that the complaint of the citrus-fruit growers of California was against the decision of the Supreme Court, which did not permit the shipper to route his fruit, thereby prolonging the time it is in transit and causing the fruit to rot by four or five days' delay, caused by sending it some roundabout way to suit the railroad which has a monopoly of the business.

Mr. FORAKER. If that be true as to peaches, let the Senator take something else for illustration. I suppose the peaches in South Carolina and the peaches in northern Georgia ripen about the same time.

Mr. TILLMAN. About the same time.

Mr. FORAKER. They go into market in competition with each other, and as they are not equally distant from New York if the peach growers of northern Georgia had to compete on the mileage basis with the peach growers of South Carolina they would be at a disadvantage in the market in New York.

Mr. TILLMAN. You are speaking relatively of conditions as between the peach growers of Georgia and South Carolina and the peach growers of Delaware?

Mr. FORAKER. I was.

Mr. TILLMAN. I am contending that it is unjust and wrong in principle and practice for the railroad to charge the peach growers within 40 or 50 miles of New York as much as they charge us in South Carolina, 900 miles off. I will stand and die by that proposition.

Mr. FORAKER. It is all wrong when it applies to South Carolina and Delaware, but it is all right when it applies to South Carolina and Georgia.

Mr. TILLMAN. They are relatively as far from New York one as the other. There may be 75 miles difference.

Mr. FORAKER. Yes; or 150 or 200 miles, I should think.

Mr. TILLMAN. No.

Mr. FORAKER. Yes.

Mr. TILLMAN. I do not care; say 200 miles.

Mr. FORAKER. I will assume that; but it does not make any difference whether it is 75 miles or 150 miles or 200 miles. It is a great principle I am talking about.

Mr. TILLMAN. I stand by the Declaration of Independence side of it, and you have a new idea of it.

Mr. FORAKER. I have not any new idea. It is new only to the Senator from South Carolina.

Mr. TILLMAN. I heard——

Mr. FORAKER. Let me put another question to the Senator, which is suggested to me by the Senator from West Virginia [Mr. ELKINS]. But I want to answer first about the citrus-fruit growers of California. [To Mr. ELKINS.] Remind me of the cotton later.

The citrus-fruit growers of California brought suit, in which they asserted that they ought to be given the right to route their own fruit; that they ought to have the right to determine over what roads, shipping from California to New York, their fruit should go. The railroads contended that they ought to be allowed to control the routing. The Supreme Court decided upon the facts as well as the law of the case that the roads had that right and should have that right; but what were the facts? Why is it the fruit growers of California are making complaint? In that case it was established without any contradiction, beyond any question whatever, by testimony that was agreed to be correct, that the shippers wanted to control the routing so that they might divert their freight, first to one road and then to another, that they might demand a rebate from them. And one fruit company had exacted in two or three years' time prior to the bringing of that suit a hundred and seventy-five thousand dollars of rebates—the very thing we are trying to break up. If it had not been for the court intervening to set aside the order of the Commission and prohibiting and breaking up that kind of bad practice, it would still be going on.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield further to the Senator from South Carolina?

Mr. FORAKER. Certainly.

Mr. TILLMAN. The Senator's principle is erroneous and wrong again. If the Senator himself were going from here to California, and some ticket agent said, "I am going to ship you via Cincinnati and St. Louis and Denver, and you shall not go any other way," the Senator from Ohio would kick, and kick very hard. He would not be bulldozed in any such manner. The man who has something to ship, and knows that he can get it to market quicker and to his advantage by one road, has a right to ship it over that road.

Mr. FORAKER. The record shows it got to market quicker when the railroad routed it and when no rebate was at stake than when the shipper routed it.

Let us think for a moment about this mileage basis. I am standing here by the side of the Senator from Iowa [Mr. ALLISON]. He represents an agricultural State. They send great quantities of grain of every kind to the seaboard cities; some for consumption there, most of it for export, perhaps.

Now, if they were to be charged according to the mileage basis, what would be the effect upon them? You can better imagine it than describe it. The farmers of Iowa compete in the markets of New York and Boston with the farmers of Vermont and New Hampshire and New York on butter and eggs and cheese and all kinds of dairy products, and they compete because they are able to get practically the same rate. If the farmers of New York and Vermont and New Hampshire are charged too high rates, they have a right to complain. But if their rates are reasonable, and the roads reduce rates to a low standard to enable people who have butter and eggs and milk in Iowa to send their products to the eastern markets and sell them there, it is a great blessing to the whole country. It is a good thing for Iowa. The mileage basis would take away from Iowa all possibility of competing in New York with New Hampshire and Vermont, and lose to that people that market.

Mr. GALLINGER. If the Senator will permit me, it must be a good thing for the consumer.

Mr. FORAKER. Just as I was going to say, as the Senator from New Hampshire has well suggested, it is a good thing for the people of Iowa, and a better thing still for the people of New York and Boston. Those great cities could not draw from near by a sufficient supply to enable them to have butter and eggs and milk and all these products which are brought these long distances under the present system. They could not have

them at reasonable prices, except only under the system we have. They could not have them under the mileage system.

Mr. TILLMAN. Will the Senator permit me?

Mr. FORAKER. I want to ask the Senator from South Carolina about the cotton mills.

Mr. TILLMAN. I will meet the Senator on the cotton-mill basis or any other basis, but I want to ask, Does he imagine that any milk was ever shipped into New York City from Iowa?

Mr. FORAKER. I am told it is.

Mr. TILLMAN. It is condensed milk, then.

Mr. FORAKER. No.

Mr. TILLMAN. That would go——

Mr. FORAKER. Governor Cummins testified before our committee, as I remember it now, to the fact that butter and eggs——

Mr. TILLMAN. Oh!

Mr. FORAKER. And dairy products——

Mr. TILLMAN. Butter and eggs possibly.

Mr. FORAKER. Well, it is possible no milk is shipped that long distance——

Mr. TILLMAN. No milk, Senator.

Mr. FORAKER. Take out the milk, then. I am not trying to establish any one fact, but a great principle.

Mr. TILLMAN. I want the Senator just to look at this aspect of it. The farmer in Vermont, New York, and Connecticut is competing with the farmer in Iowa.

Mr. FORAKER. Certainly he is.

Mr. TILLMAN. What about the manufacturer in New York, Connecticut, and Vermont, who has his goods protected by the tariff and then is allowed to buy in the American market? This is a new idea. It is another protective tariff against the farmer in the near-by States in favor of the farmer in Iowa, is it not?

Mr. FORAKER. The Senator from West Virginia [Mr. ELKINS] was calling my attention just then, and the Senator will pardon me.

Mr. TILLMAN. The Senator from West Virginia will have enough to do to bother me on his own hook without trying to whisper into the ear of the Senator from Ohio.

Mr. FORAKER. He was not addressing himself to what the Senator is just now talking about, and——

Mr. TILLMAN. I was just trying to get the Senator's view.

Mr. FORAKER. Between both I did not hear either.

Mr. TILLMAN. I want the Senator's view on the relative justice of the idea that the farmer in these near-by States around New York City and Boston has to compete with the far-away farmer in Iowa. The railroads give the farmer in Iowa the advantage of low rates relatively as compared with the near-by farmer, while your New York and Massachusetts manufacturer is protected by the tariff against competition from anybody who might come into the field against him.

Mr. FORAKER. No American manufacturer is thus protected against other American manufacturers. All American manufacturers are put on an equality under the law.

Mr. TILLMAN. Of course; and I want the farmers to be on an equality under the law.

Mr. FORAKER. And, Mr. President, no class of people have a higher protective tariff levied on the importation into this country of the products they bring forth than the farmer.

Mr. TILLMAN. Yet the Senator is right here arguing for the protection of the Iowa farmer against the New York farmer——

Mr. FORAKER. No.

Mr. TILLMAN. By a railroad rate discrimination in his favor.

Mr. FORAKER. That is simply one of the mysteries of the tariff the Senator has not yet fully sounded the depths of. The Iowa farmer wants not only to produce butter and eggs, but he wants some place to sell his butter and eggs; and if there was a manufactory flourishing about him, he would have a home market there; and if they do not take all he has to sell, he can ship it off to New York, if he can find some railroad that will carry it at a rate cheap enough to enable him to sell it when he gets there in competition with the same products from near-by points.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. If it be true that the distance is so great that on a mileage basis the people of New York could not be provided with the chickens and eggs from Iowa, to which the Senator refers, would not the necessary result of that be that many of the industries which are now concentrated in New York would be compelled to go nearer to the chickens and eggs in Iowa in order to give their operatives cheaper supplies? And the effect of that would be a wider and a juster distribution of the population and wealth in this country.

Mr. FORAKER. That is a very interesting question, and we will take it up and discuss it when we come to take up the revision of the tariff.

Mr. TILLMAN. This is the tariff.

Mr. FORAKER. It is too broad a subject for me to undertake to deal with in the midst of a speech that is devoted to rate making.

Mr. TILLMAN. But this rate making is in a sense a protective tariff. The Senator has been contending for a protective tariff by the railroads in behalf of the western farmer and against the farmers of New England and New York.

Mr. FORAKER. Mr. President, if the Senator will allow me to use the word politely, I will not allow him to becloud the issue. We are talking about rate making and I have said all the while, in the cases I have been putting for illustration, that the question is, whether the near-by rate was an unjustly high rate.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield further to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. I will simply remind the Senator from Ohio that the suggestion I made was directly in reply to the argument that we had to give these cheap rates in order to get commodities to the centers of population. I myself would like to take the centers of population a little closer to the cheaper commodities.

Mr. FORAKER. If the Senator will journey across the West he will find that the manufacturing industries there are flourishing. He will find that they are springing up in every direction. He will find that they do not follow chickens and eggs and ducks, but they grow up in every community, and wherever they do they constitute a home market where the farmers near by can find a place to sell their products.

Mr. ALDRICH. And they are not going up any more rapidly in any part of the United States than in the States of the Senator from North Carolina and the Senator from South Carolina.

Mr. FORAKER. Everywhere. That reminds me that I wanted to ask a question about cotton.

Mr. TILLMAN. Is it, notwithstanding, the fact that most of our goods are shipped to China in competition with Germany and England and have not a dollar of protective tariff on them, but in the open field, with no favors to anyone?

Mr. FORAKER. Can any man inform me where they have a higher tariff than Germany has?

Mr. TILLMAN. I mean exports. We go to China to sell cloth in competition with Germany and England, and we do not get the benefit of any protective tariff. Therefore we do not get a square deal when our railroad rates are all in the interest of New York, and we can not get any fair play in the fixing of rates.

Mr. FORAKER. No other country gets any such benefit as that to which the Senator refers. But let me tell the Senator what his State is getting great benefit from, and that is from the system of rate making that is now employed. That has been the case especially during the last ten or fifteen or twenty years. Perhaps as recently as twenty years ago the first cotton mills were started in South Carolina, North Carolina, and Georgia, in competition with the cotton mills of New England, and now already those cotton mills have increased in number and in capacity until they are practically equal in number and capacity to the cotton mills of New England. And they have a great advantage over the cotton mills of New England—they are near by where the cotton is grown.

Mr. ALDRICH. Will the Senator allow me to interrupt him?

Mr. FORAKER. Certainly.

Mr. ALDRICH. There are no manufacturers in the United States who get more material benefit from the protective tariff than the cotton manufacturers of South Carolina. They understand it, too. The Senator from South Carolina may not, but the manufacturers do.

Mr. TILLMAN. Possibly they do, and possibly the Senator from Rhode Island could explain how and why this is true.

Mr. ALDRICH. I do not want to interrupt the speech of the Senator from Ohio by an explanation now.

Mr. TILLMAN. For my part I simply gave this illustration of the condition—that the cotton manufacturers of my State, so far from getting any benefit from the protective tariff at home, have to ship their cotton to China to get a market.

Mr. FORAKER. A great many other people have to ship to China to get a market. In our country here at home we consume all our necessities call for—all the cotton from the South as well as every other product that is brought forth in this

country, whether in the South or in the North; and for the surplus which we have we must find markets abroad. They send from South Carolina to China only the surplus. If they can sell their cotton here at home they sell it here at home, in New York, for instance, and other near-by markets. They sell only the surplus abroad. We send only our surplus wheat and corn and other farm products abroad. We consume everything in this land that we can, and we consume almost an incomprehensible amount of the agricultural products that we bring forth only because we have, under the protective tariff, multiplied all kinds of industries, developed our resources, multiplied every kind of business institution, and given employment at good wages to the tens of millions of people who toil.

Mr. TILLMAN. Nevertheless I should like to have the Senator from Ohio or either of the Senators inform me in what way a manufacturer in South Carolina who is shipping his product to China gets any benefit from the protective tariff here.

Mr. FORAKER. I was telling the Senator.

Mr. TILLMAN. The Senator then is very kind.

Mr. FORAKER. He gets the same benefit through the protective tariff that I suggested; but, Mr. President, here is the benefit which the Senator refuses to see.

Mr. TILLMAN. The difference is this——

Mr. FORAKER. He must see it. What is the cotton crop of the South?

Mr. TILLMAN. Last year about ten and a half or ten and three-quarters million bales.

Mr. FORAKER. How much of it was consumed in this country?

Mr. TILLMAN. About 4,000,000 bales.

Mr. FORAKER. Where was it sold? Who used it?

Mr. TILLMAN. Does the Senator mean the cloth? We had to send ours abroad, whereas you sold yours right around here, because it was a finer character than ours. You supply the home market with finer goods, which would be otherwise supplied by Europe if there was no protective tariff.

Mr. FORAKER. In other words, you do not make a desirable product, and therefore you can not sell it to Americans, South or North, and you send it off to the Chinaman or to somebody else who must have cotton, and he takes it from the South because he can not get it from the East.

But, Mr. President, if the Senator did not sell in this country 4,000,000 bales—and he could not if we did not have a protective system that had developed our industries and made a demand for it at home—he would have to sell the whole ten million and a half bales in China and then so glut the China market that he would not get half the price he is getting now.

Mr. ALDRICH. I was about going to remark that if the market were confined to China it would not be open for sixty days.

Mr. FORAKER. Now, there is another question the Senator was talking about, that the rate should be just and reasonable, and the Senator from Texas [Mr. BAILEY] insists that we shall strike out "fairly remunerative" and insert "just compensation." I want somebody to explain that term. The Senator is interested in the cotton mills of northern Georgia, and in North Carolina there are some, and in South Carolina, I believe, a large number.

Mr. OVERMAN. In North Carolina there are more than in any other State in the Union.

Mr. FORAKER. I thought that was true, but I was not sure about it.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FORAKER. Let me ask this question, and then I will yield to the Senator. Cotton is assembled at Memphis. It is a short haul across the country to the cotton mills of the South. I do not know how much it will be worth a bale to haul it across, but just for illustration we will say it is worth $2 a bale. That may be a very ridiculous figure to make; I do not know anything about what the rate should be. But it is a short haul across the country to the cotton mills of the South. It is twice or three times as long a haul from Memphis north by the way of Cincinnati and then northeast to the cotton mills of New England. And yet what is the result on rate making? The result is that unless the cotton mills of New England can get a rate that is substantially the equivalent of the rate the cotton mills of the South get, all the cotton will go to the cotton mills of the South, and the New England mills will have to go out of business. The railroads of the South, therefore, a standard being fixed on a reasonable rate to the cotton mills, conform to that, and they give the same kind of rate to New England, and thereby the New England mills get cotton.

Now, the Senator from Texas has returned. I asked him, in his absence, without observing that he was absent until I had asked it, to define this term, "just compensation;" and I was about to illustrate the difficulty I have in regard to it.

If by just compensation we are to fix a rate that measures the service rendered and we fix that rate for a haul of 400 miles across the country to the cotton mills of the South, what are we to name as a rate for 1,200 miles to the cotton mills of New England? Is it to be three times as much? It is all cotton; it all comes from the same point; it all goes to the mills; and if "just compensation" is to be the term employed, what do we mean by it? I do not ask this in a controversial sense. I ask it to get light on it. I know it is difficult, as the Senator from Texas said the other day, to adopt any term that is sufficiently definite to enable us to conform to it without having difficulty. That is the practical effect of what the Senate said.

Now, to take another case, does it cost the railroad any more, and therefore would the railroad be entitled to any more pay, if we are to measure its charge by the rule of just compensation, to haul a carload of dry goods from New York to Chicago than it would a carload of corn or pumpkins from Chicago back to the city of New York, the same distance, over the same road, and in the same car, probably, the same motive power, the same capital, the same crew who are to be employed? How are we to determine what is just compensation in the one case except only by considering what it costs the railroad company to render the service, and are we to apply that same rule in the other case?

Mr. BAILEY. Does the Senator desire me to interrupt him now with an answer?

Mr. FORAKER. I perhaps should not call on the Senator to do so now. I only wanted to say to the Senator that I am at a loss to know how, if I understand the term "just compensation," we could apply it without absolutely revolutionizing the whole system of rate making in the country. The Senator, as he has employed it, as I remember, has always said, "just compensation for the service rendered."

Mr. BAILEY. Mr. President, we can establish no standard in a matter of this kind—that is, a precise one; that is, we can fix no standard with the precision with which we can weigh or count—but it seemed to me that a standard which was definite enough to protect every private citizen of the United States in his property was definite enough to protect the railroad in its service; and I chose the words "just compensation" more because they had been so repeatedly construed than for any belief that they differ from the words "just and reasonable." Indeed, sir, as I said the day before yesterday, if the law is to stand, it can only stand, in my opinion, because the court will translate the expression "just and reasonable" into the equivalent to a just compensation. I proposed the amendment more for the purpose of eliminating the objectionable words "fairly remunerative" than for any other purpose; but, proposing the change, I thought it desirable that the statute should follow the Constitution.

Now, with the Senator's permission, I want to answer his inquiry whether a haul for 1,200 miles shall be charged three times the price of a haul for 400 miles. Of course it costs the same to load and unload for a 4-mile haul as it does for a 1,200-mile haul; and making that allowance, I say to the Senator without the slightest hesitation, that I believe in a mileage basis. I do not believe the railroads of this country ought to be allowed to make things equal that God Almighty has made unequal. I do not believe they ought to be allowed to put a product from one place to another place as cheap as the people who produce that product within a hundred miles are able to put it there as against competitors for a thousand miles.

I want to add, and then I will not trespass further upon the Senator's time and the Senate's patience, that I believe every community in this land is entitled to the natural advantages of its position; and if it had not been for the advantage in freight rates which has been given to the North and East, the population of this country would have been better distributed, and its wealth would have gone with that distribution.

Mr. FORAKER. Mr. President, the Senator has now defined "just compensation" as I thought he would be compelled to define it if I understood the sense in which he had been employing the term; in other words, it is only another way of reaching a mileage basis on which to fix rates. Let me say that is the vice, for I believe it to be a vice, of all this government rate making that has been indulged in in this country and in every other country on the globe.

Mr. BAILEY. The Senator from Ohio will permit me to say that he connects two entirely independent answers. To say that a man is entitled to a just compensation for his service does not necessarily involve the further proposition that that service shall be measured on a mileage basis. In fact, I

stated to the Senator in the very beginning of the statement, that the cost of loading and unloading was the same whether the shipment was for 4 miles or 4,000 miles. And there are other elements.

I do not pretend to say, and I would not be willing to see any law pretend to say what the elements are, because that is, as the courts said in the Monongahela case, largely a judicial question; but I simply express my own belief that it would be better to have a mileage basis, and thus give every place the natural advantages of its position. But even a mileage basis would not necessarily mean that the price for a given haul between two places of 10 miles should be exactly the same as the price for another given haul between two other places of 10 miles, because circumstances and conditions might make one a just compensation, while another either more or less than that.

Mr. FORAKER. I should have qualified the remark I made by saying the Senator would have to come, if he followed the rule he has announced, to at least approximately a mileage basis. Of course in all these illustrations you eliminate the loading and unloading. It is the haul we are talking about.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. FORAKER. Certainly.

Mr. GALLINGER. I was about to suggest that if the principle of mileage rates is good for ordinary freight, it must be good for express matter as well. Perhaps the Senator from South Carolina and the Senator from Texas believe that we ought to compel our express companies to establish mileage rates. If it is good for that, why is it not good for the United States Government in conveying the mails? A package of second-class matter, for instance, is carried from Austin, Tex., to Boston for the same rate that it is carried from Lowell, Mass., to Boston. Now, is it a wrong that is being perpetrated upon the people? I simply suggest that if we are going to adopt this principle we ought to adopt it all along the line.

Mr. FORAKER. Let me give the Senator from Texas an illustration of each community having the benefit of its natural advantages that are given it by the Creator of the universe.

Only recently, within the last few months, I saw in a newspaper an account of the shipment of some steel rails from Pittsburg to Galveston. What was the character of that shipment? The rails were shipped first to New York and then they were shipped by rail back through Pittsburg to Galveston, and at a lower rate than could be obtained by shipping directly from Pittsburg, and enough lower to make it an inducement to go to New York to start the shipment. Why was it? Because Galveston had as to shipments made from New York an advantage the Almighty had given her that she did not have as to the shipment made from Pittsburg. When the rails were once in New York the shipper had an option to send them by ocean to Galveston or send them by rail to Galveston, and the water transportation, which the good Lord made provision for, was so much cheaper that the manufacturer at Pittsburg, not subject to that kind of competition, could more cheaply ship to New York and from there ship to Galveston.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. FORAKER. Certainly.

Mr. TILLMAN. The Senator said that the good Lord had something to do with the Galveston rate from New York.

Mr. FORAKER. I will retract that if the Senator objects to it.

Mr. TILLMAN. Then did the devil have anything to do with the shipment there and back to Galveston?

Mr. FORAKER. I think the good Lord made the conditions out of which it grew.

Mr. TILLMAN. I am speaking about the devil having to do with the other thing.

Mr. FORAKER. There is no devil in it; there is nothing mysterious in it; there is nothing but sound business common sense in it. Why is it that the shipper in New York can ship all the way across the continent to San Francisco at a dollar a hundred and will be charged for a shipment to Denver or Salt Lake, only half the distance, twice that much. It is because the shipper at New York can ship by water, and the railroad, if it wants the business at all, must meet water competition—that is, all the traffic will bear, if it is to go by rail.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. FORAKER. Certainly.

Mr. TILLMAN. I have understood, and I think I have seen it stated, that the pottery manufacturers in England have got such a low rate across the Atlantic and by rail to Chicago that they not only ship across the ocean, but they also ship right through East Liverpool, or some other pottery-manufacturing center in his own State, and they get lower rates from Liverpool right through this place to Chicago than the East Liverpool pottery manufacturers get from East Liverpool to Chicago. I say that is infamous. Now, I will fight on that until I get it straight, if I live long enough.

Mr. FORAKER. Mr. President, I have two remarks to make about that. In the first place, the shipper of pottery from England or Germany to points in the United States has the election between half a dozen different ship lines and half a dozen railroads after he gets into this country, and it is their competition, one with another, that he gets the benefit of, whereas as to East Liverpool—and there is no place in the world that I have more interest in than I have in East Liverpool, and no interest and no industry that I take more pride in than I do the pottery industry at East Liverpool—they have only one road, perhaps—I do not know what the given case may be—but it is competition that does it. It is not the rate maker. The man who fixes the rate for the carrier does not want to make a rate lower than is reasonable, but he wants to make it low enough to get the business. They make the very lowest rate they can afford.

The second thing I want to say is that I tried to get another amendment in this bill in the Interstate Commerce Committee that would at least have partially covered that very thing, but I could not get the support of the Senator from Iowa [Mr. DOLLIVER]. I suppose he did not think it was efficient, but I thought it was.

Mr. DOLLIVER. I understand the Senator from Ohio to regret that he did not have my support for an amendment he offered in committee.

Mr. FORAKER. I did not know the Senator from Iowa was in the Chamber, but I will say that I do not think I had his active support on that. I intended to refer to the Senator from South Carolina.

Mr. DOLLIVER. Mr. President, I do not remember that the proposition of the Senator from Ohio ever came to a decision in the committee. My only opinion formed and expressed upon it was that in undertaking to settle the problem of the American merchant marine he was overburdening a somewhat heavy subject by the addition of a matter that would create more controversy than railroad rate legislation.

Mr. GALLINGER. Mr. President——

Mr. FORAKER. I hope the two Senators will allow me to state what I was about to state.

Mr. TILLMAN. Will the Senator allow me to comment on that last statement before he goes to a second one?

Mr. FORAKER. Certainly; I will do anything to oblige the Senator from South Carolina.

Mr. TILLMAN. I want to ask the Senator if he did not think it was wrong that the manufacturers of pottery in East Liverpool, who are endeavoring to compete with England, should have their necks broken or their profits destroyed, and the protective traiff—which he and his colleagues have been so industriously manufacturing or creating for, lo, these many years, to protect American industries—I want to know if it is right for the railroads to annul the protective tariff in the interest of American industry in order that the railroads may discriminate between Americans?

Mr. FORAKER. Mr. President, there is a good deal that I assent to in what the Senator has said, and a good deal that I do not assent to. The protective tariff was not responsible at all for the rates that were given in the cases mentioned by the Senator.

Mr. TILLMAN. But it is responsible for the growing up of the pottery industry at East Liverpool.

Mr. FORAKER. Yes; the protective tariff is responsible for that.

Mr. TILLMAN. Do you want to break up the protective tariff and destroy its benefits to the American manufacturers there, drive them out of business, and have their industry destroyed by the unjust discriminations against them by these railroads?

Mr. FORAKER. Well, Mr. President, if the Senator would go to East Liverpool, he would not see anybody being driven out of business.

Mr. TILLMAN. Well, they have been squealing because their profits are less. That they are squealing is very certain.

Mr. FORAKER. If the Senator had been in East Liverpool during the last Cleveland Administration he would have seen people out of business—thousands of them.

Mr. GALLINGER. And heard them "squealing," too.

Mr. FORAKER. Yes; and the Senator would have heard them squealing, too—squealing loud and long. But now nobody is out of business there. I think, however, the producers

of pottery at East Liverpool are subjected to a disadvantage that I would be glad to relieve them from. When we were proposing to legislate about interstate commerce, having the same power to legislate about foreign commerce that we have to legislate about interstate commerce, it was my idea that we might save for American ships all this freight brought into this country and transported into the interior by reason of this competition at lower rates than are charged on shipments from ports of entry to some of the interior points, and that those lower through rates should not be allowed unless those goods were carried in ships of American registry.

I do not think I was loading anything on here that was not proper. I do not think I was loading anything on here that we should not put on here. It is a simple proposition. The testimony shows, the statistics show, that many million dollars' worth of property is brought into this country through ports of entry and shipped to interior points on rates that are less than the rates are on the same goods from New York or Boston, or whichever port they may be imported into, to some interior point; and to that extent there is an overcoming of the protective tariff. I would be glad to give the American merchant marine an unqualified right to carry those millions of value, for it reaches to millions in the aggregate. The only thing, Mr. President, that cripples the American merchant marine is the want of business. If we could get freights for American ships, we would have again as grand and splendid a merchant marine as we had in the early days of the Republic; and here we have a chance——

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. In a moment.

Here we have a chance to give to American ships some freight, to give them some business, and thereby cut off this competition that reduces these through rates. If we could give them only that which comes through the ports with these lower through rates, as we could by just adopting the ten or twenty lines that I presented to the committee, we would give our ships enough business to put them on their feet again.

I now yield to the Senator from South Carolina.

Mr. TILLMAN. I want to ask the Senator if it is not a self-evident proposition that the local traffic is made to bear the burden of these transcontinental and transatlantic shipments, and that the local industries, the consumers, and everybody else concerned are taxed to support it; and whether or not that would not be remedied by putting into this bill such legislation in regard to the long and short haul as would prohibit and prevent any carrier from hauling any goods from the terminals right by the doors of somebody else in the middle of the line, and charging less for that than they charge this man in the middle for hauling either way?

Mr. FORAKER. Mr. President, I can not answer the Senator in a word, but I can conclusively answer him, I think, in a very few sentences. All the carrier can charge to carry freight from New York to San Francisco is a dollar. It is that exact figure, I believe, on first-class freight. Why? Because if the railroads charge any more the traffic will be sent by water, as the water rate is so much cheaper, and the railroad traffic must take it at a dollar or else not take it at all. Inasmuch as the railroad is in operation, has its cars, has its crews, has its entire equipment, is in business, and is going there anyway, it had better take the freight at a dollar, which may be enough to pay expenses and keep its men employed and possibly yield a very slight profit. It must take it at an unreasonably low figure or else not take the business at all; and, taking it at that, and getting employment enough to pay the men whom they must keep anyhow, and make, possibly, some slight profit, just that much is contributed to the whole sum to be earned that would not otherwise have been contributed, and to that extent the people at intermediate points are relieved.

That all goes toward lowering the rates to intermediate points. The question is not whether the rate to San Francisco is too low—for no rate is too low—but whether the rates to intermediate points are too high; but if it be only a reasonable and just rate under all the circumstances, then the railroad ought to be allowed to charge it.

Mr. TILLMAN. But does not the Senator see that all this intermediate traffic is compelled to bear the burden for the benefit of the extremities?

Mr. FORAKER. Why, Mr. President, there is no burden, unless the haul to the farther point is at a loss. We assume all the while that they are not hauling at any loss. It is better to haul at a slight profit or even for operating expenses than not to haul at all.

Mr. TILLMAN. Why does the Senator want the people and the industries in the interior to bear the burden of this great transcontinental haul? Why not make the fellow quit hauling if he can not haul at a profit?

Mr. FORAKER. Somebody must bear the burden; and those people who are at the terminal points, where they have the advantage of water transportation, get a low rate, and those who are at intermediate points and who can not have that advantage are subject simply to the disadvantages which the Almighty in creating this world imposed.

Mr. TILLMAN. But the Senator was arguing against Galveston and localities on the Atlantic and on the Gulf getting the benefit the Almighty gave them, saying that the railroads were justified in shipping from Pittsburg to New York and then to Galveston——

Mr. FORAKER. I was not inveighing against Galveston getting the benefit of her natural conditions. I was speaking in favor of it. I was calling attention to the fact that she has natural advantages, and that she was getting the benefit of them. Now, let me give another illustration.

Mr. TILLMAN. Wait a minute. I want to call the Senator's attention as to the justice of making the people in the interior pay for this luxury of shipping to New York and then back to Pittsburg.

Mr. FORAKER. I deny, except in some case where there is an abuse in fixing the rate, that there is any such burden unjustly imposed. The question, as I have already remarked, is whether or not the people at the intermediate points are required to pay unjust or unreasonable rates. If it be only a fair rate—and I think it is generally conceded that most of the rates that are complained of are in and of themselves just and reasonable, and unjust and unreasonable—only in relation to the longer haul—if it be of that character, then nothing is imposed upon them, unless the long haul is at a loss to the carrier, and it ought never to haul at a loss, and I do not suppose it does.

Mr. ALDRICH. Mr. President, I sought to interrupt the Senator some time since to express dissent from what I understood to be his position in regard to the significance to him of the words "just and reasonable compensation," or "just compensation for services rendered." It seems to me very clear that the Commission, in determining whether a rate is just and reasonable or affords just compensation—I understood that to be the contention of the Senator from Texas [Mr. BAILEY]—must take into consideration all the circumstances and conditions of each case, all the elements which go to making up the rates by the railroad companies themselves. The conditions, the distance, and every other condition and circumstance must be taken into consideration.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. ALDRICH. When I have finished the sentence.

A just and reasonable rate, or a rate which affords just compensation for the services rendered, under this bill does not necessarily mean a rate controlled, or largely controlled, by distance alone, but that competition and every other condition and circumstance must be considered in connection with it. A rate of four-tenths of a cent per ton per mile might be a just and reasonable rate under one set of circumstances and conditions, while 2 cents per ton per mile would be a just and reasonable rate under other conditions. Otherwise the enactment of this legislation would be intolerable for nine-tenths of the people of this country.

Mr. TILLMAN. I want to ask the Senator a question.

Mr. ALDRICH. I want to state what seems to me to be the construction which must be put upon this bill.

Mr. FORAKER. I was seeking to get a construction of the language from the Senator who suggested it—the Senator from Texas [Mr. BAILEY].

Mr. ALDRICH. I understand the Senator from Texas to assent to that proposition.

Mr. FORAKER. If the Senator had said "just compensation under all the circumstances" it would have been very different.

Mr. ALDRICH. It seems to me it could not mean anything else.

Mr. FORAKER. But those words are not employed.

Mr. BAILEY. Will the Senator from Ohio permit me to ask him a question?

Mr. FORAKER. Certainly.

Mr. BAILEY. Can the Senator find a constitution in this Union which says that when private property is taken for public use "just compensation under all the circumstances" shall be paid?

Mr. FORAKER. No constitution says that, of course.

Mr. BAILEY. Then why should such language have been incorporated in this bill?

I say to the Senator again, as I have said until it is a little tiresome to repeat it, that I am trying to apply to the railroads, when we come to employ their services, precisely the same test

that they apply to us when they come to take our property. When a railroad reaches the Senator's property and seeks to condemn it for the purpose of constructing its line, whether under the law of Ohio or under the law of Congress, it must pay him a just compensation. That is the very language of the constitution of the Senator's State, and that is the language of the Constitution of the Republic. I simply say that when the Senator from Ohio, whether under the law of his State or under the law of the General Government, seeks to condemn the services of the railroad he ought to apply to it exactly the same standard that it has applied to him.

Mr. FORAKER. Mr. President, I quite agree with the Senator as to what is found in the Constitution of the Federal Government and of Ohio; and I quite agree that when it comes to taking my property for a public use it is a judicial proceeding in which it is sought to arrive at the true value of it and to take it at its true value. That is where the trouble to me comes in the employment of this term. They do not hear anything except only what is the property worth, though, of course, they consider all its surroundings in arriving at that. When the Senator says to a railroad, "I have a carload of silk, and I want you to haul it for me from New York to Chicago;" and the railroad says, "Very well; I will take it at a just compensation," what is the measure of the just compensation? It is the service rendered. It is not that the carload of silk is worth twice as much to the Senator after he gets it to Chicago as it is before he ships it out of New York. That can not be taken into consideration any more than could the question that my property would be worth more to him after he would condemn it and pay me for it than it was while I owned it.

Mr. BAILEY. Mr. President——

Mr. FORAKER. I hope the Senator will bear with me just a moment. What would it be worth, therefore? The Senator talks about just compensation for the service rendered. What is it worth to haul it? What some other road will haul it for, or how much capital is invested, or how many men will have to be employed, or how much motive power will be required? All those things enter into consideration if you arrive at what is a just compensation for the service rendered.

Mr. BAILEY. Mr. President——

Mr. FORAKER. In a moment the Senator can answer. When the Senator gets to Chicago he wants to haul something back—or I do, for I am the carrier, I believe, and he is the shipper—I want to haul something back, but I can not get anything but pumpkins, possibly, or corn. I fill the car with them because somebody offers them, and we come to fixing a rate. What should the rate be? The service is precisely the same. It requires exactly the same length of time to make the haul, exactly the same number of men to constitute the crew, and the same motive power. It is the same service all the way through. What is the rule? That is what I want to get at. I am not trying to have a controversy with the Senator. I am trying to get some explanation of what is meant by a just compensation for services rendered that I can apply. I know what it means when you take a right of way through a man's farm. We all know that.

Then I want the Senator to answer another question. If this is to be——

Mr. BAILEY. I hope the Senator will allow me to answer the question he has already put before he asks me another.

Mr. FORAKER. If he likens this procedure to taking a man's private property, such as a right of way through his farm, for the public use, and that is a judicial proceeding, what is this? If it is the same, is it not a judicial proceeding, too?

I noticed the language of the Senator a moment ago. He said that in the Monongahela case the Supreme Court of the United States held that the taking of private property for public use, as was done in that case, was practically—I believe that was the word he employed—a judicial proceeding, or virtually a judicial proceeding. The court held that it was actually a judicial proceeding—a judicial proceeding pure and simple.

Mr. BAILEY. No; they did not. They never held that in any court in the history of the world. They held the ascertainment of what just compensation was to be a judicial question; but the right to take it is not judicial.

Mr. FORAKER. That is what I am talking about—the fixing of the price. The court held there, in so many words, that the fixing of a price was a judicial proceeding; that Congress had no right to fix the price, and Congress had no right to eliminate any element of value. Congress had undertaken to eliminate the value of the franchise, and said it should not be considered.

Mr. BAILEY. Now will the Senator allow me to answer?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. It is somewhat surprising that a Senator with as wide an experience as the Senator from Ohio should suggest an argument on this subject that ignores the right of classification. Surely the Senator from Ohio does not suppose that any advocate of this bill would destroy the practice of classifying freight. The Senator overlooks the fact that if the railroad in carrying a carload of silk from New York to Chicago, should suffer an accident by which that carload of silk might be destroyed, it would be compelled to respond in damages fifty times as great as if it lost a carload of pumpkins. That is another consideration that makes it entirely proper that the railroad should charge more to carry the valuable cargo that increases its liability than the less valuable cargo, where, in case of accident, the loss would be merely a nominal one.

But, Mr. President, I want to ask the Senator this question: Does he deny that the same perplexing difficulties exist under a law which requires you to fix "a just and reasonable rate" that exist under a law that requires you to fix a rate which affords "a just compensation?" I confess that the practical difficulty is not a small one, though I think it not an insurmountable one; but every argument against employing the expression "a just compensation" can be made with equal force and effect against fixing "a just and reasonable rate."

Now, I want to ask the Senator a question, and upon the answer to that this whole matter can conclude. Does the Senator think that the fifth amendment to the Constitution limits the power of Congress to regulate these charges?

Mr. FORAKER. I do not think we would have any right to violate any provision of the Constitution.

Mr. BAILEY. Then, of course, Congress must regulate commerce under all the limitations of the Constitution. The Senator has argued that we can not regulate it in a way to deprive the carrier of its property without due process of law. The Senator agrees to that, and so do I. The Senator, then, must agree that no more can we so regulate it as to deprive the carrier of its property without just compensation. Therefore if we legislate under the limitations of the fifth amendment—and I think it is generally agreed that we do—then, sir, unless "a just and reasonable rate" is a rate that affords a just compensation, your law is unconstitutional and void.

So, it seems to me that, as we are legislating under the limitations of the fifth amendment, it would be a good practice to make the statute follow the Constitution. That was the only purpose I had. I want to say to the Senator from Ohio now, if the words "fairly remunerative," which, as I think, erect a false standard, be stricken out, I am perfectly willing to yield the words "a just compensation" and adopt the words "a just and reasonable rate." They mean the same thing; and grown men ought not to wrangle as to whether the same thing will be expressed in one way or the other, when either way can be fairly understood by men of common intelligence.

Mr. FORAKER. I have said repeatedly that I have not been calling upon the Senator to accommodate me with the definition of this term with a view to having any wrangle about it I have been trying to find out what was in his mind as to the meaning of it, explaining in that connection the difficulty I have had in applying it. Now, I understand what the Senator means, and that brings me to the point I want to make in this case.

I understand him to mean that it shall be just compensation in view of the character of the commodity hauled and in view of all the circumstances; in other words, "just compensation" would mean the same thing as "just and reasonable," I presume. I thought, perhaps, that was what was in the mind of the Senator. I thought, on the other hand, it might be in the mind of the Senator that the charge should be just the same for the haul whether it was one kind of a commodity or another, and that the charge should be more in proportion for a long haul, omitting, of course, the expense of loading and unloading, than for a short haul.

Mr. BAILEY. Will the Senator permit me to ask him a question there?

Mr. FORAKER. I will.

Mr. BAILEY. Does he think that a freight payment which would be a just compensation for a carload, to use his own illustration, of pumpkins from Chicago to New York would be a just compensation for a carload of silk from New York to Chicago?

Mr. FORAKER. No, sir; that is the very point I was proposing to make with respect to what the Senator said, and that is the very point that all rate makers in this country under the system now in vogue have always made with respect to the making of rates. They take into consideration when they have a carload of silk, that it is more valuable than a carload of something else, and that, if there should be a loss, there would be a greater liability.

But that brings me to the point of this whole thing. I knew the Senator would probably have to go to the mileage basis or the other plan, and when it comes to a mileage basis it would be ruin, in my judgment, to the business of this country. I do not believe 5 per cent of the shippers of the country would want us to pass this bill if they thought it meant a mileage basis.

Now, however, we have this explanation, whether it be "just compensation" or "just and reasonable" the Commission is to determine the rate. There is no standard by which it is to be determined. What is the standard to be? If the Commission is to say when it is silk, not pumpkins, not corn, not wheat, not rye, not oats, not barley, not potatoes, we have got to fix a different rate, a rate that will be in some proportion to the value of the commodity hauled and to the value added for the shipper by reason of the haul, just as they do now. What is that but discretion?

Who is going to fix that standard? That is a matter of judgment. The Senator very forcibly put that to the Senate when in his speech of a few days ago he said that was something a court was not qualified to determine; that we wanted trained men for it, men who by long service as Interstate Commerce Commissioners would come to know how to make rates better than any court could know. Why would not the court do as well? Because, Mr. President, as the Senator said, we are not establishing any standard to which the ordinary mind can conform without the exercise of judgment. There is no taking of a pencil in hand to make a mathematical calculation. It is a matter of judgment. I charge so much for hauling potatoes from A to B. Now I am asked to haul silk. How much more shall I charge? What is that but a matter of judgment? What is that but a matter of opinion? What is that but a matter of discretion; and what is the judgment or opinion or discretion involved except only legislative discretion?

That brings me to refer again to the decision in the Michigan tax case. There has been a good deal of talk about that decision; and I want to do my duty as a Senator by putting my views of this decision before the Senate. Pass this bill as it is to-day and it will perish absolutely in the first court in which it comes under review, because, if it be established, as I will concede it may be, for the sake of the argument here and now, that the power of Congress is broad enough for Congress to fix rates, and that Congress can confer this power in an administrative way on a commission, the way in which we do it must avoid this exercise of judgment and discretion or we delegate legislative power, and the law is not worth the paper on which it is written in consequence of that.

This was a case where a law had been passed in the State of Michigan to assess for purposes of taxation the value of the railroads in that State. Prior to 1902 the railroads had been taxed in that State, as I understand from the decision, a percentage of their gross earnings. In 1902 a law was passed creating a State board of assessors for the valuation of railroad property for purposes of taxation. That law prescribed that the board of assessors should fix as the value of the railroad property the average rate for taxation of the property throughout the State. In that way they found the rate, found the value, found everything that was necessary to the taxation of railroads under that law.

The contention of the railroads was, among others, that the law delegated legislative power. But the Supreme Court upheld the law as against the contention that it delegated legislative power because, as the Supreme Court said, it left nothing for the board of assessors to do except only to make a mathematical calculation, and therefore there was no delegation of legislative discretion or judgment. A standard was given, just as a standard was given in the granger law of Iowa, or the law in Wisconsin, or in other of the statutes to which I have referred. This board of assessors sat down not to say how much, in their opinion, this road shall be taxed, or that road, but to ascertain from the official figures laid before them what the average was, and that was the rate.

Mr. DOLLIVER. If it will not trouble the Senator, I would like to inquire what the standard was; whether it was not a standard determinable only by the exercise of judgment and discretion of the innumerable taxing boards scattered all over Michigan?

Mr. FORAKER. No, Mr. President. The Supreme Court say that the innumerable taxing boards scattered all over Michigan—some thirteen hundred of them altogether—did their work without regard to this law. It was the form in which property was valued for taxation, and they taxed one value in one county and a different value in another, but the court said this State law has nothing whatever to do with that. This State law takes the result of all these innumerable boards. It figures out what the average is, and that it is commanded to apply to the railroads—a purely administrative duty.

Now, let me read what the court said:

> Whatever, in view of the distinct grant in the Federal Constitution to the President, Congress, and the judiciary of separately the executive, legislative, and judicial powers of the nation, may be the power of Congress in the delegation of legislative functions, a very different question is presented when the restrictions of the Federal Constitution are invoked to restrain like action in a State.

I pass over a paragraph that does not bear directly on this, and will read:

> But it is unnecessary to enter into a discussion of this question, for in the case at bar there is no abandonment by the legislature of its functions in respect to taxation. The statute prescribes as the rate of taxation upon railroad property the average rate of taxation on all other property subject to ad valorem taxes. It provides the most direct way for ascertaining such average rate, deducing it from a consideration of all the other rates. No authority is given to the local assessors to apply their judgment to the question of the railroad rate.

I call attention to that sentence as answering completely the Senator from Iowa.

> Their authority in respect to the matter of taxation is precisely the same as it was before and independently of this statute. Their duty is to act according to their judgment in respect to local taxes committed to their charge. When they have finished their action, taken, as it must be assumed to have been, in conscientious discharge of the duties assigned, from it—

Now, note this language—

> from it by a simple mathematical calculation the average rate of taxation is determined. If the legislature should be convened after they have finished their action and then prescribe the average rate thus mathematically deduced as the rate of railroad taxation, no question could be made of its validity. It would be obviously a legislative determination of the rate of taxation. Is it any the less a legislative determination that it assumes that the various local officials will discharge their duties honestly and fairly, with reference to local necessities and independently of the effect upon the railroad rate, and directs that the mathematical computation be made by a board of ministerial officers, and thus made shall become the railroad rate of taxation? Why is it necessary that the legislature be convened to add its formal approval of the integrity of the action of the local officers? May it not intrust the mathematical computation to the State board of assessors; and if so, may it not likewise act upon the assumption that the local assessors will discharge their duties with an eye single to those duties and irrespective of the effect upon the railroad rate?

I have read all I care to, for I have read enough to show that that act was sustained in the language of the Supreme Court, because it conferred upon the board of assessors of the State of Michigan no legislative discretion, no judgment; no right to be exercised of discretion or judgment. It gave to them a duty purely administrative in character, because it involved nothing more than making a mathematical calculation deduced from figures as to its result, that were placed before them in an official form under the statute of the State.

Mr. BACON. I am glad the Senator from Ohio has returned to that feature of his argument. I desired to ask him a question upon it when he was speaking on it before, but he passed from that branch, and I therefore desisted. I recall, of course, as we all do, the very interesting speech made by the Senator upon a former occasion, when he discussed this question and read a number of authorities, among others, the Iowa case, and the question I desire to ask the Senator is this, as he reverts to that discussion: Does the Senator now present this argument with the same purpose that he had when he made the former speech—to demonstrate the fact that it is practically beyond the power of Congress to enact a rate law which shall be free from the constitutional objections to which he now calls our attention?

Mr. FORAKER. No.

Mr. BACON. Or has the discussion which has intervened brought the Senator to the conclusion simply that this particular bill would be unconstitutional and that there is possibly a delegation of power which would not be open to constitutional objections in the particular which he has mentioned? In other words——

Mr. FORAKER. I understand the Senator.

Mr. BACON. I hope the Senator will pardon me, as I have not trespassed upon him at any great length. In other words, does the Senator still adhere to his original proposition that this constitutional objection is one which must necessarily be fatal to this class of legislation? Is the Senator, in the criticism which he makes of this particular bill, prepared to say whether, in his judgment, outside of a flat mileage-rate basis which he has discussed, there is any form of delegation that can be devised which would be free from the objection he now suggests to the extent that in the delegation the Congress would exhaust its legitimate function in the exercise of all which involves discretion and judgment and limit the Commission to that which is simply administrative in its character?

Mr. FORAKER. The Senator asks me if I still adhere as though he saw evidences of some kind of a departure from something I have advocated heretofore.

Mr. BACON. The Senator misunderstood that.

Mr. FORAKER. All right. Like another gentleman of whom we hear frequently, I have not changed my mind.

Mr. BACON. The Senator misunderstood the question which I propounded. I did not intend to convey any such intimation.

Mr. FORAKER. I said, speaking last December, that conceding that Congress had the power to make rates, it could delegate that power to a commission, but it could delegate it only in an administrative way. That is what I am contending for now. I gave some illustrations of what I meant by that. It could say, in delegating that power, that the Commission should fix rates according to the mileage basis. That would be an administrative duty. They could do it by classifying the roads as Iowa and Wisconsin did. That would be administrative. I have not found any way by which we can delegate that power and make it administrative except only one or the other of those two ways, and I am opposed to both of them because I think they are both ruinous and impracticable, unless we are going to revolutionize our way of doing railroad business.

Mr. President, what I am contending for is precisely what I contended for when I first spoke here in December, when I spoke again later in December, and every time I have addressed the Senate on the subject, and I refer to it now only because this decision, having been rendered only a few days ago, gives me another authority to support the proposition I have been contending for all the while.

I want to say to the Senator that if you want a law that will stand the test of the courts and that will remedy the evils, we must overcome the difficulty presented by this and other like decisions.

Mr. BACON. The Senator will pardon me for a moment. I want to say to him that the purpose I had in making the inquiry of him was twofold. I desired to know whether the Senator was still of the opinion that it is impracticable for us to frame a law which would be operative and which would not be open to constitutional objection; and, in the second place, if the Senator, who has given very great attention to this matter, and who has offered a number of amendments, or several, could assist those of us who desire to frame a law by suggesting phraseology which will make the proposed law operative, in his opinion, and free from the constitutional objections to which he has referred.

Mr. FORAKER. I have already said to the Senator, as I have said heretofore in the Senate, that I do not know of any way except two ways, which I have indicated for the purpose of illustration, to fix a definite standard that will result in the Commission having only an administrative duty to perform. It is because I do not know of any way except one or the other of those two, and both, in my judgment, are ruinous, that I want to find another way that will save us from this dangerous experiment of governmental rate making that I have undertaken to provide in this bill——

Mr. ALDRICH. There is another way, but I imagine it is hardly practicable in this country, and that is to adopt the English system, and have a commission recommend a definite schedule of rates.

Mr. FORAKER. Oh, certainly, or do as is done in some of our States, where the commission makes prima facie rates, and they may go into court. But that would not meet the demand upon us. I am talking about a bill that gives the Commission power to substitute a rate and put it in operation. I know of no way except according to the standard "just and reasonable," and that I contend is an indefinite standard, which will not answer the requirements of the Constitution.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. FORAKER. Certainly.

Mr. NEWLANDS. I should like to ask the Senator from Ohio whether he thinks it would provide a sufficient standard for the Commission if we should provide in the bill that the Commission should first have made a valuation of the roads, and that the rates should be so adjusted as to yield a fixed return of a certain percentage upon that valuation?

Mr. FORAKER. I think it would. I think the Senator from Nevada has suggested a way that might be definite enough as establishing a standard.

Mr. DOLLIVER. If it will not trouble the Senator from Ohio, who has suggested three ways in which it can be done, I should like to read three lines from a decision of Judge Brewer, who was the author of the decision in the Michigan case to which the Senator has referred. I read from the case of the Chicago and Northwestern Railway Company *v.* Dey, reported in 35 Federal Reporter.

Mr. FORAKER. What State?

Mr. DOLLIVER (reading)—

> The vital question with both shipper and carrier is that the rates shall be just and reasonable, and not by what body they shall be put in force. Third. While, in a general sense, following the language of the Supreme Court, it must be conceded that the power to fix rates is legislative, yet the line of demarkation between legislative and administrative functions is not always easily discerned. The one runs into the other. The law books are full of statutes unquestionably valid, in which the legislature has been content to simply establish rules and principles, leaving execution and details to other officers. Here it has declared that rates shall be reasonable and just and committed what is, partially at least, the mere administration of that law to the railroad commissioners.

He then adds:

> While, of course, the cases are not exactly parallel—

Referring to the fixing of rates by the standard referred to by the Senator from Nevada—

> yet the illustration suggests how closely administrative functions press upon legislative power and enforces the conviction that that which partakes so largely of mere administration should not hastily be declared an unconstitutional delegation of legislative power.

Mr. FORAKER. In the first place, I would rather have the decision of Mr. Justice Brewer delivered from the bench of the Supreme Court of the United States last Monday a week than the decision of Mr. Justice Brewer delivered on the circuit when he was a circuit judge. There has been a good deal of progress made in the investigation of this subject, and it may be that the language employed by Mr. Justice Brewer read by the Senator from Iowa, was not directed to the decision of the question which we are now considering. I do not understand that it is. I do not know under the statute of what State the case arose. Will the Senator tell me?

Mr. DOLLIVER. It arose in the Iowa district. It is the case of the Chicago and Northwestern Railway *v.* Dey, decided January 27, 1888. I refer to it simply because it is in line with other decisions and was rendered by Mr. Justice Brewer then sitting in the circuit court, although he was, I think, on the Supreme bench.

Mr. FORAKER. Does the Senator find anything in that case which indicates that Mr. Justice Brewer was passing on the question whether the duty conferred on the Commission was administrative or legislative? Yes; he will say he does. How did Mr. Justice Brewer dispose of it? As the Senator has read to us, by saying that it is difficult to tell sometimes an administrative duty from a legislative duty. That is true. But Mr. Justice Brewer later, after going on the bench of the Supreme Court, in the Maximum Rate case (reported in 167 U. S.), said that the making of a rate was legislative and not administrative. So by that time he had reached a point where he was able to say without any qualification that making what was under the statute to be a just and reasonable rate was a legislative act.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Maryland?

Mr. FORAKER. Certainly.

Mr. RAYNER. I should like to know from the Senator from Ohio whether Justice Brewer did not change his opinion in that case and whether every word in the original opinion that he delivered referring to the necessity of Congress laying down a rule was not eliminated from the opinion from which the Senator has read?

Mr. FORAKER. No.

Mr. RAYNER. I read the proof sheets of the original opinion and I have read the opinion the Senator has read from, and every word that Justice Brewer said with reference to Congress laying down a rule by which the Commission should be governed is eliminated in the modified opinion. But it did appear in the proof sheets of the original opinion, as I read them in the Supreme Court. I should like to know from the Senator from Ohio whether or not that is a correct statement.

Mr. FORAKER. There got into the newspapers—I do not know how—the original draft of the opinion of Mr. Justice Brewer in the Michigan Tax cases, as prepared by him, and as it was printed at his request before it had been submitted to his colleagues for their concurrence. When they concurred, for some reason they did strike out from that opinion some things that were in it as originally prepared by Mr. Justice Brewer, which was published in the papers, and which I have before me.

Mr. RAYNER. Did not the court strike out, in the modified opinion, the statement that Congress must lay down rules to govern the subordinate tribunal—in those very words? I looked at the proof sheets of the original opinion, and not a newspaper account of it. It shows that the court had undergone a change with reference to the proposition the Senator is arguing, that we must lay down a mathematical rule to govern the Commission.

Mr. FORAKER. I did not care to read, and for reasons the Senator will appreciate I do not care to discuss, what appeared

in the newspapers and was not part of the opinion as delivered from the bench.

I do not know that the exact words the Senator from Maryland employs were in this original draft, and therefore I can not say just what was stricken out. I only know that as it originally stood it seemed to me to be an absolute foreclosure of this whole question. But I contend that with those words stricken out the effect of the decision is just what I have been contending for. The court upheld the law and said it is free from the charge of delegating legislative power, because they say the board under that law had to perform only an administrative duty—making a mathematical calculation. That is all I claim for the opinion.

Mr. McCUMBER. May I ask the Senator a question right here on that point? How does he harmonize this view with the Tea case, decided about a year ago, where the only standard was that we should exclude any teas of an inferior grade? The question of inferiority, it seems to me, must have involved judgment. It is a question which would require investigation and a conclusion based upon the judgment formed from that investigation. I confess for myself I have not been able to harmonize that case with some of these other decisions.

Mr. FORAKER. The distinction I would make as to that case—and I can realize how the Senator has some embarrassment on account of it, for it gave me some when I first read it—is that it does practically establish a definite standard, for it commands the Secretary of the Treasury and the board of experts to employ the recognized standards by which to determine what is an inferior quality for cup tea, and that is treated as though it is something well understood, and in conforming to that there was practically no exercise of discretion.

The statute goes further and it provides that the tea must be boiled thus and so—immersed in boiling water; I have forgotten what the expression is. I have not looked at that case for some months. But I think if the Senator studies it he will find that that is what perhaps was in the mind of the court, and no doubt enabled the court to differentiate that case from the other. Whatever may be the tea case, here is an opinion handed down a week ago last Monday; it is the very latest utterance from the Supreme Court; and it does say what I have contended for. I do not want to discuss what is not in the case.

Mr. BAILEY. I assume, whatever may be the Senator's opinion upon the merits of the legislation, that he is anxious, if a bill passes, that it shall be constitutional. I am not one of those who insist that this question has ever been decided by the Supreme Court, and I recognize that it may be a very close question, too, as to the power of Congress to authorize the Commission to fix rates. I will venture, however, to express the opinion that the Supreme Court will sustain that power if granted in those direct terms.

But I desire to ask the Senator from Ohio if the matter can not be made more certain in this way: That we authorize the Commission to establish a rate, either a rate that is just and reasonable or a rate that affords a just compensation, as we may determine, and then provide that the rate so prescribed shall thereafter be the lawful rate? It would seem, then, if you go into the court to attack that rate, you are not really attacking the rate made by the Commission, but you are attacking the rate which Congress has declared to be the law of the land. Certainly, if the power can be lodged with the Commission in any way, that is the safest way in which to do it.

Mr. FORAKER. I perhaps would agree with the Senator from Texas, upon further thought, and I have no disposition to take exception to his suggestion now. It may be a way out of it to those who want this kind of a bill.

But now I get back to my amendment; and I have detained the Senate so much longer than I should have done that I hope I may be allowed to conclude. All this effort has been to show that this bill is, as the Senator from Texas has just said, a bill which, if it becomes a law, may be held by the court to be unconstitutional. I do not think there is any doubt about it. I have not any more doubt about the unconstitutionality of this bill, not only on that one ground, but other grounds which I have heretofore enumerated and detailed, than I have that I am here discussing it this afternoon—I have not a bit more doubt—and I do not see how anybody else could have any doubt about it.

But, now, Mr. President, whether or not I am right about it that it is unconstitutional, we are all of one mind, in agreement with the Senator from Texas, that these are serious questions, and if we can, in legislating on this subject, make this bill constitutional, we should do it, and I am going to labor in every way I can to help to do it. We should, however, in addition to that—for I do not see how you are going to establish a standard that will relieve you from the question of the delegation of legislative power—as I have proposed, attach an amendment as an additional section that will broaden and strengthen the Elkins law, so that if this should fail we will have that remedy, a better remedy than the law as it is affords. There is nothing in this amendment that is in conflict with a word in the Hepburn bill. It is not in conflict with any provision of it. It simply provides that when a complaint is made before the Commission the Commission shall exercise its powers of conciliation, if they are sufficient, and if not, it shall send the complaint to the proper court having jurisdiction, there to be tried in a suit brought by the Government at the expense of the Government, without any expense whatever to the shipper, and the provision of this amendment is that the proceedings there shall be expedited.

It provides also a remedy as against excessive rates. The law as it now is commands just and reasonable rates; that is, the lawful rate, a just and reasonable rate. Much more will that be so when we pass this amendment, because it emphasizes that. If a shipper shall come and complain that a rate which has been put in operation is unjust and unreasonable because excessive, he can have his remedy before the Commission, under the Hepburn bill, after a full hearing to be reviewed in court, if we put a broad review amendment on it, or he can apply at once under this to the court for relief, and the court, in my opinion, has full power to enjoin what is in excess of the lawful rate.

Mr. MORGAN. I wish to ask the Senator from Ohio, before he takes his seat, if he considers that his amendment would be a sufficient justification for him to vote for the bill with all the other provisions in it?

Mr. FORAKER. I would not like to vote for the bill with the provisions in it that are in it, because I doubt their constitutionality. I do not like to vote for a measure that I think is unconstitutional. But with all my brother Senators differing from me on that point, I might, if I thought I was getting something that would bring real relief, be willing to forego a great deal.

Mr. MORGAN. After we had gotten the bill in shape to satisfy the Senator from Ohio, would he see any objection of a commercial, constitutional, or legal sort to a provision in the bill covering transportation over the rivers and water courses?

Mr. FORAKER. No; I contended for that in the committee, if the Senator please, and I contended for it in a speech here; that is to say, I contended for it in the sense that I pointed out that the bill does not extend to interstate commerce carried on upon the rivers. I live on the river at Cincinnati, and we have commercial relations with New Orleans. It is interstate commerce.

Mr. MORGAN. Why should it not extend to rivers as well as to railroads?

Mr. FORAKER. It should extend to the rivers as well as to the railroads, not on account of excessive rates, because the water rates are excessively low and nobody complains of them, but because they give rebates and because they discriminate both on the rivers and on the lakes.

Mr. MORGAN. Then why not extend the measure over the navigable waters of the United States?

Mr. FORAKER. I think we should extend it, as I say, over the lakes and over the rivers. I think this bill should apply to interstate commerce carried on all interstate carriers, no matter whether by rail or by water. That is my contention about it. I think the Senator from Alabama was right in his contention in that respect.

Mr. President, I wanted to cite some authorities, but it is late, and I will forego that if the Senate will allow me to reserve the right to do it at some later time. I mean some authorities to show that it is competent for Congress to confer on the Interstate Commerce Commission authority to bring suits either in its own name or in the name of the Government without expense to the shipper to enjoin excessive rates. I have a number of decisions to that effect, if anybody challenges it at any time.

Now, I want Senators to take this matter into consideration. I take it every man here wants to so legislate as to afford a remedy against the evils that have been complained of. Every man here knows that no remedy will be afforded if we pass an unconstitutional law. Every man here knows the law we have known as the "Elkins law" has been an efficient law in so far as it has been put to the test. Every man here knows that if we broaden the provisions of that law in the way I propose it will not conflict with this other legislation, and if other legislation about which we all must have apprehension as to its constitutionality should fail in the courts we will then have a better law, and then all this effort we are making will not have been in vain.

APPENDIX.

Amendment intended to be proposed by Mr. FORAKER to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, viz: Insert the following:

SEC. —. *That section 3 of the act approved February 19, 1903, entitled "An act to further regulate commerce with foreign nations and among the States," be, and the same is hereby, amended so as to read as follows:*

"SEC. 3. That whenever the Interstate Commerce Commission shall have reasonable ground for belief that any common carrier is engaged in the carriage of passengers or freight traffic between given points at less than the published rates on file, or is, *either singly or in cooperation with one or more other carriers, publishing and charging unjust or unreasonable rates therefor, or is* committing any discriminations forbidden by law, *whether as between shippers, places, commodities, or otherwise, and whether effected by means of rates, rebates, classifications, preferentials, private cars, refrigerator cars, switching or terminal charges, elevator charges, failure to supply shippers equally with cars, or in any other manner whatsoever, it shall, if the complainants so request or if for any reason it prefer or deem advisable to proceed under the provisions of this section instead of under the other provisions of this act, be its duty, if such carrier or carriers will not, after due notice, desist from such violation of the law, to file with the Attorney-General a brief statement of its grounds for such belief and the evidence in support thereof, and thereupon, under his direction, and in the name of the United States,* a petition *shall* be presented alleging such facts to the circuit court of the United States sitting in equity having jurisdiction; and when the act complained of is alleged to have been committed or as being committed in part in more than one judicial district or State, it may be dealt with, inquired of, tried, and determined in *any one of* such judicial *districts* or *States*, whereupon it shall be the duty of the court summarily to inquire into the *facts and* circumstances, upon such notice and in such manner as the court shall direct and without the formal pleadings and proceedings applicable to ordinary suits in equity, and to make such other persons or corporations parties thereto as the court may deem necessary; and upon being satisfied of the truth of the allegations of said petition said court shall *enjoin, according to the ground of complaint, the publishing and charging of all of any such rate or rates so complained of, in excess of what the court shall find to be reasonable and just, which shall continue to be the lawful rate as heretofore and now prescribed by statute; such injunction to continue in force during such period as the same or substantially the same conditions may continue, as are established by the evidence in such case; or shall* enforce an observance of the published tariffs *if they are found to be just and reasonable;* or direct and require a discontinuance of such *discriminations,* by *such* proper orders, writs, and process *as will, as nearly as may be, prohibit unlawful discriminations as to both persons and places and secure equality of right and treatment to all shippers and localities*, which said orders, writs, and process may be enforceable as well against the parties interested in the traffic as against the carrier *or carriers complained of; and all proceedings hereunder shall be* subject to the right of appeal *to the Supreme Court* as now provided by *the act of February 11, 1903, to expedite the hearings of suits in equity; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon, unless the circuit or Supreme Court, on application therefor made for good cause, so order.* It shall be the duty of the several district attorneys of the United States, whenever the Attorney-General shall direct, either of his own motion or upon the request of the Interstate Commerce Commission, to institute and prosecute such proceedings, and the proceedings provided for by this act *shall be prosecuted at the cost of the United States or the railroad company or companies as the court may adjudge equitable and just, and such proceedings* shall not preclude the bringing of suit for the recovery of damages by any party injured, or any other action provided by said act approved February 4, 1887, entitled 'An act to regulate commerce' and the acts amendatory thereof. And in proceedings under this act and the acts to regulate commerce the said courts shall have the power to compel the attendance of witnesses, both upon the part of the carrier and *any* shipper *or shippers who may be interested*, who shall be required to answer on all subjects relating directly or indirectly to the matter in controversy, and to compel the production of all books and papers, both of the carrier and the shipper *or shippers*, which relate directly or indirectly to such transaction; the claim that such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such person from testifying or such corporation producing its books and papers, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence *or information*, documentary or otherwise, in such proceeding: *Provided*, That the provisions of an act entitled 'An act to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," "An act to regulate commerce," approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted, approved February 11, 1903,' shall apply to any case prosecuted under the direction of the Attorney-General in the name of the Interstate Commerce Commission."

SEC. —. *That nothing in the act to regulate commerce, approved February 4, 1887, or in the act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890, or in any act amendatory of either of said acts, shall hereafter apply to the establishment of rates or the changing or publication of the same with respect to foreign commerce, or shall prohibit any necessary and reasonable agreement of two or more carriers with respect to rates or charges and the maintenance and observance of the same for interstate transportation that is not in unreasonable restraint of trade or commerce with foreign nations or among the several States.*

An act to further regulate commerce with foreign nations and among the States.

Be it enacted, etc., That anything done or omitted to be done by a corporation common carrier, subject to the act to regulate commerce and the acts amendatory thereof, which, if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, would constitute a misdemeanor under said acts or under this act shall also be held to be a misdemeanor committed by such corporation, and upon conviction thereof it shall be subject to like penalties as are prescribed in said acts or by this act with reference to such persons except as such penalties are herein changed. The willful failure upon the part of any carrier subject to said acts to file and publish the tariffs or rates and charges as required by said acts or strictly to observe such tariffs until changed according to law, shall be a misdemeanor, and upon conviction thereof the corporation offending shall be subject to a fine of not less than $1,000 nor more than $20,000 for each offense; and it shall be unlawful for any person, persons, or corporation to offer, grant, or give or to solicit, accept, or receive any rebate, concession, or discrimination in respect of the transportation of any property in interstate or foreign commerce by any common carrier subject to said act to regulate commerce and the acts amendatory thereto whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed by such carrier as is required by said act to regulate commerce and the acts amendatory thereto, or whereby any other advantage is given or discrimination is practiced. Every person or corporation who shall offer, grant, or give or solicit, accept or receive any such rebates, concession, or discrimination shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $1,000 nor more than $20,000. In all convictions occurring after the passage of this act for offenses under said acts to regulate commerce, whether committed before or after the passage of this act, or for offenses under this section, no penalty shall be imposed on the convicted party other than the fine prescribed by law, imprisonment wherever now prescribed as part of the penalty being hereby abolished. Every violation of this section shall be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation was committed or through which the transportation may have been conducted; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

In construing and enforcing the provisions of this section the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier acting within the scope of his employment shall in every case be also deemed to be the act, omission, or failure of such carrier as well as that of the person. Whenever any carrier files with the Interstate Commerce Commission or publishes a particular rate under the provisions of the act to regulate commerce or acts amendatory thereto, or participates in any rates so filed or published, that rate as against such carrier, its officers, or agents in any prosecution begun under this act shall be conclusively deemed to be the legal rate, and any departure from such rate, or any offer to depart therefrom, shall be deemed to be an offense under this section of this act.

SEC. 2. That in any proceeding for the enforcement of the provisions of the statutes relating to interstate commerce, whether such proceedings be instituted before the Interstate Commerce Commission or be begun originally in any circuit court of the United States, it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the rate, regulation, or practice under consideration, and inquiries, investigations, orders, and decrees may be made with reference to and against such additional parties in the same manner, to the same extent, and subject to the same provisions as are or shall be authorized by law with respect to carriers.

SEC. 3. That whenever the Interstate Commerce Commission shall have reasonable ground for belief that any common carrier is engaged in the carriage of passengers or freight traffic between given points at less than the published rates on file, or is committing any discriminations forbidden by law, a petition may be presented alleging such facts to the circuit court of the United States sitting in equity having jurisdiction; and when the act complained of is alleged to have been committed or as being committed in part in more than one judicial district or State, it may be dealt with, inquired of, tried, and determined in either such judicial district or State, whereupon it shall be the duty of the court summarily to inquire into the circumstances, upon such notice and in such manner as the court shall direct and without the formal pleadings and proceedings applicable to ordinary suits in equity, and to make such other persons or corporations parties thereto as the court may deem necessary, and upon being satisfied of the truth of the allegations of said petition said court shall enforce an observance of the published tariffs or direct and require a discontinuance of such discrimination by proper orders, writs, and process, which said orders, writs, and process may be enforceable as well against the parties interested in the traffic as against the carrier, subject to the right of appeal as now provided by law. It shall be the duty of the several district attorneys of the United States, whenever the Attorney-General shall direct, either of his own motion or upon the request of the Interstate Commerce Commission, to institute and prosecute such proceedings, and the proceedings provided for by this act shall not preclude the bringing of suit for the recovery of damages by any party injured, or any other action provided by said act approved February 4, 1887, entitled "An act to regulate commerce and the acts amendatory thereof." And in proceedings under this act and the acts to regulate commerce the said courts shall have the power to compel the attendance of witnesses, both upon the part of the carrier and the shipper, who shall be required to answer on all subjects relating directly or indirectly to the matter in controversy, and to compel the production of all books and papers, both of the carrier and the shipper, which relate directly or indirectly to such transaction; the claim that such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such person from testifying or such corporation producing its books and papers, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in such proceeding: *Provided*, That the provisions of an act entitled "An act to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' 'An act to regulate commerce,' approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted, approved February 11, 1903," shall apply to any case prosecuted under the direction of Attorney-General in the name of the Interstate Commerce Commission.

SEC. 4. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed, but such repeal shall not affect causes now pending nor rights which have already accrued, but such causes shall be prosecuted to a conclusion and such rights enforced in a manner heretofore provided by law and as modified by the provisions of this act.

SEC. 5. That this act shall take effect from its passage.

Public, No. 103. Approved February 19, 1903, second session, Fifty-seventh Congress.

Mr. LODGE. Mr. President, in regard to some figures that were given about the spindles, which I think were incorrectly given, I sent for the volume of the Census on Cotton Manufactures, in order to see what the figures were in 1900. I find that the total number of active spindles in cotton mills—and I may say a note states that in 1900 there were no idle spindles in the United States—not in knit goods or hosiery or worsted, but in cotton mills alone, there were in the New England States 12,850,000 spindles; in the Southern States, 4,298,000 spindles. In Massachusetts there were 7,784,000 spindles, 3,000,000 more than in all the Southern States. So I think there must be a mistake in the figures given by the Senator from North Carolina, as I understood them.

Mr. FORAKER. The Senator has the statistics for 1900, I believe.

Mr. LODGE. I have.

Mr. FORAKER. The statistics for the last year show that there has been such an increase of cotton mills and spindles in the South that there is a very slight difference between the number in New England and in the Southern States.

Mr. LODGE. I have been looking at the statistics as nearly as I could get them. In the last five years there has been an increase in the value of Massachusetts cotton products of something over 10 per cent, and the number of spindles I know keep pace with it. They put more spindles in the city of Lawrence last year than were ever put in in the history of the city. It would make in the State of Massachusetts over 8,000,000 spindles. I am almost certain that the Senator's figures can not be right.

Mr. FORAKER. I do not pretend to contend as against the Senator, but I do remember having seen a statement of that kind; I do not know just where.

Mr. LODGE. Of course there are no complete figures later than the census of 1900. The value of cotton goods in Massachusetts was $110,000,000; in South Carolina, second, $30,000,000. Those were the latest figures I was able to get. One hundred and ten million dollars was the value in Massachusetts, and South Carolina came second with $30,000,000. The increase in the South in the decade from 1890 to 1900 was something phenomenal. South Carolina increased 1,000,000 spindles and North Carolina about 800,000 spindles. Unless I am very greatly at fault there has been no such increase in the last five years.

Mr. FORAKER. The statement I saw was to the effect that the increase had been so phenomenally great that now the number of spindles in the South was almost equal to the number of spindles in New England; and it was also to the effect that the quality of cotton manufactures in the South was rapidly increasing, that a much finer quality now than heretofore has been produced. For a long time it was thought that the climatic conditions were such that fine manufactures of cotton goods could be made only at the New England mills, but they are now finding that there is no such difference.

Mr. BACON. As to the number of spindles, I think the Senator will find from an investigation that the amount of raw cotton manufactured in the South is equal if not a little greater than that manufactured in the North.

Mr. CLAY. Will the Senator let me call his attention to one fact? I do not care to get into any controversy with New England. I hope New England will continue to prosper.

Mr. LODGE. Certainly. Of course I have nothing of that sort in mind.

Mr. CLAY. In 1904, 10,002,000 bales of cotton were produced. The northern mills consumed 2,046,000 bales, and the South 1,889,000 bales. My understanding is that in the year 1905 the probable amount of cotton consumed in the South will equal that in the northern mills. I will say to the Senator from Massachusetts that during the last three or four years we have advanced on that line very rapidly.

Mr. LODGE. I know it.

Mr. CLAY. And at no distant day, doubtless, the South will manufacture a large part of the cotton produced in the South. I wish also to call the Senator's attention to the fact that in the year 1896 we consumed only about one-half of what we consumed in the year 1904.

Mr. LODGE. The growth has been phenomenal.

Mr. CLAY. It has been phenomenal.

Mr. LODGE. The Senator, of course, will remember that as to the number of spindles the amount of cotton consumed is not quite a fair test, because the New England goods are finer goods, and, I think, the weight on the whole will be less.

Mr. CLAY. I am informed by the junior Senator from Tennessee [Mr. FRAZIER]—I think he has probably the calculation—that in 1905 the South consumed in her mills 2,025,000 bales.

Mr. LODGE. I have no doubt of that. I know the increase has been very great. But, Mr. President, the questions of statistics are only leading up to the point I wanted to make, which came out in this debate which I think is a very important point, and that is the distinction between rates on exports and rates on imports. There is not a country in the world to-day, whether they have government rates or private ownership or government control, that does not make low rates for its exports. It makes lower rates for its exports than for anything else in order to reach the foreign market. Nobody can doubt the justice of that. Any law which attempted to stop a lower rate on exports would be one of the most severe blows that could be dealt to the business of the country.

On the other hand, Mr. President, take the imports coming in. The people on the seacoast, the people of New York, Boston, and Baltimore, who get goods delivered from the ship plus the duty, get the full protection of the law; but between those seaboard points and the interior points, by reducing rates on imports, the railroads annul, in many cases, the operation of the tariff.

It is not my intention to argue the question of the merits of the protective tariff, but we have a protective tariff. Everybody is entitled to an equal measure of protection, and discriminations should not be made in railroad rates which result in annulling the laws of the United States.

I consider it absolutely false economy to undertake by railroad rates to secure to a particular region what is called its natural advantages; but when railroad rates are used to nullify the laws of the United States, which must be equal to all the people of the United States, you open up an entirely different question.

Therefore, we are confronted with what I consider two propositions which we can not escape. One is that we ought to make low rates for exports going out. The other is that we ought not to give such advantages to the rates on imports coming in that the inhabitants of the seaboard get one measure of protection from the laws and the inhabitants of the interior get another measure of protection, so that an import which can not compete in the cities of the seaboard goes into the cities of the West, owing to the effect of the railroad rate discriminations, at a price which enables it to overcome the protective tariff and compete prejudicially with the native production.

Those two instances alone, Mr. President, show the utter impossibility of establishing a hard and fast system of distance or mileage rates. You destroy the business of the country by any such system as that. Whoever is going to regulate our rates has got to be given the power to discriminate as to exports and see that there is no discrimination perhaps as to imports. I say—I am illustrating in only one single direction—but I say when you are putting such a vast power as that into the hands of any body of men, it behooves us to guard it with extreme care.

I only made this point because the Senator from Ohio was discussing it this afternoon.

EXECUTIVE SESSION.

Mr. HALE. It is late, and there ought to be an executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Friday, April 13, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 12, 1906.

SURVEYOR OF CUSTOMS.

Perry M. Lytle, of Pennsylvania, to be surveyor of customs in the district of Philadelphia, in the State of Pennsylvania. (Reappointment.)

PROMOTIONS IN THE MARINE CORPS.

Maj. Laurence H. Moses to be a major in the Marine Corps from the 6th day of March, 1904, to correct the date of his promotion as confirmed on January 27, 1905, in accordance with an opinion of the Attorney-General dated March 24, 1906.

Maj. Wendell C. Neville to be a major in the Marine Corps from the 4th day of June, 1904, to correct the date of his promotion as confirmed on January 27, 1905, in accordance with an opinion of the Attorney-General dated March 24, 1906.

Second Lieut. Davis B. Wills to be a first lieutenant in the Marine Corps from the 29th day of July, 1904, vice Second Lieut. Edgar B. Hayes, who was transferred to the retired list after being due for promotion.

Second Lieut. Edward S. Yates to be a first lieutenant in the Marine Corps from the 1st day of December, 1904, vice First Lieut. William W. Low, promoted.

Second Lieut. Harry O. Smith to be a first lieutenant in the Marine Corps from the 2d day of December, 1904, vice Second Lieut. Maurice V. Campbell, who was suspended from promotion after having failed to qualify therefor.

Capt. Thomas C. Treadwell to be a major in the Marine Corps from the 9th day of December, 1904, vice Maj. Lincoln Karmany, promoted.

Second Lieut. Albert Hamilton to be a first lieutenant in the Marine Corps from the 9th day of December, 1904, vice First Lieut. Leof M. Harding, promoted.

Capt. Dion Williams to be a major in the Marine Corps from the 28th day of February, 1905, vice Maj. George Barnett, promoted.

First Lieut. Harry R. Lay to be a captain in the Marine Corps from the 28th day of February, 1905, vice Capt. Dion Williams, promoted.

Second Lieut. William P. Upshur to be a first lieutenant in the Marine Corps from the 28th day of February, 1905, vice First Lieut. Harry R. Lay, promoted.

Second Lieut. Lovick P. Pinkston to be a first lieutenant in the Marine Corps from the 1st day of March, 1905 (subject to the examinations required by law), vice First Lieut. Frank E. Evans, retired.

Capt. Edward R. Lowndes to be a major in the Marine Corps from the 11th day of March, 1905, vice Maj. Charles A. Doyen, promoted.

First Lieut. Charles B. Taylor to be a captain in the Marine Corps from the 11th day of March, 1905, vice Capt. Edward R. Lowndes, promoted.

Second Lieut. Arthur P. Crist to be a first lieutenant in the Marine Corps from the 11th day of March, 1905, vice First Lieut. Charles B. Taylor, promoted.

Capt. John T. Myers to be a major in the Marine Corps from the 1st day of April, 1905 (subject to the examinations required by law), vice Maj. James E. Mahoney, promoted.

First Lieut. John W. Wadleigh to be a captain in the Marine Corps from the 1st day of April, 1905, vice Capt. John T. Myers, promoted.

Second Lieut. Edward W. Banker to be a first lieutenant in the Marine Corps from the 1st day of April, 1905, vice First Lieut. John W. Wadleigh, promoted.

First Lieut. William R. Coyle to be a captain in the Marine Corps from the 1st day of August, 1905, vice First Lieut. Benjamin B. Woog, who was honorably discharged after being due for promotion and before he qualified therefor.

Second Lieut. William E. Parker to be a first lieutenant in the Marine Corps from the 1st day of August, 1905, vice First Lieut. William R. Coyle, promoted.

First Lieut. William C. Harllee to be a captain in the Marine Corps from the 30th day of August, 1905, vice Capt. John G. Muir, retired.

Second Lieut. William M. Small to be a first lieutenant in the Marine Corps from the 30th day of August, 1905, vice First Lieut. William C. Harllee, promoted.

Capt. Albertus W. Catlin to be a major in the Marine Corps, to fill a vacancy occurring February 1, 1906, caused by the promotion of Maj. Franklin J. Moses, and to take rank from June 4, 1905, the date of the completion of his one year's loss of date caused by his failure to qualify for promotion.

First Lieut. Richard S. Hooker to be a captain in the Marine Corps from the 1st day of February, 1906, vice Capt. Albertus W. Catlin, promoted.

Second Lieut. Maurice V. Campbell to be a first lieutenant in the Marine Corps from the 1st day of February, 1906, to fill a vacancy caused by the promotion of First Lieut. Richard S. Hooker, and to take rank from April 14, 1905, the date of the completion of his one year's loss of date caused by his failure to qualify for promotion.

Second Lieut. Epaminondas L. Bigler to be a first lieutenant in the Marine Corps from the 14th day of March, 1906 (subject to the examinations required by law), vice Second Lieut. Alexander B. Mikell, who was transferred to the retired list after being due for promotion.

POSTMASTERS.

ARKANSAS.

James Brizzolara to be postmaster at Fort Smith, in the county of Sebastian and State of Arkansas, in place of James Brizzolara. Incumbent's commission expires May 28, 1906.

Henry D. Lefors to be postmaster at Gentry, in the county of Benton and State of Arkansas. Office became Presidential April 1, 1906.

ILLINOIS.

George A. Lyman to be postmaster at Amboy, in the county of Lee and State of Illinois, in place of George A. Lyman. Incumbent's commission expired March 14, 1906.

William Stickler to be postmaster at Lexington, in the county of McLean and State of Illinois, in place of William Stickler. Incumbent's commission expires June 10, 1906.

INDIANA.

Lewis Dennis to be postmaster at Salem, in the county of Washington and State of Indiana, in place of Lewis Dennis. Incumbent's commission expires June 24, 1906.

MAINE.

Winchester G. Lowell to be postmaster at Auburn, in the county of Androscoggin and State of Maine, in place of Winchester G. Lowell. Incumbent's commission expires April 17, 1906.

MASSACHUSETTS.

George G. Cook to be postmaster at Milford, in the county of Worcester and State of Massachusetts, in place of George G. Cook. Incumbent's commission expires June 24, 1906.

John A. Thayer to be postmaster at Attleboro, in the county of Bristol and State of Massachusetts, in place of John A. Thayer. Incumbent's commission expires June 30, 1906.

MICHIGAN.

Loomis K. Bishop to be postmaster at Grand Rapids, in the county of Kent and State of Michigan, in place of Loomis K. Bishop. Incumbent's commission expires May 19, 1906.

MISSOURI.

William E. Coolidge to be postmaster at New Franklin, in the county of Howard and State of Missouri. Office became Presidential January 1, 1906.

Dan McCoy to be postmaster at Sikeston, in the county of Scott and State of Missouri, in place of Ulysses G. Holley. Incumbent's commission expires April 17, 1906.

NEW HAMPSHIRE.

Lewis H. Baldwin to be postmaster at Wilton, in the county of Hillsboro and State of New Hampshire, in place of Lewis H. Baldwin. Incumbent's commission expires May 9, 1906.

Thomas D. Winch to be postmaster at Peterboro, in the county of Hillsboro and State of New Hampshire, in place of George P. Dustan. Incumbent's commission expires June 24, 1906.

NEW YORK.

Frank Foggin to be postmaster at Port Richmond, in the county of Richmond and State of New York, in place of Frank Foggin. Incumbent's commission expires April 30, 1906.

Max Geldner to be postmaster at New Dorp, in the county of Richmond and State of New York, in place of Max Geldner. Incumbent's commission expires April 25, 1906.

George M. Mathews to be postmaster at Brocton, in the county of Chautauqua and State of New York, in place of George R. Pettit, resigned.

Stephen G. Newman to be postmaster at Haverstraw, in the county of Rockland and State of New York, in place of Stephen G. Newman. Incumbent's commission expires June 25, 1906.

Francis H. Salt to be postmaster at Niagara Falls, in the county of Niagara and State of New York, in place of Francis H. Salt. Incumbent's commission expires June 24, 1906.

PENNSYLVANIA.

Benjamin F. Magnin to be postmaster at Darby, in the county of Delaware and State of Pennsylvania, in place of Albert Magnin, deceased.

John H. Martin to be postmaster at Greenville, in the county of Mercer and State of Pennsylvania, in place of John H. Martin. Incumbent's commission expires May 2, 1906.

James H. Porter to be postmaster at New Wilmington, in the county of Lawrence and State of Pennsylvania, in place of James H. Porter. Incumbent's commission expired April 10, 1906.

Christian H. Sheets to be postmaster at Braddock, in the county of Allegheny and State of Pennsylvania, in place of Christian H. Sheets. Incumbent's commission expires June 24, 1906.

Martin E. Strawn to be postmaster at Starjunction, in the county of Fayette and State of Pennsylvania. Office became Presidential April 1, 1906.

Andrew J. Sutton to be postmaster at Smithfield, in the county of Fayette and State of Pennsylvania. Office became Presidential April 1, 1906.

TEXAS.

Gains L. Burk to be postmaster at Van Alstyne, in the county of Grayson and State of Texas, in place of Gains L. Burk. Incumbent's commission expires May 19, 1906.

Everton W. Kennerly to be postmaster at Giddings, in the

county of Lee and State of Texas, in place of Everton W. Kennerly. Incumbent's commission expires May 19, 1906.

Robert J. King to be postmaster at Clarksville, in the county of Red River and State of Texas, in place of Robert J. King. Incumbent's commission expires April 18, 1906.

VERMONT.

William H. Humphrey to be postmaster at Fort Ethan Allen, in the county of Chittenden and State of Vermont. Office became Presidential January 1, 1906.

VIRGINIA.

L. G. Funkhouser to be postmaster at Roanoke, in the county of Roanoke and State of Virginia, in place of Samuel H. Hoge. Incumbent's commission expired March 15, 1906.

WISCONSIN.

Warner S. Carr to be postmaster at Lake Nebagamon, in the county of Douglas and State of Wisconsin, in place of Warner S. Carr. Incumbent's commission expired April 10, 1906.

Arthur E. Dudley to be postmaster at Neillsville, in the county of Clark and State of Wisconsin, in place of Frederick Reitz, resigned.

A. C. Vanderwater Elston to be postmaster at Muscoda, in the county of Grant and State of Wisconsin. Office became Presidential April 1, 1906.

WYOMING.

Ida A. Hewes to be postmaster at Casper, in the county of Natrona and State of Wyoming, in place of Ida A. Hewes. Incumbent's commission expires June 27, 1906.

Harvey Springer to be postmaster at Cambria, in the county of Weston and State of Wyoming, in place of Harvey Springer. Incumbent's commission expires June 19, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 12, 1906.

APPOINTMENT IN THE MARINE CORPS.

Russel H. Davis, a citizen of Minnesota, to be a second lieutenant in the Marine Corps from the 14th day of March, 1906.

PROMOTIONS IN THE NAVY.

Lieut. Harley H. Christy to be a lieutenant-commander in the Navy from the 1st day of January, 1906.

Lieut. Noble E. Irwin to be a lieutenant-commander in the Navy from the 1st day of January, 1906.

Gunner Robert E. Simonson to be a chief gunner in the Navy from the 10th day of March, 1906, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of Congress approved April 27, 1904.

Midshipman Walter A. Smead to be an ensign in the Navy from the 2d day of February, 1906.

POSTMASTERS.

CALIFORNIA.

Leander H. Miner to be postmaster at Ferndale, in the county of Humboldt and State of California.

COLORADO.

Oscar Allert to be postmaster at Louisville, in the county of Boulder and State of Colorado.

GEORGIA.

James O. Varnedoe to be postmaster at Valdosta, in the county of Lowndes and State of Georgia.

IOWA.

William B. Arbuckle to be postmaster at Villisca, in the county of Montgomery and State of Iowa.

KANSAS.

William Smith to be postmaster at Galena, in the county of Cherokee and State of Kansas.

KENTUCKY.

William H. Overby to be postmaster at Henderson, in the county of Henderson and State of Kentucky.

Robert R. Perry to be postmaster at Winchester, in the county of Clark and State of Kentucky.

Frederick A. Van Rensselaer to be postmaster at Owensboro, in the county of Daviess and State of Kentucky.

Frank W. Stith to be postmaster at Latonia, in the county of Kenton and State of Kentucky.

MICHIGAN.

Frank P. Dunwell to be postmaster at Ludington, in the county of Mason and State of Michigan.

John W. Fitzgerald to be postmaster at Grand Ledge, in the county of Eaton and State of Michigan.

Henry C. Minnie to be postmaster at Eaton Rapids, in the county of Eaton and State of Michigan.

Calvin A. Palmer to be postmaster at Manistee, in the county of Manistee and State of Michigan.

Lester B. Place to be postmaster at Three Rivers, in the county of St. Joseph and State of Michigan.

Kenneth E. Struble to be postmaster at Shepherd, in the county of Isabella and State of Michigan.

James A. Trotter to be postmaster at Vassar, in the county of Tuscola and State of Michigan.

James H. Williams to be postmaster at Whitehall, in the county of Muskegon and State of Michigan.

David E. Wilson to be postmaster at Belding, in the county of Ionia and State of Michigan.

NEBRASKA.

Henry C. Booker to be postmaster at Gothenburg, in the county of Dawson and State of Nebraska.

Horace M. Wells to be postmaster at Crete, in the county of Saline and State of Nebraska.

NEW MEXICO.

Lucius E. Kittrell to be postmaster at Socorro, in the county of Socorro and Territory of New Mexico.

NEW YORK.

Fred Dakin to be postmaster at Millerton, in the county of Dutchess and State of New York.

NORTH DAKOTA.

Floyd C. White to be postmaster at Donnybrook, in the county of Ward and State of North Dakota.

OHIO.

H. W. Krumm to be postmaster at Columbus, in the county of Franklin and State of Ohio.

OREGON.

Squire Farrar to be postmaster at Salem, in the county of Marion and State of Oregon.

PENNSYLVANIA.

Edwin G. McGregor to be postmaster at Burgettstown, in the county of Washington and State of Pennsylvania.

Byron A. Weaver to be postmaster at Montoursville, in the county of Lycoming and State of Pennsylvania.

SOUTH DAKOTA.

Henry S. Williams to be postmaster at Aberdeen, in the county of Brown and State of South Dakota.

VIRGINIA.

Louis L. Whitestone to be postmaster at Culpeper, in the county of Culpeper and State of Virginia.

WISCONSIN.

William Case to be postmaster at Mauston, in the county of Juneau and State of Wisconsin.

Henry H. Hartson to be postmaster at Greenwood, in the county of Clark and State of Wisconsin.

Elisha W. Keyes to be postmaster at Madison, in the county of Dane and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 12, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

SECOND URGENT DEFICIENCY BILL.

Mr. LITTAUER. Mr. Speaker, I present a conference report on the bill H. R. 17359, the second urgent deficiency bill, and ask that it be printed under the rule.

The SPEAKER. The gentleman presents the conference report, which will be printed under the rule.

WILLIAM V. VAN OSTERN.

The SPEAKER laid before the House the bill (H. R. 6401) granting an increase of pension to William V. Van Ostern, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

JAMES WILSON.

The SPEAKER also laid before the House the bill (H. R. 11748) granting an increase of pension to James Wilson, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

ALICE B. HARTSHORNE.

The SPEAKER also laid before the House the bill (H. R. 13010) granting an increase of pension to Alice B. Hartshorne, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

HENRY RITTENHOUSE.

The SPEAKER also laid before the House the bill (H. R. 6158) granting an increase of pension to Henry Rittenhouse, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

CARRIE A. CONLEY.

The SPEAKER also laid before the House the bill (H. R. 9024) granting an increase of pension to Carrie A. Conley, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

POSTAL AGENT AT SHANGHAI, CHINA.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I am instructed by the Committee on Expenditures in the Treasury to report back House resolution 393 favorably, with the recommendation that it do pass.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to send to the House of Representatives, for its information, certified copies of all accounts of the United States postal agent at Shanghai, China, on file in the office of the Auditor for the Post-Office Department, of all moneys received and expended by said postal agent during the fiscal years ending 1901, 1902, 1903, 1904, and 1905, and for the quarters ending September 30, 1905, and December 31, 1905; also, certified copies of all accounts of the United States consul at Tientsin, China, on file in the office of the Auditor for the Department of State and other Departments, of all moneys received and expended by said consul during the fiscal years ending 1901, 1902, 1903, 1904, 1905, and for the quarters ending September 30, 1905, and December 31, 1905.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move the adoption of the resolution.

The question was taken; and the resolution was agreed to.

LIFE-SAVING STATION, NEAH BAY, WASH.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 5026.

The bill was read, as follows:

An act (S. 5026) providing for the establishment of a life-saving station at or near Neah Bay, in the State of Washington, and for the construction of a first-class ocean-going tug to be used in connection therewith, for life-saving purposes in the vicinity of the north Pacific coast of the United States, and so forth.

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized to establish a life-saving station at or near Neah Bay, in the State of Washington, at such point as the General Superintendent of the Life-Saving Service may recommend, said station, in addition to the usual equipment, to be supplied with two self-righting and self-bailing lifeboats.

SEC. 2. That for use in connection with said life-saving station there shall be constructed a first-class ocean-going tug, for service in saving life and property in the vicinity of the north Pacific coast of the United States, which said tug shall be equipped with wireless-telegraph apparatus, surfboats, and such other modern life and property saving appliances as may be deemed useful in assisting vessels and rescuing persons and property from the perils of the sea.

SEC. 3. That for the operation of said tug the Secretary of the Treasury is hereby authorized to employ a proper crew, including the necessary officers, engineers, firemen, and so forth, and the vessel shall be under the control and direction of the keeper of the life-saving station hereby authorized to be established.

SEC. 4. That to carry into effect the provisions of sections 1 and 2 of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000, or so much thereof as may be necessary.

The amendments recommended by the committee were read, as follows:

On page 1, at the end of line 8, after the word "lifeboats," change the period to a comma and add the following: "at a cost not to exceed $30,000."

On page 1, lines 9 and 10, strike out the following: "for use in connection with said life-saving station."

On page 1, in line 10, after the word "construct," insert the following: "for and under the supervision of the Revenue-Cutter Service."

On page 2, line 5, after the word "sea," change the period to a comma and insert the following: "at a cost not to exceed $170,000."

On page 2 strike out all of section 3 and insert in lieu thereof the following: "SEC. 3. That said tug shall be manned and operated by the Revenue-Cutter Service, and, under such regulations as the Secretary of the Treasury may prescribe, shall cooperate with the life-saving station hereby authorized to be established."

On page 2 strike out all of section 4.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. HUMPHREY of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of House bill 16953. The Clerk will commence to read where he discontinued yesterday.

The Clerk read as follows:

Assistant superintendents of mails, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, finance clerks, superintendents of delivery, superintendents of mails, superintendents of money order, superintendent of registry, and superintendents of stations, twenty-nine, at not exceeding $2,200 each.

Mr. JOHNSON. I move to strike out the last word. I want to ask the chairman of the committee if the six superintendents provided for on page 5, lines 16, 17, and 18, is a change of existing law—the superintendents in New York?

Mr. OVERSTREET. There is no change of the actual employees or their salaries in that item.

Mr. JOHNSON. I notice that in the testimony before the committee they pressed very earnestly for an increase in the salaries of certain of the superintendents in New York, wishing to amend the law of 1889.

Mr. OVERSTREET. No change was made in that item.

Mr. JOHNSON. I am glad to know it. I withdraw the pro forma amendment.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, private secretaries, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, sixty, at not exceeding $1,800 each.

Mr. JOHNSON. I move to strike out the last word. I notice on line 1, page 7, "private secretaries, at $1,800 each." I want to inquire of the gentleman from Indiana what is the necessity for a postmaster having a private secretary in addition to the other clerical force in the office?

Mr. OVERSTREET. If the gentleman will stop to consider the amount of work falling to a postmaster in one of the larger offices of the country, he will at once appreciate the necessity of a private secretary. In the smaller offices no provision is made for a private secretary, but in the larger offices, in the way of correspondence and in the way of filing of official correspondence, falling directly under the office of the postmaster, there is a great deal of work. Indeed, the committee have been urged very strongly to give additional compensation to the private secretaries in some of the larger offices of the country. There is a great necessity for it, in my judgment. The committee have simply continued the same arrangement that has existed for some time with respect to those private secretaries. It has provided for no additional number, nor has it provided for any increase of compensation.

Mr. JOHNSON. Mr. Chairman, I noticed in the hearings that the committee were very strongly urged to provide stenographers or correspondence clerks. I am very much gratified to see from the bill that they did not make that provision; but, as I read the testimony, the plea was that the postmasters came in with private secretaries who were not efficient, who did not understand the workings of the post-office, and, therefore, it was urged that these correspondence clerks to assist the postmasters should be taken from the regular force, they being men already in the service and who understood the work of the office. Now, I thought if it were necessary to take these experienced clerks out of the service to assist the postmasters and call them correspondence clerks, I could not see any necessity for going outside of the civil-service law and allowing the postmaster to name the private secretary, who would have to be instructed in the work. I am glad the committee did not yield to the importunities of the Department; but I am not sure that it would not be better to strike from this bill the provision for private secretaries who are not under the civil service and to have experienced correspondence clerks who are under the civil service, so that the postmaster's private secretary would really be a man who was efficient and thoroughly informed in the post-office work.

I withdraw the pro forma amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LITTAUER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 980) to ratify an agreement with the Lower Brulé band of the Sioux tribe of Indians in South Dakota, and making appropriation to carry the same into effect.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17359) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 59. An act providing for the establishment of a uniform building line on streets in the District of Columbia less than 90 feet in width;

S. 1221. An act for the relief of J. de L. Lafitte;

S. 1223. An act granting a pension to Mary E. Bronaugh;

S. 3283. An act for the relief of John H. Hamiter;

S. 3482. An act to provide for the paving of a portion of Florida avenue between P and Q streets NW., city of Washington, D. C.;

S. 3820. An act for the relief of Eunice Tripler;

S. 4487. An act granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating theron a fish hatchery;

S. 4805. An act to prohibit aliens from taking or gathering sponges in the waters of the United States;

S. 4806. An act to regulate the landing, delivery, cure, and sale of sponges;

S. 5288. An act appropriating $5,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina; and

S. 5537. An act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska.

The message also announced that the Senate had passed with amendments bill of the following title:

H. R. 17135. An act providing that the State of Montana be permitted to relinquish to the United States certain lands heretofore selected and select other lands from the public domain in lieu thereof.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 23.

Resolved by the Senate (the House of Representatives concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States be, and the same is hereby, authorized to agree to an amendment on page 2, line 14 of the bill, inserting after the word "thereof" the words "and every member of Congress."

POST-OFFICE APPROPRIATION BILL.

The committe resumed its session.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, asistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, private secretaries, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 105, at not exceeding $1,600 each.

Mr. SMITH of Maryland. Mr. Chairman, when the subject of incorporating the National Educational Association was before this House a few days ago, I did not have an opportunity to say a word upon the subject, and as a member of the Committee on Education who carefully considered and cordially supported the measure in committee, I feel that I would be derelict in my duty, not only to the other members of the committee, but to the cause of education, if I remained altogether silent upon this, a subject in which I have always been deeply interested. Not only so, but I do not feel that I would be doing justice to my constituents nor to the State of Maryland, which I have the honor in part to represent.

The superintendent of public education in the State of Maryland, Dr. Martin Bates Stephens, speaking for the teachers of that great Commonwealth, strongly recommended and advocated the passage of this measure, and vouches for the correctness of the statement that the vast majority of the active members of the National Educational Association most heartily indorse the rechartering of the association as outlined by this bill. I will further state that Doctor Stephens has risen from the ranks of the country school teachers to the prominent position he now holds in the State and nation as a successful educator, and hence his advocacy—in the State of Maryland, at least—of measures along educational lines is given great weight. I have here a letter from Doctor Stephens and also one from the superintendent of public schools in Baltimore city, Dr. James H. Van Sickle, which, with the permission of the Chair and the House, I will print in the RECORD with my remarks.

The letters referred to are as follows:

STATE OF MARYLAND,
DEPARTMENT OF PUBLIC EDUCATION,
OFFICE OF THE STATE BOARD OF EDUCATION,
Annapolis, February 19, 1906.

Hon. THOMAS A. SMITH, M. C.,
Washington, D. C.

MY DEAR MR. SMITH: I write to you in the interest of the bill now before the House of Representatives asking for an extension of the charter of the National Educational Association. For six years I have served as a director of this association for the State of Maryland, and as such I have enjoyed good opportunities to study its management and policy. It has grown to be the greatest educational association in the world, and because of its national character and work I think it is entirely appropriate for the extension of its charter to be made by Congress. The membership of the National Educational Association has reached as high as 35,000, and includes nearly all the wide-awake educators and school supervisors of the United States, not to speak of school principals and teachers. It has given purpose to public education, and through the influences of this organized body order has come out of chaos, and the American school system is taking higher rank every year at home and abroad. Through the standing committees of this association every phase of education has been enriched, and the whole movement toward the essentials of uniformity received its impetus from the work of these committees.

It is true that the same men who formulated the policy of this association are still the guiding spirits in the deliberations of this body, but why should they not be? Who could have done the work better? No one can think of the history of this great organization of teachers without thinking of Commissioner W. T. Harris, Drs. Nicholas Murray Butler, Albert M. Lane, John W. Cook, F. Louis Soldan, J. M. Greenwood, and others—the two are inseparable. But under such able leadership and good management the splendid results of the National Educational Association are our heritage, and in my opinion the indorsement which the extension of the charter by Congress would imply is richly deserved and should be given to the men who are still controlling its affairs and who, so far as I know, have never abused a trust or proved derelict to a duty committed to them.

I hope you will see your way clear to vote for the bill. Its passage means a continuation of the good work so nobly begun.

I am, yours, very truly,

M. BATES STEPHENS.

BALTIMORE PUBLIC SCHOOLS, *February 15, 1906.*

Hon. THOMAS A. SMITH, *Washington, D. C.*

DEAR SIR: The charter of the National Educational Association expires by limitation on February 24, 1906. The bill for rechartering the association, known as H. R. 10501, is, in the judgment of a great majority of the members of the association, one that ought to receive the support of Congress. I, personally, believe it to be a good bill.

Trusting that it may receive your support, I am,

Yours, very respectfully,

J. H. VAN SICKLE.

Mr. SMITH of Maryland. Now, Mr. Chairman, it is claimed by a small minority of the active members of the association that the words "United States" should not be added to the name of this National Educational Association, and that it should not have a national character, because progress and advancement have been made under the old name. I am inclined to the opinion that there is not much in a name, except as the acts of the individual or individuals make the name honorable and exalted, and while I have heard a great deal said during the last few months about the dishonor attached to the names of some individuals, legislative and business bodies of the United States of America, I am still inclined to think there is yet enough true manhood and statesmanship in this country to make the addition to the words "United States" an honorable and exalted appendage to the name of any society of this country; and, in fact, the more efficient and honorably conspicuous the society or organization, the more fitting and appropriate the addition of the words that still carry with them the pride and glory of the nation. It was contended by a few persons who came before the Committee on Education that this bill took away from the active members of the association the right of the initiative of the control and expenditure of the funds of this association. Why, Mr. Chairman, there is not a business man or Member of this House but who knows and understands that every successful business institution anywhere in this country is represented by directorates, executive boards, etc., to regulate and govern its affairs.

It would be practically impossible to accomplish anything

without gathering responsibility into capable executive hands. Stockholders elect directors, directors their officers and executive boards, and as they show inefficiency or dishonor they are relegated to the rear and new directorates are formed.

Why, sir, in a large body like the National Educational Association there must be concentration into the hands of executive committees. At the Ocean Grove meeting of the association there were 20,000 members present, and in Boston, Mass,, the association numbered about 35,000. Imagine this House of 386 Members attempting to do business without stringent rules and standing committees, if you please, and the result would be pandemonium would reign. Now, if you please, bring into the House the 80,000,000 active and associate members of this country and where would we be? Why, Mr. Chairman, the very foundation of the Government of this country is based upon similar principles of those of the association of which I am speaking. The House of Representatives, for instance, is supposed to be the initiator of expenditures, the Senate concurring or nonconcurring, and if the active members—the voters—disapprove our action they delegate at the polls a new directorate to be sent to Washington to administer public affairs according to the will of the people, and I have no doubt the active members of the National Educational Association of the United States will do the same thing with their directorate if necessity arises. I regard this measure as a progressive measure in the right direction, and hope the Senate will pass it as it went from this House. [Loud applause.]

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, chief stamp clerks, clerks, finance clerks, foremen of crews, printers, private secretaries, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, $1,820, at not exceeding $1,200 each.

Mr. OVERSTREET. Mr. Chairman, I move to amend, on line 20, page 9, by striking out the word "and" before the word "superintendents," and inserting, after the word "stations," the following: "and machinist."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In page 9, line 20, strike out the third word, "and," and after "stations" insert "and machinists."

The amendment was agreed to.

The Clerk read as follows:

Carpenters, clerks, clerks in charge of stations, pressmen, printers, and private secretaries, $3,490, at not exceeding $900 each.

Mr. OVERSTREET. Mr. Chairman, I move to amend by striking out the word "and," the second word in line 10, and inserting, after the word "secretaries," the words "and oilers."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 10, strike out the word "and" before "private;" and after "secretaries" insert the words "and oilers."

The amendment was agreed to.

The Clerk read as follows:

Carpenters, clerks, clerks in charge of stations, janitors, laborers, messengers, porters, pressmen, and watchmen, 3,500, at not exceeding $600 each.

Mr. OVERSTREET. Mr. Chairman, I move to strike out, in lines 20 and 21, page 10, the words "three thousand five hundred" and insert in lieu thereof the words "four thousand."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In lines 20 and 21 strike out the words "three thousand five hundred" and insert in lieu thereof the words "four thousand."

The amendment was agreed to.

Mr. BOUTELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 10, line 22, add the following: "*Provided*, That 100 of the additional clerks of this grade shall be immediately available and designated for service at the Chicago office."

Mr. BOUTELL. Mr. Chairman, one word of explanation as to the purpose of this amendment. Reference to the post-office bill discloses the fact that no appropriations are made for individual offices. The number of clerks are appropriated for in gross, and so in the case of the other officials and subordinates in the Post-Office Department. These clerks and other officials are assigned to the various offices by the Post-Office Department.

Let me call your attention to one illustration. On page 5, in line 3, we have the following provisions: "Superintendent of delivery, superintendent of mails, superintendent of money orders, and superintendent of registry—four—at not exceeding $3,200 each."

Then follow other provisions for similar officials at lower salaries. There is nothing in this bill which says to what offices those officials are to be assigned. As a matter of fact, these four officers receiving the maximum amount of $3,200 are all assigned to the New York office. Similar officials assigned to the Chicago office receive only $3,000. There is no good reason for this discrimination growing out of either the character of the services rendered or the amount of business transacted in the Chicago office. Chicago is a close second to New York in gross post-office earnings. The seventeen largest offices in the country with their gross receipts are:

Gross revenue 1905:

New York, N. Y	$15,486,462
Chicago, Ill	11,648,295
Philadelphia, Pa	4,891,958
Boston, Mass	4,501,163
St. Louis, Mo	3,558,691
Brooklyn, N. Y	2,016,869
Cincinnati, Ohio	1,871,731
San Francisco, Cal	1,655,842
Pittsburg, Pa	1,622,343
Baltimore, Md	1,580,116
Cleveland, Ohio	1,498,551
Kansas City, Mo	1,307,964
Detroit, Mich	1,253,752
Minneapolis, Minn	1,244,142
Buffalo, N. Y	1,188,957
Milwaukee, Wis	1,046,830
Washington, D. C	1,041,863

During the past twenty-five years the receipts of the Chicago office have increased 828 per cent, while the expenses have only increased 716 per cent, as will be seen from these figures which have been furnished me by the very able, progressive, and public-spirited official who now presides over the Chicago post-office:

Year.	Receipts.	Expenses.
1880	$1,254,921.65	$480,191.41
1881	1,450,690.70	507,999.96
1882	1,749,690.88	531,987.09
1883	1,959,902.41	616,552.41
1884	1,992,241.66	670,206.61
1885	1,930,363.71	726,860.15
1886	2,132,058.19	806,404.12
1887	2,223,877.83	833,146.14
1888	2,470,453.11	868,732.01
1889	2,784,554.05	957,478.78
1890	3,126,840.68	1,131,474.24
1891	3,504,730.66	1,285,028.34
1892	3,948,575.70	1,471,930.55
1893	4,672,027.69	1,656,943.96
1894	4,449,808.15	1,819,130.87
1895	4,594,319.36	2,109,465.25
1896	5,204,236.67	2,197,863.51
1897	5,138,414.45	2,242,953.92
1898	5,641,854.87	2,332,772.35
1899	6,133,551.79	2,459,320.95
1900	6,600,218.72	2,591,219.77
1901	7,703,357.24	2,804,042.74
1902	8,576,456.11	3,005,732.69
1903	9,611,364.51	3,475,073.36
1904	10,516,760.41	3,733,312.20
1905	11,648,547.36	3,922,052.64

As will be seen, the receipts of the Chicago office have more than doubled in the past seven years. The salaries in the Chicago office should in all cases be on a par with the salaries in the New York office. But in some instances the discrepancy is very great. Take another illustration in addition to the one that I have just given. Among the twenty-five officials provided for in the last paragraph, on page 5, you will notice one private secretary, at $2,400. There is nothing in this bill to show where that secretary is employed. As a matter of fact, this one private secretary at $2,400 is assigned to the New York office, while the private secretary to the postmaster at Chicago receives only $1,700. Now, I not only know something of the work of the Chicago office, but I personally know all about the character and ability of the private secretary in that office. There is no better posted or more efficient employee in the Government service. If the private secretary in the New York office is equal in knowledge and ability to the private secretary in the Chicago office he is well worth $2,400, but there is no reason why the Chicago official should not receive the same amount. There is, I repeat, nothing in this bill to show why the $2,400 secretary should be assigned to New York and the $1,700 secretary to Chicago.

When it comes to the clerks this method of appropriation and this method of designation often result before the end of the fiscal year in disclosing the fact that some office is insufficiently provided with clerks for the balance of the year. That is the present case with the Chicago office; therefore the necessity for this amendment. It is and should be the policy of this Government to so appropriate for clerks at all the offices, including the Chicago office, that they may work the various offices upon as nearly as possible an eight-hour basis. That is the recognized policy of the Government, and it should be our function to co-

operate with this policy and to appropriate, so far as possible, so that the clerks in the offices may be assigned and work upon the eight-hour basis. The necessities in the Chicago office some weeks ago compelled the insertion of an amendment in the deficiency bill while pending in the Senate, so as to provide 250 clerks for the Chicago office during the balance of this fiscal year. The appropriation was made in accordance with this amendment in the Senate, generously conceded and agreed to by the conferees on the part of the House as soon as the facts were made known to them. When, however, it came to the distribution and designation of these clerks, instead of 250 going to Chicago, where they were needed, only 135 of these additional clerks have been assigned to the Chicago office. At the present time the distributors in the Chicago office are working substantially on a ten-hour schedule. In other words, during the past six months the distributers in the Chicago office have been working as high, some of them, as twelve hours a day, bringing, as I say, the average up to nearly ten hours. It is to remedy this deficiency in the present force at Chicago that I offer this amendment, so that during the balance of this fiscal year we shall have substantially in the Chicago office what was intended when that amendment to which I have referred was passed by the Senate and agreed to by the House conferees. The present postmaster is directing great energy and unsurpassed business ability to administer the affairs of his great office as efficiently as can be done with the force at his command. It is for us to appropriate for a sufficient number of clerks to keep all the post-offices in the country on an eight-hour basis. For this reason I urge the adoption of this amendment to meet the present emergency in the Chicago office, in compliance with the request of the Chicago postmaster.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Chicago moves to strike out the last word of his colleague's amendment.

Mr. MADDEN. Mr. Chairman, I desire to say the total number of clerks throughout the country in the Post-office Department is 25,496. Of this number 2,526 are in the Chicago office.

The average time worked by the men in the Chicago office is nine hours and forty minutes.

The number of hours overtime equals 309 men daily on an eight-hour basis.

Chicago's postal business has grown from $1,254,921.61 in 1880 to $11,648,547.36 in 1905.

The expense has grown from $480,191.41 in 1880 to $3,922,-652.64 in 1905.

The salaries paid to the men employed are on the average much less than they should be. This is particularly true as to the men who are engaged as distributers in the mailing division, who only get $600 per annum with no fixed ratio of advancement.

The distributers are the backbone of the service, yet they have been overlooked to a greater extent in the matter of promotion than any other class of the service.

Requests are seldom, if ever, received for transfer from any other department of the post-office to the mailing division, where the distribution of transit mail is performed. On the other hand, 60 per cent of the men in that division have filed applications for transfer to the money order, registry, or city divisions.

The class of service these men render is worthy of much better compensation than they now receive. They should start into the service at $800 and secure steady promotion, if they are qualified to remain in the service, until they reach $1,200.

It is only in this way the Government can hope to secure good men and retain them.

The arrangement for promotions in the bill now pending would give the Chicago office 539 promotions during the coming year, whereas it should have at least 1,057.

The salaries paid to the superintendents in the New York post-office are $3,200, while those of Chicago are only $3,000.

The salary of the private secretary to the postmaster at New York is $2,400, and that at Chicago, which is in the same class, is $1,700.

Some idea of the volume of the business of this office may be ascertained when it is understood that on the 1st of April 2,500,-000 pieces of mail passed through the office, and that in the money-order division 64,396 transactions, amounting to $1,510,-550.69 took place on April 6.

On the preceding day 58,569 money orders were paid, amounting to $396,629.41, and 800 were issued, amounting to $11,344.50, while certificates of deposit issued numbered 768 and amounted to $435,190.

The average time of the clerks engaged in the payment of money orders received from the banks is twelve hours and thirty minutes.

Such long hours and intense application show how easily the situation of the money-order division may become critical. A great number of the men are absent on sick leave, thus throwing their work on the others, who have to work overtime each day.

Something certainly should be done to supply that division with a sufficient number of regularly trained clerks to handle this business. The work must be cleaned up every day. It can not be let to run behind.

The same condition prevails throughout the entire post-office. Three hundred and sixty-two additional men are absolutely necessary to do the work as it should be done. Some time since 130 men were allowed. This number does not meet the present needs.

Chicago will be credited with only 10 per cent of whatever number of clerks are allowed to the country, according to the rule of the Post-Office Department.

The largest mail-order houses of the world are situated at Chicago. They receive postage stamps to the amount of $3,500,-000 annually in payment for goods purchased by country customers. All the postal business of these houses is transacted in Chicago. The Chicago office does not receive credit for this volume of business, as you will readily see, because of the fact that the postage is purchased elsewhere.

If this $3,500,000 revenue from postage were added to the receipts of the Chicago office it would bring them up to $15,000,000.

If, in addition to that, Evanston, Lake Forest, Highland Park, Waukegan, Oak Park, River Forest, Morgan Park, and a number of other post-offices covering a radius of 20 miles around the city, were made substations of the Chicago post-office, the revenues would reach probably $16,500,000.

Practically all of the business from these offices is transacted at the Chicago office. It gets no credit for the work it does. The thirty-nine great trunk lines entering into Chicago and reaching into every section of the country makes the Chicago office a point of distribution greater than any other city.

It calls for more work there, and should receive more help on that account.

All of the post-offices in the outlying towns surrounding New York are substations of the central office, and all the postage purchased at these stations is credited to the New York post-office.

If this were done in Chicago, the revenues of the Chicago office would be the largest in the United States.

The number of railroads, as I said before, entering and departing from Chicago make the field of distribution much wider from that office than from any other office in the country.

Unless sufficient help is allowed to transact the business properly other sections of the country must suffer on account of the failure to make appropriations, for if the mail is not started on time it will not reach its destination as early as it should.

The growth of the office is beyond conception or description, and no one can realize it without having made a thorough investigation of it.

In recommending an increase in salary for distributers in the Chicago post-office, attention is called to the fact that their average salary is now lower, their work is harder, their hours are longer, and their night work is more plentiful than it is for other employees of the post-office.

The distributers are the backbone of the service, yet they have been overlooked to a great extent in the matter of promotion into the higher grades.

Requests are seldom if ever received in this office for transfer from other departments of the post-office to the mailing division, where the distribution of transit mails is performed. On the other hand, 60 per cent of the distributers have filed applications for transfer to the delivery, money order, or registry divisions. If it is true that a transfer from the mailing division is desirable for the clerks, why not reverse the order of things and relieve the conditions which bring about these numerous requests for transfers? Under the present system there is little inducement held out to the distributers. As a result, resignations are frequent, and there is a good deal of unrest and discontent among the men.

Failure to appreciate the expert work performed by distributers simply means failure to understand to what extent schemes of to-day are complicated. Changes in railway schedules bring about wholesale changes in schemes, as evidenced in the weekly bulletin of general orders. In addition to the labor involved in originally memorizing the location of several thousand post-offices, it frequently requires several hours of hard study to memorize scheme changes which are published in one issue of the bulletin, of which fifty-two numbers

are published each year. A clerk must not only qualify on a scheme before he becomes a distributer, but he must memorize every detail of weekly scheme changes which at times amount to several hundred items, and he must also report periodically for review examinations.

It is no easy task to memorize the consecutive dispatches for twenty-four hours for every post-office located in States containing from 1,500 to 5,000 post-offices, and in addition to keep posted on numerous scheme changes.

The post-office distributer works every day in the year except on an occasional Sunday. Unlike the railway postal clerk, he has no time set apart for study. Nevertheless, he must memorize his schemes, and he does it under difficulties which few people fully understand.

There are exceptions, of course, in certain clerical positions in the post-office, but among the rank and file of the clerks the distributers are the experts of the service, yet at the present time they do not receive as high salaries on an average as other employees of the office. It has been said that the bookkeeping clerks, who receive a larger salary than the distributers, hold more responsible positions. That may be true in a few instances, but not as a general proposition. The distributer accepts a responsibility every time he throws a letter or daily paper or market report, and he throws more than 15,000 pieces of mail every night he is on duty. In these days if a distributer missends a letter or daily paper the addressee frequently makes complaint, and under the present system of checking and postmarking it is nearly always possible to locate the clerk who is responsible for making the improper dispatch. If it were not for the fact that our distributers are experts who seldom make an error, the officials of the service would be loaded down with complaints from the public.

The salaries paid to these valuable men are out of all proportion to the services rendered. Under the present system the salary is $600 per annum for beginners. This grade of pay does not and will not in these prosperous times attract a good class of men. The minimum salary should be raised to $800 per annum, and promotions, which are now slow and uncertain, should be provided in a manner that will induce trained men to remain in the service.

The records of the Chicago office show that there are 589 qualified distributers in the mailing division, and out of that number there are but 46 in the $1,200 grade, and not one of the distributers in this grade has been in the service less than fifteen years. Some of them have been in the service from twenty-five to forty years, as evidenced by the following table showing the number of distributers and length of service performed before entering into the grade named, as well as total length of service:

Grade.	Number of clerks.	Service before entry into grade.	Totallength of service.
		Years.	*Years.*
$1,200	46	13 to 18	15 to 42
$1,100	30	8 to 14	10 to 26
$1,000	71	4 to 13	5 to 23
$900	102	3 to 13	4 to 20
$800	199	2 to 11	2 to 15
$700	141	1 to 3	1 to 5
Total mailing division distributers.	589		

In connection with the above table, please bear in mind—

First. The great majority of these men work at night.

Second. Their hours of duty have been extended anywhere from eight to twelve hours daily during the past few years, the average per day per man for the past six months being close to ten hours.

Third. Practically all of the distribution is performed under artificial light, a great deal of heavy lifting is involved, and these men can never sit down at their work. They are on their feet at the case from start to finish of tour of duty.

Fourth. In addition to long tours of duty at the office, these men must devote from one to three hours daily at home to the study and correction of schemes of distribution.

Upon arrival at the post-office for his first day's work a scheme is handed the new appointee, and he is informed that he must memorize the location to counties and routes of several thousand post-offices. For example, he must learn that Rockdale, Iowa, is in Dubuque County, and that a piece of mail addressed to Rockdale must be forwarded as follows, according to the time of receipt on the case:

Illinois Central, train 5, departing at 2.55 a. m.

Illinois Central, train 3, departing at 8.20 a. m.

Chicago and Great Western, train 9, departing at 8.45 a. m.

Chicago, Milwaukee and St. Paul, train 5, departing at 9 a. m.

Chicago, Milwaukee and St. Paul, train 9, departing at 1.30 p. m.

Illinois Central, train 31, departing at 3.45 p. m.

Chicago, Burlington and Quincy, train 47, departing at 6.30 p. m.

Chicago and Great Western, train 5, departing at 11 p. m.

In other words, he must memorize the county and most available route for dispatch at any hour of the day of mails addressed to any post-office located in the State or group of States to which he may be assigned. He is also informed that this scheme must be memorized at home, or at least at some time and place other than during his tour of duty in the post-office.

A great many men become discouraged at once with a prospect of from one to three hours of post-office work at home each day in addition to a regular tour of duty, which it is presumed by the uninitiated extends over an eight-hour period. However, the real discouragement comes later on when he finds, through a few days of actual experience, that tours of duty extend anywhere from nine to twelve hours and that there is no prospect of obtaining day work for years to come. He makes a few acquaintances on the floor, and after making a few brief inquiries he finds that he is working side by side with men who have been in the service from fifteen to twenty-five years and that the salaries of these veterans of the service run from $900 to $1,200 per year, comparatively few receiving the maximum salary. He finds, too, that these men are still working nights most of the time, with no prospect for permanent day work.

In the meantime he has taken another look at the complicated scheme upon which he must be examined within sixty days, and promptly hands in his resignation in order to accept a position where at least the hours are reasonable, the day work plentiful, the scheme study out of it, and the chances for advancement better than in the post-office. During the past few months the resignations have been unusually numerous, averaging about forty per month in the mailing division alone. Upon inquiry it has been ascertained that the men frequently resign to better their condition, as they see it, by accepting jobs as teamsters, street-car conductors, grocery clerks, or laborers at the stock yards. The tendency to resign is not confined entirely to the newcomers. During the past week one of the most experienced and competent men in the post-office tendered his resignation, and the only reason advanced was that he could do better elsewhere. This man has been in the service sixteen years; he has immediate supervision over a force of 700 men, and yet his salary is but $1,200 per annum. This man, as well as hundreds of others who are receiving a great deal less salary, goes home at 4 o'clock in the morning, all of them completely tired out. Many of them settle down in a corner of the "owl" car and proceed to study their schemes on the homeward trip. They arrive at home too early for a reasonable breakfast hour. They go to bed when the rest of the world is getting up, and they get out of bed in the middle of the afternoon, too late for the noon lunch hour, if the comfort of other members of the family be considered. They leave their homes at about 4 p. m. for another grind in the office. They have no evenings at home with their families. They have little or no amusement or recreation. They work nights and try to sleep days. Their life is made up principally of picking up or distributing letters and letters, throwing papers and packages and packages and papers, lifting sacks and sacks of mail, and studying schemes and schemes. The monotony of their lives is relieved only by the receipt of frequent official reprimands, demerit charges, and fines, or by an occasional appearance before the advisory board. To start with, they receive salaries of $600 per year for all of this discomfort and hardship, but if they prove to be men who would be worth $100 per month in other lines of business, they may be promoted and obtain as much as $800 or $900 per annum in from two to five years. The promotions above the latter grade are few and far between, as evidenced by the following table, showing the number of distributers promoted last year in the grades above $900:

Grade.	Number in grade.	Number of promotions in grade.
$1,000	74	4
$1,100	32	2
$1,200	46	None.

As a matter of fact, the conditions are such that the best men quietly drop out of the service and get a better position elsewhere, but a few of those who hold on may reach the $1,200 grade as distributers if they remain in the service a dozen years

or more. The records of this office indicate, however, that only a comparative few reach that grade, and these few have been in the service all the way from eleven to forty-two years.

Mr. OVERSTREET. Mr. Chairman, I have no objection to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman who offered the amendment a question. Does this take out of the Department the discretion in the appointment of these clerks?

Mr. BOUTELL. Simply for that addition to the clerical force at Chicago of 100 for the balance of the fiscal year.

Mr. MURDOCK. To that extent it takes it out of the discretion of the Department?

Mr. BOUTELL. It does.

Mr. KENNEDY of Nebraska. I would like to get some information from the chairman of the committee.

The CHAIRMAN. About the amendment offered by the gentleman from Illinois?

Mr. KENNEDY of Nebraska. About the paragraph.

The CHAIRMAN. The question first is on the amendment offered by the gentleman from Illinois. The Chair will recognize the gentleman after the question is taken on the amendment.

The question was taken; and the amendment was agreed to.

Mr. KENNEDY of Nebraska. I move to strike out the last word. I would like to ask the gentleman from Indiana how many clerks there are altogether in all of the post-offices in the United States?

Mr. OVERSTREET. Do you mean all the post-offices of the first and second class?

Mr. KENNEDY of Nebraska. Well, take them.

Mr. OVERSTREET. First and second class clerks. On the 19th day of March, 1906, there were employed in the United States, in first and second class post-offices, including clerks in charge of stations, 26,988.

Mr. KENNEDY of Nebraska. Can the gentleman state how many are receiving a thousand dollars per annum?

Mr. OVERSTREET. I did not hear the question. I will yield to the gentleman from Wisconsin, who is on the committee, and who heard the question.

Mr. STAFFORD. There were 2,726 receiving $1,000 compensation on January 10 last.

Mr. KENNEDY of Nebraska. Will the gentleman please give me and give the House the number receiving $900 per annum, $800 per annum, $700 per annum, and $600 per annum in detail?

Mr. OVERSTREET. Well, the gentleman does not mean detail by offices?

Mr. KENNEDY of Nebraska. No, sir.

Mr. OVERSTREET. On the 10th day of March, 1906, there were employed in offices of the first and second class, at the grade of $600, 4,089; at the grade of $700, 3,600; at the grade of $800, 4,118; at the grade of $900, 2,679.

Mr. KENNEDY of Nebraska. I would like to ask the gentleman from Indiana whether or not he thinks that these clerks are receiving adequate compensation for the services they render the Government?

Mr. OVERSTREET. Well, Mr. Chairman, that involves the whole problem of the general increase of salaries of clerks of these grades. I am inclined to think some of them are not; I am not prepared to say that all of them are not.

Mr. KENNEDY of Nebraska. I will ask the gentleman from Indiana if it is not a fact that the salaries of these clerks are not increased because the revenues from the Post-Office Department now show an annual deficit?

Mr. OVERSTREET. I can not answer that in a word. The condition of the revenues with respect to the postal service has something to do with the lack of consideration of general increases of salaries. The financial condition of the Department, showing as it does under existing conditions a deficit of approximately fourteen and one-half million dollars, necessarily causes caution on the part of the committee in recommending general increases.

If there were a surplus, and if the general increases of the service, by reason of new facilities, were properly cared for, I am inclined to think that there would be a disposition to increase the salaries of a number of the clerks. But permit me to go a step further and say this, that the urgency upon the part of Members for increases of salaries of clerks is paralleled by the urgency of other Members for an increase of salaries of carriers, both city and rural, and by still others for increase of salaries of mail clerks. So that the committee, considering the whole field, must take into account the payment for those various grades of employees. Therefore it would be necessary to have a fuller understanding of the financial condition of the Department with respect to all these grades before answering specifically with respect to only one.

Mr. KENNEDY of Nebraska. Does the gentleman believe that clerks and employees in the Post-Office Department should be paid salaries equal to what they can earn in private employment?

Mr. OVERSTREET. If not, I think they usually resign and take private employment.

Mr. KENNEDY of Nebraska. Is it not true, Mr. Chairman, that in that way many of the post-offices throughout the country are losing some of their most efficient clerks?

[The time of Mr. KENNEDY of Nebraska having expired, by unanimous consent it was extended five minutes.]

Mr. OVERSTREET. In answer to the gentleman I will say, Mr. Chairman, that there have been various reports to the effect that some post-office employees resign to take more lucrative positions in private life. I take it that in some instances there are resignations from employments in private life to accept employment under the Federal Government. Just what proportion is the larger of the two classes I am unable to say.

Mr. KENNEDY of Nebraska. Does the chairman of the committee believe that the clerks should be classified as the carriers are classified?

Mr. OVERSTREET. I think, as a matter of practice, that it would be better administration if there should be a classification of clerks; whether just as the carriers are classified I am not prepared to say.

Mr. KENNEDY of Nebraska. But the principle of classification in its application tends to the efficiency of the service, does it not?

Mr. OVERSTREET. I think that is quite true.

Mr. KENNEDY of Nebraska. And if the Post-Office Department showed a surplus instead of a deficit, would the gentleman from Indiana be in favor of classifying the clerks and promoting them from year to year for efficient service?

Mr. OVERSTREET. I should prefer to cross that bridge when we reach it. I am not quite prepared this moment to enter into any statement of opinion that might be binding upon me after full investigation. Naturally, it is easier to provide for promotions with a surplus than it is when you are wrestling with a deficit.

Mr. KENNEDY of Nebraska. Mr. Chairman, I wish to add just a few words. My observation and experience is that the postal clerks are underpaid; that they are paid less than clerks rendering similar services in other lines. I believe, and I think the gentlemen of this House believe, that an increase is denied to these clerks because the Department does not yield sufficient revenue to pay such increase. I want to say, Mr. Chairman, here and now, that this Government is better able, the people at large are better able, to pay out of the general revenues of the Government adequate salaries to these clerks than the clerks are to render services to the Government for inadequate compensation.

And I say also, Mr. Chairman, that when an opportunity arises in this House I shall favor a bill which will place these clerks in the classified service, so that when one of them gets into a post-office at a low salary he may know that efficient service will bring its own recompense.

I withdraw the pro forma amendment.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

In all, $22,600,000.

Mr. OVERSTREET. Mr. Chairman, I move to strike out, in line 11, page 11, the word "six" and insert the word "seven."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 11, strike out the word "six" and insert the word "seven."

The amendment was considered and agreed to.

Mr. BENNET of New York. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 11, line 11, after the word "dollars," add: "*Provided*, That such appropriation shall be available only when it shall have been provided that the leave of absence of clerks who have been thirty or more years in the service and have reached the age of 60 years may, in the discretion of the Postmaster-General, be extended for such length of time as he may, in each instance, deem advisable, the service to be performed by a substitute, who shall be paid not more than $600 per

annum, and all sums paid substitutes shall be deducted from the salaries, respectively, of the clerks given such leave."

Mr. OVERSTREET. Mr. Chairman, I make the point of order that that is contrary to existing law.

Mr. BENNET of New York. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BENNET of New York. Mr. Chairman, it seems to me that this is a limitation. It provides that in cities of over 250,000 inhabitants the appropriation for clerks is nugatory unless prior to the time when it becomes available such regulations have been adopted in pursuance of the statute, and I want to call the attention of the Chairman to the ruling of the Chairman of the Committee of the Whole in the Fifty-eighth Congress, on the 22d of March, Mr. CRUMPACKER in the chair. But I ought to say in all fairness to the Chair that a day or two after the matter again came up, and Mr. CRUMPACKER, not then in the chair, stated that his former ruling was erroneous. The Chairman [Mr. BOUTELL] considered the question a very close one, and only decided it because the gentleman from California, Mr. Livernash, conceded that it was a change of existing law. That concession I do not make. While the salary is fixed by law, there is no obligation on Congress to appropriate a dollar for the payment of any salary, and we would have a perfect right to wipe out every salary in every city over 250,000.

The adoption of this amendment, if no other legislation is adopted, would bring about that result, and therefore it is a limitation, and not a change of existing law.

Mr. OVERSTREET. Mr. Chairman, under the statute passed October 1, 1890, chapter 1260 of the Revised Statutes, page 878, provision was made for leaves of absence to clerks employed in the first and second class offices. That statute directs the way, manner, and conditions under which these leaves of absence may be granted. This amendment changes that law.

Mr. BENNET of New York. Mr. Chairman, this amendment does not change that law. The clerks in these offices who continue to be employed will still have their leaves of absence and none others, but if this amendment is adopted not a dollar of this appropriation will be available for a clerk or clerk hire in cities over 250,000. It does not change the leaves of absence law at all; it simply nullifies so much appropriation. It is the same as if Congress should have said that in cities over 250,000 there shall be no appropriation for clerk hire during the fiscal year commencing July 1, 1906, and the gentleman would not question for a minute that we would have the right to say that.

Mr. OVERSTREET. It is because it does say something that is contrary to the statute which makes it subject to a point of order. I think it is so plain that there is no need of discussing it further.

The CHAIRMAN. The Chair is perfectly clear on the subject. Rulings upon the subject of limitation have not been consistent by any manner of means; they have gone through something of an evolution. The later decisions have tended toward the point indicated, that where the proposed limitation might be construed by the executive or administrative officer as a modification of statute, a change of existing law, it could not be held to be a limitation. The Chair's belief is that the rulings along that line are correct, and so the Chair is constrained to sustain the point of order.

Mr. FLETCHER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 11, line 11, strike out "$22,600,000" and insert "$23,732,000."

"And the Postmaster-General is hereby instructed to increase by $100 each the clerks in the several classes from $600 to $1,300, as follows: All of the $600 and $700 clerks, 50 per cent of the $800 clerks, 25 per cent of the $900 clerks, 20 per cent of the $1,000 clerks, 15 per cent of the $1,100 clerks, 10 per cent of the $1,200 clerks, and 5 per cent of the $1,300 clerks."

Mr. OVERSTREET. Mr. Chairman, I reserve a point of order on that.

Mr. FLETCHER. It seems to me, Mr. Chairman, that every Member of the House understands the situation as well as I do. It seems so meritorious, and it is so well known that the clerks are underpaid, that under the discussion that has already taken place I did not think the chairman of the committee would interpose this point of order. I should think it is so meritorious a matter it would be passed without objection, and I hope the gentleman will withdraw any objection to it and let it pass.

Mr. OVERSTREET. Mr. Chairman, the salaries of these clerks now in the service, fixed in the last appropriation bill, would be changed by an increase of appropriation amounting to $1,132,000, distributed as the gentleman's amendment provides. It does not provide in any way for additional clerks, but is limited entirely to the increase of salaries to clerks already in the service. I think it is clearly subject to the point of order.

Mr. FLETCHER. I would like to hear what the Chair says on that subject.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. STEVENS of Minnesota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 11, line 14, after the word "sum," insert: "Hereafter clerks and employees attached to post-offices of the first and second class shall be allowed leaves of absence with full pay for not exceeding fifteen days in any one fiscal year; and where some member of the immediate family of any such clerk or employee shall be deceased or afflicted with a contagious disease and requires his or her care and attendance, or where the presence in the post-office of such clerk or employee would jeopardize the health of fellow clerks or employees, and in exceptional and meritorious cases, where any such clerk or employee shall be personally ill, it may, within the discretion of the postmaster, be extended with pay for not exceeding ten days in such fiscal year: *Provided*, That during such absence of any such clerk or employee his or her duties shall be performed by his or her fellow clerks or employees, and without the temporary employment of other persons or other expense whatsoever to the Post-Office Department: *And provided further*, That no such clerk or employee shall be granted leave of absence until he or she has performed service for one year."

Mr. OVERSTREET. Mr. Chairman, I reserve the point of order upon the amendment.

The CHAIRMAN. Does the gentleman desire to discuss the point of order or the merits of the amendment?

Mr. STEVENS of Minnesota. Mr. Chairman, I admit that the amendment is probably subject to the point of order. I only wish to say that the amendment seeks to do justice to a class of clerks who perform service of great value to the public, and which is inadequately rewarded. This amendment enables these employees to protect themselves and their families, and does not require any additional expense from the Government. The effect of the amendment is only this: Under the law, as just read by the gentleman from Indiana, the chairman of the committee, clerks of the first and second classes are entitled to leave of absence not exceeding fifteen days, as may be arranged by the postmasters by properly distributing the force of their offices without incurring expense and without hiring substitutes. This amendment allows an extension of ten days, in the discretion of the postmaster, in the three following classes: First, where a member of the family of the clerk shall be deceased or shall be seriously ill and needs the personal care and attendance of the clerk; second, where the clerk or some member of his immediate family may have a contagious disease which would jeopardize the health of his fellow-clerks, which fact shall be properly proven to the post-office authorities; and, third, where he himself may be ill so seriously as not to be able to work, which shall also be properly guarded by the postmaster. In these three classes of cases relief should be extended to deserving clerks provided no expense shall be incurred by the Government therefor. We all know that the work of the offices is arranged, and can be so arranged, that the fellow-clerks can do the work for vacations, as now allowed by law, or as may be provided by this amendment. I think the experience of all who are familiar with the work of this class of clerks is that they work considerably more than eight hours per day.

The figures just produced from the Chicago post-office are similar to those in nearly every first and second class office in the country, and certainly in the offices with which I am familiar, are that these clerks work, and work very hard and faithfully, from nine to ten hours each per day. They do this extra work very often in order that there shall be no extra expense to the office when their fellow-clerks receive leave of absence. It very often happens after a clerk has received his fifteen days annual leave that a death or sickness or a contagious disease may occur in his own immediate family, then he is obliged to lay off without any compensation at all. We realize the salaries paid these men are now inadequate even with the increases provided by this bill. Now, in addition, when trouble and care and additional expense come, the Government harshly takes away even the little that they have. In the Departments here in Washington thirty days annual leave of absence are allowed by law to the clerks and thirty days additional may be annually allowed in meritorious cases, in just such cases as are provided by this amendment. Our clerks in the first and second class offices do not get as much pay, must work nearly one-fourth more time per day, work harder, with only one-half as much annual leave for vacation, and no leeway at

all for sickness. Congress is guilty of gross favoritism in these cases against a most deserving class of employees.

In a case such as I have mentioned, there is not a corporation in the United States but what would give a similar leave of absence with full pay to a deserving clerk. This great Government alone seems to be mean and niggardly enough to take the pound of flesh. I am aware this amendment may be subject to the point of order, but it is an opportunity where justice can be done without expense, and I hope very much the Chairman can see his way clear not to insist upon the strict application of the rules. The clerks who do the extra work will see there is no shirking or abuse by their fellow-clerks, and it will give them great courage for their arduous work and confidence that they are cared for as fairly and justly as possible. I trust the point of order will not be pressed.

Mr. OVERSTREET. Mr. Chairman, the amendment is clearly subject to the point of order under the statute which I cited a while ago to the amendment offered by the gentleman from New York, and I wish to call the Chair's attention to another statute which I think comes still more closely to that point.

The CHAIRMAN. The gentleman from Minnesota admits the amendment is subject to the point of order. Does the gentleman from Indiana insist upon his point of order?

Mr. OVERSTREET. I do.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For compensation to substitutes for clerks at first and second class post-offices on vacation, $100,000.

Mr. LITTLEFIELD. I move to strike out the last word. I would like to inquire of the chairman of the committee whether the report adequately states the facts in relation to this.

Mr. OVERSTREET. It depends upon what report the gentleman refers to.

Mr. LITTLEFIELD. The report of the committee reporting the bill. I understand from the report that this bill increases the salaries to the sum of $500,000. That is one lump sum. Is that correct?

Mr. OVERSTREET. In the salaries of the clerks of the first and second class offices.

Mr. LITTLEFIELD. Increasing the salaries of the personnel of the Post-Office.

Mr. OVERSTREET. Of that class.

Mr. LITTLEFIELD. Five hundred thousand dollars?

Mr. OVERSTREET. Yes.

Mr. LITTLEFIELD. I would like to inquire where we can find those increases in the bill.

Mr. OVERSTREET. At the grade from $600 to $1,100.

Mr. LITTLEFIELD. On what pages?

Mr. OVERSTREET. Beginning with page 9, in line 14, and continuing to line 22, page 10. They have all been passed. In this paragraph provision is made by the number provided for for these grades for the promotion of this class.

Mr. LITTLEFIELD. Now, I understand, Mr. Chairman, that the bill then carries $500,000 increase in salary.

Mr. OVERSTREET. Of these clerks.

Mr. LITTLEFIELD. Yes; and then in addition to that I make $3,750 increase in post-office inspectors' salaries?

Mr. OVERSTREET. That is to equalize the salaries of fifteen post-office inspectors in charge.

Mr. LITTLEFIELD. It is an increase, in fact?

Mr. OVERSTREET. That is right.

Mr. LITTLEFIELD. Now, I would like to inquire further how many offices are created in this bill in addition to the existing personnel which become a charge upon the Treasury?

Mr. OVERSTREET. There are no new offices created, but there is an additional force provided for in the various grades necessitated by the increased volume of business.

Mr. LITTLEFIELD. How much does that aggregate?

Mr. OVERSTREET. The total increase in dollars, as the gentleman has mentioned it as a charge upon the Treasury, incident entirely to the additional employment of post-office clerks, amounts to $1,600,000. The additional increase in the appropriation due to the increase in the number of letter carriers in the cities, occasioned by estimated increase of volume of business, is $931,425. The increase of appropriation incident to the estimated increase of railway mail clerks, occasioned by estimated increase in the volume of business, is $822,000, while the increase in the rural free-delivery service is $3,080,000, making a grand total of $6,433,425, occasioned entirely by the estimated increase in the volume of postal service.

Mr. LITTLEFIELD. I will inquire of the chairman of the committee whether the figures indicating an increased charge on account of the personnel of the postal service as $6,433,425 are relatively the same items that appear in the bill for 1906, which aggregated $2,770,000? Are these the same general items?

Mr. OVERSTREET. The gentleman must be in error about being $2,600,000, because the last appropriation bill, for the current fiscal year, carried over $2,000,000 for extension of the rural free-delivery service alone.

Mr. LITTLEFIELD. Well, I have taken the item, $2,770,000, from the analysis made by the clerks, showing the additional offices created and the charge made upon the Treasury.

Mr. OVERSTREET. That is for the year 1906?

Mr. LITTLEFIELD. Yes. What I want to know is whether this is a similar item or if it probably includes other items?

Mr. OVERSTREET. There is evidently some mistake, because I know it would be more than that, because in each one of these several classes of employees—the clerks in the first and second class offices, the railway mail clerks, and the city letter carriers and the rural delivery carriers—there is also an increase in the current fiscal year, and I am quite sure that the total incease would be much more than $2,000,000.

Mr. LITTLEFIELD. These items are not parallel with the analysis which was given me by the Clerk?

Mr. OVERSTREET. They can not be parallel. I do not know just where the error is.

Mr. LITTLEFIELD. I would like to make this further inquiry of the chairman of the committee: The increase in the salaries in this bill is $503,750, against the total increase for salaries of all the Departments for last year of $41,475; that is to say, in your post-office appropriation bill you have increased the salaries ten times as much as the net increase of salaries during last year, for 1906—I see my friend shakes his head—but this is the analysis given me by the Clerk.

Mr. OVERSTREET. I am not shaking my head.

Mr. LITTLEFIELD. The gentleman from New Jersey is shaking his.

Mr. OVERSTREET. I do not know what the facts may be relative to the increase in salaries in other Departments of the Government. The increase of half a million dollars for clerks in the first and second class post-offices is limited to the low grade of clerks, and is provided for the purpose of avoiding resignations of efficient clerks, who are encouraged by men in civil life to leave the Government service for more lucrative positions. I think that the increase in the salaries of these low-grade clerks to the extent of $500,000 is fairly justified upon that ground. Eliminating that $500,000, then the total increase of salaries to clerks now in the postal service is a little over $3,000, according to the gentleman's own figures.

Mr. LITTLEFIELD. Now, I would like to inquire how it happens that in this particular it becomes necessary to make that enormous increase?

Mr. OVERSTREET. My friend forgets that similar provisions have been carried in other bills every year. There was in former bills an annual provision of $1,000,000 for this very purpose, and the committee in recent years has been recommending a far less sum. If no provision were made, Mr. Chairman, for the increase of the salaries of the low-grade clerks in the post-offices of the first and second class, there would unquestionably follow a wholesale resignation of efficient clerks, greatly to the impairment of the service.

Mr. LITTLEFIELD. This is an inquiry I want to make: Is there found any difficulty up to date in getting the service of clerks of that grade because of the rate of salary?

Mr. OVERSTREET. Oh, you might get clerks for even less salaries than provided by law, but there is found great difficulty in holding efficient clerks in these low grades, carrying, as they do, such small salaries.

Mr. LITTLEFIELD. Can the gentleman advise the committee how many clerks have left the service of the Government on account of the inadequate salaries?

Mr. OVERSTREET. I can not, definitely, but I can say that in the large offices in such cities as the first ten cities in the country, beginning with New York, that there is constantly a complaint, not only by the Department through postmasters, but upon the floor of the House by Representatives from these cities, that the salaries provided for these low-grade clerks is not sufficient to encourage them to remain in the service.

Mr. LITTLEFIELD. I should like to inquire if the hearing before the Post-Office Committee disclosed any details upon that point.

Mr. OVERSTREET. No details; it is not a new matter to the committee.

Mr. LITTLEFIELD. Except in a general way, that complaint is made. Now, I suppose a little later we will have another bureau coming in and wanting their salaries raised in order to make them proportionate to these salaries.

Mr. OVERSTREET. The gentleman forgets that when you start a clerk in a post-office in New York, St. Louis, or Chicago, or any of the larger cities of the Union, at the grade of $600,

expecting that clerk by reason of application to duty and the enlargement of his experience to ripen into a clerk of sufficient capacity to become a distributer, necessitating intelligence beyond the ordinary intelligence of the average clerk, you must, if you expect to hold him, make some provision by way of incentive to remain in the service, by holding out the encouragement of an additional compensation.

Mr. LITTLEFIELD. This $100 extra, for instance?

Mr. OVERSTREET. This $100 extra.

Mr. LITTLEFIELD. That applies to all clerks coming in hereafter in that same grade?

Mr. OVERSTREET. It does not unless provision shall be made for it.

Mr. LITTLEFIELD. Is this simply a promotion of clerks, or is it an actual increase of salaries?

Mr. OVERSTREET. A promotion. As the gentleman will find in reading the report to which he has referred, 50 per cent of the $600 clerks in the service, and 40 per cent of those in the grade of $700, 20 per cent in the $800 grade, and 5 per cent in the nine, ten, and eleven hundred dollar grades, get this promotion.

Mr. LITTLEFIELD. Is $600 the lowest?

Mr. OVERSTREET. That is the lowest grade of clerks in first-class offices, excepting that when they first enter the service on what is termed a probationary period, they enter at $500. And there are clerks in charge of stations, and clerks of that kind, who receive less than $600.

Mr. LITTLEFIELD. But the lowest grade of regular clerks is now $600?

Mr. OVERSTREET. The lowest grade in second-class offices is $500 and the lowest grade in first-class offices is $600.

Mr. LITTLEFIELD. You do not increase the salary of any $500 clerk, then?

Mr. OVERSTREET. Oh, yes; by reason of the promotion of the $600 clerks, leaving vacancies in that class, which would permit of the promotion of some $500 clerks.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. I want to get some information, and I ask unanimous consent to extend the time for five minutes.

There was no objection.

Mr. LITTLEFIELD. Now, I want to put this question: What is the grade of a $600 clerk?

Mr. OVERSTREET. He is in what is called the $600 grade.

Mr. LITTLEFIELD. The lowest grade?

Mr. OVERSTREET. That is the lowest grade in first-class offices.

Mr. LITTLEFIELD. From now on does he get $700?

Mr. GARDNER of New Jersey. If he is promoted he does.

Mr. OVERSTREET. I did not understand the last question.

Mr. LITTLEFIELD. The lowest grade of clerks in a second-class post-office gets $500 now?

Mr. OVERSTREET. That is correct.

Mr. LITTLEFIELD. And the lowest grade in a first-class post-office gets $600?

Mr. OVERSTREET. Yes.

Mr. LITTLEFIELD. From now on does this lowest grade clerk in a first-class office get $700?

Mr. OVERSTREET. No.

Mr. LITTLEFIELD. There is no change, then, in the salary of that grade?

Mr. OVERSTREET. No, sir.

Mr. LITTLEFIELD. Then this is simply a promotion.

Mr. OVERSTREET. Absolutely a promotion of 50 per cent of the clerks who receive $600 and 40 per cent of the clerks who receive $700, and so on, according to the statement in the report.

Mr. LITTLEFIELD. Is the committee to understand, then, as a matter of fact, there really is not any increase of salary; that all this means is that a second-grade clerk gets up to the next grade, and so on?

Mr. OVERSTREET. A certain per cent of the clerks.

Mr. LITTLEFIELD. A certain per cent?

Mr. OVERSTREET. Yes.

Mr. LITTLEFIELD. And that you continue the grades at the same rate of salary?

Mr. OVERSTREET. Exactly so.

Mr. LITTLEFIELD. And that sort of an appropriation has been carried in your bill right along, all the while, year after year?

Mr. OVERSTREET. Yes; in former years to the extent of a million dollars a year.

Mr. GARDNER of New Jersey. Last year that item was approximately $375,000 in this bill.

Mr. LITTLEFIELD. As I understand the gentleman now, I must frankly submit that the reading of the report clearly gave the erroneous impression I have had, and I will read it so that the gentleman may see:

In fixing the appropriation for pay of post-office clerks provision is made for *an arbitrary increase of salary of $100 each of 5,000 clerks* of the lower grades, in order to stimulate interest in the service and to avoid resignations of efficient clerks who become discouraged by insufficient pay.

Now, I supposed that that meant what it says.

Mr. OVERSTREET. It increases the pay of 5,000 individual men.

Mr. LITTLEFIELD. Yes; but it does not increase the salaries of these grades, but they go up a grade; they are promoted, but in any proper sense it does not increase the salary at all. The grades in which they are now serving receive the same salary after this bill passes that they receive now, but when they step up a grade and render more efficient service they get the salary attached to that grade.

Mr. OVERSTREET. The gentleman is correct.

Mr. LITTLEFIELD. So that in any proper sense it is not an increase of salary.

Mr. OVERSTREET. It is not an increase of salary. They get an increased compensation because they pass to another grade.

Mr. LITTLEFIELD. With that explanation I have no criticism to make.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

For unusual conditions at third and fourth class post-offices, $75,000.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 12, strike out lines 3 and 4 and insert "for unusual conditions, second, third, and fourth class post-offices, $100,000."

Mr. OLMSTED. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amend the amendment by inserting at the end of the amendment the following: "And for extraordinary conditions, $150,000."

Mr. STAFFORD. Mr. Chairman, I raise the point of order on the amendment to the amendment.

The CHAIRMAN. Does the gentleman desire to discuss the point of order?

Mr. STAFFORD. The point of order is that it is new legislation. There is no provision whatever in the appropriation bills of prior years for extraordinary conditions at any post-office.

Mr. OLMSTED. There is no provision in existing law for unusual conditions, and therefore the amendment to the amendment is in order if the amendment itself is in order.

Mr. BUTLER of Pennsylvania. I would like to ask my colleague what sort of conditions he is providing for?

Mr. OLMSTED. If the gentleman will withhold the point of order——

Mr. STAFFORD. I will reserve it.

Mr. OLMSTED. The paragraph which is now under consideration appropriates for unusual conditions in certain offices. My amendment provides for extraordinary conditions. I do not know exactly what is meant by unusual conditions in a post-office. The term "unusual" signifies something uncommon—something not usual. Now, extraordinary conditions means more than uncommon. It signifies something rare. If only one-quarter of the clerks in an office should attend the baseball game, that would be unusual. But if none of them went, that would be extraordinary. [Laughter.] But seriously, Mr. Chairman, the object of my amendment was that I might ask the gentleman for some information.

Mr. BUTLER of Pennsylvania. But is the gentleman from Pennsylvania trifling with us? I asked him, if he is going to insist on his amendment, if the adjective "rare" refers to the clerk or the post-office?

Mr. OLMSTED. To the condition.

Mr. POWERS. Mr. Chairman——

The CHAIRMAN. Does the gentleman wish to discuss the point of order?

Mr. POWERS. No, sir.

Mr. FITZGERALD. I wish to inquire, Mr. Chairman, if there is any authority in the second-class offices——

Mr. OLMSTED. Mr. Chairman, I shall probably withdraw the amendment to the amendment when I have had an explanation from the chairman of the Post-Office Committee of the original proposition. What I really desire is to know what unusual conditions can exist to justify any such appropriation at all.

Mr. OVERSTREET. Mr. Chairman, in explanation of the

amendment, which I think will satisfy the gentleman from Pennsylvania, I will say that frequently there occurs, particularly in the mining camps of the West, and occasionally in Alaska, such an increase in the number of people who assemble there to prosecute the mining investigations that the office suddenly rises from one class to another, and on these occasions of extraordinary prosperity it is quite difficult for the Department to determine whether these conditions are permanent or not. They may appear for a few weeks, or months, or a few years, and may appear to be a permanent condition; but while post-offices increased in volume under stimulus of that kind, the mines may give way and become exhausted and the conditions removed, and hence it has been found difficult to make ample provision by way of appointing clerks to meet the increased volume of business at these offices. This situation has appeared at Tonopah and Goldfield, in Nevada, where cities have grown to many thousands, and the volume of postal business has rapidly increased. The increased volume of the postal business was such that it was utterly impossible for the limited number of clerks to care for it. This necessitated the patrons of the offices standing in line for hours at a time in order to get their mail.

Mr. OLMSTED. Will the gentleman yield?

Mr. OVERSTREET. In a moment. But, Mr. Chairman, the committee felt that $75,000 was sufficient, and that at the time was thought to be sufficient under the recommendation for the Department, except for one additional condition which developed, notably in these Nevada camps. That is by reason of the opportunity for better compensation in business outside of the offices it has been impossible to employ clerks at the low grade of salaries authorized by law, even for a short period of time, and that is regarded as an unusual condition, and under that provision the Department would have authority to employ additional clerks and temporarily to pay the higher price for those employed.

Mr. FINLEY. I do not know I fully caught the gentleman's statement, but did the committee not have before it the Tonopah and Goldfield proposition when they estimated the $75,000 item?

Mr. OVERSTREET. I was going to explain that, Mr. Chairman.

Mr. FITZGERALD. Will the gentleman yield for a second? Does he gentleman's explanation as to the difficulty of obtaining clerks explain the change in language?

Mr. OVERSTREET. Yes, sir; and the reason, I will state to the gentleman from South Carolina, for the increase was on account of the fact that after the bill was prepared and the committee had adjourned statements were brought to my attention as chairman, both officially and unofficially, that in one or two cases of these mining camps the office had really risen to the second class, not only the third and fourth, so the item was increased $25,000 more. I do not think they will need the $150,000 called for by the suggestion of the gentleman from Pennsylvania.

Mr. OLMSTED. Do I understand the object of this appropriation is to cover cases where temporarily the provisions of the office might be such as to entitle them to a higher grade and a larger appropriation?

Mr. OVERSTREET. Not necessarily that, because offices in Indiana or Pennsylvania, by reason of the natural growth of business and population, might in a few months ripen into the next higher grade, but could not under the law be designated as such until a fixed date. This is to meet an unusual condition at offices like mining camps and in the great West where, by reason of sudden influx of population, the office has suddenly increased in business.

Mr. OLMSTED. But not permanently?

Mr. OVERSTREET. Certainly.

Mr. OLMSTED. Mr. Chairman, these conditions are extraordinary, and I therefore withdraw my amendment, so that the gentleman's amendment may come before the House without embarrassment to him.

The CHAIRMAN. The gentleman from Pennsylvania withdraws his amendment.

Mr. POWERS. Mr. Chairman, I move to strike out the last word. I wish to ask one or two questions of the chairman of the committee. Has this provision been in similar language in a similar bill?

Mr. OVERSTREET. Not in exactly the same language. Now, under the current law it has the following language: "For unusual business, third and fourth class post-offices, etc., and provided under the direction of the order of the Postmaster-General any part of this sum may be allowed for clerk hire, rent, fuel, and miscellaneous expenses in Alaska when, by reason of unusual conditions, the interest of the service demands such allowances." The change is made for the reason that unusual business in one part of the country and unusual conditions in Alaska was not quite a satisfactory arrangement of language.

Mr. POWERS. Do you not in your estimate of salaries for postmasters take into consideration the probable increase of the business during the present year?

Mr. OVERSTREET. Oh, certainly. For compensation for postmasters generally that is the basis of the estimate. But this item is simply for emergency purposes.

Mr. POWERS. It is just a contingent fund.

Mr. OVERSTREET. Practically it might be so called.

Mr. POWERS. Now, is there anything in this paragraph that would prevent it from being entirely used for the purchase of furniture or any other thing they sought to use it for at these fourth-class offices?

Mr. OVERSTREET. I think none of it could be used for that under the regulations of the Department, the provision for supplies being definitely fixed in another part of the bill.

Mr. POWERS. Why would it not have been—I only ask for information—quite as well to have given some intimation in the paragraph that it was intended for extraordinary services in Alaska?

Mr. OVERSTREET. Well, unusual conditions must necessarily mean something out of the ordinary; otherwise it would not be unusual.

Mr. POWERS. Well, unusual conditions in third and fourth class post-offices. Have you any statement as to where and what these conditions are? I listened to the gentleman's explanation to get some information, and I understand it was where mining camps spring up suddenly or something of that kind.

Mr. OVERSTREET. I mention that, because that has been the practice of the Department on that item.

Mr. POWERS. But I see nothing in the item that indicates it was anything more or less than a contingent fund to put persons in these offices to use as they please.

Mr. OVERSTREET. It is placed entirely under the authority of the Postmaster-General.

Mr. POWERS. It seems to me this is a rather loose statement, although I do not wish to be understood as censuring the great Committee on Post-Offices and Post-Roads.

The CHAIRMAN. Without objection, the pro forma amendment of the gentleman from Maine will be withdrawn. [After a pause.] The Chair hears no objection. The question now is on the amendment of the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For rent, light, and fuel for first, second, and third class post-offices, $3,000,000: *Provided*, That there shall not be allowed for the use of any third-class post-office for rent a sum in excess of $400, nor more than $80 for fuel and light in any one year: *And provided further*, That the Postmaster-General may, in the disbursement of this appropriation, apply a part thereof to the purpose of leasing premises for the use of post-offices of the first, second, and third classes, at a reasonable annual rental, to be paid quarterly, for a term not exceeding ten years.

Mr. JOHNSON. Mr. Chairman, I make a point of order against so much of that paragraph as follows the word "year," in line 22, page 12, as new legislation.

Mr. Chairman, not out of any desire to antagonize the committee, but in order that I may have some light upon this question, I reserve the point of order. I should like to hear the chairman of the committee on it.

Mr. OVERSTREET. Mr. Chairman, this provision is in the identical language in which it has been carried for a good while, so as to permit advantageous contracts on the part of the Government where long-time leases can be obtained. The reason is that it is a benefit to the Government to make an advantageous contract for a term of years rather than a higher rate of contract from year to year.

Mr. FINLEY. The Government suffers no injury by this, because the Department can give up a lease whenever it gets ready.

Mr. OVERSTREET. Yes; I am obliged to the gentleman. The Government suffers no injury, because in all these contracts a provision is carried giving the option to the Government to terminate the lease upon one year's notice.

Mr. JOHNSON. That is just what I wanted to find out. For instance, the Government might rent quarters in a rapidly growing town, and at the expiration of two or three years the quarters it had might prove absolutely inadequate. The question was, Would the Government be compelled to pay the rent for ten years, although it might have to go out and get a larger office? On the explanation of the gentleman I cheerfully withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

For rental or purchase of canceling machines, including cost of power, motors, repairs to motors, and miscellaneous expenses of installation and operation, $250,000.

Mr. OVERSTREET. I move, in line 9, page 13, after the word "power," to add the words "in rented buildings."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 13, in line 9, after the word "power," insert the words "in rented buildings."

The amendment was agreed to.

Mr. JOHNSON. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Provided, That no part of this appropriation shall be available for lease of canceling machines unless the lease shall contain a clause giving the Government the option to purchase said machines.

Mr. JOHNSON. Mr. Chairman, in Document 383, second session Fifty-eighth Congress, there is a very interesting story about the canceling machines rented and purchased by the Government. The First Assistant Postmaster-General testified before the Committee on the Post-Office and Post-Roads that the Department had endeavored in making rental contracts with the owners of these machines to incorporate in the contracts a clause giving the Government the right to purchase. He further stated that all of the companies had refused to incorporate this clause in their contract. There are two parties who can play the holp-up game. Some of these canceling machines are rented to the Government for as much as $400 a year. This document which I hold in my hand shows that canceling machines were rented in some instances for more than twice what it costs to construct them. There are about eight companies making canceling machines.

Mr. NORRIS. Will the gentleman permit an interruption?

Mr. JOHNSON. Yes.

Mr. NORRIS. If your amendment does not prescribe any method by which the amount of the purchase price of a canceling machine shall be fixed, what real benefit would it be to the Government to have that kind of a stipulation in the contract, because the owner of the machine could fix the price at such a figure that the Government could not purchase it? It seems to me that in order to make your amendment effective it ought to contain some provision by which the price of the canceling machine should be arrived at.

Mr. JOHNSON. That is a very happy suggestion, and I shall be glad to accept any amendment which will effect what I am trying to accomplish. Of course the machines are of different prices, and the rentals are different. The purchasing price would be different; but I assume that under this provision, if it were adopted, the Post-Office Department would not insert a clause in the lease to purchase, except at a figure they were willing to pay, if they decided to purchase.

Mr. NORRIS. Just from hearing your amendment read, as I understood it, the Post-Office Department would not have that authority. The man who owns the machines could put in any figure he saw fit, which would nullify what you are trying to reach.

Mr. JOHNSON. As I have already stated, if the amendment as drafted is not sufficient to accomplish the purpose, let us so draft it that it will accomplish that purpose. These companies making the canceling machines are renting them to the Government at exorbitant prices. They refuse to sell because the Government pays them an annual rental that in most cases, I dare say, would be a handsome price for them if they were selling the machines outright.

The CHAIRMAN. The gentleman's time has expired.

Mr. JOHNSON. I hope the House will give me five minutes more.

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. JOHNSON. This is a business proposition. It seems to me that if we provide in the law that these gentlemen can not rent their machines to the Government unless they are willing to meet the Government on a fair, equitable, conscientious basis, that we will accomplish our purpose. The Government is not obliged to rent any one of these machines. If these people are made to understand that the Government will no longer be held up by them, they will come to terms, because there can be no other purchaser and no other renter in the United States. I hope that the Committee on Post-Offices and Post-Roads will consent to incorporate this amendment into their bill, and trust before the next session of Congress we will have from that committee information as to the cost of these machines, and then we can legislate more wisely and understandingly on the question.

Mr. KENNEDY of Nebraska. Will the gentleman permit me to ask him a question?

Mr. JOHNSON. Certainly.

Mr. KENNEDY of Nebraska. Does the gentleman know whether or not any of these canceling machines are for sale at any price, or do the manufacturers lease them and refuse to sell?

Mr. JOHNSON. The Government has purchased in years past a large number of machines, as shown in this document, but the First Assistant Postmaster-General, in testifying before this committee that was making up this particular bill, stated that he was unable now to purchase or to get the companies to insert an option to purchase in the leases. I want to fix it so that if they are not willing to deal with us fairly they can not deal with us at all.

Mr. KENNEDY of Nebraska. Then, as a matter of fact, the manufacturers are holding the Government up and getting almost the entire price out of each machine each year?

Mr. JOHNSON. I think so.

Mr. OVERSTREET. Mr. Chairman, this is by no means a new subject. The proposition has been made before in former Congresses, and it is not wise to make such a provision a part of the bill. These machines are needed by the Gevornment more than they are needed by the owners. This facility, particularly in the great offices of the country, saves thousands of dollars, because many additional clerks would be necessary to use hand machines to cancel the stamps. If we insert such a provision in the bill the owners of these machines would simply refuse to accept it. The gentleman's amendment would necessarily be followed by increased appropriations for the employment of additional clerks to stamp upon the separate envelopes the cancellation now made by the machines. It is a saving to the Government notwithstanding the heavy rental price. There are many facilities of which the Government avails itself in the postal service which are of great expense to the Government, but these very facilities save additional expense which would be increased many times over if the facilities were not used. I hope the amendment will be disagreed to.

Mr. KENNEDY of Nebraska. Mr. Chairman, I would like to ask the chairman of the committee if it is true that the Government is at the mercy of the manufacturers of the stamp-canceling machines?

Mr. OVERSTREET. There is this about it. I wanted to state but I forgot to, that on one occasion such a provision was carried and the parties declined to accept the contract and took the machines out, and that necessitated the employment of clerks to do the work, and the expense of the clerks was very much greater than the rental of the machines.

Mr. KENNEDY of Nebraska. I agree with the gentleman on that proposiiton, but are these machines so covered by patents, so manufactured that the Government can not purchase them in any market at any price?

Mr. OVERSTREET. Except the parties would agree, and they decline to agree to sell.

Mr. KENNEDY of Nebraska. In other words, the manufacturers of these machines insist upon leasing only and refuse to sell?

Mr. OVERSTREET. That is true, and on one occasion actually withdrew them from the Government use.

Mr. PADGETT. Will the gentleman allow me?

Mr. OVERSTREET. Certainly; I yield to the gentleman.

Mr. PADGETT. Does not the patent law provide an obligation upon the patentee to furnish the machines patented at a reasonable cost?

Mr. OVERSTREET. I am not familiar with the patent law, and I do not know.

Mr. PADGETT. My impression is, without examining it, that it does, and the Government could avail itself of the stipulation if they sought to resort to that method to defeat this legislation.

Mr. OVERSTREET. I hope the amendment will be disagreed to.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from South Carolina.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. JOHNSON. Let us have a division, Mr. Chairman.

The committee divided; and there were—ayes 25, noes 58. So the amendment was rejected.

The Clerk read as follows:

For pay of letter carriers and substitute letter carriers at offices already established, and for pay of substitute and temporary letter carriers for holiday, election, emergency, and summer and winter resort service, city delivery service, $22,228,000.

Mr. GOLDFOGLE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

In lines 1 and 2, on page 14, strike out "$22,228,000" and insert in lieu thereof "$24,755,800," and add: "That after June 30, 1906, the pay of letter carriers in cities of more than 100,000 population for the first year of service shall be $600; for the second year of service shall be $800; for the third year of service shall be $1,000; for the fourth year of service and thereafter shall be $1,200; and after June 30, 1906, the pay of letter carriers in cities of a population of under 100,000 for the first year of service shall be $600; for the second year of service, $800; for the third year of service and thereafter, $1,000."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that amendment that it is contrary to existing law.

Mr. GOLDFOGLE. I trust the gentleman will reserve his point of order.

Mr. OVERSTREET. I reserve the point of order.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

Mr. GOLDFOGLE. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GOULDEN. Mr. Chairman——

Mr. OVERSTREET. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The gentleman from Indiana insists on his point of order.

Mr. GOULDEN. Will the gentleman yield for a brief period?

Mr. OVERSTREET. I yield to the gentleman from New York.

Mr. GOULDEN. Mr. Chairman, I am heartily in favor of the proposed amendment offered by the gentleman from New York [Mr. GOLDFOGLE], and I trust the chairman of the Post-Office Committee will permit it to come before the House proper, where it may be decided upon its merits. In common justice and in the interests of fair play I trust that this will be done.

The bill under consideration shows great care in its construction and recommendations. I desire to specially commend to the country the fact that this great Department of the Government, the one that comes the nearest to the people, came within $14,572,584.13 of a total expenditure of $181,022,093.75 of paying for itself.

The provision for the extension of the pneumatic tubes in several of the larger cities, particularly in New York, is a wise recommendation, and one that should be adopted.

In the city of New York 4 miles of this tube is in operation. This provision in the pending bill (should it become law), will enable the Government to build additional lines that are absolutely necessary to the proper handling of the mails. It has the indorsement of Postmaster Willcox, of New York City, an able and efficient officer, as well as the Postmaster-General.

The one criticism that I have to make on the bill is of omission and not of commission, and is to my mind a serious mistake, working a gross injustice to a most deserving class of public servants. I allude to the pay of the letter carriers, for which the bill carries $22,228,000.

It is generally acknowledged that the cost of living in the larger cities has increased fully 25 per cent in the last five years, yet not a cent of increase of salary. That something should be done no one will deny. Feeling a deep interest in the matter, I addressed a letter to the Postmaster-General under date of March 31, asking how much additional would be required to advance the salaries of these hard-working men in cities of 100,000 population and over. His letter explains itself. I ask the Clerk to read the letter.

The Clerk read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 5, 1906.

Hon. A. J. GOULDEN,
House of Representatives.

SIR: In reply to your letter of the 31st ultimo, in which you asked to be informed what additional appropriation would be required to raise the salaries of letter carriers in all cities having a population of 100,000 or over to $1,200 a year, I have to advise you that at the beginning of the next fiscal year there will be 10,139 carriers, in thirty-nine cities, who would be entitled to the maximum salary of $1,200 a year, and that an additional appropriation of $2,027,800 would be necessary to cover the increased compensation of these men.

The figures given are based on the assumption that you have in mind the promotion from $1,000 to $1,200 of all carriers employed in the cities in question who have been in the service for three years or more; that is, that you propose to create in such cities a fourth class of carriers, at $1,200 a year, to be composed of the men who have already served at least one year in the present $1,000 class.

Respectfully,
GEO. B. CORTELYOU,
Postmaster-General.

Mr. GOULDEN. The letter of the Postmaster-General shows that it would require but $2,027,800 to pay the salaries of the carriers in thirty-nine of the larger cities, where the living expenses have materially increased during the last five years. These hard-working, faithful men, who work in rain and shine, in storm and fair weather, and whose hours generally cover from twelve to fifteen out of the twenty-four, though their actual hours are but eight, are entitled to consideration at the hands of Congress.

The police and firemen in every large city are paid from twelve to fourteen hundred dollars yearly, with a pension in many places, when incapacitated on account of age or infirmity, of one-half of the salary.

This is especially true in the city of New York, where the higher salary is paid, while the letter carrier receives as a maximum but $1,000 per year and no pension when forced to leave the service, unfitted for labor of any kind.

It seems reasonable to expect the United States Government to treat its faithful servants as well as the great Democratic city of New York, and I earnestly hope that the pending amendment may be adopted. [Applause.]

Mr. OVERSTREET. Mr. Chairman, I merely want to direct the attention of the Chair to the act of 1887, fixing the salaries of letter carriers. The amendment is clearly in violation of that law.

The CHAIRMAN. The gentleman insists on his point of order?

Mr. OVERSTREET. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SULZER. Mr. Chairman, I offer the following substitute.

The CHAIRMAN. The gentleman from New York offers a substitute, which the Clerk will report.

The Clerk read as follows:

Amend by striking out in lines 1 and 2, page 14, "$22,228,000" and substitute the following: "$24,500,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be used for said purpose unless in the use thereof the carriers hereinafter mentioned shall be paid salaries as follows, to wit: That after June 30, 1906, the pay of letter carriers in cities of more than 75,000 population, for the first year of service shall be $600; for the second year of service shall be $800; for the third year of service shall be $1,000; for the fourth year of service and thereafter shall be $1,200. And after June 30, 1906, the pay of letter carriers in cities of population under 75,000 for the first year of service shall be $600; for the second year of service, $800; for the third year of service and thereafter, $1,000, and that all acts or parts of acts inconsistent herewith are hereby repealed."

Mr. OVERSTREET. Mr. Chairman, I make the point of order that that amendment changes existing law.

The CHAIRMAN. The gentleman from Indiana makes the point of order against the amendment. Does the gentleman from New York desire to discuss the point of order?

Mr. SULZER. Of course the gentleman from Indiana knows that he can not make a point of order against this proposed substitute.

The CHAIRMAN. But the gentleman has done so. [Laughter.]

Mr. SULZER. Well, Mr. Chairman, I will discuss the point of order. In doing so let me say, incidentally, that I substantially agree with all that my colleague from New York [Mr. GOLDFOGLE] has said regarding the efficient and arduous and reliable services performed by these deserving employees of the Government, the letter carriers, and the inadequacy of the wages they receive for their work.

Mr. OVERSTREET. Mr. Chairman——

Mr. SULZER. Let me say to the gentleman from Indiana that he will get along just as well and just as fast with his bill if he will take things easy.

Mr. OVERSTREET. I merely want to say, Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. SULZER. Yes; I yield to the gentleman.

Mr. OVERSTREET. I merely want to call the attention of the gentleman from New York to his remarks of a year or two ago, when he made the same speech.

Mr. SULZER. I have not made the speech yet, but I shall make it every year [laughter], and I will keep on making it as long as I am in Congress, until justice is done to the letter carriers. [Applause.]

Mr. OVERSTREET. I wanted to know if the gentleman was going to add to that same speech, which he has heretofore delivered, the abuse of myself and the prediction that the letter carriers would see to my retirement, and if he is then going to strike that part of his speech from the RECORD, as he did before?

Mr. SULZER. I will if you ask me to again.

Mr. OVERSTREET. I never have asked it.

Mr. SULZER. Very well, then I will let it stay in the RECORD. Now, Mr. Chairman——

Mr. OVERSTREET. Mr. Chairman, I will permit the gentleman to proceed to make his same old speech.

Mr. SULZER. Mr. Chairman, I have the floor. I do not want the gentleman to make a speech in my time. Let him make his speech in his own time. The gentleman has all the time he wants, and it is very hard for us Democrats over here to get any time at all. Now, I do not intend to indulge in any reflections on the chairman of the Committee on Post-Offices and Post-Roads. It is unnecessary. But I do want him distinctly to understand that if I wanted to state all the facts regarding the outrageous way in which the poor letter carriers are treated and the gentleman's responsibility for it, not only would the gentleman be retired from Congress by his constituents, but every Member of this House who sits here year in and year out and is afraid to show his colors on this question would be retired, too. I hope the friends of the letter carriers in every Congressional district in the country in the coming Congressional campaign will demand a pledge from the candidates to favor this bill, and vote for the candidate that will promise to work for and support this bill in the next Congresss, and vote against the candidate who will not pledge himself to do all in his power to make the bill a law. We will never succeed unless something like this is done.

There is not a man in this House who does not know that I am telling the truth when I say that these letter carriers are the hardest worked, the most patient, the most honest, the most zealous, the most untiring, and the most efficient men to-day in the employ of the Government; and yet they get the poorest pay. They are paid to-day just about the same wages they were paid twenty-five years ago, and everybody knows that the price of the necessaries of life under the Dingley tariff law has gone up over 30 per cent during the last ten years, and the letter carriers' wages remain just the same as they were twenty-five years ago. [Applause.]

The letter carriers and the post-office clerks, and every other person whose salary is fixed, do not get any benefit from the Dingley high-tariff law, for nearly all the necessaries of life they have to buy now they have to pay about 30 per cent more by reason of this Republican tariff law than they did ten years ago.

The letter carriers ask for a very little more salary, and to have it a graduated salary as provided for in my bill, now offered as an amendment. After a man has worked faithfully several years, give him an increase; after he has served five years, another increase, and so on until the carriers in the large cities of this country—and there are only thirty-nine of them, I believe, with a population of over 75,000—would get $1,200 a year.

Now, I say $1,200 a year for a letter carrier who has worked for the Government for years honestly and faithfully, in all kinds of weather, carrying the mail in sunshine and rain, in storm and distress, in the cold of winter and the heat of summer, is little enough. No man can bring up his family and educate his children on any less. I know there are letter carriers in the city of New York who do not dare get married because they know that they can not earn enough to decently support a wife. [Laughter.]

Mr. Chairman, the amendment offered by me and just read by the Clerk is in the interest of the letter carriers of our country. It is their bill, their hope—the one thing in legislation they ask for, and pray for, and demand. I offer it in good faith in their name, and under our rules I do not think it is, or can be, subject to a point of order.

This amendment is the letter carriers' bill introduced by me in this House at the beginning of this Congress. I have introduced this letter carriers' bill in every Congress for the past ten years. It never gets out of the committee of the gentleman from Indiana. It is there now. It is sleeping in that committee, and it will never wake up—never come out. I am satisfied the Republicans on the Post-Office Committee will never report it favorably. The bill is so short that I will ask the indulgence of the House while I read it. Besides, I want it to go in the RECORD as part of my remarks, so that all who are concerned in the matter can read it and judge of its merit. I introduced it in this House on the 13th day of last December. It is entitled "A bill to increase the pay of letter carriers," and reads as follows:

Be it enacted, etc., That after June 30, 1906, the pay of letter carriers in cities of more than 75,000 population for the first year of service shall be $600; for the second year of service shall be $800; for the third year of service shall be $1,000; for the fourth year of service and thereafter shall be $1,200. And after June 30, 1906, the pay of letter carriers in cities of a population of under 75,000 for the first year of service shall be $600; for the second year of service, $800; for the third year of service and thereafter, $1,000.

SEC. 2. That all acts or parts of acts inconsistent with this act are hereby repealed.

That is all there is to it—a most commendable bill. Why should it not be reported? Why should it be smothered in the committee? Why should it not be presented to the House and the Members given an opportunity to vote for it or against it? We want a record on this bill. We want to fix responsibility. We want to find out who are the friends and who are the enemies of the letter carriers. I am now, always have been, and always will be a friend of the letter carriers. I am proud to say that. They are my friends and I am their friend. The Government in all its service has no more honest, no more tireless, no more faithful employees. Their claims are just and should be recognized, and sooner or later they will be recognized and granted. So keep up the fight.

These letter carriers are the most efficient, the hardest worked in all the country's service, and the poorest paid. The letter carriers of the land are compelled to toil day in and day out—in sunshine and in storm, in winter and in summer, in all kinds of weather—long, long weary hours, and taking all other employees in the various Departments of the Federal Government as a basis for comparison, it can not be denied that the letter carriers render the most and the hardest work for the smallest remuneration. Let us be just to these honest, hard-working, faithful men.

Now, sir, why is it when every Democrat, I believe, on this side of the House is anxious for a favorable report of this bill, is anxious to have it passed, is anxious to vote for it to make it a law—why is it, I ask, that the Republicans in this House smother the bill every session in the committee? Why is the Republican party against the letter carriers' bill? Is it because a few Republican leaders of this House are opposed to giving the letter carriers decent wages? Or is it because the Republicans are so busy legislating for monopoly that they have no time to legislate for man? Let the Republican party answer in the coming campaign.

Now, sir, I want to state that in every Congress in which I have been a Member I have introduced this letter carriers' bill for the benefit of the letter carriers. During all this time I have worked as hard as I could, before the committee, with Members of the House, in season and out of season, continually, to get a favorable report, but all in vain. I never could get the Republicans on the committee to report the bill and do justice to the deserving letter carriers of the country. Time and time again on the floor of this House, year in and year out, I have pleaded for just treatment, decent wages, and fair play for the letter carriers. If there ever was a bill introduced in this House that ought to appeal to every Member as a matter of right and justice it is my bill for the letter carriers.

I plead to-day, as I have pleaded in the past, for justice for the deserving letter carriers. Their request for living wages is the demand of humanity. My heart goes out to them. I can not refrain from making this appeal in their behalf for simple justice. How I wish it were in my power to aid them, to pass and enact into law this bill they all want, they all pray for; this bill that is so fair and so just, that appeals to every right-thinking citizen in all the land, and that challenges adverse criticism. How much time and money we waste here for useless and worthless things! It is terrible when one soberly considers it all—and then, again, so much for the few, so little for the many. How easy for the monopolies and the powerful to pass a bill—a bad bill—and how difficult for the poor and the weak, the many, to pass a bill—a good bill. [Applause.]

How poorly, how miserably the letter carriers are paid! And yet, take them all in all, they are courteous, long suffering, uncomplaining, honest, assiduous, and industrious. How few of our citizens ever think of their trials, their wants, their health, and their families and little ones at home. Under the present law they do not, and can not, earn enough, no matter how long they have been in the service of the Government or how many hours a day they labor, to keep body and soul together. And what do they get? A mere pittance a month that is not enough to economically support one man. It is a disgrace, a crying shame. Many of these letter carriers have wives and children—little homes—and these wives and children in many cases are to-day in want.

The head of the household does not get paid enough by the Government to live halfway decently. But it is not the Government's fault, it is the fault of the Republican leaders here in Congress. I want to appeal to the Republicans of this House, in the name of justice and fair play, in the name of decency, that when they are doing so much for organized capi-

tal, so much for criminal syndicates, so much for monopolies, for God's sake to do something for the poor letter carriers. [Applause.]

Let us be honest. Let us be just. Let us be true to the dictates of our nobler impulses, and if we are, this amendment—the letter carriers' bill, so honest and so just and so earnestly desired—will be adopted, speedily passed, and a law on our statute books. Is there a man here opposed to it? If so, let him come out in the open and have the courage to get up and say so. Do not strike it down and out on a technical point of order. Who is opposed to this amendment on its merits? If any there be, let him get up and say so. I pause for an answer. No one opposed to it, and yet the bill lies in the committee, and it seems impossible to ever get it out.

The friends of the letter carriers in this House can not get the letter carriers' bill reported from the Committee on Post-Offices and Post-Roads. Under our rules we can not move to discharge the committee from further consideration of the bill. Our only remedy, our last resort, is to move to amend this post-office appropriation bill by offering the letter carriers' bill as an amendment, and draw the amendment in such a way that it will not be subject to a point of order, which the gentleman from Indiana [Mr. OVERSTREET], the chairman of the committee, always makes to every effort that is made to aid and benefit the letter carriers. He gladly and quickly and yearly increases the appropriations for the railroads for carrying the mails, but he inhumanly and stubbornly, year in and year out, refuses to increase the appropriation for the letter carriers for carrying the mail. Everything for soulless monopoly; nothing for flesh-and-blood man. What a contrast! What a spectacle! What a shame! [Applause.]

Mr. Chairman, I have now made my old speech, as the gentleman from Indiana says, for the letter carriers. I shall not at present discuss the matter further. But I shall continue the fight for justice to the letter carriers until the battle is won.

Now, sir, just a word in regard to the point of order made by the gentleman from Indiana. I do not think the amendment is subject to a point of order; it is a limitation on the appropriation. It has been held over and over again that a limitation of this character on an appropriation is in order. I believe I am sustained by precedent. We shall have a vote on the amendment. I want to get a vote here to-day on my amendment to see how many Members of this House are in favor of doing justice to the letter carriers. I regret to see that there are so many empty chairs around. I am sorry that Members knowing this question was coming up stay away or go out in the lobby, and then tell the people at home who ask for justice for the letter carriers, who want their bill passed, that they are in favor of it, but they can not get a vote on it. Now, I am going to give the Members present the opportunity to vote for it. About one-third of the membership of the House is out of the House, and yet every one of the Members knew that this question was coming up to-day. However, I am willing to take the judgment of the Members that are here, and I hope every man who is in favor of decent wages being paid by the Government for faithful service will vote in favor of the amendment I have offered.

In regard to the point of order, Mr. Chairman, made by the gentleman from Indiana on this amendment, I desire to call the Chair's attention to page 3529 of the CONGRESSIONAL RECORD, March 22, 1904, when the gentleman from Indiana [Mr. CRUMPACKER] was in the Chair, and he ruled on an identical amendment and declared that it was in order.

Mr. OVERSTREET. Mr. Chairman, I merely want to say that while the amendment as drawn is under the limitation, it necessarily changes the law even for one year, and when it does change the law for any length of time, however slight, it violates the rule, and I insist on the point of order.

The CHAIRMAN. A moment ago, in deciding a point of order made by the gentleman from New York [Mr. BENNET], the Chair very briefly attempted to distinguish between the present condition and the condition that existed heretofore in reference to limitation. The same conditions are present now by the amendment offered by the gentleman from New York [Mr. SULZER], and the Chair, for the same reason, sustains the point of order.

Mr. SULZER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SULZER. Do I understand the Chair to overrule the decision of Judge CRUMPACKER?

The CHAIRMAN. That is not a parliamentary inquiry, and the Chair sustains the point of order.

Mr. SULZER. Mr. Chairman, I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from New York appeals from the decision of the Chair.

Mr. SULZER. And I desire to be heard briefly on the appeal.

Mr. OVERSTREET. I object. It is not subject to debate.

The CHAIRMAN. The Chair thinks it is.

Mr. SULZER. The gentleman from Indiana should learn parliamentary law when he goes home. [Laughter.]

The CHAIRMAN. The gentleman from New York will be heard on the appeal.

Mr. SULZER. Mr. Chairman, it is very seldom and always with regret that I appeal from the decision of the Chair, especially when the Chair is occupied by my colleague the gentleman from New York [Mr. SHERMAN], whom I look upon as one of the best parliamentarians in Congress. But in this instance I am constrained to do so because I fear the Chair, who has just been selected by his party as chairman of the Republican Congressional committee, has for some reason or other—and we must draw our own conclusion—overruled a precedent that should be followed in this House. I thought the Chairman was such a good friend of the letter carriers that he would follow that precedent heretofore made by the gentleman from Indiana [Mr. CRUMPACKER].

Now, sir, this identical amendment, to go no further back than two years ago, when the gentleman from Indiana [Mr. CRUMPACKER] was in the chair, was presented by an amendment offered by the gentleman from California, Mr. Livernash. Judge CRUMPACKER, in his decision (p. 3529 of the CONGRESSIONAL RECORD), said:

> The amendment offered by the gentleman from California is to strike out the phrase "twenty-two million two hundred and fifty thousand dollars" * * * and substitute therefor "twenty-three million two hundred and fifty thousand dollars: *Provided*, That no part of the appropriation shall be used for said purpose unless in the use thereof the letter carriers hereinafter mentioned shall be paid salaries as follows."

The language of my amendment is identical with this phraseology. The two amendments are on all fours. Judge CRUMPACKER goes on to say:

> The Chair reads only enough of the amendment to illustrate its character. * * *
>
> The business of the House is conducted under rules adopted by the House; and it is within the power of the House to withhold an appropriation altogether or to make it and connect with it limitations. * * * The House has that power, and the Chair has no right to say the House can not exercise it. * * *
>
> The House has the undoubted right to impose limitations upon appropriations and impose conditions by way of limitation. * * *
>
> It is not for the Chair to criticise the action of the House, but simply to decide whether, under the rules, it has the right to adopt the proposed amendment. The Chair is of the opinion it has that right, and therefore overrules the point of order. * * *

The entire matter was thoroughly debated at that time by the gentleman from Indiana [Mr. OVERSTREET] and by several gentlemen on the floor, and after a full and careful discussion of the proposition Judge CRUMPACKER ruled against the point of order.

Now, I want to say, Mr. Chairman, that it is very easy to override and overrule an established precedent; but I say, and I have had some experience as a presiding officer, I say there is nothing so dangerous in the history of parliamentary practice and of parliamentary assemblages, as to have chairmen, or speakers, one year rule one way and the next year rule another way on an identical proposition. If that is to go on in this House, no man who is a Member of it will be able to tell if a question arises where he stands, or what his rights are, or what he can do under the rules. He will be simply at the mercy of the arbitrary will and autocratic power of the gentleman who happens to be in the chair. We must follow precedent. If this House permits this decision to be set aside in this way, I predict that the time is not far distant when the House of Representatives of the United States will be the laughingstock of every parliamentary body in the world. I believe in following precedents, especially when I believe they are right and in accordance with good parliamentary practice.

As a Member of this House for ten years I have never voted to override the decision of the Chair when in my opinion the Chair was right. I believe the decision of the gentleman now in the chair is wrong, against precedent and good parliamentary practice. I shall not waste time in further discussing it. I submit this question to the House, and declare that if it sustains the Chairman and overrides the precedent heretofore made, I will submit the case of the rights of the letter carriers to the people in the coming Congressional campaign and let them decide between Philip drunk and Philip sober. [Applause.]

The CHAIRMAN. The Chair desires simply to call the attention of the House to the fact that the gentleman from New York bases his argument on a decision rendered by the gentleman from Indiana [Mr. CRUMPACKER] when he was in the chair. The same gentleman, in debate upon the floor two days after rendering the decision, in an explanation in reference to that de-

cision, ended it in these words—I am simply reading his conclusion:

I therefore believe the decision I made on day before yesterday, while occupying the chair, in ruling upon this particular proposition, was erroneous.

[Laughter and applause.]

The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. SULZER. That is not in the record of the gentleman's decision. It may be in record of the gentleman's subsequent remarks.

The CHAIRMAN. The gentleman is out of order.

Mr. SULZER. I may be out of order, but I think the decision is good law and common sense.

The question was taken on the appeal; and there were—ayes, 128, noes 14.

So the decision of the Chair stood as the judgment of the committee.

Mr. BENNET of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 14 strike out lines 1 and 2 and substitute "$23,228,000: *Provided*, That none of such sum so appropriated shall be expended in cities having a population of over 250,000, except to carriers as to whom it has been provided by statute that they shall be paid as follows: Carriers who have served more than three years, whose salaries shall be $1,200 per annum; carriers who have served more than two years, whose salaries shall be $1,000 per annum; carriers who have served more than one year, whose salaries shall be $800 per annum, and carriers who have served less than one year, whose salaries shall be $600 per annum, and such substitutes as are now provided by law."

Mr. OVERSTREET. Mr. Chairman, I raise the point of order against that amendment. It is contrary to existing law and the statute formerly read.

Mr. BENNET of New York. I would like to be heard on the point of order.

The CHAIRMAN. Will the gentleman reserve his point of order?

Mr. BENNET of New York. I want to be heard on the point of order.

The CHAIRMAN. The gentleman will be heard on the point of order.

Mr. BENNET of New York. Mr. Chairman, in the earlier decision of the Chair, based on the second decision made by the gentleman from Indiana which I cited, the Chair held that the amendment which I then offered was not in order, for the reason that under it the Postmaster-General might claim that we gave him the right to change salaries, and so this amendment——

Mr. SULZER. Will the gentleman yield to me for a moment?

Mr. BENNET of New York. No; I am talking strictly on the point of order.

Mr. SULZER. I would like to know how the gentleman voted on my appeal.

The CHAIRMAN. The gentleman declines to yield.

Mr. SULZER. I would like to know how you voted on my appeal.

The CHAIRMAN. The gentleman is out of order; his colleague declines to yield.

Mr. BENNET of New York. So that I have added this language, "except to carriers as to whom it has been provided by statute that there shall be paid as follows," covering the point raised by the Chair, which was that the other amendment was ruled out as a limitation because it did not provide that salaries could not be changed. This amendment does so provide; and therefore under the preceding decision it is strictly in order. [Cries of "Rule!"] I would like to call the Chair's attention to the language written in my own fair hand.

The CHAIRMAN. The Chair is attempting to ascertain what that language is. [Laughter.]

Mr. BENNET of New York. I thought I would have to read it. "As to whom it has been provided by statute that they shall be."

Mr. OVERSTREET. I have only to say that no construction of this amendment would show that it failed to change the existing law to which I referred a few moments ago.

The CHAIRMAN. Will the gentleman from New York make it a little more plain to the Chair what the proposed effect of his interlineation is, and the amendment as changed by the interlineation?

Mr. BENNET of New York. The amendment as changed by the interlineation, if adopted, would not affect a single salary. It would simply provide that in cities of over 250,000 no carrier whatever could be paid, and thus bring it entirely within the power of Congress. We can not on an appropriation bill change existing law, but we can refuse appropriation for any existing office.

Mr. OVERSTREET. Will the gentleman allow me to ask him a question?

Mr. BENNET of New York. It would not be paid until there was this legislation. As it is, it requires two acts in order to change the salaries—one to get the change of salary and the other the appropriation bill. This is an appropriation bill and will not change existing law. A carrier in cities of over 250,000 can not be paid a single dollar under the amendment.

The CHAIRMAN. May the Chair ask the gentleman this question: Does not the gentleman suppose that the administrative officer would consider that Congress by this act intended to change the law?

Mr. BENNET of New York. Not when he reads these words, "except as to whom it has been provided by statute that they shall be paid as follows."

Mr. OVERSTREET. I would like to ask the gentleman a question. I failed to understand the amendment as it was read the first time. Do I understand the effect of this amendment, if adopted into law, would be that a certain number of carriers would be dispensed with and paid no salary unless there should be some additional legislation?

Mr. BENNET of New York. The effect of the amendment, if adopted, would be this: That in cities of over 250,000—of which I will say parenthetically the city in which I live is one—there can be no carriers paid at all until a statute is passed grading their salaries as provided by this law.

Mr. OVERSTREET. Then it would mean, in effect, an increase in the salaries?

Mr. BENNET of New York. Oh, not at all. It would mean an absolute exclusion of so much of the appropriation as applies to cities of over 250,000. It is not a dollar of increase.

Mr. OVERSTREET. This amendment violates the rule by changing more laws than I had first thought. The law now authorizes certain carriers to be employed. This amendment would nullify that law. A change of law is not necessarily a fixing of salaries; but you can not repeal a law without changing it. That is what this does.

Mr. BENNET of New York. This does not repeal anything.

Mr. OVERSTREET. Its nullifies the law.

Mr. BENNET of New York. It nullifies nothing. There are these carriers in the cities of over 250,000. They would remain there.

Mr. OVERSTREET. Will the gentleman yield for another question?

Mr. BENNET of New York. Certainly.

Mr. OVERSTREET. As I understand the gentleman, his real purpose, by the effect of this amendment, is to have other legislation which will result in a change of the salaries of carriers.

Mr. BENNET of New York. Mr. Chairman, there is now in the committee——

Mr. OVERSTREET. I ask the gentleman for a "yes" or "no."

Mr. BENNET of New York. The gentleman is not entitled to demand that.

Mr. OVERSTREET. Oh, I can ask it.

Mr. BENNET of New York. Yes; and not get it. [Laughter.]

Mr. OVERSTREET. Mr. Chairman, I think it is very clear that it is intended as a change of law, and I insist on the point of order.

The CHAIRMAN. The Chair begs to read a little more fully what was said by the gentleman from Indiana [Mr. CRUMPACKER] in explaining, two days after his decision, why he thought he was in error; and in that connection the Chair desires to say that that statement is found on page 3638 of the RECORD of the proceedings of the House in the second session of the Fifty-eighth Congress, and the RECORD discloses the fact that the gentleman from New York [Mr. SULZER] was on the floor at the time. The distinguished gentleman from Indiana said:

But upon reflection and subsequent investigation of the provisions of that amendment, I have no doubt that the Post-Office Department or any court would hold that it was clearly the intention of Congress to provide an increase of the pay of letter carriers in accordance with the provisions of the proposed amendment. I think any court would hold that to be the clear purpose and intention of Congress in adopting the amendment. And if that be true, of course it was new legislation, of course it changed existing law, and the amendment was clearly subject to a point of order. I therefore believe that the decision I made on the day before yesterday while occupying the chair, in ruling upon this particular proposition, was erroneous.

The Chair sustains the point of order.

Mr. BENNET of New York. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment which will be reported by the Clerk.

The Clerk read as follows:

On page 14, line 2, after the word "dollars," add "*Provided*, That such appropriation shall be available only when it shall have been provided by statute that the leave of absence of carriers who have been

thirty or more years in the service may, in the discretion of the Postmaster-General, be extended for such a length of time as he may, in each instance, deem advisable, the service to be performed by a substitute who shall be paid not more than $600 per annum, all sums paid to substitutes to be deducted from the salaries, respectively, of the carriers given such leave."

Mr. OVERSTREET. Mr. Chairman, I make the point of order on that.

Mr. BENNET of New York. I should like to be heard just for a moment on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BENNET of New York. Simply for the purpose of calling the attention of the Chair to the fact that the decision which the Chair last quoted of the gentleman from Indiana [Mr. CRUMPACKER] was followed by the decision of the then Chairman—and if my recollection is correct, it was the gentleman from Illinois [Mr. BOUTELL]—and that the ruling was not based at all upon the statement of the gentleman from Indiana, but upon the concession of the gentleman from California, Mr. Livernash, that his amendment did change existing law. And I should like further to call the attention of the Chair to the fact that the amendment of the gentleman from California, Mr. Livernash, did not contain the qualifying words that have been inserted in this amendment and the one preceding it; that is, that nothing can be done until the existing situation is changed by statute.

The CHAIRMAN. The Chair quoted the argument of the gentleman from Indiana [Mr. CRUMPACKER] in answer to the argument of the gentleman from New York, which argument was based wholly upon the decision of the gentleman from Indiana [Mr. CRUMPACKER], made two days prior, which the gentleman from Indiana [Mr. CRUMPACKER] then conceded to have been erroneous.

Mr. BENNET of New York. Oh, no; I think the Chair is mistaken.

The CHAIRMAN. The Chair is talking about the other gentleman from New York [Mr. SULZER]. The Chair sustains the point of order.

Mr. BOUTELL. Mr. Chairman, I ask permission to extend the remarks I made earlier in the day.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read as follows:

OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL.

For inland transportation by star routes, including temporary service to newly established offices, $7,100,000: *Provided*, That out of this appropriation the Postmaster-General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor: *And provided further*, That the Postmaster-General may, in his discretion, direct the discontinuance of any star-route service whenever such service shall be duplicated by rural delivery service.

Mr. BARTLETT. Mr. Chairman, I desire to reserve the point of order on the last proviso, beginning in line 13 and ending in line 16. It is subject to a point of order, but if the gentleman from Indiana, the chairman of the Committee on Post-Offices and Post-Roads, will accept an amendment which I think will cure my objection, I will not make the point of order.

Mr. OVERSTREET. What is the amendment?

Mr. BARTLETT. To insert the word "wholly" between the words "be" and "duplicated" in line 15, so that it will read "be wholly duplicated."

Mr. OVERSTREET. Would not the word "entirely" be better than the word "wholly?"

Mr. BARTLETT. Yes.

Mr. OVERSTREET. Inserted after the word "be?"

Mr. BARTLETT. Yes.

Mr. OVERSTREET. I will accept that amendment, Mr. Chairman.

Mr. BARTLETT. Then I withdraw the point of order and offer the amendment.

The Clerk read as follows:

On page 15, line 15, before the word "duplicated," insert the word "entirely."

Mr. FLOOD. Mr. Chairman, I renew the point of order.

The CHAIRMAN. Does the gentleman desire to discuss it?

Mr. FLOOD. Mr. Chairman, it is new legislation, and my point of order is based upon that fact. My objection to the provision is that there is a movement on foot to reduce the number of services on the free-delivery routes in certain sections of the country, and unless something is done to let the Post-Office Department know that Congress will not submit to this reduction, this reduction will be made, and I am opposed to the abolition of any more star routes until this matter about the rural free delivery is settled. Before we had the free-delivery service there were post-offices all over the country served in most instances by daily star routes. When the rural free delivery came it was a great improvement over the post-office and the star-route service, and was gladly accepted by the people, but if this proposition of the Post-Office Department to reduce the number of deliveries on these routes from six to three times a week prevails the service that will be given to the people of the country districts by rural free delivery will be infinitely worse than what they formerly received from the post-offices and the star routes.

There is no certainty whether the reduction is going to be based upon the number of pieces of mail handled by the route per month or whether some other method will be adopted. I have understood that every route that did not handle 3,000 pieces a month was only to have triweekly service, and again that it was to be 2,000 pieces. I learned from an official of the Department that it would depend not on the number of pieces handled on a route, but upon the number of boxes on the rural free-delivery routes; but whatever scheme they adopt with a view to reducing the number of routes, it is an outrage and a wrong to the people of the country districts. They have substituted the rural free delivery for post-offices. The post-offices have been abolished, and the result is that these people who before the rural free-delivery system went into operation were within 1 or 2 or 3 miles of a post-office will now be deprived of the daily mail service or will have to send 8 or 10 miles for their mail. Therefore, Mr. Chairman, I am opposed to the reduction of the star routes anywhere until some assurance can be given by Congress that it will take action to stop the movement to reduce the number of deliveries on the rural free mail routes. [Applause.]

Mr. OVERSTREET. Mr. Chairman, I make the point of order that the gentleman's point of order came too late.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that the gentleman from Virginia was on his feet at the time the gentleman from Georgia offered the resolution.

Mr. OVERSTREET. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 15, strike out lines 6 to 16 and insert the following:

"For inland transportation by star routes, including temporary service to newly established offices, $7,100,000: *Provided*, That no part of this appropriation shall be expended for continuance of any star route service the patronage of which shall be served entirely by the extension of rural delivery service, nor shall any of said sum be expended for the establishment of new star route service for a patronage which is already entirely served by rural delivery service: *And provided further*, That out of this appropriation the Postmaster-General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor."

Mr. GAINES of Tennessee. I want to reserve a point of order on that proposition.

Mr. FLOOD. That is what I rose for, Mr. Chairman.

The CHAIRMAN. The Chair understands that the gentleman from Virginia and the gentleman from Tennessee reserve points of order.

Mr. OVERSTREET. Mr. Chairman, this is a provision by way of limitation on this amendment, and provides for the continuance of the star route service in the ordinary way by contract, except where there is entire duplication by the extension of the rural delivery service. I think the amendment is not subject to a point of order.

The CHAIRMAN. Will the gentleman from Indiana give his attention for a moment? To what does the gentleman intend the amendment to apply, which he has sent to the desk?

Mr. OVERSTREET. As a substitute for lines 6 to 16.

The CHAIRMAN. That is what the Chair desired to know. Now, will the gentleman from Indiana explain to the Chair upon what theory he claims the provision in reference to Alaska is justified under the rules?

Mr. OVERSTREET. That provision is justified under the rule only upon the ground that it is a continuing service, and is in the identical language in which it has been carried for a number of years.

The CHAIRMAN. The Chair does not find it in last year's bill.

Mr. OVERSTREET. Oh, yes; this is the language of the current law:

For inland transportation by star route including temporary service for newly established offices, $7,300,000: *Provided*, That out of this appropriation the Postmaster-General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor.

That has been the language for a number of years in the various bills carrying appropriations for the postal service.

The CHAIRMAN. It seems to the Chair that the language of the proviso is a proper limitation, but the language in reference to Alaska might be more happily chosen.

Mr. OVERSTREET. Will the Chair permit me before proceeding further to say I will modify the amendment by striking from the amendment I have sent to the Clerk's desk the language relative to Alaska?

The CHAIRMAN. The Chair then overrules the point of order. The question is on agreeing to the amendment.

Mr. HAY. Mr. Chairman, we would like to be heard.

Mr. OVERSTREET. Mr. Chairman, if this is to occasion debate I suggest that we suspend at this time and give way to the gentleman from New York.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. COCKRAN. Mr. Chairman, anyone who has followed the course of this general debate must have become impressed with two radically distinct and conflicting emotions; admiration for the high capacity shown by the speakers, and regret that under the rules which govern us the speeches themselves were directed not to some question pending before the House, but delivered into the empty air. By this, Mr. Chairman, I would not be understood as saying that they were irrelevant to matters deeply affecting the public welfare and vividly before the public mind. With hardly an exception they all turned upon questions of vital and pressing political importance, yet hardly one touched a subject with which the House will be suffered to deal. Sitting in Committee of the Whole House to consider a bill making appropriation for the support of the Post-Office Department we have had addresses on the tariff, on immigration, on denaturized alcohol, and on many other subjects entirely remote from the subject before us and wholly unconnected with each other. If years from now some student should undertake to study the RECORD which chronicles our proceedings he would be driven to the conclusion that while nearly every one of those speeches taken by itself was of such excellence that it might have been addressed to a council of sages, yet the whole debate taken together suggested the incoherence, discordance, and dissonance of a lunatic asylum rather than the debate of a highly intelligent, deliberative body. [Laughter.]

Mr. Chairman, my object in taking the floor now is to bring before the House the ridiculous character of the rules which have caused this profligate waste of such excellent material, in the hope that discussion may evolve some means by which these abundant talents, these great potentialities of efficient service, will be utilized for the public benefit—not dissipated to the public discredit.

Mr. Chairman, the recent history of this House shows conclusively that there is not in all this world a body capable of higher legislative service or animated by loftier civic virtue. And yet, sir, it is a melancholy spectacle that this body, which when controlled by the judgment, the intelligence, and the patriotism of its membership has succeeded in producing the most important and triumphant legislative results, when hampered, fettered, and restricted by absurd rules, often sinks to an incapacity almost ludicrous, of which this very debate is a striking illustration. That I do not exaggerate is conclusively proved by our signal success this session in framing and passing a railroad rate bill of singular merit, when we were left free to control our own proceedings, and the utter failure of the House to pass an effective measure last session when it was bound and gagged under restrictions imposed by the Committee on Rules.

You will recall, sir, that last year when this House was called upon to deal with the intricate, perplexing, and almost wholly unexplored field of railroad rate legislation it was placed under a rule which restricted it to adopting the measure recommended by the majority of the Committee on Interstate Commerce, or else adopting the measure recommended by the minority. No power was left in a Member to offer any other amendment, or in the House to consider it. As amendment is the only object and purpose of discussion, where a body is practically unanimous on the principle of a bill, as the House was on that railroad measure, the passage of such a rule simply meant that we threw over upon the Senate the important duty of originating amendments, which all conceded to be necessary. That was not only an abdication of our functions and a renunciation of our duty, but it was a confession of incapacity. For my part, sir, I declined to be a party to such an abasement of this House, membership in which I consider a distinguished honor, and so when the measure was on its passage I refused to vote, asking simply to be recorded "present."

That measure met the fate which the method of its passage invited. It fell stillborn on the threshold of the other Chamber. It was never even considered by the Senate. It was thrown in the wastebasket, its proper destination. There it remained, useless for every purpose, except as a monument to the folly, the incapacity—aye, sir, I will say the disloyalty—with which we renounced our functions, turned our backs upon our obligations, fled from our obvious duty.

Now, Mr. Chairman, contrast with that dreary record of incapacity, of folly, and of failure, the triumphant progress of the bill dealing with the same subject which passed the House this year. When it came before us we were left free to deal with it as we pleased. Full power to offer amendments was left in the hands of every Member. The limit of debate was fixed by a unanimous vote. Every amendment offered was considered and action taken freely upon it. The result was a measure which I venture to say will stand for many years a monument to the patriotism in which it was conceived, the wisdom in which it was framed, and the resolution with which it was passed. [Loud applause.]

I say this, sir, notwithstanding the fact (and largely because of the fact) that since this measure passed this House it has been the subject of vigorous animadversions and very bitter criticism. I take it that these criticisms are in the highest degree a compliment to its merits. The wrongdoers with whom it was intended to deal testify by the vehemence and fury with which they assail it how deeply they realize its efficiency. But, sir, the abuse of miscreants whose crimes it is intended to prevent weighs little in the minds of honest men against the approval of the people whose rights it is drawn to protect. And this it enjoys beyond all question. Conceive for a moment the change in public attitude toward this measure since closing debate on it here. Recall the objections that were advanced to it in this House with so much vehemence, and you have but to examine from day to day the adverse comments in newspapers, the speeches delivered against it, the interviews with railway officials and railway attorneys who condemn it to measure the distance between the grounds occupied by its opponents before discussion in this House began and since its close. Then you will be able to realize the distance that public opinion has traveled under the light and guidance of our proceedings in this body.

Everyone here will remember that when this measure was pending before us, the point dividing its supporters and opponents was the question whether we had any constitutional or moral right to pass it. Some of its opponents said it violated the letter and others the spirit of the Constitution, but they were all unanimous in describing it as a long step toward socialism. Well, these objections have all been quieted. Not one of them has been audible since the close of debate here. If one is still heard occasionally it is in a voice so feeble and so rare that it merely serves to attest the overwhelming preponderance of public opinion. Gentlemen who were then most vehement in opposing it now claim to be its most ardent supporters. One after another popularly supposed to be bitterly hostile to it objects strenuously now to being counted among its opponents. But while he wants to be recognized among its advocates, he protests that he wishes to perfect it.

Mr. Chairman, no one among the supporters of the bill objects to any suggestion for its improvement. But I believe its friends should be vigilant, and I am sure they will be vigilant, to see that under cover of attempts to perfect the measure its enemies will not be permitted to emasculate it. We must see that it is not destroyed by mutilation disguised as amendments, now that efforts to destroy it by open opposition are no longer considered profitable or even safe.

Mr. Chairman, it is quite true that although the grounds of criticism advanced in this House are abandoned, new ones have been evolved, which, though less weighty, enjoy the advantage of not having been subjected to the test of our scrutiny. Of these the most formidable now directed against the Hepburn bill is that it fails to provide for a judicial review of all orders made by the Interstate Commerce Commission. For that omission this House has been denounced as incapable, negligent, and indifferent. Now that I have the floor I do not know how I can better improve the time at my disposal than by employing some of it in refuting this criticism, and sending it to join all its predecessors. I do not think, sir, that will be a very difficult task; I think the very slightest examination of this last objection will show that among criticisms it deserves to be classed as a survival of the loosest. [Laughter.]

First, Mr. Chairman, let me say a word as to its source. This objection is not advanced openly by the interests chiefly affected by the bill. It proceeds ostensibly from a rather new product of our constitutional evolution—the constitutional lawyer—the great constitutional lawyer, who chooses a legislative body, rather than a judicial tribunal, for the display of his qualities.

It is well to observe that the constitutional lawyer in a legislative body is always a "great" constitutional lawyer.

Now, I confess that I regard this legislative constitutional lawyer with something of the awe which attaches to everything beyond our comprehension. [Laughter.] I do not know that I am able to describe him. I think I know him when I see him, for he has certain unmistakable characteristics. But to describe you must understand, and I admit he is far beyond the power of my intellectuals. Ordinarily our conception of law is a uniform rule of conduct made binding upon all members of a community, or at least on a large majority of them, by the sovereign authority, whatever it may be; and the function of the lawyer, we plain mortals believe, is to ascertain this rule, to define and expound it, and thus promote unanimous obedience to it. But while the essential function of the ordinary lawyer is to promote uniformity of the law, the activities of the great constitutional lawyer in a legislative body, far from tending to produce uniformity of constitutional construction, operate to produce radically different results. Whenever he is active in either branch of Congress we find just as many different constitutions as there are great constitutional lawyers to expound the organic law.

In this particular case the constitutional lawyers all declare that the Hepburn bill is constitutionally infirm somehow or other, but no two of them agree in pointing out the precise seat of infirmity. The constitutional lawyer is always vehement in warning us that before we undertake any measure we must be sure of its constitutionality; that he alone is competent to advise us; that next to the duty of acceping him as infallible comes that of regarding all other constitutional lawyers as unsound, if not worse; that we must be wary even of trusting their quotations lest instead of giving us the judgment of a court they mislead us into accepting as its decision the language by which a minority sought to show that the authority of the majority depended entirely upon the number of judges who constituted it, not upon the weight of reasons which justified it.

Mr. Chairman, if we must wait until the great constitutional lawyers agree upon any subject, it is plain that we would never take a step in any direction. We would stand paralyzed at the threshold of every legislative enterprise, amazed and bewildered—puzzled to distinguish amid the din of their vociferation how much of it is advice to us and how much of it denunciation of each other. I defy any man to define Congress itself according to the constitutional lawyers after he has read three of their speeches. [Laughter.] Some of them say that we have all power, others that we have no power. Some that we can extend our authority over the courts, that we can not only confer jurisdiction on them or withhold it, as we please, but even after we have granted it that we can control its exercise—at least so far as to determine what persons or classes may have the benefit of it; that we can give it to the courts, as it were, with a string, so that a writ may be left within access of our favorites and pulled far beyond the reach of any person or corporation whom we dislike or distrust. Others, again, tell us that we are but the shadow of a legislative body; that we are not even an independent or coordinate branch of government, but, so to speak, an antechamber to some other department; that our power consists in merely proposing laws, which, by the permission of another body, may acquire the force of statutes.

Now, Mr. Chairman, to me—an ordinary citizen, a humble Member of this House—a constitutional lawyer is an imposing personage before a court empowered to decide a constitutional question and whose authoritative interpretations of the Constitution he aids by his arguments. For that very reason, sir, it seems to me that a legislative body whose function is wholly nonjudicial is not a proper theater for disputatious attorneyship, but essentially one for constructive statesmanship.

I can not believe that the function of Congress is a mystery difficult to comprehend or the duty of its Members a puzzle too perplexing for the ordinary mind to solve, as these gentlemen would persuade us. It seems to me that the duty of Congress is to examine closely the condition of the country and keep itself constantly informed of everything affecting the common welfare. Wherever a wrong is found to exist with which the nation can deal more effectively than a State, it is the business of Congress to suggest a remedy. If the courts hold that the legislation we consider desirable is beyond our power to enact, our duty to suggest a remedy is none the less binding, except that instead of proceeding by the enactment of a law we should proceed by proposing a constitutional amendment. Our duty to propose an amendment to the Constitution when advisable is just as binding as our duty to change the law when that is within our power and we believe it is essential to the common welfare. [Applause.] If, therefore, we find that a wrong exists anywhere which the National Government in our judgment is alone competent to redress, and some great constitutional lawyer should undertake to raise objections with that wonderful ingenuity which enables us always to distinguish him, not by numerous decisions of courts upholding his contentions, but by the wonder and awe of his legislative associates at the multiplicity of his quotations, the strangeness of his phrases, the majesty of his mien, and the mystery of his meaning. [Laughter and applause.]

It is not for us to waste time in abstract and fanciful speculations about the course which the courts may pursue toward the remedial measures we may enact. Face to face with a wrong which we believe a State can not cure, it is our duty to find a remedy some way or other. Unless the Supreme Court has held specifically that we can not deal with it, our first step must be in the direction of legislation. The way to ascertain definitely whether a law which we believe will prove effective is constitutional or unconstitutional is not by abandoning ourselves to a maelstrom of speculations about what the court may hold or has held on subjects more or less kindred, but to legislate, and take the judgment of the court on that specific proposal. We can tell whether the enactment is constitutional or unconstitutional when the court pronounces upon it and not before. Even if the court declares it unconstitutional its decision will not reduce us to helplessness. If it drive us from establishing a remedy by legislation it will by that very act direct us to propose a remedy by constitutional amendment. Having framed a suitable amendment and proposed it to the legislatures of the States, our duty will have been accomplished. The final step toward full redress will then be with the bodies most directly representative of the people affected by the wrong.

But, sir, let us consider in the light of common sense the one constitutional objection to this measure on which the constitutional lawyers approach coherence among themselves.

We are told this measure is unconstitutional because it does not provide specifically that the courts shall have power to review all decisions and orders made by the Interstate Commerce Commission. In support of that contention we have mountains of law books piled upon desks, and strident voices filling the country with mysterious and contradictory quotations from them. Without any disposition to join this mystical and awful band, confining myself to the rôle of simple citizen, investigating this subject in the light of common sense, I ask the committee to consider what it is for which these constitutional lawyers contend, so far as their contention is intelligible. Let us see for a moment how far we can go along with them and where we must part company with them.

They begin with the proposition that no person's property can be taken without due process of law. On that they can not raise a dispute with me.

From this they proceed to argue that if a rate be fixed so low that a railway must conduct its business at a loss, its property would be taken without due process of law, and therefore its constitutional rights would be violated. Nobody can object to that proposition. I certainly do not. I go further—I say not only would a rate which entailed actual loss in operation be unconstitutional, but one so low as to prevent the railway from earning a profit on the capital by which it is operated would be an invasion of its constitutional right. Now, to that point the ordinary citizen can walk side by side with the constitutional lawyer, understanding his phrases, and sympathizing with his purposes.

But just here the great constitutional lawyer shows his greatness by spreading his constitutional wings and taking a flight far beyond the power of a sensible man to follow him. Because the Railway Commission is required to ascertain and decide what is a reasonable rate, the great constitutional lawyer holds this mere decision would be confiscation of property if the rate which it fixes be so low that it would preclude the railway from earning sufficient revenues to meet its expenses. How in the name of all that is reasonable to anyone, not a constitutional—a great constitutional—lawyer, can the Commission of itself by any order or conclusion impair or injure the property of a railroad? How can the Commission, under this bill, confiscate property or disturb it in any way? If the act empowered the Commission to enforce its own order by issuing its own writ to a marshal or some other executive officer commanding him to take the property of the railway or to restrain any of its officers, then there might be reason to claim that a failure to provide specifically for a judicial review of its proceedings would make the act creating it unconstitutional. But, Mr. Chairman, the Commission of itself can not touch one penny's worth of property belonging to a corporation. It will not have power to move a single railway car

a single foot, nor to change the location of a single wheelbarrow, nor of a single pickax, nor of a single nail belonging to a railway corporation.

This bill does not empower a railway company to sue out an injunction restraining action by the Commission, for the simple reason that the Commission has no power to do any act that could of itself injure the railway. All that the railroad need do, if it considers a rate fixed by the Commission would impair the security of its property, is simply to ignore the order—to stand pat, if I may borrow from the terminology of the majority a phrase of singular force. [Laughter and applause.] But we all know that the very essence of standing pat is that you do not want any assistance from the pack. The railway does not need any aid from the pack—that is to say, from government through any of its departments—in order to stand pat—to ignore an order of the Commission. A writ of injunction could be of no aid to anyone in standing pat, and therefore no power is given by this bill to bring suit for it. Why, you gentlemen have shown that to stand pat effectively nothing is necessary except a firm purpose coupled with vigorous appetite. [Applause on the Democratic side.]

Mr. Chairman, the absurdity of this clamor that the Hepburn bill seeks to invade the power of the courts becomes self-evident when we realize that it is through the courts themselves any action of the Commission must be made operative. The Commission of itself, as I said, can not touch one single thing belonging to the railway or affect its property in the slightest degree. Before its conclusion or order can have the slightest effect it must do what? Why, it must go itself into court and ask that a summons be issued to the railway. For what purpose must the railroad be summoned? To *show cause* why it should not be compelled to obey the order of the Commission. Can anybody conceive that on the return to such a citation the court will refuse to hear any cause arising under the Constitution or the laws which the railway may advance to explain or justify its refusal? In the light of this simple statement how extravagant and nonsensical is this one assertion upon which the constitutional lawyers are a chorus, that this bill aims to shut the railways out of court while their property is invaded.

Sir, instead of being a device to shut the railways out of court, it is a plan to bring them into court. By the courts and the courts alone can they be affected in their property, their profits, or their prospects. What, then, in its last analysis, is this demand that provision for a liberal judicial review must be inserted in this bill to make it constitutional? A judicial review to be exercised by whom? By judges, of course. Over whom? Why, over the judges themselves. Is not all this clamor and rhetoric about the constitutional necessity of providing for a judicial review tantamount to telling us that to make this law constitutional we must make it absurd, grotesque, fantastical; we must equip the judges with power to take themselves under control, to put fetters and bonds on their own limbs, lest they use them to damage the very persons who are clamoring for this extraordinary extension of judicial authority. When we put restraint on a man's limbs it is because we believe that if they are left free he will use them to the damage of his neighbor. But here it is insisted that the courts must be given specific power to restrain themselves, lest they do some damage to the very persons who insist that these powers which they fear may be abused shall be largely extended. Has anything so extravagant as this been heard anywhere outside opera bouffe? I know nothing parallel to it except in that comic opera called "Iolanthe," performed some twenty years ago, where the Lord Chancellor ponders profoundly the question whether if he married one of his own wards he would be in contempt of his own court and whether he must commit himself to custody for such a deliberate breach of his own authority. [Laughter and aplause.]

To show the extraordinary misapplication of extensive reading characteristic of our constitutional lawyers, I ask gentlemen of the committee to examine in the light of common sense the decision by which it is sought to justify this claim that the failure to provide specifically for a judicial review makes the Hepburn bill unconstitutional. A moment's examination will show that, far from justifying such a conclusion, this decision shows clearly that even if a review by the courts were expressly forbidden the provision forbidding it would be disregarded and the law outside that one provision would be held constitutional. The decision to which I refer is the one rendered in what is known as the "Minnesota Milk case" (Chicago, Milwaukee and St. Paul Railway *v.* Minnesota, 134 U. S. 418). It was an action brought by the attorney-general of the State of Minnesota for a writ of mandamus to compel the Chicago, Milwaukee and St. Paul Railway Company to reduce the rate it had been charging for transporting milk between two points in the State to a lower rate which had been ordered by the State railway commission.

The Minnesota law under which the proceedings were instituted specifically provided that upon the application for a writ of mandamus to enforce its provisions nothing should be heard or considered by the court except the one question—whether the railway company had obeyed or disobeyed the order of the commission—the conclusion of the commission being declared conclusive as to the facts upon all parties. The supreme court of Minnesota held that act constitutional in all its features and issued its writ commanding the railway to obey the order of the commission. On appeal, the Supreme Court of the United States held that as the Minnesota law denying the railway any opportunity to be heard in defense of the rates it had imposed had been held constitutional by the Minnesota court, the court here was bound by its decision, and *as construed* by the Minnesota courts the whole scheme of rate control which it established was an attempt to deprive a corporation of its property without an opportunity to be heard—that is to say, without due process of law—and this no State, through its legislative or executive or judicial department, or through all of them combined, could be permitted to do.

But all through this decision of the United States Supreme Court it is stated plainly that if the court in Minnesota had held the limitation which the statute placed on its powers was unconstitutional and, disregarding it, had given the railway a hearing, the whole proceedings would have been in perfect consonance with the Federal Constitution. Every word and line of the prevailing opinion invites the Minnesota court to revise its decision and make the system of railway rate control in that State entirely valid and effective by simply holding unconstitutional and of no effect that provision of the law which undertook to make the decision of the commission final without requiring that parties affected by it should have an opportunity to be heard in defense of their property. Instead of reversing absolutely the order of the Minnesota court, instead of finally dismissing its writ, as it must have done if the decision had held the whole Minnesota statute to be unconstitutional, the court here did what? I will read the exact language of its final judgment. I shall not undertake to describe it. Every constitutional lawyer thinks that any description of judicial utterance by anyone else is always inaccurate and sometimes depraved. [Laughter.] Here are the exact words of the court:

> In view of the opinion delivered by that court, it may be impossible for any further proceedings to be taken other than to dismiss proceedings for a mandamus, if the court should adhere to its opinion that under the statute it can not investigate judicially the reasonableness of the rates fixed by the Commission. Still, the question will be open for review, and the judgment of this court is that the judgment of the supreme court of Minnesota, entered May 4, 1888, awarding a peremptory writ of mandamus in this case be reversed, and the case be REMANDED TO THAT COURT WITH AN INSTRUCTION FOR FURTHER PROCEEDINGS NOT INCONSISTENT WITH THE OPINION OF THIS COURT.

Thus you see the action of the Supreme Court of the United States was not to hold that the absence of a specific provision for a judicial review makes a bill of this character unconstitutional, or even that a provision expressly prohibiting a judicial review would be necessarily fatal to its constitutionality, but to send back the case with a plain intimation that if the supreme court of Minnesota revised its decision and allowed the railway a hearing notwithstanding the prohibition of the statute, the Minnesota scheme of railway control would be perfectly constitutional and could be enforced by all the power of the State. Is it conceivable by anybody, not a constitutional lawyer—a great constitutional lawyer—in a legislative body, that this same court, sitting here, will refuse to adopt for itself the rule which by this very decision it invites the supreme court of Minnesota to adopt for that State? Is it conceivable that the Supreme Court of the United States would give to the silence of this bill a force and effect which it holds here should not have been given to the express words of the Minnesota statute?

Sir, the measure which passed this House is based on the assumption that the Constitution itself has given the courts all the power they can exercise with credit to themselves, with safety to our political system, and with advantage to the people. The best feature of the bill is that it has not attempted to improve the definition of judicial power embodied in the Constitution. Such an attempt would be idle, if not disastrous, for to extend that power would be vicious, to define it would be superfluous, to restrict it would be impossible.

But, sir, apart from its constitutionality, many of our critics contend that as a matter of policy, as a matter of right and justice, as a matter of sound legislation the measure passed by this House should have contained a provision for what is called

"a liberal court review." Let us examine this criticism and weigh its merits.

And, first, what is meant by "a liberal court review," I should like to know? Liberal to whom, sir? Why, liberal to the very rogues whose shameless and repeated betrayals of their trust—plundering the corporations they are administering and the people they are bound to serve with rigid but cheerful impartiality—[laughter] have made this legislation absolutely necessary to the preservation of order and the vindication of justice. How can a government be liberal anyway? What field of liberality is open to it? I have pointed out more than once on this floor that if government undertakes to be liberal in one place it must be restrictive in another. If in attempting to deal with crime we are liberal to criminals, then we must be disloyal to the people whom they plunder.

We are not here to treat with crime, to placate it or ask for the forbearance of criminals. We are here to prevent crime by strengthening the law against its perpetration. I would, sir, I could say with any semblance of justification that we are here to punish criminals; but, alas, that would be the language of boastfulness—extravagant and preposterous—so long as the criminals are not mere pilferers of pennies but plunderers of millions. [Applause.] But let us consider the merits of this criticism apart from the terms in which it is expressed. Should we, as a matter of policy, provide what is called a liberal court review? Should we, in other words, establish a judicial review of all orders by the Commission fixing a fair and reasonable rate for the transportation of commodities by railroads?

To answer this question intelligently it is essential that we understand it fully.

Mr. Chairman, among honest men there can be very little difference of opinion upon this question, once its significance is made entirely clear. I believe that nine-tenths of all the disputes which have divided virtuous men would be obviated if at the very beginning the grounds of difference between them were thoroughly ascertained and clearly defined. I remember in my school days listening to a maxim that to teach effectively one must begin by defining accurately. Well, he who would discuss any subject intelligently or profitably must follow the same rule. I believe many gentlemen who appear to be discussing now what they conceive to be differences of opinion over one question are really discussing two wholly different questions. This confusion of thought is not confined to legislative assemblies or even to the great constitutional lawyers who have contributed so much to the mystery of debate. It has reached the Supreme Court, as is shown by this very Minnesota milk case. I am not reading from this volume now for the purpose of swelling the chorus of constitutional speculations, but for the purpose of showing how far diversity of opinion, even in the fountain of constitutional law, may be caused by misapprehension of terms. Judge Blatchford, writing the opinion of the majority, says:

> The question of *the reasonableness of a rate of charge for transportation by a railroad company*, involving as it does the element of reasonableness both as regards the company and as regards the public, *is eminently a question for judicial investigation, requiring the process of law for its determination.*

Mr. Justice Bradley, writing the minority opinion (and two very respectable authorities, Mr. Justice Gray and Mr. Justice Lamar, concurred with him), begins by saying:

> I can not agree to the decision of the court in this case. It practically overrules Munn *v.* Illinois (94 U. S., 113) and the several railroad cases that were decided at the same time. *The governing principle of those cases was that the regulation and settlement of the fares of railroads and other public accommodations is a legislative prerogative and not a judicial one.* This is a principle which I regard as of great importance.

And farther on he says:

> But it is said that all charges should be reasonable, and that none but reasonable charges can be exacted; *and it is urged that what is a reasonable charge is a judicial question. On the contrary it is preeminently a legislative one*, involving considerations of policy as well as of remuneration, and is usually determined by the legislature by fixing a maximum of charges in the charter of the company, or afterwards, if its hands are not tied by contract.

Now, here appear to be two radically irreconcilable positions and yet I believe that both these eminent jurists were entirely correct, except that instead of the same question, as they supposed, they were really discussing two different questions, or rather, they were discussing two different aspects of one question. They were like the two knights of the story, who, riding along a road from opposite directions, met in front of a statue bearing a shield and, having exchanged salutations, one of them remarked what a very handsome silver shield that was, and the other said, yes, the shield was undoubtedly very fine, but it was of gold, not silver. The first repeated it was of silver, and the second insisted it was of gold. From expressions of doubt about the accuracy of each other's vision they passed to imputations on each other's veracity and soon fell to fighting, as was the fashion in those days when any dispute was to be settled. A Druid passing by some two hours afterwards found one dead and the other in the very throes of dissolution. Bending over the dying man he asked him how they had come to be in such a plight, who replied: "That caitiff pretended yonder shield is of silver and I had to give him the lie." "And of what metal did you say it is?" "Gold, of course," said the moribund, gathering all his remaining energies to emphasize his words. "You do not mean to insinuate that I was wrong?" "Alas, my friend," said the priest, "you were not wrong and neither was your adversary. You were right and he was right. The shield is gold on one side and silver on the other. If either of you had taken the trouble to look on both sides instead of lying here now, one dead and the other dying, you would both be moving toward the defense of the soil which you have been staining by blood shed in fratricidal strife."

So I believe that in these discussions and disputes about the body or tribunal which should be empowered to decide finally what constitutes a fair and reasonable rate much of the ill temper, much of the vehement speech would be obviated if we once came to realize that there are two aspects of this question; that in one aspect it is a judicial question, the final decision of which we can not take away from the courts if we would; while in the other it is a political question, which is under our exclusive control, the right to decide which we can not abdicate nor share with any body or with any other department of government.

Mr. Chairman, all difficulty about distinguishing between the sense in which the question of what constitutes a fair and reasonable rate is judicial and the sense in which it is legislative will be resolved if we recur to a few propositions laid down in the debate on the rate bill when it was before this House. None of these propositions have been questioned anywhere since the close of that discussion, so far as I know.

It is now, I believe, universally accepted that a railway is essentially a public function though operated by private capital; that as a public function it is subject to control and regulation by the state, and the capital engaged in it is entitled to security. The duty of government toward these two elements is therefore twofold: To exact efficient service from the corporation, and to maintain in absolute security the capital by which that service is rendered; and security of capital includes its right to be employed at a profit—a profit on the *capital* remember, not on the *capitalization;* on the property actually invested, not on a false statement of it; on the service by which a community is benefited, not on devices more or less ingenious by which a community is plundered.

If property embarked in railways is entitled to a profit, it must be an actual profit—a profit that is at least tangible. The amount of that profit will not be difficult to define. It can hardly be doubted that the courts will insist property invested in railways or any public enterprise must be left free to earn an amount equal to the minimum profit that money will earn anywhere at the time. That minimum profit is easily ascertained. It is simply the current rate of interest which money will bring in the open market, and of this rate the courts will take judicial cognizance. At this moment, if the question came before them, they would find that the rate which a railway must be left free to earn is somewhere between 3 and 4 per cent on its actual capital. Any law, or order made by authority of law, must be set aside as void under the Constitution which undertook to make railway rates so low that a corporation would not earn such an amount as the courts finally determine to be the minimum profit consistent with its constitutional right. Whether a rate is fair and reasonable in this sense—that is to say, whether it violates or respects the constitutional security of property embarked in the operation of railways—is a question which the courts must determine. Nothing we could do here can limit their power in this respect, and that power the Hepburn bill in no way seeks to disturb.

But there is another aspect of the question, which is not judicial but legislative, which concerns not the constitutional security of property, but a great question of public policy with which the political side of the Government alone is competent to deal. In this country it is a policy of government—whether wise or unwise would be profitless at this moment to discuss, because it is a settled policy—to enlist private enterprise in the operation of public franchises. Now, the only way by which private individuals can be induced to invest capital in this or any form of public service is by offering them opportunity to earn adequate profits.

How much that profit should be—what constitutes such a fair and reasonable rate as will allow such a profit to be earned—and

thus encourage the investment of capital in this form of public service, is a question of policy to be decided by the political or legislative department, with which the courts could not deal effectively, even if we sought to bestow the power upon them. This recognition of a dual aspect to the question of what constitutes a fair and reasonable rate—one touching the fair and reasonable rate which must be allowed to maintain the constitutional security of the property and the other affecting the fair and reasonable rate which should be allowed in order to encourage the investment of capital in railway operation—is the conspicuous feature of the measure passed by this body, and for that reason the Hepburn bill, in my judgment, approaches very closely perfection of legislative work. And, sir, because this feature of the Hepburn bill is its strongest title to popular approval it is the point at which all the covert enemies of any effective measure for the regulation of railway rates direct the full fury of their assaults. Openly professing an eager desire for a liberal court review, they disguise under that mellifluous phrase a demand that every order of the Commission be made subject in all its aspects and features to judicial sanction, in the hope that such a provision will be interpreted as empowering the judges to decide the political as well as the judicial question involved—to fix the fair and reasonable rate which, as matter of policy, a railway should be permitted to earn that the investment of capital in such enterprises may be encouraged, as well as the fair and reasonable rate which as matter of constitutional right it must be left free to earn. Under cover of a pretense that they are deeply concerned about the independence of the judiciary, these gentlemen strive to undermine it by endeavoring to project its authority over matters of policy with which it is wholly unfitted to deal. Any attempt by judges to exercise powers purely political is necessarily foredoomed to failure, while the discredit which must follow inevitably would be a fatal injury to the credit of the courts, and therefore a serious blow to their independence, entailing serious peril to our whole constitutional system.

The Hepburn bill does not seek either to extend or restrict the judicial power. It assumes the Constitution to be the most perfect fruit ever borne by human capacity, and it believes the excellence of the Constitution is nowhere so conspicuous as in its establishment of an independent judiciary. It leaves the courts unchecked authority over all the field where their power can be exercised with credit to themselves and profit to the people. It reserves to Congress full control over matters of policy which belong properly and exclusively to the field of legislation.

Not only is this the boundary fixed by the Constitution between judicial and legislative functions; it is the true line which must always separate them by every principle of sound government.

Conceive for a moment the essential functions of a court.

A court must declare and establish the law, constitutional or statute. The law to be law must be fixed, certain, and definite. The courts therefore can have no power to relax, change, or modify it. The legislature, on the other hand, is created expressly to prescribe new enactments or relax existing statutory provisions, as it may think will serve the public weal. The function of the courts is to ascertain what the law is and then declare it; the function of the legislature is to ascertain what the law ought to be and then enact it. The one thing which a court can never consider is policy. And policy is the one thing the legislature is bound always to consider. The court must declare the law, whatever consequences the judges may apprehend from their decision. If I should step into the Supreme Court and tell the nine judges there assembled that if they declared the law to have a certain significance on all sides men would spring to arms and resist the interpretation; if I could satisfy them that the announcement of a conclusion honestly reached would provoke rebellion—aye, revolution—causing the stones to be taken from the street and hurled against their own chamber; if they felt convinced that the very foundations of this Capitol would rock under the popular indignation which their decision would awaken, still if they be faithful to their oaths they must not hesitate. Even though their conception of the law work disturbance and devastation they must none the less declare it; even though to pronounce a judgment which they believe the law enjoins should entail serious risk to their own lives they must sacrifice the safety of their bodies to the safety of the law. [Applause.]

In declaring the law no discretion is open to them. The discretion sometimes given the judges in dealing with individuals—especially in imposing penalties on offenders against the State—they can never exercise when interpreting the law under which they act. To them the law is master; they its priests and servants. They ascertain it but to obey it, to enforce its provisions, to voice its spirit. The constitutional security of property is fixed beyond the power of any statute to disturb. The court can not suffer it to be invaded by us or by any power on earth, on grounds of policy or on any pretense whatever. Though I should give the judges a thousand reasons of policy for depriving capital invested in railways of profit or for reducing its profits below what money can earn in any other field of industry, they would be bound to ignore my suggestion and set aside a law which impaired in any degree the full constitutional security of this property. They must always and everywhere declare the Constitution, not perhaps as they would have framed it or as they might like to make it if they had the power to change it, but as they find it—as it is—as the framers made it. [Applause.]

But the legislature being required to deal with all matters of policy, it is therefore preeminently a field for the exercise of discretion. Instead of ignoring considerations of policy we should be governed by them. While it remains a policy of the country to invite the employment of capital in the operation of public franchises, the legislature must fix the conditions by which owners of capital may be induced to engage in this form of service. We have the right to say that its profits should be 6 per cent to-day, and to-morrow we might make it 10 per cent, and a week hence 12 per cent, according as the rates of interest for money and the requirements of public convenience affected our judgment. This field of policy being exclusively ours, if we invited the judges to enter it, I am sure they would refuse, and if we atempted to invade the field of judicial authority, they would repel us as we would deserve to be repulsed. The Hepburn bill recognizes these separate spheres, by leaving to the judiciary power to decide what is the reasonable rate necessary to maintain the constitutional security of property while it reserves to Congress power to fix the fair and reasonable rate necessary to encourage the investment of capital in railway operation. [Applause.]

The ingenuity of legislative constitutional lawyers may invent grounds to criticise this measure, but any court responsible to the people, of whose Constitution it is the depository, and governed by the oath of its members will hold that not one word in it conflicts with the fundamental law which is the pact and covenant binding all these States together in indissoluble union and perfect harmony for the establishment of justice.

Mr. Chairman, this measure has been the product of free discussion. The Philippine tariff bill is another evidence of what this House can do when left free to be governed by the patriotism and the abilities of its own membership. On the other hand, the statehood bill, contemptuously rejected by the Senate, and on which this House, I am sure, will not venture to insist, is a striking evidence of the incapacity to which we can sink when the native ability, honesty, and patriotism of our membership are hampered by degrading restrictions imposed on us by the Committee on Rules.

And, sir, as this bill is a proof of what we have done under free discussion, so it is an indication of what this House can always do under similar conditions. Surely no more imposing monument to its ability has been raised by any legislative body in modern times than the fact that every rogue whom this law is intended to control denounces us, while the vast body of the people show their approval of us by absence of genuine criticism. The newspapers owned or inspired by the criminals who have made this legislation necessary affect to deride us, to say we have not properly considered this bill, to pretend that amendments were not even considered while it was here under discussion. And all this, too, in face of the record that at every stage amendments were offered and debated—that not one which any gentleman proposed was refused consideration and on every one a vote was taken. The fact that no amendments were adopted is proof not of undue haste or indifference on the part of the House, but of the care with which the measure was considered and the skill with which it was drawn. I believe it has been the experience of almost every man upon this floor who may have thought the bill could have been improved in some particular that when he undertook to formulate an amendment in every instance he found the foresight of the committee had anticipated his criticism. Certainly that was my own experience, and I believe the experience of others was similar to mine.

Sir, I hope this House, which was not awed by the specter of socialism when it was invoked upon this floor to terrify us, whose members could not be divided on old party lines by any ancient phrases about danger to the Constitution from equipping the Federal Government with power to enforce the rights of every citizen to equal treatment by corporations engaged in interstate commerce, will remain to the last one united body in defense of this, the best product of Congressional deliberation. I fervently trust, sir, we will be unanimous in refusing to ac-

cept the slightest change or modification of its essential features or of its fundamental principle. [Applause.] That fundamental principle is the right of government to control and regulate railways for the twofold purpose of exacting efficient service for the people, and providing absolute security for the property by which the service is rendered. The essential feature of the bill is its recognition of the true line separating judicial from legislative powers—its acknowledgment that what constitutes the fair and reasonable rate necessary to maintain the constitutional security of property invested in railways is a question for the courts, while the fair and reasonable rate to encourage the investment of capital in such enterprises is essentially a question of policy to be decided by the political department of government. [Applause.]

Mr. Chairman, by standing for this bill as it passed the House, even if it should result in the failure of all rate legislation this session, we will go before the people, not as enemies of the judges or the courts, but as their champion and their bulwark. When was a fouler imputation ever cast upon an upright body, when was a darker reproach ever leveled against the judiciary than this anxiety on the part of criminals, who have finally driven the General Government to adopt measures for their regulation that the judges should be clothed with the power not to interpret, but to administer this disciplinary statute.

Is this not an insinuation that these rogues believe the courts of law far from being dreadful precincts where justice must overtake them, are a sanctuary where they would be safe from the pursuit of justice? We, sir, believe the courts within their proper sphere of authority can exercise no power but what is wholesome. Standing by this bill as it left this Chamber, whatever the immediate consequences, we can afford to ask judgment by the people on our critics and ourselves. The issue is not obscure or perplexing. It is simple. It is obvious. All recognize the existence of stupendous wrongs. For these undoubted wrongs we offer the people a remedy. Our opponents offer them a lawsuit. Let the people choose between us.

Mr. Chairman, I had hoped when I took the floor to point out how the rules of this House might easily be amended, so that results such as have been achieved in the passage of this bill and the Philippine tariff bill would not be exceptional but invariable fruits of our labors. But, sir, the time allotted to me is well-nigh exhausted. It would not be practicable now to discuss the matter fully, and partial or incomplete discussion tends to confusion of thought rather than conclusions of value. On some future occasion, when I shall not have already occupied the House at such length—though with a subject which, judging from the attention I have received, is evidently one of sufficient interest to justify the time devoted to its discussion—I shall endeavor to show how the rules as they stand operate to prevent legislative efficiency and to promote legislative incapacity. At this moment I can do no more than point out that we are no longer governed by a majority; we are not even able to ascertain the existence of a majority on any occasion or any subject.

Several questions of tremendous importance have been raised during the debate by Members on that side and on this side, yet no means exist by which the opinions of the House can be taken on any one of them. If the judgment of the House could be taken on the propositions formulated by the gentleman from New York [Mr. PERKINS] on the floor and by the gentleman from Massachusetts [Mr. MCCALL] in his correspondence with the chairman of the Committee on Ways and Means [Mr. PAYNE], there is strong reason to believe that an overwhelming majority would favor immediate action. But on these questions we are gagged, silenced, reduced to absolute, almost ludicrous, impotence. We are ruled, not by a majority—so far as I am concerned I have never questioned the right of a majority to rule—but by three men, a minority so pitiful in numbers, though respectable in character, that it is a parody on legislative proceedings to find the whole House absolutely helpless under their despotic power.

As we have stood together on this rate measure with triumphant results, I am sure if we approach this question of rules in the same nonpartisan spirit the fruits will be equally valuable.

Mr. Chairman, you and I and the different political parties with which we are identified will be contending in a few days for control of this House. You expect to retain the present majority; we hope to reverse it. In the strife that is before us I hope to deliver a few blows. I anticipate much sturdier strokes in return; but whatever the outcome may be, whichever side shall achieve control of this body, I think we should be unanimous now in a determination to make that control a prize worth winning. [Loud applause.]

Speaking, I believe, for an overwhelming majority of this side, we would much rather that the gentleman who will certainly be called to adorn the Speaker's chair if the complexion of the House should change [loud applause]—we would prefer that he preside over an independent, powerful, intelligent House, as I am sure he himself would rather be the servant—the voice—the hands of such a House—than be the despot, the czar, the boss of an impotent, incapable, servile House. [Loud applause.]

Mr. Chairman, I am not speaking for a party here—I appeal to both sides. This House, by the measure which I have been discussing, has shown that it is still abundantly capable of becoming the chief ornament of this Government, as the framers of our constitutional system intended it should be. It would be idle to deny that its importance has dwindled and that its consequence has been eclipsed. May we not hope the best lesson of this rate bill will be a unanimous conclusion that we have but to make the free discussion, by which this surprising success was achieved, a permanent feature of our procedure to restore our credit, regain our power, increase our consequence—to make this House the great and dominating factor of our constitutional system, the rampart of democratic institutions, the glory of representative government and of deliberative bodies here and everywhere throughout the world? [Prolonged applause on the Democratic side.]

The CHAIRMAN. The Clerk will again report the amendment for information.

The amendment was again reported.

The question was taken; and the amendment was agreed to.

Mr. OVERSTREET. Mr. Chairman, I offer an additional amendment, to follow the amendment just adopted.

The Clerk read as follows:

Insert the following: "*Provided*, That out of this appropriation the Postmaster-General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations in such manner as he may think advisable without advertising therefor."

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For the transmission of mail by pneumatic tubes or other similar devices, $900,000, and the Postmaster-General is hereby authorized to enter into contracts not exceeding, in the aggregate, $1,161,265.84, under the provisions of the law, for a period not exceeding ten years, and with the right of termination at the discretion of the Postmaster-General of any such contract at the end of any year of the contract term after four years, on one year's notice: *Provided*, That said service shall not be extended in any cities other than those in which the service is now under contract under authority of Congress, except the cities of Brooklyn, Cincinnati, Kansas City, and Pittsburg.

Mr. OLCOTT. Mr. Chairman, I would like to ask the chairman of the committee whether this item covers the provision asked for New York.

Mr. OVERSTREET. This item covers entirely the recommendation with respect to New York, with respect to Chicago, with respect to Cincinnati, and other cities.

Mr. CRUMPACKER. I move to strike out the last word. For what new territory is this service to be given?

Mr. OVERSTREET. The territory to which the service is proposed to be extended is Cincinanti, Kansas City, and Pittsburg. We simply put in Brooklyn as a precautionary measure. Brooklyn has been absorbed into greater New York and is included in New York, but we simply designate Brooklyn for fear it might be held not to be included in the cities in which the service is now under contract.

Mr. CRUMPACKER. Is there any question of utility in extending this service? I suppose this service is extended to Cincinnati, Pittsburg, and Kansas City?

Mr. OVERSTREET. I think there is a decided advantage to the Government in the extension of this service wherever congestion of business on the streets by reason of street traffic and where the topography of the territory is such as to make it decidedly unfavorable to wagon service; there is a very decided advantage to the Government, in my judgment, in all of this service. For example, this last summer, during the strike of the drivers of the mail wagons in the city of New York, the tube service was practically the only service upon which the Department relied for a number of days.

Mr. CRUMPACKER. Does it save anything in the way of expense?

Mr. OVERSTREET. I am inclined to think that, on the whole, it is an increased expense, but it is one of those facilities that you can scarcely measure in dollars and cents. If you should add enough individuals to carry the mails by wagons or other devices of a similar character with the same expedition with which this service carries the mail, the expense of that would be much heavier than this expense; but it is a decided

saving in the rapidity of the delivery of the mail to the office from the railway stations and from the substations within those cities.

Mr. CRUMPACKER. I was prompted to make these inquiries from the understanding I had that the bill carries a larger appropriation than the estimate.

Mr. OVERSTREET. No; it is a less appropriation than the estimate.

Mr. CRUMPACKER. I understood it to be larger; but if the service is practicable and feasible, why of course nobody should have any objection to it.

Mr. OVERSTREET. It is decidedly practicable and feasible and important.

Mr. CRUMPACKER. I withdraw the pro forma amendment.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word.

I wish to call the attention of the gentleman to the fact that there is no longer a city of Brooklyn, and I suggest that an amendment be offered so as to make the bill read, "Borough of Brooklyn, of the city of New York, and the cities of Cincinnati, Kansas City, and Pittsburg." Some technical gentleman in the Treasury Department may raise a question.

Mr. OVERSTREET. There is a post-office in Brooklyn.

Mr. FITZGERALD. Yes; there is a post-office.

Mr. OVERSTREET. And I dislike to substitute "borough" for "city."

Mr. FITZGERALD. There is no city of Brooklyn.

Mr. OVERSTREET. Technically speaking, I suppose the gentleman is correct.

Mr. FITZGERALD. Brooklyn is a borough of the city of New York. It is one of the five boroughs.

Mr. OVERSTREET. It is possible that it would not be necessary to include the word "Brooklyn" at all. It might be included in those cities where the service is already in operation. We only put the word in as a safeguard.

Mr. FITZGERALD. I call the gentleman's attention to the fact that the language of the provision is that said service shall not be extended in any cities except certain ones.

Mr. OVERSTREET. The proviso is that this service shall not be extended to any cities other than those where the service is now in operation. The service is not in operation at Brooklyn, excepting as a part——

Mr. FITZGERALD. It is in operation at Brooklyn.

Mr. OVERSTREET. As a part of New York. It is a part of New York for that purpose. The gentleman's suggestion is to amend it by making it read "the Borough of Brooklyn?"

Mr. FITZGERALD. "Borough of Brooklyn, of the city of New York, and the cities of Cincinnati, Kansas City, and Pittsburg."

Mr. OVERSTREET. I have no objection to that amendment.

Mr. FITZGERALD. I move to strike out the word "city," in line 8, and insert "Borough;" and add, after "Brooklyn," the words "of the city of New York and the cities of."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend so as to read: "Borough of Brooklyn, of the city of New York, and the cities of Cincinnati, Kansas City, and Pittsburg."

Mr. OVERSTREET. I accept that amendment.

Mr. GOLDFOGLE. I failed to hear the amendment read, and I desire to ask that it be read again. I heard the words "Borough of Brooklyn" mentioned, and I desire to know whether the Borough of Manhattan is also included.

Mr. FITZGERALD. The bill now specifically excludes the city of Brooklyn. We simply wish to designate it properly.

Mr. GOLDFOGLE. The city of Brooklyn has been wiped out. It is the Borough of Brooklyn, in the city of New York.

Mr. FITZGERALD. That is what this amendment is intended to state.

The CHAIRMAN. The Clerk will report the amendment again.

The amendment was again read.

Mr. OVERSTREET. I will say to the gentleman from New York [Mr. GOLDFOGLE] that under that amendment and the provision of the bill it will cover all of Greater New York.

Mr. GOLDFOGLE. It will all be included?

Mr. OVERSTREET. Yes.

Mr. GOLDFOGLE. That is satisfactory.

The amendment was agreed to.

The Clerk read as follows:

For inland transportation by railroad routes, $43,000,000.

Mr. STEENERSON. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Amend by inserting between lines 23 and 24 on page 16 the following: "*Provided*, That the Postmaster-General be, and he is hereby, authorized and directed to readjust the compensation to be paid from and after the 1st day of July, A. D. 1906, for transportation of mails on the railroad routes hereinafter described as hereinafter provided: On railroad routes carrying their whole length an average weight of mails per day exceeding 50,000 pounds by reducing the compensation now allowed by law on such routes 5 per cent per annum, and on railroad routes carrying their whole length an average weight of mails per day exceeding 100,000 pounds by reducing the compensation now allowed by law on such routes 10 per cent per annum, and on railroad routes carrying their whole length an average weight of mails per day exceeding 150,000 pounds by reducing the compensation now allowed by law on such routes 15 per cent per annum, and on railroad routes carrying their whole length an average weight of mails per day exceeding 200,000 pounds by reducing the compensation now allowed by law on such routes 20 per cent per annum.

Mr. OVERSTREET. Mr. Chairman, I reserve the point of order upon that.

The CHAIRMAN. The point of order is reserved.

Mr. STEENERSON. Mr. Chairman, in explanation of this amendment I will say that it carries out the views that I expressed in my remarks the other day. It provides for a progressive reduction of the railway mail pay on roads where the traffic is dense, so that where they carry the average amount of 50,000 pounds per day over the whole route the reduction is 5 per cent of the present rates; where they carry 100,000 pounds per day over the whole route it is 10 per cent; where they carry 150,000 pounds it is 15 per cent, and exceeding 200,000 pounds it is 20 per cent, or one-fifth.

This I believe to be a very reasonable reduction, and it will leave the lowest rate about 4½ cents per ton a mile, or more than five times the average rate for freight.

As will be remembered, I pointed out that the mails on these heavy routes are carried in special trains, a part of which is in storage cars carrying loads of more than 45,000 pounds. That was also pointed out in the letter of the Second Assistant Postmaster-General. I believe that this amendment will effect a fair adjustment, and it will not affect any railroads where the tonnage is less than 50,000 pounds per day. I hope that no point of order will be made against it.

The CHAIRMAN. Does the gentleman from Indiana wish to discuss this point of order?

Mr. OVERSTREET. I reserve the point of order, but I understand the gentleman from Georgia wishes to be recognized.

Mr. HARDWICK. Mr. Chairman, I desire to say that I am heartily in favor of the amendment offered by the gentleman from Minnesota [Mr. STEENERSON], providing for a graduated reduction of railway mail pay, and shall be very glad, indeed, to support it, if I have the opportunity to do so. I realize, however, that the point of order urged against it by the gentleman from Indiana [Mr. OVERSTREET], that it changes existing law, is good, and I do not suppose that the committee will be permitted to vote upon it, for I assume that the gentleman from Indiana [Mr. OVERSTREET] will insist upon the point of order, and thus prevent the committee from voting on the merits of this proposition. Permit me to remark in passing that this incident serves to again call the sharp attention of the House and of the country to the unfair and unequal way in which this "point of order" business is worked in this House. No matter how meritorious a proposition is, no matter how good the change of existing law may be, if suggested by some Member of this House, the point of order is inexorably made, and is insisted upon. On the other hand, if the committee wishes to change not only one but scores or even hundreds of existing laws, all is well, and it is considered the height of impropriety, almost official misconduct, for any ordinary Member to enforce the rule. Indeed, if any Member should prove stubborn and insist upon the committee's complying with the rule, I have heard of an instance, not so long ago, when the poor, bewildered committee, amazed at such unexpected conduct, rushed to the all-powerful Committee on Rules with the old Macedonian cry, "Come over and help us, or we die!

But, Mr. Chairman, let me return to the subject upon which I desired to address the committee. On last Friday the gentleman from Pennsylvania [Mr. SIBLEY] addressed the committee in support of the item carrying an increased appropriation for railway mail pay. I am unwilling that the gentleman's argument shall go unchallenged either before this House or before the country. In his opening remarks the gentleman used these words:

Inasmuch as the total compensation for railway mail pay, including cars, is about $45,000,000.

Now, he is not accurate in his statement as to the amount appropriated for railway mail pay in this bill. The appropriation in the pending bill is $43,000,000 for railway mail pay and $5,875,000 for cars, a total of $48,875,000, which is considerably nearer $49,000,000 than $45,000,000.

The gentleman from Pennsylvania states also that when all the facts are considered it is a great mistake to think that because the appropriation required to compensate the railroads for carrying the mail is large that it is necessarily too large. He also states that "in comparison with other features it is small." Then, taking the average percentage of increase for the last six years as his basis, he institutes a comparison between the item covering the railway mail pay and the general departmental expenditures and three specific items, selected by himself apparently without rhyme or reason.

Selecting the six-year average plan of comparision undoubtedly made his task a much easier one than it would otherwise have been, because the appropriation for railway mail pay carried in this bill for the fiscal year 1907 was 5 per cent greater than it had been for the fiscal year 1906, whereas the same appropriation was only 3 per cent greater for the fiscal year 1906 than it had been for the fiscal year 1905. In other words, the percentage of increase on this item is almost double what it was one year ago.

If he had taken the annual average increase of the total departmental expenditures for eleven years, as given in the report, instead of for six years, he would have found that the annual per cent of increase was 6.4, instead of 8.67, the annual per cent of increase for the last six years. Furthermore, the increase for the fiscal year 1907 carried in this bill is only 5.72 per cent, as against an increase of 5 per cent on the railway mail pay.

There are three specific items also with which he invokes a comparison of this item. Let us see what they are. First, the wagon-service item, carrying $1,227,000; second, the appropriation for postal clerks, carrying $15,000,000; third, the item for postage stamps, carrying $550,000. The total carried in these three items referred to by him is $16,700,000. It will be observed that the first and third of these items are comparatively insignificant ones, while the second item carries the salaries of men employed by the Government on postal cars. Now, let me "select," just as my friend from Pennsylvania has done, four items for the purpose of comparing them with this item of railway mail pay, and I will not select insignificant items or pick them at random, but will at least try to select the largest and most important items carried in this bill.

First. Compensation to postmasters, $24,000,000; an increase for the fiscal year 1907 of 1 per cent over the amount appropriated for the fiscal year 1906, as against 5 per cent increase in the railway mail pay.

Second. Pay of letter carriers (city), $22,280,000; an increase for the fiscal year 1907 of 4.3 per cent over the amount appropriated for the fiscal year 1906, as against 5 per cent increase during the same period in railway mail pay.

Third. For inland transportation by star routes, $7,100,000; an increase for the fiscal year 1907 of 2.7 per cent over the amount appropriated for the fiscal year 1906, as against 5 per cent increase during the same period in the railway mail pay.

Fourth. For rural free delivery $28,200,000, an increase of 12 per cent over the amount appropriated for the fiscal year 1906. But we must remember that the rural free-delivery system is comparatively new, is still growing, is still unperfected, and that this appropriation is not only for maintenance and the regular normal growth of a branch of the service already firmly established, as is the case in every other item referred to both by the gentleman from Pennsylvania and myself, but also includes the expense of extending, enlarging, and perfecting a branch of the service still growing and still undeveloped.

For the fiscal year 1903 we appropriated for rural delivery $7,000,000; for the fiscal year 1904, $12,000,000, an increase of 71.25 per cent; for the fiscal year 1905, $20,180,000, an increase of 66 per cent; for the fiscal year 1906, $25,120,000, an increase of 25 per cent, or while, as I have already stated, the pending bill carries, for the fiscal year 1907, $28,200,000, an increase of 12 per cent. But it must be remembered that the percentage of increase in railway mail pay was almost doubled in the pending bill over the percentage of increase carried in the last post-office bill, and at the same time the percentage of increase in the rural-delivery appropriations has been cut almost half in two.

Mr. LLOYD rose.

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. HARDWICK. With pleasure; for a question.

Mr. LLOYD. Are you aware of the fact that the committee gave the rural free-delivery service more than was asked for by the Department?

Mr. HARDWICK. Certainly.

Mr. LLOYD. Are you aware of the fact that there will be, according to the present indications, quite a surplus in the Treasury as a result of the appropriations for last year that will not be expended, by nearly a million, and perhaps of that amount——

Mr. HARDWICK. The gentleman from Missouri [Mr. LLOYD] will pardon me, I know; but as my time is limited, I can not yield for more than a question. The gentleman will, I hope, understand that I am not attacking the committee as unfriendly to rural free delivery. I do complain somewhat of the Department on that score. I think the effort is being made by the Department to make up a large part of the deficit in the Post-Office Department at the expense of the rural free-delivery service by making their rules more stringent about the establishment of routes and enforcing those rules more harshly, and thus preventing the greater growth of the system so beneficial to the farmers of the country. I know the committee has recommended more for this service than the Department requested, but I don't think the committee has recommended as much as we ought to have.

Mr. STAFFORD. Is not the gentleman in error when he computes his percentages on the increased yearly appropriations? And should he not consider not the percentages, but the aggregate amount that has been appropriated each year for increased service? A few years ago we only appropriated $7,000,000 for the rural service. When that was increased by $5,000,000 the per cent of increase should be based on the $7,000,000. This year we are appropriating just as much for additional rural mail service as we did last year, though the percentage when it is compared with the increased appropriation of last year will be less.

Mr. HARDWICK. In one sense, the gentleman from Wisconsin [Mr. STAFFORD] is undoubtedly correct about that. But while you may have appropriated as much more money this year over last than you appropriated last year over the year before, yet the rate of comparative increase is, of course, not the same. I am, however, using precentages in this instance, because the gentleman from Pennsylvania [Mr. SIBLEY] used them, and I am endeavoring to reply to his argument.

The three specific items selected for comparison by the gentleman from Pennsylvania [Mr. SIBLEY] carry a total of $16,770,000. The four items selected by me for comparison carry a total of $81,580,000, or excluding, if you prefer, the item of rural free delivery, the three remaining items selected by me carry a total of $53,380,000.

I am perfectly willing to submit it to the judgment of this House and of this country as to whether my comparison or his has been the fairest, and has afforded a more accurate view, from the comparative basis, of the increased appropriation for railway mail pay.

I wish also to call attention to the fact that the only large item selected by him for comparison, namely, $15,000,000 for the pay of postal clerks, and all of the items referred to by me are items that carry the salaries of thousands of men employed by the Government in the various branches of the post-office service. Now, of course, with the gradual growth of the service, the Government must necessarily employ a larger force of men to transact the business, but it is not true that because the Government must hire more men that it can save anything by paying to these men smaller salaries. The Government does not get, nor is it entitled to, any deduction of this kind. On the other hand, "it is a fundamental rule of transportation that the cost per unit of transportation decreases as the density of the traffic increases." The increase in cost of transportation of mails ought not, under any just and fair system of compensation, to increase with the growth of business in any ratio or percentage that is anything like as high or as great as the increase in total salaries paid to the increased force of employees, and yet a study of this question is bound to convince any unprejudiced mind that the cost of transporting the mails by rail increases in even greater ratio than the salaries of the employees who handle that mail.

Now, Mr. Chairman, I wish to attempt an answer to the second proposition laid down by the gentleman from Pennsylvania in support of his position that the railway mail pay is not excessive, is even moderate when compared with other items in the bill. The gentleman insists that he has been convinced by the report of the Wolcott Commission, made to Congress in 1901, that the present rate paid the railroads for transporting the mails is not excessive. I do not believe that the gentleman could have made a more unhappy or more unfortunate reference. There were eight members of this Commission—four from the Senate and four from the House. After eighteen months' work they undertook to report to the Congress the result of their investigations and labors, and found it impossible to agree on any one report that more than two of the Commission would sign. Four of its members, Messrs. Wolcott, ALLISON, MARTIN, and Loud did agree that in their judgment the present rate of railway mail pay was not excessive, but one of these, and probably the most experienced and industrious of them all in this

particular line of legislation, Mr. Loud, earnestly recommended and insisted that the present system of paying for the transportation of the mails was fundamentally wrong—that we ought to pay by space and not by weight—and he earnestly protested that there had been no proper inquiry along that line.

While Mr. Moody, the present able Attorney-General, did agree that the present rate of pay to the railroads for carrying the mails was not grossly excessive, he would not state that it was not excessive at all, and recommended still further investigation. Mr. Catchings agreed with Mr. Moody in this view. Professor Adams, the expert employed by the Commission, recommended a flat reduction of 5 per cent on all rates, and a still further graduated reduction on all railroads receiving in excess of 20 cents per ton per mile for carrying mail. His recommendations were concurred in by Messrs. Chandler and Flemming, the latter gentleman filing a very elaborate and able report in support of his views on this question.

If the gentleman from Pennsylvania [Mr. SIBLEY] can regard anything as "settled" from this report, or from these several reports, and if he can get anything final and conclusive out of this divergence of "views" and varieties of "opinions," he must indeed be possessed of "exceeding great faith."

The gentleman from Pennsylvania [Mr. SIBLEY] quotes from the evidence delivered before the Wolcott Commission by Henry S. Julier, general manager of the Adams Express Company, and by Samuel Spencer, president of the Southern Railway, to show that the railroads receive less pay from the Government for transporting the mails than they do from the express companies for transporting the express.

The gentleman does not undertake, of course, to give all the testimony of these witnesses, but merely gives a summary of that evidence, which summary was, I understand, compiled by Mr. W. W. Baldwin, of the Burlington route. I contend that this "summary" of Mr. Baldwin's is inaccurate, incorrect, and liable to be misleading. In the first place neither of the witnesses uses the exact language imputed to him by Mr. Baldwin, and while the summary is in the main correct, it is incorrect and incomplete in that it does not undertake to state the qualifications put by the witnesses themselves upon their own evidence, or to give the basis upon which they figure in order to arrive at the results stated by Mr. Baldwin and quoted by the gentleman from Pennsylvania. For instance, in order to make his comparison between mail and express rates Mr. Julier insisted upon adding to the actual amount paid by the express company to the railroad the sum of $242,000, which he claimed was compensation for the "services of men used jointly with the railroad companies, rental of rooms at depots, etc."

On the other hand, before he would make the comparison between mail and express rates, Mr. Spencer insisted on subtracting from the amount actually received by the railroad for transporting the mail "a portion of the total mail pay, which may be properly considered as received for hauling post-office employees, for supplying and hauling post-office cars, for carrying the mails between stations and post-offices, and for special fast train service."

Neither of these witnesses, pursuing the exactly opposite course of figuring, the one adding to the amount actually paid by the express companies, and the other subtracting from the amount actually paid by the Government, undertook to give the Commission, so far as I have been able to discover, any definite, precise, and detailed information as to the amounts added in the one case and subtracted in the other, and there is strong reason to believe that neither system of "figuring" is wholly accurate and entirely fair.

I know full well that my friend from Pennsylvania [Mr. SIBLEY], who is a gentleman of the very highest character, beloved and respected by every Member of this House, would not intentionally mislead the House by either an inaccurate or a partial quotation, and I have no reason to believe that Mr. Baldwin, from whose paper on the comparison of express and mail rates these "quotations" were taken, would intentionally mislead anyone, but I submit that if the statements are allowed to go in the record unchallenged they would be calculated to mislead, however innocent of intention to do so my friend from Pennsylvania [Mr. SIBLEY] or Mr. Baldwin might be.

Again, the gentleman from Pennsylvania [Mr. SIBLEY] puts in his speech a brief extract from the report of Mr. Moody as a member of the Wolcott Commission. The concluding paragraph quoted from Mr. Moody by the gentleman from Pennsylvania is as follows:

> Beginning with 1880 (the first year in which all the statistics were available for comparison) passenger rates have decreased 21 per cent, freight rates 44 per cent, and mail rates 39 per cent.

The gentleman from Pennsylvania then triumphantly exclaims:

> Now, unless some one can answer that argument of Mr. Moody's, there is nothing in the contention that the rate must be excessive because the law has stood for so many years.

Mr. Chairman, I will undertake to "answer the argument of Mr. Moody's" by quoting the very next sentence of Mr. Moody's own report:

> This would seem satisfactory were it not for the facts that during the same period the passenger mileage of passengers increased 233 per cent, the ton mileage of freight 353 per cent, and the ton mileage of mail 579 per cent, and that there had resulted large concentrations of mail on certain routes.

I am inclined to partially agree with the gentleman from Pennsylvania when he asserts that the public has very little accurate information on the subject, and that there is no such amount of excessive pay as is generally believed by the public; still I firmly believe that the pay is, to some extent, generally excessive, and in some instances, because of the large concentration of mail, grossly so. I think Congress ought to follow the advice of the able expert employed by its last Commission, who brought to a laborious and painstaking investigation of this subject, extended through many months, a splendidly trained and thoroughly impartial mind. If the advice of this expert, Professor Adams, were accepted, the law would be so amended as to provide for a general reduction of 5 per cent in railway mail pay, and a still further graduated reduction on all routes receiving more than 20 cents per ton per mile. (See report of Professor Adams, Part II of the testimony, page 171.)

That this recommendation has gone absolutely unconsidered by this House during the long period of more than five years that has elapsed since that report was received by it, is but another of the numerous sins of omission for which the party in power must finally answer to the American people. The report of the Postmaster-General, made to this Congress at the beginning of the present session, clearly states that that officer is not entirely satisfied with the present status of the pay received by the railroads for transporting the mails. On page 66 of his report he uses these words:

> The law relative to rates of payment for railroad mail transportation has not been changed since 1873, except as it has been modified by the laws of 1876 and 1878, by which a reduction in the rates of 10 and 5 per cent, respectively, was made.
>
> The present method of determining the rates of pay for this service is not altogether satisfactory; and while I am not yet prepared to suggest specific changes, it is believed that certain inquiries that are being instituted through departmental channels will afford data on which to base future recommendations.
>
> The plan now followed appears to furnish a somewhat uncertain basis upon which to make annual expenditures exceeding $40,000,000.

In opening the debate on the pending bill, on April 5, 1906, one of the most able and upright members of the Committee on Post-Offices and Post-Roads, my friend from Tennessee [Mr. MOON] made this statement to the House:

> One of the most important questions, in my judgment, for the consideration of this House is the question of railway mail pay. From year to year there is an increase in the pay demanded by the railroad companies of the United States for transportation of mails. Gradually there is an increase in appropriations. It must be conceded that the growing business of the country and the population of the country contribute largely to this demand, and its accessions on the part of Congress to the railroad companies of the United States, but this committee has never had the information; it has not now the information; the Government of the United States has not the information, and no man within the sound of my voice has information with which to act intelligently and pass an opinion as to what the proper and just pay ought to be to the railroad companies for the transportation of mails. I venture the assertion that there is not a member of the committee on Post-Offices and Post-Roads of the House, or in the Senate, who can come within $10,000,000 to-day, from any proper basis of calculation, as to what legitimately ought to be paid to the railroad companies of the United States for this service.

What striking language to be used by a veteran legislator, an experienced, industrious, and able member of the committee, and the ranking Democrat of the committee, and yet no gentleman on either side of this House, except the gentleman from Pennsylvania [Mr. SIBLEY] has taken up the challenge or gainsaid the statement.

Mr. Chairman, so far as I am concerned I am not satisfied that the present rates of railway mail pay are right. I think that we ought at once to follow the recommendation of our own expert, Mr. Adams, and then we ought to institute a thorough and comprehensive examination into the whole question, so as to determine exactly what is the proper system of paying the railroads for the transportation of the mails, and just how much they ought to be paid in order to allow them a reasonable and just, but not an excessive, compensation for this service.

Mr. OVERSTREET. Mr. Chairman, I insist upon the point of order. The amendment is clearly contrary to existing law.

The CHAIRMAN. The point of order is sustained.

Mr. STEENERSON. I offer the following amendment.

The Clerk read as follows:

Amend the bill by striking out the words "forty-three million dollars," in lines 22 and 23, and inserting in lieu thereof the following: "forty million dollars: *Provided*, That before said sum shall be expended the Postmaster-General shall, and he is hereby authorized to, readjust the compensation to be paid from and after the 1st day of July, A. D. 1906, for transportation of mails on railroad routes carrying their whole length an average weight of mail per day exceeding 50,000 pounds, by reducing the compensation now allowed by law on such routes 20 per cent per annum."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. STEENERSON. I desire the gentleman to reserve his point of order.

Mr. OVERSTREET. I reserve the point of order.

Mr. STEENERSON. I desire to say, Mr. Chairman, that this is substantially the same amendment as I offered a moment ago, except it makes a reduction of 20 per cent on the rates where the density of the mails is not exceeding 50,000 pounds per day. It is drawn in a straight way where this is to be paid. I desire to say that I have examined the laws of 1876 and 1878, reducing the amount of railway mail pay 10 per cent and 5 per cent, respectively, and I find that they were riders on appropriation bills the same as this provision; and it seems to me that the Chairman ought to distinguish this proposed amendment, because it simply amounts to a limitation upon the appropriation, and therefore is not subject to the point of order.

I believe it is the consensus of opinion of this House that the railway mail pay ought to be reduced. The Postmaster-General has suggested it, as shown by the gentleman from Georgia [Mr. HARDWICK], and I believe this is a reasonable reduction.

The CHAIRMAN. The point of order is sustained.

Mr. MACON. I move to strike out the last word for the purpose of asking the chairman of the committee a question. I notice in the list of expenditures that you mention in detail in your report the first one is, "Transportation of mails on railroads, $39,384,916.17." And here in this provision that we are just passing it provides:

For inland transportation by railroad routes, $43,000,000.

What is the reason for that discrepancy between the report and the bill?

Mr. OVERSTREET. Mr. Chairman, under the law rates are fixed for the pay of railroads for carrying the mails. Those rates are determined by the weight of the mail and the distance carried. For the convenience of ascertaining this information as a basis for the calculation of the amount of the appropriation, the entire country is divided into four divisions, and in each one of those separate territorial divisions the mail is weighed once in four years for a limited period, and the calculation of the entire weight of that section is made on that basis. Then the appropriation is carried uniformly for four years for that division. The expense on the four divisions at the close of the last fiscal year is the amount to which the gentleman has just made reference, stated in the report of the committee; but during the present spring a new weighing period occurs in the western division, which includes all of the States and Territories west of the Mississippi, excepting, as I remember, three States not included.

The experience of the Government shows that by reason of the increased volume of business the increased weight of the mail since the preceding weighing of four years ago in that section will be from 15 to 17 per cent. Hence we have taken the annual rate on the 30th day of last June for each of three remaining divisions and added to the annual rate for the western division 15 per cent of that amount. Therefore we increase the total by the difference between what the law carries for the current year and the amount in this item.

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn.

Mr. HARDWICK. I move to strike out "forty-three" and to insert "forty" in lieu thereof.

Mr. OVERSTREET. Mr. Chairman, that would not affect the right of payment nor the claim for payment. It would merely delay it. I hope the amendment will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HARDWICK. Upon reflection, as the pay is fixed by law, the amendment might just as well be withdrawn. I should like to reduce the rate of pay, but we must, of course, pay the railroads what the law provides.

The question being taken on Mr. HARDWICK's amendment, it was rejected.

The Clerk read as follows:

And the Postmaster-General shall require a record from July 1 to December 31, 1906, of all second-class mail matter received for free distribution, and also at the 1 cent a pound rate, so as to show the weights in pounds, respectively, by classes, of daily newspapers, weekly and other than daily newspapers, magazines, scientific periodicals, educational periodicals, religious periodicals, trade-journal periodicals, agricultural periodicals, miscellaneous periodicals, and sample copies of said newspapers, magazines, and periodicals, and make report to Congress of such information by February 1, 1907, together with an estimate of the average length of haul of said respective classes above named.

Mr. BARTLETT. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert at page 17, line 24, end of line:

"And in the meantime, and until said report is made, whenever any person or corporation shall apply to the Postmaster-General for the admission of any newspaper or publication to the mails at the second-class rate, and such application shall be denied or refused, such person or corporation shall have the right, and is hereby empowered, to apply for a writ of mandamus to the supreme court of the District of Columbia, or to the justices or any justice thereof; and the proceedings therein shall be had and governed as is provided for in the issuing, granting, and trial of such writs of mandamus in chapter 42 of the Laws of the District of Columbia, enacted March 3, 1901, and as amended by acts approved January 31 and June 30, 1902, and embraced in sections 1273 to 1282, inclusive, of said Code of the District of Columbia; and if upon the trial and hearing of said application for writ of mandamus it shall be decided by the supreme court of the District of Columbia, or the justices or any justice thereof, that such newspaper or publication is, under the law governing the admission of newspapers and publications to the mails as second-class matter, entitled to such admission, then it shall be the duty of said court, or said justices or any justice thereof, to issue the writ of mandamus directed to the Postmaster-General, requiring him to admit such newspaper or publication to the mails as second-class matter; the costs in such proceeding to be paid by the person or corporation making application for the mandamus."

Mr. OVERSTREET. Mr. Chairman, I reserve the point of order on that amendment.

The CHAIRMAN. The point of order is reserved.

Mr. BARTLETT. Mr. Chairman, I am much obliged to the gentleman for reserving the point of order instead of making it, but I wish to state that in my opinion the amendment is not subject to a point of order. I had just as well argue the point of order now. I understand the gentleman to reserve it, but I will argue it as if it were made.

Mr. OVERSTREET. I will make the point instead of reserving it, if the gentleman desires.

Mr. BARTLETT. No; I will argue the point of order, because I am prepared to do that; and after arguing the point of order I wish to say something with reference to the merits of the amendment itself.

Mr. OVERSTREET. I would prefer that the gentleman confine his remarks to the merits of the amendment, for the five minutes. Then let us dispose of the point of order afterwards.

Mr. BARTLETT. Then I will argue the merits, but I do not wish to be understood as conceding that the point of order is good, because I think that the amendment is not subject to the point of order.

Mr. OVERSTREET. If I understand the gentleman, he wants to make two speeches—one on the point of order and one on the merits of the amendment. Is that right?

Mr. BARTLETT. Yes; if you please.

Mr. OVERSTREET. Will the gentleman's remarks be along the same line of argument as he addressed to the committee the other day?

Mr. BARTLETT. No; I am not following the example of some of my good friends and repeating a good thing. [Laughter.] Mr. Chairman, the point of order I discuss first is this: I apprehend that a point of order to be good must be that the amendment changes existing law or that it is new legislation. The provision in the bill itself, commencing with line 12 on page 17, down to line 2 on page 18, is new legislation, and admittedly so. There is no question about it.

Mr. OVERSTREET. If the gentleman will permit me, the hour is growing late, and it is needless for us to debate about this proposition. The provision of the bill to which the gentleman refers is undoubtedly subject to a point of order if the gentleman wishes to make it.

Mr. BARTLETT. I have not made it; I shall not make it; but I have offered an amendment to it.

Mr. OVERSTREET. I can not accept, as free from the point of order, the statute which the gentleman proposes to engraft upon this provision. I think there is no Member of this body but approves of the provision in this bill.

Mr. BARTLETT. I do approve of it.

Mr. OVERSTREET. But if the gentleman is going to make a point of order on this item in the bill, then I will concede that it is subject to the point of order.

Mr. BARTLETT. But I am not going to make it

Mr. OVERSTREET. I can not waive the point of order on the amendment.

Mr. BARTLETT. I have not asked the gentleman to waive it. I do not think it is subject to the point of order. And I also think, in justice to the people of the United States, in the interest of proper service in the Post-Office Department, in order to defeat a tyrannical and despotic rule that prevails in the Post-Office Department, the gentleman ought to waive the point. But, Mr. Chairman, I insist that the point of order is not good, and I started to say why I thought it was not good.

I desire to say that it has been admitted by the gentleman from Indiana, chairman of the committee, that this is new legislation. The point of order has not been made against it, and therefore it remains in the bill. Now, any amendment, if it is germane to this proposition, is in order. I apprehend that I need not call the attention of the Chair, so experienced a parliamentarian and so accustomed to preside in Committee of the Whole, and whose decisions are so uniformly accepted as correct, to the proposition, but I will refer the Chair to page 324 of the Manual.

The CHAIRMAN. There is no question but that the gentleman from Georgia has correctly stated the proposition.

Mr. BARTLETT. Then, Mr. Chairman, this being a new proposition ingrafted on this bill, a new law on the subject, the Chair will see that I have simply provided that pending this investigation and report these people shall have the right to appeal to the courts. Now, this section deals with the subject of second-class mail matter. The law upon the subject is that second-class matter shall be admitted to the mail on application to the Third Assistant Postmaster-General, stating the number of bona fide subscribers and various other requirements, and that the paper thereupon shall be admitted at the cent-a-pound rate. It is information upon that subject that this provision undertakes to provide shall be obtained by the Postmaster-General. This amendment simply provides that in the meantime, and until that report is made, those persons who apply to the Third Assistant Postmaster-General to have newspapers or other publications admitted at the second-class rates, during the time under which this investigation is to be had—during the time in which the material for this report is to be got up, which is to be sent to Congress—that these persons designated—not everybody, it is not a general statute, but the people who make application during this period of time—shall have the right to appeal to the courts when they are denied access to the mails by the Third Assistant Postmaster-General; that they shall pay the cost of the proceedings in order to have the matter reviewed and determined.

Now, I grant you, Mr. Chairman, that if this amendment had been for the purpose of making a general statute, it might be—although I have some doubt about it—subject to a point of order; but I have made this amendment to comply with the purposes of the provisions incorporated in the bill by the committee. Therefore I think I have clearly brought myself within the rules that if the paragraph on the appropriation bill changes existing law, it may be perfected by a germane amendment which also changes existing law. That precise question was decided in the Fifty-seventh Congress, first session, and may be found in the RECORD, page 1468, and there are numerous other cases upon that very point. It has been decided at the present session of Congress when the judicial, legislative, and executive appropriation bill was under consideration and new provisions were inserted in the bill changing existing law, creating new offices and new salaries, an amendment was offered, while the bill was being considered under a special rule made by the Committee on Rules, and although the amendment changed existing law, the Chairman, Mr. OLMSTED, ruled and held correctly, as the present occupant of the chair well knows, that an amendment to a provision of the bill which itself created a change of law was admissible.

Therefore, Mr. Chairman, the question reverts, Is this amendment germane to this section? The gentleman from Indiana did not make the point that it was not germane, but I propose to meet it. His proposition was that it was engrafting a statute on an appropriation bill. That is true, but the committee itself having first engrafted a new statute on an appropriation bill, if I can draw my amendment so that it is germane to the new provision that they have put in the bill, then I am permitted to do it under the rule.

It is germane, Mr. Chairman, if I may be permitted to repeat what I have said. The purpose of the provision is that the Postmaster-General shall require a record of all second-class mail matter. It deals exclusively with second-class matter. It says newspapers, magazines, and periodicals. I have not used the exact language in the amendment used in the section, but, if it is necessary, I will change it so as to correspond in words. I used the words "newspapers or other publications." I apprehend that the words "newspapers and other publications" would include magazines, scientific periodicals, educational periodicals, religious periodicals, trade journals, etc. So while I have not in so many words and in detail set out in the proposed amendment each one of these publications that the gentleman from Indiana has set out in the section, I have the word "newspapers" and I have also the words "other publications," and these embrace all the subjects referred to in the section. Therefore this amendment of mine undertakes to deal only with the subject that the provisions of the bill deal with—that is, newspapers or any other publications. The other words of it are that any person who during this time, during the time from July 1, 1906, to December 31, 1906, who offers a publication or a magazine or a newspaper of the character described in this amendment for admission to the mails as second-class matter, if it is denied, if part of this information which Congress seeks to obtain by this provision is denied at the Post-Office Department, then that person who undertakes to enter his newspaper, his magazine, or periodical, or whatever it may be, may seek the courts in order to have Congress fully informed of all the second-class matter that ought to be in the mails and that is improperly excluded from the mails.

Now, Mr. Chairman, having said that much upon the matter of the point of order, and by the courtesy of my friend from Indiana, I will discuss the purpose of this amendment, and I shall do so briefly. Mr. Chairman, if I had the time I could fill the RECORD of this House—pages, at least—with complaints, with evidence, with facts, which show the absolute disregard of the law of the land by this department of the Post-Office in dealing with citizens who wish to have their publications admitted to the mails at the second-class rate. I say that we ought not to permit that to be done. I insist that it should not be the policy of this American Congress to sit silent and idle when there comes up from all over this broad land of ours loud and just complaints, supported by substantial and uncontradicted facts, that the law of the land is being administered in a despotic and tyrannical way in the Post-Office Department, by which the right to have access to the mails, for the carrying of which they contribute taxes, is denied. This is a land of law. Every man ought to be made obedient to it—the high Postmaster-General, the First-Assistant, the Second, or Third, as well as everyone else. To use the language of a great Chief Justice in the case of Marbury *v.* Madison, a case of note at the time rendered, and still is (to be found in 1 Cranch, U. S. Reports), a case in which the Chief Justice, John Marshall, declared that the right to the writ of mandamus existed in this country that could be enforced in a proper court of proper jurisdiction, even against the Secretary of State. I desire here now to repeat the words of that great Chief Justice.

> The Government of the United States has been emphatically termed a Government of laws and not of men. It would certainly cease to deserve this high appellation if the laws furnish no remedy for the violation of a vested legal right. If this obloquy is to be cast upon the jurisprudence of our country, it must arise from the peculiar character of the case.

While I have on occasions heretofore called the attention of the House and of the country to peculiar facts in a certain case, I desire now to say that this amendment which I have offered, as I have a right to do, is not, in my opinion, obnoxious to any of the rules of the House. I have offered this amendment that for the time—at least, until Congress can be made to realize the wrongs that are perpetrated in the name of law by the Third Assistant Postmaster-General and those in his office against citizens of this country—something may be done for the relief of the people, and I present it, Mr. Chairman, feeling confident and convinced that in doing it at this place to amend this provision of the bill I do not violate any of the rules of the House or parliamentary bodies with reference to germaneness. The gentleman from Indiana and his committee, having seen fit to report to the House a bill providing for a change in existing law as to second-class matter in one material point, I call upon the House, I call upon the distinguished Member of the House now occupying the chair, unless it is so clearly violative of the rules of the House as to be overruled, I call upon him not to destroy the only opportunity that the people of the country will have at this Congress to remedy this great and crying wrong and to destroy this tyranny and despotism that exists in the Post-Office Department.

Mr. LIVINGSTON. May I ask the gentleman whether under the Constitution the Postmaster-General or the Third Assistant in either case is not subject now to a mandamus? Has any court ever held to the contrary?

Mr. BARTLETT. Well, I have a couple of cases in my hand,

which I will not read, because I promised to be short, which indicates that it has not.

Mr. LIVINGSTON. Has there been a test case?

Mr. BARTLETT. I think there has, and one is reported in 194 United States. The Supreme Court say in that case that they will not overrule the discretion of the Postmaster-General in denying admission to the mails. They pretermit the question. I will not use the word "dodge" with reference to the Supreme Court, but they decided the case upon some other point. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. Mr. Chairman, I desire to say, in explanation of this, that the provision carried in this bill simply requires a report to Congress on the 1st of February next of a compilation of information which the Postmaster-General will then have made. Not a particle of second-class matter under the law can be accepted in the mail until it has been weighed and the postage paid. We simply require by this item that the record made of mail of these various classes of second-class matter shall be compiled in a record and a report made to Congress.

Now, the gentleman's amendment does change existing law. It changes existing law by requiring that the matter which has been excluded from the mail under existing law shall be received by the Government as second-class mail matter. The law relative to second-class mail is a statute which requires that certain things be done under which the Postmaster-General will accept it, provided these requirements have been fulfilled. If they have not been fulfilled, then the second-class privilege is denied. The gentleman's amendment obliges the Postmaster-General to accept this class of mail, even if under existing law it has been excluded. Therefore his amendment is subject to the point of order, both because it is not germane to this particular item of the bill and because his amendment does change existing law. Assuming, merely for the purpose of the argument, that the item contained in the bill would be subject to a point of order, which, I think, is not true, still that point has been waived.

Mr. BARTLETT. You admit that it was subject to the point of order?

Mr. OVERSTREET. I think I made a mistake, upon reflection, and I always admit my mistakes when I think I have made them. Admitting, for the sake of the argument, that possibly the item in the bill would be subject to a point of order, the point of order was waived when the amendment was offered and considered. Therefore, because this item of the bill simply calls for a record under existing law, this amendment would change existing law, because it would change the very statute under which such matter is accepted. I insist upon the point of order.

Mr. BARTLETT. One word in reply, Mr. Chairman. The gentleman has admitted that the provision was a change of existing law. If it is, then under my contention my amendment is in order. It is germane, and therefore in order. If it is not a change in existing law, then the amendment to existing law is also germane; but this provision is a change of existing law. There never was anything in any appropriation bill or any statute which required a report to Congress of the matters referred to in this section, or that this record be kept. For the first time the gentleman has inserted it in this appropriation bill and it has, since no point of order has been made against it, come before the House for consideration. Now he endeavors to get rid of the force and effect of that proposition by saying he was mistaken when he said it is new legislation. The gentleman, I apprehend, is not mistaken; it is new legislation. But if he take either horn of the dilemma he finds himself in, I am satisfied that this amendment is germane. It is of so much importance, is so just and proper, that I had hoped the gentleman would not insist upon the point of order.

The CHAIRMAN. Whether the provision in the bill as reported was in order or not, an amendment to it must be germane. But on the assumption that the provision was not in order, no point of order having been raised, of course it is in the bill. The question comes down to this point: An amendment thereto must first be germane; second, it must not add any new matter of legislation not contained in the provision the point of order upon which has not been raised.

Now, the provision in the bill provides for what? For a record of the transactions of the service and a report thereon to a future Congress. The amendment provides for a trial in a court and provides the machinery for relief where the complainants believe a wrong had been perpetrated; therefore it seems to the Chair——

Mr. BARTLETT. Will the Chair permit an interruption?

The CHAIRMAN. Certainly.

Mr. BARTLETT. If the Chair will look at the words at the beginning of the amendment, he will see that it is provided that in the meantime, and until said report is made—thereby referring to the very provision of the bill itself.

The CHAIRMAN. The Chair does not see that that changes the situation. The subject-matter of the provision is a record and a report. The subject-matter of the amendment is a writ of mandamus in case a wrong is perpetrated or is said to have been perpetrated.

But further than that, the amendment is obnoxious to the rule, which says that an amendment must be simply to perfect the text, and must not bring in some additional question of legislation. In the opinion of the Chair, this amendment is not germane, and it does propose to incorporate in the bill a new matter of legislation. Therefore the Chair is constrained to hold the amendment not in order.

Mr. BARTLETT. Then, Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Georgia offers another amendment, which the Clerk will report.

The Clerk read as follows:

After line 24, page 17, insert: "And in the meantime and until said report is made, when any person or corporation shall apply to the Postmaster-General for the admission of any newspaper or publication to the mails as second-class matter, and the same shall be denied admission to the mails as second-class matter, then such person or corporation shall have the right to an appeal to a board of appeals, hereby constituted and created for that purpose, to consist of the Postmaster-General, the First Assistant Postmaster-General, and the Second Assistant Postmaster-General, who shall hear such appeal and the facts submitted by such person or corporation making the appeal, and if, in the opinion of such board of appeals so constituted as above stated, said newspaper or publication is entitled under the law to be admitted to the mails as second-class matter, then such board of appeals shall so find and determine, and shall order said newspaper or publication to be admitted to the mails as second-class matter."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that amendment for the same reason that I did against the other.

Mr. BARTLETT. Now, Mr. Chairman, this amendment does not send the question to the court for adjudication at all. It simply puts it in the hands of the Postmaster-General and the First and Second Assistants, in order to determine what shall be done with the newspapers or other publications that are trying to be admitted to the mails at second-class rates in the intervening time and until this report is made. It is simply in addition to the scheme provided for in this section for carrying out the will of Congress; a means not by which the court, but by which the Post-Office Department itself undertakes to carry it out. The other amendment did not deal entirely with the Post-Office Department, but this amendment proposes to legislate in reference to certain duties and to impose certain requirements upon the Postmaster-General. Now, this provision itself says that the Postmaster-General shall require a record to be kept. This amendment simply requires that the Postmaster-General and the First and Second Assistant Postmasters-General shall also, in addition to what is required to be done, do certain additional things to carry out the will of Congress in order to make the record complete. It does not undertake to provide for an appeal to the courts, but simply deals with the duties and requirements of the Postmaster-General.

Now, the bill itself, in the paragraph beginning with line 12, page 17, makes provision that the Postmaster-General shall require certain things to be done. In addition to requiring those things to be done this amendment requires the Postmaster-General, aided by the First and Second Assistant Postmasters-General to do certain other things in carrying out the purpose of Congress. It seems to me that the distinction between the two amendments is clear, Mr. Chairman, and that this amendment clearly is not subject to the point of order made by the gentleman from Indiana.

The CHAIRMAN. The provision of the bill relates to keeping a record of certain events and reporting thereon. The provisions of the amendment relate to the entry of certain mails under certain classes. Therefore it is new subject-matter, and is not germane to the amendment, and the Chair is again constrained to sustain the point of order.

Mr. OVERSTREET. Mr. Chairman, just two small items and then I will move that the committee rise. I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Insert after line 2, page 18:

"The chief officer of the several Executive Departments, independent bureaus, and Government establishments, having headquarters in Washington, D. C., shall maintain from July 1 to December 31, 1906, a record of all mail entered at Washington by each under the penalty privilege during said period, so as to show the character and

quantity of said mail by the several classes of mail as defined by law, and report to Congress not later than February 1, 1907, the number of pieces and weight by the said several classes of mail, and the amount of postage which would have been required for each of said respective classes, calculated at the regular postage rates, as provided by law."

The amendment was agreed to.

The Clerk read as follows:

For railway post-office car service, $5,875,000.

Mr. MACON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 18, in line 4, after "dollars," insert: "*Provided*, That no part of the sum herein appropriated shall be expended for the payment of rent of railway post-office cars not in actual use in the service of the transportation of the mail."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that amendment. I want to say to the gentleman from Arkansas that no such payment is now made.

Mr. MACON. I understood that in the hearings before the committee it was shown that there were 215 of these cars on which payment was made which were not so in use.

Mr. OVERSTREET. No, sir; there is not a dollar paid for a railway post-office car except for the actual travel of the car—the mileage of the car based upon the law.

Mr. MACON. In the proceedings before the committee did not General Shallenberger, or whoever has charge of that matter, say that there were 215 of them paid for annually that were not in use, and that there was no warrant of law for paying for them, either?

Mr. OVERSTREET. No payment is made except for the actual service of the cars.

Mr. MACON. Why did he tell the committee, then, that he paid for 215 cars that were not in use?

Mr. OVERSTREET. I do not think he said that, because the law would not justify it. I think the gentleman must clearly have misunderstood him.

Mr. MACON. He stated clearly that it was done, and that there was no warrant of law for it.

Mr. OVERSTREET. I do not want to appear as disputing what anybody has said. I merely state what the law is—that no car is paid for except for actual service.

The CHAIRMAN. The Chair is ready to rule.

Mr. FINLEY. Mr. Chairman, I think this view is properly justified to some extent by the statement of the Second Assistant to this effect—that your car pay is not per car, but per line; and I want to say to this committee that it is a pretty difficult matter for me to figure out to a nicety exactly how that pay is made up. I know what is said to constitute a line.

Mr. OVERSTREET. But the R. P. O. car pay is for service, and there is no pay granted where there is no service.

Mr. MACON. On the point of order I desire to state that the amendment is a limitation upon the appropriation and certainly in order.

The CHAIRMAN. The Chair is about to rule with the gentleman from Arkansas. The Chair thinks the amendment is in order. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The question was taken; and on a division (demanded by Mr. MACON) there were—ayes 32, noes 51.

So the amendment was rejected.

Mr. OVERSTREET. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16953—post-office appropriation bill—and had come to no resolution thereon.

FIVE CIVILIZED TRIBES.

Mr. SHERMAN. Mr. Speaker, I desire to present for printing in the RECORD the conference report on the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

The SPEAKER. The conference report will be printed under the rule.

COURTS IN THE SOUTHERN DISTRICT OF TEXAS.

The SPEAKER laid before the House the bill (H. R. 12863) to create a new division of the southern judicial district of Texas, and to provide terms of court at Victoria, and for other purposes, with Senate amendments.

The Senate amendments were read.

Mr. BURGESS. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

MEMORIAL EXERCISES ON THE LATE REPRESENTATIVE HON. JOHN M. PINCKNEY.

Mr. SLAYDEN. Mr. Speaker, I want to ask unanimous consent to vacate so much of the order made on March 7 as fixed April 15 as the day for addresses on the life, character, and services of the late Hon. JOHN M. PINCKNEY, late a Representative from the State of Texas, and to offer the following order, which I send to the Clerk's desk.

The Clerk read as follows:

Ordered, That a session of the House be held on Sunday, April 29, and that the day be set apart for addresses on the life, character, and public services of Hon. JOHN M. PINCKNEY, late a Representative from the State of Texas.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection; and the order was agreed to.

The SPEAKER. The Chair will state that leaves the order standing on April 15 for memorial services on the life, character, and public services of Hon. BENJAMIN F. MARSH, late a Representative from the State of Illinois.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13154. An act for the relief of John T. Irion;

H. R. 9165. An act authorizing the Secretary of the Interior to issue patent to the Scandinavian Evangelical Lutheran Little Missouri River congregation to certain lands for cemetery purposes;

H. R. 2996. An act to reimburse Capt. Sydney Layland for sums paid by him while master of the United States transport *Mobile* in July and August, 1898; and

H. R. 16140. An act to authorize the maintaining and operating for toll an existing structure across Tugaloo River, known as "Knox's bridge," at a point where said river is the boundary between the States of South Carolina and Georgia.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 59. An act providing for the establishment of a uniform building line on streets in the District of Columbia less than 90 feet in width—to the Committee on the District of Columbia.

S. 5537. An act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska—to the Committee on Public Lands.

S. 5288. An act appropriating $5,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina—to the Committee on the Library.

S. 4806. An act to regulate the landing, delivery, cure, and sale of sponges—to the Committee on the Merchant Marine and Fisheries.

S. 4805. An act to prohibit aliens from taking or gathering sponges in the waters of the United States—to the Committee on the Merchant Marine and Fisheries.

S. 4487. An act granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery—to the Committee on the Public Lands.

S. 3820. An act for the relief of Eunice Tripler—to the Committee on Claims.

S. 3482. An act to provide for the paving of a portion of Florida avenue between P and Q streets NW., city of Washington, D. C.—to the Committee on Appropriations.

S. 3283. An act for the relief of John H. Haunter—to the Committee on War Claims.

S. 1221. An act for the relief of J. de L. Lafitte—to the Committee on Claims.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 12843. An act to amend the seventh section of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the several acts amendatory thereto;

H. R. 11536. An act granting an increase of pension to James D. Hudson;

H. R. 11129. An act granting an increase of pension to Thomas J. Lindsey;

H. R. 8717. An act for the relief of Jacob Pickens;

H. R. 15328. An act to approve certain final proofs in the Chamberlain land district, South Dakota;

H. R. 10480. An act for the relief of certain settlers upon land within the indemnity limits of the present St. Paul, Minneapolis and Manitoba Railway Company;

H. R. 4461. An act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes; and

H. R. 20. An act to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee; in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes.

WITHDRAWAL OF PAPERS.

Mr. DALE, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Bridget Nolan, Fifty-ninth Congress, no adverse report having been made thereon.

Mr. OVERSTREET. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned until to-morrow, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named as follows:

Mr. MOON of Pennsylvania, from the Committee on Revision of the Laws, to which was referred the bill of the House (H. R. 17984) to provide a code of laws for the United States, reported the same without amendment, accompanied by a report (No. 3200); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15343) for the recognition of services of a military nature rendered by certain civilians in the late war with Spain, reported the same with amendment, accompanied by a report (No. 3204); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 17563) to amend an act entitled "An act granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes," approved March 3, 1905, reported the same without amendment, accompanied by a report (No. 3205); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1887) granting a pension to Joseph Brooks, reported the same with amendment, accompanied by a report (No. 3170); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4669) granting a pension to Joseph E. Green, reported the same without amendment, accompanied by a report (No. 3171); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9276) granting a pension to Mary O'Hare, reported the same with amendment, accompanied by a report (No. 3172); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11898) granting a pension to Lars F. Wadsten, reported the same with amendment, accompanied by a report (No. 3173); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13227) granting a pension to Robert Blanchett, reported the same with amendment, accompanied by a report (No. 3174); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13228) granting a pension to Augustus Hathaway, reported the same with amendment, accompanied by a report (No. 3175); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13229) granting an increase of pension to Sarah E. Holland, reported the same without amendment, accompanied by a report (No. 3176); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13232) granting an increase of pension to Penina Owens, reported the same with amendment, accompanied by a report (No. 3177); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13233) granting an increase of pension to Jesse A. B. Thorne, reported the same without amendment, accompanied by a report (No. 3178); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15490) granting a pension to Mary E. Darcy, reported the same with amendment, accompanied by a report (No. 3179); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15761) granting an increase of pension to Lafayette North, reported the same with amendment, accompanied by a report (No. 3180); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16993) granting an increase of pension to Melroe Tarter, reported the same with amendment, accompanied by a report (No. 3181); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17012) granting an increase of pension to Mary Thackara, reported the same without amendment, accompanied by a report (No. 3182); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17085) granting an increase of pension to George W. Olis, reported the same with amendment, accompanied by a report (No. 3183); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17558) granting a pension to Lizzie H. Prout, reported the same with amendment, accompanied by a report (No. 3184); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17597) granting an increase of pension to Charles Lee, reported the same with amendment, accompanied by a report (No. 3185); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17644) granting an increase of pension to Henry C. Eastler, reported the same without amendment, accompanied by a report (No. 3186); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17690) granting a pension to Ellen E. Leary, reported the same with amendment, accompanied by a report (No. 3187); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17761) granting an increase of pension to Thomas J. Mackey, reported the same without amendment, accompanied by a report (No. 3188); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17842) granting a pension to Josephine Virginia Sparks, reported the same with amendment, accompanied by a report (No. 3189); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17854) granting an increase of pension to John Eubanks, reported the same with amendment, accompanied by a report (No. 3190); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1165) granting an

increase of pension to James Moss, reported the same without amendment, accompanied by a report (No. 3191); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1248) granting a pension to Elizabeth B. Bean, reported the same with amendment, accompanied by a report (No. 3192); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1308) granting an increase of pension to Emilie Grace Reich, reported the same with amendment, accompanied by a report (No. 3193); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1733) granting an increase of pension to George W. Trice, reported the same without amendment, accompanied by a report (No. 3194); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2115) granting a pension to Carrie E. Costinett, reported the same without amendment, accompanied by a report (No. 3195); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2378) granting an increase of pension to Maria Leuckart, reported the same without amendment, accompanied by a report (No. 3196); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3112) granting an increase of pension to James H. Gardner, reported the same without amendment, accompanied by a report (No. 3197); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3819) granting an increase of pension to William H. Houston, reported the same without amendment, accompanied by a report (No. 3198); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4309) granting an increase of pension to Adele Jeanette Hughes, reported the same without amendment, accompanied by a report (No. 3199); which said bill and report were referred to the Private Calendar.

Mr. TALBOTT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3393) granting an honorable discharge to Galen E. Green, reported the same without amendment, accompanied by a report (No. 3202); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10048) correcting the military record of Adolphus Yuncker, reported the same adversely, accompanied by a report (No. 3203); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PARSONS: A bill (H. R. 18077) to empower the government of Porto Rico, subject to such restrictions as the Secretary of War may impose, to authorize the construction or extension of wharves, piers, or other structures on lands underlying harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto—to the Committee on Insular Affairs.

By Mr. HULL: A bill (H. R. 18078) providing for an additional chaplain of the United States Army, to be assigned to the Corps of Engineers—to the Committee on Military Affairs.

By Mr. SULZER: A bill (H. R. 18079) to authorize the United States Government to participate in the international exposition to be held at Milan, Italy, during the year 1906, and to appropriate money in aid thereof—to the Committee on Industrial Arts and Expositions.

By Mr. LAMAR: A bill (H. R. 18080) to provide for the erection of a public building at the city of Apalachicola, State of Florida—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18081) to provide for sittings of the United States circuit and district courts of the northern district of Florida at the city of Apalachicola, in said district—to the Committee on the Judiciary.

By Mr. RHODES: A bill (H. R. 18082) to correct the military record of the officers and enlisted men of the Enrolled Missouri Militia and all other militia organizations of the State of Missouri that cooperated with the military forces of the United States in suppressing the war of the rebellion—to the Committee on Military Affairs.

By Mr. GREENE: A bill (H. R. 18083) to provide for seats for women employed in mercantile establishments—to the Committee on the Judiciary.

By Mr. JENKINS: A bill (H. R. 18084) to extend the time for the relief of certain settlers upon the Wisconsin Central Railroad and The Dalles military road land grants, as provided for in chapter 1394, United States Statutes at Large, approved April 19, 1904—to the Committee on the Public Lands.

By Mr. BELL of Georgia: A bill (H. R. 18085) for the relief of the First Georgia State Troops—to the Committee on War Claims.

By Mr. PARSONS: A bill (H. R. 18086) making appropriations for the repair and improvement of the court-house and post-office building at New York City, N. Y., and the sidewalks surrounding the same—to the Committee on Appropriations.

By Mr. SMITH of Kentucky: A bill (H. R. 18087) for the relief of the State of Kentucky—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOWERSOCK: A bill (H. R. 18088) granting an increase of pension to John W. Lasswell—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 18089) granting an increase of pension to Daniel J. Harte—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: A bill (H. R. 18090) granting an increase of pension to Asa D. Farnam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18091) granting a pension to Huldah Harden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18092) granting an increase of pension to Andrew M. Logan—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 18093) granting an increase of pension to Thomas J. Bowser—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 18094) granting an increase of pension to William G. Melick—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 18095) for the relief of Virgil A. Fitzgerald, of Montebello, Nelson County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 18096) for the relief of Bland Massie—to the Committee on War Claims.

By Mr. FULKERSON: A bill (H. R. 18097) granting an increase of pension to Joseph Gigons—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 18098) granting an increase of pension to Sarah S. Conway—to the Committee on Pensions.

Also, a bill (H. R. 18099) granting an increase of pension to John W. Carter—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 18100) for the relief of Charles H. Lockwood—to the Committee on Military Affairs.

By Mr. HUGHES: A bill (H. R. 18101) for the relief of the heirs of Edward and William Holderby—to the Committee on War Claims.

By Mr. LAMAR: A bill (H. R. 18102) for the relief of Anna E. Wilson—to the Committee on War Claims.

Also, a bill (H. R. 18103) for the relief of Anna E. Wilson—to the Committee on War Claims.

Also, a bill (H. R. 18104) granting a pension to Wesley Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18105) granting an increase of pension to John A. Lyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18106) granting an increase of pension to Mary E. Patterson—to the Committee on Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 18107) granting an increase of pension to Oren M. Harlan—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 18108) to remove the charge of desertion from the military record of Frederick W. Weeks—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: A bill (H. R. 18109) granting an increase of pension to Abraham E. Sheppard—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 18110) granting an increase of pension to Asail Brown—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 18111) for the relief of Mrs. Georgia M. Marks—to the Committee on the District of Columbia.

By Mr. NEEDHAM: A bill (H. R. 18112) granting an increase of pension to Mary L. Eaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18113) granting an increase of pension to Louisa M. Sees—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 18114) granting an increase of pension to Henry B. Parker—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 18115) granting a pension to P. F. Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18116) granting an increase of pension to Green Evans—to the Committee on Pensions.

By Mr. RIXEY: A bill (H. R. 18117) for the relief of Oscar von Hoffmann—to the Committee on War Claims.

By Mr. SCROGGY: A bill (H. R. 18118) for the relief of John H. Cruse—to the Committee on War Claims.

Also, a bill (H. R. 18119) granting an increase of pension to W. P. Jackson—to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 18120) relating to the military record of George W. Elliott—to the Committee on Military Affairs.

Also, a bill (H. R. 18121) granting an increase of pension to John W. Jones—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 18122) granting an increase of pension to John Coombs—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 18123) to refund legacy taxes illegally collected—to the Committee on Claims.

By Mr. WADSWORTH: A bill (H. R. 18124) granting an increase of pension to Theodore T. Davis—to the Committe on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 18125) granting an increase of pension to William Griasa—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 18126) granting a pension to George H. Mothersbaugh—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 18127) granting a pension to Martha S. Davis—to the Committee on Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 18128) granting an increase of pension to Andrew N. Danley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18129) to correct the military record of Wilson Smith—to the Committee on Military Affairs.

By Mr. DARRAGH: A bill (H. R. 18130) granting an increase of pension to Barlow Davis—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 12637) for the relief of Lawson M. Fuller, captain, Ordnance Department, United States Army—Committee on Military Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 233) to provide for the settlement of certain claims of officers and enlisted men of the Army for the loss or destruction, without fault or negligence on the part of said officers and men, of property belonging to them in the military service of the United States—Committee on Military Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 361) to extend the provisions of the act of March 3, 1885, relative to officers and enlisted men of the United States Army—Committee on Military Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 3348) for the relief of Charles C. Bauman—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 5147) for the relief of George E. Hoffman—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 12139) for the relief of the representatives of James Hooper—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 5600) for the relief of John Nay—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Maine: Petition of Elizabeth Wadsworth Chapter of the Daughters of the American Revolution, Portland, Me., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. BARCHFELD: Petition of Pennsylvania lines, for Government experiments in structural material—to the Committee on Appropriations.

Also, petition of Charles Este and Henson & Pearson, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURKE of Pennsylvania: Petition of Pennsylvania lines, for an appropriation for Geological Survey to experiment in structural materials—to the Committee on Appropriations.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of E. W. Bell—to the Committee on Invalid Pensions.

Also, petition of the Covington (Ky.) Company, for bill H. R. 15257—to the Committee on the Post-Office and Post-Roads.

Also, petition of the General Federation of Women's Clubs and Mrs. W. S. Lafferty, of the Wednesday Club, of Cynthiana, Ky., for an appropriation to investigate the industrial condition of women—to the Committee on Appropriations.

Also, petition of citizens of Kentucky, for the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Benjamin Puckett—to the Committee on Invalid Pensions.

Also, petition of Lilla Breed, Kentucky Consumers' League, for legislation to correct evils of child labor and for a child's bureau—to the Committee on Labor.

By Mr. BURKE of Pennsylvania: Petition of the Yellow Pine Company, Henson & Pearson, and Charles Este, for bill H. R. 5281 (pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURLEIGH: Petition of Madison Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. CAMPBELL of Ohio: Paper to accompany bill for relief of Asa D. Farnam—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Medcalf A. Bell—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of citizens of Pittsburg, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DAWSON: Petition of the National Council of Women of the United States, for bills S. 50 and H. R. 4462—to the Committee on the District of Columbia.

By Mr. FLACK: Petition of The Herald-Record, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FLOOD: Petition of citizens of Clifton Forge, Va., for bill promoting the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRAHAM: Petition of Pennsylvania lines, for an appropriation for Government experiments with structural material—to the Committee on Appropriations.

Also, petition of Dr. J. C. Wilson, for the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of Henson & Pearson, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Charles Este, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

By Mr. GREENE: Petition of Frank A. Morrill et al., of Somerset, Mass., for consolidation of third and fourth-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Oklahoma, for the statehood bill—to the Committee on the Territories.

By Mr. GOLDFOGLE: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the American Federation of Labor, against bill to abolish compulsory pilotage (H. R. 5281)—to the Committee on the Merchant Marine and Fisheries.

By Mr. HALE: Petition of Mary M. Patton, executrix of the estate of Mary L. Byrd, deceased, late sole heir of Robert K.

Byrd, deceased, for reference of her claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. HINSHAW: Paper to accompany bill for relief of Brice P. Munns—to the Committee on Invalid Pensions.

By Mr. HOGG: Petition of the Chamber of Commerce of Grand Junction, Colo., for the bill by Mr. Hogg for the relief of settlers under proposed Government canals—to the Committee on Irrigation of Arid Lands.

By Mr. LAMB: Petition of citizens of Virginia, for the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LEE: Paper to accompany bill for relief of N. H. Montgomery, heir of Barbara McGinnis—to the Committee on War Claims.

By Mr. LITTLEFIELD: Petition of Washington Council, No. 9, of Springvale, Me., and Morancy Council, No. 58, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Paris Manufacturing Company and the Hiram Lumber Company, for postal law for two classes of mail—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Maine, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of many citizens of Maine, against repeal of the Grant law for a tax of 10 cents per pound on all imitation butter—to the Committee on Agriculture.

Also, petition of Division No. 40, Brotherhood of Locomotive Engineers, against the railway rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Maine, favoring the postage-stamp certificate plan of John M. Hubbard, assistant postmaster of Chicago—to the Committee on the Post-Office and Post-Roads.

By Mr. KELIHER: Petition of Indian Hill Council, No. 11, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the New England Shoe and Leather Association, approving General Order No. 167, relative to contracts for supplies by the Secretary of War—to the Committee on Military Affairs.

Also, petition of the Marine Engineers' Beneficial Association, for bill H. R. 5281 (pilotage)—to the Committee on the Merchant Marine and Fisheries.

By Mr. KNAPP: Petition of citizens of Watertown, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MACON: Paper to accompany bill for relief of estate of James S. Ford—to the Committee on War Claims.

By Mr. MAHON: Paper to accompany bill for relief of Asher O. Rugland, heir of Montgomery P. Asher—to the Committee on War Claims.

By Mr. MANN: Petition of Division No. 264, Amalgamated Association of Street and Electric Railway Employees of America, for the present Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, petition of the National Council of Women, held in Toledo, Ohio, for bills S. 50 and H. R. 4462—to the Committee on the District of Columbia.

Also, petition of the Sorosis Club, of New York, for bills S. 50 and H. R. 4462 (child-labor law)—to the Committee on the District of Columbia.

Also, petition of citizens of Chicago, Ill., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MARSHALL: Petition of citizens of Lisbon, Ransom County, N. Dak., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MUDD: Paper to accompany bill for relief of heirs of Abel Sanner—to the Committee on War Claims.

By Mr. PADGETT: Paper to accompany bill for relief of Henry B. Parker—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Petition of citizens of New Decatur, against printing names on stamped envelopes by the Government—to the Committee on the Post-Office and Post-Roads.

By Mr. SCHNEEBELI: Petition of George F. Craige & Co., E. Sander & Co., the Keystone Watch Company, H. E. Neff, E. B. Hallowell & Co., Thomas B. Hammer, R. A. and J. J. Williams, and Miller Robinson & Co., for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of James Hoover—to the Committee on Invalid Pensions.

By Mr. VAN WINKLE: Petition of citizens of the Ninth Congressional district, for the Howell naturalization bill—to the Committee on Immigration and Naturalization.

By Mr. WOOD of New Jersey: Paper to accompany bill for relief of Andrew D. Danley—to the Committee on Invalid Pensions.

Also, petition of Martin C. Ribsam, Trenton, N. J., against free distribution of seeds—to the Committee on Agriculture.

Also, petition of citizens of High Bridge, N. J., and Ellis De Mond, of Bernardsville, N. J., for bill H. R. 15442—to the Committee on Immigration and Naturalization.

Also, petition of John Lucas & Co., of Philadelphia, Pa., against bill H. R. 8988—to the Committee on Coinage, Weights, and Measures.

SENATE.

FRIDAY, *April 13, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of James F. Fitzhugh, administrator of William E. Fitzhugh, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Isaac Hazlett *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Francis C. Green, executor of the estate of Francis M. Green, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Charles F. Bennett, administrator of Nicholas Lynch, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Henrietta L. Tucker, widow of Thomas B. Tucker, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Esther and Theresa Redington, only heirs of Robert Redington, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Rebecca Nields, executrix of Henry C. Nields, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 5026) providing for the establishment of a life-saving station at or near Neah Bay, in the State of Washington, and for the construction of a first-class ocean-going tug to be used in connection therewith, for life-saving purposes in the vicinity of the north Pacific coast of the United States, and so forth, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17359) making appropriations to supply additional ur-

gent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

The message further announced that the House had agreed to the concurrent resolution of the Senate authorizing the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States to agree to an amendment, on page 2, line 14, of the bill by inserting after the word "thereof" the words "and every member of Congress."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 2996. An act to reimburse Capt. Sydney Layland for sums paid by him while master of the United States transport *Mobile* in July and August, 1898;

H. R. 9165. An act authorizing the Secretary of the Interior to issue patent to the Scandinavian Evangelical Lutheran Little Missouri River congregation to certain lands for cemetery purposes;

H. R. 12863. An act to create a new division of the southern judicial district of Texas, and to provide terms of court at Victoria, and for other purposes;

H. R. 13154. An act for the relief of John T. Irion; and

H. R. 16140. An act to authorize the maintaining and operating for toll an existing structure across Tugaloo River, known as "Knox's bridge," at a point where said river is the boundary between the States of South Carolina and Georgia.

PETITIONS AND MEMORIALS.

Mr. FRYE presented a petition of the Associated Charities of Portland, Me., praying for the enactment of legislation providing for a consular inspection of immigrants before embarkation for the United States; which was referred to the Committee on Immigration.

Mr. HEYBURN presented a memorial of Local Division No. 398, Amalgamated Association of Street and Electric Railway Employees of America, of Boise, Idaho, remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

Mr. BERRY presented the affidavit of Angeline Buckley, widow of Calvin N. Buckley, of Clay County, Ark., in support of the bill granting her a pension; which was referred to the Committee on Pensions.

Mr. LONG presented a petition of sundry citizens of Enoxdale, Kans., praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Oswego, Kans., remonstrating against the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DANIEL presented a petition of the Virginia Historical Society, of Richmond, Va., praying that an appropriation be made for the preservation of the frigate *Constitution* and for its retention on the naval list; which was referred to the Committee on Naval Affairs.

Mr. SPOONER presented memorials of sundry citizens of Racine, Two Rivers, Lyons, and London, all in the State of Wisconsin, remonstrating against the passage of the so-called "parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. BURKETT, from the Committee on the District of Columbia, to whom was referred the bill (S. 5119) authorizing the extension of W and Adams streets NW., reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10074) in relation to contracts with the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2480) in relation to contracts with the District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 5421) to amend section 558 of the Code of Laws for the District of Columbia, as approved by act of March 3, 1901, amended by acts of January 31 and June 30, 1902, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 5640) granting an increase of pension to Clinton B. Wintersteen, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1178) providing for the resurvey of a township of land in Colorado; and

A bill (S. 1476) granting certain lands to the town of Tin Cup, Colo., for cemetery purposes.

Mr. LONG, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 17507) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907, reported it with amendments, and submitted a report thereon.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 5648) to amend section 12 of the act approved February 2, 1901, "An act to increase the efficiency of the permanent military establishment of the United States," reported it with an amendment, and submitted a report thereon.

CARRYING OF DANGEROUS ARTICLES ON PASSENGER STEAMERS.

Mr. FRYE. From the Committee on Commerce I report back favorably, with an amendment, the bill (S. 5514) to amend section 4472 of the Revised Statutes, relating to the carrying of dangerous articles on passenger steamers, and I submit a report. I ask for the present consideration of the bill. The Inspection Department has recently ruled that under the existing law yachts can not be permitted to carry naphtha enough for their tenders. This is simply to remedy that, and to allow them to do it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Commerce with an amendment, in lines 5 and 6, to strike out the words "wherever it" and to insert "where it first;" so as to make the bill read:

Be it enacted, etc., That section 4472 of the Revised Statutes of the United States be, and the same is hereby, amended by inserting, after the word "passengers," where it first occurs in said section, the words "for hire."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 5683) to provide for the removal of derelicts and other floating dangers to navigation; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McCUMBER introduced a bill (S. 5684) for the relief of the Compañia de los Ferrocarriles de Puerto Rico; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

He also introduced a bill (S. 5685) granting an increase of pension to James M. Jenkins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 5686) for the relief of Ellis Bigfeather; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 5687) granting an increase of pension to John Short; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULBERSON (for Mr. PETTUS) introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 5688) for the relief of the estate of F. L. Hammond, deceased;

A bill (S. 5689) for the relief of the estates of Stephen Cordell and Elizabeth Cordell, deceased; and

A bill (S. 5690) for the relief of the estate of Thomas Knight, deceased.

Mr. McCUMBER (by request) introduced a bill (S. 5691)

granting a pension to Kate Sloan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 5692) granting an increase of pension to Margaret E. Craigo; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5693) granting an increase of pension to Margaret L. Houlihan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NEWLANDS introduced a bill (S. 5694) providing for the appointment of a national advisory board on civic art; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McCREARY introduced a bill (S. 5695) for the relief of the estate of Robert G. Carlisle, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5696) for the relief of the estate of Robert C. Jameson, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

AMENDMENTS TO RAILROAD RATE BILL.

Mr. HANSBROUGH submitted an amendment intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table and be printed.

Mr. FULTON submitted an amendment intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table, and be printed.

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table, and be printed.

Mr. NEWLANDS submitted an amendment intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table, and be printed.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ANKENY submitted an amendment proposing to fix the compensation of the clerk to the Committee on Irrigation and Reclamation of Arid Lands at $2,220 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following act:

On April 12:

S. 4130. An act to authorize the Capital City Improvement Company, of Helena, Mont., to construct a dam across the Missouri River.

CORINTH AND SHILOH ELECTRIC RAILWAY COMPANY.

Mr. MONEY. I ask unanimous consent to call up for present consideration the bill (H. R. 16125) authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park, and to operate electric cars thereon.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BURKETT. The bill was objected to yesterday morning by the Senator from New Jersey [Mr. KEAN].

Mr. MONEY. I will state, if the Senator will permit me, that I have seen the Senator from New Jersey, and he has no objection to the bill.

Mr. BURKETT. I have not any objection strictly to the consideration of the bill, but I do object to its passage. It seems to me that at this time it ought not to be taken up by unanimous consent. I ask that it may go over until such time when it can be given some proper consideration by the Senate.

Mr. MONEY. Will the Senator allow me to ask him a question? Has he read the bill?

Mr. BURKETT. I certainly have. I should not have objected if I had not read it.

Mr. MONEY. The Senator who objected yesterday had not read it. That is why I put the question.

Mr. BURKETT. I have read it, I will state to the Senator.

Mr. MONEY. If the Senator will permit me to go on now, I will yield all the time I have to him to state his objection. He has read the bill and of course knows as much about it as he ever will.

The VICE-PRESIDENT. Is there objection to the consideration of the bill?

Mr. BURKETT. I will say that I should like to have an opportunity to see the report. I have been trying to get a copy of the report since yesterday morning, when attention was first called to it. The bill was only brought in yesterday morning. It was called up even before the report was printed. Before it is considered I should like to have an opportunity to make some inquiry as to the practice with reference to the other parks. I have always taken the position, I will say to the Senator, that in these national parks we ought to keep out street-car tracks in the main. I do not know of any place where there ought to be an extension. We all know that a great many efforts have been made to get street cars through the Yellowstone Park.

My judgment is that we ought to keep these national parks free from those things, keep them as closely akin to nature as we can, but improve them enough to enable people to go through them properly. As I understand it, with one or two exceptions the Government has kept street cars out of national parks. Before the bill is considered, I want to have an opportunity to look somewhat into this matter and see in what parks, if any, we have let street cars go, to what extent they have been allowed, and what restriction has been put upon them.

I have been able to get only the report made in the House on this bill, and I am informed that the Senate committee's report adopts the House report. If I read the report and bill aright, the House amended the bill and provided for running street cars through the park after the bill had been submitted to the Park Commission, and while the Park Commission did at a certain time say that they could not see any objection to the bill, it is quite evident to my mind that it did not have the provision in it allowing the car track to go through the park. I should like to have an opportunity of two or three days until I can make some investigation to find out to what extent we have limited the running of cars in the parks and what restrictions have been put upon them. That is my object in asking that the bill be not now considered.

Mr. SCOTT. Will the Senator from Mississippi allow me?

Mr. MONEY. The Senator will excuse me one moment. The Senator from Nebraska certainly has a right to object without any inquiry by me for his reasons for it, but I supposed that the Senator, like the Senator from New Jersey [Mr. KEAN], who objected yesterday, objected simply because he had not had his attention called to it. Having given it his attention, he says that he has a desire further to investigate the matter. I shall not press the bill, of course, but he has really stated now, I think, about everything that can be said against it.

If the Senator will permit me, I want to say to him that the bill has the approval of the Secretary of War and the Park Commission, and the bill as amended was simply a refusal to put in the grant of a right of way and to give only a license or permit. That was the amendment, and it relieved the bill of all objection.

Mr. BURKETT. I noticed that there was an amendment made in the House to strike out certain lines and put in these in lieu thereof:

> To permit and license the Corinth and Shiloh Electric Railway Company to lay a track or tracks through the Shiloh National Park and operate electric cars through said park.

Mr. MONEY. That is right. Before that it was proposed to give a right of way through it. That was stricken out.

The VICE-PRESIDENT. The Chair will state that the debate is proceeding by unanimous consent.

Mr. MONEY. By unanimous consent; I so understood.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar.

CUBA SUBMARINE TELEGRAPH COMPANY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, with reference to the claim of the Cuba Submarine Telegraph Company, a British corporation, for compensation of the expenses incurred in repairing the damage done to its cables and property by United States forces during the war with Spain.

I renew the recommendation which I made to the Congress on December 11, 1903, that as an act of equity and comity provision be made for the reimbursement to the company of the actual expenses incurred by it in the repair of its lines and property.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 13, 1906.*

JOHN H. THARP.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (H. R. 13247) for the relief of John H. Tharp, of Eversonville, Mo.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to John H. Tharp, of Eversonville, Mo., $35, being the amount stolen from a registered letter belonging to John H. Tharp and collected by the United States Government from a mail contractor.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND FOR CEMETERY AT KEYSTONE, S. DAK.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (H. R. 8278) authorizing the Secretary of the Interior to issue patent to Keystone Camp, No. 2879, of the Modern Woodmen of America, to certain lands for cemetery purposes.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOREIGN-BUILT DREDGES.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 395) concerning foreign-built dredges.

The VICE-PRESIDENT. There is a memorandum upon the bill at the desk to the effect that the Senator from Washington [Mr. PILES] desires to be present when the bill is considered.

Mr. GALLINGER. I recall now that the Senator from Washington spoke to me about it. I withdraw my request.

The VICE-PRESIDENT. The bill will be passed over for the moment.

EDWARD KELLY.

Mr. FRYE. I ask for the present consideration of the bill (S. 5358) to remove the charge of desertion from the record of Edward Kelly.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, to add at the end the following proviso:

Provided, That no pay, bounty, or other emolument shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the record of Edward Kelly, formerly a private in Companies K and C, Fortieth New York Infantry Volunteers, and to issue him an honorable discharge: *Provided*, That no pay, bounty, or other emolument shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

W. A. M'LEAN.

Mr. OVERMAN. I ask unanimous consent to call up the bill (S. 4948) for the relief of W. A. McLean.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay W. A. McLean, of Wilkesboro, N. C., $117.69, for money due him under a judgment of the United States court for the western district of North Carolina, rendered at November term, 1904, at Wilkesboro, N. C.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE CALENDAR.

Mr. HALE. The morning business has been concluded?

The VICE-PRESIDENT. The morning business has been closed, and bills are being considered by unanimous consent.

Mr. HALE. Then let us go to the Calendar.

The VICE-PRESIDENT. The Senator from Maine demands the regular order, which is the Calendar under Rule VIII. The first bill on the Calendar will be stated.

IMPORTATION OF UNWHOLESOME TEA.

The bill (S. 1548) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, was announced as first in order on the Calendar.

Mr. LODGE. I suggest that the bill go over. It is the subject of a good deal of debate, and I should think it had better go over under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX.

THE MOROCCAN CONFERENCE.

The next business on the Calendar was the resolution submitted by Mr. BACON, January 8, 1906, requesting the President to furnish the Senate with copies of papers relating to the holding of a conference on matters relating to Morocco, etc.

Mr. GALLINGER. Let the resolution go to the Calendar under Rule IX.

The VICE-PRESIDENT. The resolution will go to the Calendar under Rule IX.

IDAHO STATE SOLDIERS AND SAILORS' HOME.

The bill (S. 577) granting to the State of Idaho 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Idaho State Soldiers and Sailors' Home was read.

Mr. CARTER. The bill involves a question of policy and will likely lead to considerable discussion. I suggest that it be passed over.

The VICE-PRESIDENT. The bill will be passed over.

WYOMING STATE SOLDIERS AND SAILORS' HOME.

The next bill on the Calendar was the bill (S. 608) granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home.

Mr. CARTER. That bill is in the same category.

The VICE-PRESIDENT. Under objection, the bill will go over without prejudice.

ACCOUNTS WITH STATES.

The next bill on the Calendar was the bill (S. 311) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes.

Mr. HALE. That is a very important bill. Let it go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, on the request of the Senator from Maine.

AGREEMENT WITH KLAMATH INDIANS.

The next bill on the Calendar was the bill (S. 1794) to ratify an agreement with the Indians of the Klamath Indian Reservation, in Oregon, and making appropriations to carry the same into effect.

Mr. LODGE. That is an important bill. I think it should go over.

Mr. FULTON. May I ask the Senator from Massachusetts to withhold his objection for a moment? I should like to make a brief explanation of the bill.

Mr. LODGE. Certainly.

Mr. FULTON. The bill or one similar to it has been reported very many times unanimously by the Committee on Indian Affairs. It is for the payment of a sum of money that is due in all equity and good conscience to these Indians, and were it due to any other persons than Indians it would have been paid long ago. It has been objected to many times, because there is a large sum involved. I simply wish to take advantage of this opportunity briefly to explain it, in the hope that Senators will not insist upon objection to the bill. The money surely ought to be paid, and the claim be put out of the way. It has been long since due, and had as well be paid now as at any time.

However, if Senators will not consent to have the bill considered I shall not call it up again. I will feel that I have done my duty in this matter. It is a just obligation on the Government, but if Senators insist on urging objections to the bill of course I can not help it.

The VICE-PRESIDENT. Under objection the bill will go over.

Mr. LODGE subsequently said: I objected to the consideration of the bill (S. 1794) to ratify an agreement with the Indians of the Klamath Indian Reservation, in Oregon, and making appropriations to carry the same into effect. I simply meant to call attention to it, and I withdraw the objection. I have examined the report, and I think the bill is a proper one.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

MEDALS OF HONOR.

The bill (S. 697) providing for the award of medals of honor to certain officers and men of the Navy and Marine Corps was announced as next in order on the Calendar.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HALE subsequently said: I move to reconsider the votes by which the bill (S. 697) providing for the award of medals of honor to certain officers and men of the Navy and Marine Corps was ordered to a third reading, read the third time, and passed.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The bill is in the Senate and open to amendment.

Mr. HALE. In line 6, after the word "who," I move to strike out down to and including the word "battle," in line 9, and insert what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 6, after the word "who," it is proposed to strike out "may hereafter distinguish themselves in action, or who display conspicuous gallantry or render specially meritorious service otherwise than in battle" and insert "have most distinguished or may hereafter most distinguish themselves by their gallantry in action;" so as to read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to cause to be struck medals of honor of such design and class as may be appropriate, and to present the same to officers and men of the Navy and Marine Corps who have most distinguished or may hereafter most distinguish themselves by their gallantry in action.

The amendment was agreed to.

Mr. HALE. This, I think, is better than the original form. It is the rule which is followed in the Army, and limits such awards to gallantry in action.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXISTING STATUS OF SANTO DOMINGO.

The next business on the Calendar was the resolution submitted by Mr. TILLMAN January 4, 1906, requesting the President to give information to the Senate regarding the existing status in Santo Domingo, etc.

Mr. GALLINGER. Let the resolution go to the Calendar under Rule IX.

The VICE-PRESIDENT. Under objection, the resolution will go to the Calendar under Rule IX.

ARMY DENTAL SURGEONS.

The next bill on the Calendar was the bill (S. 2355) to organize the corps of dental surgeons attached to the Medical Department of the Army.

The VICE-PRESIDENT. This bill was read three times and passed on the 5th of February, and the votes on the passage and third reading were reconsidered the following day.

Mr. HALE. It is an important bill and will give rise to debate. It can not be considered under Rule VIII. The Senator who is in charge of it is not here. Therefore, I suggest that it go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX.

CHIPPEWA INDIAN LANDS IN WISCONSIN.

The bill (S. 2787) to amend the act of Congress approved February 11, 1901, entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin," was read.

Mr. SPOONER. I should like to have the bill reread.

The VICE-PRESIDENT. At the request of the Senator from Wisconsin, the bill will be reread.

The Secretary again read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ODANAH, WIS., INDIAN TOWN-SITE LANDS.

The bill (S. 2788) to enable the Indians on the La Pointe or Bad River Reservation to obtain title to the lots occupied by them in the village of Odanah, Wis., and to have said village surveyed, and for other purposes, was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISSUE OF WARRANTS IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 120) to amend section 9 of the Code of Law for the District of Columbia was read and considered as in Committee of the Whole. It proposes to amend the section by adding:

Any justice of the peace may at any time, including Sundays and legal holidays, on complaint under oath or actual view, issue warrants returnable to the police court against persons accused of crimes and offenses committed in the District of Columbia, and he shall make a record of his proceedings in every case in a book to be kept for that purpose. Such warrants shall be issued free of charge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAPÈNE & FERRÉ.

The bill (S. 1532) for the relief of the legal representatives of the late firm of Lapène & Ferré was read.

The VICE-PRESIDENT. On February 8 the bill was considered as in Committee of the Whole and passed, and a motion to reconsider entered.

Mr. LODGE. I think it should go to the Calendar under Rule IX. There has been a motion to reconsider entered.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX at the request of the Senator from Massachusetts.

ACCOUNTS OF ARMY OFFICERS.

The bill (S. 189) to authorize the readjustment of the accounts of army officers in certain cases, and for other purposes, was read.

Mr. LODGE. That appeared to me to be a pretty important bill, as I glanced at it. I should think it had better go to the Calendar under Rule IX. There is a long report accompanying it. I do not myself feel able to vote on it now.

The VICE-PRESIDENT. The bill will go over under Rule IX.

ALASKAN RAILROAD AND TELEGRAPH LINE.

The bill (S. 191) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska, was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE-PRESIDENT. The bill will go over.

Mr. LODGE. Retaining its place.

The VICE-PRESIDENT. The bill will lie over without prejudice.

Mr. TELLER. I want that bill to go over under Rule IX, Mr. President.

The VICE-PRESIDENT. The bill will go over under Rule IX, at the request of the Senator from Colorado.

Mr. PILES. Mr. President, in the absence of the chairman of the Committee on Territories [Mr. BEVERIDGE], from which committee that bill was reported, and in the absence also of the Senator from New Hampshire [Mr. BURNHAM] who reported the bill, I trust the Senator from Colorado [Mr. TELLER] will permit the bill to go over without prejudice, retaining its place on the Calendar.

Mr. TELLER. When the Senator from New Hampshire comes in, we can arrange as to whether the bill shall be returned to the Calendar under Rule VIII. In the meantime I wish to have it go under Rule IX.

Mr. PILES. Very well.

CITIZENSHIP OF THE UNITED STATES, ETC.

The next business on the Calendar was the joint resolution (S. R. 30) to create a commission to examine into subjects of citizenship of the United States, expatriation, and protection abroad, the consideration of which was resumed, as in Committee of the Whole.

The VICE-PRESIDENT. The joint resolution has heretofore been read.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRIVATE SALMON HATCHERIES IN ALASKA.

The bill (S. 1459) to encourage private salmon hatcheries in Alaska was announced as next in order.

Mr. PERKINS. Mr. President, I have received numerous letters from Alaskan parties engaged in the salmon fisheries who desire that certain amendments shall be made to that bill. I therefore ask that it go over under Rule IX.

The VICE-PRESIDENT. The bill will go over under Rule IX.

LEASES IN YELLOWSTONE NATIONAL PARK.

The bill (S. 4433) to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park," was announced as next in order.

The VICE-PRESIDENT. The bill has been heretofore read.

Mr. KEAN. Let it be again read, Mr. President.

The VICE-PRESIDENT. At the request of the Senator from New Jersey, the bill will be again read.

Mr. CARTER. I ask that that bill may go over without prejudice.

The VICE-PRESIDENT. At the request of the Senator from Montana, the bill will go over without prejudice.

RAILROAD RIGHT OF WAY THROUGH PUBLIC LANDS.

The bill (S. 3743) to amend an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, was announced as next in order.

Mr. TELLER. Mr. President, let that bill go over.

The VICE-PRESIDENT. The bill will lie over at the request of the Senator from Colorado without prejudice.

Mr. FLINT. I understood the Senator from Colorado had previously objected to that bill merely with a view to examining it.

Mr. TELLER. I do not know what the bill is to which the Senator refers.

Mr. FLINT. It is the same bill, as I understand, to which the Senator heretofore objected.

Mr. TELLER. I said I would look at it; but I do not know whether this is the bill or not. As the bill has been passed over for the present, I will take an opportunity to examine it.

The VICE-PRESIDENT. The bill will lie over without prejudice.

Mr. TELLER subsequently said: Mr. President, a few moments since I objected to the consideration of Calendar No. 1404, being Senate bill 3743, and it was passed over. I now desire to withdraw my objection.

The VICE-PRESIDENT. The Senator from Colorado withdraws his objection to the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 3743) to amend an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The bill has been heretofore considered as in Committee of the Whole. The question is on agreeing to the amendment reported by the Committee on Public Lands, which has heretofore been read.

Mr. KEAN. I ask that the proposed amendment may be again read.

The VICE-PRESIDENT. The amendment will be again stated.

The SECRETARY. The amendment reported by the Committee on Public Lands was to strike out all after the enacting clause of the bill and insert:

That where, under the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," or under special acts of Congress, or under the laws of the Territories of Oklahoma and Arizona, railroads have been constructed and are now in operation in Oklahoma or Arizona which may pass through any of the lands heretofore reserved for said Territories, such lands shall be disposed of subject to such railroad right or easement, but only to the extent of the right of way conferred by the said act of March 3, 1875, for such railroad purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to confirm the right of way of railroads now constructed and in operation in the Territories of Oklahoma and Arizona."

ANCHORAGE OF VESSELS IN HAMPTON ROADS.

The bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia, was announced as the next in order.

Mr. FRYE. That bill may go over without prejudice at the request of the Senator from Virginia [Mr. DANIEL].

The VICE-PRESIDENT. The bill will be passed over without prejudice.

LORENZO A. BAILEY.

The bill (S. 3139) for the relief of Lorenzo A. Bailey was announced as next in order.

Mr. KEAN. Is there a report in that case, Mr. President?

The VICE-PRESIDENT. There seems to be no written report accompanying the bill.

Mr. KEAN. I do not know that I have any objection to the bill. I only want to know what it is.

Mr. LODGE. Let the bill go over.

Mr. KEAN. Let it go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice.

CHARLES F. WINTON.

The bill (S. 3994) to authorize the Court of Claims to consider the claims of Charles F. Winton, deceased, and others against the Mississippi Choctaws, for services rendered and expenses incurred, was announced as the next in order.

Mr. LODGE. Let that bill go over, Mr. President.

Mr. GALLINGER. Let it go over under Rule IX.

Mr. LODGE. Yes; under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX.

LIFE-SAVING STATION NEAR NEAH BAY, WASHINGTON.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5026) providing for the establishment of a life-saving station at or near Neah Bay, in the State of Washington, and for the construction of a first-class ocean-going tug to be used in connection therewith, for life-saving purposes in the vicinity of the north Pacific coast of the United States, etc., which were, on page 1, line 8, after "lifeboats," to insert "at a cost not to exceed $30,000;" on page 1, lines 9 and 10, after "That," to strike out "for use in connection with said life-saving station;" on page 1, line 10, after "constructed," to insert "for and under the supervision of the Revenue-Cutter Service;" on page 2, line 5, after "sea," to insert "at a cost not to exceed $170,000;" and on page 2 to strike out all of section 3 and insert as a new section, the following:

SEC. 3. That said tug shall be manned and operated by the Revenue-Cutter Service, and, under such regulations as the Secretary of the Treasury may prescribe, shall cooperate with the life-saving station hereby authorized to be established.

Mr. PILES. I move that the Senate concur in the amendments of the House of Representatives.

Mr. FRYE. I will inquire if the Senator from Washington has examined these amendments carefully?

Mr. PILES. I have.

Mr. FRYE. Are they satisfactory?

Mr. PILES. They are satisfactory. The matter has been arranged between the Revenue-Cutter Service and the Life-Saving Service.

Mr. FRYE. All right.

The VICE-PRESIDENT. The question is on the motion of the Senator from Washington that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

JACOB LIVINGSTON & CO.

The bill (S. 505) for the relief of Jacob Livingston & Co. was considered as in Committee of the Whole. It directs the Secretary of the Treasury to repay to Jacob Livingston & Co., Carlisle, Pa., $340.44 for moneys paid as taxes and penalties upon cigars manufactured by M. W. Jacobs at factory No. 3741, ninth district, Pennsylvania, which cigars were seized by the agents of the Government, who alleged that the stamps thereon were counterfeited by the aforesaid Jacobs.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENDOWMENT OF SCHOOLS OF MINES AND MINING.

The bill (S. 3253) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and for similar purposes, being a further supplement to said act, was announced as next in order.

Mr. LODGE. Let that bill go over under Rule IX.

The VICE-PRESIDENT. At the request of the Senator from Massachusetts, the bill will go to the Calendar under Rule IX.

NAVY PATIENTS AT GOVERNMENT HOSPITAL FOR INSANE.

The bill (S. 3405) authorizing the payment to the Superintendent of the Government Hospital for the Insane of pay due to persons in the Navy or Marine Corps under treatment at that institution was considered as in Committee of the Whole. It authorizes the Secretary of the Navy to direct the payment

to the Superintendent of the Government Hospital for the Insane of the whole or a part of the pay or balance of pay due from the United States to any person in the Navy or Marine Corps, whether at the time in the service or not, who may be under treatment in said hospital; and the receipt of the superintendent for sums so paid shall be equivalent to the receipt of such inmate or his legal guardian.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COTTON STATISTICS.

Mr. TILLMAN. Yesterday the Senator from Massachusetts [Mr. LODGE] made some little allusion to the consumption of cotton in the United States, and introduced some statistics which were not up to date. I have here Census Bulletin No. 25, for the year ending August 31, 1905, showing the whole situation at the latest date for which we have any official figures. As a matter of information to the people of the country who read the CONGRESSIONAL RECORD, I ask to have it printed in the RECORD.

Mr. LODGE. I will say to the Senator that I introduced no figures about the consumption of cotton. Those figures were introduced by the Senator from Georgia [Mr. CLAY]. All I introduced were figures as to the number of spindles.

Mr. TILLMAN. As to the number of spindles and consumption of cotton relatively, North and South.

Mr. LODGE. I should be very glad if the Senator would have it printed.

Mr. TILLMAN. The number of spindles, the number of bales, and everything connected with the present manufacture North and South.

Mr. LODGE. I hope the Senator will have it printed in the RECORD. I shall be very glad to see it.

Mr. TILLMAN. I will do so.

Mr. GALLINGER. If it is not very long, I should like to have it printed as a document.

Mr. TILLMAN. I have no objection to that. I shall be very glad to have it printed as a document.

Mr. GALLINGER. I will add that to the Senator's request.

The VICE-PRESIDENT. Without objection, the document presented by the Senator from South Carolina will be printed in the RECORD, and will also be printed as a public document.

The document referred to is as follows:

HOME CONSUMPTION OF DOMESTIC COTTON.

The statistics of stocks, takings, and consumption of raw cotton by southern consumers have been collected by personal canvasses of the local special agents of this Bureau appointed to collect cotton-ginning statistics, augmented by direct correspondence with the manufacturers, and those for the cotton consumers located in other than the cotton-producing States have been collected, as a rule, through correspondence, assisted in the concentrated mill centers by personal visits from special agents of this Bureau.

Southern mills.—The following table shows the stocks, takings, and consumption of the southern cotton-consuming establishments:

TABLE 7.—*Stocks, takings, and consumption of raw cotton by southern manufacturers during the year ending August 31, 1905, by States.*

State.	Stocks Sept. 1, 1904.	Net takings during year.	Consumption during year.		Stocks Aug. 31, 1905.	Average weight per bale.
	Bales.	*Bales.*	*Bales.*	*Pounds.*	*Bales.*	*Pounds*
Total	81,299	2,294,805	2,140,151	1,012,079,297	236,043	473
Alabama	10,793	245,467	228,942	113,338,977	27,318	495
Arkansas	65	3,738	3,408	1,689,737	395	496
Georgia	14,548	511,148	477,004	219,717,434	48,692	461
Louisiana	53	14,926	14,701	7,118,663	278	484
Mississippi	1,140	36,530	33,913	16,736,679	3,757	494
Missouri	596	5,082	5,128	2,743,595	550	535
North Carolina	15,333	622,747	594,174	277,921,815	43,906	468
South Carolina	31,969	675,627	620,839	292,550,372	86,757	471
Tennessee	2,513	57,460	50,135	24,874,787	9,838	496
Texas	602	31,623	29,172	14,716,049	3,053	504
Virginia	1,691	62,605	57,223	28,165,597	7,073	492
All other States[a]	1,996	27,942	25,512	12,505,532	4,426	490

[a] Includes Florida, Indian Territory, Kansas, Kentucky, and Oklahoma.

The returns of southern cotton-consuming establishments show that 81,299 bales of raw cotton were in the mills on September 1, 1904, compared with 236,043 bales on August 31, 1905. This indicates an increase in holdings of 154,744 bales, or 190.3 per cent. It must be remembered, however, that at the beginning of the season of 1904–5 the country was probably more nearly bare of cotton than in any previous year since the civil war. A comparison of stock holdings at the beginning and close of this season will not, therefore, give a correct idea of the normal holdings of the mills. A comparison is being made between a season of famine and one of plenty, and the showing does not afford an adequate idea of a normal condition among the mills.

On the basis of the consumption reported for the season of 1904–5, the southern mills had in stock on September 1, 11 per cent of their necessary supplies for the season of 1905–6, while the northern group of mills held 19.2 per cent of their necessary supplies for the year. The average weekly consumption of the mills in the entire country has been for the season 82,288 bales. The total stocks of the mills of this country as reported amount to 647,562 bales, or 15.1 per cent of the year's requirements. However, much progress is in evidence throughout the Southern States, new mills being erected and additional spindles being added in old mills; under normal conditions, therefore, much of the increased stock holdings reported will be required to feed these new spindles.

The takings reported in Table 7 are net—that is, all cotton purchased and resold without undergoing some process of manufacture has been excluded.

The average weight of the bale reported in the last column of the table is net—that is, exclusive of the weight of the bagging and ties. To compare this weight with that reported in Bulletin 19 on cotton ginning it is necessary to add 22 pounds, the average weight returned for bagging and ties.

Northern mills.—The following table shows the stocks, takings, and consumption of the northern cotton-consuming establishments, by States:

TABLE 8.—*Stocks, takings, and consumption of raw cotton by northern manufacturers during the year ending August 31, 1905, by States.*

State.	Stocks Sept. 1, 1904.	Net takings during year.	Consumption during year.		Stocks Aug. 31, 1905.	Average weight per bale.
	Bales.	*Bales.*	*Bales.*	*Pounds.*	*Bales.*	*Pounds*
Total	267,155	2,283,193	2,138,829	1,063,919,990	411,519	497
Connecticut	11,906	124,129	112,029	55,121,649	24,096	492
Indiana	1,328	26,623	24,484	12,395,726	3,467	506
Maine	18,209	161,525	147,670	74,078,007	32,064	502
Maryland	1,445	61,302	58,630	27,778,469	4,117	474
Massachusetts	149,386	1,089,236	1,044,169	520,975,956	194,453	499
New Hampshire	35,266	289,722	239,076	135,761,535	55,912	505
New Jersey	3,590	30,599	27,903	12,823,576	6,286	460
New York	10,115	172,946	157,250	77,993,864	25,811	496
Ohio	2,711	28,486	21,884	10,421,136	9,313	476
Pennsylvania	4,638	64,780	57,606	28,647,973	11,812	497
Rhode Island	24,693	180,775	168,564	83,552,394	36,904	496
Vermont	1,574	12,806	11,784	5,995,997	2,596	509
All other States	2,204	40,264	37,780	18,373,708	4,688	486

The total stocks of cotton held by northern mills September 1, 1904, as reported in Table 8, amounted to 267,155 bales, compared with 411,519 bales on August 31, 1905, an increase of 144,364 bales, or 54 per cent. The takings reported for the year are net—that is, exclusive of cotton bought and resold. The average weekly consumption amounts to 41,131 bales, and upon this basis the supplies on hand August 31, 1905, were sufficient to meet the consumptive requirements for about ten weeks. Of the 411,519 bales of cotton on hand August 31, 1905, the mills in Massachusetts have reported 194,453 bales, or 47.3 per cent of the total holdings of the mills of this group, and 30 per cent of the stocks held by all of the mills of the country.

The average weight of the bale returned by these mills is 497 pounds. In a number of instances where the information has been secured from the mills of this group by correspondence, the gross weight rather than the net weight has been returned. The average weight of the bale, therefore, which appears in the final column of Table 8 is believed to approximate more nearly the gross than the net weight.

SPINDLES AND CONSUMPTION.

Southern States.—The following table shows the number of establishments consuming domestic raw cotton, the number of cotton spindles, the amount of cotton consumed and produced, and the percentage the consumption is of the production for the Southern States:

TABLE 9.—*Number of cotton-consuming establishments, spindles, consumption, production, and per cent that consumption is of production of Southern States, by States: 1905.*

State.	Number of establishments consuming raw cotton.	Number of spindles.	Consumption.	Production.	Percentage consumption is of production.
			Bales.	*Bales.*	
Total	766	[a] 8,211,734	[b] 2,140,151	13,663,279	15.6
Alabama	68	829,835	228,942	1,470,674	15.6
Arkansas	6	28,704	3,408	916,930	.4
Georgia	126	1,455,159	477,004	1,991,719	23.9
Louisiana	12	71,952	14,701	1,107,746	1.3
Mississippi	23	166,708	33,913	1,808,792	1.9
Missouri	18	14,581	5,128	50,771	10.1
North Carolina	239	2,056,188	594,174	758,170	78.4
South Carolina	140	2,993,348	620,839	1,207,595	51.4
Tennessee	37	187,327	50,135	329,959	15.2
Texas	46	94,390	29,172	3,130,964	.9
Virginia	32	256,150	57,223	18,174	314.9
All other States[c]	19	81,392	25,512	901,785	2.8

[a] Including 177,488 cotton spindles in idle plants.

[b] Including 25,154 bales of raw cotton in establishments not spinning cotton.

[c] Includes Florida, Indian Territory, Kansas, Kentucky, and Oklahoma.

As shown in Table 9, there are 766 establishments in the Southern States which consume raw cotton. This number includes spinning mills and those establishments which use raw cotton in the manufacture of mattresses, batting, felt, and the like. In some instances, where more than one mill is under the same ownership, consolidated returns have been received, and consequently the number of mills reported may be slightly less than the actual number. Statistics for all the mills, however, are included in this report.

The statistics of spindles, as given in Tables 9 and 10, were returned on the schedules at the general manufactures census for the year ending December 31, 1904, and in comparing these statistics of spindles with those compiled by other authorities for a later date the number added by the mills since the close of the last calendar year must be added to the statistics given in this report. The number of active and idle spindles in southern mills on August 31, 1905, as compiled by Mr. Hester, is 8,685,393. The number, as compiled by the Financial and Commercial Chronicle, for the northern mills is 15,325,000. It is noteworthy that the total number of spindles compiled from these two sources is 24,010,393, compared with 24,077,524 reported by the Bureau of the Census, a difference of only 67,131. Computing on the basis of the active spindles, shown in this table, and the cotton returned as consumed to August 31, 1905, the average annual consumption of cotton per spindle for the year is found to be 124.5 pounds in the southern mills. It is thus evident that the large output of the southern mills this season has been mainly of heavy fabrics to supply a greatly increased demand from China and the Orient.

The cotton consumption in the southern mills amounts to 15.6 per cent of the entire American production. Not counting Virginia, which secures practically all of its supplies from other States, North Carolina leads in the per cent of production consumed, showing 78.4 per cent, compared with 51.4 per cent in South Carolina and 23.9 per cent in Georgia. The consumption of mills in the two Carolinas amounts to 56.8 per cent of that of the Southern States. For the country Massachusetts ranks first and South Carolina second in cotton consumption, although the combined consumption of the two Carolinas exceeds that of Massachusetts by 170,844 bales.

Northern States.—The following table shows the number of spindles and the consumption of raw cotton, in bales and pounds, for the northern manufacturers, by States:

TABLE 10.—*Number of spindles and consumption of northern manufacturers, by States: 1905.*

State.	Spindles.	Consumption.	
	Number.	*Bales.*	*Pounds.*
Total	15,865,790	2,138,829	1,063,919,990
Connecticut	1,034,915	112,029	55,121,649
Indiana	136,488	24,484	12,395,726
Maine	904,490	147,670	74,078,007
Maryland	154,968	58,630	27,778,469
Massachusetts	8,388,533	1,044,169	520,975,956
New Hampshire	1,332,075	269,076	135,761,535
New Jersey	438,372	27,903	12,823,576
New York	878,276	157,250	77,993,864
Pennsylvania	339,924	57,606	28,647,973
Rhode Island	2,055,912	168,564	83,552,394
Vermont	100,382	11,784	5,995,997
All other States	101,455	59,664	28,794,844

The net takings of the northern manufacturers in the group of States given in Table 8, for the year ending August 31, 1905, was 2,283,193 bales, compared with 2,294,895 by southern manufacturers, as shown in Table 7. The consumption of cotton in the establishments of the northern group was 2,138,829 bales, compared with 2,140,151 for the southern group.

The total number of producing spindles in the United States, as returned for the year ending December 31, 1904, is reported at 24,077,524, of which 8,211,734 were in the South and 15,865,790 in the North. Notwithstanding the great difference in the number of spindles of the two sections, the consumption of cotton is practically the same. The annual consumption of cotton per spindle in the northern mills, reckoned on the basis given in Table 10, in 67.1 pounds, compared with 124.5 pounds in the South. The difference in the per spindle consumption indicates that the northern mills are spinning yarns of very much greater fineness than those turned out by the southern mills. The finer the yarn is spun the greater the number of hanks obtained from a given quantity of raw cotton, and consequently the slower the process of consuming cotton. Massachusetts, with 8,388,533 spindles, is reported as having consumed 1,044,169 bales, while the southern mills, with 8,211,734 spindles, have consumed 2,140,151 bales. North Carolina, with 24.5 per cent of the number of spindles reported for Massachusetts, has consumed 56.9 per cent of the quantity of cotton consumed in the latter State. A further illustration of this condition is found in Great Britain, where the number of spindles is 48,400,000 and the consumption of cotton 3,588,000 bales, against a consumption in the United States of 4,278,980 bales with 24,077,524 spindles.

GROWTH OF COTTON PRODUCTION AND CONSUMPTION IN THE UNITED STATES.

The following table shows the production and consumption of cotton and the number of spindles in the United States in the years named:

TABLE 11.—*The production and consumption of cotton and the number of spindles in the United States in years named.*

Year.	Section.	Commercial bales.		Spindles.
		Production.[a]	Consumption.	
				Number.
1905	North		[b]2,138,829	15,865,790
	South	13,693,279	[b]2,140,151	8,211,734
1904	North		2,035,390	15,250,000
	South	10,014,455	1,928,591	7,963,866
1903	North		2,146,374	15,200,000
	South	10,784,473	2,014,587	7,989,633
1900	North		2,155,784	[c]15,118,198
	South	9,507,786	1,483,711	[c]4,354,034
1890	North		1,881,294	12,937,043
	South	7,472,511	534,290	1,615,280
1880	North		[d]1,487,930	[d]10,111,387
	South	5,755,359	[d]183,453	[d]542,048

[a] Crops of previous years.
[b] Not including foreign cotton.
[c] Not including idle spindles.
[d] In cotton mills.

The production statistics shown in Table 11 for 1880 and 1890 are taken from census reports for those years. Those for 1900, 1903, 1904, and 1905 were returned to the Bureau of the Census by the cotton ginners. The statistics of consumption and spindles are census figures except for 1903 and 1904, for which years the statistics of consumption have been taken from the reports of Mr. Henry G. Hester, and those of spindles from compilations of the New York Financial and Commercial Chronicle, checked against statistics from other sources.

In the twenty-five years covered by the statistics of this table, the production of the United States has increased from 5,755,359 to 13,693,279 bales. In the same period the total consumption of cotton in the country has increased from 1,671,383 to 4,278,980 bales. Within the last five years the cotton-consuming establishments of the Southern States have increased their consumption from 1,483,711 to 2,140,151 bales, an increase of 656,440 bales. During these five years the northern cotton-consuming establishments have actually decreased their consumption by 16,955 bales. This is explained by the fact that these mills have been engaged during this period in replacing old machinery by that which is more modern, thus increasing the efficiency of their plants and the fineness of the yarns spun without making very large increases in the number of spindles.

In 1880 the southern mills contained 542,048 spindles and consumed 183,453 bales of cotton. For the year ending December 31, 1904, these mills reported 8,211,734 spindles, and during the year ending August 31, 1905, there were consumed in these mills 2,140,151 bales of cotton.

The cotton consumption per spindle in the South in 1880 was, according to the census, 155.9 pounds, compared with 161.4 in 1890 and 164.6 in 1900. There is a marked tendency toward the production of finer yarns in these mills, the average consumption per spindle at this time being reported as 124.5 pounds, a decrease of 40.1 pounds per spindle. The average annual consumption per spindle in northern mills in 1900 was 75.2 pounds, and in 1905 is 67.1 pounds, a decrease of 8.1 pounds per spindle. While the South shows a greater decrease in pounds per spindle, these conditions in both sections have brought about a material decrease in the average for the country, which is now 86.2 pounds per spindle, compared with 95.4 in 1900.

COTTON PRODUCTION AND CONSUMPTION OF THE WORLD.

In the statistics shown in Table 12 for the cotton production and spindles in the United States, census figures are used. In compiling the statistics of production, consumption, and spindles in the other countries, several authorities have been consulted, among them reports of Mr. Henry G. Hester, the Financial and Commercial Chronicle, and Cotton Facts, by Mr. Alfred B. Shepperson. All of these authorities employ estimates, more or less, in their compilations, and in publishing the statistics the Bureau of the Census does not claim accuracy further than for the United States, but simply presents them as an interesting reference in connection with the study of the cotton trade.

The following table shows the world's cotton production and consumption by countries:

TABLE 12.—*The world's cotton production and consumption, by countries, 1904–5.*

[500-pound bales.[a]]

Country.	Production.	Consumption.	Spindles.
	Bales.	*Bales.*	*Number.*
Total	18,041,859	15,474,980	116,764,438
Europe:			
Great Britain		3,588,000	48,400,000
Continent		5,148,000	34,690,000
United States:			
North		2,138,829	15,865,790
South	[b]13,679,859	2,140,151	8,211,734
East Indies	[c]2,960,000	1,350,000	5,250,000
Egypt	1,187,000		
Brazil, etc	[d]215,000		
Japan		875,000	1,400,000
Canada		130,000	750,000
Mexico		70,000	675,000
China		35,000	619,648

[a] Except for consumption of the United States.
[b] Crop of 1904 as reported by ginners and delinters.
[c] Includes India's exports to Europe, America, and Japan, and mill consumption in India increased or decreased by excess or loss of stock at Bombay.
[d] Receipts into Europe from Brazil, Smyrna, Peru, West Indies, etc., and Japan and China cotton used in Japanese mills.

According to the statistics presented in Table 12 the world's cotton production for 1904, entering commercial channels, was 18,041,859 bales, with a total consumption of 15,474,980 bales. This indicates a surplus in the world's factory supply of cotton amounting to 2,566,879 bales. The total production and consumption of cotton as shown in Table 12, however, does not represent the full statistics for the world. Large quantities of cotton are grown and consumed in China, Japan, Asiatic Russia, and other eastern countries, and in South and Central America, which do not enter into commercial channels and can not be estimated with any certainty.

The following is an approximate distribution of the spindles in the mills of continental Europe, shown in Table 12, in thousands:[a]

Germany	8,600
Russia and Poland	7,000
France	6,050
Austria	3,800
Spain	2,900
Italy	2,750
Switzerland	1,550
Belgium	950
Sweden	350
Holland	350
Portugal	230
Greece	70
Total Continent	34,600

[a] Compiled by Mr. Alfred B. Shepperson, for year ending September 30, 1904.

ASSAY OFFICE AT SALT LAKE CITY, UTAH.

The bill (S. 2878) to establish an assay office at Salt Lake City, State of Utah, was considered as in Committee of the Whole.

Mr. CARTER. Inasmuch as the melter checks accounts with the assayer, it may be deemed expedient by the Director of the Mint to designate some other officer to act as melter instead of the assayer. I suggest that the bill be amended by inserting in line 12, after the word "melter," the words which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 12, after the word "melter," it is proposed to insert "unless the Director of the Mint designates another officer or employee to discharge the duties of melter;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and required to establish an assay office of the United States at Salt Lake City, in the State of Utah; said assay office to be conducted under the provisions of the act entitled "An act revising and amending the laws relating to the mints and assay offices and the coinage of the United States," approved February 12, 1873; that the officers of the assay office shall be an assayer in charge, at a salary of $2,500 per annum, who shall also perform the duties of melter, unless the Director of the Mint designates another officer or employee to discharge the duties of melter; chief clerk, at a salary of $1,500 per annum; and the Secretary of the Treasury is hereby authorized to rent a suitable building for the use of said assay office, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000 for salary of assayer in charge, chief clerk, and wages of workmen, rent, and contingent expenses.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILD ANIMALS IN GRAND CANYON FOREST RESERVE.

The bill (S. 2732) for the protection of wild animals in the Grand Canyon Forest Reserve was announced as next in order.

Mr. HEYBURN. I ask that that bill go over under Rule IX.

The VICE-PRESIDENT. On the request of the Senator from Idaho, the bill will go to the Calendar under Rule IX.

APPALACHIAN AND WHITE MOUNTAIN FOREST RESERVES.

The bill (S. 4953) for the purpose of acquiring national forest reserves in the Appalachian Mountains and White Mountains, to be known as the Appalachian Forest Reserve and the White Mountain Reserve, respectively, was announced as next in order.

Mr. HANSBROUGH. In the absence of the Senator from Connecticut [Mr. BRANDEGEE], who reported that bill—I do not see him in the Chamber—I think it had better go over, without losing its place on the Calendar.

The VICE-PRESIDENT. The bill will lie over without prejudice.

ADDITIONAL ASSOCIATE JUSTICE OF ARIZONA SUPREME COURT.

The bill (S. 2948) to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, on page 2, line 2, after the word "two," to strike out the words "or more;" so as to make the bill read:

Be it enacted, etc., That the act named in the above title, providing for an additional associate justice of the supreme court of Arizona, and for other purposes, approved March 3, 1905, be so amended that the first section thereof shall read as follows:

"That hereafter the supreme court of the Territory of Arizona shall consist of a chief justice and four associate justices, any three of whom shall constitute a quorum, but three justices must concur in order to reverse a judgment or other determination of a district court, except that in cases where two of the five justices are now or hereafter may be disqualified from sitting in such case or cases the justices not disqualified shall constitute a quorum and a majority thereof may reverse or affirm such case or cases."

The amendment was agreed to.

Mr. CARTER. I should like to have the Secretary again read the first paragraph of that bill.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

That the act named in the above title——

Mr. CARTER. I think it is a very well-established principle of law that the title of a bill is no part of the act itself. Therefore a bill proposing to amend an act must recapitulate the title of the act, and not merely by reference, because the title is cut away absolutely and the reference would have no significance when the act appears in the statutes. I suggest that an amendment be made by striking out the words "named in the above title," on page 1, line 3.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 3, after the word "act," it is proposed to strike out the words "named in the above title;" so as to read:

That the act providing for an additional associate justice of the supreme court of Arizona, and for other purposes, approved March 3, 1905, be so amended that the first section thereof shall read as follows, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SHEBIT INDIANS IN UTAH.

The bill (S. 4684) authorizing the Secretary of the Interior to sell 160 acres of land occupied by the Shebit Indians in Washington County, Utah, to the Utah and Eastern Copper Company, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRACTICE OF MEDICINE, SURGERY, AND DENTISTRY IN ALASKA.

The bill (S. 2554) for the regulation of the practice of medicine, surgery, and dentistry in the district of Alaska was announced as the next business in order on the Calendar.

Mr. GALLINGER and Mr. HOPKINS addressed the Chair.

The VICE-PRESIDENT. The Senator from New Hampshire.

Mr. GALLINGER. I want to examine the bill with some care, and I ask that it may go over, retaining its place on the Calendar.

The VICE-PRESIDENT. Under objection, the bill will go over, retaining its place on the Calendar.

Mr. HOPKINS. I desired to raise the same objection that the Senator from New Hampshire has raised.

CLAIM OF STATE OF RHODE ISLAND.

The bill (S. 4652) for the relief of the State of Rhode Island was announced as the next business in order on the Calendar.

Mr. ALDRICH. There is a House bill of similar import on the Calendar, and I ask that it may be considered at this time.

By unanimous consent, the bill (H. R. 5539) for the relief of the State of Rhode Island was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, to strike out, after the word "Spain," in line 6, the words:

And in said resettlement and readjustment the same rules shall be applied as have been applied by the Auditor and Comptroller in the settlement of the like claims of other States. And allowances shall also be made in such resettlement and readjustment of the same class or character of items disallowed that were disallowed in the settlement of the like claim of the State of Iowa, for which appropriation was made under the provisions of the act of Congress approved March 3, 1900.

And to insert in lieu thereof the following:

Under the provisions of the acts of Congress approved July 8, 1898, March 3, 1899, and April 27, 1904.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to resettle and readjust the claim of the State of Rhode Island for and on account of its expenditures in raising volunteers during the war with Spain under the provisions of the acts of Congress approved July 8, 1898, March 3, 1899, and April 27, 1904.

Mr. ALDRICH. I think the bill ought to pass without the amendment, and I therefore ask that it lie on the table, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will go over without prejudice, retaining its place on the Calendar.

Mr. GALLINGER. Let the Senate bill be indefinitely postponed.

The bill (S. 4652) for the relief of the State of Rhode Island was indefinitely postponed.

PENSION TO SOLDIERS OF THE MEXICAN WAR.

The bill (S. 3632) to amend an act entitled "An act granting an increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions, with an amendment on page 2, line 3, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That an act entitled "An act granting an increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893, be, and the same is hereby, amended to read as follows, to wit: "That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of every pensioner who is now on the rolls on account of services in the Mexican war, and who, from age, accident, or disease, is disabled for manual labor and is in such circumstances that the pension he now receives is insufficient to provide him with the necessaries of life, to $20 per month. That all pensioners provided for in this act shall be deemed to be disabled for manual labor when they have attained the age of 75 years.

Mr. CARTER. Mr. President, I suggest that the amendment should not be agreed to. Any Mexican veteran who is 75 years of age should receive a pension of $30 a month from the Government of the United States. I therefore hope that the amendment be disagreed to.

Mr. McCUMBER. I do not think we should agree to the suggestion of the Senator from Montana. This matter was thoroughly discussed in the Committee on Pensions, and under all the circumstances, considering what we are granting others, and the possibility of getting some bill through both branches of Congress at this term, I suggest to the Senator from Montana that we had better pass the bill with the rate at $20 per month.

Mr. GALLINGER. Mr. President, I want to add that this is the largest service pension that has ever been granted in the history of the Government—$20 per month. I quite agree with the chairman of the Committee on Pensions that the bill ought not to pass with a larger amount in it than that. I hope the amendment will be agreed to.

Mr. WARNER. Mr. President, I do not object to the passage of this bill, but I can see no good reason why a similar provision should not be made for the soldiers of the civil war who have reached the age of 75.

Mr. GALLINGER. They are twenty years younger. That is the reason.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PILOTAGE CHARGES IN THE COASTING TRADE.

The bill (S. 30) to remove discriminations against American sailing vessels in the coasting trade was announced as the next business in order on the Calendar.

Mr. FRYE. Let the bill be passed over, retaining its place.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from Maine.

RETIREMENT OF NONCOMMISSIONED OFFICERS, ETC.

The bill (S. 3638) providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States was considered as in Committee of the Whole. It provides that when an enlisted man shall have served thirty years either in the Army, Navy, or Marine Corps, or in all, he shall, upon making application to the President, be placed upon the retired list, with 75 per cent of the pay and allowances he may then be in receipt of.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

F. H. DRISCOLL.

The bill (H. R. 10584) for the relief of F. H. Driscoll was considered as in Committee of the Whole. It proposes to pay F. H. Driscoll $80, in full payment for services rendered the United States as storekeeper-gauger in charge of special bonded warehouse No. 6, first district of California.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENALTY FOR CERTAIN OFFENSES IN THE DISTRICT.

The bill (H. R. 11275) increasing the penalty for certain offenses in the District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ULYSSES G. WINN.

The bill (S. 3241) to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 5, before the word "dollars," to strike out "thirty-seven" and insert "thirty-two;" so as to read:

That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $132.80, to reimburse Ulysses G. Winn for said amount erroneously deposited by him while United States commissioner at Center and Stonewall.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM JOHN WRIGHT, WILLIAM ANGLE, ET AL.

The bill (S. 4725) to provide for the division of penalty recovered under the alien contract-labor law, was considered as in Committee of the Whole. It proposes to pay to William John Wright, William Angle, Charles Lewis, and Harry Johnson, in equal shares, the sum of $2,000, which sum the bill appropriates, it being one-half of a judgment recovered by the United States from the Tile, Grate, and Mantel Association of New York for violation of the alien contract-labor law, upon information given by the said Wright, Angle, Lewis, and Johnson.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AIDS TO NAVIGATION IN DELAWARE BAY AND RIVER.

The bill (S. 4967) to establish additional aids to navigation in Delaware Bay and River was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments.

The first amendment was, on page 1, line 6, after the word "exceed," to strike out "three hundred and ninety" and insert "four hundred and sixty;" so as to read:

That the Secretary of Commerce and Labor be, and he is hereby, authorized to provide for the establishing of the following additional aids to navigation in Delaware Bay and River, at a cost not to exceed $460,000.

The amendment was agreed to.

The next amendment was to strike out lines 9, 10, 11, and 12, on page 1, and lines 1, 2, 3, 4, 5, and 6, on page 2, in the following words:

First. A light-house and fog signal on Horseshoe Shoal, at a cost not to exceed $75,000.
Second. A light-house and fog signal on Brown Shoal, at a cost not to exceed $80,000.
Third. A light-house and fog signal on Miah Maul Shoal, at a cost not to exceed $75,000.
Fourth. A light-house and fog signal on Joe Flogger Shoal, at a cost not to exceed $75,000.
Fifth. A light-house and fog signal on Arnolds Point Shoal, at a cost not to exceed $85,000.

And insert:

First. A light-house and fog signal on Horseshoe Shoal, at a cost not to exceed $75,000.
Second. A light-house and fog signal on Miah Maull Shoal, at a cost not to exceed $75,000.
Third. A light-house and fog signal on Joe Flogger Shoal, at a cost not to exceed $75,000.
Fourth. A light-house and fog signal on Arnolds Point Shoal, at a cost not to exceed $85,000.
Fifth. Range lights on compass course connecting Cherry Island and Schooner Ledge ranges, at a cost not to exceed $70,000.
Sixth. Light-house and fog signal on Brown Shoal, at a cost not to exceed $80,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE T. LARKIN.

The bill (S. 4245) for the relief of George T. Larkin was considered as in Committee of the Whole. It proposes to pay the sum of $706.10 to George T. Larkin, late deputy United States marshal for the eastern district of Tennessee, for expenses incurred and paid by him for the care and support of one Joseph Vandergriff, a United States prisoner.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

The bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce was announced as the next business in order on the Calendar.

Mr. KEAN. That is a very long bill. It may affect the waters of Niagara, and so on. I think it had better go over.

Mr. GALLINGER. It does not affect the waters of Niagara, inasmuch as they are excluded. But let the bill go over, retaining its place.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar.

ALLOTMENT OF LANDS TO INDIANS.

The bill (H. R. 11946) to amend section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," was announced as the next business in order on the Calendar.

Mr. McCUMBER. I ask that the bill may be passed over, retaining its place on the Calendar.

The VICE-PRESIDENT. At the request of the Senator from North Dakota, the bill will go over, retaining its place on the Calendar.

JAMES W. JONES.

Mr. McLAURIN. I ask unanimous consent for the present consideration of the bill (H. R. 6982) for the relief of James W. Jones.

Mr. McCUMBER. I hope we will go on with the Calendar.

Mr. McLAURIN. This bill is on the Calendar.

Mr. LODGE. Let us have the regular order.

Mr. McCUMBER. Let us proceed with the regular order.

The VICE-PRESIDENT. The regular order is demanded. It was demanded some time ago, and only those bills reached in order have been recently under consideration.

DISPOSAL OF TIMBER ON PUBLIC LANDS.

The bill (S. 5327) to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes, was announced as the next business in order on the Calendar.

Mr. FULTON. The bill will lead to considerable discussion. I ask that it may go over and be placed on the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go over under Rule IX, at the request of the Senator from Oregon.

Mr. HEYBURN. I ask unanimous consent at this time to propose an amendment to the bill just called. I ask that it may be printed and lie on the table.

The VICE-PRESIDENT. Without objection, it is so ordered.

AGRICULTURAL LANDS WITHIN FOREST RESERVES.

The bill (S. 5222) to provide for the entry of agricultural lands within forest reserves was announced as the next business in order on the Calendar.

Mr. HEYBURN. I submit an amendment to the bill, and ask that it may be printed and lie over. I ask that the bill may be passed over under Rule IX.

The VICE-PRESIDENT. At the request of the Senator from Idaho the bill will go over under Rule IX, together with the amendment which he has offered.

Mr. HEYBURN. And I make the same request as to the former bill—that it go over under Rule IX.

The VICE-PRESIDENT. The bill has gone to the Calendar under Rule IX.

PRACTICE OF PHARMACY IN THE DISTRICT.

The bill (H. R. 8997) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments.

Mr. GALLINGER. I ask that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments, which are numerous, may be acted upon as they are reached.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on the District of Columbia was, in section 1, page 2, line 10, after the word "*Provided*," to strike out "*however*."

The amendment was agreed to.

The next amendment was, on page 3, line 2, after the word "such," to strike out "license or;" so as to make the proviso read:

Provided further, That such person, firm, or corporation has obtained a permit from the board of supervisors in medicine and pharmacy, which grants the right and privilege to make such sales, such permit to be issued for a period of three years.

The amendment was agreed to.

The next amendment was, on page 3, line 14, after the word "more," to strike out "remedies" and insert "antidotes;" so as to read:

That persons other than registered pharmacists may sell household ammonia and concentrated lye, in sealed containers plainly labeled, so as to indicate the nature of the contents, with the word "poison," and with the statement of two or more antidotes to be used in case of poisoning, and may sell bicarbonate of soda, etc.

The amendment was agreed to.

Mr. GALLINGER. On page 4, line 16, I move to strike out the words "the science and art of;" so as to read "the study of pharmacy."

The amendment was agreed to.

The next amendment of the Committee on the District of Columbia was, in section 3, page 4, line 20, after the word "pharmacy," to insert "if any;" so as to read: "The name and location of the school or college of pharmacy, if any, of which he is a graduate," etc.

The amendment was agreed to.

The next amendment was, on page 5, line 3, after the word "pharmacist," to insert the following proviso:

Provided, That any applicant who has graduated from a school or college of pharmacy recognized by said board as in good standing shall be entitled to examination upon presentation of his diploma.

Mr. GALLINGER. I offer a substitute for the amendment.

The VICE-PRESIDENT. The substitute will be stated.

The SECRETARY. On page 5, line 3, after the word "pharmacy," insert the following proviso:

Provided, That applicants shall be not less than 21 years of age, and shall have had at least three years' experience in the practice of pharmacy, or shall have served three years under the instruction of a regular licensed pharmacist; and any applicant who has been graduated from a school or college of pharmacy recognized by said board as in good standing shall be entitled to examination upon presentation of his diploma.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 5, after line 6, to strike out:

In order to be licensed as a pharmacist under this act, an applicant shall be not less than 21 years of age; shall present to the board of supervisors aforesaid satisfactory evidence that he is a graduate of a school or college of pharmacy recognized by said board as in good standing, and that he has had not less than four years' experience in pharmacy under the instruction of a pharmacist, and he shall also pass a satisfactory examination by the board of pharmaceutical examiners: *Provided, however*, That said board of supervisors may, by general rules, establish conditions upon compliance with which by any college or school of pharmacy and the submission by such college or school to said board of evidence sufficient to prove such compliance to the satisfaction of said board, persons who have been graduated by such college or school during any specified year or years may be allowed credit for not more than one year's experience in pharmacy by reason of attendance at and graduation from such college or school: *And*

The amendment was agreed to.

The next amendment was, on page 6, line 2, after the word "qualified," to strike out "without being a graduate as aforesaid;" so as to make the proviso read:

Provided further, That any applicant intending to limit his practice to compounding and dispensing homeopathic remedies and prescriptions may be licensed, if otherwise qualified.

The amendment was agreed to.

The next amendment was, in section 6, page 8, line 6, after the word "narcotic," to strike out the comma and insert "or;" and in the same line, after the word "stimulant," to strike out "or other substance;" and in line 17, after the words "to the," to strike out:

Commissioners of said District. And, unless said Commissioners are satisfied that upon the showing made by said report such license is not revocable, said Commissioners shall cause a petition to be presented to the supreme court of the District of Columbia, sitting as an equity court, praying that such license be revoked. And said court is hereby authorized to hear and determine any case so presented and to issue such orders and decrees revoking or suspending such license as to said court may seem proper.

And insert:

Board of supervisors in medicine and pharmacy, which board shall, after full hearing, if in their judgment the facts warrant it, revoke such license.

So as to make the section read:

SEC. 6. That the license of any person to practice pharmacy in the District of Columbia may be revoked if such person be found to have obtained such license by fraud; or to be addicted to the use of any narcotic or stimulant, or to be suffering from physical or mental disease, in such manner and to such an extent as to render it expedient that in the interests of the public his license be canceled; or to be of an immoral character; or if such person be convicted in any court of competent jurisdiction of any offense involving moral turpitude. It shall be the duty of the major and superintendent of police of said District to investigate any case in which it is discovered by him, or made to appear to his satisfaction, that any license issued under the provisions of this act is revocable and to report the result of such investigation to the board of supervisors in medicine and pharmacy, which board shall, after full hearing, if in their judgment the facts warrant it, revoke such license.

The amendment was agreed to.

The next amendment was, in section 7, page 9, line 4, after the word "year," to strike out "every pharmacist and;" in line 6, before the word "permit," to strike out "license or;" in line 9, after the word "such," to strike out "license or;" in the same line, after the word "permit," to strike out "and every pharmacist making such application shall file with his application an affidavit that he is the identical person to whom was issued the original license, the renewal of which is sought;" in line 15, after the word "such," to strike out "license or;" in the same line, after the word "permit," to strike out "either;" in the same line, after the word "November," to strike out "or, in the case of pharmacists, at any time thereafter: *Provided, always*, That the applicant for renewal of license as pharmacist has been actively engaged in the practice of pharmacy within the five years immediately preceding the date of his application; such

renewal to be;" and in line 22, before the word "permit," to strike out "license or;" so as to read:

SEC. 7. That in the month of November of each year every licensed dealer in poisons for use in the arts or as insecticides, whose permit has been issued not less than three years prior to the first day of such month, shall apply to the board of supervisors in medicine and pharmacy for the renewal of such permit. And said board is hereby authorized, upon the payment of such fees as are hereinafter provided, to renew such permit in the month of November for a period of three years from the 31st day of October immediately preceding the date thereof. And every permit not renewed within the month of November as aforesaid shall be void and of no effect unless and until renewed. Any license, permit, or renewal obtained through fraud, or by any false or fraudulent representation, shall be void and of no effect.

The amendment was agreed to.

The next amendment was, in section 7, page 10, line 2, after the word "effect," to strike out the following:

No person shall make any false or fraudulent representation for the purpose of procuring a license, permit, or renewal thereof, either for himself or for another.

Mr. FRYE. I should like to know why that amendment is put into the bill.

The VICE-PRESIDENT. The clause is stricken out.

Mr. FRYE. Why is that amendment reported by the committee?

Mr. GALLINGER. It was reported by the committee for the reason that the committee did not see any reason why it should be in the bill. It is to be assumed that if a man makes a false or fraudulent representation he is amenable to the laws, and that that should be stated in the act the committee thought was unnecessary.

Mr. FRYE. But it seems to me that striking out those words is simply an invitation to all scoundrelly druggists, if there are any, to commit fraud. The corporation counsel says that the bill should contain such a clause, and that the recent experience of the present board has demonstrated that a pharmacy bill is almost void without it.

Mr. GALLINGER. Very well. Mr. President, the Senator and I will not have a controversy over this clause. I am quite willing that the amendment shall be disagreed to.

Mr. FRYE. Thanks. And where it occurs in one other place, I think.

Mr. GALLINGER. I will take that up when we get to it.

The VICE-PRESIDENT. Without objection, the amendment is disagreed to.

The next amendment was, on page 10, line 8, after the word "such," to strike out "license or;" so as to make the clause read:

Every license to practice pharmacy, and every permit to sell poisons for use in the arts or as insecticides, and every current renewal of such permit shall be conspicuously displayed by the person to whom the same has been issued in the pharmacy, drug store, or place of business, if any, of which the said person is the owner or manager.

The amendment was agreed to.

The next amendment was, in section 8, page 10, line 19, after the word "examiner," to strike out the comma; in line 20, before the word "expire," to strike out "but not more than one, will" and insert "shall;" and on page 11, line 1, after the word "remove," to insert "after full hearing;" so as to read:

All appointments shall be made in such manner that the term of office of one examiner shall expire on the 30th day of June of each year, but every examiner shall hold office after the expiration of the term for which he has been formally appointed until his successor has been appointed and qualified. No appointee shall enter upon the discharge of his duties until he has taken oath fairly and impartially to perform the same. Said Commissioners may remove, after full hearing, any member of said board for neglect of duty or other just cause.

The amendment was agreed to.

The next amendment was, in section 9, page 12, line 11, after the word "medicine," to strike out "and;" in the same line, before the word "midwifery," to strike out "to practice;" in line 13, after the word "act," to strike out "The health officer of the District of Columbia shall, ex-officio, be secretary of the board of supervisors in medicine and pharmacy aforesaid, and may act as treasurer of said board, but said board may elect any of its members to serve as treasurer," and insert "Said board shall elect from its membership a secretary and treasurer, respectively;" in line 19, after the word "shall," to strike out ", in either case,;" and in line 22, before the word "deem," to insert "shall;" so as to read:

And said board of supervisors shall have all such rights, powers, and duties with respect to the examination of applicants for license as pharmacists and with reference to the issue of licenses to practice pharmacy and of permits to sell poisons for use in the arts or as insecticides as said board now has with reference to the examination of applicants for license to practice medicine, surgery, and midwifery, and with reference to the issue of licenses to such persons, except in so far as may be inconsistent with the provisions of this act. Said board shall elect from its membership a secretary and treasurer, respectively. The treasurer of said board shall give such bond for the proper performance of his duties as the Commissioners of the District of Columbia shall deem proper, etc.

The amendment was agreed to.

The next amendment was, in section 10, page 14, line 1, after the word "dollars," to strike out "for renewing license as pharmacist, $1;" so as to make the clause read:

That applicants for license to practice pharmacy and for permits to sell poisons for use in the arts or as insecticides shall pay the following fees: For examination for license as pharmacist, $10; for a permit for the sale of poisons for use in the arts or as insecticides, $1, and for each renewal thereof, 50 cents.

The amendment was agreed to.

The next amendment was, on page 14, line 11, before the word "boards," to strike out "several;" so as to read:

And all expenses of said board and of the boards of examiners incident to the execution of the provisions of this act, etc.

The amendment was agreed to.

The next amendment was, in section 11, page 15, line 24, after the word "*Provided*" and before the word "That," to strike out "*however;*" so as to read:

Provided, That the above provisions, etc.

The amendment was agreed to.

The next amendment was, on page 16, line 5, after the word "ounce," to strike out "*Provided, also,* That the," and insert "The;" so as to read:

The above provisions shall not apply, etc.

The amendment was agreed to.

The next amendment was, on page 16, line 12, after the word "grains," to strike out "*And provided*" and insert "*Provided further;*" so as to read:

Provided further, That the above provisions, etc.

The amendment was agreed to.

The next amendment was, in section 13, page 18, line 9, before the word "aconite," to strike out "any."

The amendment was agreed to.

The next amendment was, on page 19, line 10, after the word "therein," to strike out "*Provided, however,* That the" and insert "The;" so as to read:

The foregoing provisions shall not apply, etc.

The amendment was agreed to.

The next amendment was, on page 19, line 14, after the word "*Provided,*" to strike out "*also.*"

The amendment was agreed to.

The next amendment was, on page 19, line 20, after the word "container," to strike out the words "*Provided further,* That the" and insert "The;" so as to read:

The record of sale and delivery above mentioned, etc.

The amendment was agreed to.

The next amendment was, on page 20, line 7, before the word "paregoric," to insert "of;" so as to read:

Or of colors ground in oil and intended for use as paints, or calomel, or of paregoric when sold in quantities, etc.

The amendment was agreed to.

The next amendment was, on page 21, to strike out section 14 in the following words:

SEC. 14. That no person seeking to procure in the District of Columbia any substance the sale of which is regulated by the provisions of this act shall make any fraudulent representations so as to evade or defeat the restrictions herein imposed.

Mr. GALLINGER. Let that amendment be disagreed to.

The amendment was rejected.

The next amendment was, in section 19, page 23, line 6, before the word "corporation," to insert "the;" and in line 7, after the word "act," to strike out "And the courts having jurisdiction shall charge regularly their grand juries to investigate violations of this law;" so as to make the section read:

SEC. 19. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $200 or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court, and if the offense be continuing in its character, each week or part of a week during which it continues shall constitute a separate and distinct offense. And it shall be the duty of the major and superintendent of police of the District of Columbia and of the corporation counsel of said District to enforce the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN W. DONOVAN.

The bill (H. R. 12028) granting relief to John W. Donovan was read and considered as in Committee of the Whole. It proposes to pay John W. Donovan, of Livingston County, Mo., $32.23 for services performed as enumerator in the Eleventh Census of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISE POWERS M'KEE.

The bill (S. 1218) for the relief of Louise Powers McKee, administratrix, was read and considered as in Committee of the Whole. It proposes to pay to Louise Powers McKee, administratrix of the estate of James M. McKee, deceased, late clerk of the United States circuit court of appeals for the fifth circuit at New Orleans, La., $784.55, being the amount erroneously paid into the subtreasury of the United States in his emolument returns December 31, 1892, and December 31, 1893.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POSTAL TELEGRAPH CABLE COMPANY.

The bill (S. 2368) for the relief of the Postal Telegraph Cable Company was read and considered as in Committee of the Whole.

It authorizes the Secretary of the Treasury to pay to the Postal Telegraph Cable Company, a corporation incorporated under the laws of the State of New York, having its principal office at No. 253 Broadway, New York City, the sum of $2,155.19, for telegraph service rendered to the Post-Office Department from July 1, 1889, to June 30, 1893.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. I move that the preamble be stricken out.

The motion was agreed to.

GARRETT R. BRADLEY.

The bill (S. 4686) to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance was read and considered as in Committee of the Whole. It proposes to pay to Garrett R. Bradley, late postmaster at Tonopah, Nev., $442.14, to reimburse him for money expended for necessary clerical assistance.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF RAILROAD RATES.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, House bill 12987.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. McCUMBER. Mr. President, I wish to ask the Senator from South Carolina if he desires to go on with the bill now or if anyone desires to speak upon it?

Mr. TILLMAN. I know of no one who wants to speak on the bill, unless it is the Senator from North Dakota. I have been making diligent inquiry, and almost everybody seems to want to put off speaking until Monday or Tuesday. If the Senator wants to take the floor upon the bill, I shall be glad to hear him. If not, I shall ask to have the bill laid aside.

Mr. McCUMBER. I was going to ask, if no one desires to take the floor on the unfinished business, that we proceed with the consideration of the Calendar. There is quite a large Pension Calendar which would soon be reached.

Mr. TILLMAN. I ask unanimous consent that the bill be laid aside for the balance of the day.

The VICE-PRESIDENT. The Senator from South Carolina asks that the unfinished business be laid aside during the residue of the day. Without objection, it is so ordered. The next bill on the Calendar will be stated.

ELLA M. COLLINS.

The bill (S. 4685) to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Ella M. Collins, late postmaster at Goldfield, Nev., $821.08, to reimburse her for money expended for necessary clerical assistance and supplies.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

M. A. JOHNSON.

The bill (S. 4819) for the relief of M. A. Johnson was read and considered as in Committee of the Whole. It proposes to pay to M. A. Johnson, of Stoughton, Dane County, Wis., $180, being the unused balance of a deposit made by the said M. A. Johnson and his associates with the surveyor-general of the State of Idaho for the survey of certain mining claims in the Hailey, Idaho, land district, which sum of $180 was carried into the Treasury of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEDAWAKANTON AND WAHPAKOOTA (SANTEE) SIOUX INDIANS.

The bill (S. 3895) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, was announced as next in order.

Mr. LODGE. Let that bill go to the Calendar under Rule IX.

The VICE-PRESIDENT. At the request of the Senator from Massachusetts the bill will go to the Calendar under Rule IX.

LEGATION BUILDING IN CONSTANTINOPLE.

The bill (S. 5388) to authorize the acquisition of land and a building for the United States legation in Constantinople was read and considered as in Committee of the Whole. It authorizes the Secretary of State to acquire in Constantinople, at an expense not to exceed $150,000, a proper site and building, which shall be used by the legation of the United States and for the residence of the envoy extraordinary and minister plenipotentiary of the United States to Turkey.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF IMMIGRATION OF ALIENS.

The bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens in the United States," approved March 3, 1903, was announced as next in order.

Mr. LODGE. I think the bill had better go over, as the chairman of the committee is not here.

Mr. SCOTT. He has a substitute bill for it.

Mr. GALLINGER. As to a part of the bill.

Mr. LODGE. It is a very important bill. I ask that it may go over without prejudice, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar.

DISPOSAL OF TIMBER ON PUBLIC LANDS.

Mr. HANSBROUGH. During my absence from the Chamber the Senate reached the bill (S. 5327) to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes. I will ask what became of it?

The VICE-PRESIDENT. It went to the Calendar under Rule IX.

Mr. HANSBROUGH. I desire to ask that it be restored to the Calendar, so as to retain its place without prejudice.

Mr. KEAN. I think the Senator from Idaho [Mr. HEYBURN] is not now here.

The VICE-PRESIDENT. The Chair understands that the bill went to the Calendar under Rule IX at the request of the Senator from Oregon [Mr. FULTON], and that the next order of business, the bill (S. 5222) to provide for the entry of agricultural lands within forest reserves, went to the Calendar under Rule IX at the request of the Senator from Idaho [Mr. HEYBURN].

Mr. HANSBROUGH. I had previously had a talk with one, indeed with both the Senators about it, and as chairman of the committee from which the bill came I desire to have it retain its place. Had I been in the Chamber at the time when it was reached I should have insisted that it should retain its place.

Mr. GALLINGER. One objection would have carried it over anyway.

Mr. HANSBROUGH. There ought not to be any prejudice against the bill. It is a very important piece of legislation, and Senators who are opposing it should not, it seems to me, put it to that test. Now that it has gone to the Calendar under Rule IX, I shall be obliged to call it up, as we will not again reach it on the Calendar. I wish it understood that I shall make a motion to call up the bill at an early day.

AGRICULTURAL LANDS WITHIN FOREST RESERVES.

Mr. CARTER. With reference to the bill (S. 5222) to provide for the entry of agricultural lands within forest reserves, I desire to give notice that during the afternoon, if the Calendar shall have been disposed of, I will move that the bill be taken up for consideration. It has passed to the Calendar under Rule IX, I understand.

Mr. KEAN. I have no special interest in the bill, but the Senator from Idaho [Mr. HEYBURN] is interested in it.

Mr. GALLINGER. Mr. President, I ask that the regular order be proceeded with.

The VICE-PRESIDENT. The Secretary will announce the next bill on the Calendar.

HOUR OF MEETING TO-MORROW.

Mr. LODGE. I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 2 o'clock.

The motion was agreed to.

JOSEPH CROW.

The bill (H. R. 7709) for the relief of Joseph Crow was read and considered as in Committee of the Whole. It proposes to pay $1,029.59 to Joseph Crow, of Omaha, county of Douglas, State of Nebraska, to reimburse him for a like amount charged against his account as postmaster by reason of embezzlement of post-office funds by Alfred M. Oleson.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ZENAS PARKER.

The bill (H. R. 3649) for the relief of Zenas Parker was read and considered as in Committee of the Whole. It directs the Postmaster-General to refund to Zenas Parker, late postmaster at Stewart, Houston County, Tenn., the sum of $161.73, being the amount of funds belonging to the Post-Office Department of the United States stolen from the said Zenas Parker by burglars December 24, 1902.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NORTH MISSISSIPPI TRACTION COMPANY.

The bill (H. R. 15259) to authorize the North Mississippi Traction Company to construct dams and power stations on the Bear River on the northeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss., was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGE NEAR CLARKSVILLE, TENN.

The bill (H. R. 14591) to authorize the construction of a bridge across the Cumberland River in or near the city of Clarksville, State of Tennessee, was read and considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in section 1, page 1, line 8, after the words "declared a," to strike out "post-road" and insert:

Post route, upon which no charge shall be made for the transportation over the same of the mails, troops, and munitions of war of the United States; and said bridge shall enjoy all the rights and privileges of other post routes in the United States; and the United States shall have the right of way across said bridge and its approaches for postal, telegraph, and telephone purposes; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt said bridge from the operation of the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CUMBERLAND RIVER BRIDGE NEAR NASHVILLE, TENN.

The bill (H. R. 14592) to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, in section 1, on page 1, line 8, after the word "declared," to strike out the words "post-roads" and to insert:

Post routes, upon which no charge shall be made for the transportation over the same of the mails, troops, and munitions of war of the United States; and said bridges shall enjoy all the rights and privileges of other post routes in the United States; and the United States shall have the right of way across said bridge and their approaches for postal, telegraph, and telephone purposes; and equal privileges in the use of said bridges shall be granted to all telegraph and telephone companies: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt said bridges from the operation of the same.

So as to make the section read:

That the county of Davidson, in the State of Tennessee, be, and it is hereby, authorized and empowered to build and maintain two highway bridges across the Cumberland River, in or near the city of Nashville, State of Tennessee, for the use of the public as highways, free of any tolls, and they are hereby declared post routes, upon which no charge shall be made for the tranportation over the same of the mails, troops, and munitions of war of the United States; and said bridges shall enjoy all the rights and privileges of other post routes in the United States; and the United States shall have the right of way across said bridges and their approaches for postal, telegraph, and telephone purposes; and equal privileges in the use of said bridges shall be granted to all telegraph and telephone companies: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt said bridges from the operation of the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SMITH VAUGHAN.

The bill (S. 3720) granting an increase of pension to Smith Vaughan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to insert "Company I, Sixth Regiment and;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Smith Vaughan, late of Company I, Sixth Regiment, and Company G, Fifty-ninth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CALVIN D. WILBER.

The bill (S. 4193) granting an increase of pension to Calvin D. Wilber was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to strike out the letter "B" and insert "C;" and in line 8, after the word "and," to strike out "carpenter" and insert "United States ships Ohio and Wachusett;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin D. Wilber, late of Company C, Second Regiment Connecticut Volunteer Infantry; Company F, Tenth Regiment Connecticut Volunteer Infantry, and United States ships Ohio and Wachusett, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUCIAN W. FRENCH.

The bill (S. 834) granting an increase of pension to Lucien W. French was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucian W. French, late musician, Second Brigade Band, Second Division, Sixth Army Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lucian W. French."

ALICE A. FRAY.

The bill (S. 3555) granting a pension to Alice A. Fray was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice A. Fray, widow of Louis C. Fray, late of Company E, Fourteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN H. SWAYNE.

The bill (S. 1692) granting a pension to Ellen H. Swayne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen H. Swayne, widow of Wager Swayne, late colonel Forty-fifth Regiment United States Infantry, and major-general, United States Volunteers, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNIE M. WALKER.

The bill (S. 5355) granting an increase of pension to Annie M. Walker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the name "Walker," to strike out the name "Wesley" and insert the letter "W;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie M. Walker, widow of John W. Walker, late captain Company D, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MYRA D. DANIELS.

The bill (S. 3468) granting an increase of pension to Myra D. Daniels was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Myra R. Daniels, widow of William H. Daniels, late of Company D, First Regiment District of Columbia Volunteer Cavalry, and Company F, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN D. CUTLER.

The bill (S. 5255) granting an increase of pension to John D. Cutler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. Cutler, late of Company E, Sixteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUSAN J. F. JOSLYN.

The bill (S. 4745) granting an increase of pension to Susan J. F. Joslyn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan J. F. Joslyn, widow of Charles E. Joslyn, late captain Company A, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES L. PORTER.

The bill (S. 5375) granting an increase of pension to Frances L. Porter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 9, after the word "month," to insert a comma, and in the same line, after the word "additional," to insert a comma; so at to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances L. Porter, minor child of Hugh F. Porter, late first lieutenant Company K, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of $17 per month, and $2 per month additional, in lieu of that she is now receiving, such pension to cease when she becomes 16 years of age.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES R. FROST.

The bill (S. 3765) granting an increase of pension to Charles R. Frost was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles R. Frost, late of Company K, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CORA F. MITCHELL.

The bill (H. R. 2034) granting a pension to Cora F. Mitchell, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cora F. Mitchell, helpless and dependent daughter of Seth W. Mitchell, late of Company C, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY CARR.

The bill (H. R. 14855) granting an increase of pension to Henry Carr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Carr, late musician, Third Regiment New York Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN GREEN.

The bill (H. R. 15110) granting an increase of pension to John Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Green, late of Company E, First Regiment Massachusetts Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY A. PENDER.

The bill (H. R. 11702) granting an increase of pension to Lucy A. Pender was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy A. Pender, widow of Charles H. Pender, late of Company F, First Regiment Connecticut Volunteer Cavalry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC PLACE.

The bill (H. R. 13866) granting an increase of pension to Isaac Place was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Place, late captain Company E, Ninth Regiment Rhode Island Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS TO SOLDIERS AND OFFICERS OF THE WAR OF THE REBELLION.

The bill (S. 976) granting pensions to certain enlisted men, soldiers, and officers, who served in the war of the rebellion, was announced as next in order.

Mr. GALLINGER. Mr. President——

Mr. McLAURIN. Mr. President, there are certain statistics

which I desire to examine before that bill is considered, and I have not yet had an opportunity to do so. I should like, therefore, to have the bill go over.

Mr. GALLINGER. In reference to that bill, I will make a suggestion to the chairman of the Committee on Pensions, that it go over until Monday next, after the routine morning business, and that it then be taken up for consideration. Its consideration will consume some time, and as it is a general pension bill I do not think it ought to be considered in so thin a Senate as we have this afternoon. I wish to submit some observations concerning the bill. It can go over, retaining its place, if the Senator prefers.

Mr. McCUMBER. I ask that the bill go over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will go over without prejudice, retaining its place on the Calendar.

MARTHA H. TEN EYCK.

The bill (S. 3549) granting an increase of pension to Martha H. Ten Eyck was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha H. Ten Eyck, widow of Tenedor Ten Eyck, late captain, Eighteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIS H. WATSON.

The bill (S. 2799) granting an increase of pension to Willis H. Watson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Willis H. Watson, late captain Company G, Eightieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN F. ALSUP.

The bill (S. 5205) granting an increase of pension to John F. Alsup was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Regiment," to strike out "Thirty-fourth" and insert "Thirty-ninth;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Alsup, late of Company B, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIZZIE B. CUSICK.

The bill (S. 5114) granting an increase of pension to Lizzie B. Cusick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie B. Cusick, widow of Cornelius C. Cusick, late first lieutenant Company D, One hundred and thirty-second Regiment New York Volunteer Infantry, and captain, Twenty-second Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OWEN MARTIN.

The bill (S. 4231) granting an increase of pension to Owen Martin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Owen Martin, late of Company F, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SOLOMON JACKSON.

The bill (S. 3551) granting an increase of pension to Solomon Jackson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon Jackson, late of Company D, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH ELLMORE.

The bill (S. 663) granting a pension to Joseph Ellmore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Ellmore, late unassigned, Wisconsin Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALICE S. SHEPARD.

The bill (S. 1691) granting an increase of pension to Alice S. Shepard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice S. Shepard, widow of Edwin M. Shepard, late rear-admiral, United States Navy, and to pay her a pension of $50 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE B. VALLANDIGHAM.

The bill (S. 3130) granting an increase of pension to George B. Vallandigham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George B. Vallandigham, late of Company E, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATRICK M'DERMOTT.

The bill (H. R. 11804) granting an increase of pension to Patrick McDermott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick McDermott, late of Company D, Thirty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS GROSSMAN.

The bill (H. R. 12651) granting a pension to Louis Grossman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louis Grossman, late of Company D, Fifteenth Regiment United States Infantry, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARGYLE Z. BUCK.

The bill (H. R. 15622) granting an increase of pension to Argyle Z. Buck was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Argyle Z. Buck, late of Company F, One hundred and tenth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES BUCKLEY.

The bill (H. R. 15491) granting an increase of pension to James Buckley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Buckley, late of Company H, Third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERWIN G. DUDLEY.

The bill (H. R. 16519) granting an increase of pension to Erwin G. Dudley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Erwin G. Dudley, late captain Company E, Ninety-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA A. REMINGTON.

The bill (H. R. 11622) granting a pension to Martha A. Remington was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha A. Remington, widow of Thomas J. L. Remington, late captain Company A and major Seventy-fourth Regiment Illinois Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GABRIEL Y. PALMER.

The bill (H. R. 14337) granting an increase of pension to Gabriel Y. Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gabriel Y. Palmer, late of Company F, Thirty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARQUIS M. DE BURGER.

The bill (H. R. 14437) granting an increase of pension to Marquis M. De Burger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marquis M. De Burger, late of Company I, First Regiment Pennsylvania Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SABINE VANCUREN.

The bill (H. R. 15029) granting an increase of pension to Sabine Vancuren was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sabine Vancuren, late first lieutenant Company F, Ninety-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARION W. STARK.

The bill (H. R. 11076) granting a pension to Marion W. Stark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marion W. Stark, widow of Daniel S. Stark, late pilot U. S. S. *Alps* and *W. H. Brown*, United States Navy, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUKE M'LONEY.

The bill (H. R. 11856) granting an increase of pension to Luke McLoney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Luke McLoney, late of Company H, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FERDINAND HERCHER.

The bill (S. 3883) granting an increase of pension to Ferdinand Hercher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "and," to strike out "also late;" and in line 9, before the word "dollars," to strike out "seventy-two" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ferdinand Hercher, late of Company C, Thirty-sixth Regiment Illinois Volunteer Infantry, and hospital steward, United States Army, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS A. BERANEK.

The bill (S. 3119) granting an increase of pension to F. A. Beranek was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the first time, to strike out the letter "F." and insert the name "Francis;" and in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis A. Beranek, late of Company A, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Francis A. Beranek."

JOHN H. STACY.

The bill (S. 5192) granting a pension to John H. Stacy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Stacy, late of Company L, Ninth Regiment Rhode Island Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS M. BALLEW.

The bill (H. R. 13573) granting an increase of pension to Francis M. Ballew was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis M. Ballew, late of Company F, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. ANDERSON.

The bill (H. R. 9765) granting an increase of pension to John C. Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Anderson, late of Company M, Sixth Regiment Kansas Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. LIMPUS.

The bill (H. R. 1939) granting an increase of pension to William F. Limpus was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Limpus, late second lieutenant and captain Company H, Thirty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROLLAND HAVENS.

The bill (H. R. 12049) granting an increase of pension to Rolland Havens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rolland Havens, late of Company G, Thirteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY WEST.

The bill (H. R. 14559) granting an increase of pension to Henry West was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry West, late of Company G, Twenty-third Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH WESTON.

The bill (H. R. 14560) granting an increase of pension to Elizabeth Weston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Weston, dependent mother of Clark W. Weston, late of Company I, Ninth Regiment Michigan Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES NUNAN.

The bill (H. R. 14951) granting an increase of pension to James Nunan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Nunan, late of Company H, Third Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS H. WILSON.

The bill (H. R. 11484) granting an increase of pension to Thomas H. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. Wilson, late of Company C, Thirty-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HENDERSON.

The bill (H. R. 11563) granting an increase of pension to John Henderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Henderson, late of Company E, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET F. JOYCE.

The bill (S. 5189) granting an increase of pension to Margaret F. Joyce was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret F. Joyce, widow of William H. Joyce, late captain Company F, Seventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read read the third time, and passed.

SATURNINO BACA.

The bill (H. R. 13572) granting an increase of pension to Saturnino Baca was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Saturnino Baca, late captain Company D, Second Regiment New Mexico Volunteer Infantry, and captain Companies H, L, and E, First Regiment New Mexico Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HENRY SWIGART.

The bill (S. 4112) granting an increase of pension to H. M. Swigart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Swigart, late of Company D, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry Swigart."

WILLIAM H. EGOLF.

The bill (S. 556) granting an increase of pension to William H. Egolf was considered as in Committee of the Whole:

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to strike out "the United States;" in line 7, before the word "and," to insert "United States Army;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Egolf, late of Signal Corps, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABISHA RISK.

The bill (S. 3273) granting an increase of pension to Abisha Risk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abisha Risk, late of Company A, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. CREAGER.

The bill (H. R. 14909) granting an increase of pension to John W. Creager was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Creager, late of Company K, First Regiment Indiana Volunteer Infantry, war with Mexico, and Company G, Twenty-eighth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTA N. MANSON.

The bill (H. R. 14532) granting an increase of pension to Augusta N. Manson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augusta N. Manson, widow of George W. Manson, late of Company D, Tenth Regiment United States Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. CARLEY.

The bill (H. R. 15940) granting an increase of pension to James M. Carley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Carley, late of Company B, Fifth Regiment Indiana Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY H. TILLSON.

The bill (H. R. 15536) granting an increase of pension to Henry H. Tillson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry H. Tillson, late of Company A, First Regiment Virginia Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY H. FORMAN.

The bill (H. R. 13803) granting an increase of pension to Henry H. Forman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry H. Forman, late of Company E, First Regiment Missouri Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE BUDDEN.

The bill (H. R. 13153) granting an increase of pension to George Budden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Budden, late of Company A, Twentieth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT G. SHUEY.

The bill (H. R. 12122) granting an increase of pension to Robert G. Shuey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert G. Shuey, late of Company H, Twenty-second Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID H. ALLEN.

The bill (H. R. 11866) granting an increase of pension to David H. Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David H. Allen, late of Company I, Second Regiment California Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE M. APGAR.

The bill (H. R. 11597) granting an increase of pension to George M. Apgar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George M. Apgar, late of Company D, Eighth Regiment Ohio Volunteer Infantry, and Company L, Ninth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. BLOSSOM.

The bill (H. R. 14454) granting an increase of pension to William A. Blossom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Blossom, late of Company F, Engineers of the West (Missouri Volunteers), and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADA N. HUBBARD.

The bill (H. R. 3569) granting a pension to Ada N. Hubbard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ada N. Hubbard, helpless and dependent daughter of George W. Hubbard, late of Company E, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM TRIPLETT.

The bill (S. 3415) granting an increase of pension to William Triplett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "late of," to strike out "the;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Triplett, late of United States Marine Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN F. BURGESS.

The bill (S. 4739) granting an increase of pension to Benjamin F. Burgess was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "and," to strike out "Company" and insert "Battery;" and in line 9, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Burgess, late of Company D, Thirty-sixth Regiment Illinois Volunteer Infantry, and Battery H, Fifth Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EBENEZER LUSK.

The bill (S. 4018) granting an increase of pension to Ebenezer Lusk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ebenezer Lusk, late of Company F, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. HEARNE.

The bill (H. R. 14874) granting an increase of pension to William C. Hearne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Hearne, late of Company E, Twenty-first Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. WITT.

The bill (H. R. 14875) granting an increase of pension to Mary A. Witt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Witt, widow of William E. Witt, late of Company F, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH E. BARBER.

The bill (H. R. 12241) granting an increase of pension to Elizabeth E. Barber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth E. Barber, widow of Benjamin P. Barber, late of Company D, First Regiment Wisconsin Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES F. RUNNELS.

The bill (H. R. 12498) granting an increase of pension to Charles F. Runnels was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles F. Runnels, late of Company M, First Regiment Maine Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN LENGLE.

The bill (H. R. 10747) granting an increase of pension to Jonathan Lengle, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonathan Lengle, late of Company F, Fourteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY G. KLINK.

The bill (H. R. 12992) granting an increase of pension to Henry G. Klink, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry G. Klink, late of Company L, Sixth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS M. SIMPSON.

The bill (H. R. 14131) granting an increase of pension to Francis M. Simpson, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis M. Simpson, late of Company G, Fourth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARIET P. SANDERS.

The bill (H. R. 9813) granting a pension to Hariet P. Sanders, was considered as in Committee of the Whole.

Mr. CARTER. I move to strike out "thirty" and insert "forty," in line 8.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On line 8, before the word "dollars," it is proposed to strike out "thirty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hariet P. Sanders, widow of Wilbur F. Sanders, late first lieutenant and adjutant Sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CHRISTIAN H. GOEBEL.

The bill (S. 1628) granting an increase of pension to Christian H. Goebel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 8, before the word "and," to strike out "Volunteers" and insert "Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christian H. Goebel, late captain Company D, Seventy-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL SHELLY.

The bill (S. 3178) granting an increase of pension to Daniel Shelley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to strike out the name "Shelley" and insert "Shelly;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Shelly, late of Company E, One hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Daniel Shelly."

SUSAN H. ISOM.

The bill (H. R. 15553) granting an increase of pension to Susan H. Isom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan H. Isom, widow of Lucus D. Isom, late first lieutenant of Company A, Third Regiment Tennessee Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANGELINE WATSON.

The bill (H. R. 6055) granting an increase of pension to Angeline Watson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Angeline Watson, widow of James D. Watson, late of Company F, Tenth Regiment Missouri Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WOODS.

The bill (H. R. 14823) granting an increase of pension to William Woods was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Woods, late of Company A, Florida Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL P. NEWMAN.

The bill (H. R. 14824) granting an increase of pension to Samuel P. Newman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel P. Newman, late of Company G, First Regiment South Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED W. MORLEY.

The bill (H. R. 15059) granting an increase of pension to Alfred W. Morley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred W. Morley, late of Company F, Seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ZACHARIAH GEORGE.

The bill (H. R. 12532) granting an increase of pension to Zachariah George was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Zachariah George, late of Company D, Tenth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ZADICK CARTER.

The bill (H. R. 12533) granting an increase of pension to Zadick Carter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Zadick Carter, late of Company A, First Regiment Loyal Eastern Virginia Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ZACUR P. POTT.

The bill (H. R. 14143) granting an increase of pension to Zacur P. Pott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Zacur P. Pott, late of Company M, First Regiment Pennsylvania Volunteer Cavalry, and captain Company C, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. HAYS.

The bill (H. R. 13255) granting an increase of pension to William J. Hays was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Hays, late of Captain Johnston's independent company, Florida Mounted Volunteers, Florida Indian war, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD H. LEE.

The bill (S. 1605) granting an increase of pension to Richard H. Lee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "captain Company B" and insert "first lieutenant;" and in line 9, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Richard H. Lee, late first lieutenant, Sixteenth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GABRIEL CODY.

The bill (S. 5077) granting an increase of pension to Gabriel Cody was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Infantry," to strike out "Volunteer Mounted" and insert "Mounted Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gabriel Cody, late of Company G, Third Regiment North Carolina Mounted Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY C. MOORE.

The bill (H. R. 15382) granting an increase of pension to Mary C. Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary C. Moore, widow of William H. Moore, late of Captain Killian's company, North Carolina Militia Volunteers, Cherokee Indian disturbances, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER C. KRIEGER.

The bill (H. R. 14489) granting an increase of pension to Peter C. Krieger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter C. Krieger, late of Company D, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS CHAPMAN.

The bill (H. R. 14547) granting an increase of pension to Thomas Chapman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Chapman, late of Company L, First Regiment South Carolina Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH A. JONES.

The bill (H. R. 14718) granting an increase of pension to Joseph A. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph A. Jones, late of Company D, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH J. MARTIN.

The bill (H. R. 15198) granting an increase of pension to Elizabeth J. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth J. Martin, widow of Isaac A. Martin, late of Company C, First Regiment North Carolina Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WARREN B. TOMPKINS.

The bill (H. R. 11716) granting an increase of pension to Warren B. Tompkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Warren B. Tompkins, late of Company E, Seventy-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH DOUGAL.

The bill (H. R. 11868) granting an increase of pension to Joseph Dougal was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Dougal, late of Company E, Fifteenth Regiment, and Company K, Tenth Regiment, Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. GRIFFIN.

The bill (H. R. 13079) granting an increase of pension to James H. Griffin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Griffin, late of Company A, First Regiment North Carolina Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI N. LUNSFORD.

The bill (H. R. 13526) granting a pension to Levi N. Lunsford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi N. Lunsford, late of Company H, Second Regiment North Carolina Volunteer Infantry, war with Spain, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH B. BUSBEE.

The bill (H. R. 13537) granting an increase of pension to Elizabeth B. Busbee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth B. Busbee, widow of Quentin Busbee, late purser U. S. S. *Germantown*, United States Navy, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. M'LEOD.

The bill (S. 5146) granting a pension to Mary J. McLeod was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "Infantry," to insert "Volunteer;" and in line 9, before the word "dollars," to strike out "twenty" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. McLeod, widow of William C. McLeod, late of Company D, Fifth Battalion District of Columbia Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JEREMIAH M'KENZIE.

The bill (S. 5095) granting a pension to Jeremiah McKenzie was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah McKenzie, late of Company D, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSIAH F. STAUBS.

The bill (S. 5093) granting an increase of pension to Josiah F. Staubs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josiah F. Staubs, late of Company H, First Regiment Potomac Home Brigade

Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL F. BAUBLITZ.

The bill (S. 5094) granting an increase of pension to Samuel F. Baublitz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel F. Baublitz, late of Company D, Third Regiment Maryland Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONDEMNATION OF INSANITARY BUILDINGS IN THE DISTRICT OF COLUMBIA.

The consideration of the bill (S. 47) to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, was resumed as in Committee of the Whole.

Mr. GALLINGER. The bill has been read, and the amendment reported by the Committee on the District of Columbia has been agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC CREMATORIUM IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 14578) to provide for the establishment of a public crematorium in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M. A. M'CAFFERTY.

The bill (H. R. 1863) for the relief of M. A. McCafferty was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to M. A. McCafferty, of O'Neill, Nebr., $65, for furnishing a casket and a hearse and defraying all other expenses incident to the burial of the remains of John De Boer, a private soldier in Troop G, First United States Cavalry, stationed at Fort Meade, S. Dak., such burial having been made at the request of the commanding military officer at said Fort Meade.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MALEK A. SOUTHWORTH.

The bill (H. R. 8892) granting an increase of pension to Malek A. Southworth was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Malek A. Southworth, late surgeon Second and First Regiments Texas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ROBERT L. NARRON.

The bill (H. R. 5931) granting an increase of pension to Robert L. Narrow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to strike out the name "Narrow" and insert "Narron;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert L. Narron, late of Company E, Forty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Robert L. Narron."

VOLNEY P. LUDLOW.

The bill (H. R. 15892) granting an increase of pension to Volney P. Ludlow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Volney P. Ludlow, late of Company C, Fifth Regiment Indiana Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDMOND R. HAYWOOD.

The bill (H. R. 14375) granting an increase of pension to Edmond R. Haywood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edmond R. Haywood, late of Company D, First Battalion Arkansas Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. MERIDETH.

The bill (H. R. 15192) granting an increase of pension to John J. Merideth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Merideth, late of the Second Independent Company Illinois Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM CUMMINGS.

The bill (H. R. 12192) granting an increase of pension to William Cummings was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Cummings, late of the U. S. S. *Petrel*, United States Navy, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL HORN.

The bill (H. R. 13336) granting an increase of pension to Samuel Horn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Horn, late of Company B, Tenth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN UNDERWOOD.

The bill (H. R. 13723) granting an increase of pension to John Underwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Underwood, late of Company A, Twenty-second Regiment Veteran Reserve Corps, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. DUNLAP.

The bill (S. 5439) granting an increase of pension to George W. Dunlop was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to strike out the name "Dunlop" and insert "Dunlap;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Dunlap, late of Company F, Twelfth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George W. Dunlap."

OLIVER C. REDIC.

The bill (H. R. 10298) granting an increase of pension to Oliver C. Redic was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver C. Redic, late first lieutenant Company I, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM C. BOURKE.

The bill (S. 3230) granting an increase of pension to William C. Bourke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Bourke, late of Company B, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of the he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM LUCAS.

The bill (H. R. 15385) granting an increase of pension to William Lucas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Lucas, late of Company F, Eleventh Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BALOS C. DEWEES.

The bill (H. R. 15253) granting an increase of pension to Balos C. Dewees was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Balos C. Dewees, late of Company E, Eleventh Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL ALLBRIGHT.

The bill (H. R. 15252) granting an increase of pension to Samuel Allbright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Allbright, late of Company K, Eleventh Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER M. TAYLOR.

The bill (H. R. 15251) granting an increase of pension to Alexander M. Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander M. Taylor, late of Company E, First Regiment United States Voltigeurs, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. SMITH.

The bill (H. R. 5373) granting an increase of pension to John L. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Smith, late of Company E, Third Regiment West Virginia Volunteer Infantry, and Company C, Sixth Regiment West Virginia Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES KLEIN.

The bill (H. R. 15200) granting an increase of pension to Charles Klein was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Klein, late of Company D, Ninth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTHONY EMES.

The bill (H. R. 15028) granting an increase of pension to Anthony Emes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anthony Emes, late of Company K, One hundred and seventy-ninth Regiment Pennsylvania Drafted Militia, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT R. MATTHEWS.

The bill (H. R. 11168) granting an increase of pension to Robert R. Matthews was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert R. Matthews, late of Company G, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and Company M, Third Provisional Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSIAH H. SEABOLD.

The bill (H. R. 11409) granting an increase of pension to Josiah H. Seabold was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josiah H. Seabold, late of Company F, Fourth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCINDA GAIN.

The bill (H. R. 12884) granting an increase of pension to Lucinda Gain was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucinda Gain, widow of Harrison Gain, late of Company E, Seventh Regiment West Virginia Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. ODEAR.

The bill (S. 1013) granting an increase of pension to William H. O'Dear was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to strike out the name "O'Dear" and insert "Odear;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Odear, late of Company H, First Regiment United States Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. Odear."

H. ROWAN SAUFLEY.

The bill (S. 2835) granting a pension to H. Rowan Saufley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of H. Rowan Saufley, late second lieutenant Company F, Second Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to H. Rowan Saufley."

SARAH H. E. HINMAN.

The bill (H. R. 10251) granting an increase of pension to Sarah H. E. Hinman was announced as next in order.

Mr. McCUMBER. I move that that bill be recommitted to the Committee on Pensions for further consideration.

The motion was agreed to.

AUGUSTUS D. KING.

The bill (H. R. 13822) granting an increase of pension to Augustus D. King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus D. King, late of Company A, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. STEEL.

The bill (H. R. 11334) granting an increase of pension to John M. Steel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Steel, late of Company A, One hundred and forty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEANDER C. REEVE.

The bill (S. 1564) granting an increase of pension to Leander C. Reeve was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leander C. Reeve, late captain Company C, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. HAYTER.

The bill (H. R. 15552) granting an increase of pension to George W. Hayter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Hayter, late of the U. S. S. *Princeton* and *Wachusetts*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES R. HILL.

The bill (H. R. 9661) granting a pension to Charles R. Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles R. Hill, late of Company G, Sixth Regiment Ohio Volunteer Infantry, war with Spain, and to pay him a pension of $10 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS CHEEK.

The bill (H. R. 14472) granting a pension to Thomas Cheek was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Cheek, late second-class boy, ship Iroquois, United States Navy, and to pay him a pension of $6 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN WILHELM.

The bill (H. R. 11206) granting an increase of pension to John Wilhelm was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Wilhelm, late of Company I, Forty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN BOTNER.

The bill (H. R. 12509) granting an increase of pension to Benjamin Botner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Botner, late of Company A, Seventh Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN WILLIAMS.

The bill (H. R. 14235) granting an increase of pension to John Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Williams, late of Company C, First Battalion, Fifteenth Regiment United States Infantry, and Company H, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA M. EDWARDS.

The bill (H. R. 14241) granting an increase of pension to Lydia M. Edwards was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia M. Edwards, widow of Robert H. Edwards, late of Company C, One hundred and tenth Regiment Ohio Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. MOOMAW.

The bill (H. R. 13110) granting an increase of pension to James M. Moomaw was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Moomaw, late of Company B, Seventieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN R. MABEE.

The bill (H. R. 13170) granting an increase of pension to John R. Mabee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John R. Mabee, late of Company B, Twenty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH S. ETUE.

The bill (S. 2767) granting an increase of pension to Sarah S. Etue was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah S. Etue, dependent mother of Joseph Etue, late of Company I, One hundred and second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. MITCHELL.

The bill (S. 2759) granting an increase of pension to William B. Mitchell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Mitchell, late of Company H, Second Regiment Missouri Mounted Volunteers, war with Mexico, and major, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH LOVELL.

The bill (S. 3308) granting a pension to Sarah Lovell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Lovell, widow of George Lovell, late of Company E, Fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. SWEENEY, JR.

The bill (S. 2194) granting a pension to William H. Sweeney, jr., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Sweeney, jr., late first lieutenant and adjutant First Regiment Colorado Volunteer Infantry, war with Spain, and pay him a pension at the rate of $17 per month.

Mr. TELLER. I wish to move an amendment to the amendment. I move to strike out "seventeen" and insert "thirty." I desire to make a brief statement of the case.

This man is living in Pueblo. He was in the service during the Spanish war. He was a hearty, hale young man when he went in, and was apparently so when he came out. However, not long afterwards he had great trouble. He is now a paralytic, and the doctor's statement shows that he is absolutely unable to do any manual work whatever. A gentleman whom I know very well, from his town, called on me within a few days, and told me that the beneficiary of this bill is in such condition that he is unable to do anything and, in fact, needs an assistant in order to get about. The officers certify that this man was a good soldier, and before he went into the service was known as a very energetic, pushing young man. It is a very sad case, and I ask that instead of $17 we give $30. He is 35 years of age.

Mr. McCUMBER. Mr. President, I simply desire to say that the statement made by the Senator from Colorado would fully justify the pension being allowed at $30 under the rule which we have adopted in the committee, and hence I have no objection to the amendment. The report which we had before us, and on which we based the amount which was reported, does not show the condition of the claimant as it is now explained by the Senator from Colorado.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JERRY W. TALLMAN.

The bill (H. R. 15691) granting an increase of pension to Jerry W. Tallman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerry W. Tallman, late first lieutenant Company E, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES JACKSON.

The bill (S. 5065) granting an increase of pension to Charles Jackson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to strike out the letter "F" and insert "A;" in line 7, before the word "Infantry," to strike out "Volunteer" and insert "United States;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Jackson, late of Company A, Fourth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM WILSON.

The bill (S. 3454) granting an increase of pension to William Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Wilson, late of Company M, Fifth Regiment Iowa Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MADISON M. BURNETT.

The bill (H. R. 11657) granting a pension to Madison M. Burnett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Madison M. Burnett, late of Troop E, Fifth Regiment United States Cavalry, and to pay him a pension of $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRWIN O'BRYAN.

The bill (H. R. 15304) granting an increase of pension to Irwin O'Bryan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Irwin O'Bryan, late of Captain Montague's company, Third Regiment Texas Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. BLINN.

The bill (H. R. 15414) granting an increase of pension to John L. Blinn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Blinn, late first lieutenant Company A, Ninety-third Regiment United States Colored Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. WISE.

The bill (H. R. 15392) granting an increase of pension to John W. Wise was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Wise, late of Company H, Eighth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY N. ALLEN.

The bill (H. R. 15393) granting an increase of pension to Nancy N. Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy N. Allen, widow of Abraham Allen, late of Troop I, United States Dragoons, Texas and New Mexico Indian war, and to pay her a pension of $10 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. LOVE.

The bill (H. R. 15347) granting an increase of pension to John M. Love was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Love, late of Company K, First Regiment Tennessee Volunteer Cavalry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IDA CARTY.

The bill (H. R. 9190) granting a pension to Ida Carty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ida Carty, widow of Thomas D. Carty, late of Company C, Sixth Regiment Missouri Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month, and $2 per month additional on account of each of the minor children of said Thomas D. Carty until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY L. DAVENPORT.

The bill (H. R. 12187) granting an increase of pension to Mary L. Davenport was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary L. Davenport, widow of Simeon J. Davenport, late first lieutenant Company E, Eighth Regiment Missouri Volunteer Cavalry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN SIMPSON.

The bill (H. R. 14918) granting an increase of pension to Franklin Simpson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin Simpson, late of Company H, Ninety-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNIE E. MORROW.

The bill (H. R. 4633) granting an increase of pension to Fannie E. Morrow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fannie E. Morrow, widow of Dr. F. Morrow, late assistant surgeon One hundred and thirty-first Regiment Indiana Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HORNBEAK.

The bill (H. R. 11926) granting an increase of pension to John Hornbeak was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hornbeak, late major, Sixth Provisional Regiment Enrolled Missouri Militia, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE HOLDEN.

The bill (H. R. 12205) granting an increase of pension to George Holden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Holden, late of Company D, Forty-seventh Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALLIE W. MASON.

The bill (H. R. 12182) granting a pension to Sallie W. Mason was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sallie W. Mason, widow of Daniel W. Mason, late first lieutenant and adjutant, Third Regiment Arkansas Volunteer Cavalry, and to pay her a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

H. EDWARD GOETZ.

The bill (H. R. 1895) granting a pension to H. Edward Goetz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of H. Edward Goetz, late captain Company C, Third Regiment Tennessee Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

YANKTON SIOUX INDIANS, OF SOUTH DAKOTA.

The bill (S. 2993) to ratify an agreement with the Yankton Sioux Indians, of South Dakota, and making appropriation to carry the same into effect, was announced as the next business in order on the Calendar.

Mr. McCUMBER. I ask that the bill may go over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will lie over without prejudice.

L. K. SCOTT.

The bill (S. 190) for the relief of L. K. Scott was considered as in Committee of the Whole. It proposes to pay to L. K. Scott $7,500, for royalty upon telescopic sights.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALICE M. STAFFORD.

The bill (S. 2578) for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford, was considered as in Committee of the Whole. It proposes to pay to Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford, of the Fifteenth Infantry, United States Army, $1,371.87, being the amount of money necessarily advanced and paid by him out of his own personal funds while first lieutenant and regimental quartermaster Fifteenth Infantry, post quartermaster and commissary at Fort Wingate, N. Mex.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. OSENBURG.

The bill (S. 5352) for the relief of William H. Osenburg was considered as in Committee of the Whole. It proposes to remove the charge of desertion now standing against the name of William H. Osenburg, charged with desertion from the United States revenue cutter *Hercules*, October 3, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABIGAIL TOWNSEND.

The bill (H. R. 9888) granting a pension to Abigail Townsend was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abigail Townsend, widow of James Townsend, late of the U. S. S. *Vermont*, United States Navy, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN G. HAWKINS.

The bill (H. R. 523) granting an increase of pension to Franklin G. Hawkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin G. Hawkins, late of Company G, One hundred and eighty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIGHT VESSEL OFF ORFORD REEF, OREGON.

The bill (S. 5526) authorizing the establishment of a light vessel off Orford Reef, 5 miles north of Cape Blanco, Oregon, was announced as the next business in order on the Calendar.

Mr. McCUMBER. I ask that the bill may go over, retaining its place on the Calendar.

Mr. PERKINS. There can be no possible objection to the bill.

Mr. McCUMBER. The reason I made the suggestion is that I thought there was no one here representing the bill.

Mr. PERKINS. I made the report. We have a favorable report from the Committee on Commerce.

Mr. FRYE. The chairman of the Committee on Commerce is here.

Mr. McCUMBER. I withdraw the objection.

The VICE-PRESIDENT. The objection is withdrawn, and the Secretary will read the bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Commerce with amendments which were, in line 4, page 1, after the words "establish a," to insert "steel steam self-propelling;" in line 7, to strike out "one hundred and fifty" and insert "one hundred and twenty;" and in line 8, after "dollars," to insert:

And the Light-House Board is authorized to employ temporarily at Washington not exceeding three draftsmen, to be paid at current rates, to prepare the plans for the light-vessel, such draftsmen to be paid from the appropriation for building this light-vessel, such employment to cease and determine on or before the date when, the plans for this vessel being finished, proposals for building this vessel are invited by advertisement.

So as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to establish a steel steam self-propelling light-vessel off Orford Reef, about 1 mile north of Fox Rock and 5 miles north of Cape Blanco, Oregon, at a cost not to exceed $120,000; and the Light-House Board is authorized to employ temporarily at Washington not exceeding three draftsmen, to be paid at current rates, to prepare the plans for the light-vessel, such draftsmen to be paid from the appropriation for building this light-vessel, such employment to cease and determine on or before the date when, the plans for this vessel being finished, proposals for building this vessel are invited by advertisement.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF RAFTS OF LOGS.

The bill (S. 5372) to prevent dangers to navigation from rafts of logs or timbers on coast waters of the United States was announced as the next business in order on the Calendar.

Mr. McCUMBER. I ask that the bill may go over, retaining its place.

The VICE-PRESIDENT. The bill will lie over without prejudice.

BURIAL PLACE OF PRESIDENT ANDREW JOHNSON.

The bill (S. 5484) authorizing the Secretary of War to accept the tract of land at or near Greeneville, Tenn., where lie the remains of Andrew Johnson, late President of the United States, and establishing the same as a fourth-class national cemetery, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EFFICIENCY OF THE MILITIA.

The bill (S. 1442) to increase the efficiency of the militia and promote rifle practice was announced as the next business in order on the Calendar.

Mr. McCUMBER. I ask that the bill may go over.

The VICE-PRESIDENT. It will go over without prejudice.

BILLS PASSED OVER.

Mr. GALLINGER. I ask that the next two bills, being the bill (H. R. 395) concerning foreign-built dredges and the bill (H. R. 16384) regulating the speed of automobiles in the District of Columbia, and for other purposes, may be passed over.

The VICE-PRESIDENT. They will go over without prejudice.

WILLIAM HOAGLIN.

The bill (S. 4511) granting an increase of pension to William Hoaglin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Hoaglin, late of Company G, Second Regiment New York Veteran Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGET EGAN.

The bill (S. 4010) granting an increase of pension to Bridget Egan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bridget Egan, widow of James Egan, late of Company B, Fourth Regiment Iowa Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MELVIN GRANDY.

The bill (S. 5055) granting an increase of pension to Melvin Grandy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Melvin Grandy, late of Company L, Second Regiment New York Veteran Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID B. NEAFUS.

The bill (S. 2977) granting an increase of pension to David B. Neafus was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David B. Neafus, late of Company C, Seventeenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSHUA M. LOUNSBERRY.

The bill (S. 4901) granting an increase of pension to Joshua M. Lounsberry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joshua M. Lounsberry, late of Company D, Forty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M. EWING.

The bill (H. R. 11256) granting an increase of pension to William M. Ewing was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William M. Ewing, late of Company E, Tenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILO B. MORSE.

The bill (H. R. 6454) granting an increase of pension to Milo B. Morse was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milo B. Morse, late of Company H, Second Regiment New York Volunteer Mounted Rifles, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOSES B. PAGE.

The bill (H. R. 7243) granting an increase of pension to Moses B. Page was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses B. Page, late of Company A, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PLAYFORD GREGG.

The bill (H. R. 1793) granting an increase of pension to Playford Gregg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Playford Gregg, late of Company I, Seventeenth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW P. ALLEN.

The bill (H. R. 5555) granting an increase of pension to Andrew P. Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew P. Allen, late of Company K, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHAN HINKLE.

The bill (H. R. 1218) granting an increase of pension to Nathan Hinkle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathan Hinkle, late of Company I, Ninety-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. ESTILL.

The bill (H. R. 8307) granting a pension to William C. Estill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Estill, helpless and dependent son of William J. Estill, late of Company F, Twenty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOEL J. BURGESS.

The bill (S. 4688) granting an increase of pension to Noel J. Burgess was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "late of," to insert "Company G;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Noel J. Burgess, late of Company G, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. LINCOLN.

The bill (S. 4359) granting an increase of pension to Mary E. Lincoln was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Lincoln, widow of Willard H. Lincoln, late of Company F, Tenth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per

month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of the said Willard H. Lincoln until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. BODENHAMER.

The bill (S. 2985) granting an increase of pension to George W. Bodenhamer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to strike out the letter "C" and insert "E;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Bodenhamer, late of Company E, Fourteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMILY J. ALDEN.

The bill (S. 5455) granting a pension to Emily J. Alden was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily J. Alden, widow of William P. Alden, late of Company A, Twenty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD T. WHITE.

The bill (S. 1818) granting a pension to Edward T. White was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward T. White, late of Company G, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $16 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA SWORDS.

The bill (H. R. 1160) granting an increase of pension to Eliza Swords was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "of," to strike out "$32 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of either Annie Swords or William Swords, helpless and dependent children of said Kinsey Swords, the additional pension herein granted shall be reduced to $20 per month, and in the event of the death of both of said children the whole of said additional pension shall cease and determine: *And provided further*, That in the event of the death of Eliza Swords the names of said Annie and William Swords shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month each, from and after the date of death of said Eliza Swords," and insert "$20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Annie Swords and William Swords, helpless and dependent children of said Kinsey Swords, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Eliza Swords the names of said Annie Swords and William Swords, or the survivor of them, shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Eliza Swords;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Swords, widow of Kinsey Swords, late of Company E, One hundred and fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Annie Swords and William Swords, helpless and dependent children of said Kinsey Swords, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Eliza Swords the names of said Annie Swords and William Swords, or the survivor of them, shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Eliza Swords.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LEMUEL P. STORMS.

The bill (H. R. 8158) granting an increase of pension to Lemuel P. Storms was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the words "United States," to insert "Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lemuel P. Storms, late second lieutenant Company F, Ninety-fifth Regiment, United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JULIET K. PHILLIPS.

The bill (S. 2021) granting a pension to Juliet K. Phillips was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Ninth," to strike out "of the;" and in line 9, before the word "and," to insert "and brevet brigadier-general, United States Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Juliet K. Phillips, widow of Jesse J. Phillips, late lieutenant-colonel Ninth Regiment Illinois Volunteer Infantry, and brevet brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORNELIA A. MOBLEY.

The bill (S. 4392) granting an increase of pension to Cornelia A. Mobley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Battery," to insert "Independent;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia A. Mobley, widow of Edward Mobley, late of Third Independent Battery, Iowa Volunteer Light Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANK PUGSLEY.

The bill (S. 1260) granting an increase of pension to Frank Pugsley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "Heavy," to insert "New Hampshire Volunteer;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Frank Pugsley, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and Company D, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT STAPLINS.

The bill (S. 5186) granting an increase of pension to Robert Staplins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "and Company C, Twenty-fourth Regiment Veteran Reserve Corps;" and in line 9, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Staplins, late of Company H, Fourteenth Regiment Connecticut Volunteer Infantry, and Company C, Twenty-fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HAUTVILLE A. JOHNSON.

The bill (S. 13) granting an increase of pension to Huntville A. Johnson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hautville A. Johnson, late of Sixth Battery Maine Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Hautville A. Johnson."

EDWIN N. BAKER.

The bill (S. 918) granting an increase of pension to Edwin N. Baker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin N. Baker, late of Company A, First Regiment New Hampshire Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLARD FARRINGTON.

The bill (S. 4126) granting an increase of pension to Willard Farrington was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Willard Farrington, late second lieutenant Company L and first lieutenant Company C, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH A. BUTLER.

The bill (H. R. 9277) granting an increase of pension to Elizabeth A. Butler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Butler, widow of Michael H. Butler, late of Company C, Battalion United States Engineers, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. CREASEY.

The bill (H. R. 10818) granting an increase of pension to George W. Creasey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Creasey, late first lieutenant Company B, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LORENZO D. LIBBY.

The bill (H. R. 10884) granting an increase of pension to Lorenzo D. Libby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo D. Libby, late of Company A, Second Regiment Maine Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL J. HARDING.

The bill (H. R. 5806) granting an increase of pension to Samuel J. Harding was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel J. Harding, late of Battery B, First Regiment Maine Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA G. ALDRICH.

The bill (H. R. 6094) granting a pension to Julia G. Aldrich was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia G. Aldrich, widow of Samuel F. Aldrich, late of Owen's independent company, District of Columbia Militia Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WESTON FERRIS.

The bill (H. R. 6773) granting an increase of pension to Weston Ferris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Weston Ferris, late of Company B, First Regiment Connecticut Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABBIE B. GOULD.

The bill (H. R. 6897) granting an increase of pension to Abbie B. Gould was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abbie B. Gould, widow of John H. Gould, late captain Company G, Third Regiment Rhode Island Volunteer Heavy Artillery, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN C. LEWIS.

The bill (H. R. 6969) granting a pension to Ellen C. Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen C. Lewis, helpless and dependent daughter of John F. Lewis, late second lieutenant Company F, Twenty-first Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAM H. HICKS.

The bill (H. R. 1667) granting an increase of pension to Abram H. Hicks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abram H. Hicks, late acting master's mate and ensign U. S. S. *Lockwood*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN E. FLOYD.

The bill (H. R. 2757) granting an increase of pension to Jonathan E. Floyd was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of Jonathan E. Floyd, late of Company E, First Regiment United States Volunteer Sharpshooters, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. H. SHAFFER.

The bill (S. 5517) granting an increase of pension to William H. H. Shaffer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. H. Shaffer, late of Company B, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and Company I, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALPHEUS JONES.

The bill (H. R. 5638) granting an increase of pension to Alpheus Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alpheus Jones, late of Company H, Thirty-second Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS C. CRAIG.

The bill (H. R. 5639) granting an increase of pension to Thomas C. Craig was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas C. Craig, late of Company G, Fifth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB D. PETERSON.

The bill (H. R. 7718) granting an increase of pension to Jacob D. Peterson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob D. Peterson, late of Company M, Sixth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY W. HIGLEY.

The bill (H. R. 7630) granting an increase of pension to Henry W. Higley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry W. Higley, late of Company G, Third Regiment Missouri Volunteer Cavalry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BURTON.

The bill (H. R. 1357) granting an increase of pension to George W. Burton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Burton, late of Company E, Fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASA WALL.

The bill (H. R. 15306) granting an increase of pension to Asa Wall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Asa Wall, late assistant surgeon, United States Army, Seminole Indian war, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WINFIELD S. BRUCE.

The bill (H. R. 14920) granting an increase of pension to Winfield S. Bruce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Winfield S. Bruce, late of Company L, First Regiment Virginia Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM R. GALLION.

The bill (S. 2959) granting an increase of pension to William R. Gallion was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Gallion, late of Company C, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY D. MILLER.

The bill (S. 3759) granting an increase of pension to Henry D. Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry D. Miller, late of Company I, Fifty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLARA F. LESLIE.

The bill (S. 1913) granting a pension to Clara F. Leslie was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara F. Leslie, widow of John A. Leslie, late first lieutenant and adjutant, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HELEN G. HEINER.

The bill (H. R. 11046) granting an increase of pension to Helen G. Heiner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "captain," to strike out "Company A;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen G. Heiner, widow of Robert G. Heiner, late captain, First Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DUDLEY PORTWOOD.

The bill (H. R. 10830) granting an increase of pension to Dudley Portwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dudley Portwood, late of Company F, Second Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI C. BISHOP.

The bill (H. R. 10831) granting an increase of pension to Levi C. Bishop was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi C. Bishop, late of Company H, Fourth Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. KLECKNER.

The bill (H. R. 10864) granting an increase of pension to John P. Kleckner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Kleckner, late second lieutenant Company F, Eighty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL BRITTON.

The bill (H. R. 1069) granting an increase of pension to Daniel Britton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Britton, late of Company F, Seventh Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PARMER STEWART.

The bill (H. R. 2120) granting an increase of pension to Parmer Stewart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Parmer Stewart, late of Company C, First Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL J. STANNAH.

The bill (H. R. 7935) granting an increase of pension to Samuel J. Stannah was considered as in Committee on the Whole. It proposes to place on the pension roll the name of Samuel J. Stannah, late of Company I, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER D. POLSTON.

The bill (H. R. 9832) granting an increase of pension to Alexander D. Polston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander D. Polston, late of Company G, Third Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE SPIER.

The bill (H. R. 5840) granting a pension to Catherine Spier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine Spier, widow of Frederick Spier, late unassigned, One hundred and seventh Regiment Ohio Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCAS HAGAR.

The bill (H. R. 5850) granting an increase of pension to Lucas Hagar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucas Hagar, late of Company G, Thirty-third Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN A. BOTSFORD.

The bill (H. R. 2491) granting an increase of pension to Edwin A. Botsford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin A. Botsford, late of Company E, Fourteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BROAD.

The bill (H. R. 2468) granting an increase of pension to John Broad was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Broad, late of Company G, Third Regiment Michigan Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BEATTY.

The bill (S. 5366) granting an increase of pension to John Beatty was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "landsman" and insert "of;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Beatty, late of United States ships New Hampshire, Pontiac, and North Carolina, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. HACKNEY.

The bill (S. 971) granting an increase of pension to W. H. Hackney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," where it occurs the first time, to strike out the letter "W" and insert "William;" in the same line after the word "late," to strike out "of" and insert "second lieutenant;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Hackney, late second lieutenant Company I, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. Hackney."

LUTELLUS COOK.

The bill (H. R. 8953) granting an increase of pension to Lutellus Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lutellus Cook, late of Company H, Thirty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD C. DALY.

The bill (H. R. 10452) granting an increase of pension to Richard C. Daly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard C. Daly, late of Company H, First Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS ROWAN.

The bill (H. R. 11331) granting an increase of pension to Thomas Rowan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Rowan, late of Company H, Fifth Regiment Louisiana Militia Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. KENNER.

The bill (H. R. 11332) granting an increase of pension to William F. Kenner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Kenner, late of Company B, Powell's battalion Missouri Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGET REIDY.

The bill (H. R. 6118) granting an increase of pension to Bridget Reidy was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Bridget Reidy, widow of John Reidy, late of Artillery Detachment, United States Army, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS FUREY.

The bill (H. R. 6937) granting an increase of pension to Thomas Furey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Furey, late captain Company B, Sixty-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS WATT.

The bill (H. R. 3423) granting an increase of pension to Thomas Watt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Watt, late of Company F, Fourth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. DARBY.

The bill (H. R. 3434) granting an increase of pension to George W. Darby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Darby, late of Company G, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and Company G, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE WHITMAN.

The bill (H. R. 13019) granting an increase of pension to George Whitman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Whitman, late of Company D, Fifty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MONKS.

The bill (S. 4576) granting an increase of pension to William Monks was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Monks, late captain Company K, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID N. MORLAND.

The bill (S. 5219) granting an increase of pension to David N. Morland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David N. Morland, late of Company B, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HIRTH.

The bill (S. 3272) granting an increase of pension to John Hirth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hirth, late of Company A, Forty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK M. WOOD.

The bill (H. R. 9451) granting an increase of pension to Frederick M. Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick M. Wood, late of Company E, Fifteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SPHAR.

The bill (H. R. 10148) granting an increase of pension to John Sphar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Sphar, late of Company H, Third Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BURNS.

The bill (H. R. 10819) granting an increase of pension to John Burns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Burns, late of Company B, Forty-fourth Regiment New York Volunteer Infantry, Company A, Third Regiment Veteran Reserve Corps, and Company E, Eighth Regiment United States Veteran Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M'BETH.

The bill (H. R. 6384) granting an increase of pension to William McBeth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William McBeth, late of Third Independent Battery Ohio Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURENCE V. WHITCRAFT.

The bill (H. R. 7483) granting an increase of pension to Laurence V. Whitcraft was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Laurence V. Whitcraft, late of Company B, Thirty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. BROWN.

The bill (H. R. 7760) granting an increase of pension to William H. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Brown, late of Company I, First Regiment West Virginia Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN GEMMILL.

The bill (H. R. 7759) granting an increase of pension to John Gemmill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Gemmill, late of Company E, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH MOORE.

The bill (H. R. 5210) granting an increase of pension to Elizabeth Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Moore, widow of Russell L. Moore, late first lieutenant and adjutant, Seventh Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. KLECKNER.

The bill (H. R. 10864) granting an increase of pension to John P. Kleckner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Kleckner, late second lieutenant Company F, Eighty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL BRITTON.

The bill (H. R. 1069) granting an increase of pension to Daniel Britton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Britton, late of Company F, Seventh Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PARMER STEWART.

The bill (H. R. 2120) granting an increase of pension to Parmer Stewart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Parmer Stewart, late of Company C, First Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL J. STANNAH.

The bill (H. R. 7935) granting an increase of pension to Samuel J. Stannah was considered as in Committee on the Whole. It proposes to place on the pension roll the name of Samuel J. Stannah, late of Company I, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER D. POLSTON.

The bill (H. R. 9832) granting an increase of pension to Alexander D. Polston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander D. Polston, late of Company G, Third Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE SPIER.

The bill (H. R. 5840) granting a pension to Catherine Spier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine Spier, widow of Frederick Spier, late unassigned, One hundred and seventh Regiment Ohio Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCAS HAGAR.

The bill (H. R. 5850) granting an increase of pension to Lucas Hagar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucas Hagar, late of Company G, Thirty-third Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN A. BOTSFORD.

The bill (H. R. 2491) granting an increase of pension to Edwin A. Botsford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin A. Botsford, late of Company E, Fourteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BROAD.

The bill (H. R. 2468) granting an increase of pension to John Broad was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Broad, late of Company G, Third Regiment Michigan Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BEATTY.

The bill (S. 5366) granting an increase of pension to John Beatty was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "landsman" and insert "of;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Beatty, late of United States ships New Hampshire, Pontiac, and North Carolina, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. HACKNEY.

The bill (S. 971) granting an increase of pension to W. H. Hackney was considered as in Commtitee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," where it occurs the first time, to strike out the letter "W" and insert "William;" in the same line after the word "late," to strike out "of" and insert "second lieutenant;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Hackney, late second lieutenant Company I, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. Hackney."

LUTELLUS COOK.

The bill (H. R. 8953) granting an increase of pension to Lutellus Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lutellus Cook, late of Company H, Thirty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD C. DALY.

The bill (H. R. 10452) granting an increase of pension to Richard C. Daly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard C. Daly, late of Company H, First Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS ROWAN.

The bill (H. R. 11331) granting an increase of pension to Thomas Rowan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Rowan, late of Company H, Fifth Regiment Louisiana Militia Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. KENNER.

The bill (H. R. 11332) granting an increase of pension to William F. Kenner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Kenner, late of Company B, Powell's battalion Missouri Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGET REIDY.

The bill (H. R. 6118) granting an increase of pension to Bridget Reidy was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Bridget Reidy, widow of John Reidy, late of Artillery Detachment, United States Army, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS FUREY.

The bill (H. R. 6937) granting an increase of pension to Thomas Furey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Furey, late captain Company B, Sixty-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS WATT.

The bill (H. R. 3423) granting an increase of pension to Thomas Watt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Watt, late of Company F, Fourth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. DARBY.

The bill (H. R. 3434) granting an increase of pension to George W. Darby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Darby, late of Company G, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and Company G, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE WHITMAN.

The bill (H. R. 13019) granting an increase of pension to George Whitman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Whitman, late of Company D, Fifty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MONKS.

The bill (S. 4576) granting an increase of pension to William Monks was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Monks, late captain Company K, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID N. MORLAND.

The bill (S. 5219) granting an increase of pension to David N. Morland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David N. Morland, late of Company B, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HIRTH.

The bill (S. 3272) granting an increase of pension to John Hirth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hirth, late of Company A, Forty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK M. WOOD.

The bill (H. R. 9451) granting an increase of pension to Frederick M. Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick M. Wood, late of Company E, Fifteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SPHAR.

The bill (H. R. 10148) granting an increase of pension to John Sphar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Sphar, late of Company H, Third Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BURNS.

The bill (H. R. 10819) granting an increase of pension to John Burns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Burns, late of Company B, Forty-fourth Regiment New York Volunteer Infantry, Company A, Third Regiment Veteran Reserve Corps, and Company E, Eighth Regiment United States Veteran Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M'BETH.

The bill (H. R. 6384) granting an increase of pension to William McBeth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William McBeth, late of Third Independent Battery Ohio Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURENCE V. WHITCRAFT.

The bill (H. R. 7483) granting an increase of pension to Laurence V. Whitcraft was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Laurence V. Whitcraft, late of Company B, Thirty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. BROWN.

The bill (H. R. 7760) granting an increase of pension to William H. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Brown, late of Company I, First Regiment West Virginia Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN GEMMILL.

The bill (H. R. 7759) granting an increase of pension to John Gemmill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Gemmill, late of Company E, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH MOORE.

The bill (H. R. 5210) granting an increase of pension to Elizabeth Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Moore, widow of Russell L. Moore, late first lieutenant and adjutant, Seventh Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTOPHER BOHN.

The bill (H. R. 5511) granting an increase of pension to Christopher Bohn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christopher Bohn, late of Company B, Eleventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID B. JOHNSON.

The bill (S. 3818) granting an increase of pension to David B. Johnson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David B. Johnson, late of Captain Harrington's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH H. ALLEN.

The bill (S. 1728) granting an increase of pension to Joseph H. Allen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Allen, late of U. S. S. New Ironsides, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. GOOD.

The bill (S. 3655) granting an increase of pension to Mary A. Good was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Good, widow of John Good, late of Company H, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE NEILSON.

The bill (H. R. 5936) granting an increase of pension to Caroline Neilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline Neilson, widow of Thomas Neilson, late sergeant of Capt. J. H. Stewart's company, Maryland Militia Volunteers, war of 1812, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BURGOYNE KNIGHT.

The bill (H. R. 9033) granting an increase of pension to Burgoyne Knight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Burgoyne Knight, late of Company E, One hundred and twentieth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. KING.

The bill (H. R. 9397) granting an increase of pension to Mary A. King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. King, widow of William H. King, late of Company E, Sixty-third Regiment New York Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH GORTON.

The bill (H. R. 10523) granting an increase of pension to Elizabeth Gorton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Gorton, widow of James D. Gorton, late of Company C, One hundred and forty-third Regiment New York Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIAN PETERSON.

The bill (H. R. 1969) granting an increase of pension to Christian Peterson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christian Peterson, late of Company C, One hundred and thirty-first Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. LEVI.

The bill (H. R. 3273) granting an increase of pension to Andrew J. Levi was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Levi, late of Company D, First Regiment Kentucky Volunteer Cavalry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET E. FOSTER.

The bill (H. R. 5488) granting an increase of pension to Margaret E. Foster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret E. Foster, widow of Joseph D. Foster, late of Company F, Georgia Mounted Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARION L. HOLVENSTOT.

The bill (H. R. 8137) granting an increase of pension to Marion L. Holvenstot was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marion L. Holvenstot, widow of William E. Holvenstot, late of Company B, Third Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving, and $2 per month additional on account of a minor child of said soldier until such child shall have arrived at the age of 16 years: *Provided*, That in the event of the death of Nina Holvenstot, helpless and dependent child of said William E. Holvenstot, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Marion L. Holvenstot the name of said Nina Holvenstot shall be placed on the pension roll at $12 per month from and after the date of death of said Marion L. Holvenstot.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN D. ATWATERS.

The bill (H. R. 7807) granting an increase of pension to John D. Atwaters was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John D. Atwaters, late of Company E, Ninety-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS G. M'LAUGHLIN.

The bill (H. R. 3223) granting an increase of pension to Thomas G. McLaughlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas G. McLaughlin, late of Company B, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK OSTERBERG, ALIAS WILLIAM M'KAY.

The bill (H. R. 6488) granting an increase of pension to Frank Osterberg, alias Willam McKay, was considered as in

Committee of the Whole. It proposes to place on the pension roll the name of Frank Osterberg, alias William McKay, late of the U. S. S. *Dacotah*, *Alleghany*, and *Cyane*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS F. DOWLING.

The bill (H. R. 7588) granting a pension to Thomas F. Dowling was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas F. Dowling, late of Company E, Third Regiment Wisconsin Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN LINES.

The bill (H. R. 5303) granting an increase of pension to John Lines was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Lines, late of Company E, Third Regiment New York Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIJAH A. SMITH.

The bill (S. 5291) granting an increase of pension to E. A. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "of," to strike out the letter "E." and insert the name "Elijah;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah A. Smith, late first lieutenant Company A, Second Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elijah A. Smith."

SOPHRONIA ROBERTS.

The bill (S. 5344) granting an increase of pension to Sophronia Roberts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "Mounted," to insert "Volunteer;" and in the same line, before the word "Infantry," to strike out "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sophronia Roberts, widow of Stephen Roberts, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID BUCKNER.

The bill (S. 5338) granting an increase of pension to David Buckner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Buckner, late of Company F, Second Regiment North Carolina Mounted Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATHAN COWARD.

The bill (H. R. 8869) granting an increase of pension to Nathan Coward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathan Coward, late of Captain Kelsey's company, North Carolina Volunteer Infantry, Cherokee Indian disturbances, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE B. D. ALEXANDER.

The bill (H. R. 10449) granting an increase of pension to George B. D. Alexander was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George B. D. Alexander, late of Captain Sargent's company, First Regiment Georgia Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT M. WHITE.

The bill (H. R. 10451) granting an increase of pension to Robert M. White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert M. White, late of Company A, Third Regiment Tennessee Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL G. STERLING.

The bill (H. R. 6461) granting an increase of pension to Daniel G. Sterling was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel G. Sterling, late of Company G, One hundred and forty-eight Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE RICHTER.

The bill (H. R. 7518) granting an increase of pension to George Richter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Richter, late of Company G, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD KEATING.

The bill (H. R. 2263) granting an increase of pension to Edward Keating was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Keating, late of Battery E, Second Regiment United States Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN N. MOORE.

The bill (H. R. 2377) granting an increase of pension to John N. Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John N. Moore, late of Company A, Twelfth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURA HENTIG.

The bill (S. 5340) granting an increase of pension to Laura Hentig was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura Hentig, widow of Edmund C. Hentig, late captain Troop D, Sixth Regiment United States Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. JOHNSON.

The bill (S. 5342) granting an increase of pension to Mary E. Johnson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "Infantry," to insert "Mounted;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Johnson, widow of James D. Johnson, late of Company C, Second

Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL M. TOW.

The bill (S. 5337) granting an increase of pension to Samuel M. Tow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel M. Tow, late of U. S. S. Proteus, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MATILDA C. FRIZELLE.

The bill (S. 5515) granting an increase of pension to Matilda C. Frizelle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "dollars," to insert "per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda C. Frizelle, widow of Daniel C. Frizelle, late of Company F, Fourteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Daniel C. Frizelle until she reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB M. PICKLE.

The bill (S. 5453) granting an increase of pension to Jacob M. Pickle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob M. Pickle, late of Company E, Third Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA HOFFMAN.

The bill (S. 2886) granting an increase of pension to Martha Hoffman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," where it occurs the second time, to insert "and Company D, Fifth Regiment Veteran Reserve Corps;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Hoffman, widow of William T. Hoffman, late of Company A, Twentieth Regiment Indiana Volunteer Infantry, and Company D, Fifth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY C. FEIGLEY.

The bill (S. 5092) granting an increase of pension to Mary C. Feigley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to strike out "Infantry" and insert "Cavalry;" and in line 9, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Feigley, widow of Samuel Feigley, late of Company M, First Regiment Maryland Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALLIE TYRRELL.

The bill (S. 5091) granting an increase of pension to Sallie Tyrrell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Company," insert the letter "K;" and in line 9, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie Tyrrell, widow of David E. Tyrrell, late of Company K, Seventy-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES R. HALES.

The bill (H. R. 9039) granting an increase of pension to James R. Hales was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James R. Hales, late of Company H, Ninth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

S. AMANDA MANSFIELD.

The bill (H. R. 9294) granting an increase of pension to S. Amanda Mansfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of S. Amanda Mansfield, widow of Henry O. Mansfield, late captain Company E, Fifty-second Regiment Ohio Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL S. THOMPSON.

The bill (H. R. 9587) granting an increase of pension to Samuel S. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel S. Thompson, late of Company B, and second lieutenant Company D, Third Regiment Maryland Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'COY.

The bill (H. R. 9910) granting an increase of pension to John McCoy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John McCoy, late surgeon, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE STEWART.

The bill (H. R. 6563) granting an increase of pension to George Stewart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Stewart, late of Company D, Second Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAPOLEON M'DOWELL.

The bill (H. R. 6576) granting an increase of pension to Napoleon McDowell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of

Napoleon McDowell, late of Company F, Fifteenth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. BRADY.

The bill (H. R. 4671) granting an increase of pension to William H. Brady was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Brady, late of Companies A and K, One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN C. KING.

The bill (H. R. 15974) granting an increase of pension to Martin C. King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin C. King, late of Company B, Fourth Regiment Missouri State Militia Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLIFTON STREET, CITY OF WASHINGTON.

The bill (S. 4268) changing the name of Douglas street to Clifton street was read and considered as in Committee of the Whole. It proposes that the street extending from Fourteenth street west to University place, in the District of Columbia, now known as Douglas street, shall be known and designated as Clifton street.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

METROPOLITAN POLICE OF THE DISTRICT OF COLUMBIA.

The bill (H. R. 16848) to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, was read.

Mr. McCUMBER. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will lie over without prejudice.

GEORGE W. WICKS.

The bill (S. 1514) granting an increase of pension to George W. Wicks was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Wicks, late of Companies A and M, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SETH H. COOPER.

The bill (S. 4582) granting an increase of pension to Seth H. Cooper was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Seth H. Cooper, late of Company M, Second Regiment Massachusetts Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM S. GARRETT.

The bill (S. 5173) granting an increase of pension to William S. Garrett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Garrett, late of Company C, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. BANKS.

The bill (S. 591) granting a pension to William C. Banks was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Banks, late of Company A, Third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLIVER M. STONE.

The bill (S. 4759) granting an increase of pension to Oliver M. Stone was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver M. Stone, late of Company H, Sixth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRISON RANDOLPH.

The bill (S. 4763) granting an increase of pension to Harrison Randolph was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harrison Randolph, late of Company C, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN GARDNER STOCKS.

The bill (H. R. 8319) granting an increase of pension to John Gardner Stocks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Gardner Stocks, late of Company E, First Regiment Alabama Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILEY B. JOHNSON.

The bill (H. R. 9270) granting an increase of pension to Wiley B. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wiley B. Johnson, late of Captain Daniel's company, Second Regiment Mississippi Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH HENRY MARTIN.

The bill (H. R. 9271) granting an increase of pension to Joseph Henry Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Henry Martin, late of Capt. E. M. Wilder's company, Second Regiment Texas Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. OYLER.

The bill (H. R. 10432) granting an increase of pension to John E. Oyler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John E. Oyler, late of Company G, Twenty-sixth Regiment Indiana Vol-

unteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE DEHLENDORF.

The bill (H. R. 5712) granting an increase of pension to Caroline Dehlendorf was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline Dehlendorf, widow of William Dehlendorf, late of Company B, Fifth Regiment United States Reserve Corps, Missouri Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE BUCEY.

The bill (H. R. 6500) granting an increase of pension to Jesse Bucey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse Bucey, late of Company C, First Regiment West Virginia Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS BLYTH.

The bill (H. R. 603) granting an increase of pension to Thomas Blyth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Blyth, late of Company E, Nineteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. NEECE.

The bill (H. R. 4364) granting an increase of pension to George W. Neece was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Neece, late of Company N, Second Regiment Missouri Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HOBART.

The bill (H. R. 8191) granting a pension to John Hobart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hobart, late of Company H, One hundred and nineteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHOCTAW, OKLAHOMA AND GULF RAILROAD.

The bill (S. 5520) to amend an act entitled "An act granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes," approved March 3, 1905, was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MATTHEW J. DAVIS.

The bill (S. 5560) for the relief of Matthew J. Davis was read and considered as in Committee of the Whole. It proposes to pay $1,588.24 to Matthew J. Davis, for damages to his schooner *Lillie*, caused by fire on the 21st day of January, 1902, while she was in charge of the United States quarantine officer at Ship Island, near Biloxi, Miss.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OMAHA NATIONAL BANK.

The bill (S. 171) for the relief of the Omaha National Bank was read and considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, on page 2, line 7, after the word "cents," to strike out the words "with interest thereon from the year 1878 at the rate of 6 per cent per annum to date;" in line 9, after the word "of," to strike out the words "the said" and insert "an;" and in line 10, after the word "voucher," to strike out "so;" in the same line, after the word "to," to strike out "the said;" and in line 12, after the word "Government," to strike out "as aforesaid" and insert "as nonnegotiable and transferred without authority;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Omaha National Bank, of Omaha, Nebr., out of any money in the Treasury not otherwise appropriated, the sum of $826.24 for and on account of an United States Indian voucher issued to D. J. McCann and cashed by said Omaha National Bank and refused by the United States Government as nonnegotiable and transferred without authority.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BURKETT. The committee also recommended, and it is stated in the report, that all the whereases be stricken out. They are no necessary part of the legislation. I therefore move to strike out the preamble.

The motion was agreed to.

HENRY A. V. POST.

The bill (S. 5151) for the adjudication of the claim of Henry A. V. Post by the Court of Claims was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INCREASE OF PENSIONS OF DISABLED PENSIONERS.

The bill (S. 1604) to amend the act of March 2, 1903, increasing the pensions of those who have lost limbs or been totally disabled in them, in the military or naval service of the United States, was read and considered as in Committee of the Whole. It provides that from and after the passage of this act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost one hand or one foot, or been totally disabled in the same, shall receive a pension at the rate of $40 per month; that all persons who, in like manner, shall have lost an arm at or above the elbow or a leg at or above the knee, or been totally disabled in the same, shall receive a pension at the rate of $36 per month; that all persons who, in like manner, shall have lost an arm at the shoulder or a leg at the hip joint, or so near the shoulder or hip joint or where the same is in such a condition as to prevent the use of an artificial limb, or been totally disabled in the same, shall receive a pension at the rate of $55 per month; and that all persons who, in like manner, shall have lost one hand and one foot, or been totally disabled in the same, shall receive a pension at the rate of $60 per month; and that all persons who, in like manner, shall have lost both feet, or been totally disabled in the same, or been totally disabled in both arms or hands shall receive a pension at the rate of $100 per month. But this act shall not be so construed as to reduce any pension under any act, public or private.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMPAÑÍA DE LOS FERROCARRILES DE PUERTO RICO.

The bill (H. R. 11976) for the relief of the Compañía de los Ferrocarriles de Puerto Rico was read and considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, page 1, after the words "sum of," to strike out "thirteen thousand six hundred and ninety-four dollars and forty-five cents" and insert "two thousand one hundred and eighty-four dollars and ninety-one cents;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Compañía de los Ferrocarriles de Puerto Rico, out of any money in the Treasury not otherwise appropriated, the sum of $2,184.91, being for compensation for mail service performed in Porto Rico during the period of military occupation in the years 1898, 1899, 1900, 1901, and 1902, and prior to the regular authorization of railroad mail service upon its lines.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PENSION APPROPRIATION BILL.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13103) making appropriations for the payment of invalid and

other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2; and agree to the same.

P. J. McCUMBER,
N. B. SCOTT,
Conferees on the part of the Senate.

WASHINGTON GARDNER,
W. P. BROWNLOW,
JOHN A. SULLIVAN,
Conferees on the part of the House.

The report was agreed to.

WEST TENNESSEE COLLEGE.

The bill (H. R. 5927) for the relief of the board of trustees of West Tennessee College, Jackson, Tenn., was read and considered as in Committee of the Whole. It proposes to pay to the board of trustees of West Tennessee College, Jackson, Tenn., $5,000, as compensation for occupancy and damages to said college by the Union Army during the war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

C. R. WILLIAMS.

The bill (H. R. 14541) for the relief of C. R. Williams was read and considered as in Committee of the Whole. It proposes to pay to C. R. Williams, of Rutherford County, Tenn., $200, for one mare taken and used by the military forces of the United States during the late civil war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN THOMPSON.

The bill (S. 3863) to correct the military record of Stephen Thompson was read and considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to add at the end the following proviso:

Provided, That no pay, bounty, or other emolument shall accrue by virtue of the passage of this act.

So as to make the bill read:

That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Stephen Thompson, late of Company I, Second Regiment West Virginia Volunteer Cavalry, and to issue to him an honorable discharge: *Provided*, That no pay, bounty, or other emolument shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIANS OF RICHARDSON COUNTY, NEBR.

The bill (S. 2418) to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes, was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD F. STAHLE.

The bill (H. R. 10605) for the relief of Edward F. Stahle was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Edward F. Stahle $362.50, to reimburse him for losses sustained in carrying out a surveying contract for the survey of the boundary between Wyoming and South Dakota in 1904, due to the existence of conditions not known to him or the Government at the time of making the contract, and the delay caused thereby.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

METHODIST CHURCH AT NEW HAVEN, KY.

The bill (H. R. 6675) for the relief of the Methodist Church at New Haven, Ky., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the Methodist Church at New Haven, Ky., $200 for the use, occupation, and injuries committed by the military forces of the United States upon the church property during the war of the rebellion; to be in full of all claims of the church against the Government of the United States for the use of or damages to the property.

Mr. SPOONER. What is the amount involved in that bill?

Mr. LODGE. Two hundred dollars.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SPOONER subsequently said: Mr. President, I enter a motion to reconsider the vote by which the bill (H. R. 6675) for the relief of the Methodist Church at New Haven, Ky., was passed, and I call the attention of the Senator from Kentucky to that motion.

Mr. McCREARY. What is the bill to which the Senator refers?

Mr. SPOONER. It is to pay $200 to a Methodist Church in Kentucky on account of damages alleged to have been sustained by its occupation by Union forces during the civil war. I should like to know something about it.

Mr. McCREARY. The amount which is asked for in the bill is small—only $200.

Mr. SPOONER. But the principle involved is very large.

Mr. McCREARY. This claim was thoroughly investigated by the committee of the House of Representatives, and it passed that House. It came here and was investigated by the Committee on Claims. I remember my distinguished friend from Wisconsin [Mr. SPOONER] visited Kentucky and made a very eloquent speech at Shelbyville, in the adjoining county—Larue County. The Hon. DAVID H. SMITH, the present Member of Congress, resides there, and the bill was introduced by him. I am glad my friend from Wisconsin has taken so much interest in the bills which pertain to Kentucky.

Mr. SPOONER. No; it is not that; but I observed during the six years I was chairman of the Committee on Claims of this body that at almost every session of the committee the time was consumed by the consideration of bills to pay for the occupation of churches in Southern States. I doubt if there is a church in West Virginia which the Government did not pay for during those years.

Mr. KEAN. I can assure the Senator they are not yet all paid for.

Mr. SPOONER. And they never will be all paid for, either, until we stop paying such claims. There ought to be a constitutional amendment prohibiting Congress from paying these damages—these antediluvian bills. This claim is established by only one affidavit.

Mr. McCREARY. This is a very meritorious bill. As the report shows, I think this is one of the most meritorious bills ever presented to Congress. The church was damaged very much more than the amount claimed.

Mr. SPOONER. As I have stated, this claim is established by the affidavit of one person, Charles Darwin Pennebaker. It is not very possible that I should consent to the passage of this bill because I made a speech in an adjoining county.

Mr. McCREARY. No; but I only wanted to locate it for the Senator. He spoke in one part of Kentucky, and this was in another part.

Mr. SPOONER. Certainly, I may have damaged the Democrats—I hope I did—in Kentucky; but I did not hurt this church. [Laughter.]

Mr. McCREARY. I know that all the Democrats, as well as the Republicans, spoke well of the Senator's speech. [Laughter.]

Mr. SPOONER. I thank the Senator; I think they laughed and applauded.

Mr. BACON. After the statement of the Senator from Kentucky, I am sure the Senator from Wisconsin can not further object to the proposition. He ought not to, at least.

Mr. SPOONER. I do not think I want the Government to pay for compliments to me.

Mr. McCREARY. I wish the Senator would hear the report.

Mr. SPOONER. I suggest to the Senator that this motion be passed over. I have entered the motion to reconsider. Let it lie over and I will look into the bill.

Mr. McCREARY. It is only $200, and the members of the Methodist Church are very anxious to have this money. [Laughter.]

Mr. CARTER. And it is just about Easter time, too. [Laughter.]

Mr. McCREARY. And I hope the Senator from Wisconsin will not insist on his motion to reconsider the bill. However, I will not move to lay the motion on the table.

Mr. SPOONER. As I think there is not a quorum present, the Senator had better not try that.

Mr. McCREARY. I am not going to move to lay the motion

on the table; and I should not do so even if a quorum were present.

Mr. SPOONER. I will take the matter up, and look over it with the Senator.

Mr. McCREARY. Could the Senator not take it up now?

Mr. SPOONER. Well, I will take it up now.

Mr. McCREARY. I know very little about it, except what I learn from the report.

Mr. SPOONER. Then the Senator can not give me any information about it.

Mr. McCREARY. Except that I have received letters from members of that church telling me that the damage as stated in the report was correct, and I have also talked with the Member of Congress from the district, who resides near New Haven.

Mr. SPOONER. The Member of Congress always desires to have passed everything his people want. It is, as the Senator says, a small matter.

Mr. McCREARY. It is a small matter.

Mr. SPOONER. The Senator says that in a tone of voice that is very appealing, but I should like to inquire when this business is going to stop?

Mr. McCREARY. It will stop with me right here, at present. [Laughter.]

Mr. SPOONER. Yes; "at present."

Mr. McCREARY. I have no other bill of this kind on the Calendar.

Mr. SPOONER. That is, not to-day.

Mr. McCREARY. No, sir.

Mr. SPOONER. Was this church injured?

Mr. McCREARY. Yes, sir; it was injured considerably more than $200 worth.

Mr. SPOONER. There is no statement here that it was injured. This affiant states:

The building was about 40 feet front and 80 feet deep, and such a structure at this time would cost about $3,000 to build.

At that time, whenever possible, I attended Sunday school in that building, and service was held on Sundays whenever possible. I remember distinctly that quite frequently we found the church occupied by United States troops and no service could be held. This occurred quite frequently—

That is quite indefinite—

during the civil war. The building was used for hospital purposes, and I have frequently carried supplies and delicacies to sick soldiers confined therein, and have frequently attended burials of the dead. Shortly after the war I was present when the bodies of about forty deceased Union soldiers were disinterred from the church burying grounds and taken to the national cemetery at Lebanon.

The charge made for the use of this church, $200, is, I think, extremely reasonable. In fact, I am certain so. My belief is that the use of the church was worth to the United States for hospital purposes fully $500.

The occupation of the building was not continuous, but occurred from time to time as the necessities of the Army required, commencing in the winter of 1861–62 and continuing off and on thereafter.

Mr. BURKETT. Mr. President, I will say to the Senator from Wisconsin that before this bill was reported I took it up with Mr. SMITH, the Member of the House who introduced the bill, and went over it at some length with him. He showed me some of the evidence which they had to prove that the church was damaged, and that it was used by the Union forces quite frequently. The bill was before the Senate Committee on Claims, of which I am a member, when the Senator from Kentucky [Mr. McCREARY] then spoke of it more at length than he has here. The Senate Committee on Claims were unanimous in making this report.

I will say to the Senator from Wisconsin that the Committee on Claims, over which he once presided, as he tells us, are just as fully persuaded as he is, perhaps, that the time must come when we should stop paying these old claims, for the time has passed when people who know about them can give any direct evidence.

This was a small matter. There was no question that the church was used and that it was damaged. The damage may have been little or much; but it was certainly enough to warrant the paying of $200. Not only was the evidence before our committee sufficient, but I took it up individually, as the chairman of the committee asked me to, as he in a manner referred it to me, to investigate it somewhat more fully than the committee had done.

While all the proof was not before our committee, and we did not make any very long report, the case seemed plain, after the Senator from Kentucky had stated it, and we did not incorporate any of the proof, nor did the House incorporate the written proof they had for passing the bill.

I will also say that the bill was debated quite to a considerable extent on the floor of the House at the time it was considered there, and it was carefully investigated. I think it is a very worthy bill.

Mr. SPOONER. If the Senator went into it personally on evidence which is not made apparent in the report, and found that the church building was damaged, and he thinks, after full consideration, that it is a just claim, I will ask leave to withdraw my motion. But I do think that the pressing of these claims is getting to be an industry, and that the time ought to come, if it has not already arrived, when the United States should quit paying rent for churches occupied off and on, as this report says, by Union soldiers during the war.

Mr. McCREARY. It also refers, I will say to my friend from Wisconsin, to damages that were sustained.

The VICE-PRESIDENT. The Senator from Wisconsin withdraws the motion to reconsider, and the bill stands passed.

JAMES W. JONES.

The bill (H. R. 6982) for the relief of James W. Jones was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President. I notice from the reading that a part of the statement contained in the bill should be embodied in the report.

The VICE-PRESIDENT. The bill will go over.

MADISON COUNTY, KY.

The bill (S. 4823) for the relief of Madison County, Ky., was considered as in Committee of the Whole.

Mr. SPOONER. What is the amount involved in the bill?

The VICE-PRESIDENT. The amount is not stated in the bill.

Mr. McCREARY. I will say to the Senator from Wisconsin that the amount is to be fixed by the Secretary of the Treasury and the Commissioner of Internal Revenue.

Mr. SPOONER. But I ask what is the amount?

Mr. McCREARY. There is a statement in the report from the Secretary of the Treasury and also from the Commissioner of Internal Revenue. The report states that the purpose of the bill is—

to authorize and require the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, upon appeal made to him therefor, to pay back to the treasury of Madison County, Ky., for the use of said county, out of any money in the Treasury not otherwise appropriated, any and all money collected from any and all corporations, or from any other person or party whatsoever, as internal-revenue taxes on dividends on shares of stock owned by said county of the Louisville and Nashville Railroad Company to the extent that such taxes were deducted from dividends due and payable to said county.

The facts were stated to the Committee on Claims, which has reported unanimously in favor of the passage of the bill. This tax was illegally collected some years ago, and the Supreme Court subsequently held that those taxes should not have been collected.

Mr. SPOONER. The Supreme Court of the United States?

Mr. McCREARY. Yes. The report continues:

The facts as stated to your committee are that between the years 1869 and 1872, inclusive, said Madison County was the owner of stock, and perhaps bonds, in the Louisville and Nashville Railroad Company, which company declared cash dividends and interest. Under the internal-revenue laws then in force (sec. 122, act of June 30, 1864), the company aforesaid paid taxes to the United States upon its gross receipts, including its undistributed surplus, the interest payable on its bonds, and its cash dividends. The taxes paid on interest and dividends were deducted from the amounts due as interest and dividends, so that the interest and dividends declared and paid to Madison County were diminished to the extent of such deductions for taxes.

These deductions seem to have been made under a misapprehension of the law as it applied to municipal corporations.

The law as applicable to such corporations was afterwards interpreted by the United States Supreme Court, and that court decided that a tax under the internal-revenue act, section 122, was a tax upon the creditor and not upon the railroad corporation paying it, and that a municipal corporation, being a part of the sovereign power of the State, was not subject to taxation by Congress upon its municipal revenues. (United States *v.* Baltimore and Ohio Railroad Company, 17 Wall., 322.)

The time for repayment of these taxes under the law expired before Madison County made application for such repayment, and this bill is required to remove the bar of the statute of limitations and to authorize the audit and payment back of such amount as had been collected by the Government and deducted from dividends and interest due and payable to said county upon stock and bonds owned by it in the Louisville and Nashville Railroad Company.

Similar acts have heretofore been passed for the relief of the counties of Hardin, Hart, Logan, and Simpson, in the State of Kentucky.

Mr. SPOONER. Is this the only county left?

Mr. McCREARY. This is the only county left, and it is the county where I have the honor to reside.

Mr. SPOONER. Mr. President, I subside. [Laughter.]

The VICE-PRESIDENT. The amendment reported by the committee will be stated.

The amendment reported by the Committee on Claims was, on page 1, line 7, after the word "stock," to insert "or bonds;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury and the Commissioner of Internal Revenue be, and are hereby, authorized and re-

quired to audit and adjust the claim of Madison County, State of Kentucky, for internal-revenue taxes on dividends on shares of stock or bonds owned by said county in the Louisville and Nashville Railroad to the extent that such taxes were deducted from any dividends due and payable to said county, any statute of limitations to the contrary notwithstanding, and the Secretary of the Treasury is authorized to pay to Madison County, State of Kentucky, out of any money in the Treasury not otherwise appropriated, the amount of the claim so audited and adjusted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS F. CALLAN, ALIAS THOMAS COWAN.

The bill (S. 5028) to remove the charge of desertion from the military record of Thomas F. Callan, alias Thomas Cowan, was considered as in Committee of the Whole.

Mr. LODGE. By an oversight that bill was reported without the usual proviso. I move to add to the bill the usual proviso in regard to pay and bounty.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the bill, it is proposed to add the following:

Provided, That no pay, bounty, or other emolument shall accrue by reason of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against the name of Thomas F. Callan, alias Thomas Cowan, late of Company I, Second United States Infantry, to amend his military record accordingly, and to grant said Thomas F. Callan an honorable discharge as of date of August 28, 1864: *Provided*, That no pay, bounty, or other emolument shall accrue by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The Calendar is completed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned, the adjournment being, under the previous order, until to-morrow, Saturday, April 14, 1906, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate April 13, 1906.

PROMOTION IN THE ARMY.

Cavalry Arm.

Second Lieut. William G. Meade, Eleventh Cavalry, to be first lieutenant from March 31, 1906, vice McClure, Fifth Cavalry, promoted.

TO BE CIVIL ENGINEERS IN THE NAVY.

James W. G. Walker,
Andrew C. Cunningham,
Harry H. Rousseau,
Fred Thompson,
Alfred C. Lewerenz,
Lyle F. Bellinger,
Reuben E. Bakenhus,
George A. McKay,
Ernest H. Brownell,
Ernest R. Gayler,
Paul L. Reed,
Frederick R. Harris, and
Archibald L. Parsons.

RECEIVERS OF PUBLIC MONEYS.

W. A. Nichols, of Ellensburg, Wash., to be receiver of public moneys at North Yakima, Wash., vice Miles Cannon, whose term will expire May 8, 1906.

Joshua G. Wood, of Kansas, to be receiver of public moneys at Topeka, Kans., his term having expired. (Reappointment.)

Walker A. Henry, of Spokane, Wash., to be receiver of public moneys at Waterville, Wash., vice Austin B. Dorsey, whose term will expire June 14, 1906.

REGISTER OF LAND OFFICE.

William F. Haynes, of Coulee City, Wash., to be register of the land office at Waterville, Wash., vice Mathew B. Malloy, whose term will expire May 8, 1906.

SURVEYOR-GENERAL.

Chalres H. Parlin, of Apalachicola, Fla., to be surveyor-general of Florida, vice Edmund C. Weeks, term expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 13, 1906.

PROMOTIONS IN THE ARMY.

Col. Charles R. Suter, Corps of Engineers, to be placed on the retired list of the Army, with the rank of brigadier-general from the date on which he shall be retired from active service.

Infantry Arm.

Lieut. Col. Leven C. Allen, Sixteenth Infantry, to be colonel from April 5, 1906.

Maj. Richard H. Wilson, Eighth Infantry, to be lieutenant-colonel from April 5, 1906.

Capt. James A. Goodin, Seventh Infantry, to be major from April 5, 1906.

First Lieut. James B. Allison, Seventh Infantry, to be captain from April 5, 1906.

POSTMASTERS.

ALABAMA.

John A. Bingham to be postmaster at Talladega, in the county of Talladega and State of Alabama.

Daniel V. Sevier, jr., to be postmaster at Russellville, in the county of Franklin and State of Alabama.

MISSOURI.

Robert D. Cramer to be postmaster at Memphis, in the county of Scotland and State of Missouri.

Henry Grass to be postmaster at Hermann, in the county of Gasconde and State of Missouri.

NEVADA.

Henry J. Jones to be postmaster at Elko, in the county of Elko and State of Nevada.

NEW YORK.

Owen E. Hayes to be postmaster at Camillus, in the county of Onondaga and State of New York.

Samuel D. Mulholland to be postmaster at Port Henry, in the county of Essex and State of New York.

Lewis C. O'Connor to be postmaster at Geneseo, in the county of Livingston and State of New York.

Henry Riley to be postmaster at Cornwall, in the county of Orange and State of New York.

OHIO.

Thomas J. Davies to be postmaster at Barberton, in the county of Summit and State of Ohio.

Robert S. Fulton to be postmaster at Germantown, in the county of Montgomery and State of Ohio.

George H. Hildebrand to be postmaster at Ashland, in the county of Ashland and State of Ohio.

Willis C. Kohler, to be postmaster at Kenton, in the county of Hardin and State of Ohio.

J. W. Orr to be postmaster at Piqua, in the county of Miami and State of Ohio.

James T. Pickering to be postmaster at Lancaster, in the county of Fairfield and State of Ohio.

John J. Robinson to be postmaster at Port Clinton, in the county of Ottawa and State of Ohio.

Ansel T. Simmons to be postmaster at Geneva, in the county of Ashtabula and State of Ohio.

PENNSYLVANIA.

Asa S. Beers to be postmaster at Bath, in the county of Northampton and State of Pennsylvania.

TEXAS.

D. C. Bellows to be postmaster at Seymour, in the county of Baylor and State of Texas.

William Pilley to be postmaster at Wills Point, in the county of Van Zandt and State of Texas.

George C. Ross to be postmaster at Wortham, in the county of Freestone and State of Texas.

Henry L. Somerville to be postmaster at Richmond, in the county of Fort Bend and State of Texas.

WYOMING.

Frank E. Lucas to be postmaster at Buffalo, in the county of Johnson and State of Wyoming.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 13, 1906.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

God of the ages and Father of all souls, whose everlasting arms are about us to uphold, sustain, and guide in every pure, earnest, and noble endeavor to right living, to-day our minds go back to the greatest tragedy in human history, the beginning of individual, civil, political, and religious liberty, and which illustrates the dignity of human nature and signalizes the victory of good over evil, spirit over matter, life over death, the earnest for all who strive for the mastery. So let our hearts sing together—

In the cross of Christ I glory,
Towering o'er the wrecks of time;
All the light of sacred story
Gathers round its head sublime.

When the woes of life o'ertake me,
Hopes deceive and fears annoy,
Never shall the Cross forsake me;
Lo! it glows with peace and joy.

Help us, O God, to right conceptions and to be true to our convictions. In the spirit of the Lord Jesus Christ, the world's great Exemplar, amen.

The Journal of yesterday's proceedings was read and approved.

QUESTION OF PRIVILEGE.

Mr. GARDNER of Massachusetts. Mr. Speaker, I desire to call up a question involving the privileges of the House.

The SPEAKER. That will take precedence of the conference report.

Mr. GARDNER of Massachusetts. I desire to call up a question involving the privileges of the House and present the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Whereas on the 10th day of April, 1906, in a speech printed this morning in the RECORD, the gentleman from Kentucky, Mr. HOPKINS, contrary to the law of the House, has embodied the following sentences: "A few days ago Mr. BENNET of New York." "The effort of my friend, though covertly designed, is the first show of their influence in this body. Again, on last Wednesday he showed his interest in the steamship companies by offering and securing the passage through this House of a joint resolution authorizing the admission of Fannie Diner, a pronounced idiot." "The strange feature about this case is that the gentleman from New York studiously concealed these facts from this House or this resolution would never have passed." "The gentleman has a perfect right to stand by the ship companies, but he has no right to abuse the confidence of this House by suppressing the truth in his effort to serve them. So completely was this House deceived that my friend Mr. GOLDFOGLE wanted to extend the resolution to cover all such cases and let in all idiots." "Again, on last Friday my friend, feeling that he had scored a point in the interest of the ship companies in relieving them of the embarrassing situation the Fannie Diner case had placed them, took the floor of this House in open opposition to restricting immigration, and in an argument evidently in the interests of the steamship companies, made to delude this House, finds himself in the midst of a mass of contradictions too patent to deceive anyone." "Turning to my friend's first speech, who, while trying to play both sides of this question;"

Resolved, That the above sentences be stricken from the RECORD.

Mr. CLARK of Missouri. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CLARK of Missouri. I rise to inquire how this gets to be a question of privilege with the gentleman from Massachusetts. If the matter is offensive to the gentleman from New York, it seems to me the gentleman from New York ought to attend to his own case.

The SPEAKER. The question is as to an alleged violation of the rules of the House, and it is the privilege of any Member, his duty, if it violates them, to call attention to it, and the gentleman has said that he offers the following resolution.

Mr. CLARK of Missouri. Well, is it a question of the highest privilege or a question of personal privilege?

The SPEAKER. It is a question of the privileges of the House, as the Chair understands.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. Mr. Speaker, I rise for the purpose of suggesting to the gentleman from Missouri that he withdraw the objection he has just made. The gentleman from Kentucky not alone attacked my friend and colleague [Mr. BENNET of New York], but went farther out of his way to make what I regard an attack on me. Had I been present in the House when the gentleman from Kentucky delivered that speech, filled with the meanest and most uncalled-for insinuations, I would have taken the floor and replied to the gentleman from Kentucky. I think that speech was one of the meanest and most unfair speeches ever delivered upon this floor.

The SPEAKER. After all, the resolution has been offered. The gentleman from Massachusetts is entitled to the floor.

Mr. SMITH of Kentucky. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SMITH of Kentucky. I simply want to make a request of the gentleman from Massachusetts. I see that my colleague is not in the House at present, and I ask, as a matter of courtesy to him, that this matter go over until he is here.

Mr. GARDNER of Massachusetts. Mr. Speaker, as a parliamentary inquiry, would this resolution be in order for consideration at any time, or must it be considered now to be considered at all?

The SPEAKER. The Chair will state, the resolution having been presented, the gentleman from Massachusetts being recognized, the matter is now before the House; but by unanimous consent, the matter might be postponed until a given time, or the House might dispose of it now that it has it up under consideration. The gentleman from Massachusetts would not be taken from the floor without his consent; by unanimous consent it could go over and be postponed, to be called up at a later time, or when anyone has the floor to make the motion it might be postponed to a day certain.

Mr. CLARK of Missouri. I would think, Mr. Speaker, if I might be permitted to make a suggestion—I do not care anything about the squabble one way or the other—ordinary fairness suggests the postponement until the Member who is supposed to have offended should be here. I do not see that the gentleman could lose anything.

Mr. SMITH of Kentucky. Unless he had notice that it would be called to the attention of the House this morning.

Mr. GARDNER of Massachusetts. The gentleman from Kentucky has had no notice.

Mr. OLCOTT. I am creditably informed that the gentleman was here not five minutes ago, and I scarcely think any postponement should be had on that account.

Mr. SMITH of Kentucky. Mr. Speaker, if my colleague had any notice or any intimation that such a matter as this was going to be brought before the House this morning, I would not ask that it go over; but it does seem to me that as a matter of common fairness and proper treatment toward a Member of the House he ought at least to have an opportunity to be present when a matter affecting him is to be considered by the House.

Mr. LACEY. I demand the regular order.

The SPEAKER. The gentleman from Iowa demands the regular order. The gentleman from Massachusetts has the floor.

Mr. GARDNER of Massachusetts. Mr. Speaker, I am prepared to give my share of unanimous consent to an order that at 1 o'clock to-day, irrespective of any other business before this House, this matter shall come up, and that I shall have the floor for one hour, as if I had not been interrupted.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the consideration of this resolution be postponed until 1 o'clock to-day. Is there objection?

Mr. GARDNER of Massachusetts. And that at that time, irrespective of what other business is before the House, this matter shall come up, and I shall have the floor.

The SPEAKER. That would be equal to a direction that the Committee of the Whole should rise, if it should happen to be in session.

Mr. GARDNER of Massachusetts. Is it competent to ask the House to instruct the committee?

The SPEAKER. Oh, entirely so. The House can make an order. As the Chair understands it, if unanimous consent is given at this time that would be equivalent to a direction to the Committee of the Whole to rise.

Mr. GARDNER of Massachusetts. As the Chair understands it, at the time when the hour of 1 o'clock has arrived the Committee of the Whole, under this unanimous consent, must rise and the House resume its sitting immediately for the consideration of this resolution.

The SPEAKER. If unanimous consent is given the Chairman of the Committee of the Whole would have to direct the Committee of the Whole to rise at that time. Is there objection?

Mr. GOLDFOGLE. Will the gentleman from Massachusetts give me a half hour of his time? I ask the gentleman from Massachusetts to make that request for an hour and a half.

Mr. LIVINGSTON. Mr. Speaker, I shall object, unless the gentleman from Massachusetts puts in a proviso that the gentleman from Kentucky is present or has had notice.

The SPEAKER. Is there objection?

Mr. OVERSTREET. Mr. Speaker, I desire to know what the proposition is. It has been so noisy over here that I could not understand.

The SPEAKER. The proposition is for unanimous consent

to postpone the consideration of this resolution until 1 o'clock to-day, and that the Chairman of the Committee of the Whole, if at that time it should be in session, shall then direct the committee to rise.

Mr. OVERSTREET. Mr. Speaker, I hope the gentleman will fix a different time. I am very anxious to conclude the consideration of the Post-Office appropriation bill, and I hope the gentleman will consent to fixing it for a later hour. The Committee on Invalid Pensions have the right of way here for an hour and a half. Let it go over until to-morrow.

Mr. GARDNER of Massachusetts. I shall not consent to its going over until to-morrow.

Mr. LIVINGSTON. Then I object.

Mr. OVERSTREET. Let it go over until to-morrow.

Mr. GARDNER of Massachusetts. I call for order.

The SPEAKER. The House will be in order. The Chair understands the gentleman from Georgia to object.

Mr. LIVINGSTON. I object, unless the gentleman from Kentucky is given notice.

The SPEAKER. The gentleman from Georgia objects.

Mr. GARDNER of Massachusetts. Mr. Chairman, as I said a few moments ago, these remarks of the gentleman from Kentucky are clearly out of order in that they impute motives——

The SPEAKER. The gentleman will suspend. The House will please be in order.

Mr. LIVINGSTON. I withdraw the objection, Mr. Speaker.

Mr. FINLEY. Mr. Speaker, I renew the objection.

The SPEAKER. The House will first be in order.

Mr. FINLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FINLEY. I understood the gentleman from Georgia withdrew his objection.

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman?

Mr. GARDNER of Massachusetts. I do not yield. It seems impossible to arrive at a decision in this House which shall be satisfactory to everyone, and failing the necessary unanimous consent I do not care to lose this opportunity to say what I wish. I shall not speak against the gentleman from Kentucky [Mr. HOPKINS] who, in the excitement of the moment, may have said things that he should not——

Mr. GRIGGS. Mr. Speaker——

Mr. GARDNER of Massachusetts. I do not yield.

The SPEAKER. The gentleman declines to yield.

Mr. GARDNER of Massachusetts. The gentleman may have said things that he did not altogether wish to say; but I think the gentleman from New York [Mr. BENNET] should be and is entitled to have the House know what meritorious services he has rendered to the Committee on Immigration in perfecting the bill which I had the honor to report a few days ago.

Mr. Speaker, the gentleman from Kentucky [Mr. HOPKINS] is very much interested in the question of the restriction of immigration. He is a stern restrictionist, and so am I; but the gentleman from Kentucky has allowed himself to be carried away by the fact that he is zealously interested in restriction into thinking that those who do not agree with him are perhaps actuated by improper motives. As a matter of fact, a speech which, more than any other that I have ever heard, represents the ideas of the gentleman from New York [Mr. BENNET] was a speech delivered by President Eliot, of Harvard University, before the immigration conference in New York. Yet no one would accuse President Eliot of being actuated by a desire to protect the interests of the steamship companies. Mr. Speaker, when you find a man coming out into the open, as the gentleman from New York has done; when you find a man openly opposing on the floor of this House a popular measure, you can make up your mind that that man is actuated by honest motives. If he were actuated by any such motives as were imputed to him by the gentleman from Kentucky he would be the last man to rise on the floor of the House and openly make his protest from time to time.

In the Committee on Immigration the gentleman from New York [Mr. BENNET] and I took exactly opposite positions. Nevertheless, I think I can call on every one of my Democratic colleagues on that committee—and I wish there were more of them here—to agree with me that never in their lives have they seen a fairer-minded, more intelligent, more faithful legislator than the gentleman from New York [Mr. BENNET]. Moreover, although the gentleman from New York did not agree to the main features of our bill, there was no one who more than the gentleman from New York did his very best to perfect each item, so that the committee could report a bill in proper shape and effective form. If provisions were reached in which he did not believe, he said, "Gentlemen, I do not believe in these items." We would ask him as a favor, he being the most acute-minded lawyer on that committee, to put such items in shape for us. He would do so; and I take pleasure in saying that to no one man on that committee more than to the gentleman from New York does this House owe the report of the immigration bill. Hour after hour he sat there and worked on the details, perfecting items with which he did not agree, with which he said he admitted that he did not agree, but pointing out to us the webs in which we had contrived to enmesh ourselves—pointing out to us the way to avoid these snares, in every way doing his duty as a legislator to perfect a bill to which he is manfully and openly opposed. The gentleman is not a restrictionist.

The gentleman takes the view of many high-minded humanitarians, that restriction is unfriendly to the rest of the human race. He is consistent in that position. He does not go from hole to corner, devising spokes to put in the way of our efforts toward getting this bill considered. On the contrary, he says:

> I shall do nothing to prevent the consideration of that bill. On the whole, I approve of its consideration, although in a general way I do not at all approve of the purposes of the bill.

Why, gentlemen, there are Members on this floor from my own State of Massachusetts—I will not say on which side of the House—who agree in every iota with the gentleman from New York [Mr. BENNET]. The committee did not agree with him, they reported the bill; but I can say, as I think the gentleman from Alabama who worked on the subcommittee with us will say, how much we were impressed by the splendid qualities displayed by the gentleman from New York.

Mr. Speaker, I am sure that the gentleman from Kentucky, if he had consulted his colleagues on our committee, his colleagues on the Democratic side I mean, would have found that, without exception, they are of my opinion. If, before he unfortunately made them, he had submitted his remarks to any one of his colleagues, he would have been told that no man in the House less deserved his censure and obloquy than the gentleman from New York. Instead of consulting with those who knew the facts, prematurely and unwisely he made this unfortunate speech imputing motives to and holding up as a corrupt legislator a gentleman who, in my opinion, although he is a new Member and I know him but little, is one of the ablest men on the floor of this House to-day; one of the keenest minded lawyers, and one of the most capable legislators. Mr. Speaker, I reserve the balance of my time. [Applause.]

The SPEAKER. The question is on agreeing to the resolution.

Mr. SMITH of Kentucky. Mr. Speaker, I think it is but fair that my colleague from Kentucky should have an opportunity to be heard, if he desires, and also others.

The SPEAKER. Does the gentleman from Kentucky yield to his colleague?

Mr. SMITH of Kentucky. Yes; I yield such time as he desires.

Mr. HOPKINS. Mr. Speaker, I regret very much that I was not present on the floor of the House at the time this discussion was precipitated and that I have not heard what the gentleman from Massachusetts has said. I hardly understand the manner of this procedure. The remarks which I made yesterday, and are copied in this resolution and are attempted to be expunged, were stated on the floor of the House, and there was no objection taken to them at the time.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER. Does the gentleman from Kentucky yield to the gentleman from New York?

Mr. HOPKINS. Most assuredly.

Mr. GOLDFOGLE. Is it not a fact that a part of the remarks printed in the RECORD this morning concerning me were not uttered on the floor of this House during the delivery of your speech?

Mr. HOPKINS. If I could be of any service to the gentleman, or if I have done him any injustice in what I regard as a friendly and more of a humorous reference to him than in any other way, I would gladly expunge it. If the gentleman is touchy about his age or marital relations, or touchy about the fact that he is willing or able to assimilate with these people about whom I have been talking, I would gladly withdraw that. [Applause on the Democratic side.]

Mr. GOLDFOGLE. In the gentleman's speech he says that my colleague from New York [Mr. BENNET] deceived me. I want to say that my colleague from New York did not deceive me, and that the comments which the gentleman from Kentucky made concerning my friend from New York were unfairly made.

Mr. HOPKINS. Mr. Speaker, I will have to object to the gentleman from New York inserting a speech into my remarks, and I decline to yield any further. I would say to the gen-

tleman that I think I was at least charitable to him when I said what I did about his reference to Mr. BENNET's resolution. I do not think if my friend from New York [Mr. GOLDFOGLE] had known the secret behind that resolution he would have made the remarks he did, and I think that if he will read the RECORD of that day he will find that he was duped into making the statements he made there unintentionally, and he would not have made them if he had had the truth before him.

Mr. GARDNER of Massachusetts. Mr. Speaker, I demand that the words be taken down in regard to the word "duped." I call the gentleman to order.

Mr. UNDERWOOD. I ask unanimous consent that the gentleman may proceed in order.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the gentleman from Kentucky may proceed in order.

Mr. HOPKINS. Mr. Speaker, as to the other remarks about Mr. BENNET, they were not intended as any personal reflection upon his character. Gentlemen have a right to represent any interest they desire to represent upon this floor. They have a right to take any position which they want to take upon this floor, and I maintain, sir, that the positions taken by them and argued and presented to this House are subjects of criticism and subjects of argument as much as others presented in the language which I used yesterday. It was only presented, sirs, as argument upon my part to show that the gentleman was interested or that he was not in full favor with the idea of restrictive immigration as his committee had presented it and as his committee had reported it. It was simply what I understood to be a legal argument, a fair and a just argument, which I had a right to make upon this floor in answer to the one which he had thrust upon me, to show his purpose in doing so.

Mr. BONYNGE. Mr. Speaker, I desire to ask the gentleman a question.

Mr. HOPKINS. Most cheerfully.

Mr. BONYNGE. Does the gentleman say all of these extracts which have been quoted in the resolution were delivered by him upon the floor, or were they not afterwards printed in the RECORD and not delivered by you in your speech? I was listening to the speech at the time——

Mr. HOPKINS. The last, perhaps, I had not reached. The gentleman remembers there was an effort then to stop my mouth and take me off the floor and prevent me from saying what I had a right to say upon a question here, and I may have been denied the right to say what I desired to say, but I had this printed and had it before me to say if I had not been interrupted and taken off the floor at the time I was. The last statement may not have been reached, but the other statements were made by me upon the floor of this House.

Mr. BONYNGE. Do I understand the gentleman to say that all the statements except the last were made by him upon the floor of the House?

Mr. HOPKINS. Yes, sir; they were made by me.

Mr. BONYNGE. My recollection does not agree with the gentleman.

Mr. HOPKINS. I do not question the gentleman's recollection or the gentleman's honesty either of his recollection or conviction, but I know what I did, sir, and I know that I made all these statements, perhaps except the last part.

Mr. SHERMAN. Mr. Speaker, will the gentleman yield?

Mr. HOPKINS. Certainly.

Mr. SHERMAN. Does the gentleman recall the Chair stated to him, after the interruption, that the time exhausted by the interruption had not been taken from the time which had been given the gentleman to speak?

Mr. HOPKINS. I remember that, and I think you are mistaken, too, sir. I was watching the clock, because I knew my time was limited, and although you said you would give me five minutes more for the time consumed while in the colloquy, I think you were mistaken and did not do it. Mr. Speaker, I do not want to violate any of the rules of decorum or any of the rules of order of this House, but as a Representative here I insist I had the right to make the statements which I made here as an argument and reason in support of the position which I had taken and in answer to the speeches which a gentleman, entirely uncalled for and without any reason, had thrust upon me on a former day when I was not present here to defend myself.

Mr. BONYNGE. Mr. Speaker, I would desire to ask the gentleman another question. How much time were you allowed for your remarks the other day?

Mr. HOPKINS. I was allowed thirty minutes.

Mr. BONYNGE. I find in the RECORD seven full pages of your speech.

Mr. HOPKINS. Yes, sir.

Mr. BONYNGE. Does the gentleman contend that he delivered the seven full pages of speech during that time?

Mr. HOPKINS. I will state to the gentleman I asked unanimous consent to extend my remarks in the RECORD, in conformity with the custom here older than any Members of the House. It has been the rule of this House, and I wonder why it is this is the first time something has been said here that gentlemen are afraid to let go out to the country and be published before the great people of this country. I do not understand this; I do not understand why my speech should be culled, why my remarks should be garbled, and I not permitted to speak here as a Representative of the great people whom I do represent, the people who have been slandered, sir, by an effort that brought forth the effort on my part to defend them upon this floor. No; it is not strange the shoe pinches, and it must be gotten rid of. I yield back the balance of my time to the gentleman from Kentucky.

The SPEAKER. Does the gentleman from Kentucky desire further recognition?

Mr. SMITH of Kentucky. Mr. Speaker, I will ask the gentleman from Massachusetts to consume some of his time now.

Mr. GARDNER of Massachusetts. Mr. Speaker, how much time have I?

The SPEAKER. Forty-six minutes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2072. An act to provide for the erection of a statue of Gen. Nathanael Greene on the battlefield of Guilford Court-House.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 16014. An act to amend an act entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein," approved June 1, 1900, and all acts amendatory thereof.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10605. An act for the relief of Edward F. Stahle;

H. R. 15259. An act to authorize the North Mississippi Traction Company to construct dams and power stations on the Bear River on the northeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.;

H. R. 14578. An act to provide for the establishment of a public crematorium in the District of Columbia, and for other purposes;

H. R. 14541. An act for the relief of C. R. Williams;

H. R. 13247. An act for the relief of John H. Tharp, of Eversonville, Mo.;

H. R. 12028. An act granting relief to John W. Donovan;

H. R. 11275. An act increasing the penalty for certain offenses in the District of Columbia;

H. R. 10584. An act for the relief of F. H. Driscoll;

H. R. 8278. An act authorizing the Secretary of the Interior to issue patent to Keystone Camp, No. 2879, of the Modern Woodmen of America, to certain lands for cemetery purposes;

H. R. 7709. An act for the relief of Joseph Crow;

H. R. 6675. An act for the relief of the Methodist Church at New Haven, Ky.;

H. R. 5927. An act for the relief of the board of trustees of West Tennesee College;

H. R. 3649. An act for the relief of Zenas Parker;

H. R. 1863. An act for the relief of M. A. McCafferty; and

H. R. 120. An act to amend section 9 of the Code of Law for the District of Columbia.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5026) providing for the establishment of a life-saving station at or near Neah Bay, in the State of Washington, and for the construction of a first-class ocean-going tug to be used in connection therewith, for life-saving purposes in the vicinity of the north Pacific coast of the United States, etc.

The message also announced that the Senate had agreed to the report of the conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13103) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes.

QUESTION OF PRIVILEGE.

Mr. GARDNER of Massachusetts. As there are a great many more Members in the House at present than when this altercation began, I desire again to read the preamble, if the House will give me its attention:

Whereas on the 10th day of April, 1906, in a speech printed this morning in the RECORD, the gentleman from Kentucky [Mr. HOPKINS], contrary to the law of the House, has embodied the following sentences:

A few days ago, Mr. BENNET of New York;

That statement is immaterial, although a violation of the law of the House, which requires that a Member shall be spoken of descriptively. The gentleman from Kentucky continues:

The effort of my friend, though covertly designed, is the first show of their influence in this body.

The text that preceded this remark shows that the gentleman referred to the steamship companies, because he quoted more or less accurately a remark of mine with regard to those same companies. The gentleman next refers to my colleague from New York, as follows:

Again, on last Wednesday he showed his interest in the steamship companies by offering and securing the passage through this House of a joint resolution authorizing the admission of Fannie Diner, a pronounced idiot.

By the way, the resolution was reported unanimously from the Committee on Immigration. Then the gentleman from Kentucky goes on——

Mr. HOPKINS. Will the gentleman allow me?

Mr. GARDNER of Massachusetts. I will not yield to an interruption at present.

The strange feature about this case is that the gentleman from New York studiously concealed these facts from this House or this resolution would never have passed.

Further on he says:

The gentleman has a perfect right to stand by the ship companies, but he has no right to abuse the confidence of this House by suppressing the truth in his effort to serve them. So completely was this House deceived that my friend Mr. GOLDFOGLE wanted to extend the resolution to cover all such cases and let in all idiots.

Again, on last Friday my friend, feeling that he had scored a point in the interest of the ship companies in relieving them of the embarrassing situation in which the Fannie Diner case had placed them, took the floor of this House in open opposition to restricting immigration, and in an argument evidently in the interests of the steamship companies, made to delude this House, finds himself in the midst of a mass of contradictions too patent to deceive anyone.

Turning to my friend's first speech, who, while trying to play both sides of this question, etc.

Is there a man on the floor of this House that does not say that such language is thoroughly improper and should have been taken down at once?

Now, Mr. Speaker, I will yield a minute to the gentleman from Kentucky if he wishes to ask me a question.

Mr. HOPKINS. I do not care to ask the gentleman a question now.

Mr. GARDNER of Massachusetts. I now yield fifteen minutes to the gentleman from New York [Mr. GOLDFOGLE], and reserve the balance of my time.

Mr. GOLDFOGLE. Mr. Speaker, the gentleman from Kentucky on two occasions during the session of this Congress undertook to deliver speeches upon the immigration question, and while he attempted to so frame his remarks that it might be understood that he was opposed only to the admission of undesirable aliens, yet one reading his speeches could readily observe that through it there ran the spirit of a bigot and a know-nothing. I believe the sentiment of this House is opposed to that spirit, which on an occasion heretofore I pronounced un-American. I regret that such a spirit found its way——

Mr. JAMES. Mr. Speaker, I make the point of order that the gentleman's words are out of order, and I demand that they be taken down.

Mr. HOPKINS. I hope you will not do that on my behalf.

Mr. JAMES. I make it on behalf of myself.

Mr. HOPKINS. I am able to take care of myself.

The SPEAKER. The gentleman will state his point of order.

Mr. JAMES. Mr. Speaker, the point of order is that he referred to the gentleman from Kentucky as a "bigot," and as the gentleman is very touchy about remarks on the floor, I call him to order myself, and not in behalf of the gentleman from Kentucky.

The SPEAKER. The Chair sustains the point of order. The gentleman from New York will not indulge in personalities and will proceed in order. The gentleman from New York.

Mr. GOLDFOGLE. Mr. Speaker, if I said anything that offended the sensibilities of the gentleman from Kentucky I cheerfully withdraw it. The spirit breathed through the remarks of the gentleman from Kentucky was not in accord with the spirit that ought to pervade the great American House of Representatives. I regret that that spirit was manifested by anyone on the Democratic side of this Chamber, for if Democracy ever stands for anything it——

Mr. WILLIAMS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. The gentleman is not discussing the resolution offered by the gentleman from Massachusetts, and his remarks are not germane to this motion to expunge. [Laughter.]

The SPEAKER. The gentleman will proceed in order.

Mr. GOLDFOGLE. I certainly have the right to say, Mr. Speaker, that I regret that the spirit to which I referred was interjected by one on the side of the Chamber where I sit. Mr. Speaker, I want to bear testimony to what was so well said by the gentleman from Massachusetts concerning my colleague from New York [Mr. BENNET]. I have had the pleasure of Mr. BENNET's acquaintanceship for a number of years. He served with honor upon the bench of one of the courts of New York. He is an excellent lawyer and a man of eminent fairness.

Mr. HOPKINS. Mr. Speaker, I ask if the gentleman will yield for a question?

The SPEAKER. For what purpose does the gentleman rise?

Mr. HOPKINS. Will the gentleman yield for a question?

Mr. GOLDFOGLE. I will, although the gentleman did not yield to me.

Mr. HOPKINS. I thought I had yielded all you wanted.

Mr. GOLDFOGLE. I wish to say that my friend and colleague from New York [Mr. BENNET] never, to my knowledge or belief, said and never did an unfair thing in this House. He offered a resolution covering an individual case of an immigrant. Not having heard the resolution read, I asked that the resolution be again reported. That was done by unanimous consent. I then asked the gentleman from New York to yield to me for an inquiry, whether he did not believe that cases of the kind covered by his resolution should be generally covered by one joint resolution. The gentleman from New York replied to me, saying that that was not the resolution. By that reply he intended, no doubt, to say that the resolution covered but one case, and not the cases of immigrants generally. In what, then, did the gentleman from New York deceive me? In absolutely nothing. But, sir, I understand the spirit in which the remarks of the gentleman from Kentucky were uttered. Anyone reading the speech of the gentleman from Kentucky, which, by the way, was not fully delivered on the floor of this House, but part of which was merely printed in the RECORD, can not fail to understand that the gentleman from Kentucky meant that the people of New York City should believe that both my friend and colleague from New York [Mr. BENNET] and I were in favor of the admission of every kind and description of immigrants. Sir, if the gentleman from Kentucky meant that that should go forth either to the city of New York or to the nation, I disclaim his unwarranted and uncalled-for imputation. I believe in the admission of good, healthy, desirable immigration. Both the gentleman from New York [Mr. BENNET] and I believe that the healthy, desirable immigrants who have come to our shores have helped to make this country great and strong; have aided to build a country of happy homes; have contributed largely to bring about and promote the prosperity of our God-blessed land—that prosperity of which we proudly boast and which this country so grandly enjoys to-day.

Mr. GAINES of Tennessee. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman yield for a question?

Mr. GAINES of Tennessee. Just a question for information. Is Fannie Diner an idiot; and if so, was she admitted into the United States under our immigration law?

Mr. GOLDFOGLE. I never heard that she was. I know nothing of the case. Mr. BENNET told me that it was a proper and legitimate case, a case that he had investigated and which the President of the United States and the Immigration Service believed should be covered by a special resolution of Congress.

Mr. GAINES of Tennessee. But was she an idiot? It does not make any difference what the President or Congress did—if she was an idiot and admitted into this country.

Mr. GOLDFOGLE. I never heard of the case any more than did the gentleman from Tennessee.

Mr. GAINES of Tennessee. I did not know anything about it.

Mr. JAMES. Will the gentleman yield for a question?

Mr. GOLDFOGLE. Yes.

Mr. JAMES. I will ask him if it is not true that the certificate of the doctor who examined her certified that she was an idiot, and that certification is now of record in the office of the Commissioner-General of Immigration?

Mr. GOLDFOGLE. I say again that I know nothing of the case, never heard of the case until my friend Mr. BENNET

brought it before this House, and Mr. BENNET made no statement on the floor of this House which was intended to deceive any Member of the House.

Mr. GAINES of Tennessee. Will my friend yield for a question, Mr. Speaker? Does the gentleman favor admitting idiots? I ask him a fair question. I can not believe he does.

Mr. GOLDFOGLE. No; but I do not care to be interrupted further just now.

Mr. GAINES of Tennessee. Well, if you do not want to answer the question. I do not want to interrupt you. I did not hear your answer.

Mr. WALLACE. How about the murderer of McKinley?

Mr. JAMES. The question is, If, as a matter of fact, this Diner woman is an idiot, were you fooled, deceived, or duped? Did you know it, in other words?

Mr. GOLDFOGLE. No more than you, when you gave your consent, as did also the other Members of this House.

Mr. JAMES. Then you were deceived about it, were you not?

Mr. GOLDFOGLE. I do not see how I was deceived. Neither was the gentleman from Kentucky deceived. Both of us, as well as all the Members of this House present when the question came up, gave unanimous consent to the resolution.

Mr. JAMES. The question is that if she is an idiot then you were deceived.

Mr. GARDNER of Massachusetts. Mr. Speaker, do I understand that it is a defense in this House to impugn a motive, to say that the motive was justly impugned? Does that make the words impugning motives any more in order to contend that they were just and proper?

Mr. JAMES. Not at all; but there is this in this proposition you overlook: If a Member of the House comes and states that he understands the facts in a case, and he relates them, all the Members take that statement and act upon it——

Mr. GOLDFOGLE. I decline to yield for this discussion between the gentlemen from Massachusetts and Kentucky. My time is too limited.

Mr. HOPKINS. Mr. Speaker——

Mr. GOLDFOGLE. I call for the regular order.

The SPEAKER. The gentleman from New York demands the regular order, which is to allow to the gentleman from New York the two minutes which he has remaining.

Mr. GOLDFOGLE. The gentleman from Kentucky undertook to print in his speech—but was careful not to deliver it on the floor of this House, but simply to print it in his speech—a remark which properly interpreted would mean that I was willing that all foreigners, whether idiotic or not, should be generally admitted. I want to say to the gentleman from Kentucky that in no remark uttered on this floor did I undertake to say that I was willing that any mentally unsound immigrants should come here.

Mr. Speaker, the gentleman from Kentucky is to be pardoned for failing to properly understanding the immigration question. He represents a district containing, I believe, some seventeen counties, and which, according to the last census, has within it only 396 foreign born. How, sir, can he properly comprehend the many questions involved in the immigration question or the conditions produced because of immigration in the localities in which the immigrants may settle? In the district represented by the gentleman from Kentucky there was, according to the last census, 17.5 per cent of illiteracy, although the gentleman from Kentucky was school commissioner and had the education of the youth in charge. [Laughter and applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. GARDNER of Massachusetts. Mr. Speaker, I yield to the gentleman five minutes more.

Mr. GOLDFOGLE. Why, sir, in the great city of New York, made up of every kind and condition of men, in that great city in which people from every portion of the habitable globe find habitation, the illiteracy, according to the census, was about 5 per cent, and in that city we have thrived splendidly. We have made it the greatest, grandest city in all the world. [Applause.] We have never been afraid of the immigration classes there, for they have been well behaved; they have assimilated with the citizenship; they have been peaceful and law-abiding; they have been thrifty and industrious. If now and then we find an undesirable immigrant, if now and then we find one not law-abiding, surely because of exceptional cases the gentleman from Kentucky should not claim that immigration ought to be kept out of this country.

But I repeat that the gentleman from Kentucky necessarily fails to understand the great problems of immigration. How can the gentleman, however efficient he may have desired to be in the performance of his duty as a school commissioner, understand the great problem that now confronts the cities of the Union when charged, as he was, with the education of the people in his own district, that district presents a record of 17.5 per cent of illiteracy? My friend and colleague from New York [Mr. BENNET] said it was about 30 per cent. In that he erred.

I have examined the census and find that the illiteracy in the gentleman's district was over 17 per cent. But I want to be fair to the gentleman from Kentucky. The other day he said to me—and in fairness I wish to repeat his statement—that his district is not quite so illiterate now. In other words, the fact appears that while the gentleman from Kenucky was school commissioner there was 17.5 per cent of illiteracy, but since the gentleman left that office and came to Congress the illiteracy has happily decreased. [Laughter and applause.] Mr. Speaker, I yield back the balance of my time to the gentleman from Massachusetts.

Mr. SMITH of Kentucky. Mr. Speaker, this seems to me to be a case of a "tempest in a teapot" to a very large extent. Now, I sat very close to my colleague from Kentucky [Mr. HOPKINS] when he delivered the speech, a part of which is complained of in the resolution offered by the gentleman from Massachusetts [Mr. GARDNER], and I can state to the House, without the least doubt on my part, that in the main the remarks were made by him.

Now, as to whether these statements were in violation of the rules of the House or the general parliamentary regulations is a question which the House must determine. It would have been eminently proper, if there was a breach of the rules of the House, for some Member to have called attention to it at that time, but these statements went unchallenged then and have remained so until now.

I think it more than likely that in part these remarks are attributable to some general observations submitted by the gentleman from Massachusetts, who was himself the author of this resolution. As I remember it, some days ago he made a very interesting talk before the House upon the subject of immigration, and in his remarks he referred—I can not quote his exact language, for it is not before me—but if I remember, he stated in a general way that the opposition to the bill restricting immigration would in all probability be found to come chiefly from these companies that were engaged in the transportation of those people from foreign countries to this country. Now, my colleague, in speaking of the alignment of Members in this body upon this great question, put the gentleman from New York [Mr. BENNET] on the side of these great concerns that are interested in keeping up this steady flow of immigration to the United States. That, in substance, is all that his remarks mean.

The gentleman from Massachusetts [Mr. GARDNER] is a member of the Committee on Immigration and reported the bill upon this subject. He drew the line between the friends and the foes of legislation upon this question. Those who are opposed to it, according to his statement, whether they have any kind of property interest in any steamship company or not, whether they represent them as attorneys or otherwise, whether they do not represent them at all, are necessarily arrayed on the same side upon which the companies are found in this great contest. That is all that my colleague from Kentucky meant to say, and in making that statement he was fully warranted by the language of the gentleman from Massachusetts himself, whose utterances could be fairly construed to mean the same in a general way.

Now, coming to the Fannie Diner case—the resolution that the gentleman from New York [Mr. BENNET] had passed through the House. I do not remember the circumstances of that case, and I do not remember when the resolution was before the House.

But I want no better witness in the case than the gentleman from New York [Mr. GOLDFOGLE]. Mr. GOLDFOGLE stated a few moments ago that he refrained from objecting to the resolution upon the assurance of the gentleman from New York [Mr. BENNET] that the resolution was all right, and I have no doubt that every Member of this House who was present on that occasion did the very same thing. If I had been here and the gentleman from New York [Mr. BENNET] had said it was all right, I would not have objected to it. I am sure every Member of this House who was present on that occasion extended that courtesy to the gentleman from New York. As a matter of fact, was it all right? The gentleman from Kentucky [Mr. HOPKINS] charges that this girl, Fannie Diner, had been refused admission by the board because she was an idiot, and her admission would have been in plain violation of the law. He advises me that the records in the proper office show the truth of this charge. Had I known that she was an idiot and been present when unanimous consent was asked for the consideration of the resolution, I should have objected, and have no

doubt that a hundred other Members of this House would have interposed an objection if they had known that fact. Now, if the gentleman from New York [Mr. BENNET] knew that she was an idiot, and it is not denied that he did know it, and withheld that fact, purposely or not, it does not make any difference whether he intended to deceive the House (I acquit him of any purpose of that kind, so far as I am concerned), but if knowing that she was an idiot he failed to make that statement to the House, then the Members were induced to give unanimous consent for the consideration of a resolution that otherwise they never would in all probability have given.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. SMITH of Kentucky. Yes, sir.

Mr. WILLIAMS. I want to ask the gentleman from Kentucky whether in the course of his remarks, as a matter of fact, the gentleman from New York [Mr. BENNET] did mention the fact that this woman was a pronounced idiot?

Mr. JAMES. No, sir; I can answer that.

Mr. SMITH of Kentucky. I am not qualified to answer that question myself. I have no recollection of the resolution.

Mr. JAMES. Here is the RECORD.

Mr. SMITH of Kentucky. I will read from the RECORD which my colleague [Mr. JAMES] has handed me as a reply to the question propounded by the gentleman from Mississippi.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution (H. J. Res. 132) permitting the waiving of the alien immigration law in the case of Fannie Diner.

The SPEAKER. The gentleman from New York [Mr. BENNET] asks unanimous consent for the present consideration of a joint resolution which the Clerk will report.

The Clerk read as follows:

"*Resolved, etc.*, That the Secretary of Commerce and Labor be, and he hereby is, authorized to waive the provisions of 'An act to regulate the immigration of aliens into the United States,' approved March 3, 1903, in the case of Fannie Diner, if, after investigation, he deem such waiver proper."

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Reserving the right to object, I should like to ask the gentleman from New York whether this bill provides for more than one person?

Mr. BENNET of New York. One person.

Mr. GOLDFOGLE. I did not hear the reading of the resolution.

The SPEAKER. If there be no objection, the Clerk will again report the joint resolution.

The joint resolution was again read.

Mr. GOLDFOGLE. That only relates to one individual case, I believe.

Mr. BENNET of New York. One person.

Mr. FINLEY. Reserving the right to object, I should like to ask the gentleman what is the necessity for this resolution?

Mr. BENNET of New York. Mr. Speaker, the Diner family is a German family which six or seven years ago consisted of a father and mother, three daughters, and a son. The son immigrated to the United States some time previous, and for more than ten years has been an American citizen. Some time after he left Germany his father, for business reasons, took the family into Russia. Some time after that one of the daughters came here, making the son and daughter residents of America.

Mr. FINLEY. This is simply to permit the balance of the family to join the son and daughter, who are American citizens?

Mr. BENNET of New York. That is it.

Mr. GOLDFOGLE. Mr. Speaker, I will ask the gentleman from New York whether he does not think that the joint resolution ought to cover all cases of that kind. There are many such cases, and I am sure the gentleman from New York will join me in an expression of opinion that these cases ought to be covered generally by resolution, and that we ought not to pick out any one individual case.

Mr. BENNET of New York. I will simply say that that is not the resolution before the House.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BENNET of New York, a motion to reconsider the last vote was laid on the table.

Mr. SMITH of Kentucky. Now, Mr. Speaker, this is a case in which it was alleged by the gentleman from Kentucky [Mr. HOPKINS] that the application for entrance into the United States had been rejected by the board that is authorized to reject immigrants. I understand from him that there is a certificate on file in the proper office showing that rejection. The gentleman from New York [Mr. BENNET] came before the House with a resolution authorizing this alleged idiot to be admitted to the ports of the United States. He was asked by the gentleman from South Carolina [Mr. FINLEY], "What is the necessity for this resolution?" Did he say it was because she was an idiot and could not be admitted under existing law? That was the real reason for the adoption of the resolution, and why did he not state it plainly and frankly? He chose rather to state facts which, if true, did not manifest any necessity whatever for the adoption of the resolution; and I want to call attention to what the gentleman from New York [Mr. GOLDFOGLE] had to say in that connection:

I will ask the gentleman from New York whether he does not think that the joint resolution ought to cover all cases of that kind?

Now, if the gentleman from New York [Mr. GOLDFOGLE] had known or had had an intimation that this Diner girl was an idiot, would he have put such a question as that to his colleague from New York? If he did not know it, when in truth it was and is a fact then known to his colleague in charge of the resolution, I want to know if the gentleman from New York [Mr. GOLDFOGLE] was not himself deceived by the withholding of such information by his colleague from New York [Mr. BENNET]?

Mr. GARDNER of Massachusetts. Has not the gentleman from Kentucky overlooked the fact that his colleague [Mr. HOPKINS] alleges that my friend from New York [Mr. GOLDFOGLE] wanted to extend the resolution to cover all such cases, and let in all idiots?

Mr. SMITH of Kentucky. Well, I have just read from the RECORD showing that the gentleman from New York [Mr. GOLDFOGLE] did want to make the resolution cover all such cases.

Mr. GOLDFOGLE. What cases?

Mr. SMITH of Kentucky. Cases like that of Fannie Diner. Was there any statement made that she was an idiot?

Mr. GOLDFOGLE. No, sir. Was not the statement of Mr. HOPKINS against myself most unjust and unfair?

Mr. SMITH of Kentucky. I do not think so, though that aspect of the matter is not now under consideration.

Mr. GOLDFOGLE. I think so.

Mr. SMITH of Kentucky. But now the gentleman from New York himself [Mr. GOLDFOGLE] can not help but admit that he was deceived if in fact this girl was an idiot, and I call upon him to stand up in the presence of this House and say whether, in the light of to-day's developments, she was not in truth an idiot, and whether he was not deceived by his colleague's [Mr. BENNET] course upon that occasion.

Mr. GOLDFOGLE. Did you not give the same consent that I gave and that the Speaker gave?

Mr. SMITH of Kentucky. If so, I did it because the gentleman from New York [Mr. BENNET] did not state the facts within his knowledge touching the case, and hence I was not informed that she was an idiot. But that the Speaker was not advised of the facts, if such was the case, and that I was not made aware of them can not excuse the gentleman from New York [Mr. BENNET].

Mr. WILLIAMS. With the permission of the gentleman from Kentucky, I would like to ask the gentleman from New York [Mr. GOLDFOGLE] if he had had any information that Fannie Diner was an idiot would the gentleman have made the remark about admitting all people of a similar class?

Mr. GOLDFOGLE. Personally I did not and do not know she is an idiot, and second——

Mr. WILLIAMS. I beg your pardon, you have not answered my question. If the gentleman from New York had known what presumably his colleague from New York did know, to wit, that Fannie Diner was an idiot, would he have made the remark about admitting all people of similar character?

Mr. GOLDFOGLE. I would not. I would have objected to the resolution [loud applause], and I deny the implication made in the statement that presumably my colleague from New York knew she was an idiot.

Mr. WILLIAMS. One word. I did not make that implication. The record makes it. When a gentleman appears upon the floor of this House with a bill in his charge, he is presumed, by the ordinary course of common procedure, to know the character and nature of the person concerning whom the bill deals.

Mr. GOLDFOGLE. No question about that.

Mr. WILLIAMS. This bill was about Fannie Diner. Now, it is presumed in the ordinary course of human nature that the gentleman from New York, your colleague, knew who Fannie Diner was—knew about Fannie Diner—or else if the gentleman from New York did not know that, it is to be presumed that he was showing himself to the country in the attitude of a man who was the father of a bill for the benefit of somebody about whom he knew nothing.

Mr. SMITH of Kentucky. Mr. Speaker——

Mr. WILLIAMS. And it was stated in the committee, I am informed, she was an idiot.

Mr. GARDNER of Massachusetts. Mr. Speaker, the gentleman from New York [Mr. BENNET] told the whole story in committee. I propose to yield time to the gentleman from New York [Mr. PARSONS] in a few minutes to advise this House of the true facts relative to Fannie Diner. Mr. Speaker, this discussion is proceeding on an entirely wrong basis about Fannie Diner.

Mr. SMITH of Kentucky. Mr. Speaker, I wish to join——

The SPEAKER. One moment. The Chair was not giving attention at the time the gentleman from Massachusetts

addressed the Chair. Does the gentleman make a point of order?

Mr. GARDNER of Massachusetts. Mr. Speaker, I do not desire to make the obvious point of order that can be made.

The SPEAKER. The gentleman from Kentucky [Mr. SMITH] is recognized.

Mr. SMITH of Kentucky. Mr. Speaker, I do not think that my remarks upon this particular phase of the question are subject to any point of order. If the remarks of the gentleman from Kentucky [Mr. HOPKINS] were warranted by the facts in the case, then he had a right to charge that the gentleman from New York [Mr. BENNET] had deceived the House by withholding information in his possession. As was well said by the gentleman from Mississippi [Mr. WILLIAMS], it is to be presumed that any Member of this body offering a resolution or a bill for the benefit of one of his constituents or any person knows all the circumstances in the case.

Mr. GOLDFOGLE. Will the gentleman yield for a question?

Mr. SMITH of Kentucky. I will.

Mr. GOLDFOGLE. The many pension bills you have so generously offered in this House, were they such that you knew all about the individual?

Mr. SMITH of Kentucky. I am very glad to have the gentleman ask me that question. I have never asked the Committee on Invalid Pensions or the Committee on Pensions to consider a bill that I did not either know in person about or bring to that committee affidavits showing the facts about it. [Applause.] That is my rule, invariably observed in the almost ten years that I have served in this body. And so, on any other question, I have never called on this House to act upon any bill about which I could not give it all the facts in detail and verify them by sworn statements of witnesses. So, I hold that no Member ought to come before this body and ask it to enact legislation based upon a certain state of facts, unless he really believes, after proper effort to inform himself, that such facts can be substantiated by good and true testimony.

Now, Mr. Speaker, I have said a good deal more upon this question than I intended to say. I have only this to say in conclusion, that if in some particulars my colleague from Kentucky [Mr. HOPKINS] seems to have transgressed the rules of this honorable body, I am sure there has been no real infraction that warrants this proceeding, and I have no apologies to make for him, because I am here to testify to his absolute honesty of purpose, his integrity of thought, his courage of expression, and his willingness to meet his opponents upon their own terms. He never utters that which he does not believe to be absolutely true; and if plain spoken, he always hews to the line, though perhaps not in quite as elegant language as some other gentlemen may do. In this instance he uttered that which he no doubt believed to be true, and having done that, he stands ready to abide the decision of this honorable body. [Applause.]

Mr. Speaker, how much time have I left?

The SPEAKER pro tempore (Mr. CRUMPACKER). The gentleman has twenty-five minutes remaining.

Mr. GARDNER of Massachusetts. How much time have I left?

The SPEAKER pro tempore. The gentleman from Massachusetts has eighteen minutes remaining.

Mr. SMITH of Kentucky. I reserve the balance of my time, Mr. Speaker.

Mr. GARDNER of Massachusetts. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. Mr. Speaker, in fairness to my colleague from New York [Mr. BENNET] I wish to make a brief statement in regard to some of the remarks made by the gentleman from Kentucky [Mr. HOPKINS] in his speech the other day. In that speech he implied that my colleague from New York [Mr. BENNET] was acting as the representative of steamship companies, and he said he was informed that a majority of the people engaged in the steamship business in New York resided in the district of my colleague. When I heard that statement, I remarked to my colleague that that was a curious statement, as I thought most of those gentlemen engaged in that business resided in the district represented by my colleague [Mr. OLCOTT] and in the district represented by myself.

There is only one steamship man that I know of who resides in the district of my colleague, Mr. BENNET. He represents one of the Italian steamship lines. The representative of the Cunard Line lives either in my district or in the district of my colleague, Mr. OLCOTT.

Mr. WILLIAMS. Mr. Speaker, may I ask the gentleman a question just for information? I did not catch what he said. Who was it that he said represented a steamship line?

Mr. PARSONS. I said that the only steamship representative that I knew of who lived in the district of my colleague [Mr. BENNET] represented one of the Italian lines.

Mr. WILLIAMS. Who was that?

Mr. PARSONS. That is a Mr. Hartfield. The representative of the Cunard Line lives, I think, in my district. The representative of the Hamburg-American Line lives in my district.

Fannie Diner came on the steamship *Westernland* from Antwerp. She did not come on one of the steamers of the Italian line. She came on one of the steamers of the Red Star Line, which belongs to the International Mercantile Marine. My impression is that the representative of that line lives in my district and not in the district of my colleague [Mr. BENNET of New York]. The views of my colleague [Mr. BENNET of New York] on the matters of immigration are not new. He and I have discussed them in public in New York, and he has long held views against the restriction of immigration.

Now, the facts in the case of Fannie Diner I believe to be these: I was not here the day the resolution was passed, but I had heard of her case before she arrived. Her brother came to this country many years ago, became an American citizen, and prospered. He is amply able to take care of all the other members of the family. He resides in the district represented by my colleague [Mr. BENNET of New York]. When Diner's mother and sister, including Fannie Diner, were on the way to this country, he feared there might be trouble about her admission because she was a mute and in feeble health. I was somewhat instrumental in seeing that he had an opportunity to meet them so as to see that they were not put to any unnecessary trouble, although it was certain that they would be carefully examined by the immigration authorities.

Mr. JAMES. Will the gentleman allow me to ask him a question?

Mr. PARSONS. Certainly.

Mr. JAMES. Is it not true that Mr. BENNET stated to the committee that this girl was an idiot, and that when he came on the floor of this House he failed to give that information to the House?

Mr. PARSONS. I do not know whether he stated it to the committee, but I presume, knowing Mr. BENNET as I do, that he did.

Mr. GARDNER of Massachusetts. I can answer the gentleman's question. As I recollect it, the statement of Mr. BENNET of New York in the committee was that the woman was a mute and had been adjudged an imbecile by an officer of the Public Health and Marine-Hospital Service. That is my recollection of his statement.

Mr. JAMES. That is a parliamentary way of saying that she was an idiot.

Mr. PARSONS. When the resolution in regard to Fannie Diner was before this House it was evident to anyone by the way the resolution was worded that if she was admitted without this special act of Congress the immigration law would be violated.

The SPEAKER. The time of the gentleman has expired.

Mr. GARDNER of Massachusetts. Mr. Speaker, I yield the gentleman two minutes more.

Mr. PARSONS. No one asked my colleague why she could not be admitted under the immigration laws. Every question that was asked him he answered. The question asked him was, "What was the object of the resolution?" not why she could not be admitted under the immigration law; and he answered the question as to what the object was. Now, it may be a great sin to admit to this country even an imbecile, but the facts in this case were that they were refugees from Russia. As I understand it, their house had been burned over their heads and the brother was amply able to take care of this sister.

Mr. GILBERT of Kentucky. Will the gentleman state what was the recommendation of the committee?

Mr. GARDNER of Massachusetts. It was the unanimous report of the committee.

Mr. PARSONS. The resolution waived the immigration law in her case. So far as those who represent the city of New York are concerned, I undertake to say that we think this was an extremely proper case in which to waive the immigration law. The only reason for not waiving it would be that she might become a public charge. But there was no chance that she would become a public charge.

Mr. SMITH of Kentucky. Mr. Speaker, I want to ask the gentleman a question.

Mr. PARSONS. I will yield to the gentleman.

Mr. SMITH of Kentucky. I want to ask the gentleman the direct question, Was not the gentleman from New York [Mr. BENNET] asked the direct question by the gentleman from South Carolina [Mr. FINLEY] what was the necessity for the

passage of that resolution, and was it not the duty of the gentleman from New York [Mr. BENNET], if he knew that the girl was an idiot, to so state it to the House?

Mr. PARSONS. I do not consider that it was his duty to so state. What the gentleman from New York [Mr. BENNET] stated was that the object of the resolution was to enable her to come in together with the other members of her family.

Mr. SMITH of Kentucky. That was not stating the necessity for it. Now, Mr. Speaker, I yield ten minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker and gentlemen of the House of Representatives: A good deal of the legislation of this body takes place on honor. A great deal of legislation takes place by unanimous consent under our present rules. I feel very much concerned in this particular case on that account. It is the duty of the Speaker first to grant consent for recognition; it is the duty of the minority leader afterwards to grant consent upon the floor for unanimous legislation. Neither the Speaker nor the minority leader can proceed for twenty-four hours except upon the supposition that gentlemen father the bills before the House upon honor in their statements when they present themselves in advocacy of their respective bills requesting unanimous consent. [Applause.]

Now, Mr. Speaker, I am not in sympathy with the views of the gentleman from Kentucky [Mr. HOPKINS] on the question of immigration. [Applause.] I am not afraid of white men coming to the United States, no matter how ignorant they are, provided they are honest and provided they want to work for a living in the United States. [Applause.] So, in the present controversy, I have no bias upon the side of the gentleman from Kentucky in the issue between the two. I am also not in sympathy with the views of the gentleman from New York altogether. Now, Mr. Speaker, the point presented before this House is this: Was this House or was it not deceived by the gentleman from New York?

Mr. GARDNER of Massachusetts. Mr. Speaker, I raise the point of order that that is not the question at issue.

Mr. WILLIAMS. Oh, Mr. Speaker, the question at issue is to strike out certain utterances of the gentleman from Kentucky which allege——

Mr. GARDNER of Massachusetts. Which are unparliamentary.

Mr. WILLIAMS (continuing). Which allege that the gentleman from New York had deceived the House. Now, back of that question comes the question, Did the gentleman from New York deceive the House or not?

Mr. GARDNER of Massachusetts. Mr. Speaker, I raise the point of order that the gentleman is out of order.

Mr. WILLIAMS. Now, Mr. Speaker, I shall not argue the point of order, but leave it to the Speaker.

The SPEAKER. The Chair did not catch just what the gentleman said.

Mr. WILLIAMS. I said the question before this House now upon ultimate analysis was this: Whether or not the gentleman from New York [Mr. BENNET] did or did not deceive the House in getting unanimous consent for the passage of this resolution?

Mr. GARDNER of Massachusetts. Mr. Speaker, I again raise the point of order that the gentleman is not speaking to the resolution, which objects to language because it is unparliamentary.

Mr. WILLIAMS. I am.

The SPEAKER. The Chair will say in reply to the point of order that the remarks to which the gentleman objected, made by the gentleman from Mississippi, are not of themselves, from a parliamentary standpoint, objectionable. As to what may be the opinion of the gentleman from Mississippi as to what is involved in the controversy the Chair can not rule as to its wisdom or unwisdom. [Applause.]

Mr. WILLIAMS. Mr. Speaker, there are two forms of deception known to the world—one affirmative and the other negative, one of words consisting of words uttered and the other of words repressed and not uttered when they ought to be uttered. My colleague the gentleman from New York [Mr. GOLDFOGLE] seems to have misunderstood this question. There is nothing in this resolution on either side that reflects upon him. In answer to my question he said that if he had known what Mr. BENNET knew—what Mr. BENNET did know—to wit, that this woman was a confirmed idiot, and therefore was denied admission into the United States by the immigration laws of the United States, he would not have moved the general resolution that he did to admit all such persons.

Mr. GARDNER of Massachusetts. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. Oh, the gentleman is making another "point of order."

Mr. GARDNER of Massachusetts. No; he desires to ask the gentleman a question.

Mr. WILLIAMS. Well, then, I will answer it after I have finished this sentence. Now, Mr. Speaker, I affirm that before the committee—and I call upon the gentleman from Alabama [Mr. BURNETT] to confirm what I affirm—that before the committee the gentleman from New York [Mr. BENNET] stated that this woman was a confirmed idiot, and when this bill came before the House and he was asked to explain the necessity of the bill and make a statement, by silence, which is the worst form of deception—by suppressing a fact which he knew—he did not communicate that fact to this House. [Applause on the Democratic side.] Now I yield to the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. Mr. Speaker, when I interrupted the gentleman I was about to ask him what authority he had for saying Mr. BENNET knew that Fannie Diner was a confirmed idiot?

Mr. WILLIAMS. His own testimony before the committee; his own statement.

Mr. GARDNER of Massachusetts. Will the gentleman allow me to finish my question?

Mr. WILLIAMS. Of course; the gentleman asked me that question and I answered it.

Mr. GARDNER of Massachusetts. I said I was about to ask him that if he had not quoted the gentleman from Alabama [Mr. BURNETT], but now I ask him whether it is not an evidence of the perfect good faith on the part of the gentleman from New York that he did, if he did, as alleged, make that statement before the committee, and, therefore, if the committee unanimously thought that this woman, in spite of the fact she was a confirmed idiot, should be admitted into the United States, was not his answer to the gentleman from South Carolina sufficient?

Mr. WILLIAMS. Mr. Speaker, if the gentleman from New York [Mr. BENNET] had disclosed the truth about that case on this floor, as the record, as I understand it, does disclose, he might or he might not have gotten the unanimous consent of the House to pass his bill. The fact that he did disclose it before the committee and still got a unanimous report from the committee is an argument showing that he might possibly have gotten unanimous consent of the House; but the fact remains, none the less, that before the committee he made a statement showing he had knowledge of the fact under which, or in accordance with which, this woman was not entitled under the law to admittance to the United States, and before this House in committee afterwards he remained silent about that fact.

The House was entitled to know it, so that somebody—perhaps not myself—could have objected, if they had desired to do so. I repeat that, in matters by unanimous consent, we are on honor with one another upon this floor. The gentleman tries to hide behind the plea made by the false witness—before the court when he has sworn to tell "the truth, the whole truth, and nothing but the truth," excuses himself for not having told the whole truth by saying: "I was not asked the particular question that would have brought out the whole case." [Loud applause.]

Mr. BURNETT. Will the gentleman allow me for a moment?

Mr. WILLIAMS. Certainly.

Mr. BURNETT. Mr. Speaker, in justification of the action of the committee as much as anything else, when that resolution was before the committee, it was a resolution proposing to allow either the Secretary of Commerce and Labor or the Commissioner-General of Immigration, I am not sure which, authority, in his discretion in all such cases, to suspend the law. The committee thought that that should not be done, that that was unwise. A statement was made by the gentleman from New York as to the hardships of this particular case; and my recollection was that the gentleman conceded the woman was an idiot, and if she was returned to her home country she would be shot in Russia.

Mr. WILLIAMS. If he made that statement on this floor, and if I had been satisfied of the truth of it, I might not have refused unanimous consent, but I had a right to know it, and every Member of this House had a right to know it.

Mr. Speaker, in this one minute more I want to say this: This is not the first exploit of the gentleman from New York [Mr. BENNET] in his attempt to invoke the partisan majority of this House to take part in the debate between him and the gentleman from Kentucky [Mr. HOPKINS]. The other day he did not seem to know the difference between a statement to the effect that a statement was untrue and that a statement was a lie. There is an immense difference between a statement that

is pronounced incorrect, because not founded in fact, and in another case where it is pronounced not only incorrect but not well founded in subjective appreciation of fact. He made an effort then, when he knew it was not well founded in fact to invoke a partisan majority to overwhelm the gentleman from Kentucky, and now again to-day he is trying to work up a partisan majority to help him to get the best of the debate between him and the gentleman from Kentucky here. [Loud applause.]

Mr. GARDNER of Massachusetts. Mr. Speaker, I am very sorry indeed to hear the gentleman from Mississippi indulge in such unjust language about a Member of this House. Of my own accord, with no suggestion from the gentleman from New York, I went to him and asked his permission, in justice to him and in recognition of his splendid work on our committee, which the gentleman from Alabama [Mr. BURNETT] can testify to—I went to him and asked his permission to call the attention of the House to this language of the gentleman from Kentucky.

Mr. WILLIAMS. But he consented?

Mr. GARDNER of Massachusetts. Of course he consented.

Mr. WILLIAMS. Of course he did.

Mr. GARDNER of Massachusetts. Now, Mr. Speaker, I wish to call attention to this much discussed resolution. If the gentleman from New York [Mr. BENNET] had been making the best argument for his case, instead of trying to expedite things, as you know that we all do in cases of unanimous consent, he would have called attention to the resolution itself, which says:

That the Secretary of Commerce and Labor may, if after investigation he thinks fit—

May in that case—

admit Fannie Diner.

And having brought that out, it would have been the strongest argument possible. Undoubtedly unanimous consent would have been granted. So far as the attitude of the minority leader is concerned in these matters of unanimous consent, where was he when this bill came up? Where were those other safeguards on your side of the House? Not one man on your side of the House, or for that matter on mine, asked the question as to whether or not——

Mr. FINLEY. Will the gentleman allow me?

Mr. GARDNER of Massachusetts. No; I will not yield to an interruption, because I want the House to understand this: Not one man asked the question of the gentleman from New York as to whether or not the bill had been favorably reported from his committee. That was an obvious question for you guardians to ask. If anyone had asked the gentleman from New York as to whether or not he had a favorable report from his committee he would have said yes, and unanimous consent would have been granted. He had every reason to believe that the unanimous report of his committee was a sufficient indication that the bill was properly safeguarded, in view of the fact that the approval of the Secretary of Commerce and Labor was made a prerequisite for the admission of this woman.

It is impossible to defend the language used by the gentleman from Kentucky in this debate. I reserve the balance of my time.

Mr. SMITH of Kentucky. Mr. Speaker, I yield one minute to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. The gentleman from Massachusetts has just charged that we did not attend to our duty on this side of the House by asking the right questions. We did. The question was asked. This was or is the question:

What is the necessity for this resolution?

That was the question. What ought to have been the answer of the gentleman from New York? It ought to have been this: "She is a pronounced, a condemned, a confirmed idiot, and the statute of the United States, with unelastic rigor, prohibits the admission of idiots to our shores."

What was his real answer? His answer deceived the House, and but for his answer there might or might not have been objections. I do not undertake to say. But instead of making that reply, which the truth and the whole truth demanded, the gentleman from New York [Mr. BENNET] made the reply, in substance, that "a part of her family was over here." Not a word about idiocy. What was his answer? Read the RECORD. Hear it:

Mr. Speaker, the Diner family is a German family—

That appealed, of course, to our sympathies—

which six or seven years ago consisted of a father and mother, three daughters, and a son. The son immigrated to the United States some time previous, and for more than ten years has been an American citizen.

That was the reason that he gave for the *necessity* of the legislation.

Some time after he left Germany his father, for business reasons, took the family into Russia.

And we all know Russians are hard on Jews, and that was another appeal to our sympathy. How cunning it all is. Mr. HOPKINS used the word "covertly." Was there ever a word better used, or better adapted to an occasion? [Applause on the Democratic side.]

Some time after that one of the daughters came here, making the son and daughter residents of America.

We did our duty; we asked the question that ought to have brought out the truth and the whole truth, and we did not get the whole truth. [Applause on the Democratic side.]

Mr. GARDNER of Massachusetts. Mr. Speaker, in my own time I ask the gentleman from Mississippi to tell this House if he believes that the gentleman from New York [Mr. BENNET] withheld that information with the purpose of deceiving this House?

Mr. WILLIAMS. Mr. Speaker, if I answered that question, somebody would take down my words and make a point of order on me. [Laughter on the Democratic side.]

Mr. GARDNER of Massachusetts. Mr. Speaker, gentlemen may make merry about the reputation of a fellow-Member. It is a very serious——

Mr. WILLIAMS. No question of his reputation is involved at all—just a question of what he has done and refrained from doing is now before this House. [Applause on the Democratic side.]

Mr. GARDNER of Massachusetts. Gentlemen may make merry over the question of the reputation of a fellow-Member, and they may shield themselves behind the danger of having their words taken down; but when they are asked a plain question as man to man, do you or do you not, sir, believe that the gentleman from New York intentionally concealed from the House a fact which you think is material? I ask for an answer.

Mr. WILLIAMS. Mr. Speaker, before I answer the question I ask unanimous consent that my reply may not be taken down, and that I may not be called to order, and that the rules about parliamentary language may be suspended.

Mr. WALDO. I object.

Mr. WILLIAMS. Objection is made. Therefore I can not answer.

Mr. WALDO. I want him to go down on the record in what he says.

Mr. SMITH of Kentucky. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, I regret that this incident——

Mr. SMITH of Kentucky. Mr. Speaker, I demand order.

The SPEAKER. The Chair can wait as long as the House can wait. Gentlemen will be seated and please be in order.

Mr. DE ARMOND. Mr. Speaker, I was about to say that I regret that this incident has arisen in the history of the House. It is very common in the course of debate here for gentlemen upon either side, and all kinds of gentlemen, to use expressions which, if they were to take the time to reflect upon the particular expressions and the particular subjects-matter, probably would not be used. There is a large amount of humanity in this body, and it manifests itself in a great many different ways and upon a great many different occasions. I happen to be personally acquainted with the gentleman from Kentucky [Mr. HOPKINS] and he is properly characterized when he is spoken of as a gentleman. I have not the pleasure of a personal acquaintance with the gentleman from New York [Mr. BENNET], but I am quite ready to concede that the same term "gentleman" also describes and properly characterizes him. It seems that these two gentlemen had some controversy—that is, the one made a speech and the other made a speech, and each thought that in the course of the remarks of the other he was spoken of in a way that was improper and too harsh. It is not worth while, in the short time at my disposal, to go into the question about who was right or wrong, how far either was right, or how far either was wrong. We have now come to the grave situation when another gentleman has seen proper to offer a resolution to strike out of the RECORD a portion of the remarks of the gentleman from Kentucky.

By way of showing how thoughtless sometimes the most thoughtful of us are, and how indiscreet sometimes the most discreet of us are, I will read to the House from some remarks which the same gentleman who offered this resolution, in speaking upon the immigration bill, I believe, some time ago, on March 7, delivered in this House, and which appear in the RECORD of the 12th of March. The gentleman from Massachusetts [Mr. GARDNER] on that occasion, among other things, said:

We can exclude a few thousand by selective measures, but if we really want restrictive measures and seriously desire to cut down our immigration, we have got a fight on our hands, and it is none too soon to begin. We shall be fought at every stage. The steamship com-

panies and the large transportation lines might put up a mock battle against some of these unimportant selective bills, with a view to keeping us as long as possible at the soup before we get at the meat, but if we try to get a real restrictive measure through Congress we shall have every transportation line and every steamship line trying to stop us, and it will not be any sham battle. I for one would rather see a real restrictive bill reported to this House and beaten than pass half a dozen of those little, unimportant selective bills, which merely tend to raise the qualifications of a few thousand people.

Now, Mr. Speaker, so far as I know in looking over the directory, which I consulted hastily that I might not be in error about the matter, it does not appear that the steamship companies are directly represented in the House. In other words, I do not find any particular steamship district or any particular transportation company constituency. Now, I am wondering how this serious battle and these permanent obstacles confront us. The steamship companies are not here; there are no constituencies set aside by legislation or referred to in the Constitution as steamship or transportation constituencies.

So, having it all our own way in the House, and having it all the Senators' own way in the Senate, how are we going to have all this trouble in passing these proper wholesale restrictive measures? Must I be driven to the conclusion that the gentleman from Massachusetts had in mind when he uttered those words which I just read, something not found here, but the possibility, the fear, the feeling of dread that somehow, in some manner, through some agency, the steamship opposition and the transportation opposition would find voice and votes here? It is true that nobody was identified and nobody referred to as the person who would be the spokesman, who would be the agent, the minion of the steamship transportation company——

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of Kentucky. I yield to the gentleman two minutes more.

Mr. DE ARMOND. It is true nobody is identified, but I take it that somebodies must have been referred to, and that the whole body is reached by the reference. Taking that as a conclusion, here is the gentleman from Massachusetts, who offers this resolution, saying generally in the House that somehow or other, by some agency or other, through some means or other, the steamship companies here and at the other end of the Capitol are going to put up a tremendous fight—no sham battle, but a serious warfare will be on—if anything of consequence is to be done.

One of the objects I have in view in addressing myself to this question is to get at the meaning of the gentleman from Massachusetts, and find out whether or not it would not be well for him to enlarge his resolution and strike from his own speech the part which I have just read to the House. If he does not mean that many here are going to interpose that opposition, then he ought to strike out on the ground that it is irrelevant, or if not irrelevant absolutely nonsensical. I presume it is not nonsensical, and do not imply that it is. It can only be relevant if many members here and at the other end of the Capitol are friends of the transportation companies, and if the companies can operate through them.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. SMITH of Kentucky. I yield the gentleman two minutes more.

Mr. GARDNER of Massachusetts. May I ask the gentleman a question?

Mr. DE ARMOND. I will yield to the gentleman.

Mr. GARDNER of Massachusetts. I was going to say that if the gentleman objected to these remarks in my speech and moved to strike them out I do not object.

Mr. DE ARMOND. Oh, no, Mr. Speaker; I am not so great a purist that I take up the time of the House in motions to strike out remarks of a kind made frequently by the best of men on the floor of the House. I am one who recognizes that in the heat of debate, in the fluent flow of speech, many men say a great many things which, if they were sitting down and carefully considering, perhaps they would not say.

Mr. GARDNER of Massachusetts. Perhaps the gentleman is not aware that the gentleman from Kentucky read from manuscript.

Mr. DE ARMOND. Yes; I am aware of that, but I am not aware, however, that he dwelt with the minute particularity, with the microscopic power of scrutiny and purification, which the gentleman from Massachusetts evidently gave to these particular words. [Laughter.]

I am aware of another thing. I am aware of the fact that in the course of the purification debate on this resolution things one hundred fold more severe, things deserving one hundred fold more condemnation than anything in the language now subject to criticism, if it deserves criticism, have been uttered. In other words, in order to wipe out a few words there have been floods of words uttered in this debate which directly and by insinuation carry far more objectionable meaning than anything that can be found in the language sought to be stricken out. [Applause on the Democratic side.]

Mr. SMITH of Kentucky. Mr. Speaker, I now yield whatever time remains to the gentleman from Kentucky [Mr. HOPKINS].

Mr. HOPKINS. Mr. Speaker, how much time have I?

The SPEAKER. The gentleman has eight minutes.

Mr. HOPKINS. Mr. Speaker, at the outset I want to disclaim any intent whatever of intending to reflect any discredit upon my friend Mr. GOLDFOGLE, of New York, in the remarks which I made about him day before yesterday. I stated it, as I said before, purely in a humorous way, purely to make a little fun out of the remark he made, and I now disclaim and desire to withdraw any statement I made there that would in any way embarrass him before the country or before this House, although he has just been pretty severe on me. As to my friend, Mr. BENNET, I can not say so much, for, sir, after two hours of debate here I am only more convinced that the statements I made were the reasonable and natural deductions of his conduct, and that I was right in making them.

Mr. PAYNE. Mr. Speaker, I make the point of order——

The SPEAKER. It is the duty of the Chair to say to the gentleman, in the opinion of the Chair, his remarks are not in order under the rules of the House, and the gentleman will please proceed in order.

Mr. PAYNE. Mr. Speaker, I object to his proceeding. The rule is he can not unless he has the unanimous consent of the House.

The SPEAKER. The Chair did not understand that the gentleman from New York made the point of order. The Chair in what he stated exercised his duty as seemed to him to be proper as Speaker of the House, but the Chair understands the gentleman now makes the point of order.

Mr. PAYNE. I do make the point of order, and I insist the gentleman shall not be permitted to speak, having violated the rules of the House.

The SPEAKER. The gentleman will please take his seat and await the pleasure of the House.

Mr. SMITH of Kentucky. Mr. Speaker, I ask unanimous consent that my colleague from Kentucky may proceed in order.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that his colleague may proceed in order.

Mr. PAYNE. I object, Mr. Speaker.

Mr. HINSHAW. I object.

Mr. SMITH of Kentucky. Mr. Speaker, I now move that my colleague from Kentucky may proceed in order.

The SPEAKER. The gentleman from Kentucky moves that his colleague may proceed in order.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. PAYNE. Division, Mr. Speaker!

The House proceeded to divide, when the request was withdrawn.

The SPEAKER. The ayes have it, and the gentleman from Kentucky will proceed in order.

Mr. HOPKINS. Mr. Speaker, one statement which I felt I was especially called upon to answer was the charge of illiteracy, the charge of ignorance against the people whom I have the honor to represent. The gentleman made a statement in his former speech that 30.6 per cent of those people were illiterate and ignorant. He is met by my friend [Mr. GOLDFOGLE] this morning with a statement that that is not true and that the per cent is but 17 per cent, which I again refute and say is not true. Does the gentleman know the fact that you have been forced to come to my country, where you say so much ignorance exists, to get teachers to go in your New York schools and train and instruct your children? That is true to-day. [Applause on the Democratic side.] As to the Fannie Diner case, Mr. Speaker, I stated upon the floor simply what the Commissioner-General of Immigration said to me——

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. HOPKINS. I can not yield.

Mr. GOLDFOGLE. Will you answer one question? I yielded to you.

Mr. HOPKINS. I have not the time. As to the Fannie Diner case, I simply quoted what the highest official in the immigration department of the country said to me, that she was a blank idiot; that she shrunk from the light, which indicated that she had been kept in darkness; that she had sores upon her legs, which indicated that she had been manacled; that she had claws, which showed she had not been kept, and further, she did not eat with her hands, but she thrust her face into the plate and ate in this manner.

Mr. Speaker, there can be no excuse for this controversy; and

in conclusion I want to say that I am not surprised at the result of it. I know that gentlemen are growing anxious about the stirring of public sentiment on the outside. I know that some gentlemen here would rather not have the truth told. They would rather that the country would not be advised upon this subject. Do you know that there is a lurking, secret sentiment all through this country that is to-day rising in its might against the inflow of immigration that is coming to this country, a voice that is speaking in many ways; and you gentlemen who would throttle the truth upon the subject, you gentlemen who would leave the doors of this country wide open, not only for the undesirable who come of their own accord, but to those who are brought in violation of law, will feel the power and influence of the workingmen of this country, who are confronted with the condition which threatens their homes. They are here to-day. They sit in the galleries looking down upon you. They are taking notice of every word that is said, and they know who are their friends and who are their enemies, and this is dodging behind the proposition to keep their records from going before the country. Mr. Speaker, what I have said, as I said before, I believe I had a right to say. It was but a fair deduction from facts which have not been denied. I said it then; I will not withdraw it, and so far as the House is concerned, if you so desire, you have the power to expunge it from the RECORD. [Applause on the Democratic side.]

Mr. GARDNER of Massachusetts. How much time have I remaining?

The SPEAKER. The gentleman has seven minutes.

Mr. GARDNER of Massachusetts. Mr. Speaker, I yield six minutes of that to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. I rise simply to call the attention of the House to the question before us. It is a question in which every individual Member of this House, without respect to whether he be Democrat or Republican, is vitally interested. The gentleman from Massachusetts arose this morning and raised a question involving the privilege of this House; not the privilege of any individual Member; not the privilege of the gentleman from New York; not the privilege of the gentleman from Kentucky, but the privilege of the House of Representatives. He sent to the Clerk's desk and had read extracts from a speech made by the gentleman from Kentucky several days ago, in which he impugned the motives of the gentleman from New York, and offered a resolution that they be stricken from the RECORD. That presents the question before the House. There can be no doubt but that what the gentleman from Kentucky said was in violation of the propriety of debate, an insult to the dignity of this House, an express infraction of its rules. The question presented to the House, therefore, is whether or not it will enforce its own rules. I repeat, the question does not involve the interest of any individual or individuals, but in the interest of all.

Now, instead of meeting that question fairly, Mr. Speaker, gentlemen on the other side of the House, and I may say on this side also, have indulged in criticisms of the conduct of the gentleman from New York, and of the conduct of the gentleman from Kentucky. Amongst other things, the gentleman from Mississippi has taken occasion to say that he is not in favor of immigration. In other words, he has taken occasion to air his views upon that subject in this controversy.

Mr. WILLIAMS. Mr. Speaker——

Mr. DALZELL. I have unconsciously misquoted the gentleman.

Mr. WILLIAMS. Why, obviously.

Mr. DALZELL. He said he agreed with the gentleman from New York, while he did not agree with the gentleman from Kentucky.

Mr. WILLIAMS. I beg the gentleman's pardon again; unconsciously he again inaccurately quotes me. I said I did not agree.

Mr. DALZELL. It is not of the remotest consequence. I was simply going to call attention to it to show that every question had been discussed except the real question now before the House. I care not how much time was spent by friends of the gentleman from Kentucky and friends of the gentleman from New York in supporting their individual friends. What I do care for is that it remained for the gentleman from Mississippi to impugn, by insinuation, the motives of the gentleman from New York. The gentleman from Mississippi has been guilty, in an insinuating way, of precisely the same crime and the same violation of the rules as was the gentleman from Kentucky. [Applause on the Republican side.]

Now, I care nothing about the merits of the proposition as to what the gentleman from New York [Mr. BENNET] said or did on the floor of this House on the occasion in question. It has no relevancy to the question that we are now discussing. But let me say this: It is a conceded fact that all the information that the gentleman from New York had in respect to this particular case he disclosed to the whole Committee on Immigration. He left that committee in session; he came up to the floor of this House and asked unanimous consent for the passage of the resolution referred to. A fair reading of the RECORD will show that he was going on to make a full statement of the case when he was interrupted by the gentleman from South Carolina, and there is nothing in the RECORD to show that the gentleman from New York had any intention to suppress or misrepresent anything. Aside, however, from this controversy the gentleman from Mississippi and the gentleman from Kentucky have overshot the mark. They have gone a little too far; they have given away their own case, because both of them confess that if the gentleman from New York had stated on the floor of this House what the gentleman from Mississippi now says he ought to have stated, they both would have joined in asking unanimous consent. [Applause.]

It remained, I say, for the gentleman from Mississippi to endeavor to rally his followers upon a question involving the dignity and honor of this House and the proprieties of debate to make this a partisan question; to insinuate what the gentleman from Kentucky had the courage to assert, and what the gentleman from Mississippi had not the courage to assert, because when questioned he said he would not, unless exempted from risk of censure by the House.

Mr. WILLIAMS. Will the gentleman from Pennsylvania yield to an interruption?

Mr. DALZELL. Yes; for a question.

Mr. WILLIAMS. What was the thing which the gentleman from Mississippi had not the courage to assert?

Mr. DALZELL. The gentleman from Mississippi insinuated that the gentleman from New York had been guilty of the conduct charged against him by the gentleman from Kentucky, and when asked the question whether he believed that he had or had not been guilty of that conduct, he declined to answer, unless exempted from censure under the rules of the House.

Mr. WILLIAMS. I beg the gentleman's pardon.

The SPEAKER. The time of all gentlemen has expired.

Mr. GARDNER of Massachusetts. On this resolution I move the previous question.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

Mr. SMITH of Kentucky. Mr. Speaker, on that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 165, nays 91, answered "present" 9, not voting 117, as follows:

YEAS—165.

Acheson	Deemer	Humphrey, Wash.	Parsons
Adams, Pa.	Denby	Jones, Wash.	Payne
Adams, Wis.	Dickson, Ill.	Kahn	Pearre
Alexander	Dixon, Mont.	Keifer	Perkins
Allen, Me.	Dovener	Kennedy, Nebr.	Powers
Ames	Draper	Kennedy, Ohio	Reeder
Andrus	Driscoll	Kinkaid	Reynolds
Babcock	Dwight	Klepper	Rhodes
Barchfeld	Ellis	Knapp	Rives
Bates	Esch	Knowland	Roberts
Bede	Fassett	Lacey	Rodenberg
Beidler	Fitzgerald	Landis, Frederick	Samuel
Bishop	Flack	Law	Sibley
Bonynge	Foster, Vt.	Le Fevre	Smith, Cal.
Bowersock	French	Lilley, Conn.	Smith, Iowa
Brooks, Colo.	Fulkerson	Lilley, Pa.	Smith, Samuel W.
Brown	Gaines, W. Va.	Lindsay	Smyser
Brownlow	Gardner, Mass.	Littauer	Snapp
Burleigh	Gardner, Mich.	Littlefield	Southard
Burton, Del.	Gardner, N. J.	Longworth	Southwick
Burton, Ohio	Gilbert, Ind.	Loud	Sperry
Calder	Gillett, Cal.	Loudenslager	Stafford
Calderhead	Goldfogle	McCarthy	Steenerson
Campbell, Kans.	Graff	McCleary, Minn.	Sterling
Capron	Graham	McCreary, Pa.	Stevens, Minn.
Cassel	Greene	McKinlay, Cal.	Sulloway
Chapman	Gronna	McKinney	Tawney
Cocks	Grosvenor	McMorran	Thomas, Ohio
Cole	Hale	McNary	Tirrell
Conner	Hamilton	Madden	Townsend
Cooper, Pa.	Haskins	Marshall	Volstead
Cooper, Wis.	Hayes	Martin	Wachter
Cousins	Henry, Conn.	Miller	Wadsworth
Crumpacker	Hepburn	Minor	Waldo
Currier	Hill, Conn.	Mouser	Weeks
Curtis	Hinshaw	Mudd	Weems
Dale	Hogg	Needham	Wharton
Dalzell	Howell, N. J.	Nevin	Woodyard
Darragh	Howell, Utah	Norris	Young
Davidson	Hubbard	Olcott	
Dawes	Huff	Otjen	
Dawson	Hughes	Overstreet	

NAYS—91.

Aiken	Gaines, Tenn.	Lamar	Sherley
Bartlett	Garber	Lamb	Sims
Beall, Tex.	Garner	Lester	Small
Bell, Ga.	Gilbert, Ky.	Lever	Smith, Ky.
Bowers	Gill	Livingston	Smith, Tex.
Bowie	Gillespie	Lloyd	Southall
Brantley	Glass	McLain	Sparkman
Brundidge	Gregg	Macon	Spight
Burgess	Griggs	Maynard	Stanley
Burleson	Gudger	Moon, Tenn.	Stephens, Tex.
Burnett	Hardwick	Moore	Sullivan, Mass.
Byrd	Hay	Page	Talbott
Candler	Henry, Tex.	Patterson, N. C.	Taylor, Ala.
Clark, Fla.	Houston	Patterson, S. C.	Thomas, N. C.
Clark, Mo.	Howard	Pou	Trimble
Davis, W. Va.	Humphreys, Miss.	Ransdell, La.	Underwood
De Armond	Hunt	Rhinock	Wallace
Dixon, Ind.	James	Richardson, Ala.	Webb
Ellerbe	Johnson	Richardson, Ky.	Wiley, Ala.
Field	Jones, Va.	Rixey	Williams
Finley	Keliher	Rucker	Wood, Mo.
Flood	Kitchin, Claude	Russell	Zenor
Floyd	Kitchin, Wm. W.	Sheppard	

ANSWERED "PRESENT"—9.

Adamson	Jenkins	McGavin	Padgett
Bennet, N. Y.	McDermott	Meyer	Sherman
Hermann			

NOT VOTING—117.

Allen, N. J.	Fordney	Little	Scroggy
Bankhead	Foss	Lorimer	Shackleford
Bannon	Foster, Ind.	Lovering	Shartel
Bartholdt	Fowler	McCall	Slayden
Bennett, Ky.	Fuller	McKinley, Ill.	Slemp
Bingham	Garrett	McLachlan	Smith, Ill.
Birdsall	Gillett, Mass.	Mahon	Smith, Md.
Blackburn	Goebel	Mann	Smith, Wm. Alden
Boutell	Goulden	Michalek	Smith, Pa.
Bradley	Granger	Mondell	Sullivan, N. Y.
Brick	Haugen	Moon, Pa.	Sulzer
Broocks, Tex.	Hearst	Morrell	Taylor, Ohio
Broussard	Hedge	Murdock	Towne
Buckman	Heflin	Murphy	Tyndall
Burke, Pa.	Higgins	Olmsted	Van Duzer
Burke, S. Dak.	Hill, Miss.	Palmer	Van Winkle
Butler, Pa.	Hitt	Parker	Vreeland
Butler, Tenn.	Hoar	Patterson, Tenn.	Wanger
Campbell, Ohio	Holliday	Pollard	Watkins
Chaney	Hopkins	Prince	Watson
Clayton	Hull	Pujo	Webber
Cockran	Ketcham	Rainey	Weisse
Cromer	Kline	Randell, Tex.	Welborn
Cushman	Knopf	Reid	Wiley, N. J.
Davey, La.	Lafean	Robertson, La.	Williamson
Davis, Minn.	Landis, Chas. B.	Robinson, Ark.	Wilson
Dresser	Lawrence	Ruppert	Wood, N. J.
Dunwell	Lee	Ryan	
Edwards	Legare	Schneebeli	
Fletcher	Lewis	Scott	

So the resolution was agreed to.

The following pairs were announced:

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. FOSS with Mr. MEYER.

Mr. BRADLEY with Mr. GOULDEN.

Mr. SHERMAN with Mr. RUPPERT.

Mr. MORRELL with Mr. SULLIVAN of New York.

Until further notice:

Mr. POLLARD with Mr. PADGETT.

Mr. CROMER with Mr. VAN DUZER.

Mr. FOSTER of Indiana with Mr. GARRETT.

Mr. HITT with Mr. LITTLE.

Mr. HOLLIDAY with Mr. BUTLER of Tennessee.

Mr. FULLER with Mr. WEISSE.

Mr. HEDGE with Mr. LEGARE.

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

Mr. BURKE of South Dakota with Mr. DAVEY of Louisiana.

For Friday and Saturday:

Mr. BURKE of Pennsylvania with Mr. SLAYDEN.

Mr. BUTLER of Pennsylvania with Mr. SHACKLEFORD.

For the day:

Mr. ALLEN of New Jersey with Mr. ROBINSON of Arkansas.

Mr. MANN with Mr. SMITH of Maryland.

Mr. WATSON with Mr. LEE.

Mr. BINGHAM with Mr. HEARST.

Mr. CHARLES B. LANDIS with Mr. COCKRAN.

Mr. SCROGGY with Mr. TOWNE.

Mr. BOUTELL with Mr. PUJO.

Mr. BANNON with Mr. HEFLIN.

Mr. KNOPF with Mr. BROOCKS of Texas.

Mr. WM. ALDEN SMITH with Mr. SULZER.

Mr. MILLER with Mr. BROUSSARD.

Mr. BARTHOLDT with Mr. CLAYTON.

Mr. BUCKMAN with Mr. GRANGER.

Mr. DUNWELL with Mr. WATKINS.

Mr. TYNDALL with Mr. REID.

Mr. SCHNEEBELI with Mr. LEWIS.

Mr. MCKINLEY of Illinois with Mr. RANDELL of Texas.

Mr. OLMSTED with Mr. RAINEY.

Mr. GILLETT of Massachusetts with Mr. HILL of Mississippi.

For the vote:

Mr. JENKINS with Mr. LAWRENCE.

Mr. KETCHAM with Mr. BANKHEAD.

Mr. DAVIS of Minnesota with Mr. KLINE.

Mr. MAHON with Mr. RYAN.

The result of the vote was then announced as above recorded.

On motion of Mr. GARDNER of Massachusetts, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 10:

H. R. 7144. An act for the relief of Aaron Everly.

On April 11:

H. R. 8891. An act granting an increase of pension to Josephine Rogers;

H. R. 13151. An act granting an increase of pension to Christopher C. Harlan;

H. R. 2202. An act granting a pension to Ellen Harriman;

H. R. 3541. An act granting a pension to Dora A. Weatherby;

H. R. 3806. An act granting a pension to Eva L. Martin;

H. R. 4261. An act granting a pension to A. Louisa S. McWhinnie;

H. R. 4593. An act granting a pension to William C. Short;

H. R. 5485. An act granting a pension to Horace D. Mann;

H. R. 5486. An act granting a pension to Margarett Carroll;

H. R. 6147. An act granting a pension to Maud O. Worth;

H. R. 7839. An act granting a pension to Ray E. Kline;

H. R. 8339. An act granting a pension to Vienna Ward;

H. R. 9705. An act granting a pension to George W. Robinson;

H. R. 10785. An act granting a pension to Thomas J. Chambers;

H. R. 11214. An act granting a pension to Isaac Baker;

H. R. 11873. An act granting a pension to Joseph B. Fonner, alias John Havens;

H. R. 12403. An act granting a pension to Lydia A. Fiedler;

H. R. 12656. An act granting a pension to Louise Ackley;

H. R. 13527. An act granting a pension to Willard V. Shepherd;

H. R. 14092. An act granting a pension to Frances Coyner;

H. R. 14098. An act granting a pension to Mary Winfrey;

H. R. 14642. An act granting a pension to James P. Himes;

H. R. 14768. An act granting a pension to Orlando W. Frazier;

H. R. 15449. An act granting a pension to Rhoda Kennedy;

H. R. 15870. An act granting a pension to Mary Palmer;

H. R. 15941. An act granting a pension to Lydia A. Keller;

H. R. 533. An act granting an increase of pension to Sumner F. Hunnewell;

H. R. 552. An act granting an increase of pension to William H. Nortrip;

H. R. 1027. An act granting an increase of pension to Charles H. Friend;

H. R. 1241. An act granting an increase of pension to John G. Wallace;

H. R. 1322. An act granting an increase of pension to Katherine F. Wainwright;

H. R. 1468. An act granting an increase of pension to Morris B. Drake;

H. R. 1655. An act granting an increase of pension to Henry A. Wheeler;

H. R. 1897. An act granting an increase of pension to William R. Duncan;

H. R. 1913. An act granting an increase of pension to Charles H. Conley;

H. R. 2082. An act granting an increase of pension to Siotha Bennett;

H. R. 2090. An act granting an increase of pension to Ellen M. Brant;

H. R. 2195. An act granting an increase of pension to Hannah A. Sawyer;

H. R. 2267. An act granting an increase of pension to Joseph Rupert;

H. R. 2341. An act granting an increase of pension to Helen H. Hulbert;

H. R. 2396. An act granting an increase of pension to Charles Hull;

H. R. 2640. An act granting an increase of pension to Decatur Harmon;

H. R. 2697. An act granting an increase of pension to Rufus G. Childress;
H. R. 2765. An act granting an increase of pension to Andrew J. Benson;
H. R. 2780. An act granting an increase of pension to Mary E. Fifield;
H. R. 2984. An act granting an increase of pension to William H. Gildersleeve;
H. R. 3007. An act granting an increase of pension to Thomas Carder;
H. R. 3197. An act granting an increase of pension to Milo G. Gibson;
H. R. 3233. An act granting an increase of pension to Lucius R. Simons;
H. R. 3281. An act granting an increase of pension to Thomas F. Underwood;
H. R. 3344. An act granting an increase of pension to Henry Sanborn;
H. R. 3484. An act granting an increase of pension to Edson J. Harrison;
H. R. 3660. An act granting an increase of pension to James H. Hill;
H. R. 3978. An act granting an increase of pension to Samuel Greenlee;
H. R. 4209. An act granting an increase of pension to Martin Callahan;
H. R. 4352. An act granting an increase of pension to Thomas Wolcott;
H. R. 4598. An act granting an increase of pension to James B. Barry;
H. R. 4691. An act granting an increase of pension to George L. Janney;
H. R. 4717. An act granting an increase of pension to Marshall U. Gage;
H. R. 4766. An act granting an increase of pension to John Deardourff;
H. R. 4809. An act granting an increase of pension to John W. Hatfield;
H. R. 4888. An act granting an increase of pension to William Moore;
H. R. 4946. An act granting an increase of pension to William H. Lewis;
H. R. 5252. An act granting an increase of pension to Thomas Howard;
H. R. 5434. An act granting an increase of pension to Hugh Green;
H. R. 5725. An act granting an increase of pension to John G. Davis;
H. R. 5726. An act granting an increase of pension to Cate T. Cobb;
H. R. 5933. An act granting an increase of pension to Winnie C. Pittenger;
H. R. 6058. An act granting an increase of pension to Emilie Scheldt;
H. R. 6110. An act granting an increase of pension to Abram W. Davenport;
H. R. 6128. An act granting an increase of pension to Thomas Patterson;
H. R. 6142. An act granting an increase of pension to David Davis;
H. R. 6407. An act granting an increase of pension to William Blair;
H. R. 6465. An act granting an increase of pension to Augustus Joyeux;
H. R. 6557. An act granting an increase of pension to Charles H. Jasper;
H. R. 6775. An act granting an increase of pension to William A. Lincoln;
H. R. 6888. An act granting an increase of pension to John W. Hannah;
H. R. 6946. An act granting an increase of pension to Elias Claunch;
H. R. 7225. An act granting an increase of pension to Mary O. Arnold;
H. R. 7331. An act granting an increase of pension to Henry Porter;
H. R. 7515. An act granting an increase of pension to Firman F. Kirk;
H. R. 7585. An act granting an increase of pension to Joseph Girdler;
H. R. 7609. An act granting an increase of pension to Charles W. Henderson;
H. R. 7681. An act granting an increase of pension to James M. Miller;
H. R. 7738. An act granting an increase of pension to Franklin J. Keck;
H. R. 7806. An act granting an increase of pension to Johanna Walgwist;
H. R. 7823. An act granting an increase of pension to Annie E. Peters;
H. R. 7856. An act granting an increase of pension to Norman C. Potter;
H. R. 7951. An act granting an increase of pension to William H. Pitchford;
H. R. 8042. An act granting an increase of pension to Bottol Larsen;
H. R. 8062. An act granting an increase of pension to John K. Miller;
H. R. 8206. An act granting an increase of pension to Carner C. Welch;
H. R. 8315. An act granting an increase of pension to Martin V. Cannedy;
H. R. 8316. An act granting an increase of pension to William Smith;
H. R. 8328. An act granting an increase of pension to Ira Grabill;
H. R. 8333. An act granting an increase of pension to John G. Honeywell;
H. R. 8530. An act granting an increase of pension to Benjamin Q. Ward;
H. R. 8565. An act granting an increase of pension to Andrew La Forge;
H. R. 8578. An act granting an increase of pension to Franklin G. Mattern;
H. R. 8665. An act granting an increase of pension to Hiram Long;
H. R. 8725. An act granting an increase of pension to Moses B. Davis;
H. R. 8823. An act granting an increase of pension to Charles C. Briant;
H. R. 8930. An act granting an increase of pension to Margaret Becker;
H. R. 8942. An act granting an increase of pension to Marquis L. Johnson;
H. R. 9053. An act granting an increase of pension to John M. Jones;
H. R. 9087. An act granting an increase of pension to William Winn;
H. R. 9093. An act granting an increase of pension to Farrie M. Allis;
H. R. 9126. An act granting an increase of pension to Nathan Parish;
H. R. 9296. An act granting an increase of pension to Elizabeth D. Hoppin;
H. R. 9406. An act granting an increase of pension to Francis W. Preston;
H. R. 9617. An act granting an increase of pension to David A. Kirk;
H. R. 9839. An act granting an increase of pension to Jesse Siler;
H. R. 9896. An act granting an increase of pension to William McKenzie;
H. R. 9898. An act granting an increase of pension to Abraham H. Miller;
H. R. 9904. An act granting an increase of pension to Neeta H. Marquis;
H. R. 9995. An act granting an increase of pension to Elias Johnson;
H. R. 10019. An act granting an increase of pension to Jonathan Shook;
H. R. 10230. An act granting an increase of pension to Clark A. Winans;
H. R. 10252. An act granting an increase of pension to Joseph J. Vincent;
H. R. 10293. An act granting an increase of pension to Sarah F. Galbraith;
H. R. 10300. An act granting an increase of pension to George C. Sackett;
H. R. 10326. An act granting an increase of pension to Edmund Chapman;
H. R. 10396. An act granting an increase of pension to John A. Malone;
H. R. 10404. An act granting an increase of pension to John Moules;
H. R. 10448. An act granting an increase of pension to George M. Frazer;
H. R. 10450. An act granting an increase of pension to Silas H. Ballard;

H. R. 10490. An act granting an increase of pension to Lucius A. West;
H. R. 10562. An act granting an increase of pension to Alphenis M. Beall;
H. R. 10594. An act granting an increase of pension to James Martin;
H. R. 10622. An act granting an increase of pension to James H. Ward;
H. R. 10753. An act granting an increase of pension to Jacob Keller;
H. R. 10816. An act granting an increase of pension to August Bauer;
H. R. 10879. An act granting an increase of pension to Thomas E. Myers;
H. R. 10900. An act granting an increase of pension to Arthur R. Dreppard;
H. R. 10907. An act granting an increase of pension to John N. Boyd;
H. R. 10923. An act granting an increase of pension to Matilda Rockwell;
H. R. 11209. An act granting an increase of pension to Thomas Griffith;
H. R. 11509. An act granting an increase of pension to Josephine Hoornbeck;
H. R. 11638. An act granting an increase of pension to John N. Vivian;
H. R. 11690. An act granting an increase of pension to Lewis Lowry;
H. R. 11691. An act granting an increase of pension to John Clark;
H. R. 11905. An act granting an increase of pension to Elizabeth E. Atkinson;
H. R. 11990. An act granting an increase of pension to Daniel M. Coffman;
H. R. 12014. An act granting an increase of pension to Francis H. Frasier;
H. R. 12393. An act granting an increase of pension to William Hardy;
H. R. 12417. An act granting an increase of pension to Samuel G. Raymond;
H. R. 12443. An act granting an increase of pension to Nathaniel Southard;
H. R. 12455. An act granting an increase of pension to John Jacoby;
H. R. 12540. An act granting an increase of pension to Morris J. James;
H. R. 12541. An act granting an increase of pension to Edward V. Miles;
H. R. 12578. An act granting an increase of pension to John B. Craig;
H. R. 12584. An act granting an increase of pension to William R. Guion;
H. R. 12643. An act granting an increase of pension to William H. Franklin;
H. R. 12760. An act granting an increase of pension to William Ralston;
H. R. 12795. An act granting an increase of pension to Henry Stimon;
H. R. 12825. An act granting an increase of pension to Daniel Bloomer;
H. R. 12834. An act granting an increase of pension to Theodor Schramm;
H. R. 12880. An act granting an increase of pension to Lorenzo D. Mason;
H. R. 12897. An act granting an increase of pension to Robert B. Malone;
H. R. 12900. An act granting an increase of pension to James D. Havens;
H. R. 13005. An act granting an increase of pension to Robert R. Wilson;
H. R. 13028. An act granting an increase of pension to Mary E. Bennett;
H. R. 13034. An act granting an increase of pension to Frederick Hildenbrand;
H. R. 13038. An act granting an increase of pension to Rebecca Ramsey;
H. R. 13081. An act granting an increase of pension to Orren R. Smith;
H. R. 13082. An act granting an increase of pension to Herbert Williams;
H. R. 13083. An act granting an increase of pension to Mordicai B. Barbee;
H. R. 13136. An act granting an increase of pension to William Gaynor;
H. R. 13138. An act granting an increase of pension to Eada Lowry;
H. R. 13148. An act granting an increase of pension to William Davis;
H. R. 13150. An act granting an increase of pension to Cate F. Galbraith;
H. R. 13198. An act granting an increase of pension to Josiah F. Allen;
H. R. 13230. An act granting an increase of pension to Elizabeth Webb;
H. R. 13231. An act granting an increase of pension to Gatsey Mattucks;
H. R. 13238. An act granting an increase of pension to William Strasburg;
H. R. 13310. An act granting an increase of pension to James McKee;
H. R. 13311. An act granting an increase of pension to John Wilkinson;
H. R. 13341. An act granting an increase of pension to Robert C. Pate;
H. R. 13417. An act granting an increase of pension to John W. Bookman;
H. R. 13502. An act granting an increase of pension to John N. Buchanan;
H. R. 13505. An act granting an increase of pension to Martha E. Chambers;
H. R. 13525. An act granting an increase of pension to Martha J. Hensley;
H. R. 13584. An act granting an increase of pension to Anna M. Jefferis;
H. R. 13587. An act granting an increase of pension to August Frahm;
H. R. 13597. An act granting an increase of pension to Abram J. Bozarth;
H. R. 13610. An act granting an increase of pension to James Hann;
H. R. 13627. An act granting an increase of pension to Homer F. Herriman, alias George F. Wilson;
H. R. 13697. An act granting an increase of pension to William Shoemaker;
H. R. 13710. An act granting an increase of pension to Anna M. Wilson;
H. R. 13712. An act granting an increase of pension to Caroline D. Scudder;
H. R. 13761. An act granting an increase of pension to John Cook;
H. R. 13798. An act granting an increase of pension to Alida King;
H. R. 13826. An act granting an increase of pension to Frank S. Pettingill;
H. R. 13872. An act granting an increase of pension to Alvin D. Hopper;
H. R. 13891. An act granting an increase of pension to Hugh G. Wilson;
H. R. 13959. An act granting an increase of pension to Thomas B. Mouser;
H. R. 13988. An act granting an increase of pension to Mary McMahon;
H. R. 13994. An act granting an increase of pension to Francis A. Barkis;
H. R. 14076. An act granting an increase of pension to William Sanders;
H. R. 14077. An act granting an increase of pension to George W. Chesebro;
H. R. 14078. An act granting an increase of pension to Catherine Summers;
H. R. 14086. An act granting an increase of pension to Daniel Pence;
H. R. 14089. An act granting an increase of pension to Martin Harter;
H. R. 14112. An act granting an increase of pension to Andrew J. Baker;
H. R. 14113. An act granting an increase of pension to Isaac N. Perry;
H. R. 14140. An act granting an increase of pension to Josephine M. Cage;
H. R. 14258. An act granting an increase of pension to John S. Miles;
H. R. 14277. An act granting an increase of pension to George S. Scott;
H. R. 14287. An act granting an increase of pension to Martha Brooks;
H. R. 14327. An act granting an increase of pension to Amelia Nichols;

H. R. 14367. An act granting an increase of pension to Lemuel O. Gilman;
H. R. 14369. An act granting an increase of pension to Sumner P. Wyman;
H. R. 14389. An act granting an increase of pension to Amos Hart;
H. R. 14425. An act granting an increase of pension to Robert Henderson Griffin;
H. R. 14426. An act granting an increase of pension to Thomas S. Menefee;
H. R. 14538. An act granting an increase of pension to Eliza L. Norwood;
H. R. 14563. An act granting an increase of pension to Edwin L. Higgins;
H. R. 14639. An act granting an increase of pension to Sarah J. Merrill;
H. R. 14646. An act granting an increase of pension to Ambrose R. Fisher;
H. R. 14653. An act granting an increase of pension to Sophronia Lofton;
H. R. 14655. An act granting an increase of pension to Henry Gilham;
H. R. 14669. An act granting an increase of pension to Anna H. Wagner;
H. R. 14694. An act granting an increase of pension to Samuel R. Dummer;
H. R. 14748. An act granting an increase of pension to William F. Burks;
H. R. 14761. An act granting an increase of pension to John L. Decker;
H. R. 14793. An act granting an increase of pension to William W. Howell;
H. R. 14834. An act granting an increase of pension to Ruth J. McCann;
H. R. 14840. An act granting an increase of pension to Nathaniel H. Rone;
H. R. 14848. An act granting an increase of pension to Samantha E. Herald;
H. R. 14878. An act granting an increase of pension to Charles Rattray;
H. R. 14888. An act granting an increase of pension to Eliza A. Bunker;
H. R. 14890. An act granting an increase of pension to James H. Posey;
H. R. 14925. An act granting an increase of pension to James Grizzle;
H. R. 14937. An act granting an increase of pension to William S. Nagle;
H. R. 14988. An act granting an increase of pension to James B. Cox;
H. R. 15062. An act granting an increase of pension to Thomas Sparrow;
H. R. 15199. An act granting an increase of pension to John T. Cook;
H. R. 15249. An act granting an increase of pension to Isaac N. Seal; and
H. R. 15276. An act granting an increase of pension to Wesley Smith.

On April 12:

H. R. 12286. An act granting relief to the estate of James Staley, deceased.

URGENT DEFICIENCY BILL.

Mr. LITTAUER. Mr. Speaker, I call up the conference report on the second urgent deficiency bill (H. R. 17359), and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17359) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 11.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 6, 7, 9, and 12; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out in the last line of said amendment the words "to be available until used" and insert in lieu thereof the following: "to continue available during the fiscal year nineteen hundred and seven;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Add at the end of said amendment the following: ", and to continue available during the fiscal year nineteen hundred and seven;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with amendments as follows: In line 1 of said amendment strike out the words "silver coin, including;" in line 2 strike out the word "fifteen" and insert in lieu thereof the word "ten;" in line 5, before the word "silver," insert the word "fractional;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "two thousand five hundred dollars," and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"WAR DEPARTMENT.

"For completion of the contract for grading and filling the reservation at Washington Barracks, District of Columbia, entered into by Capt. John Stephen Sewell, Corps of Engineers, in May, nineteen hundred and three, twenty-five thousand dollars."

And the Senate agree to the same.

LUCIUS N. LITTAUER,
JAMES A. TAWNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

STATEMENT.

The Clerk read the statement, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 17359) making appropriations for additional urgent deficiencies, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying report, namely:

On amendments numbered 1 and 2: Appropriates $75,000, as proposed by the Senate, instead of $60,000, as proposed by the House, for expenses of the Third International Conference of American States, and strikes out the provision proposed by the Senate requiring that delegates to said conference shall be appointed so that, as far as practicable, the different sections of the country shall be represented.

On amendment numbered 3: Appropriates $50,000, as proposed by the Senate, for the Second International Peace Conference at The Hague.

On amendment numbered 4: Appropriates $15,000, as proposed by the Senate, for the International Conference for the Revision of the Geneva Convention of August 22, 1864.

On amendment numbered 5: Appropriates $10,000 for transportation of fractional silver coin by registered mail or otherwise, instead of $15,000, as proposed by the Senate, for transportation of silver coin, including fractional silver coin, by registered mail or otherwise.

On amendments numbered 6 and 7: Makes a verbal correction in the text of the bill and appropriates $279.09, as proposed by the Senate, for contingent expenses of the government of the District of Columbia for 1906.

On amendments numbered 8 and 9: Appropriates $2,500 instead of $5,000, as proposed by the Senate, for contingent expenses of the fire department of the District of Columbia and makes a verbal correction in the text of the bill.

On amendment numbered 10: Appropriates $25,500 to complete the contract for grading and filling the reservation at Washington Barracks, in the District of Columbia, entered into in May, 1903, as proposed by the Senate.

On amendment numbered 11: Strikes out the appropriation of $35,000 proposed by the Senate for the reclamation of a por-

tion of the naval station at Honolulu, Hawaii, known as the "Reef."

On amendment numbered 12: Appropriates $20,000, as proposed by the Senate, for completion of resurveys in San Diego County, Cal.

The bill as finally agreed upon appropriates $274,925.51, being $42,500 less than as it passed the Senate and $138,279.09 more than as it passed the House.

LUCIUS N. LITTAUER,
JAMES A. TAWNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. LITTAUER. Mr. Speaker, I move that the House agree to the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. LITTAUER, a motion to reconsider the last vote was laid on the table.

BILLS ON THE PRIVATE CALENDAR.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that Tuesday next be substituted for to-day for the consideration of matters on the Private Calendar which are in order to-day.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that next Tuesday be substituted for to-day for bills on the Private Calendar. Is there objection?

There was no objection.

AMENDING SECTION 5501 OF THE REVISED STATUTES.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate concurrent resolution 23.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to take from the Speaker's table for present consideration the following Senate concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 23.

Resolved by the Senate (the House of Representatives concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States be, and the same is hereby, authorized to agree to an amendment on page 2, line 14 of the bill, inserting after the word "thereof" the words "and every Member of Congress."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HEPBURN. Mr. Speaker, I should like to have some explanation of that.

Mr. JENKINS. Mr. Speaker, I yield to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, this resolution relates to a bill which recently passed the House having for its purpose the prevention of premature disclosure of statistical information relating to cotton and other crops gathered by the Agricultural Department. The bill, as it passed, applied to certain officers and employees of the Government, and it is desired to make it apply to all officers who might acquire such information and——

Mr. HEPBURN. That is satisfactory.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The concurrent resolution was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

CUBA SUBMARINE TELEGRAPH COMPANY.

The SPEAKER laid before the House the following message from the President of the United States; which was ordered printed and referred to the Committee on War Claims:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, with reference to the claim of the Cuba Submarine Telegraph Company, a British corporation, for compensation of the expenses incurred in repairing the damage done to its cables and property by United States forces during the war with Spain.

I renew the recommendation which I made to the Congress on December 11, 1903, that, as an act of equity and comity, provision be made for the reimbursement to the company of the actual expenses incurred by it in the repair of its lines and property.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 13, 1906.*

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Post-Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SHERMAN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the purpose of considering the Post-Office appropriation bill.

Mr. FITZGERALD. Mr. Chairman, yesterday a provision was accepted by the committee to which I desire briefly to call attention. For the information of the committee I shall read the provision to which I refer:

And the Postmaster-General shall require a record from July 1 to December 31, 1906, of all second-class mail matter received for free distribution, and also at the 1 cent a pound rate, so as to show the weights in pounds, respectively by classes, of daily newspapers, weekly and other than daily newspapers, magazines, scientific periodicals, educational periodicals, religious periodicals, trade-journal periodicals, agricultural periodicals, miscellaneous periodicals, and sample copies of said newspapers, magazines, and periodicals, and make report to Congress of such information by February 1, 1907, together with an estimate of the average length of haul of said respective classes above named. And the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated to cover the expense of compiling such information.

It may be that the value of this legislation is not apparent to many Members. To me it is of very great importance.

On January 15 last I introduced a bill to reclassify domestic mail matter and to rearrange the rates of postage thereon.

The bill is as follows:

A bill to classify domestic mail matter and to fix the rates of postage thereon.

Be it enacted, etc., That domestic mail matter shall include all matter deposited in the mails for local delivery or transmission from one place to another within the United States, and between the United States and its possessions, which matter is now mailable under the law, and shall consist of two classes, to be known, respectively, as the first and the second class.

SEC. 2. That first-class mail matter shall consist of written and sealed matter, postal cards, and private mailing cards, as defined and determined by the postal laws, regulations, and rulings now in force.

SEC. 3. That second-class mail matter shall consist of all mailable matter not included within the first class.

SEC. 4. That all mail matter of the first class shall be subject to a postal charge at the following rates: On postal cards and on private mailing cards (post cards) conforming to the requirements of section 418, Postal Laws and Regulations, 1 cent each; on all other mailable matter of the first class, 1 cent an ounce or fraction thereof.

SEC. 5. That all mail matter of the second class shall be subject to a postal charge at the rate of 1 cent for each 3 ounces or fraction thereof.

SEC. 6. That all acts or parts of acts inconsistent herewith are hereby repealed.

Mr. Chairman, as appears from the bill itself, it is intended to divide all domestic mail matter into two classes. The first class is to consist of all mail matter which under existing laws and regulations is considered as first-class matter, and all other mail matter is to be considered as second-class matter.

The rate on first-class mail matter is fixed at 1 cent for 2 ounces or fraction thereof, instead of the present rate of 2 cents, and the rate of second-class matter is fixed at 1 cent for each 3 ounces or fraction thereof. The purposes to be accomplished are to have 1-cent postage for first-class matter, and to compel all other classes of mail matter to pay at least somewhat near the cost of handling.

For many years the Post-Office Department has complained of the great burden the second-class mail is to the postal revenues. It is difficult, if not almost impossible, to ascertain the exact cost of handling such mail beyond the revenue it yields. Yet sufficient is known to demonstrate that the resources of the Post-Office Department are almost entirely absorbed in an effort to handle properly the second-class mail.

The total estimated weight of mail for the fiscal year 1905, excluding Government free matter, was 912,000,000 pounds, and the estimated postage paid upon the part thereof that was subject to postage was about $137,000,000. I am giving the figures roughly, Mr. Chairman, and they are sufficiently close for the purposes of this statement. Second-class mail matter constituted about 67 per cent of all mails by weight, excluding Government free matter, and 70 per cent of the total bulk weight of the mails. The revenue it yielded was $5,697,198.19, or about 4 per cent of the total amount received from postage.

First-class matter—letter mail—yields about 78 per cent of the postage revenue, third-class mail about 14 per cent, and fourth-class about 4 per cent.

There are practically six different rates of postage for second-class matter; some is carried at 1 cent a pound rates, some is free, and some is subject to certain regulations that make it almost impossible either to determine what the peculiar matter should pay, or whether it is entitled to be entered as second-class matter.

To give some slight idea of the manner in which the facilities of the Post-Office Department are occupied by the second-class matter it is only necessary to say that last year 618,664,754 pounds of paid second-class matter was handled, which was an increase of 48,994,935 pounds over the preceding year.

While some of it is handled free and some at the rate of 1 cent a pound the Post-Office Department estimates that it costs from 5 to 8 cents a pound to handle the matter.

Year after year, Mr. Chairman, futile efforts are made to effect certain improvements in the postal service; and year after year Congress is face to face with a deficit in the postal revenues. It is conceded that many reforms should be effected in the service if the means were available. For instance, it has never been denied that the city carriers should receive the slight and modest increase in salary for which efforts have been made during many years. It is generally believed that some improvement should be made in the conditions under which the rural carriers work. Many cities would be immensely benefited in their postal service if the pneumatic tube could be introduced for some purposes; but such things, as well as deserved increases in pay of clerks and of the railway mail clerks, are made impossible because the second-class mail matter of the present day absorbs all the resources of the Department.

Many of the improvements suggested must be made in the near future. If the revenues of the Department are not greatly increased then the improvements must be made without regard to the revenue produced by the service. That will necessitate the determination of the question, Does Congress intend that the postal service shall be self-sustaining, or is it intended that it shall be developed and improved regardless of its revenue-producing capacity?

There are good reasons for the policy followed so far—that is, for insisting that the service shall be on a self-sustaining basis. If it does not produce sufficient money to pay for its operations, the necessary money must be raised by some other form of taxation. Additional excises or duties must be levied in order to obtain the money to continue the postal service. The country to-day is sufficiently taxed without adding the $190,000,000 now required for the postal service to the sums collected through the prevalent methods of taxation.

The present method of taxing by the collection of postage is not burdensome, nor is it unfair. Everyone pays in proportion to the use had of the Department with the exception of those who burden the mails with the second-class matter. They obtain a service out of proportion to their payment in comparison with other patrons of the service. This inequality should be remedied. After it is, then there will be ample revenue to conduct the postal service in a proper and highly efficient manner. Adequate compensation will be possible for the various branches of the service, and needed improvements can be made without unduly taxing the great mass of the people.

I have pressed the bill introduced to correct what I believe to be evils of the service, and I am gratified to find that the Committee on Post-Offices and Post-Roads has taken the matter up seriously. The provision inserted in this bill, I am informed, will give to the committee information without which it is impossible for it to act intelligently and justly. With the information that will be obtained it is believed that the committee will be in a position to suggest measures that will eliminate the known and conceded abuses in the second-class mail. As the information will be had before the end of the next session of Congress, it is hoped that it may be possible in that session to effect some reforms. Such being the situation, I wish to express my gratification that a step has been taken to correct the evils that exist, and I have taken this opportunity to make it clear to those interested in the bill introduced by me that the committee is alive to the abuses of which complaint is so generally made and that it desires to remove all just cause for complaint.

The Clerk read as follows:

Railway mail service: One general superintendent, at $4,000; one assistant general superintendent, at $3,500; one chief clerk, office of general superintendent, at $2,000; one assistant chief clerk, office of general superintendent, at $1,800; eleven division superintendents, at $3,000 each; eleven assistant division superintendents, at $1,800 each; five assistant superintendents, at $1,800 each; nineteen assistant superintendents, at $1,600 each; one hundred and twenty-five chief clerks, at $1,600 each; two hundred and fifty-nine clerks, class 6, at not exceeding $1,500 each; one thousand two hundred and fifty clerks, class 5, at not exceeding $1,400 each; five hundred and twenty-eight clerks, class 5, at not exceeding $1,300 each; one thousand eight hundred and fifty clerks, class 4, at not exceeding $1,200 each; one thousand seven hundred and fifty clerks, class 4, at not exceeding $1,100 each; five thousand four hundred clerks, class 3, at not exceeding $1,000 each; two thousand one hundred and seventy clerks, class 2, at not exceeding $900 each; nine hundred and five clerks, class 1, at not exceeding $800 each; in all, $15,000,000: *Provided*, That the Postmaster-General may, in his descretion, under such regulations as he may provide, allow a clerk who is sick leave of absence with pay, his duties to be performed without expense to the Government during the period for which he is granted leave, not exceeding thirty days in any fiscal year.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out all after the word "pay," in line 9, page 19, to and including the word "leave" in line 11.

Mr. OVERSTREET. Mr. Chairman, I hope that amendment will be voted down.

The CHAIRMAN. Does the gentleman desire to discuss it?

Mr. LEVER. Mr. Chairman, the purpose of this amendment which I have just offered is to do simple justice to the clerks in the Railway Mail Service.

Mr. OVERSTREET. What page is your amendment addressed to?

Mr. LEVER. Page 19, line 9, beginning at the word "is" and continuing through line 11 down to the word "not."

The provision in the bill which gives the railway mail clerk thirty days' sick leave, provided during his illness he keeps his work going without expense to the Government, is, it seems, an attempt upon the part of the Post-Office Committee to do justice by this class of Government employees. I confess that it is a poor attempt, and really means nothing. My amendment seeks to give him the usual sick leave with pay which is given to the departmental clerk in Washington. It is well known that these pampered pets in Washington not only have thirty days of sick leave, but thirty days of annual leave, with pay, during the year. I can see no good reason for making a favored class out of these departmental clerks, while discriminating against city and rural carriers and the railway mail clerks, whose hours of work are longer, whose duties are more exacting, whose responsibility is greater, and whose positions require an equal, if not greater, degree of intelligence. The pay for clerks in the service in Washington is out of all proportions to that accorded the classes above mentioned, and there is every reason why the Government should favor these rather than the clerks in this city. My amendment purposes in a small way to bring about an equality of governmental favor among the employees.

According to the report of the Postmaster-General, there are over 12,000 railway mail clerks doing arduous and hazardous service.

It takes a high order of ability to perform the duties of a railway mail clerk. It is necessary that he commit to memory ten or twelve thousand post-offices and the schedules of all railroads and junctional points through the States distributed by the lines upon which he is employed. Not only this, but he must keep track of the new railroads constantly being built, the ever-changing dispatch of mails, the old post-offices discontinued, the new ones established, and the distributing points of the thousands of rural delivery routes constantly being put into operation, and at the same time keep himself thoroughly posted on the postal laws and regulations.

These clerks are away from home a great part of the time, some all the time, except Sundays, and of course their expenses at home are going on at the same time with their expense of living on the road; and unlike other agents of the Government, post-office inspectors, rural agents, and the like, he must bear his own expenses while traveling.

It is well known to every student of economic conditions that the price of the necessaries of life—clothing, and food, and fuel—have steadily risen for the last ten years under the operation of our present tariff laws, but there has been no increase in the salaries allowed postal clerks. This is an injustice to the clerks to which the Government ought not to be a party.

When the soldier has become worn out in the service of his country, provision is made for taking care of him in declining age. Not so with the postal clerk, upon whose intelligence and integrity we are dependent for the prompt delivery of our mail. Even though his duties be more hazardous and dangerous than that of a soldier during actual hostilities, when he is worn out, like the faithful old horse in the hands of a cruel master, he is turned in the field to die.

The position of the postal clerk is the most dangerous of any of the postal service; it is more dangerous than that of the engineer or fireman on the train, who may see the peril in time to escape it, whereas the postal clerk, penned in the car and busy with his work, is unconscious of the danger until the awful crash comes. The deaths and injuries among postal clerks are startling, although the Department seems to be making every effort to minimize them. According to the report of the Superintendent of the Railway Mail Service for 1895, 64 mail clerks were killed during the period from 1902 to 1905, 381 seriously injured, and 1,434 slightly injured. We can gather a good idea of the dangerous nature of his employment by reference to the number of persons killed and injured in train accidents during a certain period. Accident Bulletin No. 17, issued by the Interstate Commerce Commission, puts the number of persons of all classes killed during the three months of July, August, and September of last year at 1,056, while 16,386 were injured, a

total of killed and injured of 17,439, a number larger than the fighting force of Lee's army at Appomattox. These casualties came about in three months, and I presume the proportion was kept up during the year.

These 12,000 clerks, each day taking their lives in their own hands and doing the most exacting work in the Government service, receive an average salary of only $1,100 per annum, and the majority of them get far less than this. Who is there to stand up and say that this pitiful sum is a just compensation for the kind of work done? These salaries ought to be increased, and if I did not know that an amendment to that effect would be ruled out on a point of order I should offer it now. The best that I can do within the rule is to submit the amendment giving them thirty days' sick leave with pay. They ought to have, in addition to that, thirty days' annual leave with pay in order that they might be put on an equal footing with the favored few in Washington. I should offer that as an amendment, too, if I did not know it was subject to a point of order, which I am sure would be made, judging from the attitude of the chairman of the committee toward the amendment now under consideration.

Gentlemen of the committee, this amendment of mine, the only one that can be held in order, is the only means by which we can show our desire to do justice to this great and deserving class of Government employees. I appeal to you in their name and in the name of common justice and fairness to support it. [Applause.]

Mr. OVERSTREET. The railway mail clerks, under existing law, get fifteen days' leave of absence with pay, where they are on duty fifty-two weeks in the year. The provision of this amendment would give a greater favor to this class of clerks than to any other class of postal employees in this country, because it would give them leave of absence in case of sickness for thirty days, which would be in addition to their regular leave of absence under existing law; and I hope the amendment will be voted down.

Mr. LEVER. Will the gentleman allow me to ask him a question?

Mr. OVERSTREET. Certainly.

Mr. LEVER. I desire to ask the chairman of the committee if it is not a fact that during the time that these men are off service, as you say they are, they are studying schedules?

Mr. OVERSTREET. I said they were entitled to a certain leave of absence with pay if they were on service fifty-two weeks in the year. I made no reference to the number of times they were off. They are entitled, if they serve fifty-two weeks in the year, to the fifteen days' leave, notwithstanding the custom of laying off a few days between runs.

Mr. LEVER. Let me ask the gentleman this question: Why should you allow the Department clerks in Washington thirty days' leave, and these men who do this large amount of business only fifteen days' leave and no sick leave at all? Will the gentleman answer that question? Why is it fair, and is it fair, if the gentleman knows, for the Government to allow these 12,000 clerks only fifteen days' leave, while we allow to the pampered pets of the Departments in Washington thirty days' leave and thirty days' sick leave?

Mr. OVERSTREET. I am not responsible, nor is the gentleman, for the favored class in Washington here. I am only speaking of this postal service.

Mr. LEVER. The gentleman ought to be willing to correct that injustice.

Mr. OVERSTREET. I hope the amendment will be voted down.

Mr. LIVINGSTON. I move to strike out the last word. I want some information from the chairman of the committee. This leave is granted, sick leave with pay, and then immediately thereafter this language occurs: "His duties to be performed without expense to the Government."

Mr. OVERSTREET. That is true.

Mr. LIVINGSTON. How can you do that?

Mr. OVERSTREET. Under a former law a post-office clerk was privileged to arrange for a lower-grade clerk or substitute to peform the duties of the regular clerk and the substitute or lower-grade clerk received the regular pay of that class, while the clerk who was doing the duty received the grade of pay of his class, which would enable him to make the difference between the two. But under the arrangement of a recent statute and of a ruling of the Comptroller of the Treasury that practice was done away with. So that under existing conditions if a clerk of the regular grade is sick and unable to perform his duty he loses absolutely the pay of his grade during his absence on account of sickness. Under this provision he will be permitted to make an arrangement with a substitute or lower-grade clerk and pay him at the rate of the lower salary, which would enable him to save the difference between that pay and his regular pay during the period of his illness.

Mr. LIVINGSTON. This in effect, then, does not give any sick leave at all?

Mr. OVERSTREET. Only with that limitation.

Mr. LIVINGSTON. Would you not be willing to strike out the limitation?

Mr. OVERSTREET. I would not be willing. I hope we may make progress, and I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. LEVER. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 47, noes 71.

Mr. POU. I move to strike out the last word.

Mr. Chairman, since I have been a Member of this body I believe I have always supported that item in the post-office supply bill known as the "appropriation for the maintenance of necessary and special mail facilities on trunk lines between Washington, Atlanta, and New Orleans," except when this item was considered in the Committee of the Whole two years ago. It was then repeatedly stated that the Government received little or no benefit from that item in the bill. Indeed, I think it was urged that mail was being delivered in Atlanta and New Orleans over roads which did not receive this appropriation practically as soon as the mail delivered by the fast train. I did not investigate the matter carefully, and I think I voted to strike out that item along with other items attacked in that debate.

Now, Mr. Chairman, so much has been said about this appropriation that I have investigated it with some care and with a sincere purpose to ascertain what the facts are. What are the facts?

In the first place, this is not an appropriation made by Congress to the Southern Railroad, but, as I understand the evidence of the Second Assistant Postmaster-General, the money goes to that railroad which makes the quickest schedule between Washington, Atlanta, and New Orleans, subject to the approval of the Government. Formerly the Coast Line had the contract to carry the fast mail, but voluntarily abandoned the contract because of the difficulty in making the schedule required by the Government. Therefore the Southern Railroad is carrying the fast mails on a train which carries nothing else except express, under a schedule approved by the Postmaster-General, for the reason that it makes a quicker schedule than any other road. Let me read this item in the bill:

> For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, $142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Now, Mr. Chairman, let us stick to the facts. I find that Mr. Shallenberger, the Second Assistant Postmaster-General, in the hearing recently had by the Post-Office Committee, after stating that the fast train expedited the delivery of the mail about six hours, also used the following words, speaking of the service rendered:

> There are so many advantages that I would not be able to state just what they are. In a general way it tends to quicken all service and to expedite service on lateral lines that make connection with this particular train.

Now, is this true? So far as I know, this statement has not been challenged. Gentlemen from the State of Louisiana, Members of this House, tell me that this service puts mail in the city of New Orleans fully twelve hours sooner than mail is put there by any other train. Another Member of this body, a distinguished Representative from the State of Alabama, tells me that fully 2,000,000 people receive direct benefit from this appropriation, and probably as many more receive indirect benefit, while the entire mail service south of Washington is stimulated by this service. In other words, he calculates that 2,000,000 persons living immediately along the route get their mail very much sooner by having it delivered directly from this train, and that probably as many more not living directly on the route get their mail sooner by reason of the fact that they live on routes which receive mail delivered from this fast train.

Mr. Chairman, I am perfectly satisfied, not only that the Government gets value for this expenditure, but that millions of people living in the South are benefited by having their mail delivered sooner than it otherwise would be. Knowing the facts as they are admitted now upon all sides, I feel that I would be doing the people of my section an injustice if I were to vote to strike out this item, when every one of us knows that an item will be left in the bill appropriating nearly

a million dollars for the maintenance of the pneumatic-tube service in our great cities, which only expedites the delivery of the mail in those cities a few minutes. Why are Representatives on this floor from the States of Louisiana, Mississippi, Alabama, Florida, and Georgia, with few exceptions, asking for this appropriation? I think they are pretty good Democrats and patriotic men. Would they ask for a useless appropriation? Why are gentlemen from South Carolina, from my own State, from Virginia, supporting this appropriation? It seems to me if our colleagues on the committee are willing to give this fast service to the people of the South, if the service is putting the mail all through that section sooner than it otherwise would be delivered, as it undoubtedly does, we would be voting against the interest of our own people to deny it to them. Recently, Mr. Chairman, the Government has instituted a new system of mail delivery. About $28,000,000 will be appropriated this year to deliver mail to people living in the country. The installment of this system is delivering mail every morning, except Sunday, to millions of persons not living in the towns who, before the establishment of the service, only received their mail once or twice per week. Shall we stop the fast trains which puts the mail quickly at distributing points?

Now, Mr. Chairman, when we pass this bill we will vote away $191,000,000 of the people's money, and when the Assistant Postmaster-General tells us that all mail service in the South is expedited by this appropriation, when the amount is a mere pittance compared to the great sum carried by the bill, I repeat that I feel I would be doing the people of my section an injustice if, knowing the facts as I think I do, I voted to strike this item out.

In conclusion I will say, Mr. Chairman, that I have no interest, directly or indirectly, in any railroad under the sun. For nearly twenty years I have appeared against them in the courts, the Southern Railroad in particular. I do not accept their favors. I am under no obligations of any kind to any of them. I know I am doing what I think is right. I believe I am voting in the interest of the people of the great progressive South. Possibly the district I represent will not receive as much benefit from this fast mail as will other districts in my State; but, Mr. Chairman, if I only voted for measures which directly benefited the people of my district, I would, I think, be unworthy of a seat in this body. I hope I am broad enough to look beyond the lines which mark out my own district on the map. I will not impugn the motive of any gentleman, and I hope it is not necessary here or elsewhere for me to say anything in vindication of my own, and I will conclude by saying simply I am doing what I think is right. [Applause.]

Mr. MOON of Tennessee. Do I understand the gentleman from North Carolina to say that the mail is expedited on all the lateral lines by this special-facility train?

Mr. POU. I do not say it, but Assistant Postmaster-General Shallenberger does.

Mr. MOON of Tennessee. No; I do not think so.

Mr. POU. I beg your pardon. I have read his exact words. I have them before me.

The Clerk read as follows:

In the assignment or transfer of clerks from the railway mail service, however, preference shall be given to the persons honorably discharged from the military or naval service who served in the civil war and who are now serving as clerks on the railway mail cars in order that they may be transferred to clerical service in the Department or in the post-offices and relieved from service on said cars as rapidly as practicable, provided they are found to possess the business capacity necessary for the proper discharge of the duties of the offices to which they may be transferred.

Mr. McCLEARY of Minnesota. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 19, line 25, after the word "transferred," insert the following: "*Provided*, That any rural free-delivery carrier who has served as such for three years, and whose record for efficiency is good, shall be eligible to transfer without examination to any other position in the classified service of the Government the salary of which does not exceed the salary of a rural free-delivery carrier of three years' service; and the list of such carriers on file at the Post-Office Department shall be deemed an eligible list from which the heads of Departments may select in filling vacancies in classified positions the salaries of which do not exceed $720 per annum; and those on this eligible list shall have preference over all others except honorably discharged soldiers and sailors of the Army and Navy of the United States."

Mr. OVERSTREET. I make the point of order against that amendment that it is new legislation.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

Mr. McCLEARY of Minnesota. I should like to say just a word about this amendment.

Mr. OVERSTREET. Oh, we must get ahead with the bill.

The Clerk read as follows:

For acting clerks, in place of clerks injured while on duty, and to enable the Postmaster-General to pay the sum of $1,000, which shall be exempt from the payment of debts of the deceased, to the legal representatives of any railway postal clerk or substitute railway postal clerk who shall be killed while on duty or who, being injured while on duty, shall die within one year thereafter as the result of such injury, $100,000.

Mr. GILL. Mr. Chairman, I desire to offer an amendment, which I ask the Clerk to read.

The Clerk read as follows:

Insert the following after the word "dollars," in line 15, page 20: "That from and after the passage of this act whenever a promotion shall be made of any clerk in the Department of the Post-Office, under rule 11, section 2, of the regulations of the Civil Service Commission, any clerk in said Department who, for good and sufficient ground, believes that he has failed in obtaining such promotion by reason of unfair or prejudiced reports as to his fitness for such promotion shall be hereby authorized to file with the Civil Service Commission a petition setting forth his grounds of complaint as to said promotion and excepting thereto.

"That upon the receipt of said petition by the Civil Service Commission it shall be their duty to investigate the statement made therein and to report their findings thereon to the Postmaster-General, and whenever the report of said Commission shall declare that a wrong to the petitioner or others has been done in making said promotion it shall be the duty of the Postmaster-General to declare the promotion complained of void and to have such promotion made in such manner as shall be prescribed by the Civil Service Commission."

The CHAIRMAN. We have passed that point.

Mr. GILL. I was on my feet attempting to get the attention of the Chair.

The CHAIRMAN. Very good.

Mr. OVERSTREET. I make the point of order against that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. GILL. Mr. Chairman, is there an opportunity to be heard on the point of order?

The CHAIRMAN. The Chair would prefer not to hear the gentleman, because the Chair is perfectly clear on the subject.

Mr. GILL. I should like to be heard for a few minutes, and I believe under the rules of the House I have a right——

The CHAIRMAN. No; the gentleman is in error on that. It is optional with the Chair whether he shall hear arguments on a point of order; but the Chair will hear the gentleman.

Mr. GILL. I do not want to impose any duty on the Chair that does not properly belong to him. Is it in order for me to move to strike out the last word?

The CHAIRMAN. Yes; the gentleman can make that motion.

Mr. GILL. Then I make that motion.

Mr. OVERSTREET. Mr. Chairman, I understand the point of order has been ruled upon and that the gentleman now makes another motion.

The CHAIRMAN. The gentleman now moves to strike out the last word.

Mr. GILL. Mr. Chairman, I would like very much to hear the statement of the chairman of the committee as to what his point of order is in regard to this proposition. I think that it can be met. I do not think this proposition is in violaton of any rule that I have yet been able to discover in the rules of this body. I frankly confess my unfamiliarity with these rules, but it seems to me that this proposition is so germane to the provisions in this bill that it is not possible to find a reasonable objection to exclude this amendment from the consideration of this committee.

The chairman of this committee has seen fit, in the consideration of this bill, Mr. Chairman, to endeavor to prevent this body from considering many propositions which have been suggested by way of amendment for the betterment of this bill. Now, I think it is due to this House and it is due to the Members making amendments to this bill that when the gentleman makes a point of order he should at least state to this body what his point of order is and in what respect he makes the point of order on this amendment. I assert, and can demonstrate it, I think, by the laws in existence, that this amendment has not added any new law to that now on the statute books. I assert that the only thing in this amendment that in any way might be criticised as not being within the rules is a provision which is directory of the manner in which the matter provided for by law is to be done by the Civil Service Commission. This provides that on petition the Civil Service Commissioners shall hear complaints made in the petition and render findings on facts presented to them, upon which the Postmaster-General shall act.

Now, Mr. Chairman, that does not change the law; it does not change the rules of the Civil Service Commission, because, if you will read those rules, you will find that the Civil Service Commission under the law to-day has full power to hear complaints and render decisions thereon. Now, I desire to call the attention of the Chair to this distinction, a distinction which, in my judgment, exists at law.

The CHAIRMAN. Will the gentleman allow the Chair to ask him a question?

Mr. GILL. Certainly.

The CHAIRMAN. If the law permits a certain act on the part of an administrative officer and it is proposed to change that and make it mandatory, does not that change the statute?

Mr. GILL. I am coming to that point just now, and I am trying to illustrate it to the Chair in this way: At law there is a right; there is also a remedy. There is a clear distinction to everyone who has knowledge of law between the right and the remedy. Now, I suggest to the Chair that under the law as it stands to-day the power to hear complaints and render decisions thereon exists under the provisions of the law which enable the Civil Service Commission to act. I do not propose to change that power; in other words, I do not ask to do away with the right, but I suggest that the remedy or, in other words, the mode in which this power shall be exercised shall be directed by this body. I make this distinction, that while I am changing the manner of proceeding under the law, I am not changing the provisions of the law. It merely directs the Civil Service Commission to proceed under the provisions of the law in a certain course, by which relief can be given.

Mr. FINLEY. Will the gentleman allow me a suggestion?

Mr. GILL. Certainly.

Mr. FINLEY. I understand the gentleman's contention to be that the scope of his amendment is simply a declaration of the law and not a change of the law?

Mr. GILL. That is it, except that it goes one step further and indicates the course that the Civil Service Commissioners are to take without changing a single line of the law. I drew this provision to make it conform absolutely to the law as it now exists, and not even to disturb the discretion of the Civil Service Commission. It reads at the end that it shall be the duty of the Postmaster-General, upon the report of the Civil Service Commission that a wrong has been done in making a promotion, to declare such promotion void and to have such promotion made in such manner as shall be determined by the Civil Service Commission. [Applause.]

The CHAIRMAN. That being an authority that was not before granted to the Commissioners.

Mr. GILL. I understand it refers only to the manner. The law already has put a mandate on the Commission; the law already says that the Commission shall provide the manner and mode of promotion, and I simply offer a provision which changes the remedy under the law, but not the law itself.

The CHAIRMAN. The Chair understands the gentleman. The proposition is, the Chair understands, to direct the Commission as to the manner in which it shall carry out a law heretofore enacted, and therefore the Chair must maintain the position which he has taken heretofore and sustain the point of order.

The Clerk read as follows:

For inland transportation of mail by electric and cable cars, $940,000: *Provided*, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing such service, except that the Postmaster-General, in cases where the quantity of mail is large and the number of exchange points numerous, may, in his discretion, authorize payment for closed-pouch service at a rate per mile not to exceed one-third above the rate per mile now paid for closed-pouch service; and for mail cars and apartments carrying the mails, not to exceed the rate of 1 cent per linear foot per car mile of travel: *Provided further*, That the rates for electric-car service on routes over 20 miles in length outside of cities shall not exceed the rates paid for service on steam railroads: *Provided, however*, That $172,600 of the sum in this item appropriated is hereby made available for the purpose of covering the cost of mail service by underground electric cars in the city of Chicago, Ill., now under contract.

Mr. JOHNSON. Mr. Chairman, I wish to make the point of order to that provision, beginning with the word "provided," on line 12, page 21, down to the word "railroads," at the end of line 24.

Mr. OVERSTREET. Will the gentleman please indicate again what line?

Mr. JOHNSON. Beginning with the word "provided," in line 12, page 21, and ending with the word "railroads," on the same page, line 24. My point of order, Mr. Chairman, is that this is distinctly legislation; but it may be wise legislation, and for that reason I desire to reserve the point of order and would like to hear from the committee.

Mr. OVERSTREET. Mr. Chairman, in answer to the gentleman's inquiry I will state that under section 3965 of the Revised Statutes, under the law passed June 8, 1872, the Postmaster-General "shall provide for carrying the mail on all post-roads established by law as often as he, having due regard to productiveness and other circumstances, may think proper." The regulations have grown up under which the electric car service in the cities has been used by the Department in carrying mails. Under the regulations affecting the contracts, which I think are clearly authorized by that statute, and it has been so held for a great many years, the practice of operating and granting to electric roads has been what is practically equivalent to 3 cents a mile for a year for that service. The allowance is $150 a year where the mileage is 2,000 or less. That means $150 a year for the entire service of the electric lines where the year's mileage is 2,000 or less.

Mr. JOHNSON. You mean 20 miles?

Mr. OVERSTREET. No, sir; I mean 2,000 miles of travel of the electric car. Where the mileage is more than 2,000 and not more than 3,500, $175 a year; more than 3,500 and not more than 5,000, $200 a year; more than 5,000 and not more than 8,333, $250 a year; more than 8,333 miles it is 3 cents per mile; but the other schedule which I have read practically means 3 cents a mile for the annual rate of the electric car or cable car service. They use these cars sometimes for pouch service, laying a pouch of mail on the vestibule of the car, and the motorman puts it off at its proper destination. In other instances they utilize the regular equipped electric postal car furnished by the company which makes the contract with the Government. But there is a difference in the pouch mail and the regular postal car or electric car service. It is the cheapest service, Mr. Chairman, in the postal system—cheaper than the wagon service in our cities. Now, this provision in the bill here recommended simply authorizes the Postmaster-General, where it is found that by reason of the large quantity of this mail handled upon electric lines, or where the exchange points are very numerous, those two things concurring, there may be permitted an increase not to exceed an increase which will be equivalent to 4 cents a mile instead of 3 cents a mile for the annual rate.

Even with that authorization it does not bring the cost of the electric and cable car service as high as the cost of the screen-wagon service. It will still remain as the cheapest service in the country in the mail service. In a number of cities in the country the cable and electric car service has been actually discontinued by reason of the refusal of companies to longer contract at so low a compensation, and the committee was informed in the hearings that especially in the city of St. Louis, and possibly Boston and New York—I do not now remember exactly, but certainly more cities than the one named—notices have already been served of the discontinuance of that service on the 30th of next June unless some provision in line with what is here provided shall be made. To change this system and do away entirely with the utilization of these electric and cable car lines, to compel the whole service to be again based upon the screen-wagon service, would not only impair the service by reason of great delays in the delivery of the mail, but would, in my judgment and the judgment of the committee and the judgment of the Department, result in increased expense. I think the gentleman will appreciate that under these conditions it is very wise legislation.

Mr. JOHNSON. I would like to ask the gentleman a question. What is the difference in the method of compensation where they use an exclusive mail car, and where they use what is called the "closed pouches?"

Mr. OVERSTREET. I will read from the provision itself. "Closed-pouch service not performed in independent and trailer cars, or apartments thereof, not exceeding full rates, namely, at the rate of," and so on, as I gave them, $150 a year where the mileage is less than 2,000 miles, etc. The difference, in a word, is simply this: The schedule which I read a moment ago, where the mileage is not in excess of 2,000 miles, 3 cents a mile for pouch service; where they use trailer or apartment cars—a regularly equipped postal car—is now at the rate of three-quarters of 1 cent per mile. This provision permits, under certain conditions—where concurrently the increased number of exchange points become numerous and the quantity of mails large—with these two concurrent conditions, the Postmaster-General may permit it to be 1 cent a mile instead of three-fourths of 1 cent a mile.

Mr. JOHNSON. There is one thing I do not understand. I had not read the mileage pay. Does each electric-car company earn according to the amount of mail they carry? Is there a requirement as to the amount of mail?

Mr. OVERSTREET. They carry all the mail the Government delivers to these cars. It does not matter whether it is large or small.

Mr. JOHNSON. Now, an electric railway running out from Indianapolis, say; if it should carry one pouch to a post-office 7 miles out, do you mean to say that they would give it that pay then?

Mr. OVERSTREET. This is service between depots and post-offices and between post-offices and stations of the same office.

Mr. JOHNSON. It does not include transportation of a small quantity of mail for 5 miles out in the country.

Mr. OVERSTREET. Only where the station of the post-office is that distance from the office. This electric-car service is limited practically, as I understand, to operation between depots and post-offices in all large cities and the post-office and the stations in suburban points of those cities. I do not remember how many cities of the Union have this system, but it is a very limited number—about 146, I think.

Mr. JOHNSON. I did not make the point of order, Mr. Chairman, to antagonize the provision, but as it was legislation I wanted some reason given to the House for it. As far as I am concerned, I am satisfied, and I withdraw the point of order.

Mr. KENNEDY of Nebraska. I move to strike out the last word. Mr. Chairman, I agree with the chairman of the committee on the proposition that the service rendered the Post-Office Department by the street railway companies is the cheapest service that Department receives. The Post-Office Department and the Committee on the Post-Office and Post-Roads are behind the times in the use they are making of the street cars of the country to carry the mails. I make these remarks now, Mr. Chairman, because they are prompted by a knowledge of actual conditions existing which ought to be remedied by the Post-Office Department and the committee.

I cite you, Mr. Chairman, one instance which is within my personal knowledge and within my district. Some 5 miles out from the city of Omaha there is a growing and thriving town called "Benson," with hundreds of people actively engaged in business life. They have there to-day a star-route system between Omaha and Benson, with a wagon service twice a day. It takes an hour each way. The electric street cars, without transfer, pass within two blocks of the Omaha post-office and pass the door of the Benson post-office, and make the distance in half the time.

Mr. STAFFORD. Will the gentleman permit an interruption?

Mr. KENNEDY of Nebraska. Yes.

Mr. STAFFORD. Can the gentleman state whether the post-office authorities have endeavored to make terms with the electric railway company for the carriage of the mail on that particular line?

Mr. KENNEDY of Nebraska. I will come to that.

Mr. STAFFORD. And if not, what reasons prevented its establishment?

Mr. KENNEDY of Nebraska. If you will let me finish my statement, I will try to answer any question you may ask. For that inadequate, antiquated star-route service the Government of the United States pays $550 a year, and under the law, under the rules of the Post-Office Department, under the law being passed by this Congress, under the rules of this committee, the street railway company can receive only $250 a year, or $300 less than the law gives to that antiquated service which the people are now receiving. Mr. Chairman, the street railway company declines to accept the mails for what the Government is willing to pay. The company considers that it is imposed upon enough in carrying the mails from Omaha to South Omaha for 3 cents a mile and serving that city of 40,000 people.

Mr. STAFFORD. Will the gentleman permit an interruption?

Mr. KENNEDY of Nebraska. I will.

Mr. STAFFORD. In the instance that you cite of the car company carrying the mails from Omaha to South Omaha, will you state whether it is carried in bulk or whether it is carried in separate cars or in compartment cars?

Mr. KENNEDY of Nebraska. It is carried in closed pouches in regular cars, and the company receives for that South Omaha service less than $1,400 a year—less than $4 a day. It is a disgrace to this Government and to this Congress that we do not remedy that situation. Mr. Chairman, I have no special interest in the street railway company, but I have an interest in the city of South Omaha, that is liable at any time to be deprived of this service. I have an interest in the people of Benson, who are clamoring for modern service and can not get it.

Mr. Chairman, under the rule laid down by the Post-Office Department and by Congress, if the street-railway company would accept the contract on the terms offered by the Department, we could have three services per day between Omaha and Benson, each trip taking only half the time it now takes, and yet the company would receive only $365 for such service; whereas for two trips per day of the antiquated star-route service the Government pays $550.

Mr. STAFFORD. Mr. Chairman, will the gentleman state what, in his opinion, is a reasonable compensation that should be paid to these electric cars for the carriage of the mails?

The CHAIRMAN. The time of the gentleman has expired.

Mr. KENNEDY of Nebraska. I ask unanimous consent for an extension. If I do not get it, I will move to strike out another word from another paragraph and get it in that way.

The CHAIRMAN. The gentleman asks unanimous consent for how long?

Mr. KENNEDY of Nebraska. Five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KENNEDY of Nebraska. Mr. Chairman, I take it, from the report of the Post-Office Committee, of which the gentleman is a member, that in those cities which come within the provisions of the increase provided for the one-third increase is reasonable and right. The committee did not go far enough when it extended this provision only to the city of St. Louis and other favored cities. They were dealing unfairly with cities like Omaha and South Omaha and the town of Benson. Benson is only typical of numerous other suburban towns all over the United States.

Mr. RUCKER. Will the gentleman yield for a suggestion?

Mr. KENNEDY of Nebraska. Yes.

Mr. RUCKER. In confirmation of what the gentleman has said, I know a case of a town situated about a mile and a quarter from the depot, on an electric car line service. Under the law, to carry that mail on the electric line, which everybody wants, the total compensation would be less than $300. The Government has been for a long time and is now paying $750 for it, and the street-car company would gladly carry it for $500.

Mr. KENNEDY of Nebraska. I am obliged to the gentleman.

Mr. Chairman, I was about to make the point that one more cent per mile, which has been added by the committee in certain cities, is certainly within reasonable limits.

My judgment is that 5 cents per mile would be reasonable, because it makes no difference whether the car carries one pouch or three pouches or six pouches. There is no extra compensation by reason of the increased number.

Now, Mr. Chairman, I call attention to this matter at this time, only by way of formal amendment, because I know enough about the proceedings of this House to know that no material amendment would carry against the objection of the committee; but I want to register my protest now against antiquated methods in the Post-Office Department or any other Department, and to say that the Government service is behind the popular demand and behind modern methods of private business enterprise. [Applause.]

Mr. Chairman, I am not seeking to criticise this committee as individuals; I am not seeking to criticise the Post-Office Department in any unfair way. I consider that these defects are so many barnacles that have fastened themselves upon the postal system, and we have got to waken up in order to shake them off.

Mr. OVERSTREET. Does the gentleman refer to the Post-Office Committee of the House or to the Department as barnacles?

Mr. KENNEDY of Nebraska. Neither.

Mr. OVERSTREET. The gentleman's language indicated one or both.

Mr. KENNEDY of Nebraska. I am referring to methods, and not to men. I am criticising no individual, but I stand here to say now that I will never let the subject rest, if I am sent back here, until the condition complained of is remedied. I propose that out in the West, where we have progressive cities and progressive people, the Department and Congress shall recognize us and apply progressive methods to the public business. [Applause.]

The CHAIRMAN. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, $142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. MOON of Tennessee. Mr. Chairman, I move to strike out lines 5 to 11, inclusive.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of the paragraph just read.

Mr. WILLIAM W. KITCHEN. Mr. Chairman, one week ago to-day I discussed this proposition at some length. I have voted against this item for nine years. I have lately investigated it fully. I came to the conclusion that the arguments against this item are supported by more facts than ever before,

The railroads are receiving, under the usual statutory compensation, over $50,000 more this year for carrying the mail over the routes from here to Charlotte than they received during the last fiscal year. I undertook to establish certain propositions here the other day, and I believe I established them beyond contradiction. I undertook to show that the language of this section which is apparently discretionary is held by the Post-Office Department to be mandatory. Only one gentleman has disputed that proposition. The others, I am glad to say, have consented to it. I undertook to show that this special mail train, as they call it, which is really a mail and express train to Atlanta and a passenger, mail, and express train from Atlanta to New Orleans, is not the creature of subsidy, but the result of the great development and growth of the traffic along this line. I believe that fact stands established. I undertook to show that this money is paid not to enable the railroad companies to run trains Nos. 97 and 37, but to induce the companies to run them on the schedule time which the railroads themselves have fixed. I believe that proposition is not disputed.

Further than that I undertook to show, and it stands uncontradicted to this minute, although there has been prepared and delivered two set speeches in opposition to my position, that this line of railroad gets more pay per mile for carrying the mail under the regular pay than any other railroad in the United States south of the Ohio and Potomac, and west of the Missouri River. I showed beyond a doubt that the Southern, from here to Danville, under the statute gets more pay than is paid on any other route in the United States, except fifteen, and that every one of those, except three, has many more trips per week than this one.

More than that, I showed beyond a doubt that this very train—No. 97—from here to Charlotte, earns every day of the year, exclusive of the subsidy, over and above expenses $500 net money from mail and express, and I showed that its net profits exceed 200 per cent, exclusive of the subsidy. The gentleman from Alabama [Mr. RICHARDSON] said, "Why didn't you go with the train beyond Charlotte?" If I had gone to Atlanta I would have shown that instead of $182,000 it made $260,000 clear profit annually, exclusive of the subsidy. I showed all these facts, and the able gentlemen that followed me have not disputed the facts—not one. Not a single road in the United States receives one cent of subsidy, except the line from here to New Orleans and the short one from Kansas City to Newton.

Again, it has never been the theory of any government to subsidize any corporation or any enterprise unless it was one that otherwise was unprofitable. I showed in this case that this line of road and these very trains that you propose to subsidize are greatly profitable, and yet gentlemen support the subsidy. My distinguished colleague from North Carolina [Mr. SMALL] says: "What have the earnings to do with it?" He denies that the profitableness of this train or road has anything to do with it. Whenever, Mr. Chairman, you contend that the profits of the road, and the profits of the particular trains subsidized have nothing to do with it, what proposition do you then declare? You then——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAM W. KITCHIN. I ask unanimous consent for five minutes more.

Mr. OVERSTREET. If gentlemen will permit me, by unanimous consent, to make a statement. This particular subject and the very next paragraph in the bill have been discussed at great length in general debate, the gentleman himself having made a speech of more than an hour.

Mr. WILLIAM W. KITCHIN. We could not vote on it that day.

Mr. OVERSTREET. I understand; but it was the gentleman's election to speak then, and I think, Mr. Chairman, that this is the time to determine whether we are to run loosely for a number of hours by unanimous consent or to reach some kind of an understanding in regard to a limitation of debate. I would like to inquire of the gentleman from Tennessee [Mr. MOON] if he contemplates making an argument upon his motion to strike out?

Mr. MOON of Tennessee. I move now, Mr. Chairman, that debate upon this section continue for forty minutes, twenty minutes to a side.

Mr. OVERSTREET. I will ask the gentleman to make that thirty minutes and let the Chair control the time.

Mr. MOON of Tennessee. To make it an hour, thirty minutes on a side, and let the Chair control the time?

Mr. OVERSTREET. Oh, no; I mean thirty minutes altogether, fifteen minutes to a side, including the five minutes given the gentleman from North Carolina.

Mr. GAINES of Tennessee. I hope the gentleman will not cut off gentlemen in this way.

Mr. OVERSTREET. I am not cutting them off.

Mr. MOON of Tennessee. Does the gentleman desire thirty minutes to a side?

Mr. OVERSTREET. Not thirty minutes to a side, but altogether.

Mr. STEENERSON. Mr. Chairman, I desire to——

Mr. MOON of Tennessee. I suggested twenty minutes to a side.

Mr. OVERSTREET. Counting the five minutes already occupied that will be twenty minutes to a side.

Mr. MOON of Tennessee. Very well.

Mr. GAINES of Tennessee. There are a number of gentlemen on the other side who are opposed to this measure.

Mr. OVERSTREET. We are ready for a vote.

Mr. WILLIAM W. KITCHIN. I wish the gentleman would let this debate run for a little while.

Mr. GAINES of Tennessee. When speeches were made on this subject there were very few Members in the House, and now there are more than a hundred here.

Mr. OVERSTREET. I propose we go at once to a vote upon the motion of the gentleman from Tennessee.

Mr. FINLEY. I suggest, Mr. Chairman, there are a number of gentlemen who are interested here, some on one side and some on another, who wish to make a few remarks, and I have not spoken on this question at all for one. I have not mentioned this matter.

Mr. OVERSTREET. I would like very much to conclude this bill to-night.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana has the floor.

Mr. OVERSTREET. I suggest to the gentleman from Tennessee we are willing to go at once to a vote on his motion. I suggest that all debate upon this paragraph and the next shall be concluded in forty minutes, and all amendments to them, the time to be equally divided and in the control of the Chair.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

Mr. OVERSTREET. That would mean thirty-five minutes from now?

The CHAIRMAN. The gentleman from North Carolina is recognized for five minutes.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I was saying that the announcement of the doctrine that the profitableness of the trains subsidized has nothing to do with this question is tantamount to a declaration to the people of this country that this House should never cease these subsidies until the railroad companies themselves say that they no longer desire them in order to adequately serve the people of the great South. My friend from Alabama recognized the strength of my position, and he undertook to show that these trains were not so profitable, and how did my friend proceed? He said he had much information about the express matter that is carried on No. 97, but he did not state the amount of it. I could not find what amount of express matter was carried, except that it carried one loaded car, although I made due inquiry from the express company and from the railroad company.

Mr. SMALL. If the gentleman is attempting to quote me——

Mr. WILLIAM W. KITCHIN. I will give the exact quotation in my speech if you will indicate it to me. I will do you entire justice.

Mr. SMALL. Will the gentleman permit an interruption?

Mr. WILLIAM W. KITCHIN. For a question.

Mr. SMALL. The gentleman said I said in my speech that the profitableness of the mail service under the general railway mail pay had nothing to do with the appropriation for these special facilities. What I did say was this, that the Post-Office Department had no right, and did not attempt to exercise the right to control the mail schedules under the general laws governing the railway mail pay, and therefore the only opportunity we had to maintain this fast service was by these special facilities, and if we did not have them otherwise it would not be maintained.

Mr. WILLIAM W. KITCHIN. Here is what the gentleman said:

> It has been urged that the Southern Railway enjoys large gross and net earnings. I shall not detain the House to state the financial conditions of this company. This information can be obtained from a number of reputable sources. But it is pertinent to ask, How does this affect the question at issue?

I regretted that my colleague made the unjust, because untrue,

intimation that opposition to this appropriation was because of hostility to the Southern Railroad. I do not believe the gentleman would have deemed that statement necessary if he could have answered the argument I made or disputed the facts which I submitted.

Mr. SMALL. May I interrupt the gentleman?

Mr. WILLIAM W. KITCHIN. I yield for a question.

Mr. SMALL. The gentleman misquotes me. I said that it was strange that gentlemen selected the Southern Railroad and said nothing about any other railroad.

Mr. WILLIAM W. KITCHIN. The gentleman will remember I stated the reason for that was on account of the fact that the Southern Railroad is the chief beneficiary of this appropriation. I stated the reasons fully in my speech, and the gentleman must have understood me. Mr. Chairman, the gentleman from Alabama [Mr. RICHARDSON] in his estimates mixed the freight earnings and the passenger earnings. The freight earnings were about $1.90 per train mile last year on the Southern and the passenger earnings less than 99 cents, while the Southern Railroad gets pay, exclusive of the subsidy, from here to Charlotte, amounting to $1.91 per train mile for train No. 97.

Now, Mr. Chairman, I am reminded of another thing. I believe my colleague said that he favored the subsidy not because the railroad gets the benefit of it, but solely for the people's benefit. The gentleman from Alabama said the railroad desired it because it was an advertisement for that great system; that it associated it with the powers and privileges of this great Government. I want to ask the gentleman, my colleague, a member of the Committee on the Post-Office and Post-Roads, why he did not endeavor to get a similar subsidy, if he favors it for the good of the people, to the Seaboard Air Line and the Coast Line, to induce them to give improved mail facilities to the people on those lines, for they have not as good facilities as the people living along the Southern Railroad would have even if the two subsidized trains should be taken off? [Loud applause.]

[Here the hammer fell.]

Mr. FINLEY. Mr. Chairman, the subsidy that has for many years past been paid to the Southern Railway in the way of additional compensation for carrying the mail between Washington and New Orleans is unnecessary, and does not in any general sense expedite the mail. Trains Nos. 97 and 37 are the two subsidized trains; that is, the $142,000 given by the Government in the way of a bounty or subsidy to the Southern Railroad is divided between these two trains. No. 97, one of the subsidized trains, makes the run between Washington and Charlotte, N. C., in nine hours and twenty minutes. No. 31, a high-class passenger train on the Southern Railroad during the past winter, made the run between Washington and Charlotte, in nine hours and thirty-eight minutes. No. 37, one of the subsidized trains, makes the run from Washington to Charlotte in ten hours and forty minutes. No. 33, which is not a subsidized train, makes the time between Washington and Charlotte in ten hours and forty minutes. No. 97, in the run from Washington to Charlotte, 380 miles, made only eighteen minutes quicker time than No. 31. No. 37, which is a subsidized train, makes the identical time that is made by No. 33, which time is one hour and two minutes slower than made by No. 31, an unsubsidized train. The Southern Railway is amply paid for carrying the mails between Washington and New Orleans.

I have often stated, and now repeat, that if this subsidy is withdrawn the Southern Railroad will not run any less number of trains or slower schedules going south than it now runs, for if it did it would be in the ridiculous position of running a larger number of trains north than it does south, and would also lose a large part of its mail pay. Besides this, it is reported that the Southern Railroad, on account of increasing business, will add two other high-class passenger trains between Washington and Atlanta—one going north and one south—as the following article from the Spartanburg Journal, Spartanburg, S. C., in its issue of April 10, shows:

TWO ADDITIONAL TRAINS—A NEW VESTIBULE SERVICE—SOUTHERN TO ESTABLISH ANOTHER DAILY NORTH AND SOUTH SCHEDULE.

On the discontinuance of the Southern Railway's Palm Limited next Sunday, it is probable that the Washington and Southeastern Vestibuled Limited, Nos. 37 and 38, which has been running for some time in two sections, will be permanently divided into sections, the new sections taking the same numbers as Palm Limited, Nos. 31 and 32. It will virtually amount to routing the Palm Limited through Spartanburg.

For several months the growth of traffic on Nos. 37 and 38 has made it necessary to run them in two sections, one carrying mail and the other passengers. The officials think now that it will be necessary to do this regularly, and will make schedules for two new trains. The magnificent rolling stock of the Palm Limited will be used in the new trains, which will carry both mail and passengers. The addition of the new trains will enable the Southern to run its regular passenger trains more near'y on time than it is possible to operate them now.

It was reported that the new trains would be exclusive mail trains, made up like No. 97, and running between Washington and Atlanta; but a prominent Southern official seen yesterday said that there was no need for any more exclusive mail trains, and no intention of putting on any more.

It is difficult to secure a lower berth on a sleeping car between Washington and Charlotte without making arrangements for the same several days in advance. It is said that No. 97 is a solid mail train. No such claim is made or can be made in reference to the other subsidized train, No. 37, for the reason that I know this to be a passenger train. Nor is it true that No. 97 is entirely a mail train. To this train is attached at least one express car, and at Atlanta a passenger coach is attached. But if it were true that No. 97 is a solid mail train, this fact in itself would not justify the Government in paying $142,000 to the Southern Railroad as a bounty.

Solid mail trains are becoming common on many of the great railroads of the country, particularly between New York and Boston, New York and Buffalo, Buffalo and Chicago, and the following item, which is clipped from the Financial Review, shows that the practice of having such trains is extending west of the Mississippi River.

[Financial Review, April 6, 1906.]

The operation of a solid train carrying United States mail between Chicago and Portland, Oreg., over the Chicago and Northwestern, Union Pacific, Oregon Short Line, and Oregon Navigation Company, is one of the latest undertakings to receive attention from the Harriman lines. The experiment of running a similar train between Chicago and San Francisco has proved such a success that transportation of mail to the Northwest along similar lines has been decided upon.

Should the Southern Railroad take No. 97 off it would be necessary that another train be substituted in place of it, and with as fast a schedule, for two reasons: First, that the Southern Railroad would not be able to carry the amount of mail that is now carried between Washington and New Orleans without this additional train; and, second, that unless the fast schedule was maintained then the amount of mail now diverted to the Southern Railroad on account of this fast schedule would not be diverted, and as a consequence its regular mail pay would be less.

There is something else in connection with this that is probably not generally understood. It is supposed by many that whenever one of these subsidized trains—No. 97 and No. 37—running between Washington and New Orleans is late at Danville, Charlotte, Atlanta, Montgomery, or New Orleans, a reduction of the entire subsidy pay for that day is made. This is not the case. The Department has seen fit to divide the distance into five routes, to wit, from Washington to Danville, from Danville to Charlotte, from Charlotte to Atlanta, from Atlanta to Montgomery, and from Montgomery to New Orleans. For each one of these routes a certain amount of the $142,000 appropriated is apportioned, and the following letter from the Second Assistant Postmaster-General shows that failure to make schedule time does not result in loss of subsidy pay in one-half of the instances:

POST-OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, March 12, 1906.

Hon. JESSE OVERSTREET,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.

SIR: Replying to your letter of the 10th instant, as to the number of times during the fiscal year 1905 the special-facility trains on the Southern Railway between Washington and Atlanta were late at terminal points, I have to say that the service between Washington and Atlanta is covered by three routes of the Southern Railway:

(1) Route 114002, from Washington to Danville Junction: On this route train 37 was late five minutes or more at Danville Junction 260 times; train 97, 174 times.

(2) Route 118013, from Danville Junction to Charlotte: On this route train 37 was late five minutes or more at Charlotte 223 times; train 97, 145 times.

(3) Route 118049, from Charlotte to Atlanta: On this route train 37 was late five minutes or more at Atlanta 252 times; train 97, 144 times.

Total number of late arrivals at terminal points five minutes or more during the fiscal year, 1,198. Of this number deduction of special-facility pay was made for 545 late arrivals. As to the remainder of the late arrivals such satisfactory explanations were made that, under the practice of the Department, no deductions were made.

Very respectfully,

W. S. SHALLENBERGER,
Second Assistant Postmaster-General.

On page 329 of the hearings it is stated that in transporting the mail from Washington to New Orleans the regular railway-mail pay is $1,003,940.09. The railway post-office car pay for rent of R. P. O. cars is $223,497. The subsidy pay or bounty to the Southern Railroad after the deductions were taken off was, in the last fiscal year, $112,296.59, or a total paid to the Southern Railroad for carrying the mail between Washington and New Orleans, $1,339,733.68. The deductions made for failure to make schedule time in the last fiscal year amounted to

$30,432.16. The total railway-mail pay for the southern division—North Carolina, Tennessee, Kentucky, South Carolina, Louisiana, Florida, Alabama, and Mississippi (eight States)—for the last fiscal year was the sum of $4,588,522.92. The railway-mail pay to the Southern Railroad on a single line from Washington to New Orleans was, as I have stated, $1,003,940.09, or over 22 per cent of all the railway-mail pay to railroads in the southern division. The reason for this large pay is that the Department diverts or throws all the mail that can be diverted to this railroad. This is fully set forth in the hearings before the Post-Office Committee, page 328 of hearings.

Now, one other reflection, and it is this: That by reason of these conditions other sections of the Southern States do not receive an equitable and expeditious distribution of the mail. There is of necessity a great deal of mail sent over the Southern Railroad that should go on the Atlantic Coast Line, the Seaboard Air Line, and other lines of railroads, and because of this favoritism to the Southern Railroad an injustice is done to the sections south of the Southern Railroad in Virginia, North Carolina, and South Carolina.

Through this territory, on lines practically parallel with the Southern Railroad, run the Seaboard Air Line Railroad and the Atlantic Coast Line Railroad, covering to a large extent all the eastern and southern portions of the States mentioned. The reason for this great diversion of mail to the Southern is on account of the subsidy to this road.

In 1891 Second Assistant Postmaster-General Bell, in his annual report, gave the following reasons for declining to recommend further appropriations for subsidies:

> The continuance of the special-facility allowance has for some years past been the source of much annoyance to the Department, and has hampered the best interests of the mail service, because railroads operating in contiguous territory and, to some extent, paralleling the roads which receive the extra pay object to rendering equally good or quicker schedule mail service except they be paid corresponding rates. They ask that all be treated alike.

To illustrate: My information is that the Seaboard Air Line Railroad makes quicker time between Washington and Columbia, S. C., than does the Southern Railroad; and this may be said also of the Atlantic Coast Line between Washington and Charleston, S. C.

Mail is diverted to many railroads in the United States which receive no subsidy, and in such cases one or more trains are designated by the Post-Office Department—important trains on account of the high schedule maintained. To these trains the Department throws or diverts all the mail possible, and by reason of the increased quantity of mail carried the railway mail pay is correspondingly increased.

There are only two lines of railroad in the United States which receive a subsidy, the Southern Railroad, from Washington to New Orleans, $142,000, and the Atchison road, from Kansas City, Mo., to Newton, Kans., $25,000. I am of the opinion that my State and the greater part of North Carolina would have better and more expeditious mail facilities than they now have if Congress should refuse this appropriation. A great deal of mail is now diverted to the Southern Railroad which should be carried by the Seaboard Air Line Railroad, the Atlantic Coast Line, and roads other than the Southern. This results, of course, in injury to the people living in those sections of Virginia, North Carolina, and South Carolina reached more directly from Washington by the Seaboard and Coast Line than by the Southern. Besides this, it is unfair to these railroads. In the event they carried more mail they would receive more pay and be able to render better service.

The following letter, written to my colleague, Hon. A. F. LEVER, and handed to me by him during this debate, shows conclusively that I am correct in my contention that in a general sense No. 97 does not expedite the delivery of mail in South Carolina:

POST-OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, March 28, 1906.

Hon. A. F. LEVER,
Member of Congress, Washington, D. C.

SIR: I have to acknowledge the receipt of your letter of the 24th instant, relative to Southern fast mail train No. 97.

In reply you are informed that that train does not advance the delivery of mail to any point in your district, for the reason that it makes no connection with trains running into the district, which connections are not made by other trains which could carry the mail. Train No. 97 is scheduled to leave Washington, D. C., at 8 a. m. and to arrive at Charlotte, N. C., at 5.20 p. m., at which latter place it makes connection with train No. 29, which leaves Washington at 10.51 a. m. and Charlotte at 9.50 p. m. for Columbia, S. C., and other points in your district.

Concerning the effect the cutting off of the appropriation specially made for train No. 97 would have on mail for the South, I will say that if train No. 97 should be discontinued the mail it now carries would revert to trains Nos. 29 and 35.

The scheduled time of trains Nos. 97, 29, and 35 at the principal stations is as follows:

City.	Train No. 97.	Trains Nos. 29 and 35.
Washington, D. C	8.00 a. m.	10.55 a. m.
Charlottesville, Va	10.44 a. m.	1.43 p. m.
Lynchburg, Va	12.20 p. m.	3.34 p. m.
Danville, Va	1.53 p. m.	5.20 p. m.
Greensboro, N. C	3.03 p. m.	6.44 p. m.
Charlotte, N. C	5.20 p. m.	9.45 p. m.
Spartanburg, S. C	7.15 p. m.	12.30 a. m.
Greenville, S. C	8.10 p. m.	1.35 a. m.
Atlanta, Ga	12.07 a. m.	6.10 a. m.
Montgomery, Ala	3.17 a. m.	10.55 a. m.
Mobile, Ala	7.37 a. m.	4.12 p. m.
New Orleans, La	11.15 a. m.	8.15 p. m.

Very respectfully,

W. S. SHALLENBERGER,
Second Assistant Postmaster-General.

P. S.—Train 29 runs from Washington to Charlotte; train 35, from Charlotte to New Orleans.

The cities of Charleston, Sumter, Florence, Marion, Bennettsville, Camden, Cheraw, Rock Hill, Greenwood, and scores of other towns in South Carolina would have better and quicker mail facilities without this favoritism to the Southern Railroad, for the reason that the railroads in the State other than the Southern would be better paid, and, of course, able to render better service.

To sum up my objections: First, it is a bounty or subsidy; second, it is not necessary, and, third, it results in an inequitable and inefficient distribution of the mail throughout my section of the country, and I may add further that no letters or resolutions from any board of trade organization or individuals in the Congressional district which I have the honor to represent have ever been sent to me advocating the payment of this subsidy to the Southern Railroad. I am opposed to this item of appropriation.

In conclusion, I wish to state most emphatically that I have no prejudice against the Southern Railroad. My position would be the same if the Government was giving the subsidy to the Seaboard, the Atlantic Coast Line, or any other railroad. I am opposed to subsidies on principle. My highest aim is to represent all of my constituents (and I include the railroads in my district in the number) impartially, and from a standpoint of doing what is best for them and the country as a whole.

Mr. GAINES of Tennessee. Mr. Chairman, I say that this subsidy is not asked for by the Department and that it is not needed in this service. Assistant Postmaster-General Shallenberger, in his report last issued, makes this statement, and it is all he says on the point:

> The appropriation for the current fiscal year is $167,720. No estimate is submitted for the next fiscal year.

In the RECORD of April, 1901, you will find his letter on the subject, which, in part, says:

> In 1893 the Department discontinued the special-facilities appropriation for the Atlantic Coast Line from New York by way of Washington, Wilmington, Charleston, and Jacksonville; but Congress, without any recommendation from the Department, made the appropriation now in question—that is, for the Southern Railroad.

Again he says:

> We believe also that these conditions have long since been outgrown, and that we have now other lines between nearly all important points in the country, so that we have found it possible to establish service entirely adequate.

Again he says he recommended against it. I read a question put to him, and his reply:

> Mr. MOODY. Isn't the matter discretionary with the Department, even after Congress makes the appropriation?
>
> Answer. Well, the Department would have the power to withhold it, but, having recommended to Congress the advisability of withholding it, the Department is bound to assume that Congress desires the appropriation to be expended so long as it is made.

Having recommended against it, he says, yet as Congress continues in appropriating this subsidy he is bound to use it, taking the appropriation thus made as being mandatory.

I went to the Department yesterday and to-day to get the schedules of these trains to see whether or not they run faster with the subsidy than without it. I was referred by General Shallenberger to Mr. Crew, the superintendent of the railroad adjustment. Mr. Crew said, in substance, to me—I have his words right here—that with and without the subsidy that No. 37 made the trip from Washington to New Orleans in thirty-two and one-half hours; that No. 35 did the same thing with or without it; that No. 97 made the trip in twenty-seven hours and fifteen minutes, with mail and express only; that eighteen months ago the railroad, by consent of the Department, substituted No. 97 for No. 35, which was then subsidized, and was making the trip in thirty-two and one-half hours, as it is now

doing without it; that No. 37 was then making the trip without a subsidy in thirty-two and one-half hours, the same time it is making the trip now with the subsidy; that on September 24, 1893, the subsidy begun and was given to train 35; that before this it run only to Atlanta; that after the subsidy it run to New Orleans in thirty-five hours and some minutes.

In brief, gentlemen, since September, 1893, No. 35, with the subsidy, and No. 37, without it, down to eighteen months ago made the trip in thirty-two and one-half hours. That No. 37 was eighteen months ago subsidized, and makes the trip now in the same time. Nothing is gained here by the subsidy with train 37, while 35 is run, making the same trip in the same time it did before the subsidy was taken from it eighteen months ago and given to 97.

The commerce and mail of this road has so increased that it felt compelled to put on 97 to help carry it. Up to eighteen months ago this thirty-two and one-half hours' service by 35 and 37 was satisfactory to the people, but the business of the road so increased 97 was put on the road. Suppose it was taken off? Would not the mail be then carried, as formerly, on trains 35 and 37, both of which have made this trip, with and without the subsidy, in thirty-two and one-half hours, and are compelled to run? They can't be stopped.

General Shallenberger said to me yesterday—I have his words here:

> We think the business on this road, as on all other roads, has so increased now as to compel the railroad to give that fast mail service, as fast as is necessary, for the business of the people, such character of fast mail service as the country needs, and such service we give over the country generally now without any special service.

He did not say that he could get this twenty-seven-hour service, because that is one of special contract based on this appropriation. But he did say that he could give the people such a fast mail service as the country needs and gets everywhere else. I insist, therefore, that we should save this money and extend our free rural delivery system.

Mr. LIVINGSTON. Mr. Chairman, the only question to settle here this afternoon is this—not how much it costs a mile, not whether the Southern Railroad runs one train or forty. The question is, Does this appropriation facilitate the mail to the people benefited to the extent that authorizes the appropriation? That is the whole of this question. If this appropriation is a subsidy, then the whole bill before the Committee of the Whole is a subsidy from start to finish. For not in the history of this Government has the postal system paid its expenses. If a part of it is a subsidy, then all of it is a subsidy, and the only two questions involved are, Can you give the people of this country mail facilities? Yes. How cheap can you give it to them? Not by cutting off here and there or somewhere else, but it is your duty to give it to every man, woman, and child living within the limits of the Government. [Applause.]

Now, the gentleman from Tennessee [Mr. GAINES] makes such reckless expressions that it is hard to answer them, but I want to give him an illustration as to the absurdity of his last statement, that "it hurts the farmer." No. 97 reaches Atlanta at 11.30 with all this mail distributed for the different cities, and the different railroads, in sacks. The mail doesn't go to the Post-Office Department at all; it is distributed in the yard to six trains standing on the railroads at Atlanta, with the steam up and the engineers at the throttles. These six trains do what? They take this mail from New York and from Washington, take it into every section of Georgia, into every section of Alabama, and into parts of Tennessee, and the same thing is repeated farther on on the same line. Now, then, who gets the benefit of it? Every country merchant, every country doctor, every farmer, every school teacher, and everybody else that lives in Georgia or Alabama away from the city of Atlanta. When do they get it? The next morning at breakfast.

Mr. MOON of Tennessee. Mr. Chairman——

Mr. LIVINGSTON. No; I will not yield now; I will hear you in a moment. They get it the next morning at breakfast, and every rural carrier in my State gets that mail the next morning, and takes it out all over the State of Georgia into every hamlet and corner of the State. Now I will hear what the gentleman from Tennessee wishes to ask me.

Mr. MOON of Tennessee. I want to ask the gentleman from Georgia if he knows how much money the Government of the United States pays this particular road from here to New Orleans for carrying the mail? I mean the general mail pay.

Mr. LIVINGSTON. I will answer the gentleman in this way: That where it pays $100,000 the people receive the benefit of $500,000.

Mr. MOON of Tennessee. I do not think so. Does the gentleman know that it is a fact that this railroad company gets $1,340,000 a year?

Mr. LIVINGSTON. If it is true, and the cost is your trouble, why don't you have the mail carried on freight cars? [Laughter.]

Mr. MOON of Tennessee. I will tell the gentleman if he will yield to me a moment.

Mr. LIVINGSTON. Why not?

The CHAIRMAN. The gentleman's time has expired.

Mr. RICHARDSON of Alabama. Mr. Chairman, my distinguished friend from North Carolina referred to the speech I made a few days ago, and stated that I had expressed myself that the Southern Railroad is partly paid by the advertisement or publicity that it realizes from running this fast mail train. Sir, I reaffirm that statement. I believe there is some credit and some reputation that is reflected by the fact that this railroad is charged with the responsibility of discharging this important duty to the people along the line of its route. At all the different points the people await with anxiety the arrival of this mail train.

Now, Mr. Chairman, I have listened with a great deal of interest to the fervid declamation of my friend from North Carolina [Mr. WILLIAM W. KITCHIN], referring to the premises upon which he reached his conclusion, as stated in his able speech a few days since. His former statement was that train No. 94 earned $1.92 per mile. I want this House just for a moment to listen to me read just exactly the premises and foundation upon which my distinguished friend Mr. KITCHIN reached his conclusions. I do not think I can better use the few minutes allowed than reciting the remarkable conjectures, guesses, and speculations that my friend made to reach his conclusion, and let the House see how unreasonable are his calculations. And upon that hypothetical condition of affairs and statement the gentleman from North Carolina reached his conclusion that $1.91 was the expense——

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. I would ask, Mr. Chairman, how much time remains?

The CHAIRMAN. Ten minutes remains to which the gentleman is entitled, and two minutes to the other side.

Mr. OVERSTREET. I ask recognition to close the debate for the remaining time on this side.

The CHAIRMAN. Does the mover of the motion desire recognition? [After a pause.] The gentleman from Minnesota is recognized for the two minutes remaining on that side.

Mr. STEENERSON. Mr. Chairman, this question is now being argued upon its merits. The fact seems to be conceded on both sides of the House that this is a special favor to a special road that no other roads receive, and it is claimed it is justified because it facilitates the transmission of mail. Now, I agree with the Department officers that it does not facilitate the transmission of mail, and this section of country is no more entitled to a special favor than any other. Upon the question of authority I appeal to this House, to those Members in favor of this appropriation who have not had the time to investigate for themselves, to rely somewhat upon the authority of those who have investigated it. This was investigated by the Postal Commission, and six out of eight unanimously reported three years ago against the allowance of this special-facility pay. Senators Wolcott, ALLISON, and Chandler reported against it; Representatives Moody, Loud, and Fleming reported against it, and the present Postmaster-General, Mr. Cortelyou, recommends against this item. He is part of this Administration, and we must recognize him as spokesman for the Post-Office Department. General Shallenberger says he is opposed to any special favor to any railroad; that they ought to be left upon an equal footing and all receive equal treatment. That is the policy recommended by the Department, and I believe it is fair that they should all be treated alike, and therefore, as I stated in my speech at the opening discussion of this bill, I hope that the item will be voted out; that no special favors be granted to anybody; and I am sure from what I have learned that the South and this country served by this railroad will not suffer in the least for the lack of mail facilities, but that it will be served as well as it was before. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. Mr. Chairman, there is no occasion for Members to work themselves into a frenzy over this proposition. These facilities have been authorized by law for something like twelve or fourteen years. There are, aside from the fast mail trains authorized in the two sections of the bill, now under consideration, 56 fast mail trains and 15 so-called "fast mail newspaper" trains. These 56 fast mail trains and 15 fast mail newspaper trains are made practicable by reason of the concentration upon them of great quantities of mail which might under the regular distribution of mail go upon a variety of roads reaching their respective destination. But we fail to find a sufficient quantity of mail concentrating at Wash-

ington which may be diverted from various lines and concentrated upon one line in order to give to it an advantage by virtue of the additional weight of mail which would result in an additional profit for that facility and justify the road in maintaining a fast schedule. I am inclined to believe that if this appropriation were disallowed that the people throughout Georgia, the Carolinas, Florida, Alabama, Mississippi, and Texas would continue to receive their mail, but not as expeditiously nor as promptly as under this provision. Under the regulations of the Department which have been operative throughout all of these years where these roads enjoy this facility, they are obliged to maintain a fixed schedule of speed, and a failure to maintain that schedule at any terminal of any railway mail route to the extent of five minutes works a forfeiture of the proportion of the appropriation for that particular run. Under this appropriation last year the Southern road forfeited $36,161.08 by reason of the failure to make these schedules required by the Department. Therefore these roads receive only such proportion of the appropriation as fall under the exact requirements for the maintenance of the schedule. This facility operates to put the mail from New York to New Orleans in time not only to give the New York papers and New York mail delivery in that city six hours earlier than they would enjoy if this facility were removed, but that quantity of mail destined for points further south, into Texas and beyond, catches the overland limited, which, if they failed to catch, the mail would lie in New Orleans until evening before it was dispatched upon its journey.

If the facility from Kansas City to Newton, Kans., were removed, the newspapers destined for points west of Kansas City and Newton, Kans., would doubtless be delivered, but they would be delivered much later. By reason of this facility, that train leaving Kansas City about 2 o'clock in the morning overtakes the train at Newton, Kans., which left Kansas City at 8 or 9 o'clock in the evening, and delivers to that train, so overtaken, the mail destined beyond Newton, thereby expediting the delivery of the mail to those people enjoying the privilege west of that city.

The Post-Office Department has not recommended this appropriation, for a reason which is to be found in the hearings before the Post-Office Committee. The reason, as given substantially by General Shallenberger, is that they refuse to recommend any special-facility appropriation, because they do not want a precedent that would come to haunt them when applications should be made throughout the country by other roads. But the Second Assistant Postmaster-General said that, notwithstanding they made no such recommendation, the service had received additional facilities by reason of this appropriation, but they did not desire to be put in a position of recommending it. He stated that they were able to put the mail from New York, by way of Washington and Atlanta, into New Orleans at the time that I have already suggested.

Now, Mr. Chairman, it is not in the interest of the railroads, against which some of the gentlemen on the other side have hurled their anathemas, but it is in the interest of the people of Alabama, Mississippi, Georgia, and Louisiana, who are given facilities by reason of the expeditious delivery of this mail, which they would not receive in the event this fast mail schedule were not maintained. The committee believes—most of them, because there is division in the committee upon this—I certainly believe from the evidence which we have received, that if this appropriation should fail, this schedule would not be maintained, and there would be an impairment of the service by lack of prompt and expeditious delivery of the mail through this section of country.

I certainly hope the amendment to strike this item from the bill will fail, and I ask for a vote.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee to strike out lines 5 to 11 on page 22.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MOON of Tennessee. Division!

The committee divided; and there were—ayes 89, noes 108.

Mr. NORRIS. I demand tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Tennessee [Mr. MOON] and the gentleman from Indiana [Mr. OVERSTREET] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 102, noes 106.

So the amendment was rejected.

The Clerk read as follows:

For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., $25,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. MOON of Tennessee. Mr. Chairman, I move to strike out the section just read.

The Clerk read as follows:

On page 22, lines 12 to 18, strike out the paragraph.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL.

For manufacture of adhesive postage stamps, special-delivery stamps, and books of stamps, $550,000: *Provided*, That no contract for the manufacture of adhesive postage stamps, special-delivery stamps, or books of stamps shall be made by the Government with any Department or bureau of the Government at any higher rate than offered for the same work by any responsible private contractor, nor shall the bid of such Department or bureau be at a price below the cost of such work to the Government.

Mr. POU. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. CRUMPACKER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Insert at the end of the paragraph: "But in computing the cost of the work only the actual expense of such Department or bureau as will be made necessary for such work shall be reckoned."

Mr. OVERSTREET. Mr. Chairman, I reserve the point of order, but will hear an explanation of the amendment.

Mr. CRUMPACKER. The amendment is to the paragraph that authorizes the letting of contracts for the manufacture of adhesive stamps and restricting the right of a Department or bureau of the Government to submit bids for such contracts. The proviso in the paragraph states that no Department or bureau of the Government shall submit any bid at a price below the cost of the work to the Government. Now, the effect of the amendment I propose is to provide that in computing the cost of the work only the additional expense to the Department or bureau of doing the work shall be reckoned.

Adhesive stamps are now made by the Bureau of Printing and Engraving, and the Government has to maintain that establishment in any event. It already has the establishment and must provide for its superintendence, for its lighting and heating. It already has machinery and equipment for the manufacture of adhesive stamps, and in determining the cost of the work for the purpose of submitting bids, I simply desire to limit the Department or Bureau to the actual additional expense. It might be that under the provision of the bill only that element of expense would be reckoned, but in determining the cost of the manufacture of a product, as a rule a relative share of the cost of superintendence, of the cost of maintenance of the plant, of the cost of lighting and heating is reckoned. We must pay a large share of the cost of the Bureau of Printing and Engraving whether stamps are manufactured by the Government or not, because it must be maintained for other purposes, and it is not fair to the people, it is not fair to the Treasury, to exclude that Bureau from submitting bids on account of a fixed expense which the Government must pay whether it manufactures adhesive stamps or not. What I want to do is to make this paragraph clear. I want to put it in such condition that only the additional cost made necessary by the work itself shall be reckoned in determining the question of cost as a limitation upon the power of the Bureau to submit a bid. I think the gentleman from Indiana [Mr. OVERSTREET] ought to accept the amendment. It seems to me to be so fair and so in harmony with economic administration that there ought to be no opposition to it at all. If the Government, with the Bureau already established and equipped, can, with a a comparatively small additional cost, make adhesive postage stamps, if it can make them more cheaply, if the additional cost would be less than it would have to pay a private manufacturer, then economy demands that postage stamps should be manufactured by the Bureau of Printing and Engraving.

Under the bill as it is written it might operate to exclude the Bureau of Printing and Engraving from submitting a bid, because of the cost of maintaining the Bureau, which must be paid by the Treasury anyhow. I do not think that ought to be. I believe if the Government can manufacture its own stamps as cheaply in one of its own bureaus as can be done by private contract, it ought to do so. It ought to have control of this particular work, just as it has control of the printing of money and bonds. But that Bureau certainly ought to have the right to submit a bid without the advantage that it already has in the way of equipment, in the way of establishment, operating against it. The effect of the amendment is to provide that simply the additional cost of the particular work shall be reckoned in determining the right of the Bureau to submit a

bid, and the expense of maintaining the Bureau, which the Government must bear in any event, should not be considered as part of the cost of the work of manufacturing stamps.

Mr. OVERSTREET. Mr. Chairman, the provision which the committee recommends is that no contract shall be made by the Government with any bureau of the Government at a loss to the Government. Whatever force there may be in the gentleman's amendment relative to the elements of cost which ought to be considered in making the calculation, it is unwise, in my judgment, to complicate the situation by putting into the statute in what way they shall make the calculation. We only seek to save the Government loss in this when the contract is carried by a different bureau of the Government when compared with the offer made by outside responsible contractors. I hope the amendment will be disagreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and the amendment was rejected.

Mr. JOHNSON. Mr. Speaker, I move to strike out the last word. I ask unanimous consent to print in the RECORD a statement consisting of half a dozen lines.

The statement is as follows:

Mr. MOON. Then, General, let me come down to the very bottom question of administration: Do you want this money or not?

General SHALLENBERGER. We are not asking it, nor expressing an opinion in reference to it.

Mr. MOON. What is the reason that you all are silent on that question?

General SHALLENBERGER. We are not silent.

Mr. MOON. You say you do not ask it?

General SHALLENBERGER. We do not estimate for it.

Mr. MOON. And what is the reason you do not ask it?

General SHALLENBERGER. Because we think that the effect upon the service at large is better if we do not select any particular route in any particular section for special favors.

Mr. MOON. Then you do not select it because you think that it is a bad example, and that it affects the railway mail service elsewhere to give this subsidy?

General SHALLENBERGER. That is the situation.

Mr. MOON. That is the situation. So you think that for the good of the service the thing ought not to be done, taking the country at large?

General SHALLENBERGER. Why, I think that for the good of the service at large it is better that no special favors be given to any one particular road or system.

The Clerk read as follows:

For pay of agent and assistants to distribute stamps, and expenses of agency, $11,280.

Mr. OVERSTREET. Mr. Chairman, I move to strike out lines 4, 5, and 6, on page 24. Provision for these offices was made in the legislative appropriation bill.

The amendment was considered and agreed to.

The Clerk read as follows:

The appropriation for the fiscal year 1906 of $25,000 for the employment of special counsel to prosecute and defend suits affecting the second-class mailing privilege is hereby reappropriated and made available for the fiscal year 1907.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Add after the end of line 4, page 23, the following: "All regular periodical publications issued from a known place of publication at stated intervals and as frequently as twelve times a year, by or under the auspices of charitable, educational, or religious institutions, which institutions are not conducted for pecuniary profit, if such publications are made to further the objects and purposes of such institutions and are formed of printed paper sheets, without board, cloth, leather, or other substantial binding such as distinguish printed books for preservation from periodical publications, are under the true meaning of existing law entitled to be admitted to the mail as second-class matter and at the rate of postage fixed for second-class matter and no more, and the existing laws with reference to the second-class mail matter shall hereafter be so interpreted."

Mr. OVERSTREET. Mr. Chairman, I reserve a point of order on that.

Mr. SMITH of Iowa. Mr. Chairman, much as I regret to ask it at this late hour, I desire to speak ten minutes on this amendment, and I ask unanimous consent that I may be permitted to proceed for ten minutes without interruption.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. SMITH of Iowa. Mr. Chairman, it is a familiar fact to all that second-class mail matter is carried at a loss, and it is familiar to all of us that there has been a highly commendable and laudable effort made to reduce this loss to the Government. With that effort I am in entire sympathy, and I do not wish to criticise anything that has been done with that in view, but I do want to call attention to some extraordinary results of this effort at reform.

In former times if a high school wanted to issue a little paper as an aid in the education of the students, the paper went through the mails as second-class matter. If a church wanted to issue a monthly paper it went through the mails as second-class matter. If a charitable institution wanted to issue a paper it was allowed to go through the mails as second-class matter. And because of this fact there have grown up in this country charitable institutions that actually live and exist by means of the communication thus furnished between them and the charitable and benevolent people of this country. In this effort to cut off papers from second-class privileges these three classes have been recently excluded in whole or in part. And yet, under the same administration of the law, and under the same law under which these papers formerly circulated, the Police News, the Police Gazette, Town Topics, the yellow journals, and the more yellow magazines are still entitled to be taken through the mails of the United States at a great loss to the Government.

It is to be remembered that while the second-class matter does not pay an adequate price, the third-class pays more than a compensatory price, and so under the recent interpretation of the law the church, and the school, and charity must pay to the Government of the United States a price in excess of the cost of the service rendered, that the profits may be applied to paying the loss on these contemptible journals which I have referred to.

Why, it is said that these are advertising bulletins of these schools, and these churches, and these charities. Perhaps they are; perhaps they are advertisements, but if they are it does seem to me that if we are going to carry a large portion of our mail at a loss we ought not to carry the advertisements of the devil at a price that is not compensatory, and then charge more than cost to carry advertisements of the work of the Almighty. [Applause.] It is said that these are not newspapers. Now, I do not know accurately what constitutes news, but I have it in mind that the Christian plan of salvation is news to a generation which buys and reads with avidity "The treason of the Senate."

These orphanages are about to be closed under this recent interpretation of the law. I am asking no change in the law; I am asking that the law as it existed for a generation be interpreted as to these papers as it has been interpreted for a generation. Why, we are allowing these scribblers who have realized in these modern days the dream of the ancients and have discovered a method by which the base lead of libel may be converted into the pure gold coin of the Republic—we are allowing their writings to go through the mails at a loss, and propose to tax at more than a compensatory rate other publications that tend to uplift and elevate humanity and care for the poor, the downtrodden and suffering. It is this system of discrimination against which I raise my voice in protest here today. If nothing is done now countless orphans must suffer as the result of the loss of these facilities to reach the charitable and benevolent. I have had a bill pending before this committee since before the holidays for this relief, and I say if relief is not given now within a year the cries of hungry orphans will be calling to judgment the gentlemen who defeat this just relief to charity, religion, and education. [Applause.] I purpose to show that this amendment is identical with amendments held in order by the Chairman of the Committee of the Whole House on the state of the Union on this identical bill in the Fifty-third Congress if the point of order is insisted upon. I hope it will not be, because all that we ask is that the frail bark of human virtue shall have equal rights upon the navigable waters with piratical crafts carrying the black flag. [Loud and continued applause.]

Mr. OVERSTREET. Mr. Chairman, it is never inopportune to call attention to the statement that history repeats itself.

The CHAIRMAN. Does the gentleman raise the point of order?

Mr. OVERSTREET. I do, and I am now arguing it; that is simply an introductory statement. The gentleman from Iowa says he can cite the Chair to an identical proposition which was held by a former chairman to be in order, and that is true. On April 6, 1894, an amendment practically upon all fours with the one now offered by the gentleman from Iowa was held by Mr. Hatch, then in the chair, to be in order, for the reason that the amendment was in the nature of an interpretation or construction of the existing statute. At a later day, however, Mr. Chairman, on the 17th of January, 1896, while a Member of this House, known to many of us, loved by all, occupied the chair, in the person of Hon. Nelson Dingley, of Maine, that ruling of Mr. Hatch was overruled by a new decision in which the gentleman from Maine introduced his remarks with the following statement, which is a further evidence of history repeating itself by the effort of the gentleman from Iowa to excite the sympathy of this House, if not the Chair, in an effort to violate the rules by admitting his amendment against the

point of order. Mr. Dingley used the following language, Mr. Chairman, in the decision to which I have referred, rendered by him on January 17, 1896:

The question of order which has been raised assumes special importance because of the fact that if there should be any variation from the construction of a rule as it has always governed in Committee of the Whole on account of a sympathy that we may have for the particular legislation proposed, it would be a precedent that would rise to trouble us in all subsequent propositions looking to legislation in appropriation bills.

I call from the dead, from an authority recognized in the House, this voice which is, though still, a warning against being controlled by sympathy for legislation, notwithstanding that legislation would clearly violate the rules of the House which operate against enacting legislation upon appropriation bills. In the body of his decision, Mr. Chairman, discussing the fact that you can not legislate upon an appropriation bill in the nature of interpretation or construction of a statute already upon the statute books, Mr. Dingley used this expression:

It has been contended that the pending paragraph is merely a construction of existing law, and that a construction of the meaning and intent of a law which has been heretofore enacted is not the "new legislation" prohibited by the rule. Everyone knows that no legislative construction can be given to a law that is upon the statute book without a legislative enactment. A construction of an existing law by an act of Congress must be itself a piece of legislation that has been passed by the two Houses of Congress and received the approval of the President. In fact, it is new legislation in every sense, because if it should be held that any act of legislation could be put upon an appropriation bill simply because it professed to construe an anterior law, any gentleman could propose an amendment giving any kind of construction to an anterior law, whether right or wrong, thus opening up in the consideration of an appropriation bill in Committee of the Whole any proposition for new legislation under the guise of construing the law.

It does not seem to me that there can be any distinction made in this respect between different legislative acts. If an act is in fact new legislation, it seems to the Chair that it is subject to the point of order under the rule that it is new legislation or (what is the same thing) a change of existing law as construed by the authority that can alone construe it, subject to an appeal to the courts, unless Congress shall step in and construe it by a new law.

The CHAIRMAN. The Chair thinks the gentleman from Indiana has read enough to settle the matter in the mind of the Chair. Following the decision that the gentleman has just read, the Chair sustains the point of order.

Mr. SMITH of Iowa. With all possible due respect, and owing to the emergency which I think here exists, I appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The committee divided; and the Chair counted the affirmative vote.

Mr. SMITH of Iowa. The temper of the House evidently being in favor of sustaining the Chair, I withdraw the appeal.

The CHAIRMAN. Without objection, the gentleman withdraws his appeal.

The Clerk read as follows:

The Postmaster-General is authorized to extend, for a period not exceeding six months, the contract for official, registry, and dead-letter envelopes for the postal service for the calendar year ending December 31, 1906; and thereafter the Postmaster-General shall contract, for a period not exceeding four years, for all envelopes, stamped or otherwise, designed for sale to the public, or for use by the Post-Office Department, the postal service, and other Executive Departments, and all Government bureaus and establishments, and the branches of the service coming under their jurisdiction, and may contract for them to be plain or with such printed matter as may be prescribed by the Department making requisition therefor: *Provided*, That no envelope shall be sold by the Government containing any lithographing or engraving, nor any printing nor advertisement, except a printed request to return the letter to the writer.

Mr. MURDOCK. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by striking out, on page 26, line 2, the words "except a printed request to return the letter to the writer."

The question was taken; and the amendment was rejected.

The Clerk read as follows:

For pay of letter carriers and clerks in charge of substations of rural delivery service, $28,200,000: *Provided*, That not to exceed $15,000 of the amount hereby appropriated may be used for compensation of clerks in charge of substations.

Mr. SMYSER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend on page 27, lines 17 and 18, by striking out the words "twenty-eight million two hundred thousand dollars" and inserting in lieu thereof the words "thirty-two million four hundred thousand dollars: *Provided*, That not to exceed $4,200,000 of said sum so appropriated shall be expended for horse hire and wagon equipment in the rural mail service."

Mr. OVERSTREET. I make the point of order against that amendment. It is contrary to existing law, but I will reserve the point of order for the present.

Mr. SMYSER. Compensation of rural carriers per year—maximum, $720; minimum, $432. The rural carrier must furnish his own equipment—horses and wagon. This entails on him an expense of at least $200 per year. I have the statements of seven carriers of my own town, and they show an average expense of $254.69 per year.

It must be borne in mind that the carrier goes every day except Sunday. It must also be borne in mind that one horse can not do the work; such a daily grind will soon use up a very fair horse. If the cost of maintaining is correct as given me by my own carriers, they are receiving but a trifle over $1.50 per day, and in addition his stock in trade is daily wearing out. Under the present law there is no provision for increased pay after one or two years. In other words, length of service wears out his team and wagon, with nothing to compensate him or enable him to replace them.

Is the rural carrier fairly treated as compared with the city carrier? It is idle to discuss the character of the services; one is as arduous as the other. In cities of less than 75,000 inhabitants the carrier for the first year receives $600; the second year and thereafter, $850. His compensation is net to him—no outlay but clothes and shoe leather; no horse to feed, get sick and die; no wagon to break down or keep in repair. This carrier receives nearly twice the pay the rural carrier gets. This is neither fair nor just.

I now want to call attention to the compensation of the carrier in the city of over 75,000 inhabitants. For the first year it is $600, for the second year it is $800, and for the third year it is $1,000. A regular civil-service graduation. But it may be said that the city carrier incurs an expense to which the ordinary rural carrier is not subjected, and therefore he should receive a greater compensation. Even if this suggestion be true the Government meets it by providing for this. Why, Mr. Chairman, this bill makes an appropriation for horse hire and car fare and bicycle allowance to the city carriers in cities of 75,000 inhabitants and upwards. This bill appropriates the sum of $1,065,000, so that the extraordinary expenses of the city carrier is met and paid by the Government, and the city carrier receives his annual stipend intact and undiminished by any outlay whatsoever. So the rural carrier is again treated unfairly and unjustly. He suffers in two ways. First, as to amount of compensation, and second, by being compelled to furnish his own outfit and bear the expense of its maintenance.

And, Mr. Chairman, this injustice I hope to correct by the amendment which I have submitted. Another glaring instance against the rural carrier is to be found in the appropriation already passed by the House for the payment of the city police. We have in the city mounted police; some ride horses and some ride bicycles. The bill to which I have alluded provides that each mounted policeman shall receive $250 per annum for horse hire or maintenance and the bicycle mounted policeman $50 per annum for bicycle maintenance. So, Mr. Chairman, I am constrained to say Congress deals unjustly and unfairly with the rural carrier. It is a service in which we can afford to exercise a decent liberality in expending the public money. The rural carrier is a faithful and efficient public servant. He serves the farming community, made up of industrious, loyal, and intelligent citizens. The farmer is the beneficiary of the service for which I am asking fair and decent pay. He is patient and forbearing. He asks but little at the hands of the Government. He sees Congress expending large, yes, enormous sums of money to build up a navy, maintain an army, extend our fortifications, build a canal, but he is quiet and complacent about it. He does not grumble and find fault, although he sees no direct and immediate benefit accruing to him. He feels that, perhaps, they are necessary for the maintenance, welfare, and glory of his country, and he cheerfully acquiesces.

But in the operation of the rural mail service he sees the operation of the Government at his very door, and in this service contemplates its beneficence as well as its munificence, and a generous appropriation for the public service of which he is a partial recipient will meet his hearty indorsement. [Loud applause.]

Mr. OVERSTREET. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FLOOD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

After line 20, page 27, add: "*Provided further*, That no part of the money appropriated in this paragraph shall be expended for the payment of the salary of a carrier on any rural free-delivery route on which the mail is carried less than six times a week, except those weeks in which, under the rules and regulations of the Post-Office Department, there are legal holidays, and except on those routes on which, by the rules and regulations of the Post-Office Department, there are less than six deliveries a week at the date of the enactment of this law."

Mr. OVERSTREET. I will reserve the point of order.

Mr. FLOOD. I will ask the chairman of the committee if it is not a fact that the Department have reduced the deliveries on some of the routes from daily to three times a week.

Mr. OVERSTREET. In some instances it has been done with the consent of the people living along the route. The gentleman's amendment would compel the Government to maintain this service even if the patrons did not want it maintained.

Mr. FLOOD. The amendment would compel the Government to give six deliveries a week on all these routes. I can not conceive that there are any routes in this country that would want less than six deliveries.

Mr. OVERSTREET. I will have to interpose the point of order.

Mr. FLOOD. I concede the point of order, and offer this amendment in place of it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FLOOD. I offer the following amendment.

The Clerk read as follows:

After line 20, page 27, add: "*And provided further*, That there shall be six deliveries of mail a week by the carrier on each rural free-delivery route established prior to the 1st day of April, 1906, and not discontinued by the Postmaster-General, except those weeks in which, under the rules and regulations of the Post-Office Department, there are legal holidays."

Mr. OVERSTREET. I make the point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FLOOD. I will discuss the point of order, with the permission of the Chair.

The CHAIRMAN. The Chair is ready to rule. The Chair sustains the point of order.

Mr. FLOOD. I move to strike out the last word, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. FLOOD. Mr. Chairman, this amendment that has just been offered is a limitation upon the section under consideration and is similar in character to the amendments that have heretofore been sustained by the Chair. A point of order, therefore, will not lie to it.

Mr. Chairman, the purpose of this amendment is to stop a known movement on the part of the Post-Office Department to lessen the number of deliveries upon the rural free-delivery routes.

It is a curious state of affairs; it is a travesty upon representative government; it is a reflection upon this House, that this great rural free-delivery system has only six lines of legislation at the hands of Congress each year, and these six lines simply make an appropriation for the support of the system. Everything else in reference to it is turned over to the tender mercies of the subordinates of the Post-Office Department, a Department which is unfriendly to the system.

A suggestion has been made, and by many is believed to be true, that the Republican party is unfriendly to the system. The attitude of the chairman of the Committee on Post-Offices and Post-Roads on this question, a gentleman who has occupied a high position in the Republican organization and still occupies a high position in the organization of this House, gives strong grounds for this belief. The attitude of the Post-Office Department, presided over as it is by the distinguished, able, and efficient chairman of the national Republican committee, gives still stronger grounds for believing this to be true, and justifies the further belief that under the present régime there is not only but small hope that the service will be extended, but there are strong grounds for the fear that it will be reduced and weakened. [Applause on the Democratic side.]

Mr. Chairman, if this move is not stopped by Congress, the people of the rural districts will have an inferior service to what they did have before the rural free-delivery system was inaugurated by the foresight and wisdom of the Democratic party. This system was given to the country people for their benefit and advantage. Now, the post-office officials propose to weaken and ultimately destroy it. This movement is unwise and is unjust to the farmers of the country. Prior to the inauguration of the rural delivery system there were a large number of small post-offices supplied by star routes scattered all over the country. The service rendered by these offices was by no means as efficient and as convenient as that given by the delivery of mail under the rural free-delivery system, where there are six deliveries a week, but it was a great deal more convenient that it would be by the rural delivery system with three deliveries a week.

The rural delivery system has unquestionably been a great boon to the people of the rural districts. To discontinue daily service on rural routes and substitute therefor triweekly deliveries would be a long step backward. It would be a step backward of ten years, for it was ten years ago that the Democratic party inaugurated the system. It would prevent the people living on triweekly routes from receiving daily papers and would give to patrons on one-half of the route the weekly county papers one day earlier than those of the other half. There can be no doubt that the old system of numerous fourth-class post-offices and daily star routes would furnish better facilities than this triweekly delivery.

It would not only inconvenience the people, but it would cripple and ultimately destroy the triweekly routes. To illustrate, say A is a small railway post-office from which there are two rural routes established which do not handle the requisite number of pieces of mail per month. Prior to the establishment of these rural free delivery routes there emanated from this post-office a star route which supplied, say, three post-offices, B, C, and D. After the establishment of the rural delivery routes this star route and three post-offices are discontinued. A number of people live near those post-offices who have always been in the habit of sending and receiving their letters and papers daily. When the free delivery was established they had a better service than they had been used to, but when it is discovered that these rural delivery routes do not handle the requisite number of pieces of mail per month they will be changed from a daily service to a triweekly service, and one carrier will be required to do the work on both routes. Mondays, Wednesdays, and Fridays he delivers to half of the patrons of the routes and Tuesdays, Thursdays, and Saturdays to the other half. Intelligent people living on these routes must be deprived of their daily papers and daily mail or must abandon the rural delivery routes. They can not now turn to their neighborhood post-offices, because they have been abolished, and not being willing to give up their daily mail service, they are forced to send to A, the railroad post-office, many miles from their homes. This would be a great hardship and inconvenience to these people, and it would not help the rural delivery routes. The intelligent people on these routes would not long hesitate to go to the expense and trouble of sending to the post-office for their mail. Their patronage would be withdrawn from the two rural delivery routes, and it would soon be the case that the two routes combined would handle less mail than either one of them did before the change was made, and the carrier would be receiving pay from the Government for rendering less service than he did when he had only one of the routes with a daily delivery.

There can be no doubt about the fact that these people would be in worse position so far as their mail is concerned than they were before this system of rural delivery was inaugurated. [Applause.]

The rural free-delivery service is to-day one of the most popular branches of the Government. The additional expense incident thereto is fully justified by the benefits derived from it by the country people. [Applause.]

Cities and towns have long enjoyed the boon of free delivery of mail and there is no reason why the people of the country districts, even the most remote, should not participate in it. Under the system as at present conducted, the letters, papers, and packages of country people are delivered to them at their very door and at their very door the carrier takes their letters and packages and sends them on to their various destinations. The deliveries in the most remote sections thus brings the people in daily communication with the busy, bustling world. They feel, as it were, the very pulse of the business, political, and social events that are occurring in every portion of the civilized world.

It is a great blessing to farmers in the busy season. The rural delivery of mails enables inhabitants of isolated sections of the country to take advantage of the method of education from daily newspapers and other publications which they have heretofore been deprived of. It enables them to enter into the deliberations of their National Congress and to know what is being done here, and I have heard it suggested that this is the reason Republicans are opposed to it. [Applause.] They can keep up with their State legislature and acquaint themselves with what is going on in the outside world. These are the people who get very few benefits of government. They do not get rich through the medium of special legislation. They pay taxes and bear their share of the burdens of government, and they are entitled to the convenience and advantage the rural free-delivery system gives them. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The Chair sustains the point of order.

Mr. LEVER. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

At the end of line 20, page 27, add: "*And provided further*, That hereafter the rural mail carriers, in the discretion of the Postmaster-General, may be allowed fifteen days' annual leave with pay."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that amendment.

Mr. LEVER. I ask the gentleman to reserve it for two minutes.

Mr. OVERSTREET. I must make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. OLCOTT. Mr. Chairman, I move to strike out the last word. In view of the lateness of the hour and the fate of the amendments offered by my colleague from New York I do not want to occupy the time of the House, but I want to put myself on record in regard to the increase of the carriers' pay in the larger cities. Having said that, I will ask the privilege of extending my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMYSER. Mr. Chairman, I ask the same leave.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. OVERSTREET. Mr. Chairman, I move that debate upon the pending paragraph and amendments thereto be closed.

The CHAIRMAN. The gentleman from Indiana moves that debate on the pending paragraph and amendments be closed.

The motion was agreed to.

Mr. LEVER. Mr. Chairman, the amendment I have just offered to the bill is "that hereafter the rural mail carriers, in the discretion of the Postmaster-General, may be allowed fifteen days' annual leave with pay."

I very much regret that my friend the chairman of the Committee on Post-Offices and Post-Roads should interpose a point of order against this amendment. Of course I recognize that the amendment is subject to a point of order, but I recognize also that the only way that we can ever secure any legislation looking to the equalizing of favors among the Government employees is by such an amendment as I propose here. It is for this reason that I so much regret that the point of order has been raised and my friend put in the attitude of standing between the rural carriers and the common justice which belongs to them.

For years bills have been introduced in the House and referred to the Post-Office Committee looking to the end sought by my amendment, but for some reason they have never been reported to the House from that committee.

I call the attention of the House to the fact that the rural carrier, the man who handles the mail for 36,000,000 of our rural population, is the only class of Government employee who does not receive some annual leave of absence with pay. There is not a single private establishment of any consequence in this country which does not give to its employees at least fifteen days during the year with pay. The city mail carrier gets fifteen days each year, the railway mail clerk gets leave under certain conditions, and the hot-house clerk here in Washington, who works seven and a half hours a day at a good salary, not only gets thirty days' annual leave, but thirty days of sick leave with pay. Why this discrimination against the rural carrier? How can we justify our sense of right in permitting the continuance of such a state of affairs?

Who is this man and what are his duties that we have no care for him? He is one of our own citizens whose position has come to him through a competitive examination, and he is entitled to fair treatment, to the same treatment accorded to other employees in the Government. This amendment gives him a mere pittance of justice; he really deserves an increase in salary, and for me I shall vote for the amendment which my colleague [Mr. AIKEN] is about to offer to increase the salary of carriers to $840 a year. I should have offered the amendment myself had I not known that my colleague was going to do so.

The duty of a rural carrier is by no means a snap. He must first stand an examination before he can be appointed; he must pay for his bond and provide himself with equipment necessary to perform the service of a carrier. His first investment, counting the time lost in taking the examination, the cost of bond, and the cost of his horse and buggy, will amount to from three to three hundred and fifty dollars. His annual expense for the feed of his horse and the repair to his buggy and harness can not be less than $250, and out of the remainder of his salary he must live and support and educate his family. It is not enough; and that fact is shown in the 2,582 resignations during last year. Why, Mr. Chairman, we pay the negro Coates, who does the strenuous work of brushing our hats, taking off our coats and rubbers as we come in, and taking charge of them until the session closes, as much as we pay the rural carrier who handles our mail, comes in daily contact with our family, and becomes a part of our daily lives. We pay as much to the negro barbers on the floor below as we give to the rural carrier, and these messengers whose only duty it is to sit at the doors of the various committee rooms receive even a larger salary than the rural carriers. The Government clerk here in Washington, who really works only ten months in the year—and the bulk of that work consists of dreaming of and pleading for higher salaries and shorter hours—receives double the pay of the rural carriers, whose duties in many cases engage them from sun to sun during every workday of the year. There are 35,000 of these men whom we have the hardihood to discriminate against. They are the special servants of the American farmer, whose carrestness, devotion to duty, respect for law and order, and conservatism add so much to the strength of the nation's citizenship. I assert that a day of reckoning is coming. The 36,000,000 people engaged in rural pursuits are going to demand of this Congress sooner or later fair treatment for their "mail boys" who daily bring so much of happiness into their home circles. The carriers' salaries ought to be increased, but I fear the amendment of my colleague [Mr. AIKEN] will suffer the same fate that has come to this amendment of mine, giving to the carriers the mere pittance of fifteen days' annual leave. I beg of the chairman to withdraw his point of order that simple justice may be done this class of employees and that this House may show its willingness to deal fairly with all classes. [Applause.]

[Mr. BENNET of New York addressed the committee. See Appendix.]

Mr. LACEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the end of line 20, page 27, add the following: "*Provided*, That in making selection of carriers three names standing highest on the eligible list shall be certified, should there be that many on such list, and from such three names the appointment may be made."

Mr. OVERSTREET. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

The appropriation for the fiscal year 1906 of $25,000 for the employment of special counsel to prosecute and defend suits affecting the second-class mailing privilege is hereby reappropriated and made available for the fiscal year 1907.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I want to call to the attention of the committee something which has occurred since we voted this subsidy a few moments ago. The gentleman raised the question that the rural carriers were not paid sufficient compensation for their service and that they ought to have something additional for horse hire, as I caught his amendment. This subsidy to this railroad would have paid for 232 new rural routes at $720 a year per carrier, their salary now. I have uniformly voted against this subsidy. It is against good policy and not necessary, and the money should go to build up the rural free-delivery system of the United States.

This railroad can get along without it and serve the people well. It is now a perfect giant. Other railroads having this subsidy have given it up, and they get along without it and keep up their fast schedules. Gentlemen who now talk for rural carriers, etc., voted for this subsidy a few moments ago. I am showing them that "chickens come home to roost." Our rivers and harbors are suffering, too; hence I oppose these subsidies. We could have taken this money and established 232 rural routes, and given that service to the people of this country—to the farmers, that you have never given anything but this delivery service. Nothing has even been taken to their doors but this rural service. They need this money; the railroad does not. They want and need this rural service, yet it is being curtailed, though they petition for it. [Applause.]

Mr. OVERSTREET. Mr. Chairman, I move that all debate upon the pending paragraph and amendments thereto be closed.

The motion was agreed to.

The Clerk read as follows:

For pay of letter carriers and clerks in charge of substations of rural delivery service, $28,200,000: *Provided*, That not to exceed $15,000 of the amount hereby appropriated may be used for compensation of clerks in charge of substations.

Mr. LACEY. Mr. Chairman, I move to strike out the last word. I do this simply because I want a minute of the attention of the House. Under the civil-service rules, if you are selecting a carrier in the city, the three highest names are certified, and from those the carrier is selected; as to the rural carrier, they can only send up one name. One name that stands at the head of the list is sent up and that prevents them from having any choice at all among the carriers except that one man. Heretofore under the civil service they got a chance to select one out of three, but in this particular service the civil service selects one man and certifies him and him alone.

Mr. OVERSTREET. Mr. Chairman, I move that debate on the pending paragraph and amendments thereto be closed.

The motion was agreed to.

The Clerk read as follows:

That hereafter no article, package, or other matter shall be admitted to the mails under a penalty privilege, unless such article, package, or other matter would be entitled to admission to the mails under laws requiring payment of postage.

Mr. OVERSTREET. Mr. Chairman, I move that all debate on the pending paragraph and amendments be closed.

The CHAIRMAN. That is not in order until there has been some debate on the paragraph.

Mr. PEARRE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the end of line 9, on page 28 of the bill, amend by adding the following new paragraph:

"That hereafter, under such regulations as the Postmaster-General may establish for the collections of the lawful revenue and for facilitating the handling of such matter in the mails, it shall be lawful to accept for transmission in the mails quantities of not less than 500 identical pieces of third or fourth class matter, without postage stamps affixed: *Provided*, That postage shall be fully prepaid thereon at the rate required by law for a single piece of such matter."

Mr. OVERSTREET. Mr. Chairman, that is contrary to the law of March 13, 1905, and I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

That hereafter it shall be unlawful for any person entitled under the law to the use of a frank to lend said frank or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association.

Mr. AIKEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend on page 27, lines 17 and 18, by striking out the words "twenty-eight million two hundred thousand dollars" and inserting in lieu thereof the words "thirty-two million four hundred thousand dollars: *Provided*, That not to exceed $4,200,000 of said sum here appropriated shall be paid to rural mail carriers for horse hire and wagon equipment."

Mr. AIKEN. I have offered this amendment to the appropriation for the postal service, increasing the appropriation for the rural service to $32,400,000. I do this in the face of a disposition by Members of this body and by the postal authorities to so limit the appropriation as to hamper the service.

The alleged reason is that the rural service is not self-sustaining, and certain routes through remote settled sections, it is said, must be cut off or reduced to triweeklies because, forsooth, they do not reimburse the Government for the cost of maintaining them. Carriers are expected to serve at starvation salaries on the flimsy pretense that the service is costing too much.

By what standard of measurement is it determined whether or not the Government is reimbursed for its outlay in the rural service? Is it in so many dollars and cents for stamps canceled? Surely not. But let us look at it first from this sordid point of view. The average monthly cancellations of postage stamps by carriers is about 30 per cent of the average pay of carriers. It is stated on good authority that the mail received by the patrons on these routes has been increased several hundred per cent since the establishment of the rural service. Is it not reasonable, then, to suppose that the large increase in mail received is due in a large measure to the establishment of the rural delivery system? And if due to this system, should it not be considered a part of the earning capacity of that system?

But has it been the policy of the Government to measure the utility of a service by the actual dollars reverting through that service to the Public Treasury? Is this the precedent established in voting hundreds of thousands annually for extra fast service on mail trains? Is this the precedent established in paying bonuses to steamship lines for carrying a few pounds of mail to remote and comparatively unimportant points in Central and South America for the accommodation of a few isolated American citizens? Is this the precedent in voting hundreds of thousands of dollars for pneumatic-tube service for the exclusive accommodation of certain sections of this country? Who will contend that the Government revenues are increased one dollar, directly, for ten expended in any one of the ways we have mentioned? Why, then, should we vary the rule when applied to the rural-delivery service? Does it count for nothing that this service is linking in daily communication sections heretofore remote and isolated; and that it is stimulating to a marvelous degree social and business intercourse between country and town? Does it count for nothing that this service dispels in large measure that isolation which makes life in the country less desirable than in populous centers?

If there is one evil greater than all others that threatens the social and business fabric of this nation it is the constant trend toward and the congestion in our cities and towns. The farmer is the only actual wealth creator; all other wealth is but so much margin or profit on his original creation. The Government, then, in using its means without stint in building up an intelligent, contented, and prosperous rural population is planting the seeds of industry where the harvest will be "an hundredfold."

The trolley line and the telephone have done much for the remote rural resident, but the rural service has done more. Not every man is within reach of a trolley line, not every man can afford a telephone, but the humblest citizen may have his mail delivered at his door.

It is my opinion that the rural service has come to stay. Long before the experiment was made in this country, it was well established in monarchical Europe. Since it has taken firm hold on the rural sections of this country of free institutions, will the good people served permit it to be curtailed? Will the Government permit this, the only mite of service to the farmer, almost essential for maintaining the highest type of rural citizenship, to languish for lack of proper support?

I wish now to say a word specifically in behalf of the carriers. At a previous session of Congress I introduced a bill to increase the pay of rural carriers to $900. I have heard no reason since that time why they should not be paid that much or more. It may be stated, without fear of contradiction, that no class of men in the Government service do as much hard work for as little money. There is no reasonable ground on which the Government can justify a parsimonious policy toward these men, whose duties, through winter's snow and summer's scorching heat, are performed with that faithfulness that commands universal admiration.

While I would not take one cent from the pay of city carriers, I wish again in simple justice to call attention to the inequality between their pay and that of rural carriers. City carriers receive $800 and some $1,000 per annum, and in many instances electric-car fare paid, a horse and mail wagon furnished, or the equivalent in money, making some of the salaries about thirteen hundred dollars.

The rural carrier receives $720 at the most, must furnish his horse and buggy and feed his horse, which requires an annual outlay of not less than $250. It has been thoroughly demonstrated that a good horse can not stand constant driving for more than two years, and that a buggy will wear out in that time with constant use needs no demonstration. Placing, then, the annual necessary expense to the carrier at not less than $250, he is expected to ride 25 miles per day, three hundred days in the year, for less than $450. Is there a clerk, of the thousands in the Departments who are asking for more pay and shorter hours, who would exchange places with the rural carrier even with an increase of $500 in the carrier's pay?

About the only argument I have heard advanced against increase of pay of carriers is that men can be had at the present prices, and Government appropriations are now so heavy for matters thought to be more necessary than this minor matter will have to suffer temporary curtailment. If the salary of every office in the United States should be reduced 30 per cent, men could be found to accept them and, perhaps, to fill them acceptably. Would this be any justification for the reduction? In no branch of the public service, from Mexico to Canada, are there so many resignations, proportionately, as occur annually in the rural service. Out of 34,667 carriers serving up to January 2, 1906, there were 2,582 resignations during the fiscal year ending June 30, 1905. This is a silent testimonial that speaks volumes of the hard work and poor pay of the carriers.

While my amendment provides for such increase in the appropriation as will warrant salaries of $840 for the carriers, I wish to state that if the shortsighted policy of this body will not grant so much, I shall work or vote for any increase temporarily. I know that in time these deserving men, backed by the farmer who each year is making his strength felt more and more in this nation, will not long knock in vain at the doors of Congress. In the present railroad legislation we find a direct answer to a demand by the individual voter. Scarcely less urgent are the demands by the friends of the rural service, and since they are founded in justice and equity they will eventually triumph. There are no superannuated employees, no requests for pensions, no soft snaps in this branch of the service. [Applause.]

The amendment was ruled out on points of order.

Mr. AIKEN. Mr. Chairman, I ask that the Clerk read the newspaper clipping which I send to the desk.

The Clerk read as follows:

[Special.—By R. M. Larner.]

WASHINGTON, *April 8, 1906.*

Up in New England and in other sections of the country eminent physicians are recommending the establishment of rural free-delivery mail service as a cure of melancholia and a preventive against suicide.

This startling statement was made a few days ago by P. V. De Graw, Fourth Assistant Postmaster-General, who is in charge of the administration of the rural free-delivery branch of the postal service. Mr. De Graw had but a few hours previously completed his monthly report of the division of rural delivery for March. It showed the total number of petitions received for the establishment of rural delivery service, the number of adverse reports, routes in operation one year ago, and the number in operation to April 1, and other details showing the rapid growth and popularity of the rural service.

In commenting upon the popularity and the convenience of the rural service Mr. De Graw recited a number of interesting incidents obtained while making a personal inspection of the system in New England recently. He had occasion to visit the mountain regions of Vermont, and for a brief period enjoyed the companionship of a prominent physician practicing in that locality.

TALKS WITH THE DOCTOR.

While driving through a deserted mountain pass with the doctor, the subject of the rural free-delivery service was discussed from a purely practical point of view. Mr. De Graw is known to be a consistent friend of rural free delivery, and he admits that his friendship is greatly reenforced by the conversation he had with that doctor on that memorable ride and his personal observations along the route. Sometimes they would drive miles and miles without meeting more than one lonely cabin along the road. On two occasions he saw the rural carrier making the daily delivery, and all of the occupants of the cabin came out to greet the ever-welcome visitor.

"There, Mr. Postmaster-General," said the doctor, addressing Mr. De Graw, "is one of the blessings of the rural delivery service. The mail carrier is probably the only traveler along this road for days, and sometimes weeks, that these poor people see or have an opportunity to talk with and get an idea of what is going on beyond the wild and almost deserted region in which they live. Now they have something to look forward to daily—when the rural carrier arrives. Even if he has no mail for them, he stops long enough to speak to them and brighten up their otherwise dormant and uneventful life." This phase of the subject appealed more forcibly to Mr. De Graw when the doctor added:

CURE FOR MELANCHOLIA.

"Not only is rural free delivery a godsend to these people, but it is a cure for melancholia in many instances, and the official statistics of this region and other equally isolated sections of the country show that there has been a great reduction in the number of suicides since rural free delivery became general throughout the country."

That eventful ride led Mr. De Graw to make further investigation on the subject, and he said it is astonishing to learn that so many remote localities have had similar experience and furnish undisputable evidence of the mental, as well as physical, benefit derived from the daily visits of a rural carrier.

PEOPLE TIRED OF LIFE.

Prior to the establishment of rural delivery, dwellers in these sparsely settled and desolate localities were slowly but surely becoming uncivilized because of infrequent contact with the outside world. Loneliness was followed by distress, distress followed by distraction, and distraction induced self-destruction. To-day the rural carrier is a more welcome visitor to the homes of these almost benighted mortals than the country parson or any other State or municipal functionary. It is this condition throughout the rural districts of this country which justifies the most liberal allowances for this comparatively new branch of the postal service.

Mr. OVERSTREET. Mr. Chairman, I move that all debate on this paragraph and all amendments be closed.

The question was taken; and the motion was agreed to.

Mr. STEENERSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out all of lines 10, 11, 12, 13, and 14, on page 28, and insert the following:

"That hereafter it shall be unlawful for any person entitled under the law to the use of a frank to lend his frank or permit the same to be used by others than himself, or knowingly use, or permit the same to be used, to avoid the payment of postage on unfrankable matter; and any person violating the foregoing provision shall forfeit to the United States the sum of $300, to be recovered in any court having competent jurisdiction: *Provided*, That the foregoing provisions shall not be construed to prohibit the mailing of frankable matter under the authority of a person entitled to a frank in the interest of any organization, association, or committee of which the person entitled to such frank is in good faith an officer or member."

The question was taken; and the amendment was rejected.

The Clerk read as follows:

That if the revenues of the Post-Office Department shall be insufficient to meet the appropriations made by this act, a sum equal to such deficiency of the revenue of said Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post-Office Department for the year ending June 30, 1907.

Mr. OVERSTREET. Mr. Chairman, I move that the committee do now rise.

Mr. FLOOD. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Virginia will be recognized to offer an amendment.

The Clerk read as follows:

After line 5, page 29, add following paragraph:

"Hereafter the provision in the rules and regulations of the Post-Office Department, whereby honorably discharged United States soldiers and sailors, though over 55 years of age, are eligible to appointment as carriers on rural free-delivery routes, shall apply to honorably discharged Confederate soldiers and sailors.

Mr. OVERSTREET. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. OVERSTREET. Mr. Chairman, I move the committee do now rise.

Mr. FLOOD. Mr. Chairman, I move that the last line be stricken out. I just want a moment to explain my amendment.

Mr. OVERSTREET. Mr. Chairman, I renew my motion that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16953—the post-office appropriation bill—and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. OVERSTREET. Mr. Speaker, I demand the previous question on the bill and amendments to their passage.

The SPEAKER. The gentleman from Indiana demands the previous question on the bill and amendments to their final passage.

The question was taken; and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken in gross.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was read the third time.

Mr. MOON of Tennessee. Mr. Speaker, I move that this bill be recommitted to the Committee on Post-Offices and Post-Roads with instructions to report it back immediately with all between lines 5 and 18 on page 22 stricken out, being the provision for the railroad subsidy.

The SPEAKER. The gentleman from Tennessee moves that the bill be committed to the Committee on Post-Offices and Post-Roads with instructions to report the same forthwith with the following amendment, which the Clerk will report.

The Clerk read as follows:

Page 22, beginning with line 5, strike out all down to and including line 18.

Mr. CRUMPACKER. Mr. Speaker, to save time I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 96, nays 97, answered "present" 7, not voting 182, as follows:

YEAS—96.

Ames	Ellerbe	Howell, Utah	Page
Bartholdt	Esch	Hunt	Patterson, N. C.
Beall, Tex.	Field	Johnson	Payne
Birdsall	Finley	Jones, Va.	Richardson, Ky.
Bonynge	Floyd	Kennedy, Nebr.	Rixey
Bowersock	French	Kitchin, Claude	Shartel
Brown	Fulkerson	Kitchin, Wm. W.	Sheppard
Brundidge	Gaines, Tenn.	Lawrence	Smith, Ky.
Burgess	Gardner, Mich.	Lever	Smith, Samuel W.
Burleson	Garner	Lilley, Conn.	Smith, Tex.
Burton, Ohio	Gillespie	Lloyd	Smyser
Chapman	Graff	McCleary, Minn.	Southall
Clark, Mo.	Granger	McCreary, Pa.	Stafford
Cole	Gregg	McKinney	Stanley
Conner	Gronna	McNary	Steenerson
Cooper, Wis.	Grosvenor	Macon	Sullivan, Mass.
Crumpacker	Hamilton	Marshall	Thomas, N. C.
Currier	Hardwick	Miller	Townsend
Davidson	Haugen	Moon, Tenn.	Webb
Dawson	Heflin	Moore	Weems
De Armond	Henry, Tex.	Mouser	Williams
Dixon, Ind.	Higgins	Murdock	Wilson
Dixon, Mont.	Houston	Norris	Young
Driscoll	Howell, N. J.	Otjen	Zenor

NAYS—97.

Adams, Wis.	Dalzell	Kahn	Rodenberg
Adamson	Davis, W. Va.	Knapp	Ryan
Aiken	Draper	Knowland	Sherman
Allen, Me.	Dwight	Lacey	Sibley
Andrus	Ellis	Lamar	Small
Babcock	Fassett	Lamb	Smith, Cal.
Bannon	Fitzgerald	Le Fevre	Smith, Iowa
Barchfeld	Flack	Lester	Snapp
Bartlett	Fletcher	Lilley, Pa.	Southwick
Bell, Ga.	Flood	Livingston	Sparkman
Bennet, N. Y.	Foster, Vt.	Loudenslager	Spight
Bishop	Gardner, N. J.	McLain	Taylor, Ala.
Bowers	Gill	McMorran	Thomas, Ohio
Bowie	Glass	Maynard	Tirrell
Brantley	Goldfogle	Meyer	Underwood
Brownlow	Graham	Mudd	Vreeland
Burnett	Griggs	Olcott	Wachter
Burton, Del.	Gudger	Overstreet	Waldo
Byrd	Haskins	Padgett	Watkins
Calderhead	Hay	Patterson, S. C.	Wiley, Ala.
Campbell, Kans.	Hayes	Pearre	Wiley, N. J.
Candler	Hepburn	Pou	Wood, N. J.
Cooper, Pa.	Howard	Pujo	
Curtis	Huff	Ransdell, La.	
Dale	Humphreys, Miss.	Richardson, Ala	

ANSWERED "PRESENT"—7.

Clark, Fla.	Goebel	Hopkins	Russell
Darragh	Hill, Conn.	Jones, Wash.	

NOT VOTING—182.

Acheson	Foster, Ind.	Littauer	Rucker
Adams, Pa.	Fowler	Little	Ruppert
Alexander	Fuller	Littlefield	Samuel
Allen, N. J.	Gaines, W. Va.	Longworth	Schneebeli
Bankhead	Garber	Lorimer	Scott
Bates	Gardner, Mass.	Loud	Scroggy
Bede	Garrett	Lovering	Shackleford
Beidler	Gilbert, Ind.	McCall	Sherley
Bennett, Ky.	Gilbert, Ky.	McCarthy	Sims
Bingham	Gillett, Cal.	McDermott	Slayden
Blackburn	Gillett, Mass.	McGavin	Slemp
Boutell	Goulden	McKinlay, Cal.	Smith, Ill.
Bradley	Greene	McKinley, Ill.	Smith, Md.
Brick	Hale	McLachlan	Smith, Wm. Alden
Broocks, Tex.	Hearst	Madden	Smith, Pa.
Brooks, Colo.	Hedge	Mahon	Southard
Broussard	Henry, Conn.	Mann	Sperry
Buckman	Hermann	Martin	Sterling
Burke, Pa.	Hill, Miss.	Michalek	Stephens, Tex.
Burke, S. Dak.	Hinshaw	Minor	Stevens, Minn.
Burleigh	Hitt	Mondell	Sullivan, N. Y.
Butler, Pa.	Hoar	Moon, Pa.	Sulloway
Butler, Tenn.	Hogg	Morrell	Sulzer
Calder	Holliday	Murphy	Talbott
Campbell, Ohio	Hubbard	Needham	Tawney
Capron	Hughes	Nevin	Taylor, Ohio
Cassel	Hull	Olmsted	Towne
Chaney	Humphrey, Wash.	Palmer	Trimble
Clayton	James	Parker	Tyndall
Cockran	Jenkins	Parsons	Van Duzer
Cocks	Keifer	Patterson, Tenn.	Van Winkle
Cousins	Keliher	Perkins	Volstead
Cromer	Kennedy, Ohio	Pollard	Wadsworth
Cushman	Ketcham	Powers	Wallace
Davey, La.	Kinkaid	Prince	Wanger
Davis, Minn.	Klepper	Rainey	Watson
Dawes	Kline	Randell, Tex.	Webber
Deemer	Knopf	Reeder	Weeks
Denby	Lafean	Reid	Weisse
Dickson, Ill.	Landis, Chas. B.	Reynolds	Welborn
Dovener	Landis, Frederick	Rhinock	Wharton
Dresser	Law	Rhodes	Williamson
Dunwell	Lee	Rives	Wood, Mo.
Edwards	Legare	Roberts	Woodyard
Fordney	Lewis	Robertson, La.	
Foss	Lindsay	Robinson, Ark.	

So the motion to recommit was rejected.

Mr. DARRAGH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DARRAGH. To ascertain whether the gentleman from New York, Mr. KETCHAM, is recorded as having voted.

The SPEAKER. He is not.

Mr. DARRAGH. I am paired with the gentleman from New York, and I wish to withdraw my vote.

The name of Mr. DARRAGH was called, and he answered "present."

The Clerk announced the following additional pairs:

Until further notice:

Mr. WATSON with Mr. SHERLEY.

For the balance of the day:

Mr. GREENE with Mr. WALLACE.

Mr. DAWES with Mr. SMITH of Maryland.

Mr. BOUTELL with Mr. MCDERMOTT.

Mr. ALEXANDER with Mr. KELIHER.

Mr. ADAMS of Pennsylvania with Mr. BROUSSARD.

Mr. DUNWELL with Mr. BROOCKS of Texas.

Mr. JENKINS with Mr. WOOD of Missouri.

Mr. DAVIS of Minnesota with Mr. KLINE.

Mr. DOVENER with Mr. SIMS.

For this vote:

Mr. FOSS with Mr. RAINEY.

On the vote for and against the motion to recommit:

Mr. RUCKER (for) with Mr. BURLEIGH (against).

Mr. TAWNEY (for) with Mr. RUPPERT (against).

Mr. BANKHEAD (for) with Mr. LONGWORTH (against).

Mr. STEVENS of Minnesota (for) with Mr. WANGER (against).

Mr. HILL of Connecticut (for) with Mr. PERKINS (against).

Mr. RHINOCK (for) with Mr. TRIMBLE (against).

Mr. POLLARD (for) with Mr. STEPHENS of Texas (against).

Mr. JONES of Washington (for) with Mr. CLARK of Florida (against).

Mr. HOPKINS (for) with Mr. LINDSAY (against).

Mr. DARRAGH (for) with Mr. KETCHAM (against).

Mr. GOEBEL (for) with Mr. MANN (against).

Mr. DAVEY of Louisiana (for) with Mr. JAMES (against).

Mr. LEE (for) with Mr. BEDE (against).

Mr. TALBOTT (for) with Mr. GILBERT of Kentucky (against).

Mr. WOODYARD (for) with Mr. HUGHES (against).

Mr. GARBER (for) with Mr. LITTAUER (against).

Mr. SOUTHARD (for) with Mr. NEEDHAM (against).

Mr. RUSSELL (for) with Mr. HILL of Mississippi (against).

Mr. HILL of Connecticut. Mr. Speaker, in the reading of the pairs I noticed that my pair with the gentleman from New York [Mr. PERKINS] was read "Mr. PERKINS with Mr. HILL of Connecticut." I am in the affirmative, and the gentleman from New York is in the negative, and the pair should read the other way, "Mr. HILL of Connecticut with Mr. PERKINS."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. OVERSTREET, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 12863. An act to create a new division of the southern judicial district of Texas, and to provide terms of court at Victoria, and for other purposes.

H. R. 17359. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5448. An act to authorize the construction, operation, and maintenance of a telegraphic cable from Key West, Fla., to the United States naval station at Guantanamo, Cuba, and from thence to the Canal Zone, on the Isthmus of Panama—to the Committee an Appropriations.

S. 1223. An act granting a pension to Mary E. Bronaugh—to the Committee on Pensions.

S. 2072. An act to provide for the erection of a statue of Gen. Nathanael Greene on the battlefield of Guilford Court House—to the Committee on the Library.

ARCHÆOLOGICAL INSTITUTE OF AMERICA.

By unanimous consent, the Committee on the District of Columbia was discharged from the further consideration of the bill (H. R. 17409) incorporating the Archæological Institute of America, and the same was referred to the Committee on Foreign Affairs.

Mr. OVERSTREET. Mr. Speaker, I move that the House do now adjourn.

Mr. COOPER of Pennsylvania. Mr. Speaker, I ask the gentleman to withhold that motion, in order to allow me to move to take from the Speaker's table a bill, and to move that the House concur in the Senate amendments.

BRIDGE OVER MONONGAHELA RIVER, FAYETTE COUNTY, PA.

The SPEAKER laid before the House the bill (H. R. 9324) to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County, with Senate amendments thereto.

The Senate amendments were read.

Mr. COOPER of Pennsylvania. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

Mr. OVERSTREET. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 17 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior, submitting an estimate of appropriation for investigation of fuel substances and structural materials, etc., in the United States—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BROWN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 9308) to amend the act of Congress approved February 11, 1901, entitled "An act

providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin," reported the same without amendment, accompanied by a report (No. 3207); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17415) to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska, reported the same with amendment, accompanied by a report (No. 3209); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 16672) to prevent the cutting, chipping, or boxing of trees on the public lands, reported the same with amendment, accompanied by a report (No. 3210); which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16307) authorizing the Secretary of the Interior to have a survey made of unsurveyed public lands in the State of Louisiana, reported the same with amendment, accompanied by a report (No. 3211); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Washington, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 17987) making an appropriation for the improvement of the mouth of the Columbia River, reported the same without amendment, accompanied by a report (No. 3213); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16672) to prevent the cutting, chipping, or boxing of trees on the public lands, reported the same with amendment, accompanied by a report (No. 3210); which said bill and report were referred to the House Calendar.

Mr. CRUMPACKER, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 18025) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes, reported the same without amendment, accompanied by a report (No. 3214); which said bill and report were referred to the House Calendar.

Mr. DAVIDSON, from the Committee on Railways and Canals, to which was referred the resolution of the House (H. Res. 391) requesting information of the Department of Commerce and Labor relative to the condition and ownership of the canals in the United States, reported the same without amendment, accompanied by a report (No. 3215); which said resolution and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11796) for the diversion of water from the Sacramento River, in the State of California, for irrigation purposes, reported the same with amendment, accompanied by a report (No. 3216); which said bill and report were referred to the House Calendar.

Mr. NEEDHAM, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 17757) extending to the subport of Spokane, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, reported the same with amendment, accompanied by a report (No. 3217); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McCLEARY of Minnesota, from the Committee on the Library, to which was referred the bill of the Senate (S. 80) for the erection of a monument to the memory of Commodore John Barry, reported the same without amendment, accompanied by a report (No. 3208); which said bill and report were referred to the Private Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 16069) authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army, reported the same without amendment, accompanied by a report (No. 3212); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. REEDER: A bill (H. R. 18131) amending the irrigation law of June 17, 1902, by directing the Secretary of the Interior to plant trees, shrubs, and so forth, along the national irrigation canals, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. PEARRE (by request): A bill (H. R. 18171) to regulate the issuance of restraining orders and injunctions and procedure thereon, and to limit the meaning of the word "conspiracy" in certain cases—to the Committee on the Judiciary.

By Mr. SIBLEY: A joint resolution (H. Res. 136) granting to officers who served during the late rebellion the relief granted to enlisted or appointed men by joint resolution approved July 1, 1902—to the Committee on Invalid Pensions.

Also, a joint resolution (H. J. Res. 137) amending section 2 of joint resolution approved July 1, 1902, construing the act of June 27, 1890—to the Committee on Invalid Pensions.

By Mr. LE FEVRE: A joint resolution (H. J. Res. 138) proproviding that every honorably discharged soldier of the civil war shall receive a pension—to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 18132) granting an increase of pension to John W. Blanchard—to the Committee on Invalid Pensions.

By Mr. BARCHFIELD: A bill (H. R. 18133) removing the charge of desertion against the name of David C. Stewart—to the Committee on Naval Affairs.

Also, a bill (H. R. 18134) for the relief of the Compañia de los Ferrocarriles de Puerto Rico—to the Committee on Claims.

By Mr. BATES: A bill (H. R. 18135) granting an increase of pension to Benedict Sutter—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 18136) granting a pension to William Brumfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18137) granting a pension to Lydia Butler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18138) granting an increase of pension to L. M. Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18139) granting an increase of pension to Joseph J. Vooreheas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18140) granting an increase of pension to Mashack Stacy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18141) granting an increase of pension to Perry G. P. Bruce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18142) granting an increase of pension to James Carter—to the Committee on Invalid Pensions.

By Mr. BOWIE: A bill (H. R. 18143) granting an increase of pension to James F. Brown—to the Committee on Pensions.

By Mr. FASSETT: A bill (H. R. 18144) granting an increase of pension to James H. Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18145) granting a pension to John W. Davenport—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 18146) granting a pension to Eliza M. Patton—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 18147) granting an increase of pension to Perry F. Belden—to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 18148) granting an increase of pension to J. M. Martin—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 18149) granting an increase of pension to S. Horace Perry—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 18150) for the relief of S. M. Gentry—to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 18151) granting an increase of pension to George Camp—to the Committee on Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 18152) for the relief of John T. Wertz and the heirs at law of Walter H. Shupe—to the Committee on the Public Lands.

By Mr. KLEPPER: A bill (H. R. 18153) granting an increase of pension to John Burkett—to the Committee on Invalid Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 18154) granting a pension to George W. Tate—to the Committee on Pensions.

By Mr. KNOWLAND: A bill (H. R. 18155) granting an increase of pension to Frank S. Hastings—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 18156) granting an increase of pension to Anson B. Fisher—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 18157) granting a pension to J. J. Winkler—to the Committee on Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 18158) granting a pension to Isaac Cope—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18159) granting an increase of pension to Levi Cain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18160) granting a pension to Adelia Chadwick—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 18161) granting an increase of pension to Peter Griffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18162) granting an increase of pension to Christopher H. Lute—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 18163) for the relief of the estate of Thomas Knight, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18164) granting an increase of pension to E. G. Falkner—to the Committee on Pensions.

By Mr. STAFFORD: A bill (H. R. 18165) granting an increase of pension to Jacob Stauff—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 18166) for the relief of the estate of Durant Lane Tyer, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18167) for the relief of the estate of Gideon E. Franklin, deceased—to the Committee on War Claims.

By Mr. WACHTER: A bill (H. R. 18168) granting an increase of pension to Mary A. Cook—to the Committee on Invalid Pensions.

By Mr. WEEMS: A bill (H. R. 18169) granting a pension to Margaret Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18170) for the relief of Andrew Crowl—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 18002) granting an increase of pension to Reginald Richley, and it was referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Pennsylvania: Petition of citizens of Philadelphia, Pa., for the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Camp Hawkins Home, No. 1, Society of the Army of the Philippines, for the Bonynge bill granting medals to soldiers of the Philippine service—to the Committee on Military Affairs.

By Mr. BARCHFELD: Petitions of Camp Walter E. Brown, No. 4, and Camp Hawkins, No. 1, Army of the Philippines, for Bonynge bill for medals of honor to certain soldiers for Philippine service—to the Committee on Military Affairs.

Also, petition of Mrs. George Hubbard, for an appropriation to investigate the industrial condition of women in the United States—to the Committee on Appropriations.

By Mr. BATES: Paper to accompany bill for relief of Benedict Sutter—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Mashack Stacy—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Kirkpatrick—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James Carter—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Jehue Martin—to the Committee on Pensions.

Also, petition of citizens of Kentucky, for the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Master House Painters and Decorators of the United States and Canada, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Japanese and Korean Exclusion League, for proper respect for rights of Chinese in trade and other relations with the United States—to the Committee on Foreign Affairs.

Also, petition of the International Association of Master House Painters and Decorators of the United States and Canada, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Covington, (Ky.) Company, for bill H. R. 15257 (previously referred to the Committee on the Post-Office and Post-Roads)—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Joseph J. Voorheas—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Petition of the Sunflower Club, of Mound City, Kans., for an appropriation to investigate the industrial condition of women in the United States—to the Committee on Appropriations.

By Mr. BURKE of Pennsylvania: Petition of George Hubbard, for an appropriation to investigate the industrial condition of women—to the Committee on Appropriations.

Also, petitions of Camp Walter E. Brown, No. 4, and Camp Hawkins, No. 1, Army of the Philippines, for the Bonynge bill for medals of honor to certain soldiers—to the Committee on Military Affairs.

By Mr. BURLEIGH: Resolution of the city of Biddeford, Me., for forest reservations in the White Mountains and Appalachian Mountains—to the Committee on Agriculture.

By Mr. BURTON of Ohio: Petition of John H. Wilson, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Northern California Indian Association, for relief of the Indians of northern California—to the Committee on Indian Affairs.

Also, paper to accompany bill for relief of Christopher H. Suter—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of citizens of Washington, D. C., and Baltimore, Md., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of Camp Walter E. Brown, No. 4, and Camp Hawkins, No. 1, Society of the Army of the Philippines, for granting medals to certain officers and men—to the Committee on Military Affairs.

By Mr. DARRAGH: Petition of citizens of Mecosta, Edmore, and Elk Rapids, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DUNWELL: Petition of W. A. Colcord, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Powers-Weightman-Rosengarten Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the American Federation of Labor, submitting "Labor's Bill of Grievances"—to the Committee on ——.

Also, petition of Dwight A. Hurlburt, for increasing the pension of Mexican war veterans—to the Committee on Pensions.

By Mr. FLETCHER: Petition of Hennepin County (Minn.) Medical Society, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD: Petition of citizens of Eagle Rock, Va., for the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GARDNER of Massachusetts: Petition of citizens of Newburyport, Mass., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GILL: Paper to accompany bill for relief of Washington Bowie—to the Committee on Claims.

Also, petition of George Albaugh et al., for the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petitions of Camp Walter E. Brown, No. 4, Camp Hawkins, No. 1, Army of the Philippines, for the Bonynge bill granting medals of honor to certain soldiers in the Philippine service—to the Committee on Military Affairs.

By Mr. GREENE: Petition of Gertrude Campbell et al., of New Bedford, Mass., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HINSHAW: Paper to accompany bill for relief of George P. Sealey—to the Committee on Invalid Pensions.

By Mr. HOUSTON: Paper to accompany bill for relief of S. M. Gentry—to the Committee on War Claims.

By Mr. KEIFER: Petition of A. E. Humphreys et al., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LAMB: Petition of citizens of West Point, Va., for the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the executive committee of the Virginia Historical Society, for preservation of the frigate *Constitution*—to the Committee on Naval Affairs.

Also, petition of citizens of West Point, Va., for the Penrose bill (S. 4357)—to the Committee on Immigration and Naturalization.

By Mr. LAWRENCE: Petition of the Nautilus, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Cummington Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of West Stockbridge and Alford Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Williamsburg, Mass., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LLOYD: Petition of citizens of Missouri, against union of third and fourth class mail—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINLEY of Illinois: Petition of C. P. Doyle et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MAHON: Petition of James A. Garfield Council, No. 129, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MOUSER: Petition of citizens of Ohio, for the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Tiffin Wagon Company et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. REYNOLDS: Petition of the National Wholesale Lumber Dealers' Association for bill H. R. 5281 (pilotage)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Council No. 113, Daughters of Liberty, of Altoona, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Jordan King—to the Committee on Invalid Pensions.

Also, petition of citizens of Pennsylvania, for the Howell bill (H. R. 15442)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Franklin Lear—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of the estate of Thomas Knight—to the Committee on War Claims.

Also, paper to accompany bill for relief of the estate of F. L. Hammond—to the Committee on War Claims.

By Mr. SCHNEEBELI: Petition of the Keystone Watch Company, of Philadelphia, Pa., for bill H. R. 14604, against importation and carriage of spuriously stamped articles of merchandise—to the Committee on Interstate and Foreign Commerce.

By Mr. SAMUEL W. SMITH: Petitions of citizens of Flint, Detroit, and Pontiac, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Michigan, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Birmingham, Mich., for a law granting pensions to soldiers confined in Confederate prisons—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of citizens of New Haven, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPIGHT: Paper to accompany bill for relief of Durant Lane Tyer—to the Committee on War Claims.

Also, paper to accompany bill for relief of Gideon E. Franklin—to the Committee on War Claims.

By Mr. SULLIVAN of Massachusetts: Petition of the New England Shoe and Leather Association, approving General Order No. 167 of the Secretary of War, relative to contracts for supplies—to the Committee on Military Affairs.

By Mr. WACHTER: Paper to accompany bill for relief of Mary A. Cook—to the Committee on Invalid Pensions.

By Mr. WEEMS: Petition of G. W. Wilkins, for an appropriation to repair the National Road—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *April 14, 1906.*

The Senate met at 2 o'clock p. m.

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

On the first Easter Sunday, the same day, at evening when the doors were shut, where the disciples were assembled for fear of the Jews, Jesus came and stood in the midst. "Peace be unto you," He said. "As the Father hath sent me, even so send I you."

Let us pray. Father we do not forget, and we remember the great injunction. He has sent us forth as His servants, as His brethren, and Thy children in Thy name, Father, that we may go forward and build up this world.

Do not let us forget on these sacred days the lessons we have been taught and what the fathers have done for us, and how He lived for us, and died for us, the just for the unjust, that we might be saved.

Father, we ask Thee to bless us in the solemnities of this day. Unless the Lord build the house, they labor in vain that build it; unless we consecrate all that we do here, all that we say, all that we think, we ask in vain and we labor in vain. This new house we would consecrate to the service of God and the love of man, that we also may build up what has fallen down, that we may open eyes that have been blind, that we may speak the gospel of God's righteousness—yes, to all sorts and conditions of men—first of all, and best of all, that we may be one. "Peace be unto you," He hath said to us, that this world may live at peace, brother with brother, state with state, nation with nation—yes, that the sword may indeed be beaten into a plowshare and that men need study arms no more.

Father, we ask it in His name. Amen.

Our Father who art in Heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is done in Heaven. Give us this day our daily bread. Forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, But deliver us from evil. For Thine is the kingdom, Thine is the power, Thine is the glory. Forever, Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

The message also announced that the House had passed a bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 9324. An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County; and

H. R. 16014. An act to amend an act entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein," approved June 1, 1900, and all acts amendatory thereof.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 17359) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for

other purposes, and it was thereupon signed by the Vice-President.

HOUSE BILL REFERRED.

H. R. 16953. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

LAYING OF CORNER STONE OF HOUSE OFFICE BUILDING.

Mr. ALLISON. Mr. President, in view of the ceremonies at half past 2 which are to take place at the House side it will be necessary for Senators, in pursuance of the invitations of the Commission, to leave the Chamber about ten minutes after 2 in order to proceed to the site of the new office building.

Mr. LODGE. The Representatives will leave their Hall at a quarter past 2.

Mr. ALLISON. They will leave at a quarter past 2. Therefore I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 6 minutes p. m.) the Senate adjourned until Monday, April 16, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 14, 1906.*

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.

We lift up our hearts in gratitude to Thee, O God, our heavenly Father, for that innumerable host of pure, brave, noble, high-minded men who, susceptible to the heavenly influences, have made themselves felt in the affairs of men to the honor and glory of Thy holy name, and for that profound regard which obtains for those who have wrought well and left behind them a character worthy of emulation. That this House will to-day memorialize such a man; one who served his State and nation with integrity and honor, and for a quarter of a century held a conspicuous place in the Senate of the United States, a leader among leaders, faithful, honest, just, pure in thought and speech. May his memory be an inspiration to those who survive him and a living example for the generations to come; and Thine be the praise, through Jesus Christ our Lord. Amen.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 2034. An act granting a pension to Cora F. Mitchell;

H. R. 14855. An act granting an increase of pension to Henry Carr;

H. R. 15110. An act granting an increase of pension to John Green;

H. R. 11702. An act granting an increase of pension to Lucy A. Pender;

H. R. 13866. An act granting an increase of pension to Isaac Place;

H. R. 15029. An act granting an increase of pension to Sabine Vancuran;

H. R. 11076. An act granting a pension to Marion W. Stark;

H. R. 11856. An act granting an increase of pension to Luke McLoney;

H. R. 13573. An act granting an increase of pension to Francis M. Ballew;

H. R. 9765. An act granting an increase of pension to John C. Anderson;

H. R. 1939. An act granting an increase of pension to William F. Limpus;

H. R. 12049. An act granting an increase of pension to Rolland Havens;

H. R. 14559. An act granting an increase of pension to Henry West;

H. R. 14560. An act granting an increase of pension to Elizabeth Weston;

H. R. 14951. An act granting an increase of pension to James Numan;

H. R. 11484. An act granting an increase of pension to Thomas H. Wilson;

H. R. 11563. An act granting an increase of pension to John Henderson;

H. R. 11804. An act granting an increase of pension to Patrick McDermott;

H. R. 12651. An act granting a pension to Louis Grossman;

H. R. 15622. An act granting an increase of pension to Argyle Z. Buck;

H. R. 15491. An act granting an increase of pension to James Buckley;

H. R. 16519. An act granting an increase of pension to Erwin G. Dudley;

H. R. 11622. An act granting a pension to Martha A. Remington;

H. R. 14337. An act granting an increase of pension to Gabriel Y. Palmer;

H. R. 14437. An act granting an increase of pension to Marquis M. De Burger;

H. R. 14909. An act granting an increase of pension to John W. Creager;

H. R. 14532. An act granting an increase of pension to Augusta N. Manson;

H. R. 15940. An act granting an increase of pension to James M. Carley;

H. R. 15536. An act granting an increase of pension to Henry H. Tillson;

H. R. 13803. An act granting an increase of pension to Henry H. Forman;

H. R. 13153. An act granting an increase of pension to George Budden;

H. R. 12122. An act granting an increase of pension to Robert G. Shuey;

H. R. 11866. An act granting an increase of pension to David H. Allen;

H. R. 11597. An act granting an increase of pension to George M. Apgar;

H. R. 14454. An act granting an increase of pension to William A. Blossom;

H. R. 3569. An act granting a pension to Ada N. Hubbard;

H. R. 14874. An act granting an increase of pension to William C. Hearne;

H. R. 14875. An act granting an increase of pension to Mary A. Witt;

H. R. 12241. An act granting an increase of pension to Elizabeth E. Barber;

H. R. 12498. An act granting an increase of pension to Charles F. Runnels;

H. R. 10747. An act granting an increase of pension to Jonathan Lengle;

H. R. 12992. An act granting an increase of pension to Henry G. Klink;

H. R. 14131. An act granting an increase of pension to Francis M. Simpson;

H. R. 9813. An act granting a pension to Harriet P. Sanders;

H. R. 15553. An act granting an increase of pension to Susan H. Isom;

H. R. 6055. An act granting an increase of pension to Angeline Watson;

H. R. 14823. An act granting an increase of pension to William Woods;

H. R. 14824. An act granting an increase of pension to Samuel P. Newman;

H. R. 15059. An act granting an increase of pension to Alfred W. Morley;

H. R. 12532. An act granting an increase of pension to Zachariah George;

H. R. 12533. An act granting an increase of pension to Zadick Carter;

H. R. 14143. An act granting an increase of pension to Zacur P. Pott;

H. R. 13255. An act granting an increase of pension to William J. Hays;

H. R. 14375. An act granting an increase of pension to Edmond R. Haywood;

H. R. 15192. An act granting an increase of pension to John J. Merideth;

H. R. 12192. An act granting an increase of pension to William Cummings;

H. R. 13336. An act granting an increase of pension to Samuel Horn;

H. R. 13723. An act granting an increase of pension to John Underwood;

H. R. 15382. An act granting an increase of pension to Mary C. Moore;

H. R. 14489. An act granting an increase of pension to Peter C. Kreiger;

H. R. 14547. An act granting an increase of pension to Thomas Chapman;

H. R. 14718. An act granting an increase of pension to Joseph A. Jones;

H. R. 15198. An act granting an increase of pension to Elizabeth J. Martin;
H. R. 11716. An act granting an increase of pension to Warren B. Tompkins;
H. R. 11868. An act granting an increase of pension to Joseph Dougal;
H. R. 13079. An act granting an increase of pension to James H. Griffin;
H. R. 13526. An act granting an increase of pension to Levi N. Lunsford;
H. R. 13537. An act granting an increase of pension to Elizabeth B. Busbee;
H. R. 15385. An act granting an increase of pension to William Lucas;
H. R. 15253. An act granting an increase of pension to Balos C. Dewees;
H. R. 15252. An act granting an increase of pension to Samuel Allbright;
H. R. 15251. An act granting an increase of pension to Alexander M. Taylor;
H. R. 5373. An act granting an increase of pension to John L. Smith;
H. R. 13822. An act granting an increase of pension to Augustus D. King;
H. R. 11334. An act granting an increase of pension to John M. Steel;
H. R. 15893. An act granting an increase of pension to Volney P. Ludlow;
H. R. 15200. An act granting an increase of pension to Charles Klein;
H. R. 15028. An act granting an increase of pension to Anthony Emes;
H. R. 11168. An act granting an increase of pension to Robert R. Mathews;
H. R. 11409. An act granting an increase of pension to Josiah H. Seabold;
H. R. 12884. An act granting an increase of pension to Lucinda Gain;
H. R. 15552. An act granting an increase of pension to George W. Hayter;
H. R. 9661. An act granting a pension to Charles R. Hill;
H. R. 14472. An act granting a pension to Thomas Cheek;
H. R. 11206. An act granting an increase of pension to John Wilhelm;
H. R. 12509. An act granting an increase of pension to Benjamin Botner;
H. R. 14235. An act granting an increase of pension to John Williams;
H. R. 14241. An act granting an increase of pension to Lydia M. Edwards;
H. R. 13110. An act granting an increase of pension to James M. Moomaw;
H. R. 13170. An act granting an increase of pension to John R. Mabee;
H. R. 11657. An act granting a pension to Madison M. Burnett;
H. R. 15304. An act granting an increase of pension to Irwin O'Bryan;
H. R. 15414. An act granting an increase of pension to John L. Blinn;
H. R. 15392. An act granting an increase of pension to John W. Wise;
H. R. 15393. An act granting an increase of pension to Nancy N. Allen;
H. R. 15347. An act granting an increase of pension to John M. Love;
H. R. 9190. An act granting a pension to Ida Carty;
H. R. 12187. An act granting an increase of pension to Mary L. Davenport;
H. R. 14918. An act granting an increase of pension to Franklin Simpson;
H. R. 4633. An act granting an increase of pension to Fannie E. Morrow;
H. R. 11926. An act granting an increase of pension to John Hornbeak;
H. R. 12205. An act granting an increase of pension to George Holden;
H. R. 12182. An act granting a pension to Sallie W. Mason;
H. R. 1895. An act granting a pension to H. Edward Goetz;
H. R. 9888. An act granting a pension to Abigail Townsend;
H. R. 523. An act granting an increase of pension to Franklin G. Hawkins;
H. R. 11256. An act granting an increase of pension to William M. Ewing;
H. R. 6454. An act granting an increase of pension to Milo B. Morse;
H. R. 7243. An act granting an increase of pension to Moses B. Page;
H. R. 1793. An act granting an increase of pension to Playford Gregg;
H. R. 5555. An act granting an increase of pension to Andrew P. Allen;
H. R. 1218. An act granting an increase of pension to Nathan Hinkle;
H. R. 8307. An act granting an increase of pension to William C. Estill;
H. R. 1357. An act granting an increase of pension to George W. Burton;
H. R. 15306. An act granting an increase of pension to Asa Wall;
H. R. 14920. An act granting an increase of pension to Winfield S. Bruce;
H. R. 10830. An act granting an increase of pension to Dudley Portwood;
H. R. 10831. An act granting an increase of pension to Levi C. Bishop;
H. R. 10864. An act granting an increase of pension to John P. Kleckner;
H. R. 1069. An act granting an increase of pension to Daniel Britton;
H. R. 2120. An act granting an increase of pension to Parmer Stewart;
H. R. 7935. An act granting an increase of pension to Samuel J. Stannah;
H. R. 9832. An act granting an increase of pension to Alexander D. Polston;
H. R. 5840. An act granting a pension to Catherine Spier;
H. R. 5850. An act granting an increase of pension to Lucas Hagar;
H. R. 2491. An act granting an increase of pension to Edwin A. Botsford;
H. R. 2468. An act granting an increase of pension to John Broad;
H. R. 8953. An act granting an increase of pension to Lutellus Cook;
H. R. 10452. An act granting an increase of pension to Richard C. Daly;
H. R. 11331. An act granting an increase of pension to Thomas Rowan;
H. R. 11332. An act granting an increase of pension to William F. Kenner;
H. R. 6118. An act granting an increase of pension to Bridget Reidy;
H. R. 6937. An act granting an increase of pension to Thomas Furey;
H. R. 3423. An act granting an increase of pension to Thomas Watt;
H. R. 3434. An act granting an increase of pension to George W. Darby;
H. R. 13019. An act granting an increase of pension to George Whitman;
H. R. 9451. An act granting an increase of pension to Frederick M. Wood;
H. R. 10148. An act granting an increase of pension to John Spahr;
H. R. 10819. An act granting an increase of pension to John Burns;
H. R. 6384. An act granting an increase of pension to William McBeth;
H. R. 7483. An act granting an increase of pension to Lawrence V. Whitcraft;
H. R. 7760. An act granting an increase of pension to William H. Brown;
H. R. 7759. An act granting an increase of pension to John Gemmill;
H. R. 5210. An act granting an increase of pension to Elizabeth Moore;
H. R. 5511. An act granting an increase of pension to Christopher Bohn;
H. R. 5936. An act granting an increase of pension to Caroline Neilson;
H. R. 9033. An act granting an increase of pension to Burgoyne Knight;
H. R. 9397. An act granting an increase of pension to Mary A. King;
H. R. 10523. An act granting an increase of pension to Elizabeth Gorton;

H. R. 1969. An act granting an increase of pension to Christian Peterson;
H. R. 3273. An act granting an increase of pension to Andrew J. Levi;
H. R. 5488. An act granting an increase of pension to Margaret E. Foster;
H. R. 8137. An act granting an increase of pension to Marion L. Holvenstat;
H. R. 7807. An act granting an increase of pension to John D. Atwaters;
H. R. 3223. An act granting an increase of pension to Thomas G. McLaughlin;
H. R. 6488. An act granting an increase of pension to Frank Osterberg, alias William McKay;
H. R. 7588. An act granting a pension to Thomas F. Dowling;
H. R. 5403. An act granting an increase of pension to John Lines;
H. R. 8869. An act granting an increase of pension to Nathan Coward;
H. R. 10449. An act granting an increase of pension to George B. D. Alexander;
H. R. 10451. An act granting an increase of pension to Robert M. White;
H. R. 6461. An act granting an increase of pension to Daniel G. Sterling;
H. R. 7518. An act granting an increase of pension to George Richter;
H. R. 2263. An act granting an increase of pension to Edward Keating;
H. R. 2377. An act granting an increase of pension to John N. Moore;
H. R. 9039. An act granting an increase of pension to James R. Hales;
H. R. 9294. An act granting an increase of pension to S. Amanda Mansfield;
H. R. 9587. An act granting an increase of pension to Samuel S. Thompson;
H. R. 9910. An act granting an increase of pension to John McCoy;
H. R. 6563. An act granting an increase of pension to George Stewart;
H. R. 6576. An act granting an increase of pension to Napoleon McDowell;
H. R. 4671. An act granting an increase of pension to William H. Brady;
H. R. 15974. An act granting an increase of pension to Martin C. King;
H. R. 8319. An act granting an increase of pension to John Gardner;
H. R. 9270. An act granting an increase of pension to Wiley B. Johnson;
H. R. 9271. An act granting an increase of pension to Joseph Henry;
H. R. 10432. An act granting an increase of pension to John E. Oyler;
H. R. 5712. An act granting an increase of pension to Caroline Dehlendorf;
H. R. 6500. An act granting an increase of pension to Jesse Bucey;
H. R. 603. An act granting an increase of pension to Thomas Blyth;
H. R. 4364. An act granting an increase of pension to George W. Neece;
H. R. 8191. An act granting an increase of pension to John Hobart;
H. R. 9277. An act granting an increase of pension to Elizabeth A. Butler;
H. R. 10818. An act granting an increase of pension to George W. Creasey;
H. R. 10884. An act granting an increase of pension to Lorenzo D. Libby;
H. R. 5806. An act granting an increase of pension to Samuel J. Harding;
H. R. 6094. An act granting a pension to Julia G. Aldrich;
H. R. 6773. An act granting an increase of pension to Weston Ferris;
H. R. 6897. An act granting an increase of pension to Abbie B. Gould;
H. R. 6969. An act granting a pension to Ellen C. Lewis;
H. R. 1667. An act granting an increase of pension to Abram H. Hicks;
H. R. 2757. An act granting an increase of pension to Jonathan E. Floyd;
H. R. 5638. An act granting an increase of pension to Alpheus Jones;
H. R. 5639. An act granting an increase of pension to Thomas C. Craig;
H. R. 7718. An act granting an increase of pension to Jacob D. Peterson; and
H. R. 7630. An act granting an increase of pension to Henry W. Higley.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 14591. An act to authorize the construction of a bridge across the Cumberland River in or near the city of Clarksville, State of Tennessee;
H. R. 14592. An act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.;
H. R. 13572. An act granting an increase of pension to Saturnine Baca;
H. R. 10298. An act granting an increase of pension to Oliver C. Redic;
H. R. 8892. An act granting an increase of pension to Malek A. Southworth;
H. R. 5931. An act granting an increase of pension to Robert L. Narrow;
H. R. 15691. An act granting an increase of pension to Jerry W. Tallman;
H. R. 11046. An act granting an increase of pension to Helen G. Heiner; and
H. R. 1160. An act granting an increase of pension to Eliza Swords.

THE JOURNAL.

The Journal of yesterday's proceedings was read, corrected, and approved.

Mr. MOON of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOON of Tennessee. With the Journal corrected, how does the vote stand on the motion to recommit?

The SPEAKER. Ninety-six yeas and 97 nays.

ORDER OF BUSINESS.

The SPEAKER. The Chair would call the attention of Members to the fact that at 1 o'clock under a special order to-day memorial services in memory of the late Senator PLATT will be held in the House. Since the order was made it has been found out that the probabilities are the House may adjourn at about 2.15 o'clock to witness the laying of the corner stone in the office building. It has been suggested to me by some members of the Connecticut delegation that the memorial services be expedited by fifteen minutes, and that they start at fifteen minutes to 1 instead of at 1 o'clock to enable the finishing of the order by that time. Is there objection to that rearrangement? [After a pause.] The Chair hears none, and it is so ordered.

FIVE CIVILIZED TRIBES.

Mr. SHERMAN. Mr. Speaker, I call up the conference report on the bill (H. R. 5976) "to provide for the final disposition of the affairs of the Five Civilized Tribes of the Indian Territory, and for other purposes," and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 8, 14, 15, 16, 28, 29, 44, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 6, 7, 9, 10, 11, 12, 13, 17, 22, 23, 24, 25, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 42, 47, 49, 50, 51, 52, 53, and 57; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out the word "ninety," in the first line on page 2, and insert in lieu thereof the word "sixty," strike out the word "ninety," in the fourth line of page 2, and insert in lieu thereof the word "sixty;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out

the words "or freedmen," on line 16 of page 2; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Insert after the word "heirs," in line 24 on page 5, the following: "and in case any allottee shall die after restrictions have been removed, his property shall descend to his heirs;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Insert after the word "contests," in line ten of the sixth page, the following: "pending before the Commissioner to the Five Civilized Tribes or the Department of the Interior;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: Strike out all of section 6, commencing with line 11 on page 6, down to and including line 2 on page 8, and insert in lieu thereof the following:

"SEC. 6. That if the principal chief of the Choctaw, Cherokee, Creek, or Seminole tribe, or the governor of the Chickasaw tribe, shall refuse or neglect to perform the duties devolving upon him, he may be removed from office by the President of the United States, or if any such executive become permanently disabled, the office may be declared vacant by the President of the United States, who may fill any vacancy arising from removal, disability, or death of the incumbent, by appointment of a citizen by blood of the tribe.

"If any such executive shall fail, refuse, or neglect, for thirty days after notice that any instrument is ready for his signature, to appear at a place to be designated by the Secretary of the Interior and execute the same, such instrument may be approved by the Secretary of the Interior without such execution, and when so approved and recorded shall convey legal title, and such approval shall be conclusive evidence that such executive or chief refused or neglected after notice to execute such instrument.

"*Provided*, That the principal chief of the Seminole Nation is hereby authorized to execute the deeds to allottees in the Seminole Nation prior to the time when the Seminole government shall cease to exist."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Insert after the word "auction," in line 11 on page 9, the following: "or by sealed bids;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Insert after the word "retaining," in line 9 on page 12, the following: "tribal educational officers, subject to dismissal by the Secretary of the Interior, and;" and the Senate agree to the same.

Amendment numbered 27 (incorrectly printed 21): That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Insert, after word "five," in line 14 on page 14, the following: "and all such taxes levied and collected after the thirty-first day of December, nineteen hundred and five, shall be refunded;" insert, after the word "shall," in line 22 on page 14, the words: "willfully and fraudulently;" insert, after the word "punishment," in the second line on page 15, the following: "by a fine of not exceeding five thousand dollars or by imprisonment not exceeding five years, or by both such fine and imprisonment;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Strike out the words "Secretary of the Interior is," in line 21 on page 17, and insert in lieu thereof the following: "principal chief of the Choctaw Nation and the governor of the Chickasaw Nation are, with the approval of the Secretary of the Interior;" strike out the words "his direction," in line 24 on page 17, and insert in lieu thereof the following: "the direction of the Secretary of the Interior;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out from lines 19, 20, and 21 on page 19, the words "upon the dissolution of the tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: Strike out the words "one hundred and sixty," in line 3 on page 21, and insert in lieu thereof the following: "forty;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: Strike out the words "and the same may be pleaded by such party defendants as a counterclaim or set-off," in lines 6 and 7 on page 23; strike out the word "amount," in line 7 on said page, and insert in lieu thereof the word "balance;" insert after the word "such," in line 9 on page 23, the words "tribe or;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Strike out all of section 19, commencing with line 11 on page 23, down to and including line 12 on page 25, and insert in lieu thereof the following:

"SEC. 19. That no full-blood Indian of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes shall have power to alienate, sell, dispose of, or encumber in any manner any of the lands allotted to him for a period of twenty-five years from and after the passage and approval of this act, unless such restriction shall, prior to the expiration of said period, be removed by act of Congress; and for all purposes the quantum of Indian blood possessed by any member of said tribes shall be determined by the rolls of citizens of said tribes approved by the Secretary of the Interior: *Provided, however*, That such full-blood Indians of any of said tribes may lease any lands other than homesteads for more than one year under such rules and regulations as may be prescribed by the Secretary of the Interior; and in case of the inability of any full-blood owner of a homestead, on account of infirmity or age, to work or farm his homestead, the Secretary of the Interior, upon proof of such inability, may authorize the leasing of such homestead under such rules and regulations: *Provided further*, That conveyances heretofore made by members of any of the Five Civilized Tribes subsequent to the selection of allotment and subsequent to removal of restriction, where patents thereafter issue, shall not be deemed or held invalid solely because said conveyances were made prior to issuance and recording or delivery of patent or deed; but this shall not be held or construed as affecting the validity or invalidity of any such conveyance, except as hereinabove provided; and every deed executed before, or for the making of which a contract or agreement was entered into before the removal of restrictions, be, and the same is hereby, declared void: *Provided further*, That all lands upon which restrictions are removed shall be subject to taxation, and the other lands shall be exempt from taxation as long as the title remains in the original allottee;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Insert, after the words "period of," on line 23 of page 25, the words "more than," and strike out the words "or more" where they occur in said line; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: Strike out the word "shall," in line 23 on page 27, and insert in lieu thereof the word "may;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the words "electric railway," in line 4 on page 29; insert the word "purchase" after the word "condemnation," in line 24 on page 29; insert after the word "act," in line 11 on page 30, the following: "*Provided*, That the purchase from and agreements with individual Indians, where the right of alienation has not theretofore been granted by law, shall be subject to approval by the Secretary of the Interior;" strike out the words "electric railway," in line 12, page 30; insert after the word "Tribes," in line 9 on page 31, the following: "whenever any such dam or dams, canals, reservoirs and auxiliary steam works, pole lines, and conduits are to be constructed within the limits of any incorporated city or town in the Indian Territory, the municipal authorities of such city or town shall have the power to regulate the manner of construction therein, and nothing herein contained shall be so construed as to deny the right of municipal taxation in such cities and towns;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its

disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: Strike out lines 13 to 25, inclusive, on page 31, all of page 32, and lines 1 to 5, inclusive, on page 33, and insert in lieu thereof the following:

"SEC. 26. That in addition to the powers now conferred by law, all municipalities in the Indian Territory having a population of over two thousand, to be determined by the last census, taken under any provision of law or ordinance of the council of such municipality, are hereby authorized and empowered to order improvements of the streets or alleys or such parts thereof as may be included in an ordinance or order of the common council, with the consent of a majority of the property owners whose property as herein provided is liable to assessment therefor for the proposed improvement; and said council is empowered and authorized to make assessments and levy taxes, with the consent of a majority of the property owners whose property is assessed, for the purpose of grading, paving, macadamizing, curbing, or guttering streets and alleys, or building sidewalks upon and along any street, roadway, or alley within the limits of such municipality, and the cost of such grading, paving, macadamizing, curbing, guttering, or sidewalk constructed, or other improvements under authority of this section, shall be so assessed against the abutting property as to require each parcel of land to bear the cost of such grading, paving, macadamizing, curbing, guttering, or sidewalk, as far as it abuts thereon, and in the case of streets or alleys to the center thereof; and the cost of street intersections or crossings may be borne by the city or apportioned to the quarter blocks abutting thereon upon the same basis. The special assessments provided for by this section and the amounts to be charged against each lot or parcel of land shall be fixed by the city council or under its authority, and shall become a lien on such abutting property, which may be enforced as other taxes are enforced under the laws in force in the Indian Territory. The total amount charged against any tract or parcel of land shall not exceed twenty per centum of its assessed value, and there shall not be required to be paid thereon exceeding one per centum per annum on the assessed value, and interest at six per centum on the deferred payments.

"For the purpose of paying for such improvements the city council of such municipality is hereby authorized to issue improvement scrip or certificates for the amount due for such improvements, said scrip or certificates to be payable in annual installments and to bear interest from date at the rate of six per centum per annum, but no improvement scrip shall be issued or sold for less than its par value. All of said municipalities are hereby authorized to pass all ordinances necessary to carry into effect the above provisions, and for the purpose of doing so may divide such municipality into improvement districts."

Insert, after the word "taken," in line 18, on page 33, the words "within sixty days."

Strike out all of pages 34 and lines 1 and 2 of page 35.

And the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: Strike out lines 14 to 20, inclusive, on page 35, and insert in lieu thereof the following:

"That the tribal existence and present tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations are hereby continued in full force and effect for all purposes authorized by law, until otherwise provided by law, but the tribal council or legislature in any of said tribes or nations shall not be in session for a longer period than thirty days in any one year: *Provided*, That no act, ordinance, or resolution (except resolutions of adjournment) of the tribal council or legislature of any of said tribes or nations shall be of any validity until approved by the President of the United States: *Provided further*, That no contract involving the payment or expenditure of any money or affecting any property belonging to any of said tribes or nations made by them or any of them or by any officer thereof shall be of any validity until approved by the President of the United States;" and the Senate agree to the same.

Change the numbering of the last section of the bill to read "Sec. 29."

J. S. SHERMAN,
CHARLES CURTIS,
JNO. H. STEPHENS,
Managers on the part of the House of Representatives.

MOSES E. CLAPP,
P. J. MCCUMBER,
FRED T. DUBOIS,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The managers on the part of House on the disagreeing votes between the Senate and House on Senate amendments to H. R. 5976, "A bill to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," after a full and free conference make the following statement and recommend the adoption of the report by the House:

The House recedes from its disagreement to Senate amendments 1, 4, 6, 7, 9, 10, 11, 12, 13, 17, 22, 23, 24, 25, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 42, 47, 49, 50, 51, 52, 53, and 57.

Amendment No. 1 strikes out the word "formal," and permits the enrollment of persons who file application prior to December 1, 1905.

Amendment No. 4 requires the enrollment of children born up to March 4, 1906.

Amendment No. 6 adds the word "or," and is made necessary by amendment No. 7, which strikes out the words "or Seminole." This tribe is eliminated from the provision of this section on account of all its lands having been allotted.

Amendment No. 9 limits contest as to allotments to six months after the passage of this act.

Amendments Nos. 10 and 11 change the date from June, 1906, to March, 1907.

Amendment No. 12 makes section 7 of the bill more definite and certain.

Amendment No. 13 declares the lands allotted to the freedmen of the Choctaw and Chickasaw tribes to be "homesteads." This was the intention of the original act.

Amendment No. 17 permits the use of any documentary evidence to show that application for enrollment had been made.

Amendment No. 22 provides for the placing of all records of any land office, if discontinued, in the office of the clerk of the United States court in whose districts said records are now located.

Amendment No. 23 directs that the money expended under section 8 shall be under the direction of the Secretary of the Interior.

Amendment No. 24 strikes out the House provision which authorizes the Secretary of the Interior to take possession of the tribal records, and which provided for the transfer of all cases pending in any tribal court at the dissolution of the tribal government to the United States court in the Indian Territory, and inserted a clause confirming the disbursement of the money due the loyal Seminole Indians by James E. Jenkins, special agent appointed by the Secretary of the Interior, and by A. J. Brown, as administrator de bonis non, under the act of Congress of May 31, 1900, and provided that the confirmation should not prevent any individual from bringing suit in his own behalf against the administrator, who had given a bond for the faithful discharge of his duty. As the tribal relations and tribal government, as heretofore, have been continued by joint resolution, your managers thought that legislation could be enacted at the next session of Congress, if necessary, in regard to the disposition of the records of the tribes, and so it receded from its disagreement to the Senate amendment.

Amendment No. 25 authorizes the Court of Claims to adjudicate the claim of Charles F. Winton, deceased, his associates and assigns, against the Mississippi Choctaws.

Amendment No. 30 strikes out two unnecessary words.

Amendment No. 31 strikes out a comma which was not properly used.

Amendment No. 32 changes the word "adjacent" to "abutting."

Amendments Nos. 33 and 34 apply to the coal lands. By the agreement reached between the House and Senate the provision which reserves lands from sale is retained in the bill, but that part which authorizes the Secretary to lease the unleased portion is stricken out. By this agreement the coal lands will remain as they now are, without any authority upon the part of the Secretary of the Interior to either sell or lease them until such time as Congress may think proper to enact legislation in reference to these lands. In view of the importance of the passage of this act at this time, your managers thought it better to enter into this agreement than to further insist upon the House provision, which authorizes the Secretary to make leases of the unleased portion, as it is not likely any great number, if any leases, would have been made by the Secretary if that clause had been retained in the bill.

Amendment No. 35 changes "and" to "or."

Amendments Nos. 36 and 37 change the word "town" to "municipality."

Amendments Nos. 39 and 40 apply to the Murrow Orphans' Home.

Amendment No. 42 adds the words "not less," so as to require that the public buildings and grounds shall be sold at not less than their appraised value.

Amendment No. 47 permits allottees to make rental contracts for not exceeding one year for agricultural purposes for lands other than their homesteads.

Amendment No. 49 permits heirs of deceased Mississippi Choctaws to make final proof of removal and settlement.

Amendment No. 50 strikes out the words "or minors."

Amendments 51, 52, and 53 make section 23 more definite and certain.

Amendment No. 57 declares that any lands which may remain undisposed of upon the dissolution of said tribes shall not become public lands, but shall be held in trust by the United States for the use and benefit of the Indians, respectively, comprising each of the five tribes.

The Senate recedes from its disagreement to amendments 3, 8, 14, 15, 16, 28, 29, 44, and 59.

Amendment No. 3 restores the word "were."

Amendment No. 8 restores the House provision prohibiting a contest as to allotments after the expiration of nine months from the date of the original selection.

Amendment No. 14 restores the words "by blood."

Amendments Nos. 15 and 16 restore the phraseology of the House provisions.

Amendments Nos. 28 and 29 restore the House provisions which require the purchasers of town lots to pay the purchase price due at the date of the passage of this act within sixty days and payments hereafter falling due within thirty days.

Amendment No. 44 restores the language used by the House, which provides that the Secretary of the Interior may bring suits for the tribes.

Amendment No. 59 authorized certain Cherokee allottees to sell a small tract of land to the Delaware band of Indians residing in the Cherokee Nation, to be used for the holding of annual religious festivals and camping purposes. While there was no serious objection to this amendment, yet your managers thought it should be added to some other bill or provided for in a separate measure.

The House receded from its disagreements to the following amendments: Nos. 2, 5, 11, 18, 19, 20, 21, 38, 43, 45, 46, 48, 54, 55, 56, and 58, with certain amendments.

Amendment No. 2, as amended, requires motions to reopen or reconsider any citizenship decision hereafter rendered to be filed within sixty days after the date of the order or decision complained of, and cases heretofore decided within sixty days after the passage of this act.

Amendment No. 5, as amended, strikes out the words "or freedmen."

Amendment No. 18, as amended, provides that if an allottee shall die after restrictions have been removed his property shall descend to his heirs or lawful assigns.

Amendment No. 19 excludes from the provisions of section 5, which provides for the issuance of deeds or patents, any rights involved in contests pending before the Commissioner to the Five Civilized Tribes or the Department of the Interior.

Amendment No. 20 is redrawn so as to make section 6 conform to the other parts of the bill, and with the joint resolution which passed on the 3d day of March, 1906, it also provides for the issuance of deeds by the principal chief of the Seminole tribe before the expiration of the tribal government of that tribe.

Amendment No. 21, as amended, requires the sale of the segregated land, and the pine timber thereon, at public auction or by sealed bids.

Amendment No. 38 authorizes the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation, with the approval of the Secretary of the Interior, to issue patents to certain lands to the Murrow Indian Orphan Home, this land having been donated to said home by the tribes and various members.

Amendment No. 43 authorizes each Choctaw and Chickasaw freedman to buy, when the unallotted lands of these tribes are disposed of, enough land to equal, with that already allotted to him, 40 acres in area, said purchase to be at the appraised value.

Amendment No. 45 authorizes the defendant, in any suit brought in behalf of either of the five tribes, to recover money claimed to be due from the said defendant, to set up any claim he may have against said tribe, and to have the same adjudicated in such suit.

Amendment No. 46: This amendment as agreed to in conference virtually restores the House provisions. It requires all oil, gas, and other mineral leases and all agricultural leases for more than one year to be approved by the Secretary of the Interior. It provides that conveyances made by members subsequent to selection of allotment and subsequent to removal of restrictions, when patents thereafter issue, shall not be held invalid solely because said conveyance was made prior to the issuance, recording, or delivery of the patent. It also provides that any deed made before or for which the contract was entered into before the removal of restrictions shall be void. The present law in regard to the alienation of lands by members of the tribes is not changed.

Amendment No. 48 requires all leases for more than one year shall be recorded.

Amendment No. 54 provides that public roads may be established on all section lines in the Choctaw, Chickasaw, and Seminole nations.

Amendment No. 55 provides that any light or power company doing business within the limits of the Indian Territory in compliance with the laws of the United States may locate, construct, and operate canals and reservoirs and build dams across nonnavigable streams, the property to be acquired by condemnation, purchase, or agreement, provided that purchases or agreements with individual Indians to whom the right of alienation has not been given shall be subject to the approval of the Secretary of the Interior. All rights granted are subject to the control of the future Indian Territory or State within which the Indian Territory may be situate.

Amendment No. 56 is amended by striking out the Senate provisions extending certain provisions of Wilson's Revisted Statutes of Oklahoma over the Indian Territory, and provides that municipalities in the Indian Territory having a population of over 2,000 may provide for certain improvements of streets and alleys and to make assessments and levy taxes for the purpose of grading and paving the same.

The Senate receded from its disagreement to the following amendments: Nos. 26, 27, and 41, with certain amendments:

Amendment No. 26, which strikes out section 10, is so changed as to restore said section as it passed the House, with an amendment continuing the present tribal educational officers in the schools subject to dismissal by the Secretary of the Interior.

Amendment No. 27 is agreed to, so as to restore the House provision with an amendment providing for the refunding of tribal taxes levied and collected since December 31, 1905.

Amendment No. 41, as restored, provides for the Secretary of the Interior taking possession of the Government buildings of the Five Tribes and to sell them at such time and under such rules and regulations as he may prescribe.

J. S. SHERMAN,
CHARLES CURTIS,
J. H. STEPHENS,
Managers on the part of the House.

Mr. SHERMAN and Mr. HINSHAW rose.

The SPEAKER. The Chair will recognize the gentleman from New York.

Mr. HINSHAW. Mr. Speaker, I desire to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. SHERMAN. Yes.

Mr. HINSHAW. What disposition does this conference report make of the mineral lands of the Chickasaw and Choctaw Indians?

Mr. SHERMAN. It holds such lands in reservation for future action of Congress.

Mr. HINSHAW. That is to say, they are left as they were before the bill was passed?

Mr. SHERMAN. No; before the bill was passed in the House the Secretary had the right to sell and not to lease. Now the right to sell is taken away except as to existing leases. No disposition is made whatever of the mineral lands.

Mr. Speaker, I now yield four minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I would like to have more time than four minutes in which to discuss this matter.

Mr. SHERMAN. Mr. Speaker, I can not yield any more time than that, as we take up the special order at a quarter to 1.

Mr. LACEY. Mr. Speaker, it would be impossible in four minutes to have the House understand the mistake made in this portion of the conference report relating to the mineral lands in the Chickasaw and Choctaw country. This conference report as agreed upon leaves in the hands of the Indians something over 300,000 acres of unleased coal land there. I think there are 111 leases of about 168,000 acres.

Mr. FINLEY. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. LACEY. Yes.

Mr. FINLEY. What is the length of these leases?

Mr. LACEY. Some of them have about twenty-seven years

yet to run. The remainder of the land is not all coal land, although classified as such. There are about 445,000 acres of classified coal lands, of which something over 100,000 has been leased. It has been leased, I think to a very great advantage, at 8 cents a ton, which runs into a good many hundred dollars an acre. That land was open to lease and sale, but about four years ago, in the act of July 1, 1902 (32 Stat. L., p. 665, sec. 61), we took away from the Secretary the power to lease this land. We now take away also the power to sell it. We have withdrawn from the Secretary the power to sell or the power to lease, and that being done, we give to the present lessees an absolute monopoly of all the coal land in that country until such time as Congress may be induced to break that monopoly. This is done under the claim that we ought not to lease the land for fear of creating a monopoly. Under this apprehension of monopoly we, in fact, create one. The land is leased, some of it, for as long as twenty-seven years, and this provision now as agreed upon—and, I am glad to say, reluctantly by the House managers—puts this land in the hands of the present lessees, with no power to sell any more of it nor to lease any more of it. This, I think, is a great mistake. I think the House proposition, which prevented the sale of the land for the reason that the Indians were getting $250,000 a year or more out of the leases, was a wise one. The further proposition that the present lessees might be prevented from having a monopoly of the sale of coal there by allowing other leases to be made—the other leases to run, according to the House amendments, not to exceed a longer term than the leases now in force—was a wise one. It was just to the Indians. It gave them 8 cents a ton for all the leases that would be made and opened up the balance of the land, so that other coal companies could go in and operate in competition with the existing companies, and I think our conferees ought to have stood on that proposition.

Mr. STEPHENS of Texas rose.

The SPEAKER. The time of the gentleman has expired.

Mr. SHERMAN. Mr. Speaker, I yield time enough to the gentleman from Iowa to answer any question the gentleman from Texas has to ask.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask the gentleman if he does not think taking the rest of the land upon lease would have resulted in a few coal companies getting possession of all that land?

Mr. LACEY. Not at all. There are over 300,000 acres of the land that we have tied up absolutely so as to prevent competition.

Now, Mr. Speaker, it seems to me that this conference report should go over and come up on Monday. There is no reason why it should be rushed through here in four minutes.

These coal lands belong to the Indians, and under the regulations of the Secretary of the Interior were being leased in tracts of 960 acres each, at 8 cents a ton. Under these leases the Indians are receiving about $250,000 a year. It is very desirable that the Indians should have the full advantage of these leases, and the bill as it passed the House kept the leases alive, the royalty going to the benefit of the Indians.

The leases already made have been carefully guarded by the Secretary of the Interior, and any additional leases ought to be limited to the same period now covered by existing leases.

It is unjust to the Indians to deny them the income which the working of the additional mines would produce, and it is greatly to the disadvantage of the people in that country to limit all coal working to the leases now in existence, thus giving a monopoly to the present lessees.

That is all the more objectionable if it is done under the assumption that the prevention of the leasing and mining of this coal is in the interest of the consumer of coal. The provisions of the House bill were just to the Indians, because the bill authorized the use of the coal to the profit of the Indians. It was just to the people in that country because it would have increased the competition in mining.

The Department of the Interior in making leases provides against monopoly by limiting the area leased to any one mining company or association. These leases always provide for a minimum royalty, so that leases can not be used merely to tie up the land.

Certainly it is to be hoped that the "further action of Congress" contemplated in the amendment of the Senate may not result in mere delay and postponement to the prejudice of the Indians, of whom Congress is the guardian, or to long-continued monopoly in the present lessees.

Mr. SHERMAN. Mr. Speaker, I yield three minutes to the gentleman from Oklahoma [Mr. MCGUIRE].

Mr. MCGUIRE. Mr. Speaker, I do not want to be understood as opposing the conference report upon this bill, but I desire to call the attention of the House to that portion of section 19 relating to the alienation of Indian lands in the Indian Territory which has been stricken out. The policy of the Government for the last twenty years has been such as to build up in that country a great system of tenantry. I am opposed to that sort of a system——

Mr. LITTLEFIELD. The system of what?

Mr. MCGUIRE. Tenantry. The best farmer, as a rule, is the farmer who owns his own land. The best farmer will own his own land. If the full-blood Indian and the half-breed or mixed-blood Indians in that country were permitted to sell their land down to 40 acres or down to their homestead, there would be a different story to tell as to the conditions in the Indian Territory in the very near future.

We speak of them as full-blood Indians. There are a few, not many. The Indian of that country if he had the opportunity, if he had by his side the kind of farmer you have in the States of Kansas, Missouri, Iowa, or other States in the Union, where the farmer owns his own soil and cultivates his own farm, there is no reason why the Indian should not be as far advanced in this enterprise as his white neighbor. He has by his side, however, the men who come there to lease, who remain in that community for one year, perhaps not longer than one year. He does not remain because conditions are unsettled and land can not be had. He does not build, beautify, and improve, because it is the property of another. He may be the best citizen, but he can not reap the reward of his labors and he moves on. I say, Mr. Speaker, if we should allow these people to dispose of everything but their homestead, the best citizenship of the country would go to the Indian Territory, and go to stay. In that way you could organize schools. As long as you prevent the Indian from selling his land there is no way to organize school districts for these people. There are large sections of the country now in Oklahoma where we have failed to remove the restriction upon the Indians where there is not a single school district or any school organization, the reason being that there is no taxable property upon which to levy a tax sufficient to support a common school system. The same condition prevails throughout the Indian Territory except in the towns and cities. There is little taxable real estate, vastly insufficient from which to derive a sum that would be required to support a school system. Hence more than 100,000 school children in the Indian Territory, including whites and mixed bloods, are without school advantages. This condition would be remedied and its difficulties obviated by the alienation of the land now belonging to the Indian in excess of his homestead, and there comes no word of objection from those peple. They are all of one universal sentiment. The white man and the Indian from that country alike agree that from a moral, commercial, and educational point of view these restrictions should be removed. In many respects the person of Indian blood is no different from the white man. The average citizen is not quick to take on physical or mental burdens unless it becomes a necessity. The Indian can work and will work if he finds it necessary so to do, and the most healthful, the best civilized, and the most progressive Indians of Oklahoma and Indian Territory at this time are those who have long since had taken from them by the Government of the United States their support. Reasonable and proper assistance should be extended. But it should stop there. There is no Indian who will need immediate revenues more than the aged Indian of that country of to-day. The younger men of those tribes have had the advantages of education. They are abundantly capable of coping with their white neighbor in any and every particular. But it is the Indian advanced in years who is without education and without means of support who, if he had the proceeds of his land at this time, aside from his homestead, would live in comparative ease and comfort during the balance of his days.

My attention has been called to the remarks and observations of a citizen of that country who has had every opportunity to observe for a great number of years the condition of the Indians, the white man, and the people in general. I refer to Col. Clarence B. Douglas. Mr. Douglas is a distinguished citizen of that Territory; editor of the Muskogee Phoenix, the leading paper of the Indian Territory; colonel of the Territorial militia; president of the Inter-Territorial Editors' Organization, and has given much thought and study to conditions; and in a recent communication to the Commissioner of Indian Affairs, he says:

> The occasion of my visit here at this time is that provision formerly in the Five Civilized Tribes bill removing the restrictions from the alienation of Indian allotted land, which last week was stricken from the bill.
>
> Since my arrival I have become convinced that in this bill the desired legislation so necessary to the development of Indian Territory can not be incorporated, and am therefore working along other lines. Discussing what this would mean to the three-quarters of a million people I desire to say:

The law-making departments at Washington seem to have altogether the wrong idea as to what is best for the Indian Territory, and persist in treating that country as though it was a blanket Indian reservation where all business had to be carried on through an interpreter. As a matter of fact, the members of the Five Civilized Tribes are perhaps better educated in percentage than the white people of some of the States of the Union. It is also a matter of fact the Indians, except full bloods of the Five Civilized Tribes, are as competent to take care of themselves as the average American.

Under the existing treaties 20,000,000 acres of land has been allotted in severalty to 90,000 Indians by blood, adoption, and intermarriage, less than 15 per cent of whom are Indians of full blood. To each of these Indians two patents have been issued, one for a homestead consisting of from 40 to 160 acres in the different tribes, which land is inalienable for twenty-one years. The remainder of their respective allotments, ranging from 120 acres to 400 or 500 acres, is termed their "surplus allotment," and under the provisions of the Five Civilized Tribes bill as originally drawn, as passed by the House, and as passed by the Senate, this could be alienated except as to minors and except as to full bloods. For some reason not apparent this provision has been stricken from the bill, and the result has been a stampede for the entire business interests, Indians and whites alike, of the entire Territory.

An Indian can not and will not farm his entire allotment, and if he can't dispose of a portion of it he remains nonself-supporting, and though he may have in a landed estate an apparent asset of thousands of dollars, in practice he is a pauper, unable to improve even his homestead and unable to farm any portion of his excess allotment. The result is, and will continue to be, that the Indian is pauperized and that he does not realize on his allotment as he is entitled to. Under the present system only tenants can occupy the land. This means a shiftless, irresponsible population driving into the country from Texas and Arkansas at the beginning of the crop season in a covered wagon with a run-down mule and a sway-backed pony, and a verbal contract is made with the Indian to raise a crop on the shares. This tenant then goes to town, mortgages his crop in advance, figures how much he can get from the merchant, scratches the soil a little during the summer, burns up the rail fences, makes no permanent improvements on the place himself, and when the crop season is gone by is necessarily broke because he has raised nothing. He blows his horn for the hounds, throws his few belongings into a covered wagon and moves to some other section of the country, and the Indian has received another lesson in the duplicity of the white man. He goes to the corncrib or the cotton gin to get his rent and he finds that the merchant has it plastered with a mortgage exceeding in value everything raised on the place. The land is poisoned by weeds and cockleburs, nobody is benefited, and the country has one more year of depression.

With the removal of the restriction, as was contemplated by the House and Senate when they acted on the bill, all of these things would be changed. The white farmer would come into the country from Iowa, Indiana, Illinois, Nebraska, and Ohio, and he would come not as a traveling tenant, but as a prospective purchaser, as a man desiring to be a landlord. The Indian would put his surplus land on the market—the best real-estate market the world has ever known—and for it get probably more than its value. By the size of his 160 acres a good farmer would begin to carve him out a home. He would build a house, dig a well, plant a rosebush, nail a picket on the fence, and the Indian by the example would learn to do the same thing. In the next few years the Indian's remaining homestead would be more valuable to him in dollars and cents than his entire allotment is at this time. Not only would this be a benefit to the country, but it would teach the Indians a new lesson from the white man. It would give him a new idea of the white man; it would make him say to his boys and girls: "This white man we can afford to follow. This white man has not tried to do us out of something." The ultimate result would be the amalgamation of the boys and girls, Indians and whites, of the respective neighborhoods, the amalgamation of the races, and the practical, sensible, intelligent solution of the Indian question in the Indian Territory.

My mission here at this time is to endeavor to impress these facts on the minds of our national legislators. Their impulses, I believe, are altogether right. I know from twenty-two years association with the people of that country that their theories are altogether wrong. I know that no prosperity can come to any country relying on a tenant class of citizenship. I know the Indian will have little confidence in the white race so long as present conditions continue. I know that if in the Indian appropriation bill or some other pending legislation Congress will remove the restrictions from the adopted citizen, the intermarriage citizens, the citizen of less than full blood, except as to homesteads and except as to minors, that they can bring to that country the greatest era of prosperity and the greatest possible good to the greatest number. I know if they fail to do this they will bring to our business life stagnation, bankruptcy, and the continuation of affairs that ought never to have been permitted to exist in the heart of the American Republic.

I do not know just how long I will remain in Washington. I do not know that I shall stay until every resource at my command has been exhausted, but I do know that no more important legislation, not even statehood for Oklahoma and Indian Territory, is pending at this time than that in which I am so intensely interested.

It was a sacrifice for me to come to Washington, as it has been many times before. The novelty of this city, beautiful as it is, has worn off years ago, but in a matter affecting the destinies of so many people I felt as though I owed it to myself, and to the Indians no less than to the whites, to make this trip, and on this trip to make a last-ditch fight for that which I consider to be so vitally necessary for their future prosperity. We are building a State down there. It will come into the Union on the stroke of a clock. We want a good class of citizens there to begin with, the honest sturdy farmers, not the shiftless, irresponsible, chronic mover. This is more important to the Indian than to the white man, and almost a million helpless people are looking to you for protection in this matter.

The foregoing, in my judgment, is a clear, concise, and accurate statement of the conditions in that country, and contains suggestions which ought to be adopted and placed in this bill. A magnificent country, with unlimited natural resources, thrifty and energetic people, waiting for an opportunity which can only be given them by this branch of the Government and which, if it should be given them, would result in a most remarkable development. That which the people of the Indian Territory have accomplished has not been because of assistance which they have had, but rather in spite of the obstacles which they have had to encounter. Every possible burden has been laid upon the business men, and every impediment has been thrown in the way of progress, all upon the theory that the Indian should be protected. The Indian has his protection when you have given him his homestead. Allow him, if you please, to alienate his surplus lands, give him the money with which to improve that which he must retain, and you have not only sufficiently protected the Indian, but you have given every industry of that country an incentive which will grow and expand it, and it will only be a question of a few short years when the mistakes in the past government of the Indian Territory will be apparent to every white man and Indian alike.

The SPEAKER. The time of the gentleman has expired.

Mr. STEPHENS of Texas. I would like to have a few minutes.

Mr. SHERMAN. I yield to the gentleman from Texas two minutes.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to state that I am in full accord with the gentleman from Oklahoma on the question of permitting the Indians to manage their own affairs, and I state further that unless the restrictions be removed from the lease and sale of Indian lands in the Indian Territory that the country will be held back indefinitely; and the policy pursued by the present Secretary of the Interior in withholding from sale and lease the Indian lands—from the Indians competent to manage their own affairs—has been the very worst policy that could have been pursued during the years since the present Secretary has had this great power placed in his hands by Congress. One object in this bill, Mr. Speaker, was to prevent the sale and disposal of the 445,000 acres of coal lands in the Choctaw and Chickasaw nations of Indian Territory. I regard the prevention of the sale and lease of the coal deposits as one of the most important features of legislation before this present Congress; and for years I have been contending that the title to these coal lands should be preserved in the United States Government and that the royalty arising from the leasing of the coal mines should be permanently kept for a school fund for the future State government.

Mr. Speaker, the provision in this bill relative to the coal and asphalt lands, agreed upon by the committee, is as follows:

SEC. 13. That all coal and asphalt lands, whether leased or unleased, shall be reserved from sale under this act until the existing leases for coal and asphalt lands shall have expired or until such time as may be otherwise provided by law.

This provision leaves this question open for future legislation by Congress. I desired legislation by this Congress on this subject and favored the following amendment to the section 13, above quoted:

Provided, That the Secretary of the Interior be, and he is hereby, authorized to ascertain and report by the opening of the next session of Congress if he can secure an agreement with the Choctaw and Chickasaw Indian tribes to have said coal lands set aside for school purposes, or report a plan for the sale and disposition of said lands.

Mr. Speaker, if this amendment had been adopted, an agreement could have been made with these Indians to transfer these coal lands to the future State of Oklahoma for school purposes in consideration of the $5,000,000 appropriated in the statehood bill as a school fund for Oklahoma.

Mr. Speaker, I have introduced a resolution which should become a law, and these coal lands would by its enactment be preserved for a permanent school fund. The resolution is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the deposits of coal and asphalt in the segregated coal and asphalt lands heretofore set apart in the Choctaw and Chickasaw nations, Indian Territory, may be purchased by the United States from the said Indian tribes at a sum not to exceed $5,000,000, and when so purchased said deposits shall become a part of the permanent school fund of the State in which the land containing said deposits may become a part. Said deposits of coal and asphalt shall be leased on such royalty as the legislature of such State may from time to time designate and in quantities not to exceed 960 acres to one person or corporation, and any leases of said deposits shall become void and of no effect whenever any lessees shall unlawfully combine among themselves or with any common carrier, either directly or indirectly, to control the prices of any coal or asphalt mined from said deposits of coal or asphalt; and no railroad company shall be permitted to lease or operate any mine on said segregated coal or asphalt lands, or to deal in any way with the output of said mines, save as they may lawfully do as common carriers only.

The President of the United States is hereby directed to negotiate an agreement with said Indian tribes providing for the transfer of said coal and asphalt deposits to the permanent school fund of the State that may be formed hereafter in said Indian Territory. Said coal and asphalt deposits shall be subject to be leased only by the legislature of such State, the proceeds arising therefrom to be used in said State as a common school fund only. The money arising from the sale of said deposits of coal and asphalt shall be paid into the Treasury of the United States and held for the use and benefit of said Indian tribes.

The President of the United States shall, under such rules and regulations as he may prescribe, sell, in lots not to exceed 160 acres to one purchaser, all of the surface land in said segregated coal and asphalt

district, said sales to be made either at public auction or under sealed bids as he may direct to the highest bidder therefor, and the proceeds arising from said sale shall be paid into the Treasury of the United States and held for the use and benefit of said Indian tribes.

Mr. Speaker, if this resolution should become a law, the money derived from the leasing of these coal lands would furnish a permanent and large school fund for the future State of Oklahoma. I believe that the surface of these coal lands should be sold and the money paid to the Indians, and the coal and asphalt deposits under these lands should never be sold, but always leased, so that this, the greatest and best deposit of coal in the Southwest, would, if my resolution should become a law, be left under the future control of the State of Oklahoma; and its legislature could declare any leases void if a trust to control prices should be formed in that country. Such a trust is now operating there, because the existing leases, made by the Secretary of the Interior, do not contain any clause that would prevent the lessees from so combining as to control prices.

Mr. Speaker, the State of Texas is tributary to this coal field, and our people are vitally interested in preventing these coal lands from passing into the hands of coal combines; and I hope that this or a future Congress may be induced to pass my bill or a similar one.

Mr. Speaker, this bill is of great importance to the people of the Indian Territory. We have prevented the tribal governments from levying or collecting any taxes from the white citizens of that Territory. I have done all in my power to remove restrictions from the sale or lease of Indian lands, and the measure we have reported does not meet my views; but it was the best we could get at this time or in this bill.

The work of enrolling these Indians has been about completed under existing laws. I know that a great wrong has been done hundreds of Indian families by this Government in refusing them enrollment. I have for years done everything in my power to enroll every Indian entitled to enrollment.

A total of 91,637 persons have been enrolled as citizens of the different nations composing the Five Civilized Tribes of Indians in the Indian Territory, according to the report of the Commissioner of Indian Affairs at the close of the fiscal year of the Government.

This number includes only approved names that have been submitted to and passed upon by the Department of the Interior. The citizens are classified as follows:

Choctaws by blood, 15,898; Choctaws by intermarriage, 1,467; Choctaw freedmen, 5,254; children born to Choctaw citizens since September 25, 1902, and prior to March 4, 1905, 1,262; Mississippi Choctaws, 1,235. Chickasaws by blood, 4,956; Chickasaws by intermarriage, 598; Chickasaw freedmen, 4,995; children born to Chickasaw citizens since September 25, 1902, and prior to March 4, 1905, 518. Creeks by blood, 10,010; Creek freedmen, 5,585; children born to Creek citizens since May 25, 1901, and prior to March 4, 1905, 153. Cherokees by blood, 32,604; Cherokee freedmen, 3,982; Cherokee Delawares (registered Delawares), 196. Seminoles by blood, 1,899; Seminole freedmen, 857; children born to be enrolled Seminole freedmen prior to March 4, 1905, 93. Total, 91,637.

Only 1,235 applicants for identification as Mississippi Choctaws have complied with the provisions of law and been enrolled, but 2,274 applications have been approved. The Delawares born since the register of 1867 was made have been enrolled on the regular rolls of citizens of the Cherokee nation as Cherokee citizens of Delaware blood.

Mr. SHERMAN. Mr. Speaker, just a word. There is urgent necessity for the immediate passage of this bill. It should have been made a law long ago. The administrative work of the Department has been greatly delayed by the long consideration of the committee of conference and I do not want another single day to elapse without this bill being in the hands of the President. We have considered it fully and it is a unanimous report. It does not contain every single item desired—I have never known a bill to come in which did—but it is the best we, the House conferees, could procure. As far as the coal lands and mineral properties are concerned, nobody is injured, because everything is left in statu quo for the future action of Congress. A full removal of the restriction on alienation is not in the interest of the Indians at this time. I now move the previous question.

The SPEAKER. Without objection, the previous question will be considered as ordered.

There was no objection.

The question was taken; and the conference report was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. STEPHENS of Texas. I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. LACEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. McGUIRE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

SOUTHERN DISTRICT OF IOWA.

The SPEAKER laid before the House the bill (H. R. 16014) to amend an act entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding the court therein, approved June 1, 1900, and all acts amendatory thereof," with Senate amendments, which were read.

Mr. HEPBURN. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

MEMORY OF HON. ORVILLE HITCHCOCK PLATT.

Mr. SPERRY. Mr. Speaker, the hour having arrived for the exercises, I send to the Clerk's desk the following resolution.

The Clerk read as follows:

Resolved, That, in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. ORVILLE HITCHCOCK PLATT, late a Senator from the State of Connecticut.

Resolved, That as a further mark of respect to the memory of the deceased, and in recognition of his distinguished career and his great service to his country as a United States Senator, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

Resolved, That the Clerk of the House communicate these resolutions to the Senate.

Resolved, That the Clerk of the House be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolutions.

The question was taken; and the resolutions were unanimously agreed to.

Mr. SPERRY. Mr. Speaker, death dealt very harshly with the State of Connecticut during the year just passed. It removed from us two of our noblest and truest men when Senator JOSEPH R. HAWLEY and Senator ORVILLE H. PLATT were called to that land "whence no man returneth." The death of the brilliant soldier and statesman, General HAWLEY, was a hard blow, but not unexpected. We were prepared for that. But within a month of Senator HAWLEY'S death our senior Senator was suddenly stricken down at the height of his career and usefulness to the State. The death of Senator PLATT, so unexpected, so sudden, and following so closely the death of Senator HAWLEY, cast a gloom over the entire State, and they were mourned in almost every home.

The life and political career of Hon. ORVILLE HITCHCOCK PLATT demonstrates what persistency, common sense, and honesty will accomplish. When Senator PLATT was first elected to the Senate in 1879, he was not a national figure. Indeed, his fame had hardly spread outside of his own State. True, he had been honored by his fellow-citizens with many offices. He was known and respected as an honest, hardworking man of recognized ability, but only his most intimate friends dared to predict that in time he would become one of the leaders of the United States Senate and of the whole country.

His growth in power and influence was not a sudden one. It was steady, slow, but sure. For twenty years of his Senatorial life he was unconsciously preparing himself for the great responsibilities that awaited him as chairman of the Committee on Cuban Affairs. By attending faithfully to his duty, by never swerving one iota from the path he believed to be right, Senator PLATT gained the confidence and esteem of his colleagues in the Senate. More and more, with each passing year, his advice was sought, until he was reckoned among the leaders in the upper branch of Congress.

Still for these many years the country at large knew but little of the senior Senator from Connecticut. His modesty and his retiring disposition stood in his way. He cared nothing for the transient fame that most men strive for. He sought and obtained the high regard of his own colleagues, the best judges of his ability. So when the serious problems growing out of the Spanish war confronted us, especially with regard to the future of Cuba, it was no surprise to those who had watched Senator PLATT for twenty years to find that upon him devolved the task of solving the complex question of our relations with the island of Cuba. As chairman of the Committee on Cuban Affairs Senator PLATT made himself thoroughly familiar with the work in hand, as he always did. The Platt amendment,

which practically insures to Cuba a free and stable government, stands to-day as a monument to his statesmanship and his skill as a legislator.

The passage of that amendment made Senator PLATT a famous man throughout the world. He had at last come into his own, and the country acknowledged him as one of its greatest men. He seemed to grow from that time on with rapid strides. Again the country heard of him as the presiding officer of the Swayne impeachment trial last session. With dignity, with fidelity, and with impartiality he attended day after day to this arduous duty, and the end of the long struggle found him worn-out, ill, but brave to the last. Even then no one suspected that he would be called so soon. His devotion to duty, his avidity for work, finally got the better of him and laid him low at the very zenith of his career.

While for many years Senator PLATT worked faithfully as a national legislator without securing the recognition due him from the nation at large, we of Connecticut knew and honored him. Indeed he served longer than any other Connecticut man in the Senate. His first election, in 1879, was a long-drawn-out struggle, but four times since then he was the unanimous choice of the Republicans in our legislature. It was indeed the greatest tribute the people of Connecticut could pay him. No matter who were elected to the legislature year after year, the voters demanded the retention of Senator PLATT, and none dared, nay even wished, to oppose him.

It was no wonder that Senator PLATT was beloved and honored by the State in which he lived practically all his life. He was distinctly a son of Connecticut. Born in Washington, among the beautiful hills of Litchfield County, July 19, 1827, he spent his entire life in the State, with the exception of a few months in Pennsylvania. In 1851 Senator PLATT opened a law office in Meriden, and then began, by slow degress, his growth and his political career, which finally culminated in the United States Senate. In 1853 he was elected judge of probate of Meriden, the first political office he held. He was one of the founders of the Republican party in Connecticut, in 1856, and in 1857 was elected secretary of state. In 1861–62 he served in the State senate. Two years later he was a member of the lower house and chairman of the judiciary committee. Five years after that he was again a member of the house and chosen its speaker. When he retired from that office he was known and respected throughout the State, and even then he was looked upon as the coming statesman of Connecticut.

For some time, however, Senator PLATT retired from politics to devote himself to his increasing law practice. It was not until 1877 that he again held office. He was then appointed State attorney for New Haven County, which position he held until elected to the Senate. Such, in brief, was the history of the political life of Senator PLATT. In all these various offices he displayed the wonderful energy, common sense, and capacity for work which finally brought him such renown and honor. Never a breath of scandal tainted his life. His honesty was never questioned. What he believed to be right he did, and he never curried popular favor. Throughout his busy life he continued the even tenor of his way, looking always straight ahead, never caring one iota for public praise or censure. He knew he always did his duty as he saw it, and he felt confident the people, who showered political honors upon him, would rightly estimate the spirit and value of his work. And they did.

To me personally Senator PLATT was particularly close. We were within nine days of the same age, and for fifty years we had been together in all the struggles of the Republican party in Connecticut. I was proud to call myself one of his intimate friends, and to be on the same side with him in our political battles. I loved him, honored him, and esteemed him. His loss was to me a personal one, and he left a vacancy in my heart that no man can fill. His memory will ever remain very dear to me, as it also will to all who knew him well.

The private life of Senator PLATT was clean, straightforward, and honest. His habits were exemplary; yes, frugal. He was a man who cared not for show. His tastes were simple, and he loved God's nature. When rich in years and honors he still longed for the simple life of the little country town among the hills where he was born, and to it he returned to live and to die. Here in the early spring he breathed his last, almost on the very spot where he first saw the light of day. How fitting that a man of his temperament should be born and die among the hills and scenes he loved so well!

To the people of his native town he was always a neighbor, not a distinguished Senator, and he took an active interest in their affairs, small as they were, compared to the questions with which he was accustomed to deal. And here, on a beautiful spring day, the last sad rites were performed. Here he was laid to rest in the pretty little cemetery on the hill. It was an impressive ceremony in its simplicity. To the little country church his remains were borne upon the shoulders of his neighbors—farmers—who had known him all their lives. Here there were no flowery funeral orations, no show, simply the devoted and silent tribute of friends and neighbors. Distinguished men from the United States Senate and House, high State officials, and members of the legislature all bowed their heads in heartfelt grief as the simple words of the Gospel lesson were read.

With bared heads all followed in the procession to the cemetery. A few more words of prayer and all that was earthly of ORVILLE H. PLATT was laid to rest.

May his memory ever remain fresh in our minds and in our hearts! May his life teach to our young men a lesson of honesty, of integrity, of devotion to duty, and of simplicity, for all these made him a great and noble man!

Of him can truthfully be said: "Well done, thou good and faithful servant."

Mr. LILLEY of Connecticut. Mr. Speaker, situated among the lower ranges of the beautiful Green Mountains, in one of the most charming spots of old New England, is the picturesque town of Washington, in the State of Connecticut, unsurpassed for its scenic beauty, inhabited by descendants of the Puritans. Here lies all that is earthly of our honored and beloved statesman, scholar, and patriot, ORVILLE HITCHCOCK PLATT.

When his great spirit took its flight, not only did every right-minded inhabitant of our proud Commonwealth feel that they had suffered an irreparable loss, but the people of this great Republic, realizing that he belonged to them almost as much as to Connecticut, mourned with us. We rise above our sorrow with a quickening of mingled pride and pleasure to recall this true son of the Puritans as he labored in our midst, a man of the highest abilities, with a sterling, noble character.

The high office to which our people, through their chosen representatives, elevated him and which he had filled with so much grace and such marked ability, came to him unsought. At the expiration of his first and each succeeding term he was the unanimous choice of his party, the value of his life's work having been the more appreciated by his native State as the years rolled by, the zenith of his power ever rising without a wane, until grim death halted the upward course.

Senator PLATT was a statesman in all that word implies and in its fullest sense, possessing that keen perspective faculty of looking far into the future, foretelling with accuracy the result of legislation. Always with the best interests of his beloved State paramount, he never failed to accord due and careful consideration to every issue of the Republic as a unit and to her every citizen, believing in legislation resulting in the greatest good to the greatest numbers, and when he was called to that "land which is fairer than day" there was left a void in that great coordinate branch of this Government which will not soon be filled.

His faith in the people and in our form of government was remarkable and abiding, especially in the Senate, where he had devoted nearly a generation so industriously, so assiduously, so unceasingly. He believed that the Senate as at present constituted contained as able, forceful debaters, as powerful orators, and men as fearless, as honest, and with as great intellectual minds as it ever contained since the foundation of the Government. Calling upon him one evening during the last Congress, as was my custom, for instruction and inspiration, I recall his saying that he had just listened to a speech by one of his colleagues which, in his opinion, was the equal, if not the superior, of any that had ever been uttered upon the floor of that Chamber.

His farsighted statesmanship was neither a gift of nature nor a lucky stroke of chance, but the logical outcome of a mind such as was his, analytical and constructive, devoted to thorough investigation of facts and precedents.

The very life of Senator PLATT all vies and blends with his intellectual attainments. His life was simplicity itself—kind, gentle, unassuming, thoughtful only of others, never of self; ever doing good, loving his fellow-men, honoring God, and serving his country with all his might, all his soul, all his strength.

Let us hope that this typical old New England type of manhood may ever stand preeminently before our young men of Connecticut and of our whole country as an ideal, attaining which all the world will say, "His life was a success."

I can not refrain (if I may be pardoned for speaking of myself) from expressing my keen personal loss, our relations being of the most friendly character. Frequently I went to him, as

a child to his father, for advice and guidance, and though oftentimes impeding his constant labors he always welcomed me as a father his son, and never did I leave without feeling benefited and inspired with a clearer understanding.

As we pay our last tribute to such a worthy life, there is sweet solace in the thought that Connecticut loves and honors him, and will ever cherish and revere his memory.

Mr. HENRY of Connecticut. Mr. Speaker, when the thirteen English colonies in North America confederated to resist the oppressive laws and unjust taxation imposed by the mother country, the colony of Connecticut sent Roger Sherman, Silas Dean, and Eliphalet Dyer as Representatives to the first Continental Congress. Subsequently the colony was represented by Oliver Wolcott, Samuel Huntington, William Williams, and Roger Sherman, signers of the Declaration of Independence. After the adoption of the Federal Constitution the State was represented in the early Congresses by Oliver Ellsworth, William Samuel Johnson, Roger Sherman, and Jonathan Trumbull, historic names which still have power to stir the hearts of all patriotic sons of Connecticut.

In later years Connecticut has been served in the Senate of the United States by many brilliant and able men—Niles, Baldwin, Smith, Toucey, Gillett, Foster, Dixon, Ferry, Eaton, Hawley, PLATT, all notable and distinguished names in the story of American history.

The last of these, whose memory we commemorate and honor to-day, surpassed all his predecessors in length of service, and was the peer of any upon that roll of illustrious statesmen, who for more than a century have graced the Senate and honored the State they represented.

ORVILLE HITCHCOCK PLATT was first elected to the United States Senate in 1879, and served continuously for twenty-six years; four times reelected without opposition within his party, he was easily the most popular statesman of his generation in the State he loved and served. Always frankly expressing his views upon pending political issues and current events, he preferred to lead rather than follow public opinion; sometimes criticised by political opponents and less far-seeing men, he patiently awaited the vindication the future invariably brought. His thorough comprehension of apparently difficult economic and political problems, his faculty for forecasting and initiating original definite policies (well illustrated by the amendment bearing his name attached to legislation defining our relations with Cuba) gave him high rank as a constructive statesman and inclined other men of inferior perceptive faculties to defer to his judgment and accept his leadership.

Perhaps no higher compliment can be paid to his superior inductive powers than to say that his leadership was never a disappointment; his friends, his constituents, his colleagues in the Senate, as well as high officials of the nation, ever found in him a wise and safe adviser.

Senator PLATT was of the best Puritan lineage. His paternal ancestor, first settler Richard Platt, was, in 1638, one of the founders of New Haven colony, his name being upon the first assessment list of that colony. "Goodman" Platt, as he was styled in the quaint language of the period found in the colonial records, was in sympathy with the views of the Rev. John Davenport, of most pious memory, a Puritan of the strictest faith, who, regarding the Massachusetts Bay, Plymouth, and Connecticut colonists as lax in civil and ecclesiastical methods, led his followers to the founding of a new colony upon the shores of Long Island Sound, where he earnestly labored to establish a purely religious commonwealth, governed in accordance with scriptural teachings, an ideal theocratic republic where church discipline and civil government should remain inseparable.

It is doubtful if history can afford a higher hereditary title of true nobility than is presented by the descendants of these iron-willed, stout-hearted, freedom-loving, stalwart Christians of three centuries ago, who planted the beginnings of empire upon the inhospitable soil of New England.

Possibly influenced by inherited mental tendencies, yet such Puritanism as Senator PLATT possessed was broadened and made tolerant by his Christian charity and kindly regard for all of God's creatures; he loved his fellow-men, and they repaid his self-sacrificing devotion by unquestioning confidence and respect.

The son of a plain Connecticut farmer, of a class to be found in most New England towns, the best blood of the land, and more than any other portion of our people, the founders and builders of the Republic, young ORVILLE H. PLATT encountered the difficulties attendant upon his humble early environments, but with virile energy, transmitted through a long line of sturdy ancestors, the Yankee boy fought his way to manhood, success, and ultimate fame. Triumphantly overcoming all obstacles, he acquired a fundamental education equal to the exigencies and requirements of a long and distinguished career. Poor in pocket, but rich in a determination to make his way in the world, he entered upon the practice of his chosen profession, and almost immediately secured favorable recognition as a sound and able lawyer. Soon called to political preferment, Senator PLATT's ability, tact, and honesty, in public as in private life, commanded the confidence not only of his immediate constituents, but of the people of the entire State. His wisdom grew and kept pace with his experience, and ripened into statesmanship which year after year more and more gained him popular favor, increased his power for good, and won him national recognition until his fame and reputation was even broader than our national boundaries.

In resolutions adopted by the Connecticut general assembly, immediately after Senator PLATT's decease, it was accurately stated:

"Connecticut people have with ever-increasing appreciation followed his course of steady and substantial growth and development to the commanding position of influence which he exercised at the seat of government, and the feeling of our people toward ORVILLE H. PLATT, as in his advancing years he still bore the heat and burden of the day in the discharge of his responsible duties can not be measured by mere appreciation and respect, but was and is more akin to love, and the memory of his simple and winning personality, and his earnest devotion to the interests of the State and country will long linger in the memory of a grateful people."

In this place and presence it is superfluous to refer to the well-known fact that few men possessed greater influence with the last and present national Administrations than Senator PLATT. President Roosevelt, alike with President McKinley, frequently sought and followed the advice of Connecticut's senior Senator, at all times finding in him a statesman of trained intellect, and skilled experience, a counsellor whose wisdom never failed. His frank, decisive manner, clear-headed views, and comprehensive grasp of all public questions inspired conviction and fixed the judgment of all who sought his confidence or came within the scope of his influence.

Upon occasion reticent with strangers, but affable and approachable, Senator PLATT was always genial to his friends; often optimistic, he rarely indulged in pessimistic views, and when other men of less firm faith in God's providence were doubtful of the future, and inclined to despair of the Republic, he, with hopeful trust in our country's destiny, remained safely anchored to his positive altruistic convictions.

Fortunately blessed with a long and untrammeled mental development, he in the fullness of years, in complete possession of every intellectual power, with pristine vigor unimpaired, passed to his reward.

Mr. HIGGINS. Mr. Speaker, following a long-established practice, it is eminently fitting that this House pause at times in its usual deliberations for reflection and pay just tribute and offer eulogy to those whose lives in this forum have been spent in eminent service to their country.

So we this day set aside the usual duties that would occupy us to honor the memory of ORVILLE HITCHCOCK PLATT, for twenty-six years an honored and distinguished Senator from Connecticut. A service for more than a quarter of a century in the highest legislative body in the world speaks for itself of loyalty to State and fidelity to trust.

It was not my privilege to have known and associated with Senator PLATT as a colleague, but as one in his own State, among his own people, by whom he was greatly loved and trusted. The people of Connecticut were justly proud of him.

Senator PLATT possessed the virtues of integrity, industry, and a fine sense of justice. Loathing sham and without pretense, his abilities manifested themselves in a broad and earnest patriotism and devotion to his country, his family, and his friends. He was preeminent as a counsellor, and his judgment was often sought. Because of his capacity to look into the future, his ability to initiate, and his clear analysis of what had seemed intricate problems, the determination of great questions often rested him.

The history of our country records evidences of his unstinted labors and devotion to the highest and best interests of those whom he had been chosen to serve. This House honors itself in the tributes of love and respect we this day pay to the memory of Senator PLATT. A knowledge of his life's work of service should be an inspiration to all men. Well may his virtues and undaunted courage cause us to strive for the highest and best.

Mr. HILL of Connecticut. Mr. Speaker, others have already reviewed the details of the life and work of Senator O. H. PLATT. Let me refer to a bit of unwritten history with which he was connected and show the result of the influence which he exerted.

When the Republic of Hawaii was organized the first minister to this country chanced to be a personal friend of mine. Soon after his arrival at Washington he asked me to procure an interview for him with the senior Senator from Connecticut. On Senator PLATT'S suggestion the interview was held in a closed carriage on that same evening, and, as the driver wandered aimlessly for nearly three hours about the streets of Washington, inside of that carriage questions were put and answers given, policies discussed and conclusions reached, which ultimately brought Hawaii under the sovereignty of the United States as an organized Territory.

Leaving the minister at his home, I took the Senator to his hotel, and as he stepped from the carriage he said: "I guess the time has come when we must think about entering upon some form of a colonial system." From that day the one absorbing thought of his life was the relation which the United States, the dominant power of the Western Hemisphere, should hold to the weaker continental powers and the islands in the two oceans which wash our shores; and when a little later the war with Spain had thrown upon us the responsibility of Cuba, Porto Rico, and the Philippines, and statesmen doubted as to the right of a representative republic to hold control and sovereignty of unrepresented peoples, he demonstrated beyond cavil or dispute, in a speech of wonderful simplicity but marvelous strength, that the United States possessed inheritently, as well as under its Constitution, all of the rights and powers pertaining to any absolutely independent sovereign nation. The Platt amendment to the Cuban constitution was only a practical application of the principles enunciated in the earlier speech, and it is entirely safe to say that, as Abraham Lincoln demonstrated to the world the right of the Republic to preserve its own life against attacks from within, so it is due to ORVILLE H. PLATT, as much as to any other one man, that the United States stands forth among the powers of the world to-day the equal of any in every right, in every privilege, in every degree and kind of sovereignty, and lacking in no respect in any prerogative enjoyed or claimed by any other. If he had done nothing else but this in his twenty-six years of service in the Senate, he would have left his imprint on the history of his time.

He entered the Senate in 1879, an ordinary New England country lawyer, but great enough to stick when flung up against the chance of greater opportunities. For a quarter of a century he studied and toiled for the welfare of a grateful constituency—no want of theirs too small to escape his notice; no demand too large or too frequent to exhaust his patience—and yet through it all it is manifest, as we look back over his life work, that he saw, as all must see who in the thick of things at the nation's capital see at all, that the real welfare and enduring prosperity of his own little State was inextricably bound up and absolutely interwoven with the larger national life. I do not believe that it ever entered into the mind of ORVILLE H. PLATT that his efficiency as a representative or his greatness as a Senator would or could be measured by the number or size of the appropriations which he might secure from the National Treasury for expenditure within the boundaries of his own State, for he looked upon the States as "members of one body," whose general welfare was his highest concern. Whether as chairman of the Committee on Territories or Patents, creating sovereign States in the then boundless West, or securing for the individual the reward of inventive genius, he worked just as patiently and devotedly in the one case as the other; but his thought, his counsel, and his vote were governed and controlled by the way in which he believed the interests of the whole people were to be affected by his action.

He loved to stand upon the very hilltop of national affairs and sweep into one view the whole horizon, and then retiring into solitude and seclusion work out to a wise solution the problems of our national life, over which other men with selfish thoughts and narrower vision oftentimes stumbled and fell.

He entered the Senate in 1879 literally a State man, unknown to the country at large and probably unacquainted with anyone there except possibly his own colleague from Connecticut. Twenty-six years later he died in his country's service a statesman in the true meaning of that word, a leader among leaders, and during all that time no man can truthfully say but that he bore a character above reproach, serving with fidelity and zeal his State, his country, and his God. [Applause.]

Mr. PAYNE. Mr. Speaker, I first became acquainted with Senator ORVILLE H. PLATT when I entered the House, in December, 1883. He had then served four years in the Senate and was highly respected by his colleagues. He had already taken high rank as a lawyer and as a wise counselor.

I became more intimately acquainted with him during the passage of the McKinley tariff bill in 1890. I found him broad and liberal minded, with a thorough acquaintance with the condition of the industries of the country. I did not fail to consult him at that time upon many of the features of the bill. Associated as I was on the Committee on Ways and Means with Mr. McKinley (afterwards President), with Mr. BURROWS (now a Senator from Michigan), with Messrs. Dingley, Bayne, and Gear, all of whom are now deceased, and with Mr. McKenna, now a justice of the Supreme Court, and Mr. LA FOLLETTE, of Wisconsin, now a Senator, I still found it very advantageous to confer frequently with Senator PLATT of Connecticut.

During the preparation of the so-called "Dingley Act," in 1897, I learned still more to rely upon the judgment and sound sense of Senator PLATT. He was most intimately associated with the late Charles A. Russell, then a Representative from the State of Connecticut, and a distinguished member of the Committee on Ways and Means.

Senator PLATT was gentle in his manner, modest, and retiring, a man never seeking opportunity to instruct or obtruding his advice, but who was much sought after by his colleagues on account of the soundness of his judgment. He was admitted to the bar when 22 years of age, and was indeed learned in the law. He was of the judicial temperament and not an aggressive partisan, although ever true to his convictions. He was not an orator in the ordinary sense of the term, but he had a way of stating his case clearly and of marshaling his facts in logical sequence so as to carry conviction to those who heard him. He never made a show speech nor an advertised one. He spoke only when he had an object to be attained and seemed to shrink from debate unless he felt it his duty to inform the Senate upon pending matters with which he was familiar. Therefore his speaking ever commanded the attention of the Senate. He was a persevering and laborious student and his mind was well stored with useful information and important facts. He went straight to the point. In the true sense of the word, on the basis that a successful speech is one that moves the minds of men and forces conviction, he was an orator of rare ability. He was honest, not alone in the sense that no dishonest dollar ever polluted his hand—honesty of that character entitles a man to comparatively little credit, though the lack of it even in that sense is abhorrent to all right-thinking men, and the acceptance of a bribe can not be too severely condemned as graft and theft—but Senator PLATT had a higher plane of integrity. He was honest in his work and in his studies, in his search for truth, and in the processes of his mind. He was careful to work out the truth and was not afraid to stand upon it.

He lived in the midst of industrial and commercial activity. During all the years of his political life his State was like a busy hive. He studied industrial questions with zeal and candor. The mutual and interdependent interests of capital and labor were a matter of daily observation. He brought to the study of these questions that strong common sense which was the most striking characteristic of his mind.

He served on the most important committees in the Senate, being for some years prior to his death chairman of the Committee on Relations with Cuba, a member of the Committee on Finance, on Indian Affairs, on Judiciary, on Private Land Claims, on the Five Civilized Tribes of Indians, and on Patents. I am told that his committee work was the most important of all his services in the Senate. In the Senate or in the House the real work of the Legislature is done in committee. Here the great measures are generally most thoroughly considered; great questions are worked out to their last analysis, and on such matters the perfected bill in committee generally passes into law without much amendment. In the quiet of the committee room his indefatigable labor, his unerring judgment, and his concise and direct speech, as well as his talent for constructive statesmanship, won for him the first rank.

The crowning work of his Senatorial career is undoubtedly what is known as the "Platt amendments," introduced by him in the Senate in 1901 as amendments to the military appropriation bill. These amendments were afterwards embodied in the Cuban constitution and also in the permanent treaty with the Cuban Republic. At the time these amendments were introduced in the Senate there was much sentiment on the subject of our Cuban relations which had little foundation in reason. We undertook the war for Cuba, disclaiming and foreclosing in the declaration of war all thought or hope of national gain.

It was a war for humanity, undertaken in the spirit of friendship for the relief of the suffering people at our very gates. The story of our philanthropy toward the Cuban adorns the brightest page in our history. When the war was concluded, in carrying out our promise as the guardian of the Cuban people, and when we were about to give them a separate and independent government, there was danger that our philanthropic feeling, our desire not only to merit the good opinion of the world, but our fear of criticism in the slightest degree in the manner in which we should carry out our intention, would lead us into the adoption of measures not only unwise on our part, but which would prove disastrous to the Cuban Government and sow the seeds of its downfall. It was at this point that Senator PLATT came forward with his amendments. The propositions which he advanced were clearly in the interests of the Cuban people and of their infant Republic. They restricted the new Government from entering into any entangling alliance with foreign powers which might impair or tend to impair their independence or to permit any foreign power from obtaining a lodgment within its territory. They prevented them from entering into any public debt the payment of which should be beyond their means. This provision cut off the greatest menace to the stability of the Cuban Government.

The third amendment gave us the right to intervene for the preservation of Cuban independence and in the defense of the Cuban Government against internal as well as external foes.

The fourth amendment validated all acts of the United States in Cuba and all lawful rights acquired thereunder.

The fifth amendment exacted a solemn promise that Cuba should execute and, when necessary, extend our plans for sanitation throughout the island.

The sixth amendment left open the vexed question of title to the Isle of Pines, to be adjusted by future treaty.

The seventh amendment provided for coal and naval stations at certain points for the protection of Cuba and the defense of the United States against other nations.

These amendments were criticised somewhat at the time, and an endeavor was made to show that they would not be for the benefit of Cuba, but for the aggrandizement of the United States. Although they have been but five years in operation, the results have successfully vindicated the wisdom and patriotism of ORVILLE H. PLATT and furnishes an example of his foresight and statesmanship.

He lived out almost four-score years, which "by reason of strength" is allotted to few, and could look back upon a successful and well-spent life. He rests now from his labors on one of the beautiful hills of his native State. For more than a quarter of a century he had been a prominent figure in the other branch of the National Congress. There he had served his constituents with faithful toil, with patient zeal, with intelligence, and patriotism. He had made their cares, their toils, and their burdens his own. He had rejoiced with them in their victories. His memory is graven on their hearts, a living monument to the worth and true greatness of the man. [Applause.]

Mr. CLARK of Missouri. Mr. Speaker, up to the 4th of last March our Government had existed one hundred and seventeen years under the Constitution.

Connecticut, being one of the thirteen original States, had to that date two hundred and thirty-four years of service in the Senate of the United States at her disposal. By election or appointment she has sent thirty-six men to represent her in the less numerous branch of the Federal Congress, frequently but improperly denominated "the upper House:" Oliver Ellsworth, William S. Johnson, Roger Sherman, Stephen Mix Mitchell, James Hillhouse, Jonathan Trumbull, Uriah Tracy, Chauncey Goodrich, Samuel W. Dana, David Daggett, James Lanman, Elijah Boardman, Henry W. Edwards, Calvin Willey, Samuel A. Foote, Gideon Tomlinson, Nathan Smith, John M. Niles, Perry Smith, Thaddeus Betts, Jabez W. Huntington, Roger S. Baldwin, Truman Smith, Isaac Toucey, Francis Gillette, Lafayette S. Foster, James Dixon, Orris S. Ferry, William A. Buckingham, William W. Eaton, William H. Barnum, James E. English, ORVILLE HITCHCOCK PLATT, Joseph R. Hawley, MORGAN GARDNER BULKELEY, and FRANK BOSWORTH BRANDEGEE.

Our well-beloved friend, the late Amos J. Cummings, was wont to say that the average service of a Representative in Congress is four years. As a matter of fact, it is about six, and it is increasing steadily as constituencies fall more and more into the excellent habit of retaining faithful and capable Representatives.

The average Senatorial service is no doubt longer than the average Representative service, but the foregoing figures as to Connecticut show that had the Senatorial service of Messrs. BULKELEY and BRANDEGEE closed on the 4th of last March the average service of her Senators would have been only six and one-half years, which is astonishingly low when we remember that her conservatism is so pronounced that one of her popular sobriquets is "The Land of Steady Habits," and when we recall the further fact that she has experienced few political revolutions.

The brevity of the average service of her Senators seems the more remarkable when it is remembered that it is in the East in general and in New England in particular that length of service is held to be the proper reward of fitness and fidelity, though Missouri was the first State to send one man to the United States Senate for thirty consecutive years. She remains the only State to send two men to the United States Senate for thirty consecutive years each—Col. Thomas Hart Benton and Gen. Francis Marion Cockrell.

Of course the longer Senators BULKELEY and BRANDEGEE serve the more the average of Connecticut Senatorial service will be increased.

It is apropos to state in passing that their immediate predecessors, Messrs. PLATT and Hawley, served longer than any other Connecticut Senators, Senator PLATT'S service of more than twenty-six years being greatest of all.

Of Connecticut's thirty-six Senators, six resigned: Oliver Ellsworth, William S. Johnson, Jonathan Trumbull, James Hillhouse, Chauncey Goodrich, and Truman Smith.

They all resigned in the earlier days of the Republic, the last of them, Truman Smith, resigning in 1854. The resignation habit appears not to be growing in Connecticut.

As it is so unusual a thing for a Senator of the United States to resign, I have sought to discover the causes of their action, and here are the results of my investigations:

Ellsworth resigned in 1796 to accept the Chief Justiceship of the Supreme Court of the United States, which office he resigned in 1800 by reason of failing health. He was then appointed envoy extraordinary to France to negotiate a treaty.

Johnson, a man of scholarly tastes, wearying of the hurly-burly of politics, resigned to become president of Columbia College, New York. Very recently we have seen a president of that college, now a university, resign to become mayor of New York.

Trumbull resigned to become lieutenant-governor of Connecticut. He was subsequently elected governor eleven times. The resignation of Trumbull to accept the humbler position of lieutenant-governor seems inexplicable till we refresh our memories with the fact that in the beginning, before the Senate of the United States had practically absorbed all the functions of government, membership in that body was not so much valued or coveted as it is now. De Witt Clinton, one of New York's greatest statesmen, resigned a United States Senatorship to become mayor of New York City—that, too, at a time when everybody knew that he aspired to the Presidency.

Within the last half century several United States Senators have resigned to accept Cabinet positions and places on the Supreme Bench of the United States; but, so far as my memory now serves me, the only man in our day to willingly doff the toga of a Senator to accept an inferior position was that immortal Texan—Judge John H. Reagan—who resigned from the Senate to become head of the newly created Texas railroad commission.

Stranger even than the case of Trumbull is that of James Hillhouse, who resigned to become commissioner of the school fund, which position he held for many years.

No reason is assigned in any book that I could find why Goodrich resigned. He was subsequently lieutenant-governor, but not immediately.

No reason is given in the books why Truman Smith gave up his curule chair, but as he removed to New York City it may be fairly assumed that business matters furnish the clue to his action.

Nine of Connecticut's Senators died while members of the House of the Conscript Fathers: Roger Sherman, Uriah Tracy, Elijah Boardman, Nathan Smith, Thaddeus Betts, Jabez W. Huntington, William A. Buckingham, Orris S. Ferry, and ORVILLE HITCHCOCK PLATT.

Three of her Senators were Presidents pro tempore of the Senate: James Hillhouse, Uriah Tracy, and Lafayette S. Foster. Strange to relate, two of them held that position in one Congress—Uriah Tracy having been elected May 14, 1800, and James Hillhouse February 28, 1801.

Besides Oliver Ellsworth, whose service as Chief Justice renders his place in our annals secure for all time, two others, at least, of Connecticut's three dozen Senator's are great historic personages—Roger Sherman and Jonathan Trumbull.

Roger Sherman, in addition to holding a multitude of local and State offices, served in the Continental Congress, being one of the committee of five appointed to draft the Declaration of

Independence, the others being Thomas Jefferson, John Adams, Benjamin Franklin, and Robert R. Livingston. That great quintette appear together in the large painting, The Signing of the Declaration, now hanging in the Rotunda of this Capitol.

Sherman was also a member of that great convention which framed our Constitution.

Having put his sign manual to the charter of our liberty, having aided in constructing the Constitution, he enjoyed the good fortune, the thoroughly merited honor, of serving in both Houses of Congress under that Constitution.

He was the progenitor of numerous distinguished soldiers, statesmen, and jurists. Two of his lineal descendants are Members of the present House—Hon. ROCKWOOD HOAR, of Massachusetts, and Hon. HENRY SHERMAN BOUTELL, of Illinois. Representative BOUTELL has a son named Roger Sherman Boutell. If that young man isn't a patriot, there is nothing in name or blood.

The name Jonathan Trumbull stands for two illustrious men—father and son. The father is the "Brother Jonathan" whom Washington loved and leaned upon and whose name stands for the personification of the typical American. The son was the United States Senator from Connecticut and Speaker of the House of Representatives.

One other Connecticut Senator fixed for himself an enduring place in the temple of fame by offering the famous "Foote resolution," which precipitated the Webster-Hayne debate, the most spectacular and momentous oratorical contest in the history of the Senate. Nobody can understand our history without reading that debate, and nobody can read it intelligently without recurring to the Foote resolution, which renders Foote's reputation as lasting as Webster's or Hayne's.

All in all, it may be safely stated that from the beginning to the present hour Connecticut's average of Senatorial ability has been as high as that of any of her sister States.

Men are prone to look back to a golden age and to locate all the great men in generations past. If a man's reputation survives his own era at all, time becomes a great magnifier of him. The plain, unvarnished truth is that this is the world's period of greatest development. In many respects this is the golden age. The public men of to-day are, on the average, equal to their predecessors in intellectual equipment. Divers men who are ranked as mere politicians now will be by the succeeding generations classed as statesmen.

To be a Senator of the United States even for one moment is a high honor—an honor which comes to few; but to be elected to the United States Senate for five full terms and to serve more than a quarter of a century is an honor so rare that it has come to less than a score of men in our entire history. This unusual honor was freely and gladly bestowed upon Senator PLATT by the good people of Connecticut.

He was a leader among his fellows—one of the ruling elders of the Senate.

Judged by the standard of things done rather than by the standard of things said, Senator PLATT may fairly be denominated a great Senator. He would have been a potent member of any Senate. He was neither a voluminous nor an eloquent speaker. He was a strong and luminous speaker. He possessed in an eminent degree the faculty of constructive statesmanship—which is the rarest sort. He was blessed with unusual powers of generalization. By reason of this faculty and of these powers he fastened his name to many important measures. He thus became a permanent historic figure. His memory will survive so long as men concern themselves with the great measures considered in the stirring times in which he was on the public stage, for he placed his indelible mark upon most of the legislation of the last quarter of a century.

[Mr. DE ARMOND addressed the House. See Appendix.]

Mr. SHERMAN. Mr. Speaker, so it is that a brave, noble, unflinching man blazes a way through life which others may follow, confident that the ending will be beside waters that are still and fields that are green, starred with daisies and tinted with forget-me-nots and immortelles, where a haven of rest, not made with earthly hands, is waiting.

Our friend has gone from among us, but the impress of his character, his life, and his manly qualities abides with us. He was brave, fearless—not the bravery which at times seems to compel strong men to maintain a position once taken, to refuse to modify judgment, to alter proposed action, but that bravery which feared not to meet argument, to court investigation, that welcomed additional light, and when convinced of original error of judgment, or of action, to modify and change it.

Senator PLATT was truly a great man—great in thought, great in deed, great in mind. He left an impress here which will long endure. In appearance he might be described as grizzled, tall, angular, not quick of movement, nor overalert of thought, but honest and persistent of purpose, clear of discernment, accurate of judgment. His exterior contradicted his interior. Not in look did he evidence the kindliness and consideration of his nature. His voice had less of the austere than his presence. He was firm in his own convictions, yet considerate of the opinions of others. Ruggedly honest, he accorded honesty of thought and purpose to others. Idle prattle, passing rumor, moved him not.

He was strong in his friendships, a good lover, not so good a hater. His confidence shaken, was not easily regained, but he cherished not animosity. He never looked for trouble, yet he never sought evasion of his full share of responsibility. His full, fair measure of the everyday work of public life he did. He was not an orator, who stirred by eloquence of word or beauty of phrase, yet he made exceeding clear his meaning, and by the sincerity of his bearing carried conviction to other minds.

The longevity of his service to his country was exceeded only by its value. Almost a decade after passing the limit of man's allotted time, he served on. I never saw evidence of his knowledge of the weight of years, though I have heard him express it. His erect form had not bent, his clear mind did not give evidence of his years.

He had no failing period. Rugged and well he left us here, neither he nor his friends aware that the mighty work he had done had lessened his vitality, so that he was an easy prey to malady. Full of years and of honors, having lightened many a burden, warmed many a heart, with the harness on he dropped. He left no half-performed task. His work was always current. In his death his country lost a competent and true patriot, his State an illustrious representative, his friends a noble companion, mankind a fellow whose living made all living more worth while.

As life's evening shadow becomes little by little more apparent, as one's thought in the gloaming of a Sunday are more and more of the retrospect, as we feel the enthusiasm and the energy of life lessening, the more startling the fact that human life is exceeding brief. So brief, indeed, that the greatest wonder of human existence is that any single individual may even within its lengthened span, accomplish enough to impress his personality on his living time, and leave an influence to act after his taking away. That accomplished, a life has been well spent. Life's duties are many, are varied, are weighty. To meet them manfully, openly, without shrinking or evasion, to discharge them faithfully, bravely, and well, means a discharge of the human duties divinity has placed upon man.

Life's trials, too, are weighty. Endured with patience, borne with fortitude, submitted to with resignation, they add much to the lovable side of character, and make for an impress upon a community which is ever felt.

It is comforting and pleasant to look back upon the life of one of our dear, good friends who has been taken away, and mark how well he withstood life's buffets; how uncomplainingly he bore its burdens, how meekly he accepted its honors and delights. Now, we know the why of something, perhaps, which he concealed or covered up during his sojourn with us, and the solution of the problem adds to our admiration of his character and strengthens the lesson inculcated by his life. [Applause.]

Mr. GROSVENOR. Mr. Speaker, it is due to the memory of so distinguished a citizen that he who attempts his eulogy should be better prepared for facts and details than I am at the present moment.

I became acquainted with Senator PLATT at the time of the assembling of the Forty-ninth Congress, but my relation to him was not of that intimate character that brought me in close contact with him until several years after. He represented in the Senate in part my native State, and I felt toward him, as I do toward all the men of that State, a great deal of interest. He was a warm personal friend and counselor of the then Representative from the district in which I was born, the Hon. Charles A. Russell, one of the many distinguished Representatives from Connecticut who have appeared upon this floor since I came.

I was a Member of the House during the contest upon the McKinley bill, but not so intimately acquainted with the affairs of that great measure as I was later, when the Dingley bill became the controversy here. After the bill as passed in the House had gone to the Senate and been amended there very largely, it came to a committee of conference of which I was a member, and of which the Senator from Connecticut was also a member. And then I learned a great deal of the fine elements

of his character in the long-drawn-out consultations in the Finance Committee room of the Senate over that measure. I learned this of his character: That he was a statesman who looked at the whole of the United States. He took in the interests of the people of the whole country, and while he carefully saw to it that no discrimination was made against the local interests of his own State, he would have scorned to have undertaken to do an injustice because it would put money into the pockets of his people. He was a bigger man than that. He had a better representative character. He covered more ground than the State of Connecticut or any of the interests of New England.

Upon the tariff question I considered him one of the best trained and best learned of the statesmen of his day. He did not champion the measures that he favored in the form of the advocate, but he looked at the question involved from the standpoint of the statesman. I observed his career at very near the close of his life, when he presided in the impeachment trial of Judge Swayne in the Senate of the United States. It was a position of high honor to him. The requisites for the place were great legal learning and high qualities of judicial mind. There were, of course, very able men who appeared in the prosecution—some of the very ablest of the Representatives of this House—and they were advocates in the true sense of the word. Various questions arose, some of considerable complication, and in no instance was the ruling of the Presiding Officer negatived by any considerable vote of the membership of the Senate. And when the trial closed, as I was leaving the Senate after the final vote had been announced, I congratulated the Senator upon the success that he had had in presiding in a controversy of such a bitter character as that was. He said—and I remember his exact words—"Well, it is something to have the approval of both sides, and I seem to have secured that." He was a man with a judicial mind. He was a fine lawyer and an able one.

It is an eventful career that brings a man to a notable standing and position in the Senate of the United States. Let carpers and critics say what they please, let men who live and breathe and grow fat and disagreeable in the realm of libel and slander and personal detraction harp upon and criticise the Senate of the United States, it will always be recognized until a mighty change takes place that the Senate of the United States is a great body of great men. It sometimes moves slowly, and we sometimes feel irritated at its course in that behalf, but at last when it makes a decision upon a great question of politics, a great industrial question, a great legal question, the opinion of the Senate of the United States in dignity and in moral effect upon the opinions of the world is second to no body of men in the world. Therefore, that Senator PLATT should have achieved high rank in the Senate is evidence conclusive that he was a man of superior ability and superior attainment. He was a gentleman who always appreciated the opinions of his opponents. I never heard him complain of the men he differed with. In the matters of legislation to which I have referred he stood with unyielding purpose in favor of certain local interests of his own State, but he fully appreciated that where the interests of his State collided with and ran against the interests of the great public the minor interests of the State must step aside, and it will not be forgotten by some of us who were then active in the tariff matters how gracefully and wisely he yielded to the mass of opinion as against the private interests of some of his own constituents. He was a broad-minded statesman, a man of unqualified integrity, a man of high attainment in the walk of life in which he served. Connecticut, a grand old State, historical all along the line of our history, has had no more fitting representative of her patriotism, her wisdom, her statesmanship than she had in the person of ORVILLE H. PLATT. He carved his name modestly, but ineffaceably upon the records of his country. His work was well done and it was finished. He might have been useful for many years, but he had earned reward and has entered into it. Honor to his name. His example to the men who knew him and to the men who are to come after him was valuable politically, legally, and patriotically.

Mr. SPERRY. Mr. Speaker, the gentleman from Massachusetts [Mr. MCCALL] expected to be present and address the House, but was, unfortunately, called away. There are also several other Members who desired to speak on the character, life, and services of the late Senator PLATT, but who will not have the opportunity on account of the hour fixed for adjournment. I therefore ask unanimous consent that Members who desire be permitted to print remarks relating to this subject for the next thirty days.

The SPEAKER pro tempore (Mr. DENBY). Without objection, the request of the gentleman from Connecticut will be granted.

There was no objection.

The SPEAKER pro tempore. The Chair is requested to announce that upon the adjournment of the House to-day the Members will form in a body in this Hall, march through the east door of the Capitol, and proceed to the place of the exercises.

The hour of 2 o'clock and 15 minutes having arrived, the House, in pursuance of its previous order, stands adjourned until to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred by the Speaker as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for relief of the Chesapeake Steamship Company—to the Committee on Claims, and ordered to be printed.

A letter from the Attorney-General, transmitting a reply to the inquiry of the House as to expenditures on account of the Spanish Treaty Claims Commission—to the Committee on the Judiciary, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Francis M. Brabham against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for a road from the city of Leavenworth to Fort Leavenworth—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 15333) for the division of the lands of the Osage Indians in Oklahoma Territory, reported the same with amendment, accompanied by a report (No. 3219); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17948) restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings, reported the same without amendment, accompanied by a report (No. 3220); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11153) to correct the military record of Robert B. Tubbs, reported the same with amendment, accompanied by a report (No. 3218); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. PARKER: A bill (H. R. 18172) to provide for the purchase of a site and the erection of a public building at Orange, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. STERLING: A bill (H. R. 18173) fixing the salaries of rural carriers and granting an annual leave of absence—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS of Minnesota: A bill (H. R. 18174) to provide leave of absence for clerks and employees of post-offices of the first and second class—to the Committee on the Post-Office and Post-Roads.

By Mr. LILLEY of Pennsylvania: A resolution (H. Res. 401) directing the Clerk of the House to appoint an assistant to the file clerk of the House of Representatives—to the Committee on Accounts.

By Mr. GROSVENOR: A memorial requesting an investigation of the official conduct of E. G. Rathbone—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 18175) granting an increase of pension to Jeremiah Van Riper—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 18176) for the relief of C. W. Norris—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 18177) granting a pension to Mary Hallenbeck—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 18178) granting a pension to Ida May, Annie P., and Theodore R. Small—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 18179) granting an increase of pension to William G. Baity—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18180) granting an increase of pension to Martin Hart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18181) granting an increase of pension to Jacob Lloyd Curry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18182) granting an increase of pension to Benjamin F. Woodward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18183) granting an increase of pension to William A. Graves—to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 18184) granting an increase of pension to John J. Howells—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 18185) granting an increase of pension to William H. Hyden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18186) granting an increase of pension to Sarah H. Jones—to the Committee on Pensions.

By Mr. DOVENER: A bill (H. R. 18187) granting an increase of pension to William E. Cornwell—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 18188) granting an increase of pension to David D. Guthrie—to the Committee on Pensions.

Also, a bill (H. R. 18189) for the relief of the heirs of James Brandenburgh, deceased, of Buck Creek, Owsley County, Ky.—to the Committee on War Claims.

By Mr. FLACK: A bill (H. R. 18190) granting an increase of pension to Edward Baker—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 18191) granting an increase of pension to Benjamin St. Clair—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 18192) granting an increase of pension to Mary A. Peterson—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 18193) granting an increase of pension to Walden Kelly—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 18194) for the relief of Lena R. McCauley—to the Committee on War Claims.

By Mr. STANLEY: A bill (H. R. 18195) granting a pension to Zachary Brooks—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 18196) granting an increase of pension to John H. Watson—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 18197) for the relief of the Hood Swamp Baptist Church and the Union Baptist Association—to the Committee on War Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15154) granting a pension to James Cannon—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15523) granting a pension to Jose N. Tucero—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 17778) granting a pension to Louisa J. Arey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17859) for the relief of the legal representatives of John Derr—Committee on Claims discharged, and referred to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Grand Army of the Republic, Headquarters Department of Minnesota, against any law now or hereafter inimical to the "old soldier" in matters of service under Government—to the Committee on the Judiciary.

Also, petition of the Petworth Citizens' Association, for local self-government in the District of Columbia—to the Committee on the Judiciary.

Also, joint resolution of the legislature of Ohio, for investigation of the official conduct of E. G. Rathbone—to the Committee on Insular Affairs.

By Mr. ALEXANDER: Petition of Ralston P. Lyman, of Buffalo, N. Y., for preservation of Niagara Falls—to the Committee on Ways and Means.

By Mr. ALLEN of Maine: Petition of Amelia Wight Bangs and 20 others, for preservation of Niagara Falls—to the Committee on River and Harbors.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of C. W. Norris—to the Committee on Claims.

Also, paper to accompany bill for relief of Charles W. Brocken—to the Committee on Pensions.

Also, paper to accompany bill for relief of Mary McFarlane—to the Committee on Pensions.

By Mr. BURLEIGH: Petition of the Norridgewock Gazette, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURTON of Delaware: Petition of Sophie C. Hall et al., for relief of the landless Indians of northern California—to the Committee on Indian Affairs.

Also, paper to accompany bill for relief of William B. Small—to the Committee on Invalid Pensions.

Also, petition of George A. Wilson et al., for the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. COOPER of Pennsylvania: Petition of citizens of Pennsylvania, for immediate consideration of the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Somerset Union, of Somerset, Pa., for a constitutional amendment abolishing polygamy—to the Committee on the Judiciary.

Also, petition of Camp Hawkins, No. 1, and Camp Walter E. Brown, No. 4, Army of the Philippines, and the Veteran Association of the Tenth Pennsylvania Infantry, for medals of honor for soldiers of the Philippine service—to the Committee on Military Affairs.

Also, petition of the Union Farmers' Club, against free seeds—to the Committee on Agriculture.

By Mr. DOVENER: Paper to accompany bill for relief of John E. Reese—to the Committee on Invalid Pensions.

By Mr. FLACK: Paper to accompany bill for relief of Edward Baker—to the Committee on Invalid Pensions.

By Mr. FLOYD: Petition of S. W. Peel, for services relative to the Choctaw Nation of Indians—to the Committee on Indian Affairs.

By Mr. GILL: Petition of Society of Christian Endeavor of Grace Methodist Episcopal Church, Baltimore, against liquor selling in Soldiers' Homes, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. GILLETT of Massachusetts: Petition of E. M. Lyman & Son, of Springfield, Mass., against distribution of seeds by the Government indiscriminately—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Petition of the John E. Diament Company, for certain modifications of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of Utah: Petition of L. Dahlquest, of Salt Lake, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. JENKINS: Petition of citizens of Reeve, Wis., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KENNEDY of Ohio: Petition of citizens of Ohio, for the Gardner bill, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of Michael Houlahan, for a statue to Commodore John Barry—to the Committee on Naval Affairs.

Also, petition of the American Reciprocal Tariff League, for an advisory commission of economic experts to consider the tariff—to the Committee on Ways and Means.

By Mr. LITTLEFIELD: Petition of Seaside Grange, No. 171, of Bristol, Me.; Sweden Grange, No. 134; Clarence E. Jones, and George A. Huston, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LONGWORTH: Petition of Mrs. C. R. Stewart et al., for a law to keep liquor out of Indian Territory—to the Committee on the Territories.

By Mr. LOUDENSLAGER: Petition of citizens of Camden County and Cape May County, N. J., for consideration of the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MAHON: Petition of A. H. Horst et al., for consideration of the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MANN: Paper to accompany bill for relief of James McCauley—to the Committee on War Claims.

By Mr. MICHALEK: Petition of N. E. Dawson, of Chicago, Ill., for a law favorable to improved orthoepy and orthography—to the Committee on Education.

By Mr. RYAN: Petition of Ralston P. Lyman et al., of Buffalo, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. SCOTT: Petition of citizens of Kansas, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. STANLEY of Kentucky: Petition of citizens of Kentucky, for repeal of the duty on wood pulp—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Petition of the Grand Army of the Republic, Headquarters Department of Minnesota, against any age law, now or hereafter, inimical to soldiers' service in Government office on account of age—to the Committee on the Judiciary.

Also, petition of the Grand Army of the Republic, Headquarters Department of Minnesota, for a law to give every soldier's widow $12 per month—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of Hood Swamp Baptist Church, Wayne County, N. C.—to the Committee on War Claims.

By Mr. VAN WINKLE: Petition of citizens of the Ninth Congressional district of New Jersey, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WEEMS: Paper to accompany bill for relief of Andrew Crowl—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SUNDAY, *April 15, 1906.*

The House as called to order at 12 o'clock noon by the Clerk, Hon. ALEXANDER MCDOWELL, who read the following communication from the Speaker:

APRIL 15, 1906.

I hereby designate Hon. J. WARREN KEIFER to act as Speaker pro tempore for this day.

J. G. CANNON.

Thereupon Mr. KEIFER took the chair as Speaker pro tempore.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Eternal God, our heavenly Father, we thank Thee for all the revelations Thou hast made of Thyself which enable us to interpret life, especially for that light which broke in splendor upon the world nineteen hundred years ago in the resurrection of Thy Son, Jesus Christ, demonstrating the immortality of the soul and the unbroken continuity of life. Help us, we beseech Thee, so to live that each day shall be a preparation for the next, so that when we are called to the higher life we shall be prepared for whatever awaits us there.

We realize the fitness of this service here to-day in memory of one who served with distinction for many years upon the floor of this House A scholar, a statesman, a brave and gallant soldier, clear in his conceptions, pure in his motives, true to his convictions, he served his people, his State, and nation with honor and integrity, and leaves behind him a record worthy of emulation, and may the memory of his faithful service quicken us to nobler life and activity. In Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

The SPEAKER pro tempore. This day's proceedings have been set aside especially for memorial addresses in honor of the late BENJAMIN F. MARSH, a Representative in Congress and a Member-elect of the Fifty-ninth Congress.

Mr. MCKINNEY. Mr. Speaker, I offer the following resolutions and move their adoption:

The Clerk read as follows:

Resolved, That in pursuance of the special order heretofore adopted, the House now proceed to pay tribute to the memory of Hon. BENJAMIN F. MARSH, late a Member of this House from the State of Illinois.

Resolved, That as a special mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House at the conclusion of the exercises to-day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were considered, and unanimously agreed to.

Mr. MCKINNEY. Mr. Speaker, I ask unanimous consent that leave be granted for Members to print remarks relating to these exercises for ten days.

The SPEAKER pro tempore. Without objection, the request will be granted.

There was no objection.

Mr. MCKINNEY. Mr. Speaker, it was my sad duty on the first day of this session to give formal notice of the death of the late BENJAMIN F. MARSH, for many years a distinguished member of this House from Illinois, and to state that at another time I would ask that a day be set apart for the proper consideration of his life, character, and valuable public services.

On March 7, by special order, this day was selected for these memorial exercises, and we have assembled this afternoon to pay a last tribute of respect to one who bravely and honorably met his responsibilities and who left behind him the record of a noble and patriotic life.

I shall not undertake, in the brief time I shall occupy, an extended review of his career, and, indeed, that would seem unnecessary, as in a larger measure than comes to most men the record of his deeds is written in the history of his country.

I shall, however, refer to the more important events of his busy life, and to those circumstances which molded and directed his course and finally fitted him for a rare and splendid citizenship.

BENJAMIN FRANKLIN MARSH was born in Wythe Township, Hancock County, Ill., on November 19, 1835. His early years were passed upon a farm, where he acquired the rudiments of his education in the local schools. During a simple, frugal boyhood, amid wholesome surroundings, was laid the foundation of his strong and rugged character. In those formative years he acquired an interest in rural life and rural pursuits which never ceased, but rather strengthened with increasing years.

When the shadows had begun to lengthen, when burdens grew heavy and hard to bear, no days were so happy as those spent upon the farm where he was born; and the old homestead, so fruitful of cherished memories, remained his dearest possession until the final summons came.

When 14 years of age his father sent him to Jubilee College, located near Peoria, where for four years, under the wise direction of Bishop Chase, he diligently and faithfully pursued his studies. He labored earnestly to prepare himself for the obligations and responsibilities which even then he realized manhood would impose upon him.

His college course finished, he took up the study of law in the office of his brother, Judge J. W. Marsh, at Warsaw, being admitted to the bar in 1860, and afterwards associated with his brother in active practice.

During the same year, in flattering recognition of his talent, he was nominated as Republican candidate for States attorney for the counties of Hancock and Adams, but the district being largely Democratic, he failed of election.

And now while upon the very threshold of a cherished professional career, with the future seemingly assured, and success almost within his grasp, there came to him that summons which throughout his life proved irresistible and imperative—the call of duty. And when it came he did not deliberate, he did not hesitate nor count the cost. Danger threatened his country, brave men were needed, and personal interests were forgotten. At the first clash of arms he promptly tendered to the governor of Illinois a company of mounted men, but cavalry not being included in the first call for troops the offer was declined.

Being eager to go to the front, on May 24, 1861, he was mustered into service as second lieutenant of Company D, Sixteenth Illinois Infantry, and the same day was made quartermaster of the regiment.

On July 4, 1861, while serving with his regiment in Missouri, a telegram came from the governor stating his former tender of mounted troops would now be accepted. He returned at once to Warsaw, recruited the company, and on August 12, 1861, again entered the service as captain of Company G, Sec-

ond Illinois Cavalry. With this splendid regiment he was identified until the close of the war, performing brave and valuable service in every Southern State, excepting Virginia and the two Carolinas.

On January 1, 1863, he was promoted to the rank of major. On May 4, 1864, he was made lieutenant-colonel, and soon after and until hostilities ceased, was in command of the regiment.

He saw much hard service and participated in many battles. The records of the War Department show that he was wounded in action at Holly Springs, Miss., on December 20, 1862, and during the course of his campaigns he received four gunshot wounds. And yet, despite his wounds and the suffering and disability occasioned thereby, he remained at the front in active service until he was honorably discharged at San Antonio, Tex., on November 22, 1865.

Strong, self-reliant, purposeful, he was ever a brave and efficient soldier, and his war record stands as a proud testimonial to his valiant patriotism. He was a fighting soldier and preferred the field of battle to the mock heroics of dress parade. His old comrades throughout the country still delight to relate the many heroic deeds he performed. There was no more welcome guest at reunion and camp fire than Colonel MARSH, and no one was listened to more attentively. His stories of camp and field and weary march were graphic portrayals of army life as seen through a soldier's eyes. Throughout the war, apparently unacquainted with fear, the only solicitude he expressed was for the comfort and welfare of those under his command. It is not surprising that such a leader should win the hearts of his comrades in arms, nor that he should gain and retain the respect and confidence of his fellow-citizens throughout his entire life.

At the close of the war he returned to Warsaw and resumed the practice of law. He was thus engaged until his election from the Tenth district in 1876 to the Forty-fifth Congress. From that time on his life was again devoted to the service of his country. He was well equipped for public station, and after his election he entered upon the new field of effort with the same fearlessness, the same patriotic devotion that characterized him during the time of war. Neither his courage nor his sincerity were ever doubted. In Congress he stood for what he believed was right, without regard to personal consequences. In fact, he had arisen above the thought of seeking personal success. He desired in the highest sense to be a public servant, and all his plans and purposes had in mind the welfare of the people. Careful, prudent, deliberative, in one direction alone he seemed to cast conservatism to the winds, and that was as the advocate, the champion of the interests of the old soldier.

After serving three terms in Congress he was defeated for reelection in 1882, on account of a lack of harmony among the party leaders of his district.

Philosophically accepting his defeat, he returned to his home, where he engaged in an avocation he dearly loved, being that of general farming and stock raising.

But this restful period was of short duration. On April 8, 1885, he was appointed by his lifelong friend, Governor Oglesby, railroad and warehouse commissioner of Illinois, and served the State with signal ability in that important position four years.

In 1888 he was a delegate to the Republican national convention.

The following year he was appointed by his lifelong friend Governor Oglesby railroad and warehouse commissioner of Illinois, and served the State with signal ability in that important position for four years. In 1892 he reentered Congress, from the Fifteenth Illinois district, being elected to the Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses. He failed of election to the Fifty-seventh Congress in 1900, his district being doubtful, with a normal Democratic majority which even he could not always overcome. Under the reapportionment which followed in 1901 he was placed in the Fourteenth district, and from the new district was again elected by large majorities in 1902 and 1904 to the Fifty-eighth and Fifty-ninth Congresses, the people thus clearly indicating that there had been no abatement of their confidence and respect. His physical health, however, was visibly failing, and the weight of years pressed heavily upon him. He suffered an attack of pneumonia during January, 1905, from which he never recovered. The end was near, and his death occurred on June 2, 1905, after a protracted illness following the sudden demise of his beloved wife on March 18 of the same year, and from which severe blow in his enfeebled condition he was unable to rally. He died as the soldier-statesman would prefer to die, with the harness on, with his face toward the front, and striving to the last to better the condition of his fellow-man.

I shall not attempt to consider his Congressional career. There are those present to-day who served with him in this House for many years and whose knowledge of his services here was derived from close personal association. A tribute of respect from these associates and colleagues will possess especial value, based as it will be, upon the insight and knowledge of intimate relationship. I leave to these friends the story of his Congressional services.

My own acquaintance with Colonel MARSH began thirty years ago, when he first entered Congress. It was my good fortune to meet him frequently thereafter during the remainder of his life. He always impressed me as being a man of purposes, of convictions. There was that about him which proclaimed the leader, not by assumption, but by right. Stalwart, rugged, strong, he seemed naturally to assume the attitude and bearing of a soldier, and yet he had a kindly face and from his eyes there shone a look of genial interest. Earnest and outspoken, he was always fair-minded and sincere. He asked no advantage of any man, nor would he accept one. He granted to all and demanded in return fair play. As he grew older he loved more and more to talk of his Army life, of the days when he rode with the boys in blue. He loved to meet the veterans of whatever branch of the service. Each soldier was to him a kinsman, and one of the dearest words he knew was "Comrade." At all times and everywhere he was known, and deserved to be known, as the soldier's true and loyal friend.

I doubt if any man in public life during this generation had the interests of the old soldiers more closely at heart. During his many years of public life he secured relief through pensions and otherwise for an immense number of veterans and their families. He never wearied of serving them, and always followed up their claims with faithful persistence.

And here I may say I have been impressed with the fact that although for years he suffered from wounds received in battle he seemingly forgot his own just right to recognition. The records of the Pension Office disclose no claim ever filed in his own behalf. And thus again was shown a striking characteristic of the man—thoughtfulness of others, indifference toward self. Like the sturdy oak, willing to give support and protection to all about him, he stood alone and would not ask for personal favors.

And thus he lived and wrought throughout his day. Stanchly he stood for the eternal right. Bravely he had taken up the burdens of life. Loyally and far he had borne them, and now, at the end of the way, with his course completed, contentedly and without regret he yielded to others duties and responsibilities no longer his. At the biblical limit of time his life's history was ended. His work was finished; dear ones had gone before. He yearned to hear the last call, and when it sounded, respected by all who knew him, loved and honored by associates and friends, he calmly paid the final tribute of mortality. He left behind him a record of unfaltering devotion to country, home, and friends that was untarnished, unsullied, and that should not perish from the earth.

Mr. GRAFF. Mr. Speaker, we are here this afternoon to pay a tribute to a man who was a very marked type of a class of men almost entirely passed away. He had lived the allotted period of seventy years, but the number of times he had seen the hour-glass turn is of little importance as compared with the purposes to which his life was devoted. His was a career filled with stirring and interesting events and continued activities, mental and physical, to its close. He belonged to the beginnings of the settlement in the State of Illinois, one of those States which were settled without the medium of the railroad, when the only means of transportation were the highways that the rivers furnished and the scattered trails traversed by the adventurous settler in the prairie schooner. Born amidst this pioneer life in 1835, he witnessed the incoming of the immigrants from the South and from the Southwest, and from the East, from the New England States, each group contributing its peculiar political and religious ideas, and forming factors of the great discussed upon slavery, of which Illinois was so interesting and important a center.

He saw the settlers leave the richer prairie lands to the undisputed possession of the wild flowers and build their first homes in the less fertile woodlands along some stream for better protection from the winds and weather, and from material for their rude cabins and furniture.

The citizens of that early day were necessarily isolated. It gave to them opportunity for reflection that a denser population would not have afforded. It developed philosophers and independent thinkers. Every man is largely created by his environment. The philosophy and rugged honesty of pioneer life were woven into the character of Lincoln and helped to create him even as it entered into the brave soldier and statesman whom to-day we remember, Col. BENJAMIN F. MARSH.

The open-air life and the very hardships of that time contributed to that splendid physique and erect, fearless, forceful bearing and commanding figure which were his.

He continued to be fond of outdoor life. He was fond of outdoor sports and physical exercise to the very last. He had some pride in his hardy young manhood and told me of an incident which occurred at a little Episcopalian college at Jubilee, Peoria County, Ill., when he attended there as a student. In midwinter his college mates dared him to plunge into a little lake and swim across. Nothing daunted, he plunged in and accomplished the feat, suffering no perceptible consequences of his rash act. On account of the lack of roads in the early day horseback riding was universal. He delighted in it. Little did he think that one day this accomplishment would serve him well as the dashing, brave commander of a Federal cavalry regiment, sweeping over the entire area of the theater of war save three of the Southern States.

In his home county at Nauvoo, Ill., as a young man he witnessed the strangest political and sectarian development which perhaps ever occurred in this country. It was so decidedly at war with our institutions and our inherited religious faiths. It was within a few miles of his home that occurred the rise and fall of the Joseph Smith settlement. He witnessed the equally strange Mormon exodus resulting in the establishment of another religious oligarchy far to the westward, which lived and reigned powerful, yet always in defiance to our laws and traditions, for a half century, not until now giving any real signs of submission. During the lifetime of BENJAMIN F. MARSH over half the States of the Union were admitted. He passed through a wondrous period of political and material development. He lived in the day when honesty was not enforced through fear of the law, but by virtue of the strength of public opinion. He lived in the time when personal courage was a necessity and when it was estimated as one of the highest virtues. He saw principles of government worked out and solved by the strong right arm and wrought only through human blood. He lived in a time when there was necessity for strenuous physical exertion for battling with the elements, and that strong, rough life developed rugged virtues peculiar to that day and age, and his viewpoint of public questions was necessarily influenced by the manner of his development. There was developed in the pioneer a type of character peculiar to his own locality. It gave him a touch of individualism which can not be found in the later day, when men's environment are largely alike and when we come in contact with the influence and ideas of all parts of the United States. Thus bred, he retained a picturesqueness that suggested the old days in his larger career. I was privileged to enjoy the favor of his intimate friendship. I know that he would be proud to give large credit to the manhood and womanhood of early Illinois for whatever he accomplished in the greater days of his life.

To him the civil war, in which he engaged from 1861 to 1865, was a serious and a holy contest for human liberty and for the preservation of the nation. He never alluded to its experiences flippantly. Its issues remained to him solemn ones to his death.

His career as a soldier remained, while other honors came to him, still the most precious. Leaving his law books, fresh from his admission to the bar, he recruited a cavalry company, which was not accepted. He was not to be deterred, however, from entering immediately into the conflict, and he enlisted as a private soldier, serving a short time until he was summoned back to the State and commissioned as captain of Company G, Second Regiment of Illinois Cavalry. Afterwards he was promoted to major, and finally as lieutenant-colonel of the same regiment, which he commanded until his honorable discharge from the service at San Antonio, Tex., November 24, 1865.

The Government records, which I have taken pains to examine, contain many references to Captain, Major, and Colonel Marsh, and all furnish a story of faithfulness, bravery, and efficiency. He believed most thoroughly in the volunteer soldier as the means for furnishing the body of the future great army in times of war for the protection of the nation. He therefore took a great interest as chairman of the Committee on Militia of the House of Representatives in laws for increasing the efficiency of the militia in the States.

His Army experience made him a valuable and able member of the Committee on Military Affairs during the period in the war with Spain. His later service in the House was on the great Committee on Appropriations, placed there by the Speaker of the House, his long-time and intimate friend and colleague.

Sixteen years of total legislative service he gave to his country as faithfully and efficiently as he did formerly in the ranks of war.

The strongest passion of his heart, I verily believe, was his love of country. He gloried in its power and influence, in its extending strength and participation in international affairs. No doubt fretted his soul in view of the unfolding new problems which confronted the nation. He looked upon the flag as the old Roman looked upon his eagles. He was proud of the victories of our arms on land and the triumph of our Navy upon the seas. With the sinking of the *Maine* this old warrior clamored restlessly for war, and at its close he faced just as confidently its consequent problems. He considered that the resulting acquisition of the Philippines would give added opportunities of the larger Republic in the field of commerce as well as in the dissemination of our political principles throughout the world. He believed in expansion. He believed in the constant trend of the past twenty-five years toward a larger national grasp of the affairs of the people by the Federal branch of the Government. He was a nationalist. He believed there were no dangers in the tendency of the present times, but was assured that that tendency promised our ability to fulfill our high duty and destiny as one of the great nations of the earth.

He loved his party and was loyal to its principles in the same way that he loved and had confidence in the possibilities and powers of his nation. He believed that his party flag was very near to the national one. He believed that the success of the party to which he belonged was a prime necessity for this nation working out its legitimate future. There never came to him any fine distinctions and questionings whether he should on some particular occasion follow his party flag.

He was always in the ranks, a faithful soldier, obeying the political command of his leaders as he followed his military commander on the field of battle. Most of us living to-day learn the history of this Republic from the cold and passionless page. He learned the history of almost three-quarters of a century of time and events in the panorama of the performance of the acts of living, breathing men which lead to a constitutional evolution of the fundamental principles of our Government long before it was ratified in the regular way by the votes of the States. Therefore he viewed the problems which came to him during his service in Congress from a different standpoint than do the men who view them from the standpoint of theory. His soul never quailed, therefore, in view of the larger field of action of the Republic. He had seen graver problems triumphantly solved. He believed that we were destined to the same unbroken successes which had been our experience from the time that the constitutional foundation of our Government was first laid, with Washington as our first President.

As I stood at the grave a few months ago, when his children cast in flowers upon his lowered body, amidst the silent homage of his comrades and neighbors, there must have come to those children and the assembled friends the thought which came to me and comforted me. It was that this was a life well rounded and complete, which had fully justified its own existence from a human standpoint. How full a fruition did he see, before he died, of all his hopes for which he had fought, and worked, and striven. So I say, peace to the ashes of this old Roman. All honor to the old fighter on the field of battle as well as in the forum of political discussion. There comes to us profit from a study of his life, from a reflection upon his devoted patriotism, his faithfulness to public duty, and his high estimate of physical bravery as a virtue as well as moral courage.

Mr. GROSVENOR. Mr. Speaker, it was stated to me only last evening that I would be expected, if I saw fit to do so, to make a few comments upon the character and career of our dead Congressman from the standpoint of my knowledge of him. I shall not attempt to describe his career outside of Congress.

The able presentation of the facts connected therewith by his distinguished successor leaves it unnecessary for me, even if I thought it wise, to do so. We only see one side of a Congressman's character here. Those of his colleagues from Illinois can very much better speak of his career in civil life than we can, and they have a much wider and more detailed view of his career in civil life than we can have. Now, I imagine that if some people had met Colonel MARSH sometimes on the floor of this House and listened to him for half an hour, they would not have gone away impressed with the genial, kind, and benevolent characteristics which his colleagues know he possessed. The gentleman who has preceded me spoke of the old fighter. Well, he was a fighter in this sense: He had a great deal of confidence in several things, and when he had his mind thoroughly made up, I think he never yielded his opinion, and he fought for it in the sense he stood for it, believed in it, and never compromised.

Now, I think one of his strongest characteristics, Mr. Speaker, was this: He believed in doing the right thing as a Member of Congress regardless of anybody's opinion outside of Congress. He had an element that makes a man strong in the country. He had an element in his character the lack of which will destroy any man in Congress. The man who comes to Con-

gress to vote as somebody out in his district wants him to vote might just as well go home the day after he gets here and save his extraordinary expense of living in Washington and get out as soon as the two years roll around, because the man who does that will be dodging, dodging, dodging all the time, and the men who come to something here never dodge. MARSH did come to something here, and MARSH never dodged. He said one day, when some one here on the floor suggested to him that some element in his district would oppose something that he was in favor of, that he was a school-teacher as well as a Congressman, and he would try to teach those people that he was right, but he would not do it by dodging, by shrinking from the discharge of his duties. He was a man who studied carefully the questions involved here. Sometimes long debate would ensue, in which he took no part, but always, if you spoke to him about it, if you discussed the subject with him, you found he understood it. He was a man who kept in touch with discussions and kept in touch with questions and always acted intelligently. His career as a soldier was a career that he might well be proud of, yet I never heard him boast of it. I never knew him to assert or assume any position upon any question that came up here that he did not assign as well to others. He was modest in asserting his own knowledge of military affairs, and he was modest in asserting the claims that he put forward to his comrades. He had the characteristic of a man who believed he was right, and stuck to it. He was a Republican. He believed strongly in the Republican party and he believed in party organization. He believed what I believe, that we live in a country governed by political parties, and if he ever scorned anything with the bitterness of which he was capable, one thing above another, it was the scorn of a man or organization which undertook to reform the world and the country outside of the reformation that could be worked out through some sort of party organization. I heard him say one day that some reform movement that started somewhere put him in mind of the sudden exhibition of growth in a tender plant. I do not remember the plant that he indicated as his illustration, but he said the first frost would kill it. He believed just as honestly as he believed in his existence that if any other party than the Republican party got into power in the country it would be injurious to it, and, therefore, he felt it his duty to stand by the organization of his party; but no man ever heard him hesitate to speak boldly and strongly in favor of what he believed to be the duty of his party, and, having done all he could to bring his party into line, he then decided that its action was better action than he could probably find in the other party, and so he was a Republican, a Republican partisan, and he was one man who came to something in the Republican party.

No halfway man was he, no compromiser, and yet I believe he had as just an appreciation of any man's opinion as anybody else had, but having made up his mind the other man was wrong, he never compromised with him. He belonged to a type of men who came to us from those Western States, who grow up there among the pioneers of the great States of which he was so proud, a State that has honored itself by sending to Congress the great men that have come—the Trumbulls, the Douglasses, and the men of that early period, and then the present worthy representatives in the Senate and in the Government. He grew up in the West. I do not know that it is especially important that he grew in the West, except that we know very well men take character from surroundings, from environment, and that environment goes down into the very ramifications of life in all its forms and surroundings. The great prairies of the West, the mighty rivers, the great enterprises, the population, have always had their effect upon the growing generation of men, and Colonel MARSH came here in the fullness of his great power as a representative man of the elements of which he had grown up in the midst.

I knew nothing of his army career, and shall have nothing to say about it. It is a great thing for him and for his descendants, if he has them, that he should have such a record as this. The country will never fail to remember a man who suffered and stood firm and carried out his principles afterwards as Colonel MARSH did. No sickly sentimentalism drove him anywhere. He went in obedience to the stern voice of duty. The House lost a strong Member, the State of Illinois a worthy son, and the Congress of the United States was weaker the day that MARSH died.

So we come to honor him. We meet to express our loyal appreciation of his high character. We meet to pledge ourselves to renewed activity along the lines of patriotic action which he traveled. We come to leave the impress of our opinion and our judgment upon the written page, so that the young men who follow us may read and understand how much we value the stern and stolid characteristics of Colonel MARSH. His career was worthy of emulation, his record the record of a true American. The memory of him will be talismanic in the history of the American Congress. May his colleagues, who have lost a worthy Member of a great delegation, copy his virtues and revere his memory.

Mr. KEIFER. Mr. Speaker, BENJAMIN F. MARSH, of Warsaw, Hancock County, State of Illinois, was not only my comrade in war, but my personal friend. We entered this House of Congress (the Forty-fifth) together almost thirty years ago. This is my brief and humble tribute to his memory.

Besides being the possessor of a good scholastic education, he had studied and practiced law and was otherwise well equipped for the performance of the important duties of a national Representative, and this his long and faithful services here abundantly proved. He also belonged to the farmer class and knew their interests well.

He served in the Forty-fifth, Forty-sixth, Forty-seventh (1877–1883), Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth (1893–1901), and Fifty-eighth (1903–1905) Congresses, and was elected to this Congress in 1904, but died June 2, 1905, before he could take his seat. His total actual service in this House was sixteen years, covering a memorable period in the history of his country, and during this period he actively participated in legislation, especially such as related to the Army.

Though always a Republican, he was not a partisan in any offensive sense, his purpose always being to promote his country's best interests. His service here covered the period of the war with Spain (1898), and he heartily supported the policy of driving Spain from the Antilles and from the continent of America because of her cruelty to her Cuban subjects, a singularly new policy in the history of the world. No war was ever before declared or brought about between so-called "civilized" nations purely on humanitarian grounds; that is, by one nation insisting on another surrendering its sovereignty over a part of its own country and the inhabitants thereof, its citizens and subjects, purely because of the nation's injustice, oppression, and cruelty to them. Indeed, it is the only instance where one nation declared a portion of another free. So the joint resolutions of Congress of April 8, 1898, declaring "that the people of the island of Cuba are, and of right ought to be, free and independent," and demanding of Spain that it "at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters" was the first and only such declaration directed against another nation ever made in the history of the world. The year 1898 marks a new era in civilization, and the Spanish war stands as the first and only one brought on by the action of one independent nation toward another between which no international dispute or substantial cause for difference had arisen. BENJAMIN F. MARSH by voice and vote upheld this new national departure.

His long and distinguished services in the civil war—1861–1865—also materially aided in training him for courageous and efficient services in Congress. He enlisted as a private soldier in the first days of the war, and at once saw active service. A few weeks later he recruited a company of cavalry and was commissioned its captain, and through conspicuous field service and for skill and bravery in battle he was promoted until he reached the colonelcy of his regiment (Second Illinois Cavalry), which rank he held until after the close of the war (January, 1866). He campaigned and fought in all the States where the war raged save in Virginia and the Carolinas. He was distinguished throughout his army life for bravery, military skill, and good judgment. He fought in some of the great battles of the war and in many minor engagements and affairs, and he received four gunshot wounds more or less severe. He shed his blood for cause and country. Though his rank was not high or his command large, his achievements were always great, and his honor unsullied. He, though less than 30 years of age when the war was over, proved himself equal to and worthy and capable of high command. If his name and fame were not heralded as far as that of other officers holding more important commands, justice awarded to him equal honors with them. He earned his promotions on the battlefield. Without the matchless valor of such men as Colonel Marsh immortal military fame would not have come to the great commanders in that war.

His whole life was peculiarly unselfish. He was not without ambition in war or peace, but his ambition was to do his duty in all relations of life. He had no vain professions or pretenses. He was absolutely honest, and was always plain spoken. He did not pretend to oratory here or elsewhere; he ripened his judgment by investigation and thought. He was

not arbitrary in his opinions, but he was not moved to surrender a judgment once deliberately formed save for the most convincing reasons. He had in his private and public career the courage of his convictions. His plain and direct speech made his whole life an open book.

He resided, child, boy, and man, in the county (Hancock, Ill.) of his birth seventy years. He was born on the frontier of civilization and among a sturdy, hardy people who took life seriously and who knew what liberty in our Republic cost and meant. They believed in peace, but did not neglect to assert the individual sovereign rights of man; and they believed in the equality of man. A test of that equality is that each man should fearlessly assert and defend all his own individual rights and concede the same rights to each of his fellow-men.

Mr. MARSH'S constituents knew him, and proved their confidence and faith in him by electing him to this House several times when his party (Republican) was not in the majority. His life and character might well be emulated, and should be pointed to as furnishing the best example of the duties of citizenship well performed and of a life well spent. In the years of his life he saw slavery abolished in his country and, as a consequence, largely throughout the world; he saw the Union of the States recemented more firmly than ever before; he witnessed his country grow in population from about 13,000,000 to 85,000,000; he saw more of moral and material progress take place than ever had taken place in a like period in the ages gone by; he saw civil and religious liberty move up higher and higher, and he died full of years spent in good deeds for man and country, and conscious that he had patriotically done his whole duty. The world is better because BENJAMIN F. MARSH lived.

His life may be summed up as that of a typical soldier in the time of his country's need, of a faithful and capable statesman and legislator in the nation's council, and, above all, that of an exemplary citizen of a free Republic.

> Let the sound of those he wrought for
> And the feet of those he fought for
> Echo 'round his bones for evermore.

Mr. PRINCE. Mr. Speaker, on this beautiful and hallowed Easter Day, which means so much to the world, we have gathered to pay our respects to the life, character, and public services of B. F. MARSH, late a Member of this House from the Commonwealth of Illinois. It seems to me that no words can be said better than what he said of himself. With his own hand he penned the following with reference to his own life:

BENJAMIN F. MARSH, Republican, of Warsaw, Hancock County, was born in Wythe Township, in said county, and reared on his father's farm; was educated in private schools until 14 years old, when he was sent to Jubilee College and entered upon a classical course, pursuing the same for four years, lacking one year of graduation; entered the law office of his brother, Judge J. W. Marsh, at Warsaw, and was admitted to the bar in 1860; same year was a candidate on the Republican ticket for the office of State's attorney in the district then composed of Hancock and Adams counties; the district being Democratic, he was defeated by the late Calvin A. Warren, one of the best lawyers in western Illinois; under Mr. Lincoln's first call for volunteers, in 1861, he enrolled a company of cavalry and went to Springfield and tendered the same for and during the war of the rebellion to Governor Yates, but as cavalry was not included in the call, the company was not then accepted; on his way home he enlisted as a private in the Sixteenth Illinois Infantry Volunteers, then at Quincy, and served in said regiment in northern Missouri until, on the 4th day of July, 1861, while at Monroe Station, he received a telegram from Governor Yates accepting his cavalry company; immediately going home, he in a few days recruited a company of cavalry, was commissioned captain, and assigned to the Second Regiment Illinois Cavalry; he was finally commissioned colonel of this regiment and served continuously until January, 1866, having campaigned in every seceding State except Virginia and the two Carolinas; he received four gunshot wounds and carries in his body rebel lead; returning to Warsaw, he resumed the practice of law until 1877; in 1869 he was the Republican candidate for the constitutional convention; in 1876 he was elected to the Forty-fifth Congress from the then Tenth district and was reelected to the Forty-sixth and Forty-seventh Congresses; in 1882 he was again a candidate for Congress, but was defeated; returning home in 1883, at the expiration of his term in Congress, he engaged in general farming and stock raising, and is still so engaged; in the spring of 1889 he was appointed by Governor Oglesby railroad and warehouse commissioner, and held the same for four years; he was a delegate to the Republican national convention in 1888; was elected to the Fifty-third, Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses from the Fifteenth district, and elected to the Fifty-eighth Congress from the new Fourteenth district, receiving 19,404 votes, to 13,195 for J. W. Lush, Democrat; 1,118 for R. F. Kindler, Socialist, and 988 for P. M. Carrishon, Prohibitionist.

A remarkable record of a remarkable man. As a former Speaker of this House, and now one of its honored Members, has said to us this day that he entered this House with the late Mr. MARSH in the Forty-fifth Congress, and served with him and watched his course, and paid a high tribute of respect to him, so can we of a more recent period of service say likewise of him that he was a distinguished Member of this House in the Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-eighth, and Fifty-ninth Congresses.

I have just looked at the list of members in the Senate and in the House from the great Commonwealth of Illinois in the present Congress. I find that there is but one member of that body, consisting of two Senators and twenty-five Members, that, like the late Mr. MARSH, served his country from 1861 to 1865. This in itself is indicative of the changes that have come over this body and over this country since Colonel MARSH first became a Member of this House, and the changes that have come over the country since he became a Member of the House after the great civil war from 1861 to 1865. Think of it, my countrymen. The State of Illinois, that gave to the country the two central figures of the last century, that gave to the country and to the world the typical volunteer soldier of the age in which he lived—the great John A. Logan—is to-day represented in this great body by but one of the distinguished men who served with that distinguished group of men from 1861 to 1865. It shows that this, like other bodies, is a passing one. It shows that the splendid men who stood for something and performed those heroic deeds from 1861 to 1865 are gradually being gathered to the fathers and have gone to the other side. Other and younger men have taken their places. The great trust that they so well discharged, and that they handed to us, has been given for us to carry out and to see that that for which they wrought, that that for which they labored, shall be maintained and perpetuated and handed to others in the same manner that we received it from them.

Colonel MARSH was a man that was loved by his fellow-men. It is my privilege now to represent two of the counties that he long represented in Congress. I have met face to face and have talked heart to heart with many of the old comrades in Schuyler and in Adams counties who served with Colonel MARSH from 1861 to 1865, who knew him intimately and closely, and I say to my colleagues here and to the country that each and all of them loved and respected their comrade. He was their friend and he loved them and they loved him—a strong, forcible character.

It was my privilege to be at his home on the banks of the Mississippi when, in the month of June, we laid him away in his little home cemetery.

I saw the concourse of his neighbors and friends as they came there to pay their last tribute of respect to their neighbor and their friend. As the last sad rites of the church had been said over him there stepped forth at the open grave a man and a comrade of his. He said: "By direction of the deceased and at his request, I want to sound 'taps' over my comrade." This promise was made by Mr. Lemon Wiley, an officer of this House, to the deceased as the two comrades talked together in the New Willard Hotel, and he made a trip of nearly 100 miles to carry out that promise that he had made to his deceased comrade and friend. As those "taps" sounded there that afternoon, so familiar to the soldier, there was not a dry eye at that burial spot. That was the token of respect and tribute of a common soldier to an officer of the grand volunteer forces of this country. To me it was one of the highest tributes that it was possible for one man to have paid to another.

The more, Mr. Speaker, I travel about and meet my countrymen, the more thoroughly I am impressed with the greatness of our country and its people. Coming from the lowly walks of life, born in a country village along the banks of the Mississippi, mingling as an ordinary country boy among his associates, there came up a man by years of growth to occupy a high and distinguished position in the Army of his country; there came up a man to occupy a high and distinguished position on the floor of the greatest parliamentary body on the face of the earth; and yet, during all that growth from lowly, humble life to the high station that he occupied the hand and heart was ever grasping out and reaching toward his fellow-men who were moving along in the ordinary affairs of life. What other country can present such a spectacle? What other country is there that has within its limits men of that kind and character, ever sympathizing with the efforts of their fellow-men, as does this Republic of ours?

I saw here just a few moments ago a former distinguished Member of this House, Gen. T. J. Henderson, who served with Colonel MARSH on the floor of this House, and who, like him, has come up from the body of the people; and so, Mr. Speaker, can I say the same of you, Gen. J. WARREN KEIFER. Of you, and men like you, our country should feel proud. You have made it what it is. But for what men like Colonel MARSH, General Henderson, and you and your comrades did from 1861 to 1865 we would have no country to-day worthy of consideration among the nations of the earth. It is therefore well and proper on occasions of this kind to pay the respect that is due the men who preserved this Union, and whose lives and efforts from 1861 to 1865 gave to us, my colleagues—younger by far than those men—the opportunity we have to sit here with our

colleagues from the South as a reunited, happy, prosperous people, living under one flag, under one Government, managed, upheld, and controlled by officers of one Government, passing the laws that we do, and being in full accord under the Constitution and laws of our country.

I can say no more, and ought not. I wish to pay my personal testimonial of respect to the memory of the deceased, who was a strong, forceful character, loyally devoted to his country in peace and in war, and who worked and wrought to the uplifting of mankind; and there, on the banks of the Mississippi, near by the waters of that great river, sleeps that great warrior and awaits the call of the Father, when he, like many others, will join his comrades gone before, and at that great reveille join the great commander, Lincoln, and around him those other comrades who wrought the great work in this great country of ours—Grant and Sherman, and Sheridan and Meade and the lesser lights—and there in that great assembly of splendid men will be found the strong, stalwart figure of BENJAMIN F. MARSH.

Mr. RODENBERG. Mr. Speaker, the State of Illinois has added many illustrious names to our country's heritage of great and noble men. In the storm and stress of war and in the calm of peace, in the sunshine of prosperity and in the shadows of adversity, in all of the vicissitudes of our national life Illinois has never failed to discharge the full measure of her duty and devotion to the Republic.

To-day we have met to pay a tribute of love and respect to the memory of one of her most distinguished sons, a brave, manly, and courageous man who, in his day and generation, did his full part toward giving Illinois her proud place in the sisterhood of States.

BENJAMIN FRANKLIN MARSH was a native of Illinois and belonged to that splendid school of statesmen and soldiers which included Lincoln, Grant, Logan, Oglesby, and Palmer, a school which made patriotism its watchword and duty its guiding star. Theirs was the genius that had its origin in the loftiest ideals of American citizenship and drew its holiest inspiration from the immortal principles of liberty and equality upon which the magnificent structure of this mighty Government has been reared. They believed implicitly in their country, in its hopes, its aspirations, its purposes, and its destiny. As the clouds gathered and the gloom thickened their faith only grew the stronger. Civilization owes them a debt of gratitude which time can not efface and posterity can never hope to repay. They have bequeathed to us the priceless legacy of liberty under the law, and, catching the spirit that breathes upon us from their hallowed memories, we should pledge ourselves anew to maintain this sacred heritage in all its purity, in all its strength, and in all its glory.

To me Colonel MARSH was the highest and purest type of the ideal citizen soldier. There was something in his strong and rugged personality that seemed to form a link between the present and the heroic past. The martial spirit was ever with him. He was part Roman, part Spartan, and all American. One could easily imagine him riding at the head of his regiment with drawn sword that caught its brightness from the "princely gleaming of his soul" into the thickest of the fray and into the very jaws of death. He was the living impersonation of the highest moral and physical courage, the embodiment of personal honor and personal bravery. Conscious of the righteousness of his cause, influenced only by patriotic considerations of duty, we who know him well can readily believe that he would have willingly sacrificed his life in defense of the principles for which he contended.

During the Fifty-sixth and Fifty-eighth Congresses it was my good fortune to become intimately acquainted with Colonel MARSH, and the closer our acquaintance the greater my admiration for his many excellent qualities of head and heart. When in a reminiscent and reflective mood no man was more interesting or entertaining. At such times he displayed a marvelous and comprehensive knowledge of political history, and his keen analysis of men and measures was as instructive as his philosophy was profound. Always an intense partisan, with an abiding faith in the truth and justice of his party's principles, he adopted as his rule of political conduct the dictum, "He serves his country best who serves his party best." And yet, notwithstanding in this intense loyalty to his party's decrees, he never failed to show the most tolerant and respectful consideration for those who differed with him. Beneath the gruff exterior there was a knightly heart of purest gold full of tender sympathy and Christian charity. He believed in the cardinal virtues, and manifested this belief in his daily intercourse with his fellow-men.

For sixteen years he represented a constituency in this Chamber, and this long service is in itself an eloquent tribute to his personal worth and an evidence of his hold on the confidence and affection of the people who knew him best. Endowed by nature with an intellect keen, discriminating, and alert, always conscientious and painstaking in the discharge of his public duties, no Member rendered more faithful and efficient service to his constituency than our departed friend. We who served with him will miss his wise counsel and valuable advice. We mourn his death because we loved him, and our sorrow is intensified by a realization of the melancholy fact that he was the last of that splendid galaxy of intrepid heroes, born of the heat and strife and blood of the great civil conflict, to serve the people of the State of Illinois in the Congress of the United States.

Mr. Speaker, one by one the men who helped to preserve the perpetuity of our country and its sacred institutions are joining that innumerable caravan that is marching in unbroken phalanx past the Great Captain for final review. In the beautiful cemetery of the picturesque little city of Warsaw, nestling gently among the mute, majestic hills, at whose feet forever roll the murmuring waters of the mighty Mississippi, amid the happy scenes of his youth, beside the faithful companion of his long and eventful life, our friend is sleeping the sleep of eternity. Slowly and sadly we consign his mortal remains to the cheerless grave, and as the sods moistened by our tears close in above them we call and listen. From the voiceless tomb there comes no answer. Only an echo which seems to mock our sorrow is wafted back. The somber shadows thicken. All is dark. We are overwhelmed in doubt. But suddenly the mystic veil which separates the present from the hereafter is swept aside. A light breaks forth. It is the light of the spirit of immortality, triumphant still, shedding joy and peace and hope eternal. In yon windowed palace of heaven we see this grand old patriot of ours crowned with a wreath of immortal glory, and among the myriad thousands who take part in the coronation we behold again the countless legions that offered up their lives on the altar of their country that "government of the people, by the people, and for the people might not perish from the earth."

Mr. Speaker, on this sacred Easter Sabbath day, while all the world is commemorating the resurrection of the crucified Christ, our thoughts wander back to the newly decorated grave in the little cemetery at Warsaw that contains all that is mortal of BENJAMIN FRANKLIN MARSH. To-day we remember again in "what a forge and what a heat" was shaped the nobility of that gallant, intrepid soul, and as we read anew the inspiring story of his self-sacrificing devotion to the highest ideals of his country, with one accord we unite in the sentiment so beautifully expressed by the poet:

Rest on, embalmed and sainted dead,
Dear as the blood ye gave;
No impious footstep here shall tread
The herbage of your grave.
Nor shall your glory be forgot
While Fame her record keeps,
And honor points the hallowed spot
Where Valor proudly sleeps.
Nor wreck, nor change, nor winter's blight,
Nor Time's remorseless doom,
Shall dim one ray of glory's light
That gilds your deathless tomb.

Mr. FULLER. Mr. Speaker, without feeling that I can add anything of importance to what has been said to-day, or what will be said by others upon this sorrowful occasion, yet I can not let the opportunity pass without paying my tribute of respect briefly to our friend the late Hon. BENJAMIN F. MARSH, who was in his lifetime one of Illinois's grand old men, who are so fast passing away from the scenes of life, or from active participation in the affairs of the world.

He belonged to an age of great men, of men who became famous, who made Illinois great in song and in story; Illinois, the home of Abraham Lincoln, the great war President, and of Ulysses S. Grant, of John A. Logan, of Richard J. Oglesby, of Thomas J. Henderson, of Stephen A. Hurlbut, who all became famous during that period of the civil war as patriots in war, and afterwards as great statesmen, serving their country with equally as great ability in civil life as they had served it in military life.

Not without thy wondrous story,
Illinois, Illinois!
Could be writ the nation's glory,
Illinois, Illinois!

What wonder we of Illinois are proud of that great State and of the great leaders she has given to the nation.

BENJAMIN F. MARSH was a friend and associate of Lincoln, and of Logan, and Oglesby, and the other great leaders of that time. With them he was endowed with a patriotic enthusiasm.

He was what you might call an enthusiastic patriot, who believed in his country and in its flag. He believed that his country was right, and even if his personal opinion happened to be different from the position taken by his country, he was willing yet to concede that the great majority was right and that his country must be right upon all great questions. He believed that it was, and he saw it grow into the greatest country on the face of the earth.

Reared upon the broad prairies of Illinois, coming to full manhood just as the great civil war broke out, when Illinois sent to the front more than 250,000 men to fight the battles of their country, he saw that war through to its conclusion and then he saw all the great events that have occurred in this country from that time down to less than a year ago, events never equaled before in the history of the world or of any other country or of any other land.

He was proud of his country; he was proud of its achievements, and he might well be, and he was enthusiastically for his country, first, last, and all the time.

When such a man passes from among us and from the scenes of earthly life, it brings us to the realization of the importance of doing while we may. He was a man who believed in doing things. He believed in action. That was one reason why he belonged to the Republican party, because that was a party that did things. It was the party that appealed to him. He had no use for a man who places over his mantle the skull and crossbones and writes underneath, "What is the use?" because he believed if we all took that position, advance would be impossible, and the great achievements of this country would never have occurred. He believed in action and in doing things well while we may. Up to the day of his death he was found as actively interested in all the great questions coming before this Government as any other man in public life.

I remember a little over a year ago of hearing him talk upon the subject of the United States Navy. While he was a man of peace, as gentle, as kindly as the immortal Lincoln, whom he loved and after whom he patterned, yet he believed that the great safeguard of human liberty and of maintaining the country's greatness and power was in time of peace to be prepared for war. Therefore he was an enthusiastic advocate of a greater navy, because he thought he saw therein the future safety of the Government.

He has gone from among us, Mr. Speaker, and no man who ever occupied a seat upon the floor of this House with him but what mourns his loss. We in Illinois who knew him better, who knew him during all the years of his active life, mourn necessarily more than others, because we knew him better. We knew him as he was at home—a pleasant, kindly, agreeable neighbor and friend, and as an honest man, the noblest work of God. A man who never intentionally did a wrong thing in his life, and who would not for any consideration on earth.

I contend, Mr. Speaker, there are great men in the world yet, there are honest men in the world yet, but there never was one more thoroughly honest and honorable in all things than Col. BENJAMIN F. MARSH.

As one by one the members of the old guard pass out of this life we are reminded of what a host of great names, names that will live in history, in song, and in story as long as time shall last, were developed and became known because of the great civil conflict between the States, and the acts done by these men during that conflict, and because of that conflict, and the great questions following in the settlement and adjustment of the affairs of the nation, for which they had risked their lives on the fields of carnage. The names of these heroes of the civil war will ever be dear to every patriotic man and woman in the land we love and for which they fought.

Colonel MARSH did his full share in that conflict, and since and up to the date of his death did his full share as a patriotic American citizen, whether in public office or private life. He is gone to the home provided for all those who love and serve their God and their country and who believe in their fellow-man. It has been said that Colonel MARSH did not believe in reformers. He did not, if by reformers is meant the breed of persons who see no good, and nothing but evil, in their fellow-men—those who pretend to believe that every man in public life is a thief and a scoundrel, and who advocate replacing them by men of their own kind; that is, they would reform everything on earth if the dear, good people would only let them have all the offices. But somehow or other the good, common-sense people of this great country have generally been too wise to trust that kind of men with the governing power of the country. I think they will not soon do so. I believe there are more good people than bad people in the world. I even believe there are more honest people than dishonest ones in public office to-day.

In fact, when you come to think of it, there is much truth in the saying that—

> There is so much bad in the best of us, and so much good in the worst of us, that it behooves all of us to be fairly charitable toward the rest of us.

I insist here and now that with all his positive convictions, all of his party fidelity, Colonel MARSH was a strictly, a ruggedly honest man in every relation of life, and that thousands of others in public life to-day are as honest, as patriotic, as unselfish, as devoted to their country, as he was.

This bright Easter Sunday we are reminded that the time will surely come to each and every one of us, as it came to Colonel MARSH, when we shall reach that dark flowing river of death, which we must all cross, and the farther side of which no man living has ever yet seen. When we reach its banks we can not stop; we must go on; we must cross to the farther shore. I think in our hearts we all believe we shall there meet our friends who have gone before. I think it was Whittier who said:

> Alas for him who never sees
> The stars shine through his cypress trees,
> Who hopeless lays his dead away,
> Nor looks to see the breaking day
> Across the mournful marbles play;
> Who hath not learned in times of faith
> The truth, to sense and flesh unknown,
> That life is ever lord of death,
> And love can never lose its own.

And again:

> For love will hope and faith will trust
> That somehow, somewhere, meet we must.

I believe we shall meet him again on some other shore, in some fairer land, where we shall all know each other better, where all the animosities of life here will be impossible, and where a wider and truer and better existence will be possible to all, at least who deserve it or have proven themselves worthy of it.

We mourn for our friend who has gone. Perhaps if we knew more we should not mourn. It is only the farewell, the eternal farewell, that hurts. To him we must bid that eternal good-by, hoping to meet him again. And in the sorrow of our hearts we say, "Peace to his ashes, rest to his soul."

Mr. WILEY of Alabama. Mr. Speaker, death is the penalty all mortals must pay for the privilege of having breathed and moved in material form. Grace, strength, health, the glory of the world, the bud, the blossom, and the fruit of all mundane possibilities, "all that beauty, all that wealth e'er gave," must blight, wither, and perish at the "grim monster's" pitiless touch. A sentiment of sincere sorrow pervades this Hall to-day, in the demise of this worthy man. His labors with us have ended. He fell at his post, ripe in years and full of honors. "After life's fitful fever he sleeps well." In a lonely grave in the far-distant West his body calmly slumbers. Upon his tomb the evening shades may fall heavily, "with night dews, cold and damp," but over it, too, the sunset will glow with purple and red, and the fleecy clouds roll by. Far above it will still shine the brilliant stars of heaven. While the seasons come and go, on this Easter morn we cherish his memory and will keep in bloom the fragrant flowers of deeds well done—of a career useful, honorable, and enduring.

It is an old Talmudic proverb that "When a good man dies, it is the earth that loses. The lost jewel will always be a jewel, but he who has lost it has just cause to weep." We mourn his loss, but it is a consolation to remember that his life is a rich mine from which the humblest actor can gather wealth.

He was shaped in the mold of early pioneer training on the wide undulating prairies of the great Northwest. His personality was rugged and gnarled like the giant oak, whose firm roots the tempest's blasts have driven deep down into rocky soil. Apparently without sentimentality he blended the common human traits of a humdrum, everyday existence with the sublimest and most unselfish discharge of the obligations of justice and humanity, and grew to manhood, in largest measure, a splendid specimen of a brave and fearless, a typical, American citizen. In business he was diligent and successful. In every earthly relation, wherever his lot was cast, he sought to do his duty, as he saw it, with the approval of a good conscience.

War, in itself a scourge, is not always an unmixed evil. In Bacon's phrase, it becomes sometimes "the highest trial of right." It tests the strongest and best elements of national character. It develops the physical and moral resources of a people. It brings from obscurity and seclusion into the searchlight of in-

tersect public gaze sincere, self-sacrificing, inspired, and inspiring men who are raised up for a special occasion—men of destiny—born, as it were, for some opportune service or particular exigency, and fitted to sway the masses as with a magician's wand, to lead armies, meet contending foes on the red plains of Mars, and win such far-reaching victories as result in the subjugation or civilization of nations.

Such men are consecrated for leadership.

In the breast of the deceased, while living, burned the holy fires of patriotism.

In the storm of that fearful, fratricidal strife between the States he wore the blue. He fought his way from a private in the ranks to the command of a regiment in the field. No shame or disgrace ever stained his sword. His body, bearing the scars of four grievous gunshot wounds received in "battle's stern array," was a living witness to his loyalty and superb devotion to the "Star Spangled Banner." He shed his blood for the cause he believed to be right. Gentle in reverence, loyal in honor, simple in faith, self-poised, chivalric, quaint, disdaining appearances, of stern honesty and unimpeachable integrity, possessing varied attainments and extensive learning, considerate, conscientious, resourceful, with an aptitude for detail and a genius for hard work, yet, withal, a strong partisan, it was manifest that he had endowments which removed him from the sphere of the ordinary, which took him outside the pale of the commonplace and prosaic. His conduct at all times was such as to command respect and win admiration. As a logical sequence he was elected a Member of this Chamber, which has been described to be the greatest legislative body on the face of the globe.

Alabama's senior Senator in alluding to the vast volume of enactments by Congress, not only directly affecting the welfare of eighty-five millions of people, but influencing the councils of kingdoms and determining the fate of empires, has declared:

> The House of Representatives of the people is not less powerful than the greatest tribunals that have ever assembled. The scope and majestic sovereignty of this power is beyond description in words, or by any reference to other systems of government.

The confidence and esteem of his neighbors and friends—of the constituency he loved and honored, and who, in turn, loved and honored him—attested their appreciation of the efficient manner in which he discharged his Congressional duties, numerous, varied, and exacting. There was nothing negative in his nature. His locality could always be ascertained. Dignified in bearing, of sound practical sense, having his own individual, independent, and uncompromising methods of thought, of liberal views and public spirit, he was in every respect eminently qualified for the lofty trust he so long and ably filled as a Representative in the lower House of Congress.

From a character so exemplary the young men of our country can find inspiration and take renewed encouragement.

Colonel Marsh is dead. He departed from the walks of men just as the clock of time, pointing with unerring finger to high noon, struck that "inevitable hour," upon which the "boast of heraldry and the pomp of power" alike must wait.

From his labors here he has been called away for rest and recreation. We do not believe, to quote the graphic words of the immortal Shakspeare, that he has gone to a "blind cave of eternal night." The spark of a noble life flickered a little while, and then went out. The lute is silent. The chords made of his heartstrings are broken. While with us all the "sense of death is most in apprehension," as the poet has aptly expressed it, we feel justified in indulging the buoyant hope that he has been translated to a brighter and better home beyond the grave, where the air is filled with solemn, entrancing music, and the sky is aglow with the splendor of sunlight and perpetual spring; where the rumbling waters are dashed with the fragrance of rare and beautiful flowers, and the garlands, woven from the lilies of the valley, are forever white and green.

Let him rest and sleep and dream! Upon the marble slab which crowns the mound where his remains lie buried we place with tender hands "clusters of beauty whom none can debar," the choicest roses culled from the garden of love, "white as the robe of a sinless one and sweeter than Araby's winds that blow"—the last and purest token affection can offer to our departed friend and brother.

"Light be the turf of thy tomb!"—old man,
"May its verdure like emeralds be;
There should not be the shadow of gloom
In aught that reminds us of thee.
Young flowers and an evergreen tree
May spring from the spot of thy rest,
But not cypress nor yew let us see;
For let us not mourn for the blest."

Mr. MADDEN. Mr. Speaker, I come to pay a brief tribute to the memory of a man whom I loved. BENJAMIN F. MARSH was my friend; between us a warm personal friendship had existed for years. I knew his temperament and he knew my temperament. Our esteem for each other was deep and sincere. The announcement of his death was to me a terrible blow.

I do not propose to speak at any length of his Congressional attainments or of the many salutary measures he helped to enact into law. Those of you who served with him here in this House can best testify to his worth and greatness as a legislator. It is to his splendid character, his noble manhood, and his loving disposition that I wish to address myself.

BENJAMIN F. MARSH was not one of those men with whom an easy acquaintance and lasting friendship could be secured at first meeting. He did not impress favorably most of his acquaintances at first appearance. His stern features rendered him liable to the imputation of indifference to friendly offices, and yet it was but the appearance of coldness. No man with whom I have ever had an intimate acquaintance possessed to a greater degree those traits of friendship and generosity which make the lives of some men so peculiarly sweet and beautiful.

No constituency was represented in Congress by a more conscientious man than BEN MARSH. Of this I am absolutely certain, although I did not have the pleasure of serving with him. He was constant, industrious, and painstaking. He was an effective worker. He had the confidence of his associates. He never flinched from disagreeable duties. He was intensely patriotic. His love for his country could not be estimated. He was broad in his conceptions and firm in his convictions. He was magnetic. He was chivalrous. He was courteous. Truth, love, courage, and intelligence were indelibly stamped upon his strong, but lovable, face. Aside from all this, he was gallant. No one ever doubted his sincerity and courage.

Colonel MARSH was born on a farm in Hancock County, Ill. He received his early education in the pulic schools of that neighborhood. He subsequently studied law and was admitted to the bar in 1860. He served continuously in the war of the rebellion from 1861 to 1865, and gained great distinction for bravery on the field of battle. From 1866 to 1877 he resumed the practice of law. He was elected to the Forty-fifth, Forty-sixth, Forty-seventh, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-eighth, and Fifty-ninth Congresses.

I am told by his associates here that he made an ideal Congressman; that he did not attempt by much speechmaking to sway the minds of his hearers, but that he possessed to a prominent degree the art of presenting in conversation his ideas in such logical manner as to show that he was richly endowed with those faculties without which his success could not have been so pronounced.

He was no diplomat. If he could not win by hard knocks delivered straight from the shoulder, he was willing to lose. He never fouled his enemy, nor did he believe in compromise. He believed in just and beneficent legislation, but once lending his support to a measure he believed to be right, he would not willingly tolerate amendment.

He was a man of action. He was bold, fearless, sincere, and honest. He was beloved as a friend and feared as an enemy.

In private life he was cordial, affable, genial, hospitable, sympathetic, and agreeable. That he was always clear and always true can be testified to by hundreds of Illinoisans who have gone to him for advice and aid in times of trouble. His heart was as kind and sympathetic as ever beat in human bosom. It was impossible for him to say no when appealed to for assistance by worthy ones in need.

In his death this House has lost one of its foremost Members and Illinois one of its purest and best men.

Life! I know not what thou art,
But this I know, that thou and I must part;
And when or where or how we met,
I own to me's a secret yet.

Life! we've been long together,
Through pleasant and through cloudy weather;
'Tis hard to part when friends are dear;
Perhaps 'twill cost a sigh, a tear;
Then steal away, give little warning;
Choose thine own time;
Say not "Good night;" but in some brighter clime
Bid me "Good morning."

[Mr. WILSON addressed the House. See Appendix.]

ADJOURNMENT.

Then (at 1 o'clock and 45 minutes p. m.), in accordance with the order already made in the adoption of the resolution, the House adjourned until to-morrow, at 12 o'clock m.

SENATE.

MONDAY, *April 16, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of the proceedings of Saturday last was read and approved.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the case of Octavia R. Polk *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Henry W. Lee *v.* The United States and the Winnebago Indians; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed resolutions commemorative of the life and public services of Hon. ORVILLE HITCHCOCK PLATT, late a Senator from the State of Connecticut.

The message also announced that the House had passed resolutions commemorative of the life and public services of Hon. BENJAMIN F. MARSH, late a Representative from the State of Illinois.

The message further announced that the House had passed a concurrent resolution providing that in the enrollment of the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes, in the Indian Territory, and for other purposes, the Clerk be directed to restore to the bill the part proposed to be stricken out in the amendments of the Senate Nos. 26, 27, and 41, and insert in lieu thereof certain other matter, etc., in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of Henry J. Fitzgerald and 26 other taxpayers of the District of Columbia, remonstrating against the enactment of legislation to provide for the abatement of nuisances in the District of Columbia, and also for the creation of a board for the condemnation of insanitary buildings in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the American Reciprocal Tariff League, praying for the enactment of legislation to retain the foreign markets for our foreign trade in every direction; which was referred to the Committee on Finance.

He also presented a petition of the American Live Stock Association of Denver, Colo., praying for the enactment of legislation to regulate the interstate transportation of live stock; which was ordered to lie on the table.

He also presented a memorial of the Department of Minnesota, Grand Army of the Republic, of St. Paul, Minn., remonstrating against the enactment of legislation to exclude on account of age the veterans of the civil war from being employed or continuing in employment in the Executive Departments, etc.; which was referred to the Committee on Appropriations.

He also presented a petition of the Kings County Republican general committee, of Brooklyn, N. Y., praying for the enactment of legislation authorizing the construction of a second-class battle ship and a collier at the Brooklyn Navy-Yard; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry ex-slaves and their descendants, citizens of the United States, praying that they be granted pensions; which was referred to the Committee on Pensions.

Mr. PLATT presented a memorial of Local Division No. 92, Amalgamated Association of Street and Electric Railway Employees, of Oswego, N. Y., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of the Kings County Republican general committee, of Brooklyn, N. Y., and a petition of the Flatbush Taxpayers' Association, of Flatbush, N. Y., praying for the enactment of legislation providing for the construction of a United States battle ship at the Brooklyn Navy-Yard; which were referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Rushford, N. Y., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Local Council No. 13, Daughters of Liberty, of Brooklyn, N. Y., and a petition of Local Council No. 74, Daughters of Liberty, of Port Washington, N. Y., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of Local Union No. 238, American Federation of Musicians, of Poughkeepsie, N. Y., praying for the enactment of legislation to regulate the employment in the bands of the country of enlisted men in competition with civilians; which was referred to the Committee on Military Affairs.

He also (for Mr. DEPEW) presented petitions of the Woman's Republican Club of New York City, of the National Association of New England Women of New York City, of the New Century Club of Utica, of the Travelers' Club of Olean, of the Woman's Educational and Industrial Union of Buffalo, of the General Federation of Women's Clubs of Kingston, of the General Federation of Women's Clubs of Canajoharie, of the General Federation of Women's Clubs of Flushing, of the General Federation of Women's Clubs of Olean, of the General Federation of Women's Clubs of Rochester, of the General Federation of Women's Clubs of Oneida, of the Westchester Women's Club, of Mount Vernon, and of the Minerva Club, of New York City, all in the State of New York, praying for an investigation into the industrial conditions of the women of the country; which were referred to the Committee on Education and Labor.

He also (for Mr. DEPEW) presented a memorial of the Horticultural Society of New York City, N. Y., and a memorial of the New York Florists' Club, of New York City, N. Y., remonstrating against the free distribution of seeds; which were referred to the Committee on Agriculture and Forestry.

He also (for Mr. DEPEW) presented a memorial of Local Division No. 132, Amalgamated Association of Street and Electric Railway Employees, of Troy, N. Y., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also (for Mr. DEPEW) presented petitions of Ulster Council, No. 27, Daughters of Liberty, of Bloomington; of Tonawanda Council, No. 117, Junior Order of United American Mechanics, of Tonawanda; of Local Division No. 148, Amalgamated Association of Street and Electric Railway Employees of America, of Albany, and of Guiding Star Council, No. 29, Daughters of Liberty, of Utica, all in the State of New York, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also (for Mr. DEPEW) presented a memorial of the American Protective League of New York City, N. Y., remonstrating against the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

He also (for Mr. DEPEW) presented a memorial of the New York Credit Men's Association, of New York City, N. Y., and a memorial of the Rochester Chamber of Commerce, of Rochester, N. Y., remonstrating against the repeal of the present bankruptcy law; which were referred to the Committee on the Judiciary.

He also (for Mr. DEPEW) presented a memorial of the New England Shoe and Leather Association, of Boston, Mass., remonstrating against the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also (for Mr. DEPEW) presented a petition of Local Union No. 43, Musicians' Protective Association, of Buffalo, N. Y., and a petition of Local Union No. 13, Musicians' Protective Association, of Troy, N. Y., praying for the enactment of legislation to prohibit Government musicians from competing with civilian musicians; which were referred to the Committee on Military Affairs.

He also (for Mr. DEPEW) presented a memorial of Tappen Camp, No. 1, Sons of Veterans, of Kingston, N. Y., and a memorial of General Sniper Camp, No. 166, Sons of Veterans, of Syracuse, N. Y., remonstrating against the enactment of legislation to prohibit the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue Service; which were referred to the Committee on Military Affairs.

He also (for Mr. DEPEW) presented a petition of the Baptist, Free Methodist, and Methodist Episcopal churches of Rushford, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also (for Mr. DEPEW) presented a petition of the Historical Society of Rochester, N. Y., praying that an appropriation be made for the restoration of the frigate *Constitution;* which was referred to the Committee on Naval Affairs.

He also (for Mr. DEPEW) presented a petition of the Lin-

næan Society of New York City, N. Y., praying for the enactment of legislation to protect animals, birds, and fish in the forest reserves of the United States; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also (for Mr. DEPEW) presented a petition of the Linnæan Society of New York City, N. Y., praying for the enactment of legislation to prohibit the killing of wild birds and animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also (for Mr. DEPEW) presented a petition of Whallonsburg Grange, Patrons of Husbandry, of Whallonsburg, N. Y., and a petition of Cherry Creek Grange, Patrons of Husbandry, of Cherry Creek, N. Y., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also (for Mr. DEPEW) presented a petition of the New York Clearing House Association, of New York City, N. Y., praying for the adoption of an amendment to section 5200 of the Revised Statutes relating to the surplus funds of corporations; which was referred to the Committee on Finance.

He also (for Mr. DEPEW) presented a petition of the Henry Bergh Humane Society, of New York City, N. Y., praying that the bill for the extension of time in the interstate transportation of live stock be referred to the Committee on Interstate Commerce for action; which was referred to the Committee on Interstate Commerce.

He also (for Mr. DEPEW) presented a petition of the Chamber of Commerce of Troy, N. Y., praying for the enactment of legislation providing for an increase in the salaries of clerks in post-offices of the second class; which was referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. DEPEW) presented a petition of Cherry Creek Grange, Patrons of Husbandry, of Cherry Creek, N. Y., praying for the passage of the so-called "Hepburn-Dolliver railroad rate bill;" which was ordered to lie on the table.

He also (for Mr. DEPEW) presented a memorial of the Erie County Society for the Prevention of Cruelty to Animals, of Buffalo, N. Y., remonstrating against the enactment of legislation to extend the time for the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also (for Mr. DEPEW) presented a petition of the Humane Society of Auburn, N. Y., praying that Senate bill No. 3413 relative to an extension of time in the interstate transportation of live stock be recommitted to the Committee on Interstate Commerce for consideration; which was referred to the Committee on Interstate Commerce.

He also (for Mr. DEPEW) presented a petition of 25 citizens of Buffalo, N. Y., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Petworth Citizens' Association, of the District of Columbia, praying for the establishment of a practical form of self-government for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Ray L. Smith, of Washington, D. C., praying for the enactment of legislation providing for the extension of Monroe street; which was referred to the Committee on the District of Columbia.

He also presented the memorials of W. W. Price and S. M. Hamilton, citizens of the District of Columbia, remonstrating against the enactment of legislation providing for the extension of Monroe street; which were referred to the Committee on the District of Columbia.

He also presented the petition of Capt. J. Walter Mitchell, national historian and secretary of the committee on legislation of the United Spanish War Veterans, of Washington, D. C., praying for the establishment of a temporary home for Union soldiers and sailors; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Northeast Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation to regulate the practice of osteopathy in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the Women's Health Protective Association of New York, praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Franklin Falls, N. H., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Woman's Club, of Rochester, N. H., praying for an investigation into the industrial condition of women in the United States; which was referred to the Committee on Education and Labor.

Mr. KEAN presented the petition of Dr. L. D. Thompkins, of Trenton, N. J., praying for the enactment of legislation granting relief to the widow of Col. C. W. Stryker, deceased; which was referred to the Committee on Military Affairs.

He also presented the petition of Herman G. F. Hunz, of Elizabeth, N. J., praying for the enactment of more stringent naturalization laws; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 22, Brotherhood of Locomotive Firemen, of Camden, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union, of Bergen County, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented the memorial of Robert Biddle, of Riverton, N. J., remonstrating against the enactment of legislation to regulate the granting of restraining orders in certain cases; which was referred to the Committee on the Judiciary.

He also presented petitions of Daniel Webster Council, No. 160, Junior Order United American Mechanics, of Newark; of Pride of Mechanics, Home Council No. 61, Daughters of Liberty, of Jamesburg; of Passaic Falls Council, No. 137, of Paterson; of Local Council No. 10, Daughters of Liberty, of Elizabeth; of Elizabeth Council, No. 10, Daughters of Liberty, of Elizabeth; of H. P. Wyckoff, of Raritan, and of Mrs. Lydia T. Wright, of Paulsboro, all in the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of Charles W. Errickson, Howard Clayton, A. P. Clayton, Lester Applegate, H. M. Brower, William F. Madge, Perry Stillwell, Frank Reid, C. H. Okerson, all of Adelphia; Howard F. White, Anthony Elmer, Charles Taylor, Hezekiah White, all of Asbury Park; Harry Hammond, Peter P. Bush, Edward N. Smith, all of Allendale; William A. Jones, C. Robbins, Minnott Ridgway, C. H. Brandt, O. G. Larson, Clarence E. Woodmansee, F. W. Lear, Ernest Reeves, A. T. Cox, Andrew Brown, J. I. Birdsall, Joseph Walton, Lars Eric Larson, William Camp, W. H. Blake, William Brown, R. G. Collins, Charles A. Estlow, Edward H. Russell, Jeff. Woodmansee, J. A. Couch, Thomas Woodmansee, William Robinson, R. F. Elberson, C. H. Russell, C. N. Conrad, Theodore Hollaway, Edwin D. Birdsall, John K. A. Cox, Amos A. Bahr, F. S. Ellis, Ira S. Salmons, Norman Ridgway, George Grant, Daniel Brewer, Samuel G. Cranmer, A. D. Tolbert, William Ridgway, James Winton, jr., John Brown, all of Barnegat; Winfield G. Rhubart, of Bordentown; Harry S. Johnson, William P. Thomas, William B. Larue, James V. N. Polhemus, Rev. E. E. Roberson, Bayard Naylor, H. D. Powelson, J. R. Haoll, F. G. Sutton, John Rowland, B. F. Clark, Edward B. Rowland, Jason Tester, John H. Verhoff, O. V. Matthew, A. K. Smith, Charles Wendell, P. W. Vandane, Fred R. Mason, John W. Reed, George T. Miller, A. F. Kuntz, J. R. Booney, Clarence Duryea, Eugene Duryea, all of Boundbrook; Jesse S. Taggart, Charles W. Price, E. H. Prickett, Edwin M. Seeper, Samuel G. Shaw, John Durell, George E. Garrison, Edwin R. Lowdan, John H. Oliver, G. Roland Oliver, Lerold Greenfield, all of Burlington; Theodore F. Hineson, Edward Tunn, Edward Curtis, G. A. Manwaring, William H. Kimring, G. R. Clisdell, E. A. Tunn, Robert H. Scott, Fred Valentine, B. B. Benton, J. F. Yinling, Thedore H. Smith, William Schuletre, Robert W. Edwards, George E. Welbrecht, William Vreeland, George A. Bell, J. B. Kenney, Thomas G. Vreeland, George D. Solomon, Nelson K. Kline, F. S. Turbett, Henry E. Dawkin, Sylvanus W. Clark, E. H. Miller, J. H. Collier, George Peters, Charles A. Rubinman, A. M. Van Buskirk, George W. Morton, A. G. W. Hilbert, David Thomas, O. H. Gaeechee, all of Bayonne; William A. Evans, Arthur Woolson, Herbert W. Heal, Harry Husler, Charles W. Sever, Harold H. Van Sciver, all of Beverly; William H. Sloan, Otis A. Penn, E. W. Nick, Woody W. Carnmer, W. I. Coude, all of Brookville; Ellis Demond, of Bernardsville; Harry F. Gray, William F. Lukens, of Camden; George Hughes, of Clifton; Walter E. Reinhart, of Crawford; J. Frank Weekes, Lewis G. Eldridge, of Cold Springs; G. B. English, W. H. Howard, J. W. Spencer, A. M. Nelson, A. J. Sevens, Herbert Bane, Robert W. Lewis, Theodore Schubert, H. U. Clark, M. L. Batton, William Wilson,

George W. Tooney, William T. Tooney, Herbert Bane, William B. Baton, all of Chews; Fred W. Cook, William J. Bowden, Ira C. Ford, John R. Edwards, all of Dover; William F. Hurlis, Adam Hurlis, H. J. Case, Charles S. Jennings, J. F. Snell, Jacob V. C. Bruss, John Peters, jr., William Shiverly, Lewis Snyder, John H. Conklin, R. M. Apgar, Fred S. Vail, William C. Brokaw, W. W. Wallers, J. F. G. Kinney, Edward G. Lewis, E. E. Shibely, all of Dunellen; R. R. Hugo, William G. King, jr., William J. Frank, A. Kirsch, Charles E. Tilton, H. C. Hurt, S. D. Crow, Harry C. Trowbridge, E. P. Mutch, Theodore H. Boulton, John F. Healey, Charles F. Roll, L. A. Lockhart, Herman G. F. Kunz, William Kunz, sr., Charles Fischer, H. Unbekant, Lester W. Voorhees, all of Elizabeth; A. E. Dodelin, E. O. Lusinberg, of East Orange; Frederick C. Thubert, Harold P. Cox, of Elmer; Forman Vandoran, William E. Tracy, Thomas Forsythe, all of Englishtown; W. E. Nora, of Rutherford; Arthur C. Stillwell, A. S. Lambertson, Robert J. Pharo, Clarence M. Robinson, F. C. Morris, Andrew C. Campbell, Walter Stillwell, Elwood Stillwell, W. Ryall Burtis, H. L. Jewell, Albert W. Armstrong, Herbert Robinson, Romain H. Rue, George A. Emmons, E. S. Goff, Charles Lyher, G. W. Naylor, Macy Applegate, Joseph C. Thompson, D. Dye Conover, William A. Hawknow, Charles H. Griggs, Thomas Williams, Eleanor King, Mary H. Lukens, Mrs. Kate M. Bowne, Mrs. Ella Atkinson, Joanna Stillwell, all of Freehold; J. E. Seyler, of Finville; William Vandeventer, of Flemington; Josiah Butler, William Mackentee, W. H. Stewler, John Allen, E. J. Stryker, Edward Case, G. W. Hummer, E. W. Bloom, J. C. Hugh, L. S. Mayaman, Charles B. Salter, all of Flemington; Russell Skinner, F. A. Howman, Harry C. Shute, Herman Houck, A. A. Weismer, Blande R. Screve, Joseph H. Stewart, all of Glassboro; John W. Martin, Chester White, Edwin Hurley, John S. Hultz, Joseph G. Morris, Charles Yeoman, Elwood F. Palmer, Russell Morris, Arthur Fletcher, David E. Manners, all of Glendola; John R. Patrey, of Gladstone; Crawford P. Smith, W. G. Degrew, of Glen Ridge; James Doremus, of Garfield; George Dirks, William D. Newman, W. V. Van Vorse, George M. Leonard, A. C. Dobe, O. A. Bedford, C. E. Veider, H. C. Ball, M. N. Marsh, William L. Campbell, R. H. Gilbert, Harry B. Doremus, P. H. Westerfeldt, C. De Witt Gilbert, Irving Devoe, Thomas H. Richards, C. B. Newman, George Dirks, Robert J. Bross, Harry S. Demarest, Henry Vanvorst, W. Earl Griffith, E. L. Allen, James T. Benjamin, Alfred Sykes, Adelbert C. Doughty, William Feltor, Charles S. Lozier, C. S. Schuebly, William Wyks, Joseph Wyks, all of Hackensack; Ira Wilson, James Ewing, Harry E. Sutthen, J. R. Baldwin, Israel G. Howell, Raymond Morell, W. S. Baldwin, John Hamm, Albert W. Burton, Clarence E. Hoagland, Joseph Scharch, Nelson W. Holcombe, C. C. Conner, R. R. Piggott, Alvin Meselwell, Daniel P. Holcombe, Lewis S. Breese, John McPherson, Charles H. Wyckoff, E. V. Savidge, H. B. Edwards, Peter A. Luttken, all of Hopewell; W. A. Cruser, A. V. Albertson, William C. Raub, A. B. Swayze, James W. Sabercool, Floyd McCain, R. J. Islendberger, Frank Kerr, Jacob D. Quick, Walter Storm, D. D., Herbert D. Heiser, P. H. Hartong, C. E. Bryant, M. B. Titman, A. A. Van Horn, Ernest H. Willson, F. Turner, George Albertson, Joseph Anders, George Cole, Joseph Owens, A. D. Hildebrant, Charlie Warner, J. Irving Van Horn, A. S. Howell, William H. Bowers, John Dill, J. H. Van Camper, C. E. Bryan, Frank Shotwell, Lewis Hindebrant, R. S. Trasen, Clinton Hindebrant, Isaac Gibbs, W. W. Seals, M. C. McCain, George Andrews, W. R. Swayze, E. Y. Cleypers, Alfred Rwidge, Oscar Crisman, William Mericle, C. J. Sharp, I. J. Hickson, Garrett Howell, Ed. Swayze, H. P. Titus, Daniel M. Pittinger, all of Hope; George W. Levy, H. H. Stein, C. Scharf, Harry Baritone, H. A. Schraper, Lewis W. Paulton, Russell P. Merrick, John E. Ratgigeler, W. H. Fords, John W. Jopp, Frederick Malley, Ernest Craslin, Charles Jacobs, George Kerwis, J. C. Miller, William J. Taylor, C. P. Robertson, Conrad Lachmon, jr., Charles Buresch, Melvin Heimer, Theodore M. Luker, Alfred A. Ludlow, Lawrence M. Yard, all of Hoboken; Frank A. Reynolds, of Harrison; Augusta V. Lunger, of Hibernia; J. B. Kiser, of Hohokus; Samuel Tate, of High Bridge; George R. Doremus, of Hackensack; Charles E. Wells, George Bruns, Edward P. Lyons, W. E. Bruns, F. J. Bruns, Joseph Bruns, Edward S. Rice, J. M. Nixon, Robert Abel, E. A. La Vigne, E. T. Perkins, Alfred C. Daniel, J. L. Anderson, Henry T. Hurton, jr., Charles T. Nelson, Harry Newkirk, H. F. Kiesewetter, A. Lahse, Frank G. Coykendall, Samuel Kline, James N. Long, F. B. Van Sandt, E. Ridgway, Charles K. Sutton, William H. Corby, W. E. Price, W. Mutscheller, H. R. Ruinello, William Travers, Joseph Davis, J. M. Fallbatter, Harry Schmidt, John Larbs, E. F. Warner, E. S. Godfrey, John Rumpf, W. H. Best, Charles Mauer, jr., George C. Krams, all of Jersey City; J. B. Paxton, Ernest Cole, R. H. Cole, D. H. Smith, all of Jamesburg; Charles E. Archer, of Jenkinstown; Peter Stumpf, jr., Frank Venentine, Frank G. Cole, H. Williams, Louis Barth, Fred Rarick, H. Bostecl, Albert Ebner, Harry Straight, C. DeMott, Ira Scark, all of Kenvil; William E. Turner, jr., H. W. Guttevet, Irving Walderon, J. F. Foster, Charles B. Condit, James B. Trimmer, F. W. Hammond, Alexander Annis, F. W. Stultman, W. L. Allen, William A. Burrs, L. H. Hughes, Levi Thompson, Theodore Stelton, Albert W. Salmons, Henry B. Ronell, C. L. King, C. P. Burr, jr., Herbert Creek, Frank Edwards, John Edwards, William W. Conklin, Raymond Haines, Frank P. Salmons, Jacob Schornf, all of Liberty Corner; F. W. Van Blarcom, of Lafayette; David Wilkeson, of Ledgewood; Walter S. Ogden, of Lindenwold; William Johnson, of Landing; Henry Jaunt, William M. Voorhees, W. D. Mason, Thomas P. Yunker, W. A. Smith, G. B. Brown, Spencer H. Howell, D. H. Stermer, J. H. Ried, J. P. T. Warwick, F. E. Shinn, George W. Carr, L. Gerwald, J. R. Warwick, Charles E. Mathers, Raymond Smith, all of Lumberton, all in the State of New Jersey, praying for the enactment of legislation to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States; which were referred to the Committee on Immigration.

He also presented petitions of G. E. Riggen, Linwood; George W. Cobb, Albert T. Duryea, William N. Potter, W. W. Miller, Harry Wood, Charles N. McFadden, all of Long Branch; Charles H. B. Lear, Watson Dudbridge, Theodore C. Hall, all of Lambertville; R. S. Tomlinson, Merchantville; George Whitmore, Idvis Powell, Warren Whitmore, all of Mine Hill; William Pierce, Mount Hope; Lewis F. Mason, Montclair; Augustus M. Martin, William A. Morris, Harvey A. Martin, M. Oppelt, Walter P. Schendt, all of Metuchen; Chester A. O. Keson, E. W. Crenning, E. C. Hodapp, all of Militown; William D. Shinn, F. O. Durand, Earl L. Evermind, Benj. H. Sleeper, S. A. Dobbins, jr., all of Mount Holly; J. C. Stiles, Joseph H. Rimback, George M. Hallum, Charles E. Vanfleet, E. L. Corler, jr., George W. Parson, J. C. E. Scmely, H. F. Morrison, M. B. Sellance, W. H. Tompkins, all of Millburn; Bernett Adams, William J. Stiles, George Bolster, Samuel Clumm, Harry Shropshire, Charles E. Hogan, all of Millville; William M. Ross, J. Fred Orphan, John H. Metcalf, C. S. Hubbard, William Mesler, A. O. Rapployay, F. Cranford, Charles H. Dunham, Mindirt Cubberly, Julius Rolp, William J. W. Allen, George E. Schnidt, Daniel R. Richards, Garrett Griggs, John A. Montgomery, A. N. Winkler, Joseph R. Stokes, all of New Brunswick; E. T. Humphrey, Nutley; Harry Wilcox, Thomas Hilwriggle, Anthony T. Kalan, E. F. Krout, George Berger, William E. Sutton, Walker M. Loder, Henry McCondey, H. D. Falidge, jr., John T. Brustle, John L. Lipman, F. C. Smith, Philip Krugg, W. Lang Warner, St. Q. Creavel, W. A. Duryea, F. E. Brown, Samuel J. Morris, H. H. Fielder, S. W. Crumple, G. H. Henzey, Fred P. Fritz, George B. Jones, Walter G. McClusky, William H. Meeker, John F. Ward, F. Hartens, A. C. Tuttle, William D. Nestor, H. J. Buehler, John D. Fenwick, August G. Swanze, J. Brower, E. C. Cash, George F. Throw, William Stern, E. D. Smith, Wilton Cox, W. H. Earl, Samuel Bogel, William Kippack, Robert Sloan, jr., H. P. Latturet, J. P. Brewster, F. G. Bowles, H. E. Berden, Alfred H. Chamberlain, Abram Crimminson, Eddie Amann, L. H. Cash, Lewis White, George V. Verry, George E. Dale, John A. Reemes, Lewis F. Holmes, William L. White, R. Calhoun, jr., J. B. Macpherson, C. S. Rosangle, Bernard Bailor, Albert F. Framan, H. F. Buhler, A. G. Lane, W. C. Flammer, W. C. Dueuler, E. C. Cash, Charles E. Bushler, H. F. Steele, George Taylor, Henry Kunmann, G. A. Mills, Clarence B. Hoagland, Claude Valentine, Albert F. Klein, Joe Kling, L. H. Cash, Fred O. Brown, William M. Cale, George E. Higby, J. B. Badger, W. C. Eveland, jr., T. J. Bummell, George Steinlach, F. H. Price, Carl Schultz, Charles C. Bishop, John C. Rall, Arthur I. Smith, George H. Bowman, E. A. Shay, Charles Steinback, A. Irving Jenkins, F. R. Clark, George W. Fitz Gerald, Thomas M. Nichols, G. J. Schawinghausen, J. W. Fitz Gerald, John C. Rall, F. A. Morgan, John Crowell, Robert Phillips, Charles R. Nunn, John W. Savacorf, Fred A. Phillips, William Jacobs, J. E. Metick, Charles S. Lair, Conrad A. Mess, Lewis Hunt, all of Newark; Howard B. West, Long Branch; Henry J. Lamb, New Durham; F. E. Smith, Orange; Arthur Lippincott, Lloyd N. Sickles, Lewis M. Van Anglen, William W. Morris, all of Oceanport; Charles J. Smith, John Bishop, Oakhurst; W. Sylvester, M. Leighton Appleby, Alonzo Green, Robert Boyee, Theo. F. Appleby, all of Old Bridge; H. A. Shoobridge, Harvey Golden, A. F. Munoz, John Torgesen, M. Hurley, W. Lembcke, Clarkson Bourse, John M. Berry, George M. Adams, Walter Richutzer, John E. Bernard, William F. Hilkee, Joseph B. Quick, Gilbert C. Emmons, W. H. Bath, S. F. Braidwood, George E. Morehouse, William S. Duncan, Gardner F. Carter, D. M. Emmons, W. V. Emmons, Rolla Garretson, George H. Ryder, all of Perth Amboy; Raymond Sharp, A. Hile, Walter J.

Warren, jr., Leonard Berry, John Reading, Ogden Shropshire, B. C. Donnelly, H. C. Barraclough, Osse L. Dickel, E. J. Crab, Howard Henderson, E. D. T. Howell, Claude Hiles, Oscar Wilford, Leslie Blackman, L. R. Fowler, E. B. Peace, Alphie Owens, A. B. Maxfield, Lemuel R. Brown, Gustavus H. Higgnutt, Charles J. Maxfield, H. S. Sockwell, Joseph L. Lake, Albert Robbins, all of Port Morris; John Wesley Potter, M. B. Huyler, Irvin Trimmer, Halsey Hoffman, W. Irving Ludlow, F. H. Ludlow, all of Peapack; Harvey Dutchess, William H. Conklin, George H. Briggs, Orrie Ruttenberg, all of Paterson; Bostene Thorn, A. F. Mott, C. P. Wilson, Francis Berns, W. S. Chambers, Douglass Woodward, Edward Thompson, J. H. Hoover, A. B. Chamberlain, Fred. G. Davison, Charles Griffith, Frank Patterson, Joseph G. Clark, Howard Patterson, John H. Ely, George M. Dorrin, C. Allen Ely, Thomas Thompson, E. H. Potter, all of Perrineville; K. J. Hewitt, Sinclair Boice, Lewis S. Bower, C. E. Steelman, H. E. Parcels, Harry L. Lake, E. Small, Archie Risley, L. Hewitt, Charles Bauer, all of Pleasantville; Clarence H. Bilyen, jr., Joseph M. Sweeney, T. E. Crumm, jr., John E. Naylor, C. N. Beiter, George Townley, Forrester Hartpence, R. Winn, W. W. F. Randolph, Resue Magee, James M. Vail, William Pittenger, W. C. Walker, P. H. Littowett, C. W. Mower, C. F. Hulit, George F. Watts, F. G. Wehr, J. C. Hofner, George H. Staats, W. G. Creveling, W. J. Hartpence, A. E. Causbrook, C. T. Platt, Frank H. Cond, John G. Bicknell, George W. Solley, W. L. Smalley, Frank Ayar, John J. Kliner, jr., A. T. Stryker, J. Brunn, Edward E. Nelson, F. M. Legge, W. La Tourette, G. W. Harvey, Frederick L. Soper, Alice B. Dunham, Ellis H. Emery, D. Rockfellow, J. M. Sull, P. H. Blosette, Walter C. Walker, A. C. Aitken, J. Arthur Dow, E. D. Ganin, George Wunderlich, William Newmiller, jr., R. J. Meten, George B. Crassley, L. C. R. Dunham, T. M. Slater, jr., Daniel G. Van Winkle, Fred. Win, all of Plainfield; H. B. Van Sciver, Riverside; Andrew Rau, William A. Hackett, F. E. Graham, J. T. Riker, jr., W. G. Current, J. Louis Lempert, E. Holehvin, F. S. Current, S. Shaw, jr., C. N. Stanton, Watson Current, H. H. Edwards, Ray W. Tyler, J. H. Wilson, George H. Bellar, F. H. Conklin, S. C. Bellar, George Guckenbuchler, W. H. Hallock, Josephus C. Tares, F. C. Hooper, Edward T. Smith, all of Rutherford; Robert A. Doremus, J. H. Hicks, Ramsey; John K. Thompson, B. V. D. Wyckoff, F. N. Cole, all of Readington; Joseph A. Oakley, H. N. Bungut, J. T. Tumont, Walter G. Hoehler, William Ochler, C. B. Trimmer, H. Lewis Leites, all of Roselle; E. E. Horton, Ridgewood; A. P. Brower, Rahway; Charles M. Earl, John M. Gustin, A. J. Yetter, Edward J. Blanchard, all of Rockaway; William H. Bennett, A. C. Blanchy, all of Red Bank; J. B. Vandenberg, Carlos H. Fogg, Thomas Price, Peter Wentink, all of Ridgewood; Edward J. King, C. K. Alpaugh, J. Williams, Headley Roy, Fred. Thomas, Leslie Ackerson, Daniel Williams, Bert V. Cit, Zanes Ridner, Lewis Coleman, John Treloan, Harry W. Reeve, George Hill, L. G. Banks, David Thomas, John W. Fancher, Al. Fancher, G. W. Thrope, George Rewe, all of Succasunna; Gus Galley, William J. Scherer, Walter Weishaupt, N. T. Devoe, Gus Galey, Will Pratts, Edward Culver, Harvey Van Deventer, Fred. Claus, Fred. Scherer, William M. Delbart, all of South River; Isaac A. Sayre, Summit; William B. D. Slocum, David Slocum, Summerfield; L. Van Iderstine, South Orange; James C. Ross, Seaville; Arthur Streeter, Isaac N. Wyckoff, Charles P. Rimehart, John Tine, George J. F. Skillman, W. G. Kershaw, H. R. Mesler, C. W. Seip, William H. T. Fleet, A. G. Crouse, N. C. Alvord, William D. Bauer, H. A. Bird, Clarence C. Wyckoff, S. B. Pittenger, all of Somerville; Charles H. Hull, Stanhope; C. H. Berries, George Disbrow, Ben. Strausser, jr., John A. Rue, William G. Wyckoff, N. N. Pearce, J. D. Nichols, A. R. Chatten, F. M. Littell, Harvey Emmons, John T. Dill, S. H. Chatten, O. L. Carr, William E. N. Waugh, Edwin P. Wilson, George V. Bogart, J. Wright Naylor, William H. Brunnigan, J. W. Buckanan, H. E. Stratton, Charles P. Thomas, A. R. Mitchen, Elias S. Mason, Albert M. Cole, James K. Stukes, G. Van Deventer, William C. Chosy, Clarence E. Applegate, J. A. Kerr, H. T. Bush, Andrew Sprague, Frank F. Dye, L. O. Dobson, William H. Cline, George Tauser, W. Burt Deitrich, William R. Thompson, A. A. Wilson, Philip F. Render, L. Van Cleef, I. E. Montgomery, Alonzo L. Grace, Edw. M. Kenna, W. M. Emmons, William P. Nichols, B. R. Havens, John Letts, H. F. C. Atkinson, jr., Henry M. Dill, J. R. Skinner, all of South Amboy; Chauncey M. Slayton, P. J. Poppingar, Abram Embly, Frank Hampton, Thomas A. Garden, William F. Shipman, Baker Clork, T. Handpacker, all of Sea Bright; Watson M. Ward, S. D. C. Layton, Walter W. Anderson, William O. Gerry, E. C. Marshall, Jacob Yetter, William Jedder, all of Trenton; S. R. Harris, Toms River; Joseph H. Brown, C. A. Falkinburg, Benjamin L. Armstrong, Alphonso W. Kelley, all of Tuckerton; J. L. Teas, G. Charles Sahalan, Henry Schaeschinger, all of Union Hill; W. Clark Taylor, Vineland; Lewis S. Fife, S. Morris Hewitt, I. F. Conover, John Rodrian, all of Woodstown; Howard Fritz, George F. Snyder, Henry F. Mummey, T. M. Shrope, H. U. Florry, all of Washington; Charles R. Jewell, Weehawken; Charles Welcker, Wharton; L. C. Lansen, N. Stareys, George T. Johnson, F. W. Welard, all of Dover; all in the State of New Jersey, praying for the enactment of legislation to establish a bureau of immigration and naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States; which were referred to the Committee on Immigration.

Mr. RAYNER presented a petition of the congregation of the Grace United Evangelical Church, of Baltimore, Md., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and Soldiers' Homes; which was referred to the Committee on Public Buildings and Grounds.

Mr. HEMENWAY presented a petition of Lorain Council, No. 10, Daughters of Liberty, of Logansport, Ind., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of Railsback Division, No. 452, Order of Railway Conductors, of Richmond, Ind., praying for the passage of the so-called "employers' liability bill," and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Clio Club, of Spencer, Ind., and a petition of the Fortnightly Club, of Vincennes, Ind., praying for an investigation into the industrial conditions of the women of the country; which were referred to the Committee on Education and Labor.

He also presented a petition of Local Division No. 317, Amalgamated Association of Street and Electric Railway Employees, of South Bend, Ind., remonstrating against the repeal of the present Chinese-exclusion act; which was referred to the Committee on Immigration.

Mr. DOLLIVER presented the memorial of C. Denecke and sundry other citizens of Cedar Rapids, Iowa, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOPKINS presented sundry petitions of the Chamber of Commerce of Quincy, Ill., and a petition of the board of directors of the Second National Bank, of Aurora, Ill., praying for the enactment of legislation relating to uniform bills of lading; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Chicago, Ill., praying for an investigation into existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Marseilles, of the Ravenswood Woman's Club, of Chicago, and of the Argyle Park Portia Club, of Chicago, all in the State of Illinois, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were ordered to lie on the table.

He also presented memorials of the Amalgamated Association of Street and Electric Railway Employees of Peoria, Venice, and Chicago, all in the State of Illinois, remonstrating against the repeal of the present Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a petition of S. G. Tiley Lodge, No. 116, Brotherhood of Railway Trainmen, of Mattoon, Ill., praying for the passage of the so-called "employers' liability bill" and the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Farmers' Institute of Will County, Ill., praying for the enactment of legislation providing for the construction of a ship waterway between the Great Lakes and the Gulf of Mexico; which was referred to the Committee on Commerce.

He also presented a memorial of the Merchants and Business Men's Association of Elgin, Ill., remonstrating against the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Illinois, praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of the Bar Association of Quincy, Ill., praying for the enactment of legislation providing for the establishment of a Federal court at that place; which was referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the Mount Pleasant Grange, Patrons of Husbandry, of West Rockport, Me., praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

Mr. WARNER presented sundry papers to accompany the bill (S. 4746) for the relief of George W. Cooper; which were referred to the Committee on Military Affairs.

Mr. NELSON presented a petition of the Department of Minnesota, Grand Army of the Republic, of St. Paul, Minn., praying for the enactment of legislation granting a pension of $12 per month to all widows of soldiers; which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Wabasha, Minn., remonstrating against the licensing of saloons in Alaska and praying for the admission of the Indian Territory into the Union as a prohibition State; which was referred to the Committee on Territories.

He also presented a memorial of the Chamber of Commerce of Minneapolis, Minn., remonstrating against the enactment of legislation to provide for fixing a uniform standard of classification and grading of wheat, flax, corn, oats, barley, rye, and other grains, and for other purposes; which was referred to the Committee on Agriculture and Forestry.

Mr. BURROWS presented a petition of Hamilton Grange, Patrons of Husbandry, of Decatur, Mich., and a petition of Pompeii Grange, Patrons of Husbandry, of Pompeii, Mich., praying for the passage of the so-called "railroad rate bill;" which were ordered to lie on the table.

He also presented petitions of the Michigan Bankers' Association, of sundry citizens of Albion, and of the Board of Trade of Detroit, all in the State of Michigan, praying for the enactment of legislation relating to bills of lading; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Federation of Labor of Detroit, of the Order of Railroad Trainmen of Detroit, and of the Advance Pump and Compressor Company, of Battle Creek, all in the State of Michigan, praying for the passage of the so-called "anti-injunction bill;" which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Michigan and a petition of sundry citizens of Pentwater, Mich., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of sundry citizens of Petoskey, Mich., praying for the passage of the so-called "railroad rate bill;" which was ordered to lie on the table.

He also presented petitions of the president and faculty of the Michigan State Normal College, Ypsilanti; of Pomona Grange, Patrons of Husbandry, of Berrien County; of Talmadge Grange, Patrons of Husbandry, of Ottawa County; of the Woman's Christian Temperance Union of Van Buren County, and of sundry citizens of Petoskey, all in the State of Michigan, praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

He also presented memorials of Cobbs & Mitchell (Incorporated), of Cadillac, Mich., and of the Mashek Chemical and Iron Company, of Wells, Mich., remonstrating against the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

He also presented petitions of the Michigan Business and Normal College, Battle Creek, Mich., and of the Grand Rapids University, Grand Rapids, Mich., praying for the enactment of legislation relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Detroit Clearing House Association, of Detroit, Mich., remonstrating against the establishment of a postal savings-bank system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Oakland County Medical Society, of Pontiac, Mich., praying for the enactment of legislation providing for a reorganization of the Medical Department of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the officers of the Third Regiment of Infantry, Michigan National Guard, praying for the enactment of legislation to increase the efficiency of the militia; which was ordered to lie on the table.

He also presented a memorial of the Credit Men's Association of Detroit, Mich., remonstrating against the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of the Credit Men's Association of Detroit, Mich., praying for the enactment of legislation providing for the reorganization of the consular service; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Litchfield, Mich., praying for the enactment of legislation to increase the pension of ex-prisoners of war; which was referred to the Committee on Pensions.

He also presented a petition of Musicians' Protective Union, No. 228, American Federation of Musicians, of Kalamazoo, Mich., praying for the enactment of legislation to prohibit the employment in the bands of the country of enlisted men in competition with civilians; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Lansing Humane Society, of Lansing, Mich., remonstrating against the enactment of legislation extending the time for the interstate transportation of live stock; which was ordered to lie on the table.

He also presented petitions of the Clover Leaf Club, of Coloma; of the Woman's Historical Club, and the Woman's Club, of Big Rapids; of the Woman's Club of Saginaw; of the Woman's Club of Ovid; of the Woman's Club of Lansing; of the Ladies' History Club, of Eaton Rapids; of the Woman's Club of Lake Odessa; of the Fortnightly Club, of Lansing; of the Literary Club of East Tawas; of the West Side Club, of Lansing; of the Woman's Club of Mount Pleasant; of the Woman's Club of Traverse City; of the Monday Club, of Marshall; of the Columbia Club, of Flint; of the Home Club, of Lapier; of the Woman's Club of Detroit; of the Woman's Literary Club, of Pontaic; of the Woman's Club of Sault Ste. Marie; of the Woman's Press Association of Hillsdale; of the Woman's Club of Muskegan; of the Equity Club, of Grand Rapids; of the Nineteenth Century Club, of Dowagaic; of the Ladies' Literary Club, of Schoolcraft; of the Art Club, of Saginaw, and of the Woman's Club of Oceana County, all in the State of Michigan, praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of the Twentieth Century Club, of Kalamazoo, Mich., and a petition of the Michigan State Federation of Labor, of Kalamazoo, Mich., praying for the enactment of legislation to establish a children's bureau in the Department of the Interior; which were referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 5th instant, proposing to appropriate $10,500 for grading Upton street east of Connecticut avenue, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17217) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," regulating proceedings for condemnation of land for streets; and

A bill (H. R. 14513) to prevent the giving of false alarms of fires in the District of Columbia.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5246) to provide for the extension of Genesco place, District of Columbia; and

A bill (S. 5221) to regulate the practice of osteopathy, to license osteopathic physicians, and to punish persons violating the provisions thereof in the District of Columbia.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5673) granting an increase of pension to Hilton Springsteed;

A bill (H. R. 11348) granting an increase of pension to Cynthia Cordial, now Vernon;

A bill (H. R. 14227) granting an increase of pension to Anna C. Bassford;

A bill (H. R. 12407) granting an increase of pension to Robert Bivans; and

A bill (S. 3469) to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892."

Mr. SMOOT, from the Committee on Pensions, to whom was

referred the bill (S. 3738) granting an increase of pension to Lisania Judd, reported it with amendments, and submitted a report thereon.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 993) granting a pension to Samuel J. Langdon, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4088) granting an increase of pension to Henry S. Knecht, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12888) granting an increase of pension to Jacob Sannar;

A bill (H. R. 12415) granting an increase of pension to Elizabeth Bodkin;

A bill (H. R. 12019) granting an increase of pension to Henry Jacob Fox;

A bill (H. R. 11907) granting an increase of pension to August Danielson;

A bill (H. R. 13139) granting an increase of pension to William Walrod; and

A bill (H. R. 11824) granting an increase of pension to Jennie P. Starkins.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5641) granting an increase of pension to John W. Fletcher;

A bill (S. 5571) granting an increase of pension to Betsey B. Whitmore;

A bill (S. 5492) granting an increase of pension to Joseph F. Tebbetts;

A bill (S. 5359) granting an increase of pension to William H. Ward;

A bill (H. R. 15683) granting an increase of pension to Thomas Brown;

A bill (H. R. 15835) granting an increase of pension to George M. Thompson;

A bill (H. R. 15670) granting an increase of pension to Daniel E. Durgin;

A bill (H. R. 15431) granting a pension to Theresa Creiss;

A bill (H. R. 15484) granting an increase of pension to Robert Dick;

A bill (H. R. 15396) granting an increase of pension to John T. Jacobs;

A bill (H. R. 14553) granting an increase of pension to Jesse Lienallen;

A bill (H. R. 14552) granting an increase of pension to Henry Davey;

A bill (H. R. 14853) granting an increase of pension to Helen C. Sanderson;

A bill (H. R. 14782) granting an increase of pension to Michael Manahan; and

A bill (H. R. 13928) granting an increase of pension to Harvey Foster.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4175) granting an increase of pension to John Caverly;

A bill (S. 5603) granting a pension to Kate S. Hutchings; and

A bill (H. R. 15397) granting an increase of pension to Edward Gillespie.

Mr McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 752) to extend the United States pension laws to the participants in the battles of New Ulm and Fort Ridgely, Minn., in the Sioux war of 1862;

A bill (S. 5691) granting a pension to Kate Sloan;

A bill (S. 5631) granting an increase of pension to Isaac M. Howard;

A bill (S. 5539) granting an increase of pension to Hermann Muehlberg; and

A bill (S. 3485) granting an increase of pension to Mathias Hammes.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2042) granting an increase of pension to Andrew H. Wolf;

A bill (S. 5504) granting an increase of pension to Joseph Dickson;

A bill (S. 2978) granting an increase of pension to Eli W. Knowles; and

A bill (S. 442) granting an increase of pension to Francis Colton.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3797) granting an increase of pension to A. E. Wood; and

A bill (S. 3798) granting an increase of pension to Charles Farrell.

Mr. McCUMBER (for Mr. GEARIN), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2851) granting an increase of pension to George Chambers;

A bill (S. 5536) granting a pension to William O. Clark;

A bill (S. 5379) granting an increase of pension to Otto A. Risum;

A bill (S. 5516) granting an increase of pension to Alfred M. Hamlen; and

A bill (H. R. 15687) granting an increase of pension to William F. M. Rice.

Mr. McCUMBER (for Mr. GEARIN), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15840) granting an increase of pension to Edgar B. Hughson;

A bill (H. R. 15548) granting an increase of pension to Jacob Ferber;

A bill (H. R. 15256) granting an increase of pension to Benjamin F. Greer;

A bill (H. R. 14117) granting an increase of pension to William H. H. Fellows;

A bill (H. R. 13840) granting an increase of pension to Absalom Shell;

A bill (H. R. 13738) granting an increase of pension to Henry Hahn;

A bill (H. R. 13726) granting a pension to Sarah J. Manson;

A bill (H. R. 14116) granting an increase of pension to John P. Rains;

A bill (H. R. 13741) granting an increase of pension to George R. Scott;

A bill (H. R. 13504) granting an increase of pension to Elizabeth Thompson; and

A bill (H. R. 13345) granting an increase of pension to Frank Clendenin.

Mr. McCUMBER (for Mr. TALIAFERRO), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1705) granting an increase of pension to Lewis S. George;

A bill (H. R. 14498) granting an increase of pension to Eliza Davidson;

A bill (H. R. 14688) granting an increase of pension to Robert Timmons;

A bill (H. R. 12996) granting an increase of pension to Eugene B. McDonald; and

A bill (H. R. 13961) granting an increase of pension to Julius Buxbaum.

Mr. McCUMBER (for Mr. TALIAFERRO), from the Committee on Pensions, to whom was referred the bill (S. 5670) granting an increase of pension to Isaac L. Duggar, reported it with an amendment, and submitted a report thereon.

He also (for Mr. TALIAFERRO), from the same committee, to whom was referred the bill (S. 4665) granting an increase of pension to Louis Du Bois, reported it with amendments, and submitted a report thereon.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15321) granting a pension to Charles Skaden, jr.;

A bill (H. R. 15621) granting an increase of pension to Caleb M. Tarter;

A bill (H. R. 15487) granting an increase of pension to Truman Aldrich;

A bill (H. R. 14990) granting an increase of pension to Lucius D. Whaley;

A bill (H. R. 15569) granting a pension to Harriet A. Duvall;

A bill (H. R. 15701) granting an increase of pension to William Brown;

A bill (H. R. 15616) granting an increase of pension to Pleasant Calor;

A bill (H. R. 15277) granting an increase of pension to George W. Pierce;

A bill (H. R. 15050) granting an increase of pension to William H. Near;

A bill (H. R. 13862) granting an increase of pension to Luther S. Hoily;

A bill (H. R. 12526) granting an increase of pension to Solomon Johnson;

A bill (H. R. 14780) granting an increase of pension to John A. Royer;

A bill (H. R. 10408) granting a pension to Anna E. Middleton; and

A bill (H. R. 13437) granting an increase of pension to Samuel R. Lowry.

Mr. ALGER, from the Committee on Pensions, to whom was recommitted the bill (H. R. 10251) granting an increase of pension to Sarah M. E. Hinman, reported it with an amendment, and submitted a report thereon.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11692) granting an increase of pension to John P. Wishart;

A bill (H. R. 14993) granting an increase of pension to Riley M. Smiley;

A bill (H. R. 15061) granting an increase of pension to Ethan Allen; and

A bill (H. R. 15780) granting an increase of pension to Peter Cole.

Mr. SCOTT (for Mr. PATTERSON), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4752) granting an increase of pension to Thomas J. Tidswell;

A bill (S. 4525) granting an increase of pension to David Oglevie;

A bill (H. R. 10424) granting a pension to Emanuel S. Thompson;

A bill (H. R. 14915) granting an increase of pension to Andrew W. Tracy;

A bill (H. R. 14566) granting an increase of pension to Robert E. McKiernan; and

A bill (H. R. 15380) granting an increase of pension to Valentine Gunselman.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 5054) granting an increase of pension to George H. Woodward, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3219) granting an increase of pension to Joseph M. Allison, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11654) granting a pension to Emma A. Smith;

A bill (H. R. 8687) granting a pension to William I. Lusch;

A bill (H. R. 10591) granting an increase of pension to Sarah A. Scott;

A bill (H. R. 12534) granting an increase of pension to Richard Reynolds;

A bill (H. R. 14989) granting an increase of pension to Arcatie E. Thompson; and

A bill (H. R. 15240) granting an increase of pension to James W. Fowler.

Mr. NELSON, from the Committee on the Judiciary, to whom was referred the amendment submitted by Mr. HEYBURN on March 6, 1906, proposing to fix the salary of the United States marshal for the district of Idaho at $4,000 per annum, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. HEYBURN on March 6, 1906, proposing to fix the compensation of the United States district attorney for the district of Idaho at $4,000 per annum, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. FLINT on the 10th instant, proposing to fix the compensation of the United States district attorney for the southern district of California at $4,500 per annum, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. FLINT on the 10th instant, proposing to fix the compensation of the United States marshal for the southern district of California at $4,000 per annum, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. KITTREDGE, from the Committee on the Judiciary, to whom was referred the bill (S. 4456) to amend section 10 of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also (for Mr. KNOX), from the Committee on the Judiciary, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5533) to appoint an additional judge for the southern district of New York; and

A bill (H. R. 9721) to amend section 5481 of the Revised Statutes of the United States.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4239) granting an increase of pension to Job Rice;

A bill (S. 5659) granting an increase of pension to William I. Brewer;

A bill (H. R. 8475) granting a pension to John F. Tathem; and

A bill (H. R. 12059) granting an increase of pension to Mildred W. Mitchell.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5658) granting an increase of pension to Nancy Pruit;

A bill (H. R. 11635) granting an increase of pension to Jeremiah Lunsford; and

A bill (S. 5343) granting an increase of pension to Ernest H. Wardwell.

Mr. DILLINGHAM, from the Committee on the Judiciary, to whom was referred the bill (H. R. 15910) to amend the act entitled "An act to regulate commutation for good conduct for United States prisoners," approved June 21, 1902, reported it without amendment, and submitted a report thereon.

JOHN B. LEE.

Mr. SCOTT. On behalf of the Senator from Colorado [Mr. PATTERSON], I report back from the Committee on Pensions the bill (S. 4760) granting an increase of pension to John B. Lee, with an amendment, and I submit a report thereon. I call the attention of the Senator from Missouri [Mr. WARNER] to the bill.

Mr. WARNER. Mr. President, this is a distressing case. Relief will have to be granted soon, if at all. Therefore I ask unanimous consent for the present consideration of the bill just reported by the Senator from West Virginia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was, in line 6, before the word "Company," to strike out "of" and insert "captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Lee, late captain Company D, Fourth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. McCUMBER introduced a bill (S. 5697) granting an increase of pension to George H. McLain; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5698) to regulate the practice of veterinary medicine in the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. PLATT introduced the following bills; which were sev-

erally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5699) granting an increase of pension to Adelaide D. Merritt; and

A bill (S. 5700) granting an increase of pension to Stacy B. Warford.

Mr. PLATT introduced a bill (S. 5701) to correct the military record of H. Clay Stewart; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (for Mr. DEPEW) introduced a bill (S. 5702) granting a pension to Anna C. Bingham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 5703) for the relief of the State of Kentucky; which was read twice by its title, and referred to the Committee on Claims.

Mr. WETMORE introduced a bill (S. 5704) granting an increase of pension to Ruth P. Pierce; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 5705) for the relief of Thomas F. Hastings; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOPKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5706) granting a pension to Ellen J. Propst (with an accompanying paper); and

A bill (S. 5707) granting an increase of pension to James E. Bates.

Mr. HEMENWAY introduced a bill (S. 5708) granting an increase of pension to Nathalia Boepple; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 5709) to correct the military record of Nicholas Dunfee; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5710) granting an increase of pension to Samuel M. Daughenbaugh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLARKE of Arkansas introduced a bill (S. 5711) granting pensions to certain officers and men of the Fourth Regiment of Arkansas Mounted Infantry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 5712) for the relief of the Walnut Grove Church, of Gibson County, Tenn.; and

A bill (S. 5713) for the relief of S. M. Gentry.

Mr. WARNER introduced a bill (S. 5714) for the relief of the trustees of the Christian Church of Savannah, Mo.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5715) granting a pension to Andrew J. Harlan;

A bill (S. 5716) granting an increase of pension to Lee W. Putnam;

A bill (S. 5717) granting an increase of pension to James C. Simmons;

A bill (S. 5718) granting an increase of pension to William D. Hoff;

A bill (S. 5719) granting an increase of pension to Thomas W. Shelton;

A bill (S. 5720) granting an increase of pension to Harrison Ferguson;

A bill (S. 5721) granting a pension to Jane Moore;

A bill (S. 5722) granting an increase of pension to James A. Warren;

A bill (S. 5723) granting an increase of pension to W. J. White;

A bill (S. 5724) granting an increase of pension to George C. Saul; and

A bill (S. 5725) granting an increase of pension to Alonzo S. Prather.

Mr. ALGER introduced a joint resolution (S. R. 47) granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan; which was read twice by its title, and referred to the Committee on Military Affairs.

REGULATION OF RAILROAD RATES.

Mr. HEYBURN. April 9 I introduced an amendment to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission. I desire to withdraw that amendment and to substitute for it another.

The VICE-PRESIDENT. The Senator from Idaho withdraws an amendment proposed by him April 9, and offers a substitute therefor. The substitute will be printed and lie on the table.

AMENDMENT TO APPROPRIATION BILLS.

Mr. HOPKINS submitted an amendment proposing to appropriate $16,750 for alterations and repairs in the library room and the court room of the circuit court of appeals, seventh circuit, at Chicago, Ill., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. NEWLANDS submitted an amendment, proposing to appropriate $15,000 to enable the Secretary of Agriculture to conduct experiments to ascertain what crops can be most profitably grown, etc., intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

REGULATION OF IMMIGRATION.

Mr. SIMMONS submitted an amendment, intended to be proposed by him to the bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903; which was ordered to lie on the table and be printed.

PROPOSED INVESTIGATION OF NATIONAL BANKS.

Mr. TILLMAN. I send to the desk a resolution, for which I ask immediate consideration.

The resolution was read, as follows:

Resolved, That the Committee on Finance be directed to inquire whether or not the national banks have made contributions in aid of political committees, and if so, to what extent, and why the facts have not been discovered by the Comptroller of the Currency; and whether or not such contributions have been embezzlements, abstractions, or willful misapplications of the funds of the banks which call for restitutions and criminal prosecutions. Said committee is also directed to inquire whether or not the national banks of Chicago have recently engaged in transactions beyond their lawful powers in connection with the recent failure of a bank in that city, and whether such failure involved illegalities and crimes; and also to inquire whether the national banks in Ohio have been in the habit of paying large sums of money in a secret and illicit manner to the county treasurers of Ohio as a compensation to said treasurers for making deposits of public money with such banks; and to report the facts to the Senate, and the opinion of the committee whether any legal proceedings should be instituted on account of the transactions disclosed, and whether the public interest requires any amendments of the existing national banking laws.

Mr. ALDRICH. Let the resolution go over until to-morrow.

The VICE-PRESIDENT. Under objection, the resolution will lie over.

FIVE CIVILIZED TRIBES.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES,
April 16, 1906.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H. R. 5976, "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," the Clerk be directed to restore to the bill the part proposed to be stricken out in the amendment of the Senate No. 26 and to insert the following: On page 9, line 3, after the word "retaining," the words "tribal educational officers, subject to dismissal by the Secretary of the Interior," and restore to the bill the part proposed to be stricken out in the amendment of the Senate No. 27, and to insert in said amendment the following: On page 11, line 8, after the word "five," the words "and all such taxes levied and collected after the 31st day of December, 1905, shall be refunded."

After the word "shall," on page 11, line 16, insert "willfully and fraudulently."

After the word "punished," on page 11, line 21, insert "by a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment.

In lieu of the matter proposed to be stricken out in the amendment of the Senate No. 41 insert in lieu thereof the following: "The Secretary of the Interior shall take possession of all buildings now or heretofore used for governmental, school, and other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe, and deposit the proceeds, less expenses incident to the appraisement and sale, in the Treasury of the United States to the credit of the respective tribes: *Provided*,"

Mr. GALLINGER. I think the resolution had better go over. I shall want to examine the bill in connection with the proposed resolution.

The VICE-PRESIDENT. The concurrent resolution will lie upon the table.

JAMES W. JONES.

Mr. HEYBURN obtained the floor.

Mr. GALLINGER. The Senator from Idaho yields to me for the purpose of saying that I objected on Friday last to the

consideration of the bill (H. R. 6982) for the relief of James W. Jones. The bill was read. I withdraw my objection and trust the bill may be passed.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It proposes to pay to James W. Jones $513.71. Said James W. Jones, a clerk of class 1 in the office of the Auditor for the Post-Office Department, was, on February 25, 1898, erroneously arrested and summarily dismissed on February 26, 1898.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGULATION OF RAILROAD RATES.

Mr. HEYBURN. I ask that the railroad rate bill be laid before the Senate.

The VICE-PRESIDENT. The Senator from Idaho asks that the unfinished business be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. HEYBURN. Mr. President, on a former occasion I suggested that a phase of the bill under consideration which I deemed very important has not as yet received that attention which it seemed to me should be given to it, and that is the right of the shipper or producer. I desire to premise my remarks by a statement of the principles which I think underlie it.

The right of the producer and shipper to share in the services of the common carrier is property as much as the right of the common carrier to charge for such services. The principle of just and reasonable compensation for such service applies to both alike. The question of just and reasonable regulations and conditions of transportation apply to each alike. If one is under the protection of the provisions of the Constitution of the United States, the other is equally so.

With that statement of what I deem to be incontrovertible truths I should like to review the proposed legislation for the purpose of determining whether or not it meets the requirements of those principles. I propose to-day to waive the question as to constitutional limitation. The principles that I have suggested are as true and as applicable under one interpretation of the powers and limitation of the Government in any of its branches as under the other. It resolves itself down to a question at this time not of what we may do, because it will be admitted by all parties to this controversy that we may do what I propose to do by this amendment, so that the question confronting us is not the limiting of our powers, but the extent to which we will exercise them. There is a vast margin within which Congress may legislate without infringing upon the constitution or the rights of the people.

Mr. President, I would call attention at this period to the fact that I have had a reprint of my amendment, and it is with the clerks and can be had of them. The amendment as I originally offered it covered some things that I do not desire to cover by it, and was not drawn with that fullness as to detail which I now desire. I have therefore had it reprinted, and it may now be had by any Senator who desires to have it before him.

I shall first analyze this amendment and present it in detail to the Senate, and I shall then take up the several amendments that have been offered as to the provision concerning the right of repeal for the purpose of inquiring whether or not they go far enough to accomplish the purpose which I have stated on behalf of the complaining party—that is, the protection of the rights of the producer and shipper.

First, the amendment provides that—

Whenever any party shall have made complaint in the manner herein provided to the Interstate Commerce Commission against any common carrier charging such common carrier with charging or demanding of such complaining party an unjust, unreasonable, discriminatory, preferential, or prejudicial rate, or establishing any unjust or unreasonable charge or practice, for or in connection with the transportation of any proper subject of interstate commerce, which such complaining party has offered or may offer or may desire to offer, for transportation by the said common carrier, and the said Interstate Commerce Commission shall make and enter a decision against the claim made by such complaining party in regard to the matter complained of or against such common carrier, then such complaining party or such common carrier may cause the decision of said Commission to be reviewed by the United States circuit court sitting in the district in which the said cause of complaint has arisen, together with all the proceedings had before such Interstate Commerce Commission, relative to the said complaint, which decisions and proceedings, upon the demand of the complaining party, or such common carrier, shall be duly certified by the Interstate Commerce Commission to the United States circuit court aforesaid for review therein—

Just the proceedings that were had before the Commission may be certified to the United States circuit court upon the application of either the complaining party or the party against whom the complaint was laid—

and said proceedings, so certified, shall constitute the record to be reviewed, considered, and passed upon by the said circuit court, and a certified copy of such decision and record, together with a notice in writing of the intention to cause such proceedings to be reviewed in said circuit court, shall be served upon said Commission and upon the common carrier against whom such complaint shall have been made, or upon such complainant, as the case may be, within thirty days from the making of the order to be reviewed—

That constitutes the subject upon which the review rests. Then—

Such service may be made by any person of lawful age acting for the party seeking the review and may be made upon any member of the Interstate Commerce Commission and upon any officer, agent, or attorney of said common carrier when such common carrier is a corporation, or upon any common carrier a party to such proceedings or the attorney of such common carrier or upon such complainant—

That is the equivalent of a summons or a subpœna that brings the parties before the court—

That the circuit courts of the United States shall have and exercise jurisdiction to review any final decision of the Interstate Commerce Commission establishing rates or conditions regulating interstate commerce under the provisions of this act—

That gives the court the jurisdiction, and we are thus relieved of the question as to whether or not, and to what extent, they have jurisdiction in the absence of any specific provision in the legislative enactment or under the Constitution—

The jurisdiction of said circuit courts to review such proceedings shall attach upon the filing therein of a certified copy of the proceedings had before the Interstate Commerce Commission, together with affidavit of service of said certified record of the proceedings had before the Commission and of the notice of intention to review said decision in said circuit court as in this section provided, which said certified proceedings shall constitute all the record upon which said review may be had—

It will be observed there that this differs from several of the amendments which have been offered in that it limits the record upon which the circuit court shall determine the controverted questions on a review of the proceedings of law and fact had before the Interstate Commerce Commission, and it puts the Interstate Commerce Commission in the position of a master in chancery appointed to hear and report the law and the facts of a case—

And upon the filing of such certified records, with notice of the service of the same as above provided, the jurisdiction of said circuit court shall fully attach for the purpose of determining all questions of law and fact presented by said record—

Limiting the consideration by the circuit court to the record which is made by the Interstate Commerce Commission—

and the court is empowered and authorized upon such review, in the event that it shall find upon the record that the rate complained of is either unjust, unreasonable, discriminatory, preferential, or prejudicial, or that the charge or practice complained of is unjust or unreasonable, to fix and determine such a rate—

That is, the circuit court shall fix the rate or practice on review of the Commission's decision—

or practice as in its judgment shall be just, reasonable, and not discriminatory, preferential, or prejudicial—

That is what the court said that they did not have the power to do under the existing law. This provision gives them the power to do what they said they would do had they the power—

and shall by such order—

That is, the court shall—

and shall by such order and the execution thereof prevent any unjust or unreasonable practice in connection with such transportation, and shall enter its judgment therein according to the law and the premises—

Having before it the record made before the Commission and nothing else—no trial de novo; nothing added to that record except the papers necessary to bring the case up for review—they may declare upon that record whether or not the rate fixed is just and reasonable, and so forth; and, if it is not, they may declare a just and reasonable rate. We can either give them that power or we might as well dismiss this proposed legislation from our minds. If we can not give to the court that power upon review, then all of this argument, all of the discussion of this question, has been to no purpose. The only alternative would be for the courts to send it back and back again to the Commission for further action on their part. We must give the court that reviews the action of the Interstate Commerce Commission this power or the legislation will accomplish no purpose.

Mr. NELSON. Mr. President, may I ask the Senator from Idaho a question?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. NELSON. Can the United States circuit court review such a case as the Senator refers to, except by an original action commenced in that court?

Mr. HEYBURN. The United States circuit court may take jurisdiction in such manner as we prescribe in this amendment, and it may apply its judicial power to the determination of any matter thus brought before it or within its jurisdiction. We have a number of precedents for this class of review, one of which is afforded in the text of the present interstate-commerce law—that is to say, to provide for the review of a record made by an executive body by legislative action of Congress and say that jurisdiction shall attach upon the filing of the record of the legislative body. It is not an appeal. There could be no appeal from a legislative or executive body to a court. But it authorizes the jurisdiction of the United States courts to take hold of a controversy which has been prepared for final determination before an executive board.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. If I understand this amendment which the Senator from Idaho has proposed to the bill, he proposes to authorize the courts on review, at the instance of a shipper dissatisfied with the orders of the Commission, to ascertain and determine what is a reasonable rate or order to be made in the matter in question. Is that correct?

Mr. HEYBURN. Yes. I propose to authorize them to do so in the process of reviewing the action taken by the administrative board.

Mr. FULTON. It seems to me—I have only looked over the amendment hurriedly—that the inquiry for that purpose is confined to a review on an appeal or application of the shipper, is it not?

Mr. HEYBURN. No; it is not. Has the Senator a copy of the reprint of the bill?

Mr. FULTON. Yes.

Mr. HEYBURN. The Senator will find that the parties have exactly equal rights in regard to every step of the proceedings in connection with the determination of what is just and fair compensation or any other controverted question.

Mr. FULTON. Do I understand the Senator correctly that on a review initiated by either party, the carrier or the shipper, he proposes to require the court, if it hears the appeal from the Commission, to ascertain and determine and pronounce what is a reasonable rate or regulation in that case?

Mr. HEYBURN. I do. I propose to allow the courts to protect both parties under the provisions of the fifth amendment of the Constitution of the United States. But I do not intend to enter into any further analysis of what may be done under that fifth amendment than may be necessary to apply the provisions in my amendment to the principle of law involved in it.

Mr. FULTON. I only asked the Senator the question in order that I might be certain that my understanding of his amendment is correct. I wish to say that I am heartily in favor of that feature of the amendment. I myself believe that when an appeal is taken from an order of the board, and the court annuls the order made by the Commission either fixing the rate or establishing a practice, the court should be required to go further and say what is a reasonable rate or a proper practice.

Mr. HEYBURN. And my amendment so provides. Then, as to the manner of its execution——

Mr. BACON. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. BACON. If I understand the suggestion of the Senator from Oregon [Mr. FULTON], it is to the effect that the amendment of the Senator from Idaho [Mr. HEYBURN] proposes that the court in reviewing the action of the Commission, if it shall find that action to have been unsatisfactory or invalid for any of the reasons mentioned, shall not only set that aside, but that it shall go further and fix the rate. Is that correct?

Mr. HEYBURN. That is correct.

Mr. BACON. Now, I want to ask the Senator a question somewhat of a constitutional character, not for the purpose of controversy, but for the purpose of getting the Senator's view. Of course the Senator will recognize the fact that when the Commission fixes the rate it will be doing so in the exercise of its delegated power; in other words, the original power to make a rate is in Congress, and Congress delegates that to the Commission. I presume the Senator agrees with me to that extent. Predicated upon that, I desire to ask the Senator this question: Suppose, instead of delegating the power to fix the rate, Congress should itself fix the rate; could Congress go further and say that the court should have the right to review that rate and say whether or not Congress had fixed it properly?

Mr. HEYBURN. That depends, Mr. President, on whether or not the provision of the act of Congress includes a rule by which the rate can be fixed by a commission.

Mr. BACON. The Senator does not understand me.

Mr. HEYBURN. We are not proposing, if I may complete my suggestion, to give the Interstate Commerce Commission a free hand in the fixing of rates. We propose that they shall fix such rates as shall be just and reasonable; and it is recognized doctrine that the meaning of those terms can be determined only by the court. So that we can not possibly divorce the proceeding under the "just and reasonable" clause from the power which we give the Interstate Commerce Commission to fix the rate.

Mr. BACON. The Senator, I fear, did not catch my exact meaning, and, therefore, with his permission, I will repeat my question in a somewhat different form. In the absence of delegation, suppose that the Congress should assume, what we all recognize to be within its power, to itself fix a rate, could we constitutionally attach to and as a part of the act fixing the rate a provision that the court should have the power to review the action of Congress in fixing the rate; and if it is found to be not valid for any reason specified in this amendment, that it should set that rate aside and itself fix the rate? Could we delegate to the court the power to review that action of Congress?

Mr. HEYBURN. I do not regard it as necessary to consider the question of whether we could delegate the power to the court or not, because the principle of delegation is not involved. If Congress should itself fix the rate, and that action by Congress should be in violation of property rights protected by the organic law of the land, the court could say that Congress had fixed a rate that amounted to a violation of individual or property rights. We can give to the Supreme Court or to any other court the power, if we see fit, to suggest to us a rate that would not do so by judicially interpreting the meaning of "just and reasonable." Otherwise what did the Supreme Court mean when it said that "While this question is before us Congress might have given the power, but Congress has not given it. All we can do, therefore, is to say that the rate is not itself illegal; we can reverse the action of the Interstate Commerce Commission; and there our power stops." What did the Supreme Court mean by that?

Mr. BACON. The Senator need not argue that proposition, because so far as it recognizes the power of courts to set aside legislation violating property rights nobody would differ with him about it.

Mr. HEYBURN. It seems to me——

Mr. BACON. If the Senator will permit me to interrupt him—I do not wish to do so unless it be agreeable to him——

Mr. HEYBURN. I do not object to being interrupted.

Mr. BACON. The Senator interjects a statement right in the midst of my statement; and if he will pardon me, in order that I may set myself right——

Mr. FULTON. Will the Senator from Georgia allow me a moment?

Mr. BACON. I hope the Senator will permit me to make my suggestion.

Mr. FULTON. It is right in connection with the question he is going to ask, if I understand the Senator.

Mr. BACON. I am asking a question, and I hope the Senator will permit me to finish it.

Mr. FULTON. Certainly.

Mr. BACON. Nobody will for a moment take issue with the Senator in what he says, that, if Congress should pass an act which was unconstitutional, the court would so determine; but what I desire to ask the Senator is this: If Congress should fix a rate—leaving the Interstate Commerce Commission out of the question—if Congress should fix a rate, could we say in the act fixing that rate that, if there was anything in it which the parties found to be "unjust, unreasonable, discriminatory, preferential, or prejudicial," the court should have the power to revise that and change it and fix a rate which would not be open to those objections?

Mr. HEYBURN. Yes; unqualifiedly so. We have done that in many instances.

Mr. BACON. I am asking about the Senator's amendment.

Mr. HEYBURN. I will answer the suggestion of the Senator.

Mr. BACON. I am quoting the language of the Senator's amendment.

Mr. HEYBURN. I have been quoting the language of the amendment. We have done that——

Mr. FULTON. Mr. President——

Mr. HEYBURN. The Senator will pardon me for just a moment.

Mr. FULTON. Will the Senator from Georgia answer a question?

Mr. HEYBURN. I should like to answer the question which the Senator propounded to me.

Mr. FULTON. It is right in connection with that.

Mr. HEYBURN. Then, I will answer both together.

Mr. FULTON. That is what I want.

Mr. HEYBURN. All right.

Mr. FULTON. What I want to ask the Senator from Georgia is this: If there is any difference in the exercise of the power on the part of Congress, whether it fixes the rate itself or commits it to a commission under proper instructions; in other words, when it directs the Commission to fix the rate, is not that the action of Congress, and if not, is it not a void act?

Mr. HEYBURN. The answer to both of those questions is just this: Congress has from the beginning been doing just what it is proposed to do by this amendment. The land laws of the United States lay down a general principle. They leave the execution and administration of the law to a Department of the Government, and provide that it shall be done under such rules and regulations as, in the judgment of the Department or the officer of the Department, will accomplish the ultimate purpose that Congress had in enacting the law. That is one instance. In the case of the location of a mining claim, the law says that the claim shall be so distinctly marked upon the ground that its boundaries can be readily traced; and the courts are left to say whether or not the parties have complied with it.

Here we say to a department of the Government, corresponding in many ways to the Land Department: "Within certain lines and within certain general limitations you may determine these questions of fact." They are questions of fact that the department is to determine—whether or not certain conditions stated constitute a violation of what is right or reasonable or just, just as the other department is delegated with authority to say whether or not certain conditions upon the ground constitute the carving out of an estate that may be of vast value or of none; for we propose that Congress shall by this legislation delegate to the Interstate Commerce Commission the power to take up the facts that are presented in the petition of the complaining party, sift them, apply the law to them, and determine whether or not, in the judgment of the Commission, the acts complained of are in accord with or in violation of the law, and render its decision, which is equivalent to a judgment. That is what we propose they shall do. They say that the lawful rate or the reasonable rate or the just rate is $2 a ton, and that is based upon the facts before them. They have no jurisdiction to determine until after the statement of the facts is before them. Those facts being before the Commission, upon such facts they draw a deduction as to the right and the wrong—that is the right of the party. Can we authorize the court to review it? The courts have been reviewing that class of controversy every day since this Government was founded, and it is one of the most constant sources of the courts' jurisdiction.

Mr. President, I am not troubled about the power of Congress to authorize the United States circuit court to review the law or the facts, or the facts and the law, because the law flows from the facts. As proposed by my amendment, in these cases a complaining party, dissatisfied with the rate or with the conditions surrounding him, states the facts and not the law or the conclusions to be drawn from them; he states the facts to the Interstate Commerce Commission, and that Commission, taking those facts and applying the law as it understands it, says, "You are right," or thus and so. They are authorized through the machinery of the court to enforce their decisions. Can there be any doubt about the power to do that?

Let us see what the amendment which I propose provides in regard to the manner of the exercise of that power. I last referred to the provision at the bottom of page 3 of the amendment, that the court should review the question of whether or not these rates were discriminatory, etc.—

And shall by such order and the execution thereof—

That is, the United States circuit court shall—

prevent any unjust or unreasonable practice in connection with such transportation, and shall enter its judgment therein according to the law and the premises.

Mr. McCUMBER. May I interrupt the Senator to ask a question?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. Certainly.

Mr. McCUMBER. I desire to ask the Senator what does he mean by the words "such transportation?" Does he mean the particular transportation that is involved in the particular case that is complained of?

Mr. HEYBURN. Yes.

Mr. McCUMBER. Let me ask the Senator—for I am in sympathy with the appeal by the shipper as well as by the common carrier from every decision—whether or not the Senator contends that the court can be compelled to determine, not only whether this rate is unreasonable and unjust, but also can be compelled to determine what is an unjust and an unreasonable rate—that is, that Congress has the power to say to the court, "You shall not only determine the specific question whether it is unjust or unreasonable, but shall lay down a rule of what shall constitute an unreasonable and an unjust rate?"

Mr. HEYBURN. Is that the Senator's point?

Mr. McCUMBER. Yes.

Mr. HEYBURN. Congress could not, if it would, provide that a judgment might be rendered against any party that was not in court; and I have taken especial care in this amendment to limit the application of those words on the first page of the amendment—I call the Senator's attention to it—"when such complaining party has offered, or may offer, or may desire to offer for transportation by said common carrier any proper subject of interstate commerce." That limitation runs all through the amendment. I have not thought for a moment that a court could lay down a rule that would be binding upon a party not before it; but I do believe, as a matter of practice, when the court makes a rule people will acquiesce in it, because they would know that it would be entirely futile and a source of expense to them to take up a case resting upon a principle that had already been determined by the court to again hear it. They could only possibly be induced to do it for the purpose of harassing some one, and they would get very tired of that by the time the court applied the rule that governs frivolous appeals.

Mr. McCUMBER. The real question that I wanted information upon was whether the Senator's contention was that in a case where the rate, we will say, is 5 cents a hundred for shipment between points, and the court may determine that that 5 cents per hundred is unreasonable, has Congress any power to compel the court to say that 3 or 3½ cents would be reasonable, and compel it to render a decision of that kind and incorporate it as a part of its decision, and then to enforce a rule or order in that particular case that the common carrier should only charge 3 or 3½ cents if it should find that to be the limit of a reasonable charge?

Mr. HEYBURN. I should say that I do not exactly agree with the Senator as to the use of the term we may "compel" a court to do a thing. A court might stubbornly refuse to do anything in any case. The court will not probably refuse in these cases to do what Congress has legislated they may do. It is not to be presumed that they would refuse to do it if we provide as a part of this scheme of legislation that it shall be the duty of the court—not that the court may do it, but that it shall be the duty of the court—upon the record before it to determine these things. It only remains a question as to whether or not we have the power to do it; and that I have already passed. I do not think there is any objection to the effect that we have no power to do it. As I say, we have been doing it, and the statutes are full of instances in which we give the court just such duties to perform.

But, Mr. President, my amendment continues, and here comes in the manner of exercising the power—

and the hearing and consideration of such cases by the said circuit court shall be without any avoidable delay and such cases shall have priority in hearing and determination over all other cases except criminal cases.

That is the usual, useful, and necessary provision in this class of cases, because it relieves the court of embarrassment. When these cases are on the calendar the court may simply say, "Under the statute by which we take jurisdiction in this case it is entitled to a preference over all other controversies except criminal cases."

That the said circuit court shall have power to execute its orders and decrees and to make, issue, and enforce all necessary interlocutory orders and writs for the preservation of the rights of the parties litigant pending the hearing and determination of the review of the proceedings of the Interstate Commerce Commission.

Mark you, it "shall have power to execute its orders and decrees and to make, issue, and enforce" them. We do not say that they shall issue any writ; we do not say that they shall not. We say we commit to the chancellor of the court, the man whose judgment is the exercise of a conscience not bounded by the rules or precepts or limitations surrounding statutory rights and remedies; but a court, whether it be the same man or another, who acts only on conscience under his oath; and we know that in the record of the jurisprudence of this country, of our mother country, and of the civilization of the world it has been very seldom indeed that in the last analysis we have been justified in criticising the acts of the great chancellors in whom we have rested our faith. So this leaves it to them. I do not

believe that any conscientious chancellor will stay a proceeding except upon good cause shown. Now, mark you:

Provided, That no order or writ shall be made suspending the operation of the order under review, except upon the party asking for such order giving an indemnity bond in such sum as the court or judge thereof may direct, or depositing the amount of such indemnity with the court, subject to its order.

That is the general provision. The courts do not grant injunctions, except under the rarest circumstances, without requiring indemnity that would be adequate to meet any possible loss. Then:

And the liability under such indemnity bond or deposit shall cover the costs of the hearing before the Interstate Commerce Commission and the review thereof by the circuit or Supreme Court, together with the amount of money involved in the controversy to be reviewed—

Making it absolute—

and a reasonable attorney fee to be fixed by the court.

I did not have that clause in this amendment when I first drew it. I had some doubt about the justice of including the attorney's fee in this class of cases; but, upon reviewing the bill before us and the amendments, I found that it seemed to be generally accepted that we should include an attorney's fee. I have no particular objection to it, because I think the court would always keep it within reasonable bounds.

And no stay of the order of the Interstate Commerce Commission shall be allowed under any order or writ made or issued by the circuit court for a period of more than sixty days, at the expiration of which time, should the parties seeking to have the proceedings of the Interstate Commerce Commission reviewed desire a further stay, they must show to the said court or judge thereof that they have been and are exercising due diligence in the preparation and prosecution of the action, and that injustice would result from the refusal to grant such extension of time.

That is for protection against delay. If they make a showing in the first place upon which the chancellor will stay the proceeding, within sixty days, or at the end of sixty days, that stay falls, unless they come before the court and show—as they ought to be compelled to do, especially in mining litigation—they come before the court and show a reasonable excuse why their case has not come to a final consideration. Any chancellor, inspired with a sense of equity and justice, would say upon a proper showing, "Your stay will be extended for thirty days or sixty days," as the case may be, leaving it always within the power of the chancellor, where there is an evident purpose of delay, to compel the parties to come to a speedy determination.

I am endeavoring by this amendment to provide a remedy and such a method for the application and enforcement of the remedy as will be in harmony with the recognized system of chancery practice in the United States courts—an application of the present rules of procedure to this case after the court has jurisdiction of it.

Mr. President, I did not intend and I do not now intend to read all of this amendment, but I desire to go over it in this way in order to impress upon the minds of the Senate its provisions and the necessity therefor that occurred to my mind for presenting them. I did not draw this amendment simply to draw an amendment to this bill, but to give such aid as is due from every member of this body to the end that we may frame a law that will be in accord with our powers and our duties.

The amendment then provides—

That the circuit court having jurisdiction of the cause shall at all times be open for any purpose or proceeding.

Then I make the usual provision that it shall be open without regard to term time. Such a provision is necessary because the time within which the case may be reviewed is so short that if it were not that the courts were deemed always open, it would be impossible to comply with the ordinary rules of practice of the court.

That the decisions of the United States circuit courts upon a review of any of the proceedings of the Interstate Commerce Commission as aforesaid, or of any matter pertaining thereto, shall be final, except that whenever it shall be made to appear by verified petition to the Supreme Court of the United States or to a justice thereof, accompanied by a certified copy of the record upon which the final judgment of the circuit court is based, that any of the rights of the contesting parties under the Constitution of the United States have been violated by a denial of such rights of the parties to such controversy by the order, judgment, or decree under review, then and in that case the Supreme Court or a justice thereof may, by appropriate order or writ, cause the record of the proceedings of the said circuit court to be certified to the Supreme Court of the United States for review thereby—

Taking them up by the ordinary process of certiorari or a writ the equivalent of it, and taking up to that court only the question involving the rights of the parties under the Constitution to their property and their personal enjoyment thereof.

In the circuit court it is provided by this amendment that the court may review both law and fact and determine the question as though it came before it upon the report of a master in chancery. But in reviewing the action of the circuit court it is not necessary that these cases should be thrown into the Supreme Court of the United States at the whim of either party for a determination of the facts, or for any further purpose than that the fundamental rights of the parties to the controversy may be considered in their relation to the constitutional rights of property and person.

Now, Mr. President, the amendment goes on to provide that—

The Supreme Court shall have the power to make such orders and issue such writs as in its judgment are appropriate and necessary to protect the rights of the parties litigant pending the hearing and determination of the cause to the same extent as is herein provided in this behalf during the pendency of the review of such cause in the circuit court.

In other words, it gives the United States Supreme Court the power to continue in force protective orders at its discretion. It obviates the consideration of the question whether they have that right regardless of the statute or can have it only by statute. I can accept every word that was said by the Senator from Texas [Mr. BAILEY] as to their not having it except we give it to them. I can with good conscience stand here and urge upon the Senate our duty to give it to them. He admits we have the power to give them this right of review, and denies to them the power unless we give it to them; and I propose that we give them the power and leave no doubt about that question, but give it to them with the limitation as to the exercise of the jurisdiction.

The amendment contains further provisions with respect to the proceedings for the review of the judgment of the circuit court by the Supreme Court. It has now become a decree, or a judgment in the circuit court. It may be a judgment for money, and that the circuit court will give the parties the right of trial by jury. The existing law is sufficient to regulate that matter. The amendment deals with the appeal from the circuit court as with any other appeal. It denominates the review of the action of the board as a "review." We may create new writs in Congress. Congress, while recognizing the writs known at the common law and in chancery practice, may provide for the institution of new methods of review. We did it in the act of 1891, creating the circuit courts of appeals, where we provided an entirely new and distinctive method of transferring a cause from one court to another for the purpose of review, and it is within our power, beyond a question, to authorize the transfer of the controversy, after a decision, from the Interstate Commerce Commission to the circuit court. But after that, in proceeding from one court to another, there is no embarrassment. It is by appeal with all the attributes of an established method.

This amendment further provides that—

The proceedings for the review of the judgment of the circuit court by the Supreme Court, whether by appeal or otherwise.

It might be by certiorari; a question of jurisdiction might be raised, and it might be by writ of error, where the judgment of the circuit court was for damages; and, as I have already said, the circuit court might award a jury trial where the question came within the common-law jurisdiction of the circuit court.

The amendment provides—

That the proceedings for the review of the judgment of the circuit court by the Supreme Court, whether by appeal or otherwise, shall be commenced therein by filing a certified transcript of the record, proceedings, and judgment or decree had in the circuit court in said cause with the clerk of the Supreme Court of the United States—

That is the usual way. It would not have been necessary to provide herein for it, except that it fills out and harmonizes a method of procedure that was intended to be complete in this amendment—

within thirty days—

That is time enough. The record is made up, and in this age of duplicating records by typewriting and other processes it is not necessary to provide for those long intervals between the trial of a case and the making up of the record that it formerly was. So I have thought here that thirty days was a sufficient lapse of time between the decision of the Commission and the presenting of the record to the Supreme Court—

within thirty days after the entry of such judgment by the said circuit court, and that thereafter the consideration by the Supreme Court of the United States of such causes shall have priority in hearing and determination over all other causes, except criminal causes, but the pendency of such review or appeal in the Supreme Court of the United States shall not vacate or suspend the order appealed from, except in the manner or under the conditions as hereinbefore provided in the case of the proceedings in the circuit court to review the order of the Interstate Commerce Commission.

That is to say, sixty days is the limit of supersedeas except upon a showing of necessity that would appeal to the court for further time.

That any order made by the Interstate Commerce Commission fixing or regulating interstate traffic rates, or any matters pertaining thereto

under the authority vested in said Commission by law, shall be in force from time of the making of such order by the said Commission, and shall only be suspended in the manner hereinbefore provided.

A judgment is in force from the time of docketing it. Why should not these orders be in force? Who is benefited by this delay of thirty days, postponing the effect of an order thirty days, when you give the direct and prompt right of review, and they can take advantage of this right of review should they see fit to do so within twenty-four hours after the decision? I have known reports of masters in chancery to be before the court on the day they were made. Why do we need a lapse of thirty days between the decision of the Interstate Commerce Commission and the time when the order shall go into effect?

That any order made * * * shall be in force from time of the making of such order by the said Commission, and shall only be suspended in the manner hereinbefore provided.

That is all there is of this amendment, and I submit to the Senate that it constitutes a complete provision and method of procedure for the review of the action of the Interstate Commerce Commission which is in accord with the present practice of United States courts, and violates no rule of those courts and no statute governing the right of review of any court.

Mr. President, so much for that amendment which I commend to the Senate for its consideration. It is in behalf of the people at whose original demand the interstate-commerce bill was passed. The railroads did not demand the passage of an interstate-commerce bill in 1887 or at any time. It was the producers and the shippers of the country who demanded it. One might think from much that we read and some that we hear that this is a question of seeing how much we may encroach upon the rights of the common carrier as between the Commission and the carrier. The Commission is merely a board of arbitration. We could not, should we deem it desirable to do so, invest it with any greater powers than those belonging to a board of arbitration. It is merely, and should be, a convenience for the purpose of enabling the complainant to reach into a court.

Of course if both parties were satisfied with the decision of the arbitrator, there would be no occasion for going into court, but generally they are not. More than half of the cases decided in the last five years by the Interstate Commerce Commission were decided against the complainants. More than half of the formal complaints that were submitted to the Interstate Commerce Commission, upon which testimony was taken and hearings had, were decided against the producer, who sometimes is the shipper and sometimes is not the shipper. But for convenience of expression I speak of him as the shipper. Was he never right? Can it be possible that in so large a proportion of the controversies submitted by complaint to that body the shipper was never right? Does the record establish the infallibility of the judgment of the Interstate Commerce Commission to the extent that we can believe that those complaints were turned down because they had no merit? Out of twenty-seven cases that have been appealed from the Commission the Commission has been turned down twenty times. It was right seven times out of twenty-seven.

Now I say that without any disrespect personally to the Board. I say it because it is a fact which ought to be taken into consideration in determining the weight and the conclusiveness which we will attach to the decisions of the Commission in weighing the rights of those who make complaints before it. It is not a question of protecting either the Commission or the common carrier alone. They should both be protected within the limits of fairness and reason. But the primary object of the interstate-commerce legislation was to protect the very party who was left out of the interstate-commerce bill. He has been treated with suspicion from the very beginning. Section 9 of the existing law contains the provision that if the complainant elects to submit his case to the Interstate Commerce Commission, he does it at the jeopardy of waiving his rights under the common law to recover damages to the extent of his losses. Was ever such a provision incorporated in a bill that claimed to have been enacted for the protection of the shipper? Pass a law, ostensibly granting him some right to protection, and then say, "You can have this, but only in case you are willing to throw yourself with perfect faith and trust into the arms of the Commission for the ultimate decision of your rights," and then waive a right that was more valuable to him before the enactment of any law than any right that the law pretends to give him—the right to sue in the courts of the State or of the United States to recover back any sums that had been unjustly collected from him by the transportation company.

Common carriers have been recognized since the beginning of written and unwritten history as necessary to every community. I have wondered sometimes, as I sat here and listened to the discussion of this question, whether Senators realized that in parts of our country for many months—I might say for periods covering years—our common carriers were dog trains and pack animals. The first year I was in the Coeur d'Alene country much of the produce—and it was not trifling in amount—came in on dog trains; in the winter time on sledges pulled by dogs; in the summer time on dogs' backs on little pack saddles. They were carriers; that was interstate commerce. They came from Trout Creek, Belknap, and Thompsons Falls, in Montana, and other points over the line into Idaho, and they carried hundreds and hundreds of tons of the stuff we needed in that country. Was not that interstate commerce—mule trains, dog trains, pack trains, that carried probably as much freight across the State line as is in some sections carried upon the railroad trains? The whole settlement of California and Oregon and Nevada and Washington and Idaho was based upon interstate commerce through the medium of wagon and pack trains.

Mr. President, the income per mile of the railroads from passenger traffic is almost twice what it is from freight traffic. The income of the railroads of the United States from passenger traffic will approximate $5,500 per car per mile, and from freight about $3,000. We are treating this question as though it was one entirely pertaining to the hauling of coal, iron, and commodities of that kind. It is a broader question.

Mr. President, I wish to call attention to an amendment that is germane to the one I have just been discussing, which I have offered to this bill. After line 19, on page 3, I propose to strike out the words "on substantially similar circumstances and conditions."

The discussion of this amendment is one upon which I desire to have the attention of the Senate, and I realize that in the hour in which I am speaking the Members of the Senate are necessarily not all in the Chamber. I would prefer to defer the discussion of this particular legal question until I can have the attention of the Senate. I do not desire to inconvenience Senators who are at their luncheon or absent because of necessity. I make the suggestion at this time——

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. TILLMAN. I suggest the absence of a quorum.

Mr. HEYBURN. I did not desire to have that suggested.

Mr. TILLMAN. The Senator from Idaho is talking on an important matter in which the Senators are interested and upon which they have to vote, and he has a right to have them here to listen to him.

The VICE-PRESIDENT. The Senator from South Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Clapp	Hopkins	Perkins
Allee	Clark, Wyo.	Kean	Piles
Ankeny	Clay	Kittredge	Rayner
Bacon	Culberson	McCreary	Scott
Berry	Cullom	McCumber	Spooner
Beveridge	Daniel	Martin	Sutherland
Blackburn	Dillingham	Money	Tillman
Brandegee	Dubois	Morgan	Warner
Bulkeley	Foraker	Nelson	Wetmore
Burnham	Frye	Newlands	
Burrows	Gallinger	Nixon	
Carter	Heyburn	Overman	

Mr. MORGAN. My colleague [Mr. PETTUS] is detained at home by sickness in his family, and is not able to attend the Senate.

The VICE-PRESIDENT. Forty-five Senators have answered to their names. A quorum is present.

Mr. HEYBURN. Mr. President, I desire to discuss for a few minutes an amendment which I offered on the 9th of April, providing a method for obtaining information indispensable to the determination of what constitutes just compensation or a fair and reasonable rate. The bill as introduced and as reported by the Senator from South Carolina contains a provision in general terms under which such information may be obtained. I desire to call the Senate's attention to the amendment which I have offered, to be inserted on page 3, after section 1, which provides:

That for the purpose of enabling the Interstate Commerce Commission to determine the basis upon which to ascertain what rates shall be just and reasonable the said commission shall require any common carrier against whom complaint shall be made under the provisions of this act to file with said Commission, at its office in the city of Washington, in the District of Columbia, a copy of its articles of incorporation, together with any amendments or supplemental articles adopted by it, duly certified by the secretary of state or officer corresponding thereto of the State, Territory, district, insular possession, or foreign country wherein such corporation shall have been incorporated, and shall also file in like manner a copy of any and all by-laws of such corporation duly certified by the president or vice-president thereof, and under the seal thereof, attested by the secretary of the corporation.

That at the time of filing the articles of incorporation and by-laws

of any corporation, as hereinbefore provided, and on or before June 30 in every succeeding year, the corporation so filing the same shall file with said Commission a statement verified by the oath of its president or vice-president, fully setting forth as follows:

First. The name of the corporation and the place and date of incorporation.

Second. The names, residence, and business or occupation of the officers of the corporation.

Third. The business in which the corporation is actually engaged, and in what States, Territories, districts, or insular possessions it is engaged in transacting such business.

Fourth. The cash value of the assets of the corporation and the nature and character of such assets.

Fifth. The amount of indebtedness of the corporation, and if such indebtedness is secured, in what manner.

Sixth. A statement in detail of all bonds and mortgages issued by and outstanding against said corporation, showing when said bonds were issued and when the same become due and the consideration received by the corporation for said bonds in property or money, and if in property, the nature and cash value of such property and where situated; and in case of mortgages, showing the date of such mortgages, the date of their maturity, the property covered thereby, and the cash value thereof.

Seventh. The amount of shares of stock or bonds owned or controlled by said corporation in any other corporation, and the proportion of the entire capital stock which such holding represents, both in the reporting corporation and the corporation whose shares it holds.

Eighth. The amount of assets and liabilities of any corporation in which such reporting corporation holds stock or bonds, giving the character of such assets and liabilities and of what such assets and liabilities consist.

Ninth. The number of shares of the capital stock of the corporation which have been actually issued, and the amount and value of the consideration actually received into the treasury of the corporation for such shares; where the payment was made in money, then the amount in money per share; where such payment was made in property, a description of such property as to location, character, and the cash value thereof.

Tenth. That no other stock of any character has been issued or is outstanding than that so reported.

Eleventh. That the corporation has issued no other bonds, mortgages, or other evidence of indebtedness than those stated in said report to have been issued.

Twelfth. The amount expended for extensions, construction, and improvements each year and where expended and the character thereof.

Thirteenth. The earning receipts from each branch of the business and from all sources, the operating and other expenses, balances of profit and loss, and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain information in relation to rates or regulations concerning freights or fares, or agreements or arrangements or contracts affecting the same, as the Commission may require—

That is in the bill as reported—

Such detailed report shall contain all the required statistics for a period of twelve months ending on the 30th day of June of each year, and shall be made under oath and filed with the Commission, at its office in Washington, on or before the 30th day of September, then next following, unless additional time may be granted in any case by the Commission; and if any carrier, person, or corporation subject to the provisions of this act shall fail to make and file such annual report within the time above specified or within the time extended by the Commission for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within thirty days from the time it is lawfully required so to do, such parties shall forfeit to the United States the sum of $100 for each and every day it shall be in default in respect thereto.

Then it provides for monthly reports as in the existing bill. I will say that the additional features provided for by this amendment require the officers to state, under oath, as to the exact amount of property and indebtedness, and the earnings thereon. If we are going to invest the Interstate Commerce Commission with the power and the duty of determining what shall constitute fair and reasonable rates, we have got to know upon what that calculation is to be based. We must know the investment of the railroad company; we must know the cost of operating it; we must know its indebtedness; we must know whether or not its stock represented the actual value of the road, and what relation the bonded indebtedness bears to the value of the road. We ought to know what it has returned for taxation, but the habit has so grown up almost universally in the United States of taxing property without regard to its value that that perhaps would afford no criterion.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. I wish to ask the Senator whether he has examined any of the reports made by the railroads under existing law? My impression is that the reports now made by the railroads of the country engaged in interstate commerce give all the data called for by this amendment.

Mr. HEYBURN. I will say to the Senator that I have spent some days and a part of some nights in examining those reports for the purpose of informing my own mind as to whether or not there was occasion or necessity for this amendment. I did so both before and after its introduction. I find that those reports come up to a certain point and stop right there, and the point at which they stop is the point at which their usefulness would begin. I would refer to the reports as they are in the volume containing the report of the Interstate Commerce Commission for 1904, which is a very large volume, and they cover about three-fourths of the book. There is not enough valuable information upon which the Commission could act to cover ten pages, and I will undertake to say that the Commission were of that opinion, and that in determining the questions which they had before them they had slight and infrequent cause to refer to that report.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. I ask the question for information; but my recollection is that the reports themselves made by the common carriers of the country are much fuller than the statistics given in the volume published by the Commission.

I will ask the Senator whether he has examined any of the reports of the leading companies? I have done so recently, and my recollection is, though I may be mistaken, that these reports cover fully all the data required here. I am entirely in sympathy with the purpose of the Senator in securing a basis for the action of the Commission, but it strikes me that so far as this statistical information is concerned, it is already within the reach of the Commission through these reports, and that what we require is in addition to that a physical valuation of all the property of the common carriers by experts under the direction of the Interstate Commerce Commission. Such a valuation having been ascertained within a period of one or two years, it would be very easy thereafter to add every year the additions made to the plant or the property of the various carriers, and to deduct therefrom such amounts as should properly be deducted for depreciation.

Mr. HEYBURN. Mr. President, one of the most marked instances in which the present manner of reporting is insufficient is in this, that it does not undertake to state the interest which one transportation company has in another. There is no more useful information to be furnished to the Interstate Commerce Commission.

Mr. NEWLANDS. Right here I will state that in the reports which I have examined I have found statistics of that kind. For instance, in the original report of the Baltimore and Ohio or the Pennsylvania Railroad or the New York Central, which I have examined, I find detailed information given by those reports regarding the holdings of those corporations in other companies. For instance, it appears in the report of the Baltimore and Ohio road that that company owns about thirty million dollars' worth of securities in the Reading, which is engaged not only in transportation, but in working coal mines. Then, with reference to the New York Central, I recall the fact that the report of that company gives its stocks and bonds in a number of companies, not only transportation companies, but producing companies. I also found in the reports of some of the subsidiary companies of the New York Central system, such as the Michigan Southern Railroad, a statement of the corporate holdings of that road both in transportation companies and in producing companies.

So I ask the Senator whether he has rested simply upon the statistics which are given in this published report or whether he has gone back to the original sources of information, the reports themselves.

Mr. HEYBURN. I ask the Senator if he refers to the documents that are on file in the pigeonholes of the Interstate Commerce Commission?

Mr. NEWLANDS. Yes.

Mr. HEYBURN. I have not gone to those documents, because under the law the Interstate Commerce Commission is required to publish these reports, and I have a right to assume that if they are not to be found in their annual publications they have no such reports. Now, I can not know, neither can any citizen of this country know, that the Interstate Commerce Commission in determining a controversy in which I may be interested, or may not, had that class of information except as we look at the observance of the law by that Commission.

Mr. NEWLANDS. If the Senator will pardon me, I did not expect the Interstate Commerce Commission in considering a case affecting a particular road to send for the original report. I think that the Senator will find that those reports are remarkably full. If there is any defect in them of course I should be very glad to see the defect pointed out and remedied; but my impression is that the original reports are very full.

As to the publication in this volume, I imagine that the statistician of the Commission in discharging his duty does it with a view to a remedy, and that it would be almost impossible, or, at all events, a very great elaboration, to publish all the data contained in these reports.

I am sure the Senator has a very valuable suggestion here, but I will suggest to him that before proceeding further upon

this amendment he look into the original reports and see whether or not they comply with the requirements of the amendment which he has prepared.

Mr. HEYBURN. It is not so important at this time to look into the manner in which these reports are being made as it is to consider the sufficiency of the existing law, or the wisdom of the proposed law upon this question. Some of these requirements are contained in existing law and in proposed legislation, but not in all of them, and it is merely an endeavor to complete and fill out the requirements of the statute, so that if the companies have been voluntarily doing that which they were not required to do, and the doing of those things is helpful or necessary, let us make it a statutory provision.

Now, Mr. President, there have been some queer things incorporated into the interstate-commerce law. I suppose that we are at liberty in this age to criticise a Congress as a Congress in the abstract of fifteen or twenty years ago. We will have to do it.

I find, and we all find, in the statutes upon this question evidence of compromise, and we know that there has been some great force at work there, either to prevent the legislation or to shape it to suit the selfish purposes of somebody.

In the present interstate-commerce act in section 4 I find one of these provisos, and we can picture in our own mind how they come about. When a great amount of persuasion is brought to bear upon the members probably in the last hours of the session or in the hour of doubt as to whether they can enact a law they say, "Oh, well, all right, we will put in a proviso."

Now, listen to this one. After enacting a wise provision, one that would have accomplished practically all that the people wanted, they laid it upon the alter of sacrifice in the proviso in section 4:

Provided, however, That upon application to the Commission appointed under the provisions of this act such common carrier may, in special cases, after investigation by the Commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property, and the Commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

The agitation for the enactment of the interstate-commerce law was based upon the very principles to which that exception applies. That was the subject of complaint, that the carriers were discriminating, showing favoritism, making preferred classes in cases and conditions. That was the cause of complaint. And yet after they had in the beginning of section 4 said that these carriers should not do the things complained of, for the sake of getting a bill through, a bill of some kind, of any kind, they inserted that proviso, which took the force and effect out of all of the enactment preceding it and allowed to be done the thing for which Congress in that hour was assembled to prevent. They had said in section 4:

That is shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance.

Now, that is where the law stood when the necessities of the occasion prompted them to accept the proviso I have just read, which took all the merit that was contained in the first part of section 4 out of it and left it equivalent to the declaration on the part of Congress that "we will turn you over to the mercy of the Interstate Commerce Commission without any bounds or limits or restrictions as to what you may be able to induce them to do."

That was the proposition in that statute. I have moved to strike out the words "under substantially similar circumstances and conditions" because they have been misused, misapplied; because the purpose the people expressed in the selection of a Congress to relieve them from their difficulties was defeated by it. The Supreme Court has taken that language as a Congressional license, authorizing them to do it, if in their judgment peculiar circumstances would not only justify but would enable them to do it. They were authorized to do it and it has been a question not of how strong the line may be drawn against unfairness by the carrier, but how it may be relaxed.

My amendment provides for the striking out of that clause. I desire to urge it at this time as a final declaration of principle upon that subject. The long and short haul clause is contained within that provision.

Then, on page 10, in line 17, because the words have been misused, because they have been made a medium of oppression, I desire to strike out the words "unjustly and unduly," because without those words the expression of the act exactly meets the requirements of justice. It says that they shall determine whether such rates are "unjust or unreasonable, or unjustly discriminatory"—they should not be discriminatory at all to any degree—"or preferential." Why should a Commission have the right to discriminate or prefer one shipper against another?

Mr. President, I suggest that the provision which I have submitted to the Senate for the review of the decision of the Interstate Commerce Commission is an absolute necessity; that if we send this legislation to the people without it they will condemn us and will say, "You have legislated for the other party. What have you done for us? You have spent weeks and months in construing the constitutional rights of the railroads. How much time have you spent in determining or considering the constitutional rights of property which the shipper or producer has, in the equal right with every other man, to the services of the common carrier?" That right is as much within the protection of the fifth amendment of the Constitution as is the right of the carrier to be compensated for services as carrier.

It has been proposed here—not for that purpose, perhaps I ought to say in fairness to those who have urged the proposition—that we shall in effect guarantee an income which is clothed in the terms "just and reasonable compensation;" that we shall guarantee an income to the transportation companies of the land. Has it been at any time proposed that we guarantee an income to the producer of the commodity whose servants these transportation companies are? He takes his chances under the law of contract.

I do not believe that the Interstate Commerce Commission is going to meet the expectation of the people in this matter. I do not believe that any department of the Government that has closed the doors, after a hearing, upon more than half of those who have applied for redress is going to meet the expectation of those in whose interest we are proposing to legislate, and I want in this hour to sound a word of warning, because it will come back to us.

This is not a party or a political question. It is one of political economics in which all the people are interested, one section of the country as much as another, from the humblest means of transportation to the palace car.

Does the present interstate-commerce law afford any relief to the people? And when I say "the people" I mean those who produce commodity and employ the common carrier. They are the people. The common carriers are a part of the people, but they are the servants of the people in that in consideration that they receive from the people the privileges and franchises under which they exercise their right as common carriers; they are given franchises of great value and the right to charge a reasonable compensation for their services, but the people who gave them that right retained the right to enjoy at their pleasure the services of these common carriers and the provisions for performing their services.

Mr. President, I do not know how much more consideration the Senate will give to the legal questions and refinements as to what we can or what we can not do. But I do know that in a great majority of the matters which come before us we do not have to approach closely either of those lines. There is a wide field for action by Congress in which it does not have to inquire minutely whether it may or may not do things. It is in this case a question of Will we do it? Does justice to the people demand that we shall create this body as an arbitrator and make ample provision for the submission of proper controversies to it, that they may create a record that shall speak the truth, and that that record, in the event of discontent by either party with the decision of the Commission, may be taken into the circuit court of the United States and there reviewed, both the law and the fact, but confined always to the record that was made before the Commission? It does not open the doors of the circuit court to a trial de novo, but leaves them to review it as they would the report of a master in chancery, and then the amendment provides that the order of the Commission shall only be stayed for the limited period of sixty days and that upon showing, except that the party asking for it can show that he has been diligent, can show a condition that will satisfy the mind of a chancellor that such order is necessary, and that the Supreme Court of the United States will not review any question except that of the rights of the parties under the Constitution appearing upon the record brought up from the circuit court—that makes a short review—and the amendment puts the order of the Commission into effect at once and does not wait thirty days after decision.

Mr. BACON. May I make an inquiry of the Senator?

Mr. HEYBURN. Certainly.

Mr. BACON. The question of this review, of course, is the vital question in this proposed legislation. For the purpose of thoroughly understanding the Senator, I wish to ask him

whether he means the court shall have the same breadth of review as if we were now to organize two commissions—an inferior and a superior commission—and that the superior commission should have the entire review of the proceedings of the inferior commission. I wish to know what that review means. Does the Senator mean that in that sense the court shall, in this proposed law, have the review of the actions of the Commission?

Mr. HEYBURN. No.

Mr. BACON. I should be glad if the Senator would differentiate.

Mr. HEYBURN. The amendment, I think, is plain in regard to that matter. The amendment provides that the certified record of the proceedings of the Commission, accompanied by a notice to the parties of the intention to review such proceedings, shall be filed in the circuit court. There, at that point, for the first time the United States circuit court obtains jurisdiction of the controversy between the complainant and the party against whom the complaint was made before the Commission. For the purpose of enabling them to decide as between those parties they consider the record, which contains all the evidence and all the deductions made by the Commission from the evidence. In other words, if a party desires his case fully presented in the circuit court, he has only to see to it that his case is fully presented before the Commission; and he would not be heard in the circuit court to complain that there were other matters that might have been introduced before the Commission, because other portions of the statute than that to which this amendment is directed provide for a rehearing before the Commission. I did not think it necessary to incorporate that into this section, because it is already provided for in the bill. When he has had all the hearings before the Commission that will enable him fully to state his case, his case is made up, and it is presented for a determination of the law and the facts before the circuit court. It is provided by this amendment that in that determination that court may say whether or not the decision of the Commission as to what the rate regulation should be was right; and then, if it is right, the court will say so; and if it is not right, it will lay down a rule as to what constitutes the right, just as the courts do now in many instances, as I have before said, where we have delegated the power to executive branches of the Government, with authority to make rules and regulations in the enforcement of a law for the ascertainment of the facts to which the law must be applied. That is already the existing practice, and we do not need to amend our statutes in that regard. The amendment merely provides that these cases shall come within that rule of practice.

Of course the hearing before the circuit court of the United States would be a full hearing upon a printed record. The court would make its own rules in regard to printing and other details. We do not make those rules. The court would doubtless at a very early day establish a rule that the record in a case should be printed.

The amendment provides for the notice, how it shall be given, to whom it shall be given, and that, upon the filing of the record, the jurisdiction of the circuit court attaches. What more do we need? Then we give the court the power to review these questions. Then we say that, having reviewed them, it may enforce its judgment, as it may in any other case. There is no lack of power when Congress has spoken, whatever they might lack in the absence of Congressional action.

Mr. BACON. Mr. President, with the permission of the Senator——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. BACON. I am not making the inquiry for the purpose of in any manner entering into a controversy with the Senator, although I have a somewhat definite opinion myself, but I am really extremely anxious to know what is the exact position of Senators who favor what they call the "broad review." I want to get it so accurately defined that we may be able to see whether or not we agree with it or whether we differ from it. The Senator, in response to the inquiry which I made of him in pursuance of that desire on my part, answered in the negative; and yet, if I correctly understand him, what the Senator said, in explaining what he meant by the negative, is not consistent with the negative reply, though it may be I did not properly understand what the Senator said. The Senator is contending for the right of a full review by the courts, and, in order to ascertain what he meant by that, I asked this question: If, instead of one commission with the right of review by a court, this bill proposed to organize two commissions—an inferior commission, and a superior commission charged with the duty and power of reviewing in every particular and detail the acts of the inferior commission—and if there were, under such an arrangement, if there were such a provision by which the entire action of the inferior commission were to be reviewed by the superior commission, we would know what that meant.

Mr. HEYBURN. What would it mean?

Mr. BACON. It would mean that the superior commission would have the same supervision of a case decided by the inferior commission that the Supreme Court has in an equity cause that goes from a circuit court on appeal. There they have a full case before them, and there is no element of a decision of the circuit court that the Supreme Court has not the power to revise and correct. In the same way, if we were organizing two commissions—an inferior commission and a superior commission—the design being that there should be, in the sense I have indicated, an appeal from the inferior commission to the superior commission, when the case came before the superior commission that superior commission would have full jurisdiction for the consideration of every element that entered into the consideration and determination by the inferior commission and every conclusion of the inferior commission, and its determination would cover the field as fully and as perfectly as if it had originated with that superior commission.

Now, what I desire to know of the Senator is this: Under the contention made by him for a broad review, does the Senator contend for that review in the sense I have indicated, or, rather, with the power which that review would have in case we were to organize two commissions, the inferior and the superior? Does the Senator contend for a review by the courts as full and as ample as there would be in case two commissions were created and there was an appeal from one to the other of everything involved in the consideration of a matter by the first commission? Is that what the Senator contends for?

Mr. HEYBURN. Mr. President, that is quite a question.

Mr. BACON. I think it is the question, the vital question, in this case.

Mr. HEYBURN. If I may have the Senator's attention I will answer it.

Mr. BACON. I shall be very glad to give attention.

Mr. HEYBURN. In the first place, I will eliminate the term "broad review." This discussion has resulted in coining more phrases that have no meaning, except any meaning that you choose to put upon them, than any discussion I have ever heard. A broad review, as I would probably on first impulse state it, would be a review that opened the door to a reconsideration of the case without regard to what had transpired at any former hearing—a trial de novo. That would probably be the nearest approach to a definition of broad review. I do not favor this kind of review.

Mr. SPOONER. Will the Senator say what would be a narrow review?

Mr. HEYBURN. I am going to. I have stated what a broad review is.

But first, as to the two commissions which the Senator has presented to us, I care not whether you call the first reviewing tribunal a second commission or a court; but having provided in my amendment that the reviewing authority shall be the United States circuit court, with the recognized and clearly defined powers and duties of that court, it is not necessary to define the manner in which it may deal with a question of which it has jurisdiction. I am not proposing any second reviewing board at all. It would be very interesting to me to know what might happen if such a second reviewing board were proposed; but not having proposed one, and having proposed that the decision of the original board shall be reviewed by a court of clearly defined powers and jurisdiction, it seems to me that I am relieved from a further consideration of what might happen if we provided for the second reviewing board. Now, I want to suggest to the Senator from Wisconsin——

Mr. SPOONER. If the Senator will allow me, would a second reviewing board be any more judicial than the first?

Mr. HEYBURN. No.

Mr. BACON. Oh, Mr. President, Senators do not understand me. I was simply using that by way of illustration.

Mr. SPOONER. Illustrating what?

Mr. BACON. Illustrating the extent of the review on the part of the courts for which the Senator is contending. That was for the purpose of putting an illustration where there would be no doubt as to the breadth of review.

Mr. SPOONER. Does the Senator think that it is within the constitutional capacity of Congress to limit or enlarge the judicial power in passing upon any right arising under the Constitution and laws of the United States?

Mr. BACON. I have very grave doubt about it, at least where jurisdiction of the subject-matter is given, and for that reason——

Mr. SPOONER. I did not think the Senator had any doubt about it.

Mr. BACON. Inasmuch as the Senator asked me a question, I hope he will permit me to answer it.

Mr. SPOONER. I will.

Mr. BACON. I have very grave doubt about it, certainly so far as concerns constitutional rights, and for that reason I have my interest very much excited to know what is the design, what is the desire, and what is the contemplation of those who insist upon the incorporation in this bill of a provision which shall give what they call, whether appropriately termed or not, the "broad review."

Mr. HEYBURN. But I did not——

Mr. BACON. So far as that goes, if the Senator is content with just such a review as the courts would have in the absence of any express provision in this bill, then no amendment is needed, because the bill as it came from the House is certainly in a position where the courts can take all the jurisdiction that they are entitled to exercise in a general way, outside of any express provision, and, according to the suggestion of the Senator from Wisconsin, with which I am very largely disposed to agree, that is a jurisdiction which exists outside of any express provision in this legislation. Therefore, it seems to me that whatever may be the power of Congress, we are rather engaged upon a superfluous act when we attempt to designate in this bill what shall be the jurisdiction. That is the conclusion, Mr. President, not only to which my mind is rapidly drifting, but is the direction in which it has tended all the time, and the conclusion which is becoming more and more definitely fixed in my mind. It is possible that developments in this discussion may show considerations leading to a different conclusion.

Mr. SPOONER. Now, will the Senator from Idaho and the Senator from Georgia permit me?

Mr. BACON. The Senator from Idaho has the floor.

Mr. SPOONER. But it requires the consent of both.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Certainly.

Mr. SPOONER. Permit me to put a question to the Senator from Georgia?

Mr. BACON. The Senator from Idaho has granted permission.

Mr. SPOONER. It requires the consent of each.

Mr. BACON. Very well; go ahead.

Mr. SPOONER. Does the Senator from Georgia see any distinction or recognize any distinction between the power of the Federal courts in a suit brought under the fourteenth amendment to enjoin the enforcement of a rate fixed by a State under the fourteenth amendment to the Constitution and the power of the court in passing upon a rate fixed by Congress under the fifth amendment to the Constitution?

Mr. BACON. Is that the question?

Mr. SPOONER. That is the question.

Mr. BACON. The Senator has wandered from the question.

Mr. SPOONER. No.

Mr. BACON. I beg pardon; the Senator has wandered from the question immediately under discussion and has rather ventured into the field where we are promised by the Senator a very exhaustive discussion of the question of the power of courts in granting injunctions.

Mr. SPOONER. No; not at all.

Mr. BACON. I am now on the question of the breadth of review.

Mr. SPOONER. If the Senator will permit me, not at all.

Mr. BACON. Then I misunderstood the Senator.

Mr. SPOONER. I am not discussing at all, or suggesting a discussion, as to the power of Congress to restrict, as is proposed here, the chancellor in the exercise of judicial power, but this is a thing which I frankly confess to my friend from Georgia, who is a great lawyer——

Mr. BACON. I thank the Senator very much. I fear the Senator overestimates.

Mr. SPOONER. The Senator need not thank me. It is a fact; the Senator is responsible for that; not I. But this has troubled me: Where the State fixes a railway rate, either directly through legislative action or by a commission, and an original bill is filed in the circuit court of the United States to restrain the enforcement of that order upon the ground—and that is the only ground—that it violates the fourteenth amendment, I can very well see that the judicial power of the courts is more or less restricted, because the fourteenth amendment prohibits the States from passing any law which, among other things, shall take private property without due process of law, or deny the equal protection of the law. The court is to determine, as the court has often said, not whether the rate in that case is reasonable; not whether it is just compensation under the fifth amendment; but whether the rate is so low and so destructive of property rights as to constitute a taking of property without compensation as to be not due process of law.

What I wanted to attract the attention of the Senator to was this—and it has never been decided; it has never been presented to the courts of the United States, because Congress has never exercised the power until now—whether, where under an act of Congress a rate is fixed subject to the limitation of the fifth amendment, which provides two things, one of which is not provided for by the fourteenth amendment, first, that private property shall not be taken without just compensation and without due process of law, the scope of the review, the judicial power of the court, is not of necessity different in measure and scope from what it is under the fourteenth amendment?

Mr. BACON. Mr. President, I think so far as the fifth amendment is concerned—I may be in error about that, but I think not—the court would have no right to enjoin a State commission——

Mr. SPOONER. The Senator does not understand me.

Mr. BACON. The Senator asked his question, and then discussed it at such length that I really do not know that I understand definitely his question. I wish the Senator would propound it again.

Mr. SPOONER. The question is whether the Senator from Georgia recognizes a distinction between the scope of the judicial power of the Federal court, when invoked by an original bill to restrain the enforcement under the fourteenth amendment of a rate fixed by the legislature of a State, and the scope of the jurisdiction of the Federal court when invoked to restrain the enforcement of a rate fixed under the fifth amendment by the Congress of the United States?

Mr. BACON. Well, Mr. President, I do not think a State would have the right to violate the provision of the fourteenth amendment, nor do I think Congress would have the right to violate the fifth amendment. As to which is the greater obligation, that is another matter. I do not know how to draw the distinction between the two, except that it is one of degree.

Mr. HEYBURN. I only desire to say that the discussion between the Senator from Wisconsin [Mr. SPOONER] and the Senator from Georgia [Mr. BACON] has wandered somewhat from the point that I desire to answer.

Mr. SPOONER. I understand that was just the distinction which the Senator from Idaho drew.

Mr. HEYBURN. I wanted to answer the question of the Senator from Wisconsin and then let its application follow. The question remains unanswered.

Mr. FULTON. Will the Senator allow me to put in a question?

Mr. HEYBURN. I would gladly yield to the Senator, but I desire to answer this question.

Mr. FULTON. You can answer the one I wish to propose at the same time.

Mr. HEYBURN. Sometimes it may be convenient to bunch questions in that way, but it is not always so. The Senator from Wisconsin asked me a question. He asked me with reference to a broad or a narrow review and as to what my amendment provided. I would call his attention to the provision in this amendment for a review, and you can call it either a broad or a narrow review as may seem best to you. The jurisdiction of the circuit court being attached, the amendment provides:

> The jurisdiction of said circuit court shall fully attach for the purpose of determining all questions of law and fact presented by said record, and the court is empowered and authorized upon such review in the event that it shall find upon the record that the rate complained of is either unjust, unreasonable, discriminatory, preferential, or prejudicial, or that the charge or practice complained of is unjust or unreasonable, to fix and determine such a rate or practice as in its judgment shall be just, reasonable, and not discriminatory, preferential, or prejudicial.

They must do it upon the record which comes from the Interstate Commerce Commission to the court, and I direct the attention of the Senator from Georgia to this part of my reply. The court being a judicial tribunal is presumed rightly to be best able to apply the legal principles by which what is right and just and reasonable are to be determined as to those facts, and that is the object and purpose of the review; and in that it is not a second board, but a judicial tribunal.

Mr. BACON. Will the Senator pardon me a moment?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. BACON. The amendment of the Senator is for the purpose of directing the attention of the Commission and the court

to anything which is "unjust, unreasonable, discriminatory, preferential, or prejudicial." Now, I should like, by way of illustration, if the Senator would point out, assuming that the Commission has made an award, or rather fixed a rate——

Mr. SPOONER. That is not an award.

Mr. BACON. I corrected myself, and I said "fixed a rate," that is complained of. Now, I desire the Senator to point out, if he can, what particular act of the Commission in fixing that rate would or would not be reviewable by the court under his amendment, or rather, I would say, would not be reviewable by the court under his amendment.

Mr. HEYBURN. Every one of those questions might, or only one of them might, be involved in the review.

Mr. BACON. Very well, but——

Mr. HEYBURN. That would depend upon the facts of the particular case.

Mr. BACON. Now, if the Senator will pardon me——

Mr. HEYBURN. The law being applicable to the facts which may arise in each case, the court would only apply them so far as they would be applicable.

Mr. BACON. I understand the Senator to say that, under the review given the court, the court would have the right to review and reverse any judgment by the Commission, if we may call it a "judgment," or any order by the Commission which was either "unjust or unreasonable or discriminatory or preferential or prejudicial."

Mr. HEYBURN. Yes.

Mr. BACON. That is pretty broad.

Mr. HEYBURN. Any one of them.

Mr. BACON. If the Senator will pardon me, those are the things which the Senator suggests under his amendment shall be reviewable. Will the Senator now suggest any act by the Commission in the making of this order, which, under the above language of his amendment, the Senator does not think would be reviewable? Can he suggest any single act of the Commission which, under the words of his amendment, he does not think would be reviewable under his amendment?

Mr. HEYBURN. Does the Senator mean any act enumerated here, or any act at all?

Mr. BACON. Any act at all.

Mr. HEYBURN. We are legislating within the restrictions of the legislation proposed. It is not necessary to go outside——

Mr. BACON. I wish to put a question to the Senator.

Mr. HEYBURN. If the Senator will pardon me, I want to answer the question which has been propounded. I am not going to be led outside of the limits of the subject-matter of the legislation existing and proposed.

There may be a hundred things that may be done that might or might not be reviewable, but this amendment enumerates the things that are reviewable, and the present statute enumerates the same things that are reviewable. So I do not think the question that the Senator asks is, in all friendliness, a fair question at all, because I am not proposing by this amendment that the court shall review any other questions than those enumerated. I have not gone beyond the enumeration of the existing statute nor of any proposed amendment.

Mr. BACON rose.

Mr. HEYBURN. Now, if the Senator will permit me——

Mr. BACON. Will the Senator permit me?

Mr. HEYBURN. Yes.

Mr. BACON. Will the Senator let me vary the question, as I was not fortunate in so phrasing it before as to meet the Senator's approbation? Will the Senator suggest any act of the Commission in making any order fixing any rate which would not fall within one of these designations, if there was fault found with it that it was either "unjust, unreasonable, discriminatory, preferential, or prejudicial?"

Now, if the Senator will pardon me, in order that I may make myself clearly understood——

Mr. HEYBURN. I want to answer the question.

Mr. BACON. If the Senator objects to my propounding an inquiry I will not intrude upon him.

Mr. HEYBURN. No; I merely wanted to answer the question that had been asked.

Mr. BACON. But I want to ask another question.

Mr. HEYBURN. I do not want the Senator to ask a question and answer it himself.

Mr. BACON. I was not proceeding to do so; but if the Senator objects, I will not intrude further upon him.

Mr. HEYBURN. I have not the slightest objection to a question. The Senator asked me whether or not I could think of any other subject than those enumerated. Perhaps I could, but it is immaterial whether I could or not. Those enumerated are the recognized questions necessary to be covered by the legislation. The question of whether or not a rate is unjust is certainly one that can be readily conceived of under many circumstances. It would be unjust to charge one man more than another. The word "unjust" probably comprehends every other word in that category, and those other definitions and distinctions are there because they are unjust. The word "unreasonable" is broad enough to cover every one of them, because that is an unreasonable rate which is an unjust rate or a discriminatory or a preferential rate. The words "discriminatory" and "preferential" are in classes of themselves and have a distinct meaning that is recognized both in and out of the courts.

It depends upon the testimony. For instance, take some of the decisions that have already been rendered, or imagine a case. It is a discriminatory act if you permit me to have a rebate, secret or otherwise, because it discriminates in your favor as a carrier and against me as a shipper; it is discriminatory if you refuse to furnish another man cars and furnish them to me. That is a discrimination. It is not difficult for a court, in reviewing the act of a commission, to say whether or not, under the facts that are in the record, those offenses have been committed. It is the natural function of the court to do that; it is what the court does every day in other matters of business and life—to say whether or not that is the case.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Yes; I yield to the Senator.

Mr. FULTON. I should like to call the Senator's attention back to the suggestion made by the Senator from Wisconsin a moment ago, if he does not object to it.

Mr. HEYBURN. I do not object at all.

Mr. FULTON. I should like to hear the Senator on the proposition suggested by the Senator from Wisconsin a moment ago. The question suggested by the Senator from Wisconsin was whether or not there is any difference in the power to be exercised by the court, if I understood him, in entertaining a suit brought to restrain the putting in force of a schedule of rates made under a statute enacted by a State legislature—the Federal court, of course, exercising its power solely under the fourteenth amendment, which prohibits the taking of private property without due process of law, and a suit brought to restrain a rate pursuant to an act of Congress, under the fifth amendment, where property is prohibited from being taken without just compensation. I want to ask the Senator if the question as to what constitutes taking of property is not involved in either and equally in both classes of cases?

Mr. HEYBURN. It necessarily is.

Mr. FULTON. What constitutes, then, a taking of private property without due process of law must be the same as what constitutes a taking without just compensation up to the point of compensation. Therefore if the Supreme Court——

Mr. SPOONER rose.

Mr. FULTON. Just a second. If the Supreme Court, under the fourteenth amendment, shall define what constitutes a taking, that would necessarily be the same definition, would it not, that the court would say would apply, if the question of want of just compensation were also involved? That is the proposition.

Mr. SPOONER. Will the Senator from Idaho permit me?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Yes.

Mr. SPOONER. I am not controverting at all the line of thought of the Senator from Idaho. On the contrary, he is speaking of a distinction which seems to me to exist.

Almost every State constitution provides that private property shall not be taken for public use without just compensation. Suppose the legislature of a State passes a law providing for a railroad commission, and gives to that commission the power to fix rates, and confers upon the courts of the State the power to review, as is done in my State and many other States, the question whether the rate fixed by the commission is or is not a just compensation within the meaning of the constitution of the State; what question does that present to the courts of the State? Simply the question whether the taking is without due process of law, because the rate is so low as to destroy the value of the use of the property?

Mr. FULTON. Let me ask the Senator, Would it not be, in that case, what constituted the taking of property?

Mr. SPOONER. Yes; but it would not be what constitutes the taking of private property without just compensation. Now, would not in that case the court of the State be authorized and required to consider the question upon the proof at the trial whether the compensation was or was not a just compensa-

tion? That is what courts are for—to protect from invasion the rights secured by constitutional provisions.

If the Senator will permit me, when you come to the fourteenth amendment it has seemed to me—and I am troubled about it—that the question presented to the courts of the United States on an original bill to restrain the enforcement of a rate fixed by a State, on the ground that it violated the fourteenth amendment, was different. The fourteenth amendment says nothing about the taking of private property without just compensation. It provides that private property shall not be taken without due process of law; and the courts of the United States, therefore, have held themselves limited to inquiring and deciding not whether any rate fixed was just compensation, for the courts of the United States are not carrying into operation the constitution of the State or the laws of the State. Their only ground of interference is the alleged violation of the fourteenth amendment, and they therefore consider whether the rate fixed is so low as to constitute, because of the utter absence of just compensation, a taking without due process of law.

I now come to the fifth amendment to the Constitution, which puts the legislation of Congress on precisely the same basis that the legislation of the State is put on under the constitution of the State.

Mr. FULTON rose.

Mr. SPOONER. I want to add this question: Whether the question as to the validity of a rate fixed by Congress, or the compensation, in other words, fixed by the Commission under an act of Congress, which is subject to the limitations of the fifth amendment, is not precisely the same as the question which the State court is obliged to consider under the State constitution embodying the same language—that is, whether the rate is or is not just. That is what I want to present to the Senator.

Mr. BACON. If the Senator from Idaho will pardon me for a moment, in order that my meaning may be plain, in a review by a court of the acts of the Commission with these proposed powers, the court is not limited to the question of the value of the property or what may represent property, because the powers conferred upon the Commission go beyond the mere matter of fixing rates and include regulations and practices; and when it comes to that it is a very different thing. One is under explicit constitutional protection, while the other may not be. It is a very different question from that suggested by the Senator from Wisconsin or the Senator from Idaho; at least it is not covered, as I understand, by anything they have so far said.

I had that distinction in mind when I was endeavoring to get from the Senator from Idaho a definition of what he meant by "the review of the court." I was not limiting my suggestion to the contemplation simply of a review of the matter of the rate; and if I understood the Senator from Idaho correctly, it would embrace every regulation and every practice prescribed by the Commission if the court is to have an unlimited review.

Mr. SPOONER. If the Senator from Idaho will permit me, I value the opinion of the Senator from Georgia, and I want to ask him this question, if he will allow it.

Mr. BACON. Certainly.

Mr. SPOONER. Whether, in his mind, there is not a distinction, and a clear distinction, between the due process of law under the fourteenth amendment and the just compensation under the fifth amendment.

Mr. HEYBURN. I suggest to the Senator from Wisconsin, although I do not want to interrupt the colloquy between him and the Senator from Georgia, that the fourteenth amendment has not application at all outside of the States. It is intended only to control the States, and its language has been construed so often that I do not see how it can possibly affect the consideration of this question. It is an interesting subject, but the language of the clause of the construction placed on it takes it out of the consideration of this question entirely. It says:

> Nor shall any State deprive any person of life, liberty, or property, without due process of law.

There is no more of the element of the fifth amendment in that than there is in the Pentateuch.

Mr. SPOONER. Will the Senator pardon me?

Mr. HEYBURN. Yes.

Mr. SPOONER. That had occurred to me, and was the keynote, as I understood, of the Senator's amendment and the Senator's argument.

Mr. HEYBURN. I am sorry the Senator so understood it, because it is not based upon that to any extent——

Mr. SPOONER. No——

Mr. HEYBURN. Or in any manner whatever.

Mr. SPOONER. We are not proceeding here under the fourteenth amendment.

Mr. HEYBURN. Not at all.

Mr. SPOONER. I know that.

Mr. HEYBURN. It has no application to the question under consideration.

Mr. SPOONER. I understand, but we are proceeding under the fifth amendment.

Mr. HEYBURN. It was intended as a limitation upon the States. It has nothing whatever to do with a question of this kind. If there is a limitation of our power, or a direction of the manner of its exercise, it is in the fifth amendment of the Constitution, and that amendment does have to be considered, but not to the extent of controlling our deliberations here. There is ample power for us to legislate upon this question and to pass it by without disrespect to it or disregarding its injunction. The fifth amendment to the Constitution of the United States was intended to protect individual property against the taking by any kind of government, by any process, except in the manner to be exercised under the amendment.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. FULTON. If it will not annoy the Senator from Idaho I should like to explain briefly the idea I had in propounding to the Senator from Wisconsin the question I did.

Mr. HEYBURN. It will not disturb me.

Mr. FULTON. It seems to me that under the fourteenth amendment, which prohibits the taking of private property without due process of law, and under the fifth amendment, which prohibits the taking of private property for public use without just compensation, the rules of construction in the two cases must run parallel up to the point and until it has been determined what constitutes a taking. Under the fourteenth amendment the Supreme Court has time and again said that a rate fixed by a State commission which precludes the carrier from realizing a sufficient income to meet his expense and pay a fair return on his investment or on the value of his property, is a taking without due process of law. Now, do they not, in passing on that, virtually determine what would also be a just compensation?

Mr. HEYBURN. I call the Senator's attention to the fact that the language is exactly the same in both the fifth and the fourteenth amendments in regard to that question. The fifth amendment is larger in its application and wider than the fourteenth. Let me call the Senator's attention to the distinction in the language. The fifth amendment says:

> Nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

That is the fifth amendment. All there is in the fourteenth amendment is a repetition of a part of that amendment:

> Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

It did not need the repetition of that in the fourteenth amendment at all except as a limitation on the State. It was already in the fifth amendment as a national principle.

So, as I said a few moments ago, we do not consider the fourteenth amendment at all in disposing of this question. Every principle that is stated in it that might be applicable or useful was already contained in the fifth amendment to the Constitution.

As I have endeavored to show, the rights of the two parties here are the same. If we can not take the property of the carrier we certainly can not take the property right of the owner of the commodity, because his right to participate in the services of the common carrier is just as much property as the right of the carrier to compensation for its services; and to pass him by, as he seems to have been passed by for the last twenty years or thereabouts, it seems to me is doing less than our duty, if it is not an open and violent disregard of, and an outrage upon, the rights of the very party in whose interest we are assuming to act and whose interests we would be overlooking entirely.

Mr. CULBERSON. I desire to ask the Senator from Idaho a question.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Certainly.

Mr. CULBERSON. It may be that while I was out of the Chamber the Senator from Idaho has touched upon the question to which I wish to invite his attention in reference to his amendment, but nevertheless I direct his attention to its language, on page 3:

> And the court is empowered and authorized upon such review, in the event that it shall find upon the record that the rate complained of is either unjust, unreasonable, discriminatory, preferential, or prejudicial, or that the charge or practice complained of is unjust or un-

reasonable, to fix and determine such a rate or practice as in its judgment shall be just, reasonable.

The Senator seems by that clause of the amendment to intend to confer the rate-making power on the circuit courts of the United States, authorizing them to fix a rate which will operate in the future. But it seemed to me that if there was any quesion settled by the Supreme Court of the United States it was that the courts had no such power and could not be clothed with such power; and I invite the attention of the Senator to a paragraph in the Reagan case (154 U. S., p. 400):

As we have seen, it is not the function of the courts to establish a schedule of rates. It is not, therefore, within our power to prepare a new schedule or rearrange this. Our inquiry is limited to the effect of the tariff as a whole, including therein the rates prescribed for all the several classes of goods, and the decree must either condemn or sustain this act of quasi legislation. If a law be adjudged invalid, the court may not in the decree attempt to enact a law upon the same subject which shall be obnoxious to no legal objections. It stops with simply passing its judgment on the validity of the act before it. The same rule obtains in a case like this.

I call the attention of the Senator, repeating somewhat what I have said, that if there is any question which seems to be settled by the Supreme Court of the United States it is that the courts will not exercise the power to fix a rate which shall be operative in the future. Notwithstanding, it seems that the Senator's amendment is intended to incorporate such a provision in the law.

Mr. HEYBURN. The court in the case to which the Senator refers and in the case upon which their decision in that particular case is based stated that Congress had not given them the power which they decline to assume. They are there interpreting the law that we are proposing to amend. The question is not whether that law is or is not right. The question is whether we will change that law and give the court this power. It is a very different proposition. The court said in another case in which that decision is used that Congress has not given the court the power to do more than to review the decision and say whether it was right; that it has not given the courts the power to say what shall be a lawful rate, inferring that when Congress shall see fit to give it the power it would exercise it. That is the difference between those cases.

Mr. TELLER. Mr. President, I do not wish to detain the Senate by making a speech. I desire, however, to ask the Senator from Idaho or any other Senator who is willing to answer a question.

It seems to me that the principal matter of controversy just now is as to the court review; just what it is; how broad it shall be, or how limited. I should like to have some Senator tell me what is the difference between the Bailey amendment and the Long amendment, save and except the fact that the Senator from Texas [Mr. BAILEY] in his amendment provides that there shall be no interlocutory injunction. Are not those two amendments practically the same, and is not the Senator's [Mr. HEYBURN] amendment practically the same, so far as the court review is concerned? Would not the same end be accomplished by either one of those amendments, looking simply to the question of court review, if adopted?

It seems to me the court review must be what the party complaining makes it. He may complain of everything the Commission has done; he may complain of only one thing the Commission has done, whether the complainant is the carrier or the shipper, and I think the shipper should be allowed to make complaint as well as the carrier. I would like to have the Senator from Idaho answer it, if he has given it sufficient thought.

Mr. HEYBURN. I have considered the question, and I have a note before me which I had intended to take up, comparing the different provisions in the different amendments and in the original bill, and I had made some analysis of them, but I had so long overrun the time I intended to occupy that I omitted to do so.

I will make this suggestion in reference to the amendment proposed by the Senator from Texas [Mr. BAILEY]. It provides:

Any carrier, or person, or corporation, party to such complaint, and dissatisfied with the rate—

That would cover both parties.

Mr. TELLER. Yes.

Mr. HEYBURN. Yes—

or charge, regulation or practice so established and prescribed, may file a bill against the Commission in any circuit court of the United States for the district in which any portion of the line of the carrier or carriers may be located, alleging that such rate or charge will not afford a just compensation for the service or services to be performed, or that the regulation or practice is unjust and unreasonable.

The first part of that could not possibly contemplate the right of the complainant, because he is not asking for just compensation.

Mr. TELLER. No.

Mr. HEYBURN (reading)—

For the service or services to be performed, or that the regulation or practice is unjust or unreasonable—

If he came in at all it would be under the second clause—

Or that the regulation or practice is unjust and unreasonable; and if upon the hearing the court shall find that such rate or charge will not afford a just compensation—

That can not refer to the shipper—

for the service or services to be performed, or that the regulation or practice is unjust and unreasonable—

Those regulations and practices of course all emanate from the carrier; they are not the practices of the shipper—

it shall enjoin the enforcement of the same.

The very fact that it enjoins the enforcement of the order that is made against the railroad company cuts out any possible interpretation that the amendment is intended to give the right to the complaining party to have it reviewed. It shows that that portion of the amendment was not intended to include the complainant at all, because all its provisions are directed to the relief that may or may not be granted to the carrier. Then this statement says:

This amendment so far would seem to provide for a review upon the question as to whether or not such rate or charge will afford just compensation for the service or services to be performed, or whether the regulation or practice is unjust or unreasonable, for it is only in the event of the court so finding that it is authorized to enjoin the enforcement of the order. And this would not include the consideration by the court of the rights of the complaining party, the shipper or producer, because such shipper or producer does not render services to be performed, and the question of just compensation can only apply to such services.

Mr. TELLER. What is the Senator reading from?

Mr. HEYBURN. From the notes I had made.

Mr. TELLER. Go on.

Mr. HEYBURN. I say:

The proviso of the Bailey amendment relates to the practice in regard to suspending orders and precludes clearly suspension of any rate charge, regulation, or practice prescribed by the Commission by any preliminary or interlocutory decree or order by the court. The right of appeal to the Supreme Court of the United States clearly is limited to the carrier and the Commission.

In its provision for appeals to the Supreme Court of the United States it is not broad enough to permit the complainant to take advantage of it.

Now, I have similar notes with respect to all the amendments and all of the provisions contained in the amendment regulating the appeal, and I only left them out of my talk to-day because of the time I have already occupied. I also have the Long amendment annotated in the same way.

Mr. TELLER. As I said, I do not desire to go on and discuss this question now, but it seems to me we have discussed it long enough now to get to some positive provision as to what the review shall be. I have not been able to learn from any speaker exactly what he was satisfied to have reviewed. I understand, of course, that all these questions could be complained of by the carrier; that it could complain of any improper regulation just as well as it could that a rate was confiscatory, if the regulation invaded its right. Whatever is at issue must be what is complained of. If he complains of all the things, they are all at issue. If he complains of one of them, that is the only one in issue.

Of course, this is an irregular kind of a proceeding, by petition. I presume the court will hold eventually that this proceeding, although called a petition, must conform to the equity practice. A man comes in by petition, and he has to state in his petition what his grievance is. And when he comes to trial, he will be limited to what he has alleged in his petition. He will not be allowed to enter the whole field unless he has complained of the whole. That is my notion about it.

Under the bill as it came from the House there are two things the Commission may do. It may first determine that the rate fixed by the railroad company is unfair and unjust and improper. And then it may fix one that it says is just and proper. There are two issues to be made there by the railroad company. In the first place, they can say when they get into court, "The rate established by the company is a just and proper one." Secondly, they may say the rate fixed by the Commission is not just and proper. You have two questions. One, of course, is a negative of the other. Will anyone contend that the court may determine that the rate fixed by the railroad is not fair, and stop there? Will not the railroad company be accorded an opportunity to prove that

the rate fixed by the Commission is unfair? For, you may say what you are a mind to about it, this fixes rates. Is the court limited to saying that the rate fixed by the Commission is confiscatory? Not at all, in my judgment.

I have made these suggestions, and I hope somebody who has given thought to the question how extensive the review will be will give it attention. So far as I am concerned, I believe that whatever the railroad company or the shipper, if he is allowed to come in, as he should be, complains of should be a matter for the consideration of the court.

Mr. LODGE. I offer an amendment to the pending bill, which I ask may be printed and lie on the table.

The VICE-PRESIDENT. The proposed amendment presented by the Senator from Massachusetts will be printed and lie on the table.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of the Indian appropriation bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Minnesota?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907, which had been reported from the Committee on Indian Affairs with amendments.

Mr. CLAPP. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments may be considered as they are reached in the reading of the bill.

The VICE-PRESIDENT. Without objection, that course will be pursued.

Mr. CLAPP. I call the attention of Senators present to the fact that at the back of the bill there is an index and that the report is also indexed. The clerk of the committee prepared these, and they will be convenient to Senators in referring to the bill or the report.

The VICE-PRESIDENT. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Indian Affairs was, under the subhead "President," on page 2, after line 13, to strike out:

That no part of the moneys herein appropriated for fulfilling treaty stipulations shall be available or expended unless expended without regard to the attendance of any beneficiary at any school other than a Government school.

And to insert:

Mission schools on an Indian reservation may, under rules and regulations prescribed by the Commissioner of Indian Affairs, receive for such Indian children duly enrolled therein the rations of food and clothing to which said children would be entitled under treaty stipulations if such children were living with their parents.

Mr. GALLINGER. Let the amendment go over.

Mr. LODGE. I ask that the amendment be passed over.

The VICE-PRESIDENT. The amendment will go over.

The next amendment was, on page 2, after line 23, to insert:

That upon the petition of any Indian allottee to whom a trust or other patent containing restrictions upon alienation has been or shall be issued under any law or treaty the President may in his discretion continue such restrictions on alienation for such period as he may deem best.

The amendment was agreed to.

The next amendment was, under the subhead "Secretary," on page 3, line 20, before the word "in," to strike out "purchase" and insert "purchases;" so as to read:

That as far as practicable Indian labor shall be employed and purchases in the open market made from Indians, under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 4, line 5, after the word "reported," to insert "to Congress with the reason therefor;" and in line 6, after the word "detail," to strike out "and the reason therefor, to Congress;" so as to read:

That any diversions which shall be made under authority of this section shall be reported to Congress with the reason therefor in detail at the session of Congress next succeeding such diversion.

The amendment was agreed to.

The next amendment was, on page 5, after line 2, to insert:

That the homestead settlers on all ceded Indian reservations in Minnesota who purchased the lands occupied by them as homesteads be, and they hereby are, granted an extension of one year's time in which to make the payments now provided by law.

The amendment was agreed to.

The next amendment was, on page 5, after line 7, to strike out:

That when not required for the purpose for which appropriated, the funds herein provided for the pay of specified employees at any agency may be used by the Secretary of the Interior for the pay of other employees at such agency; but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations herein or heretofore made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

The amendment was agreed to.

The next amendment was, on page 6, after line 14, to insert:

That the act entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1887, be, and is hereby, amended by adding the following:

"No lands acquired under the provisions of this act shall, in any event, become liable to the satisfaction of any debt contracted prior to the issuing of the final patent in fee therefor.

The amendment was agreed to.

The next amendment was, at the top of page 7, to insert:

That where, under existing laws, timber has been cut from the allotment of any Indian under contract approved by the Interior Department the Secretary be, and he hereby is, directed to immediately cause to be paid to said allottees, or their heirs, all moneys on deposit to their credit and all sums due the said allottees from the timber so cut, said payments to be made to the parties in interest or their next of kin or guardian upon his personal check drawn upon said funds: *Provided*, That the Secretary of the Interior be, and he is hereby, directed to investigate and report to Congress whether the Indians upon reservations having timber, and Indians owning allotments with timber, may not themselves, under the supervision and instruction of competent men to be appointed for that purpose from the Interior Department, cut and manufacture said timber to the end that they may receive a price more nearly commensurate with the value of said timber, and at the same time may become familiar with the business of manufacturing lumber.

The amendment was agreed to.

The next amendment was, on page 7, after line 18, to insert:

That when the land of deceased allottees has been sold under existing laws, the Secretary of the Interior be, and he hereby is, directed to immediately cause to be paid to the heirs of said deceased allottees any and all moneys on deposit due said heirs from the sale of said land of said deceased persons, and that he be further directed to cause to be paid immediately upon collection, all moneys due Indian allottees or their heirs as the proceeds of leases upon individual allotments: *Provided*, That no money accruing from any lease or sale of lands held in trust by the United States for any Indian shall become liable to be subjected to the payment of any debt of, or claim against, such Indian contracted or arising during such trust period, or, in case of a minor, during his minority, except with the approval and consent of the Secretary of the Interior, who is hereby vested with full power and authority to do and perform all things necessary hereunder.

The amendment was agreed to.

The next amendment was, on page 8, line 17, before the words "per centum," to strike out "three" and insert "four;" so as to read:

That the shares of money due minor Indians as their proportion of the proceeds from the sale of ceded or tribal Indian lands, whenever such shares have been, or shall hereafter be, withheld from their parents, legal guardians, or others, and retained in the United States Treasury by direction of the Secretary of the Interior, shall draw interest at the rate of 4 per cent per annum, unless otherwise provided for, etc.

Mr. GALLINGER. I will venture to ask the chairman of the committee why that amendment has been made? We are pretty fortunate nowadays if we get 3 per cent on safe investments in ordinary business. I should like to know why we should pay more to these Indians than the House thought was a fair interest. The Senator from Minnesota doubtless can give me the desired information.

Mr. CLAPP. There is another provision somewhere, I think, that also provides for 4 per cent, and the Department thought it was better to have the same rate of interest drawn in both cases. Personally I myself think 3 per cent would be a sufficient interest.

Mr. GALLINGER. While we look up the other provision, I will ask that the amendment may go over.

The VICE-PRESIDENT. The amendment will be passed over for the present.

The next amendment was, on page 8, after line 24, to insert:

That as to any Indian lands allotted under any law or treaty without the power of alienation and within a reclamation project approved by the Secretary of the Interior, all restriction as to alienation as to any such allottee is hereby removed subject to the approval of the Secretary of the Interior and under such rules and regulations as he may prescribe, to the end that such allottee may alienate so much of his allotment as may not be necessary for him, in the opinion of the Secretary of the Interior, to retain, and to the end that such allottee may enter into the necessary agreement as to the portion of his allotment to be retained; provided for in the act of June 17, 1902 (32 Stats., p. 389).

The amendment was agreed to.

The next amendment was, on page 9, after line 12, to strike out:

That any Indian allotted lands under any law or treaty without the power of alienation, and within a reclamation project approved by the Secretary of the Interior, may sell and convey any part thereof, under

rules and regulations prescribed by the Secretary of the Interior, but such conveyance shall be subject to his approval, and when so approved shall convey full title to the purchaser the same as if final patent without restrictions had been issued to the allottee: *Provided*, That the consideration shall be placed in the Treasury of the United States, and used by the Commissioner of Indian Affairs to pay the construction charges that may be assessed against the unsold part of the allotment, and to pay the maintenance charges thereon during the trust period, and any surplus shall be a benefit running with the water right to be paid to the holder thereof.

The amendment was agreed to.

The next amendment was, under the subhead "Commissioner," on page 12, line 5, after the word "service," to strike out "and that so much of the acts of March 2, 1892, and April 21, 1904, which require the Commissioner to report annually the names of all employees in the Indian Service is hereby also repealed;" so as to make the clause read:

That so much of the section 3 of the act of August 15, 1876, as required the Commissioner of Indian Affairs to embody in his annual report a detailed and tabular statement of all bids and proposals received for any services, supplies, and annuity goods for the Indian service, together with a detailed statement of all awards of contracts made for any such services, supplies, and annuity goods for which said bids or proposals were received, is hereby repealed, and hereafter he shall embody in his annual report only a detailed statement of the awards of contracts made for any services, supplies, and annuity goods for the Indian service.

Mr. GALLINGER. I will ask the Senator in charge of the bill why that amendment is made. I do not quite understand the purpose of the amendment. Will the Senator explain it? As I understand it, and I think that is right, if those words are stricken out the Commissioner is required to certify the employment. Am I correct, I will ask the Senator?

Mr. CLAPP. Well, not in detail. It was thought that that was an expense and labor hardly necessary, and so the committee struck it out.

Mr. GALLINGER. That is all right.

The amendment was agreed to.

The next amendment was, on page 12, line 13, before the word "thousand," to strike out "ten" and insert "twenty;" and in line 13, after the word "dollars," to insert "$10,000 of which to be used exclusively in the Indian Territory;" so as to make the clause read:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to take action to suppress the traffic of intoxicating liquors among Indians, $20,000, $10,000 of which to be used exclusively in the Indian Territory.

The amendment was agreed to.

The next amendment was, on page 12, line 17, before the word "thousand," to insert "and sixty;" so as to make the clause read:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, $1,360,000.

The amendment was agreed to.

The next amendment was, on page 12, line 21, before the word "thousand," to strike out "fifteen" and insert "ninety-three;" so as to make the clause read:

For construction, purchase, lease, and repair of school buildings, and sewerage, water supply, and lighting plants, and purchase of school sites, and improvement of buildings and grounds, $493,000.

The amendment was agreed to.

The next amendment was, on page 12, line 23, making the total appropriation for "General provisions" in connection with the Office of Indian Affairs $1,793,000, in lieu of $1,715,000.

Mr. LODGE. As we have amended the preceding items, the total is $1,853,000, as I figure it, and it ought to read that way.

Mr. CLAPP. The committee will accept the amendment to the amendment.

Mr. DUBOIS. There is obviously a mistake there, and I call the attention of the chairman of the committee to it. There is an appropriation of $18,000 which the committee made, and it should go in there. My attention was just called to it.

Mr. LODGE. Certainly as it stands it does not correspond to the figures. This total covers $1,360,000——

The VICE-PRESIDENT. The Assistant Secretary stated that it covers the item of $20,000 in line 13.

Mr. LODGE. Does it cover the $20,000 also? Then $20,000 in the first paragraph, $1,360,000 in the second, $493,000, make $1,873,000. There can not be any question about the figures.

Mr. DUBOIS. I ask that the item may go over. There is an item for $18,000 which the committee agreed to and which should be there.

Mr. LODGE. That would make the total more erroneous than it is now. Does not the Senator see that it is over a hundred thousand dollars short?

Mr. CLAPP. I desire to amend it so that it will be correct.

The VICE-PRESIDENT. The Senator from Wisconsin moves the following amendment, which will be stated.

The SECRETARY. It is proposed to correct the total in lines 23 and 24 so as to read:

In all, $1,873,000.

Mr. LODGE. Now, I should like to ask the Secretary, who added $20,000 to my original figures, if that is not a separate appropriation not included in the total? There is a period at the end of that paragraph.

Mr. CLAPP. I think the Senator is right.

Mr. LODGE. That is a separate and isolated appropriation. Therefore I suggest that we amend lines 23 and 24 so as to read:

One million eight hundred and fifty-three thousand dollars.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 13, line 8, after the word "dollars," to insert the following proviso:

Provided, That not exceeding $5,000 of this amount may be used under direction of the Commissioner of Indian Affairs in the transportation and placing of Indian pupils in positions where remunerative employment can be found for them in industrial pursuits. The provisions of this section shall apply to native pupils brought from Alaska.

Mr. McCUMBER. Mr. President, I suppose I hardly should take advantage at this time of an objection to that amendment, but I was not in the committee at the time it was adopted. I simply want to enter now my protest against that provision or any similar provision. It is simply a provision to authorize the Commissioner of Indian Affairs to find places of employment for Indian girls and boys—mostly, I understand, girls—from those schools. My own opinion is that no good whatever has come of taking these girls away from the schools and sending them out into private employment, and I do not think that any sum of money should be used for that purpose.

Mr. GALLINGER. Mr. President, as I heard the proposed amendment read it struck me as being a very wise provision, and I certainly shall give it my hearty support, unless the Senator from North Dakota can present some facts showing that no good has come from an effort along these lines.

I know it is frequently said that when the young Indian boys whom we educate at Carlisle and Hampton go to their homes after getting their education they go back to a very considerable extent to their former lives and habits; but I think that has been overstated. I have made some investigation along that line, and I think very great good has come from the education of the Indian youth in those schools and in schools of that character.

It does seem to me that we may very well expend this small sum of $5,000 in finding homes for these Indian girls or boys and giving them an opportunity to become more useful than they otherwise would become. I will ask the Senator from North Dakota if he knows as a matter of fact that failure has attended efforts along this line. I myself have no knowledge of it whatever.

Mr. McCUMBER. Mr. President, to determine whether failure has followed one would have to consider whether success has followed in any case. I do not know of a single case of success. I do know of a number of cases where girls have been taken out of the school and, instead of being sent home, have been sent out to private employment, getting practically nothing for the time that they were employed as domestic servants. I have known of their writing letters, innumerable letters, home, begging and praying for some one to take them away from their place of employment, and having been placed out by a school they are practically there often against their own will. They do not know where to go; they have no way of getting away. If they are put into the employment of people who simply wanted to make hired help out of them, they have no way of escaping from it like a white person. It may be the case of an Indian girl from my State working for a private family in the State of New Jersey, and I have known one or two instances where they have often threatened to commit suicide if they were not released from their thraldom.

My position in this matter I may as well state now. I do not believe there is any use or anything to be gained in trying to make a white person out of an Indian, whether it is an Indian girl or an Indian boy. I do believe that the Indian girl is doing more for the civilization of the Indians, if we are doing anything at all for their civilization, than all of the schooling of the Indian girls and boys. They are taught to cook, they are taught to be housekeepers, they are taught to take a little pride in their home, and that really to me is the foundation of all progress; and when they go home to their reservations and marry in their reservations they do considerable toward keeping up a pleasant and agreeable home.

I think the salvation of the Indian would lie in the Indian

girl, so far as civilization is concerned. I must say, though, I do not think there is much hope even for that. But I do not believe it is good for an Indian girl to take her away from one of her kind, where for two or three or four months she never sees another Indian girl or anyone with whom she can associate. It is a species of imprisonment that produces, in my opinion, no good results whatever.

Mr. GALLINGER. Mr. President, I have very great regard for the opinion on a matter of this kind of the Senator from North Dakota, who lives in a State where Indians in considerable numbers are to be found. But there is one point I wish to emphasize. The instances the Senator cites are of Indian boys and girls, particularly girls, who have been put out to service directly from the schools. It will be observed that in this amendment they are to be under the direction of the Commissioner of Indian Affairs. I take it that that official, who is a very competent man, will inquire into all the circumstances of the case and not place these young Indian girls or boys in positions that they do not wish to occupy. I think there is that difference, which we ought to keep in mind.

It does seem to me, I will repeat, that it will be good legislation for us to appropriate this very small amount to make this experiment, because I take it that it is experimental at best.

Mr McCUMBER. I will simply say that it would be impossible for the Commissioner of Indian Affairs or anyone situated here in this city to look after the employment of the few individuals who would receive employment under this provision. For myself I am free to say that I think no good whatever has ever come of taking any persons away from their own tribe or nationality, segregating them and placing them where they can not even associate or see one of their own kind.

The amendment was agreed to.

The next amendment was, on page 13, line 21, after the word "supervision," to insert "and control;" so as to read:

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision and control of the Secretary of the Interior, etc.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was under the subhead "Miscellaneous," on page 15, after line 8, to insert:

That section 2 of an act of Congress entitled "An act to provide for the acquiring of rights of way of railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March 3, 1899, be, and the same hereby is, amended so as to read as follows:

"SEC. 2. That such right of way shall not exceed 50 feet in width on each side of the center line of the road, except where there are heavy cuts and fills, when it shall not exceed 100 feet in width on each side of the road, and may include grounds adjacent thereto for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed 200 feet in width by a length of 3,000 feet, and not more than one station to be located within any one continuous length of 10 miles of road: *Provided*, That this section shall apply to all rights of way heretofore granted to railroads in the Indian Territory where no provisions defining the width of the right of way are set out in the act granting the same."

The amendment was agreed to.

The next amendment was, under the subhead "Indian agents—Proviso," on page 19, after line 24, to strike out:

The appropriations for the salaries of Indian agents shall not take effect nor become available in any case for or during the time in which any officer of the Army of the United States shall be engaged in the performance of the duties of Indian agent at any of the agencies above named; and the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency or part thereof upon the superintendent of the Indian school located at such agency or part thereof whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents.

And to insert:

That no army officer shall be engaged in the performance of the duties of Indian agent.

Mr. LODGE. I ask that that amendment may be passed over. It is a very important one.

The VICE-PRESIDENT. The amendment will be passed over at the request of the Senator from Massachusetts.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Truxton Canyon School," on page 23, line 2, after the word "reservation," to strike out "(four hundred and ninety thousand dollars);" so as to make the proviso read:

Provided further, That when said irrigation system is in successful operation, and the Indians have become self-supporting, the cost of operating the said system shall be equitably apportioned upon the lands irrigated, and to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work within thirty years, suitable deductions being made for the amounts received from disposal of lands which now form a part of said reservation.

The amendment was agreed to.

The next amendment was, under the subhead "Sherman Institute," on page 24, after line 11, to strike out:

For the purpose of removing obstructions from the bed of the stream which drains into the Eel River in the Round Valley Reservation, Mendocino County, Cal., $8,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 15, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to expend not to exceed $100,000 to purchase for the use of the Indians in California now residing on reservations which do not contain land suitable for cultivation, and for Indians who are not now upon reservations in said State, suitable tracts or parcels of land, water, and water rights in said State of California, and have constructed the necessary ditches, flumes, and reservoirs for the purpose of irrigating said lands, and the irrigation of any lands now occupied by Indians in said State, and to construct suitable buildings upon said lands, and to fence the tracts of land so purchased, and fence, survey, and mark the boundaries of such Indian reservations in the State of California as the Secretary of the Interior may deem proper. One hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act.

Mr. KEAN. Before that amendment is acted on, Mr. President, I should like to hear the Senator from California [Mr. PERKINS] explain it.

Mr. PERKINS. Mr. President, my friend from New Jersey is coming out to California this season, and I shall then have an opportunity of explaining this matter to him at length. I will only say now that the Commissioner of Indian Affairs, after thoroughly considering all the surrounding conditions of those people in our State, has recommended this appropriation as being a most meritorious one, and one for which there is urgent need. I am sure when my friend from New Jersey understands the matter fully, he will not object to the amendment.

Mr. KEAN. I do not object to it, Mr. President.

The amendment was agreed to.

Mr. DUBOIS. I ask that we now go back to page 12, to the total in line 23. There was a mistake in putting the words "and sixty," in line 17. "Sixty" and "eighteen" were added by the committee to "fifteen," in line 21, making the total there $493,000. The total in lines 23 and 24 is incorrect; but the words "and sixty" should be dropped out.

My recollection is now very clear that two provisions were inserted, one of $60,000, and one of $18,000; but they were put in the wrong place. On page 12 the words "and sixty" were put under the wrong heading. They were dropped out from that heading and added in the next clause, where "fifteen" was increased by "sixty" and by "eighteen," so that the words "and sixty" should be dropped out of the bill. It is a mistake in the printing or the preparation of the bill.

Mr. CLAPP. The Senator is correct about that.

The VICE-PRESIDENT. The amendment in line 17, on page 12, will be restated.

The SECRETARY. On page 12, line 17, before the word "thousand," the amendment of the Committee on Indian Affairs is to strike out "and sixty."

The VICE-PRESIDENT. In the absence of objection, this amendment will be regarded as disagreed to. It is disagreed to; and the total, in line 23, on page 24, will stand as proposed to be amended by the committee at "$1,793,000."

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the head of "Idaho," on page 26, after line 19, to insert:

That there be appropriated from the moneys of the United States Treasury not otherwise appropriated the sum of $25,000 for completing the survey on the Fort Lemhi and the Fort Hall Indian reservations, in Idaho; expenses in connection therewith in the office of the surveyor-general for Idaho, and for the examination of said surveys; also for a reconnoissance survey and preparation of plans for a comprehensive irrigation system for Indian lands and lands ceded by the act of June 6, 1900, on the Fort Hall Reservation, in Idaho, including consideration of a possible storage system.

That before any of the lands in the Lemhi Reservation, in Idaho, ceded by the agreement concluded on May 14, 1880, set forth in the act of February 23, 1889 (25 Stat., p. 687), the provisions of which are accepted by agreement executed December 28, 1905, by a majority of all of the adult male members belonging on or occupying the said reservation, and approved by the President on January 27, 1906, be opened to settlement or entry, the Commissioner of Indian Affairs shall cause to be prepared a schedule of the improved lands to be abandoned, with a description of the improvements thereon and the name of the Indian occupant, a duplicate of which shall be filed with the Commissioner of the General Land Office.

Before entry shall be allowed of any tract of land occupied and cultivated and included in the schedule aforesaid, the Secretary of the Interior shall cause the improvements on said tract to be appraised and sold to the highest bidder.

No sale of such improvements shall be for less than the appraised value. The purchaser of such improvements shall have thirty days after such purchase for preference right of entry of the lands upon which the improvements purchased by him are situated, not to exceed 160 acres: *Provided*, That the proceeds of the sale of such improve-

ments shall be paid to the Indians owning the same: *Provided further*, That any missionary or religious society to which the Government has assigned lands in said reservation may remove or dispose of the improvements thereon within a reasonable time after the removal of the Indians to the Fort Hall Reservation, and if sold the purchaser of such improvements shall have thirty days from the date of sale thereof for preference right to entry of the lands upon which the improvements purchased by him are situated, not exceeding 160 acres.

Mr. GALLINGER. I suggest to the chairman of the committee that it would be better, I think, to change the amendment, in line 19 on page 27, and to say "and the names of Indian occupants," making it plural. There are various lands there, and I take it there are a great many occupants.

Mr. CLAPP. The committee will accept the suggestion of the Senator from New Hampshire.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee, on page 27, line 19, after the words "and the," by striking out "name" and inserting "names;" and in the same line, after the word "Indian," to strike out "occupant" and insert "occupants."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment was, under the subhead "Coeur d'Alenes (treaty)," on page 29, after line 11, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell or dispose of unallotted lands in the Coeur d'Alene Indian Reservation, in the State of Idaho.

That as soon as the lands embraced within the Cœur d'Alene Indian Reservation shall have been surveyed, the Secretary of the Interior shall cause allotments of the same to be made to all persons belonging to or having tribal relations on said Cœur d'Alene Indian Reservation, to each man, woman, and child 160 acres, and, upon the approval of such allotments by the Secretary of the Interior, he shall cause patents to issue therefor under the provisions of the general allotment law of the United States.

That upon the completion of said allotments to said Indians the residue or surplus lands—that is, lands not allotted or reserved for Indian school, agency, or other purposes—of the said Cœur d'Alene Indian Reservation shall be classified under the direction of the Secretary of the Interior as agricultural lands, grazing lands, timber lands, or mineral lands, and shall be appraised under their appropriate classes by legal subdivisions, with the exception of the lands classed as mineral lands, which need not be appraised, and which shall be disposed of under the general mining laws of the United States, and, upon completion of the classification and appraisement, such surplus lands, with the exception of mineral lands, shall be opened to settlement and entry, under the provisions of the homestead laws, at not less than their appraised value, in addition to the fees and commissions now prescribed by law for the disposition of lands of the value of $1.25 per acre, by proclamation of the President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied, and entered by persons entitled to make entry thereof: *Provided*, That the price of said lands when entered shall be fixed by the appraisement, as herein provided for, which shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal annual installments to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and in case any entryman fails to make the annual payments, or any of them, promptly when due all rights in and to the land covered by his or her entry shall cease, and any payment theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry. But nothing in this act shall prevent homestead settlers from commuting their entries under section 2101 of the Revised Statutes by paying for the land entered the appraised price, receiving credit for payment previously made, but the right to commute by said entryman shall not be allowed as to any lands classified as timber land: *Provided further*, That the lands remaining undisposed of at the expiration of five years from the opening of the said lands to entry shall be sold to the highest bidder for cash, at not less than $1 per acre, under rules and regulations to be prescribed by the Secretary of the Interior, and that any lands remaining unsold ten years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price: *And provided further*, That sections 16 and 36 of said lands be, and they are hereby, excepted from the foregoing provisions and are hereby granted to the State of Idaho for school purposes, and the United States shall pay to said Indians therefor the sum of $1.25 per acre: *And provided also*, That if the State of Idaho has made any selections under existing law in lieu of sections 16 and 36 of the lands affected by this act the acreage of such selections shall be deducted from the acreage to be paid for under the preceding proviso.

That the said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, and enter any of said lands except as prescribed in such proclamation.

That the Secretary of the Interior shall reserve from said lands, whether surveyed or unsurveyed, such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause any such reservations, or parts thereof, to be surveyed into blocks and lots of suitable size, and to be appraised and disposed of under such regulations as he may prescribe, and the net proceeds derived from the sale of such lands shall be paid to such Indians, as herein provided.

That the net proceeds arising from the sale and disposition of the lands aforesaid, including the sums paid for mineral and town-site lands, shall be, after deducting the expenses incurred from time to time in connection with the allotment, appraisement, and sales, and surveys herein provided, deposited in the Treasury of the United States to the credit of the Cœur d'Alene and confederated tribes of Indians belonging and having tribal rights on the Cœur d'Alene Indian Reservation, in the State of Idaho, and shall be expended for their benefit, under the direction of the Secretary of the Interior, in the education and improvement of said Indians and in the purchase of stock cattle, horse teams, harness, wagons, mowing machines, horserakes, thrashing machines, and other agricultural implements for issue to said Indians, and also for the purchase of material for the construction of houses or other necessary buildings, and a reasonable sum may also be expended by the Secretary, in his discretion, for the comfort, benefit, and improvement of said Indians: *Provided*, That a portion of the proceeds may be paid to the Indians in cash per capita, share and share alike, if in the opinion of the Secretary of the Interior such payments will further tend to improve the condition and advance the progress of said Indians, but not otherwise.

That any of said lands necessary for agency, school, and religious purposes, including any lands now occupied by the agency buildings, and the site of any sawmill, gristmill, or other mill property on said lands are hereby reserved for such uses so long as said land shall be occupied for the purposes above designated: *Provided*, That all such reserved lands shall not exceed in the aggregate 3 section and must be selected in legal subdivisions conformable to the public surveys, such selection to be made by the Indian agent of the Cœur d'Alene Agency, under the direction of the Secretary of the Interior and subject to his approval.

That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations as to the manner of sale, notice of same, and other matters incident to the carrying out of the provisions of this act, and with authority to reappraise and reclassify said lands if deemed necessary from time to time, and to continue making sales of the same, in accordance with the provisions of this act, until all of the lands shall have been disposed of.

That nothing herein contained shall be construed to bind the United States to find purchasers for any of said laids, it being the purpose merely to have the United States act as trustee for said Indians in the disposition and sales of said lands and to expend or pay over to them the net proceeds derived from the sales as herein provided.

That to enable the Secretary of the Interior to allot, classify, appraise, and conduct the sale and entry of said lands as herein provided the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, from any money in the Treasury not otherwise appropriated, the same to be reimbursed from the proceeds of the sales of the aforesaid lands: *Provided*, That when funds shall have been procured from the first sales of the land the Secretary of the Interior may use such portion thereof as may be actually necessary in conducting future sales and otherwise carrying out the foregoing provisions.

The amendment was agreed to.

The next amendment was, under the head of "Indian Territory," on page 35, line 25, before the word "thousand," to strike out "thirty" and insert "fifteen;" so as to make the clause read:

For clerical work and labor connected with the sale and leasing of Creek and the leasing of Cherokee lands, $15,000.

The amendment was agreed to.

The next amendment was, at the top of page 36, to insert:

That all Choctaw and Chickasaw freedmen whose names appear upon the rolls of said tribes as approved by the Secretary of the Interior shall each have the preference right to purchase, at a valuation to be ascertained by appraisement to be hereafter made under rules and regulations prescribed by said Secretary, 80 acres of the unallotted lands of said tribes.

That there shall be reserved from allotment 1 acre of the lands of the Choctaw and Chickasaw tribes for each church under the control of or used exclusively by the Choctaw or Chickasaw freedmen; and there shall be reserved from allotment 1 acre of said lands for each school conducted by Choctaw or Chickasaw freedmen, under the supervision of the authorities of said tribes and officials of the United States, and patents shall issue, as provided by law, to the person or organization entitled to receive the same. There are also reserved such tracts as the Secretary of the Interior may approve for cemeteries; and such cemeteries may be reserved, respectively, for Indians, freedmen, and whites, as the Secretary may designate.

The amendment was agreed to.

The next amendment was, on page 37, line 2, before the words "Indian Territory," to strike out "Wagner," and insert "Wagoner;" so as to make the clause read:

That there is appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of $1,236, to pay Toney E. Proctor $2 per day in lieu of subsistence from August 13, 1899, until April 23, 1901, while serving as town-site appraiser of Wagoner, Ind. T., Creek Nation.

The amendment was agreed to.

The next amendment was, on page 37, line 11, after the word "of," to strike out "orphan Indian children at the Whittaker Home, Pryor Creek, Ind. T.," and insert:

Cherokee orphan Indian children in the Indian Territory, and that the proceeds from leasing of the lands allotted to such orphan Indian children shall be used, under direction of the Secretary of the Interior, for their care and support.

So as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized to make such contract as in his judgment seems advisable for the care of Cherokee orphan Indian children in the Indian Territory, and that the proceeds from leasing of the lands allotted to such orphan Indian children shall be used, under direction of the Secretary of the Interior, for their care and support, and for the purpose of carrying this provision into effect, the sum of $10,000, or so much thereof as is necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was on page 38, after the word "dollars," to insert the following proviso:

Provided, That so much as may be necessary may be used in the employment of clerical force in the office of the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was in the subhead, before the word "Schools," to strike out "Superintendent of;" so as to make the subhead read "Schools."

The amendment was agreed to.

The next amendment was, on page 39, line 13, before the word "therein," to strike out "noncitizens" and insert "parents of other than Indian blood;" and in line 15, before the word "thousand," to insert "and fifty;" so as to make the clause read:

For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole nations, and making provision for the attendance of children of parents of other than Indian blood therein, and the establishment of new schools under the control of the Department of the Interior, the sum of $150,000, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior, and disbursed by him under such rules and regulations as he may prescribe.

The amendment was agreed to.

The next amendment was, on page 39, after line 18, to insert:

That the Court of Claims be, and is hereby, authorized and empowered, upon final determination of the case or cases involving the claim of the intermarried white persons in the Cherokee Nation to share in the common property of the Cherokee people, and to be enrolled for such purpose (being Nos. 419, 420, 421, and 422, on the docket of the United States Supreme Court for October term, 1905), to ascertain and determine the amount to be paid the attorney and counsel of record for the Cherokee Indians by blood in said cases, in reimbursement of necessary expenses incurred, and as reasonable compensation for services rendered in such proceedings. Such court shall further designate the persons, class, or body of persons by whom such payment should equitably be made and the fund or funds held by the United States out of which the same shall be paid and enter a decree for the amount so found; and the sum necessary to pay the same is hereby appropriated out of the fund or funds designated by the court, and the Secretary of the Treasury shall pay the same.

The amount awarded by the court when paid shall be in full for all expenses and services of said attorney and counsel in connection with the claim of the intermarried whites.

Mr. LODGE. That clause is not only new legislation, but it is clearly a private claim, and I make the point of order against it.

Mr. CLAPP. What is the point?

Mr. LODGE. I make the point of order that it is a private claim and also new legislation.

Mr. CLAPP. I think it was held last year——

Mr. McCUMBER. What is the amendment?

Mr. CLAPP. The one relating to intermarried whites in the Cherokee Nation.

The VICE-PRESIDENT. What is the suggestion of the Senator from Minnesota?

Mr. CLAPP. I think it was held by the Senate last year, relying upon a case that came up three or four years ago, that where the effect of the amendment was to reach a tribal fund the amendment was not subject to the point of order.

If it were an appropriation of money outside of tribal funds, it would be.

Mr. LODGE. I do not make the point of order that this is an appropriation of money not estimated for. I make the point of order that it is obnoxious to the rule because it is new legislation, which seems to me obvious, and also that it is a private claim to pay attorneys.

Mr. McCUMBER. I should like to ask the Senator from Massachusetts what rule provides against new legislation. It is all new legislation.

Mr. LODGE. A change of existing law. New legislation is not in order on an appropriation bill.

Mr. McCUMBER. That prohibition is against general legislation.

Mr. GALLINGER. "General," we call it.

Mr. LODGE. The rule says:

No amendment which proposes general legislation shall be received to any general appropriation bill—

I said "new legislation" instead of "general legislation"—

nor shall any amendment not germane or relevant be received. * * * No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation.

Mr. CARTER. Mr. President, I am not familiar with the purposes of this amendment, but I assume from the wording that there must be some contract existing in these cases, providing for what the committee probably considered was an exorbitant sum, and that the purpose of the amendment is to enable the court to fix a reasonable fee in lieu of the contract fee provided for.

Mr. GALLINGER. But it makes an appropriation likewise.

Mr. CARTER. But out of the tribal funds. Some member of the committee may be able to explain whether contracts exist which would take out of the tribal fund a much larger sum than the sum here contemplated.

Mr. LODGE. It does not appear from the amendment.

Mr. CARTER. It does not so appear.

Mr. LODGE. The amendment does not suggest to my mind an economy of money at the expense of the attorneys.

Mr. CARTER. I take quite the contrary view of it from that of the Senator from Massachusetts. It has frequently occurred, as the Senator is aware, that very unconscionable contracts have been made with attorneys for Indians for the payment of fees.

Mr. LODGE. That I know.

Mr. CARTER. It is probable, I take it, that the court is called upon to fix the fees, to the end that they may not be exorbitant or unjust. The facts in this case I do not pretend to understand.

Mr. McCUMBER. I have not recently looked at the rule the Senator from Massachusetts invokes, but certainly it does not seem to me that this amendment can be subject to objection upon the ground that it is general legislation. It is special legislation directed toward a specific subject connected with this bill, which appropriates money for the support and care of the Indians. Wherein can it be said that this is general in its character? It applies to only one specific thing.

Mr. LODGE. I do not care to insist upon that point, though I know it is good. But the amendment is legislation providing for a private claim.

The VICE-PRESIDENT. The Chair will submit the point of order to the Senate under Rule XX, if it is desired.

Mr. CARTER. Before that is done, I should like to have the Senator from North Dakota, or some other member of the committee, explain the purpose of the amendment.

Mr. McCUMBER. The Senator from Minnesota is in charge of the bill.

Mr. CARTER. If it is for the protection of the Indians and in the interest of economy, I should vote one way. If it is merely a donation of fees, I should be differently inclined.

Mr. CLAPP. There is in the report of the committee a copy of a previous report upon this same question; first session "Fifty-ninth Congress," it reads here. I think it should be the Fifty-eighth. It will be found on page 26 of the report, and it gives a history of this matter. There are a great many cases of this kind pending to test the rights of intermarried whites with Cherokees. I think there was a contract. I forget the amount. So far as I am concerned, I would not care if the Senate once for all would make a rule that these matters should not go on this bill.

However, before any vote is taken I should like to submit an amendment, because when we vote it will probably show the want of a quorum.

Mr. CARTER. I suggest that the matter go over until to-morrow.

Mr. GALLINGER. I suggest, if the question is to be submitted to the Senate, that the Senator from Minnesota let the matter go over, because manifestly a vote would adjourn the Senate.

Mr. CLAPP. I ask that it be passed over.

Mr. LODGE. In order that it may go in the RECORD, as the amendment is to be passed over, I have been looking at the House report to which the Senator from Minnesota called attention, in regard to the attorneys' claim, and I find that it is a report on a bill to pay claims—a perfectly proper bill, in proper form, reported from the Committee on Indian Affairs, but not an appropriation bill.

Mr. CLAPP. I will explain that to the Senator. It has been the custom for a good many years, when the Senate committee had the Indian appropriation bill under consideration, for those people to bring their matters to that committee, and we made a sort of rule this winter that before we would consider matters of that character they must get a favorable report from the House. So they introduced this as a House bill, and they brought it over. That was done as a sort of partial protection to the committee.

Mr. LODGE. It was not put on the bill in the House, and I understand why, because a point of order would lie against it there, and it would have gone out in a moment. In fact, it would not have been let in for a second. Therefore it is brought around to us.

What I want to call attention to is that in the report occurs this language:

The Secretary of the Interior wrote a letter last year to the chairman of the Committee on Indian Affairs stating that this controversy had grown out of the administration of the affairs and distribution of the property of the Cherokee people under the authority of the United States, and that some provision should be made for adjusting the claim of the attorneys for compensation.

It is defined in this very House report as a private claim. I do not mean to say it is not a good claim; I am not attempting to pass upon it; but the Senate rule as to private claims is extremely strict, and I think it would be very bad practice

for us to get into to put private claims on general appropriation bills. I know nothing whatever of the merits of this claim. From what the House report says, I should suppose it was a claim that should be referred to the court for adjustment; but I do object very much to a claim of this kind, defined in the House report as a private claim, being placed on a general appropriation bill.

I wish this to go in the RECORD, because the matter will come up again.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Five Civilized Tribes," on page 40, line 20, after the word "Tribes," to strike out "exclusive of salaries and expenses of Commissioners;" so as to make the clause read:

For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, $200,000; said appropriation to be disbursed under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 40, after line 23, to insert:

The Secretary of the Interior is hereby authorized and directed to reexamine the enrollment records of the Five Civilized Tribes, for the purpose of ascertaining whether said enrollment records show that persons who were minors at the time that the enrollments were made were of Indian blood on the side of either parent, and to make such transfer of the names of such minors from one roll to another as he may now determine they are entitled to on account of the facts appearing by such enrollment records.

Mr. CARTER. In line 2, page 41, I move to strike out the word "minors;" in line 3 to strike out "were;" in line 5, on the same page, to strike out the word "minors" and insert "persons;" and at the end of line 5 to strike out the words "he may now determine."

Mr. CLAPP. What is the Senator's object in moving to strike out the words "he may now determine?"

Mr. CARTER. I do not insist upon striking them out, although they would make the judgment of the Secretary of the Interior final, I think, in deciding whether either of the parties was, as a matter of law, entitled on the record to a certain standing.

Mr. CLAPP. If the Senator will pardon me, I want to protest against striking out those words. The history of the matter is simply this: In the other bill that came over there was an effort made to open up the roll down there. The Senate rejected that effort except where the right was based upon documentary evidence. Now, it appears that people were enrolled under a ruling at that time that the child followed the status of the mother. Since then the Secretary has held that it follows the status of the father. If it is left to the Secretary, and he desires to affirm his last position, he can do so. I do not think we ought, as a matter of law, to transfer it.

Mr. CARTER. Very well. I will withdraw that portion of the amendment relating to the words "he may now determine."

Mr. McCUMBER. Let me call the Senator's attention to the fact that as he proposes to amend the clause, it would be difficult to ascertain its meaning. He proposes to strike out the word "minors," in line 2, page 41; and it will then read:

For the purpose of ascertaining whether said enrollment records show that persons who were persons at the time the enrollment was made.

Mr. CLAPP. No.

Mr. CARTER. I think the Senator does not get the reading of the amendment. The amendment as I propose to amend it would read:

For the purpose of ascertaining whether said enrollment records show that persons who were at the time that the enrollments were made of Indian blood, on the side of either parent, and to make such transfer of the names of such minors from one roll to another, as he may now determine they are entitled to, on account of the facts appearing by such enrollment records.

Mr. McCUMBER. The Senator strikes out the word "minors," in the second line, and does not insert anything.

Mr. CARTER. In the second line.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Montana.

The SECRETARY. Page 41, line 2, strike out the word "minors;" in line 3 strike out "were;" and in line 5 strike out the word "minors" and insert the word "persons."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 41, after line 7, to insert:

That the Commisioner to the Five Civilized Tribes is hereby authorized to add the names of the following persons to the final roll of the citizens by blood of the Choctaw tribe: Malinda Pickens, Morris Battiest, and Samuel Sydney Burris; and the names of the following persons to the final roll of the citizens by blood of the Chickasaw tribe: Rebecca Pitts, Maggie Wade; and the name of Nancy Bigknife to the final roll of the citizens by blood of the Cherokee tribe, the said persons being either Choctaw, Chickasaw, or Cherokee Indians by blood, whose names, through neglect on their part or on the part of their parents have been omitted from the tribal rolls: *Provided*, That the enrollment of said persons by the Commissioner to the Five Civilized Tribes shall not be objected to by the said tribes, and shall be approved by the Secretary of the Interior.

The amendment was agreed to.

Mr. CLAPP. On page 41, after the amendment just agreed to, I move to insert as a new paragraph what I send to the desk.

The SECRETARY. After line 22, on page 41, it is proposed to insert:

That the Secretary of the Interior shall have prepared and printed in a permanent record book the tribal rolls of the Five Civilized Tribes, and that one copy of such record book shall be deposited in the office of the recorder in each of the recording districts for public inspection free of charge.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Choctaws. (Treaty)," on page 43, line 8, after the word "cents," to strike out the colon and insert a period.

The amendment was agreed to.

Mr. CLAPP. On page 43, after the word "cents," in line 8, I move to insert what I send to the desk.

The SECRETARY. On page 43, after the word "cents," in line 8, it is proposed to insert:

And provided, That the Secretary of the Interior is hereby authorized, in case, after investigation, he deems it for the best interests of the tribe, to set aside 640 acres of Choctaw land for the benefit of Old Goodland Indian Orphan Industrial School, and to convey the same to said school in conjunction with the executive of the Choctaw tribe.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 43, after line 8, to strike out:

Provided, That the Court of Claims is hereby authorized and directed to hear, consider, and adjudicate the claims against the Mississippi Choctaws of the estate of Charles F. Winton, deceased, his associates and assigns, for services rendered and expenses incurred in the matter of the claims of the Mississippi Choctaws to citizenship in the Choctaw Nation, and to render judgment thereon, on the principle of quantum meriut, in such amount or amounts as may appear equitably or justly due therefor, which judgments, if any, shall be paid from any funds now or hereafter due such Choctaws by the United States. Notice of such suit shall be served on the governor of the Choctaw Nation and the Attorney-General shall appear and defend the said suit on behalf of said Choctaws.

The amendment was agreed to.

The next amendment was, on page 43, after line 21, to insert:

Provided, That hereafter clerks and deputy clerks of United States courts in the Indian Territory who are ex officio recorders of recording districts in said Territory, shall be allowed, out of the fees received for the recording and filing of instruments, 25 per cent in addition to the sum of compensation and actual expenses for clerk hire now provided by law.

Mr. LODGE. I should like to ask the Senator from Minnesota why the increase of 25 per cent in the pay of the clerks has become necessary?

Mr. CLAPP. That was on the recommendation of the Commissioner. The fact is that provision was in the other bill, but as it was reported in the first conference I think it was so situated that it could not properly be a subject of conference; and for that reason it was put in here.

Mr. LODGE. It is a necessary increase?

Mr. CLAPP. It was so thought by the Commissioner; and I will say that the next amendment is also an amendment that got in such shape in the other bill that it could not be the proper subject of conference.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 44, after line 3, to insert:

That section 2 of the act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved ———, 1906, be, and the same is hereby, amended by striking out thereof the words "*Provided further*, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: *Provided further*, That nothing herein shall apply to the intermarried whites in the Cherokee Nation whose cases are now pending in the Supreme Court of the United States."

The amendment was agreed to.

The next amendment was, on page 44, after line 16, to insert:

That, in addition to the places now provided by law for holding courts in the central judicial district of Indian Territory, terms of the district court of the central district shall hereafter be held at the town of Wilburton, and the United States judge of said central district is hereby authorized to establish by metes and bounds a record-

ing district for said court. That all laws regulating the holding of courts in the Indian Territory shall be applicable to the court hereby created at the town of Wilburton.

That there is hereby created in the Cherokee Nation, Indian Territory, an additional recording district, to be known as "district No. 27." Said district shall be bounded as follows: Beginning at the northwest corner of the Cherokee Nation, thence east along the north boundary line of the Cherokee Nation to the northeast corner of section 17, in township 29 north, of range 14 east; thence south to the township line at the corner of section 32; thence west along said township line to the northeast corner of section 4, in township 28 north, of range 14 east; thence south with the section line to the township line between townships 23 and 24; thence west to the dividing line between the Osage and Cherokee nations; thence north along said dividing line between the Osage and Cherokee nations to the place of beginning.

That not less than two terms of court in each year shall be held at the town of Bartlesville, in said recording district No. 27, and a United States commissioner's court shall be established in said recording district No. 27 and maintain an office at Bartlesville, in said district, and an act of Congress entitled "An act providing for the recording of deeds and other conveyances and instruments in writing in Indian Territory, and for other purposes," approved February 19, 1903, shall have the same force and effect in said district No. 27 as it has in the districts created by said act approved February 19, 1903.

That there is hereby created in Indian Territory an additional recording district, to be known as "recording district No. 28." Said district shall be bounded as follows: Beginning at the southwest corner of the Cherokee Nation, thence north along the western boundary line of the Cherokee Nation to the township line between townships 23 and 24 north; thence east along the township line between townships 23 and 24 north to the range line between ranges 14 and 15 east; thence south along the range line between ranges 14 and 15 east to the township line between townships 16 and 17 north; thence west along the township line between townships 16 and 17 north to the range line between ranges 12 and 13 east; thence north along the range line between ranges 12 and 13 east to the township line between townships 18 and 19 north; thence west along the township line between townships 18 and 19 north to the range line between ranges 10 and 11 east; thence north along said range line to the Arkansas River; thence northwest up said river to a point where it crosses the north line of the Creek Nation; thence east along the north line of the Creek Nation to the place of beginning.

That the judge of the western judicial district of Indian Territory shall hold not less than three terms of court in each year at the town of Tulsa, in said recording district No. 28; and a United States commissioner's court shall be established and maintained in said recording district No. 28, which commissioner shall maintain his office at Tulsa, in said district, and an act of Congress entitled "An act providing for the recording of deeds and other conveyances and instruments in writing in Indian Territory, and for other purposes," approved February 19, 1903, shall have the same force and effect in said recording district No. 28 as it has in the districts created by the said act approved February 19, 1903.

That all that portion of territory included in said recording district No. 28, as herein defined, lying within the boundaries of the Cherokee Nation, and being now a part of the northern judicial district of Indian Territory, shall become, and the same is hereby, attached to and made a part of the western judicial district of Indian Territory; and all of the power, authority, and jurisdiction of the United States court of the western judicial district of Indian Territory and of the judges and marshals thereof are hereby extended to and put in force over all the territory included within the boundaries of said twenty-eighth recording district as herein defined and established.

That in addition to the places now provided by law for holding courts in the southern judicial district of Indian Territory courts shall be held in the town of Duncan, and all laws regulating the holding of the courts in the Indian Territory shall be applicable to the said court hereby created in the said town of Duncan.

That the territory next hereinafter described shall be known as recording district No. 27, beginning at a point where township line between townships 2 and 3 north reaches the east boundary line of Oklahoma Territory; thence east on said township line 24 miles to where it intersects with range line 3 and 4 west; thence south on said range line 12 miles to where it intersects the base line between townships 1 north and 1 south; thence east along said base line 6 miles to the range line between ranges 2 and 3 west; thence south 12 miles along said range line to the township line between townships 2 and 3 south; thence west 30 miles along said township line to where it intersects with the east line of Oklahoma Territory; thence north along said line 24 miles to the place of beginning.

That the present boundaries of recording district No. 18, in the Indian Territory, is hereby amended so as to read as follows: Beginning at a point at the South Canadian River where the same intersects the range line between ranges 3 and 4 east; thence south on said range line to a section line 3 miles south of the township line between townships 4 and 5 north; thence west on said line to the meridian line between ranges 4 and 5 west; thence north on said meridian line to the South Canadian River; thence down said South Canadian River, following the meanderings thereof, to the place of beginning. The place of record for district No. 18 shall be Purcell.

That the present boundaries of recording district No. 17, in the Indian Territory, is hereby amended so as to read as follows: Beginning at a point 3 miles south of the township line between townships 4 and 5 north where said line intersects with the range line between ranges 3 and 4 east; thence south along said range line to the base line; thence west on said base line to the meridian line between ranges 4 and 5 west; thence north on said meridian line to a section line 3 miles south of the township line between townships 4 and 5 north; thence east on said section line to the place of beginning. The place of record for district No. 17 shall be Pauls Valley.

That it is further provided that all the provisions of the act of Congress approved February 19, 1903, shall apply to districts numbered 17, 18, and 27 where applicable. That all laws or parts of laws in conflict with the provisions hereof are hereby repealed.

The amendment was agreed to.

Mr. KEAN. Does the Senator from Minnesota care to go on further with the bill this evening?

Mr. CLAPP. I wish to do simply what is the pleasure of the Senate. If it is desired to have an executive session I will agree to that course.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 17, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 16, 1906.

ASSOCIATE JUSTICE.

Milton C. Garber, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma, to succeed James K. Beauchamp, whose term expires May 12, 1906.

APPOINTMENT IN THE ARMY.

Maj. Gen. Henry C. Corbin, adjutant-general, to be Lieutenant-General from April 15, 1906, vice Bates, retired from active service.

POSTMASTERS.

ARKANSAS.

Elijah O. Lefors to be postmaster at Bentonville, in the county of Benton and State of Arkansas, in place of Elijah O. Lefors. Incumbent's commission expires May 8, 1906.

CONNECTICUT.

Mary E. Bell to be postmaster at Portland, in the county of Middlesex and State of Connecticut, in place of Mary E. Bell. Incumbent's commission expires June 19, 1906.

GEORGIA.

Henry Blun, jr., to be postmaster at Savannah, in the county of Chatham and State of Georgia, in place of Henry Blun, jr. Incumbent's commission expires May 9, 1906.

ILLINOIS.

George W. Baber to be postmaster at Paris, in the county of Edgar and State of Illinois, in place of George W. Baber. Incumbent's commission expires April 26, 1906.

Chester B. Claybaugh to be postmaster at Toulon, in the county of Stark and State of Illinois, in place of Chester B. Claybaugh. Incumbent's commission expires May 19, 1906.

George J. Price to be postmaster at Flora, in the county of Clay and State of Illinois, in place of George J. Price. Incumbent's commission expires May 2, 1906.

Alonzo C. Sluss to be postmaster at Tuscola, in the county of Douglas and State of Illinois, in place of Alonzo C. Sluss. Incumbent's commission expires June 10, 1906.

KANSAS.

George T. Boon to be postmaster at Chetopa, in the county of Labette and State of Kansas, in place of George T. Boon. Incumbent's commission expires June 10, 1906.

John A. Hartley to be postmaster at Cheney, in the county of Sedgwick and State of Kansas. Office became Presidential January 1, 1906.

Ewing Herbert to be postmaster at Hiawatha, in the county of Brown and State of Kansas, in place of Ewing Herbert. Incumbent's commission expires May 19, 1906.

William A. Moriston to be postmaster at Bonner Springs, in the county of Wyandotte and State of Kansas. Office became Presidential April 1, 1906.

KENTUCKY.

Asa Bodkin to be postmaster of Bardwell, in the county of Carlisle and State of Kentucky, in place of George G. Witty. Incumbent's commission expired February 10, 1906.

Berry T. Conway to be postmaster at Lebanon, in the county of Marion and State of Kentucky, in place of Berry T. Conway. Incumbent's commission expires April 18, 1906.

A. Downs to be postmaster at Murray, in the county of Calloway and State of Kentucky, in place of David L. Redden. Incumbent's commission expired January 13, 1906.

Frank M. Fisher to be postmaster at Paducah, in the county of McCracken and State of Kentucky, in place of Frank M. Fisher. Incumbent's commission expires May 15, 1906.

William H. Harrison to be postmaster at Flemingsburg, in the county of Fleming and State of Kentucky, in place of William H. Harrison. Incumbent's commission expires May 15, 1906.

Daniel D. Hurst to be postmaster at Jackson, in the county of Breathitt and State of Kentucky, in place of Daniel D. Hurst. Incumbent's commission expires April 25, 1906.

William T. West to be postmaster at Lancaster, in the county of Garrard and State of Kentucky, in place of William T. West. Incumbent's commission expired February 10, 1906.

LOUISIANA.

Elwyn J. Barrow to be postmaster at St. Francisville, in the parish of West Feliciana and State of Louisiana, in place of Elwyn J. Barrow. Incumbent's commission expired April 5, 1906.

MAINE.

Newton H. Fogg to be postmaster at Sanford, in the county of York and State of Maine, in place of Newton H. Fogg. Incumbent's commission expires May 21, 1906.

Reuel W. Norton to be postmaster at Kennebunk Port, in the county of York and State of Maine, in place of Reuel W. Norton. Incumbent's commission expires June 30, 1906.

Willis W. Wait to be postmaster at Dixfield, in the county of Oxford and State of Maine. Office became Presidential April 1, 1906.

MASSACHUSETTS.

Thomas A. Hills to be postmaster at Leominster, in the county of Worcester and States of Massachusetts, in place of Thomas A. Hills. Incumbent's commission expires June 2, 1906.

MICHIGAN.

James Buckley to be postmaster at Petoskey, in the county of Emmet and State of Michigan, in place of James Buckley. Incumbent's commission expires May 19, 1906.

MINNESOTA.

Peter J. Schwartz to be postmaster at Shakopee, in the county of Scott and State of Minnesota, in place of Peter J. Schwartz. Incumbent's commission expires May 8, 1906.

MISSOURI.

John C. Rickey to be postmaster at Clarence, in the county of Shelby and State of Missouri, in place of Reuben N. Shanks. Incumbent's commission expired March 25, 1906.

MONTANA.

James W. McKenzie to be postmaster at Havre, in the county of Chouteau and State of Montana, in place of Charles D. Howell, resigned.

NEBRASKA.

Howard C. Miller to be postmaster at Grand Island, in the county of Hall and State of Nebraska, in place of Howard C. Miller. Incumbent's commission expires May 19, 1906.

NEW HAMPSHIRE.

Simeon M. Estes to be postmaster at Meredith, in the county of Belknap and State of New Hampshire, in place of Simeon M. Estes. Incumbent's commission expires June 5, 1906.

Eugene Lane to be postmaster at Suncook, in the county of Merrimack and State of New Hampshire, in place of Eugene Lane. Incumbent's commission expires June 5, 1906.

NEW JERSEY.

George C. Reed to be postmaster at Park Ridge, in the county of Bergen and State of New Jersey, in place of George C. Reed. Incumbent's commission expired February 28, 1906.

NEW YORK.

George E. Call to be postmaster at Northport, in the county of Suffolk and State of New York, in place of George E. Call. Incumbent's commission expires April 22, 1906.

Burt Graves to be postmaster at Middleport, in the county of Niagara and State of New York, in place of Burt Graves. Incumbent's commission expires May 14, 1906.

George M. Mayer to be postmaster at Olean, in the county of Cattaraugus and State of New York, in place of George M. Mayer. Incumbent's commission expired March 21, 1906.

OHIO.

Conrey M. Ingman to be postmaster at Marysville, in the county of Union and State of Ohio, in place of Conrey M. Ingman. Incumbent's commission expires May 19, 1906.

PENNSYLVANIA.

Christian W. Houser to be postmaster at Duryea, in the county of Luzerne and State of Pennsylvania. Office became Presidential April 1, 1906.

Harry D. Patch to be postmaster at Wilmerding, in the county of Allegheny and State of Pennsylvania, in place of Harry D. Patch. Incumbent's commission expires June 30, 1906.

Huston S. Williams to be postmaster at Fairchance, in the county of Fayette and State of Pennsylvania. Office became Presidential April 1, 1906.

TEXAS.

Caroline Cotulla to be postmaster at Cotulla, in the county of La Salle and State of Texas. Office became Presidential April 1, 1906.

VERMONT.

Frederick G. Ellison to be postmaster at Springfield, in the county of Windsor and State of Vermont, in place of Fred G. Ellison. Incumbent's commission expires June 28, 1906.

VIRGINIA.

W. Griffin to be postmaster at Salem, in the county of Roanoke and State of Virginia, in place of W. Lee Brand. Incumbent's commission expires April 26, 1906.

WEST VIRGINIA.

Lester G. Toney to be postmaster at Northfork, in the county of McDowell and State of West Virginia. Office became Presidential April 1, 1906.

WYOMING.

Otis Rife to be postmaster at Kemmerer, in the county of Uinta and State of Wyoming. Office became Presidential January 1, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 16, 1906.

DEPUTY AUDITOR FOR POST-OFFICE DEPARTMENT.

Charles H. Keating, of Ohio, to be Deputy Auditor for the Post-Office Department.

DISTRICT JUVENILE COURT JUDGE.

William H. De Lacy, of the District of Columbia, to be the judge of the juvenile court of the District of Columbia, as provided for by the act approved March 19, 1906.

RECEIVER OF PUBLIC MONEYS.

Harvey J. Ellis, of Alliance, Nebr., to be receiver of public moneys at Alliance, Nebr.

POSTMASTERS.

ILLINOIS.

John Haig to be postmaster at Le Roy, in the county of McLean and State of Illinois.

Mark L. Harper to be postmaster at Eureka, in the county of Woodford and State of Illinois.

George A. Lyman to be postmaster at Amboy, in the county of Lee and State of Illinois.

W. H. Mix to be postmaster at Byron, in the county of Ogle and State of Illinois.

William Stickler to be postmaster at Lexington, in the county of McLean and State of Illinois.

INDIANA.

Lewis Dennis to be postmaster at Salem, in the county of Washington and State of Indiana.

Bennett M. Grove to be postmaster at Liberty, in the county of Union and State of Indiana.

MAINE.

Winchester G. Lowell to be postmaster at Auburn, in the county of Androscoggin and State of Maine.

MASSACHUSETTS.

George G. Cook to be postmaster at Milford, in the county of Worcester and State of Massachusetts.

John A. Thayer to be postmaster at Attleboro, in the county of Bristol and State of Massachusetts.

MISSOURI.

William E. Coolidge to be postmaster at New Franklin, in the county of Howard and State of Missouri.

Dan McCoy to be postmaster at Sikeston, in the county of Scott and State of Missouri.

NEW HAMPSHIRE.

Lewis H. Baldwin to be postmaster at Wilton, in the county of Hillsboro and State of New Hampshire.

Thomas D. Winch to be postmaster at Peterboro, in the county of Hillsboro and State of New Hampshire.

NEW JERSEY.

John T. Kanane to be postmaster at Kenilworth (late New Orange), in the county of Union and State of New Jersey.

NEW YORK.

Frank Foggin to be postmaster at Port Richmond, in the county of Richmond and State of New York.

Max Geldner to be postmaster at New Dorp, in the county of Richmond and State of New York.

George M. Mathews to be postmaster at Brocton, in the county of Chautauqua and State of New York.

Francis H. Salt to be postmaster at Niagara Falls, in the county of Niagara and State of New York.

PENNSYLVANIA.

Martin E. Strawn to be postmaster at Starjunction, in the county of Fayette and State of Pennsylvania.

Andrew J. Sutton to be postmaster at Smithfield, in the county of Fayette and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 16, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

TRANSPORTATION OF DUTIABLE MERCHANDISE.

Mr. PAYNE, from the Committee on Ways and Means, presented the bill (H. R. 11037) relating to the transportation of dutiable merchandise without appraisement; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PORT OF OSWEGO.

Mr. PAYNE, from the Committee on Ways and Means, presented the bill (H. R. 13938) to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Oswego, N. Y.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GILLETT of Massachusetts, from the Committee on Appropriations, presented the bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from New York reserves all points of order.

FIVE CIVILIZED TRIBES.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H. R. 5976, "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," the Clerk be directed to restore to the bill the part proposed to be stricken out in the amendment of the Senate No. 26 and to insert the following: On page 9, line 3, after the word "retaining," the words "tribal educational officers, subject to dismissal by the Secretary of the Interior," and restore to the bill the part proposed to be stricken out in the amendment of the Senate No. 27, and to insert in said amendment the following: On page 11, line 8, after the word "five," the words "and all such taxes levied and collected after the 31st day of December, 1905, shall be refunded."

After the word "shall," on page 11, line 16, insert "willfully and fraudulently."

After the word "punished," on page 11, line 21, insert "by a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment."

In lieu of the matter proposed to be stricken out in the amendment of the Senate No. 41 insert in lieu thereof the following: "The Secretary of the Interior shall take possession of all buildings now or heretofore used for governmental, school, and other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe, and deposit the proceeds, less expenses incident to the appraisement and sale, in the Treasury of the United States to the credit of the respective tribes: *Provided.*"

Mr. KEIFER. Mr. Speaker, I think I shall have to object to that.

Mr. HEPBURN. Mr. Speaker, I raise the point of order.

The SPEAKER. The gentleman is asking now for unanimous consent for the further consideration of the concurrent resolution.

Mr. CURTIS. Mr. Speaker, I hope the gentleman from Ohio will reserve his objection.

Mr. KEIFER. Mr. Speaker, I reserve the objection until I can hear some explanation. My point is this, that it looks as though we were proposing to legislate by a concurrent resolution and not in the ordinary way.

Mr. CURTIS. Not at all. In this case the resolution simply makes the bill read as it was agreed to in the conference. In the first conference report the statement was correctly made. It was printed, and in the second conference report the clerk of the Senate Committee on Indian Affairs was directed to have the language printed as in the first conference report. We agreed upon it the same as we did in the first conference report. There was no disagreement at all on this subject between the conferees of the House and the conferees of the Senate, but after the clerk had prepared the report he was informed by a clerk in the Senate that the Senate could not recede with an amendment, and that the House must recede. So he struck out the words "the Senate receded" and made it read "the House receded," presented the report, and we signed it without noticing these mistakes. It was not noticed until after the report was agreed to by the Senate, too late to go back to conference. Now, if the bill goes through as it is presented here it will simply destroy three sections agreed on in conference.

Mr. KEIFER. Where is the bill now?

Mr. CURTIS. Waiting to be enrolled in the Clerk's office.

Mr. KEIFER. Mr. Speaker, it looks to me as though from the gentleman's statement it is a question simply of enrollment, and does not need the action of the House to correct the enrollment. It seems to me that is what the gentleman seems to seek, and not new legislation.

Mr. CURTIS. Not new legislation at all.

Mr. KEIFER. I hardly think the House need act upon that. Better let it go to the Committee on Enrollment and have it enrolled correctly.

Mr. CURTIS. The Clerk wants the resolution passed.

Mr. KEIFER. Mr. Speaker, I do not want to interfere with action that has already been taken by the House or by the Senate. My protest is against putting legislation in a bill after it is passed or gone to the President by some sort of legislation. We had a case recently here, but I yielded on account of the great importance of it, but I want to insist that this must stop here; but if this is only a question of correcting the enrollment, I withdraw my objection.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I wish to inquire of the gentleman when this conference report was presented to the House Saturday was it known that the report was incorrect?

Mr. CURTIS. It was known just before the report was taken up, but it had been signed and had passed the Senate, and we thought best not to call it back and go to the conference again.

Mr. FITZGERALD. I wish to call the attention of the gentleman to this fact: That the conference report printed in the RECORD presented to the House was adopted upon the assumption that it was accurate, while all the time it was known to the gentleman in charge of the report that it was not accurate.

Mr. CURTIS. It was not known until after it was printed in the RECORD.

Mr. FITZGERALD. Known, however, which is the important thing, when it was acted upon by the House.

The SPEAKER. Is there objection?

Mr. STEPHENS of Texas. I hope the gentleman will not object, because this correction only carries out the intention of the conference report. We report this resolution so the bill will read exactly as we had agreed upon it in conference. If it is left as it is now, the bill will be absolutely injurious, and we will simply be compelled to resort to other means, and an original bill probably, in order to correct it. The trouble arose in this way: The clerks made a mistake and struck out the House amendments instead of the Senate amendments.

Mr. CURTIS. They made the House recede instead of the Senate recede.

Mr. DE ARMOND. Mr. Speaker——

The SPEAKER. Does the gentleman from Kansas yield?

Mr. CURTIS. Yes.

Mr. DE ARMOND. I would like to ask the gentleman one question before I say whether I will object or not. Was this supposed error known to the conferees when the House acted upon the matter?

Mr. CURTIS. It was not known when the conferees' report was presented, but it was discovered just before the conferees' report was called up in the House.

Mr. DE ARMOND. I object, then, Mr. Speaker.

Mr. CURTIS. Mr. Speaker, I move to suspend the rules and pass the resolution.

The SPEAKER. Is a second demanded?

Mr. DE ARMOND. I demand a second.

Mr. CURTIS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. A second is considered as ordered, and the gentleman from Kansas is entitled to twenty minutes and the gentleman from Missouri to twenty minutes.

Mr. CURTIS. I reserve my time and would ask the gentleman from Missouri to use his if he desires to use any.

Mr. DE ARMOND. Mr. Speaker, I desire to call the attention of the House to this manner of legislating. It seems, according to the facts as we have learned them this morning, that when the House was asked to act upon and adopt this conference report it was known by the conferees upon the part of the House that the report was inaccurate. These gentlemen, instead of taking the House into their confidence, concluded

that they would retain to themselves this information, would not impart it to the House, but by suppressing it would induce the House to adopt a conference report and then later on would come in with a resolution like this and ask the House to doctor the bill or the conference report after the House and Senate had acted upon it.

It is not necessary for me to go into the question of whether the conferees did or did not do what they ought to have done in the discharge of their duty to the House. They saw fit to ask the House to adopt a report which at the time they did not wish to have adopted and which possibly in their estimation the House would not have adopted if the House had been put in possession of the facts which these gentleman had.

Now, aside from all that this method of legislating, in my judgment, is an exceedingly bad one. There are various ways which are legitimate and proper for reaching the end in view. There could be, perhaps, by unanimous consent a setting aside of the approval or adoption by the House of that conference report. But whether there are or are not many ways, whether there is any good way or is no good way of doing it, this is a bad method of legislating resorted to only lately and one that ought not to be encouraged.

Not very long since a request was made after a bill, by resolution of this House and the Senate, had been withdrawn from the President for unanimous consent to doctor up that bill so as to meet the objections of the President and avoid the possibility or the certainty, as the case might be, of a Presidential veto. In an earlier instance during this session a measure was doctored up in this new and very bad way. This legislation can not be so important and the difficulties in the way of securing it can not be so great as to warrant this method of procedure. I presume that the House and the Senate, by unanimous consent or in some other legitimate and proper method, can put these conferees or other conferees again in possession of the subject-matter at dispute between the two Houses, and that in a regular way. There may be reported to this House and to the other a real agreement of the conferees. But one thing aside from all other things that it seems to me ought to induce every Member of this House to vote against the adoption of this resolution is the fact that the gentlemen having the matter in charge deliberately asked the House to adopt that which they say the conference committee did not adopt, expecting, I presume, for reasons which to them were satisfactory, but which to the House ought not to be, that by this method or some other method the House later on, acting in ignorance by their guidance, misled by their concealment of important facts, might bring about the condition of things which they would like to have brought about.

Mr. STEPHENS of Texas. Does the gentleman mean to insinuate that I, as one of the members of that conference committee, prevented this House from understanding in some insidious way the merits of this bill?

Mr. DE ARMOND. I do not mean to insinuate anything. I mean to say, if I have understood the gentleman from Kansas [Mr. CURTIS] correctly—and if I have not I hope he or somebody else will correct me—if I have understood the gentleman from Kansas correctly, I mean to say that when this report was acted upon by the House the members of the conference committee upon the part of the House knew that the report was not correct, and did not disclose to the House that fact.

Mr. STEPHENS of Texas. I will state to the gentleman that I did not know that fact.

Mr. DE ARMOND. The gentleman from Texas has acquitted himself of knowing.

Mr. STEPHENS of Texas. The gentleman's insinuations are unwarranted.

Mr. DE ARMOND. I am not insinuating at all. The gentleman, perhaps, is a little "touchy" on this subject, because he failed to get through one of these doctored resolutions some time since, when there had been a report and had been a provision in a bill that $1.50 an acre was a proper minimum price for land which the gentleman himself afterwards said was well worth at least $5 and from that to $100, and $5 was the proper minimum rate.

Mr. STEPHENS of Texas. If the gentleman will permit, I wish to state I made no such statement as that on this floor, but I did state that much of the land was worth $5 an acre, and for that which was worth less than $5 a minimum of $1.50 was not unreasonable.

Mr. DE ARMOND. There is no need for discussion on that subject. The RECORD will show what the gentleman said, and if I am in error as to what it does show I will try to make amends as far as I can. I will say that my recollection is—and I am satisfied it is correct—that the gentleman did say that $5 was a proper minimum rate, yet he joined in a report to the effect that $1.50 was the proper minimum rate. But that is aside from the matter now up.

The gentleman from Texas says he did not know these errors were in the report when it was acted upon. That disposes of the matter so far as he is concerned. I understood the gentleman from Kansas to say that he did know. If I am wrong, he can correct me.

Mr. CURTIS. The matter was called to my attention about the time the report was brought up in the House. I did not know how serious the mistakes were. I did not think they were very material. In fact, if the pending bill should pass without the adoption of this resolution, while it would make three sections look badly, it would still be a good bill. It was simply to correct these errors that I offered this resolution this morning, and to make the report read as it was agreed to. There was no intention to deceive the House. The fact that we did not ask to go back to conference was because of the trouble we had in conference over that bill; and after the conference report had been agreed to by the Senate these mistakes in the three sections were discovered.

Mr. DE ARMOND. Now, Mr. Speaker, the only question is whether it is not true that when the gentleman presented this report to the House he knew there were errors which later he expected to have corrected.

Mr. CURTIS. I knew there were three mistakes, but the fact was brought to my attention just before the report was called up.

Mr. DE ARMOND. I will ask the gentleman from Kansas, then, why he did not delay the calling up of the bill until he ascertained as a matter of fact whether there were errors?

Mr. CURTIS. The gentleman from New York, chairman of the committee, had charge of the conference report. He said he was going to call it up. I was informed of the situation afterwards, while sitting beside him, when he was ready to call up the report, but did not have time to explain to him and did not know at that time the extent of the errors made by the clerk of the Senate committee.

Mr. DE ARMOND. Now, Mr. Speaker, without going further into it, and acquitting everybody of evil intent, it seems that some gentlemen on the committee either knew or had such information as led them to believe, or which, if followed, would give them full information, that there were three errors in the report. They saw proper to call it up and have it passed in the House—saying nothing about acting properly or improperly—and I do not wish to be understood as passing judgment upon that at all; but instead of delayed action, in order that they could ascertain whether the report was correct or not, and if incorrect, how material or immaterial the mistakes were, or are supposed to be, the gentleman did call it up; did have it acted upon; did have it adopted by this House.

Now, then, the enrolling officer, as I understand it, finds as a matter of fact that these mistakes do exist in the enrollment of the bill if it is enrolled as the House passed it. Is it not so?

Mr. CURTIS. Oh, no. The bill is waiting now to be enrolled.

Mr. DE ARMOND. Well, the bill is not yet enrolled. If enrolled as the House passed it, which is the way it should be enrolled, it would not be enrolled as its friends would like to have it, and as they say it ought to be in accordance with the agreement of the conference committee. Now, why not, instead of pursuing this extraordinary method of changing the action of the House and Senate by a resolution such as this, reconsider the action by which the House adopted the erroneous report, have the errors corrected, and have it acted upon in a proper way? We know, Mr. Speaker, how fruitful of evil bad precedents are in this body, and all bodes where precedents are followed or frequently consulted. I have not any kind of doubt about a method of legislation that attempts to fix up bills or resolutions after having passed both branches of Congress by this species of resolutions. It is to make a very bad precedent by a course of procedure that ought never to be resorted to unless there be the most imperative necessity for it, unless it be the only available method of accomplishing something very imperative as well as very urgent. In this particular case there is no necessity for any extraordinary action at this time. It is of importance to the House and the country, far beyond the importance of any action on this bill or any particular bill, perhaps, that we should proceed in the regular way and not in this manner. For instance, a bill might be passed in the House upon full consideration, and after the passage of the bill—a day or two days thereafter—a request for unanimous consent might be made to materially change it, and change it in a way that if the change had been made before it was considered it would not have passed the House at all.

That request might be made when few Members were in the House and when nobody had a warning or notice that it

would be made, when an opportune time had been chosen to make it, and thus the real judgment of the House might be set at fault and bad legislation might be put through after the House had deliberately passed a good bill, the good legislation giving way to bad legislation, pursuant to bad precedent.

Mr. STEPHENS of Texas. Mr. Speaker, may I interrupt the gentleman?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Texas?

Mr. DE ARMOND. I will.

Mr. STEPHENS of Texas. I desire to ask whether or not the gentleman thinks the bill should be enrolled as agreed upon by the conferees?

Mr. DE ARMOND. No; not unless the House passed it that way. The bill should be enrolled as the House passed it or not enrolled at all. If the bill was not reported according to the agreement of the conferees, the action of the House upon it—and I think also the action of the Senate upon it—ought to be vacated, and it ought to be acted upon in each body in accordance with the agreement of the conferees.

Mr. STEPHENS of Texas. If we can correct it before it is enrolled according to the agreement of the conferees, is it not just as well to enroll it in that way?

Mr. DE ARMOND. I think not.

Mr. STEPHENS of Texas. Why commit another error and enroll the bill as it was passed by the House and Senate?

Mr. DE ARMOND. The bill as the gentleman wants it enrolled never passed the House.

Mr. STEPHENS of Texas. The bill now enrolled never received the approval of the conferees of the House and the Senate, and you are seeking to enroll a bill not approved by the conferees.

Mr. DE ARMOND. I am not seeking to do anything of the kind. The conferees are a large element in the disposition of the business of Congress, so large that frequently those upon the conference committee may conclude that they are of more consequence than the House which appointed them. The bill was passed by the House, and if it was not passed as the conferees agreed upon it, it was because the conferees did not submit the report as the conference committee had agreed to it. Now, the gentleman's proposition is whether the action of the House had better be set aside to conform with the action of the conferees in this irregular way, or whether the action of the House is to stand rather than the understanding or agreement of the conferees, not made known to the House when it ought to have been made known to it. If the gentleman stands in the position of regarding the conferees as superior to the House, he has a perfect right to occupy that position, but I prefer occupying, on the other hand, the position of holding that the House itself is really superior to the conferees created by it.

What did the House pass? The House passed a bill which it is now conceded was erroneous because it did not contain the agreement of the conferees. What is to be enrolled? The bill as the House passed it. If it is erroneous, it is because the House was led into the error. I think the proper way would be, instead of asking the House by unanimous consent to adopt this resolution, and, secondly, asking the House by a two-thirds vote to adopt it, to ask the House to consent that the action adopting this conference report, erroneous, as the gentleman says, be set aside. That would be the proper course here, it seems to me, and the proper course in the Senate. Let the two bodies act on the report of the conferees when that report is corrected; that is my view about it. I do not know anything about the merits of this correction, or the demerits of it; I am speaking about the method, and the method is a bad one. Now is as good a time as any other time to stamp reprobation upon it instead of approval. The question is whether the action of the House shall stand above the errors of the conference committee in their report. Let us correct in the proper way and not in an improper way.

I say again, in conclusion, that I do not mean to impute any misconduct or any wrong motive to anybody connected with this matter; I am speaking of the question simply as we have it; that is all. The agreement of the conference committee was reported to the House erroneously, adopted by the House as it was reported; and the proper course is to ask the House to annul that action instead of patching it up by such action as is proposed in this resolution. Mr. Speaker, I reserve the balance of my time.

Mr. CURTIS. Mr. Speaker, when my attention was called to the error in the three amendments I was advised that it could be corrected in either one of two ways. One was to withdraw the report after it had passed the Senate and send it back to conference, and the other by a concurrent resolution. This latter course was pursued, as I was advised it was done in the celebrated Dingley bill to correct an error discovered in it, and so we concluded to follow that course. There was absolutely no intention to mislead the House, but we had so much trouble with the bill in conference that we thought it better to be done in this way. If the sections are omitted, the bill would still be effective, but it would prevent the Secretary of the Interior from taking possession of tribal property in the Indian Territory, and it would cause the inhabitants down there to continue to pay tribal taxes, which we have eliminated by the bill. Now, the concurrent resolution simply authorizes the enrolling clerk to make the three amendments read as we agreed they should read, the clerk having struck out the words "the Senate receded with an amendment" and inserted "the House receded with an amendment," which consequently omitted the matter which had been stricken out by the Senate and simply inserted the amendment that been proposed by the House, thus leaving the sections incomplete. Your committee thought the proper course to pursue would be to offer the concurrent resolution, and I hope that the House will indorse the action.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. Yes; I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Do I understand that the errors which were made were such as to change the legal effect of the bill?

Mr. CURTIS. Not at all, except to leave out in one section matter that the Senate and the House agreed should stay in the bill, and would prevent, if left out, the Secretary of the Interior from taking possession of the schools in the Indian Territory at this time.

Mr. COOPER of Wisconsin. Well, was that error discovered before the conference report was adopted in the House?

Mr. CURTIS. After it was adopted in the Senate and just a moment before it was called up in the House my attention was called to it, and I think the gentleman from New York [Mr. SHERMAN] was recognized within a minute afterwards. It does not change the legal effect.

Mr. BUTLER of Pennsylvania. Will the gentleman permit a question?

Mr. CURTIS. Yes.

Mr. BUTLER of Pennsylvania. In how many particulars would the legislative effect be changed, if in any, if this resolution passed?

Mr. CURTIS. There are three sections, one that provides for the Secretary of the Interior to take possession of the schools of the Indian Territory——

Mr. BUTLER of Pennsylvania. Now, if the law passes in its present shape, that will be the effect of that section.

Mr. CURTIS. That would be left out. The second is the collection of taxes. We provide in the bill that no tribal taxes shall be collected after this time. If that is left out, the tribes will have a right to continue to collect taxes. The last is the section authorizing the Secretary to take charge of the school property. Those would be left out and be subject to future legislation if this concurrent resolution is not agreed to. Both Houses have agreed to all three of them. There was no dispute about it in conference. It is simply a correction of a mistake made by the clerk of the Committee on Indian Affairs of the Senate. Mr. Speaker, I ask for a vote.

The SPEAKER. The gentleman demands a vote. The question is on suspending the rules and passing the concurrent resolution.

The question was taken; and in the opinion of the Chair two-thirds having voted in the affirmative, the rules were suspended and the concurrent resolution was passed.

LOANS OF NATIONAL BANKS.

Mr. SHARTEL. Mr. Speaker, by direction of the Committee on Banking and Currency I move to suspend the rules and pass the bill (H. R. 8973) to amend section 5200, Revised Statutes of the United States, relating to national banks, with the committee amendments thereto, and with the further amendment, on page 2, line 2, inserting the words "of such" after the word "total," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 5200 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 5200. The total liabilities to any association of any person or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such associations, actually paid in and unimpaired, and one-tenth part of its unimpaired surplus fund: *Provided, however*, That the total of such liabilities shall in no event exceed 20 per cent of the capital stock of the association. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed."

The SPEAKER. The gentleman from Missouri moves to suspend the rules and pass the bill which the Clerk has just reported, with the amendments thereto as reported. Is a second demanded?

Mr. GILLESPIE. Mr. Speaker, I demand a second.

Mr. SHARTEL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Missouri asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Missouri is entitled to twenty minutes and the gentleman from Texas [Mr. GILLESPIE] is entitled to twenty minutes.

Mr. SHARTEL. Mr. Speaker, section 5200 of the Revised Statutes, relating to national banks, provides that a national bank can only loan an amount equal to 10 per cent of its capital stock to any one person, firm, or corporation. This bill is intended as an amendment to authorize a national bank to make loans equal to one-tenth of its capital and one-tenth of its surplus funds up to an amount equal to its capital stock, the limitation providing that the total loan liability to any person, firm, or individual shall not exceed 20 per cent of the capital stock. The committee investigating this matter believe that there is a great demand upon the part of the banks and upon the part of the people of the United States who transact business with the banks that the limit of these loans should be increased. I do not know of any State in which the trust companies and State banks are not authorized to loan from 20 to 30 per cent of their capital stock to one person, firm, or individual, so that the national bank is placed at a great disadvantage in the transaction of its business and in the accommodation of its customers in competition with State institutions. The American Bankers' Association wanted an act authorizing the loan of an amount equal to 10 per cent of the capital stock and 10 per cent of all the surplus fund. The committee, however, investigating it decided that there should be some limitation on the amount of the surplus fund that could be used for loaning purposes for the reason that banks might be organized with a very small capital and a very large surplus fund, thus allowing the stockholders to escape the double liability on their stock, so we have placed this committee amendment on this bill, limiting the amount to 20 per cent of the capital stock that can be loaned to one person, firm, or individual. There are some banks in the United States whose capital stock is so small and surplus fund so large that this bill will not relieve the situation as regards that class of banks.

The only way they can come within the law will be to increase their capital stock so as to be able to loan a sufficient amount to one person or individual to meet the demands of their customers. This amendment has been recommended in some form or other by every Comptroller of the Currency for the last thirty years. They have found under existing business conditions that it is nearly impossible for a national bank to accommodate its customers, to transact the business of the country within this limit of 10 per cent. Now, it might be said that the banks are pressing for this legislation. That is probably true, but at the same time the people who are demanding it are customers of the banks, who are coming to the banks demanding and asking for larger accommodations to carry on their business. I think it is a very meritorious measure and one that would be of great benefit to the business interests of the country. I reserve the balance of my time.

Mr. YOUNG. May I ask the gentleman a question?

Mr. SHARTEL. Certainly.

Mr. YOUNG. I was not able to hear all the gentleman said. Do I understand the only effect that this bill has is to increase the amount which a national bank may loan to one person from 10 to 20 per cent of its capital?

Mr. SHARTEL. Yes, sir; I will answer in this way——

Mr. YOUNG. And does it allow them to loan any amount upon the surplus in addition to that?

Mr. SHARTEL. Up to 10 per cent of the surplus. That is, a bank with $50,000 capital and $50,000 surplus can now loan $5,000 to one person or individual. Under this law they could loan $10,000. If they had $25,000 surplus, they could loan $7,500, but if they had more than $50,000 surplus they could not loan more than 20 per cent of the original capital stock.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. SHARTEL. Yes.

Mr. COOPER of Wisconsin. Can the gentleman say what, in his judgment, will be the aggregate increase of loanable capital?

Mr. SHARTEL. Well, it will be about 33⅓ per cent.

Mr. COOPER of Wisconsin. How many millions would that make in the United States?

Mr. SHARTEL. Well, I could not tell you. I have not computed that.

Mr. COOPER of Wisconsin. You could not approximate, but it would be a third more than to-day?

Mr. SHARTEL. Yes, sir; just about. I will say further to the gentleman that this will relieve the conflict between the Treasury Department over excessive loans, with about 4,000 national banks. In the cases of about 1,000 banks the surplus fund is so large and capital so small that this bill will not relieve the situation, and they will have to come within the provisions by increasing their capital stock.

Mr. GRAHAM. In reply to the question of the gentleman from Wisconsin, I would state that this bill will not increase the loans in national banks one-third, for the Comptroller of the Currency has stated that a great many of the banks have been so construing the law as to permit them to loan on the strength of their surplus as well as capital stock, but the Comptroller has notified them that they are violating the law, and they must discontinue this practice.

Under this bill all banks can in the future do lawfully what some of them at times have been doing in violation of law. While all the national banks in my county—Allegheny, Pa.—desire this bill, and the clearing house has petitioned for its passage, the business men are as much, if not more, interested than the banks, as is evidenced by the many letters I have received in its favor.

Quite recently two of the large banks in Pittsburg have been compelled to enlarge their capital by a stock dividend of a portion of their surplus, so as to enable them to give legally the necessary accommodation to some of the large corporations doing business with them.

Mr. SHARTEL. I reserve the balance of my time.

Mr. GILLESPIE. Mr. Speaker, the demand for this legislation, so far as I am aware, and so far as has been disclosed before the Committee on Banking and Currency, comes from the banks themselves. They are demanding the right to decrease the number of borrowers, as far as possible, by increasing their capacity to loan to one borrower over the amount the law now provides. The policy of the present law, as I understand, is to make the capital of any given bank available to as many people as possible without destroying the efficiency of the bank. This bill comes from the demands of the large concerns of the country to get hold of all the available capital. The purpose is to override the principle involved in the present law and to respond to that demand that is prevalent over the country that the little man stand out and give way to the big one.

Now, strange as it may appear, the demand for this legislation is based, according to the report of the Comptroller of the Currency, upon the absolute disregard of the law as it now stands on the part of a vast majority of the bankers of the country. In a letter read before our committee, the Comptroller stated that 75 per cent, at least, of the bankers of the nation now absolutely disregard the law, and he said that he himself disregards the law in failing to move for the penalty provided in the law—the forfeiture of the bank's charter in case it violates the law of its being.

Certainly if Congress responds to the demands of the banks and removes some of their objections to the present law by increasing their capacity to loan to one individual, firm, or concern, I insist that if we want the law obeyed we ought to prescribe a penalty for the violation of this section. But it is the purpose of the majority that no penalty shall be prescribed. It is the purpose of the banks not to keep this law when it is written and put upon the statute books. I am not overstating the case at all when I say that not only have they failed to keep the law that is now upon the statute books, but they are demanding the right to violate this law when you increase their loaning capacity, as contemplated in this bill. And they will not submit to a penalty being prescribed, as it ought to be, for the violation of this law.

Now, here we stand, the great Congress of the American nation, admitting that some limitation is necessary, admitting that it would not be proper to allow these banking associations to lend all of their capital to one man, person, or firm. We acknowledge the necessity of at least the limitation that is in this proposed bill, and yet we refuse, when we know this necessity exists, to provide a penalty for the enforcement of this law.

Why, the Comptroller of the Currency says that the penalty of the present law is too severe. He says, "If I go ahead and forfeit the charter of one of these institutions, I kill it. That penalty is too severe and I will not enforce it." That is what he says in his report, and I believe myself that the penalty is too severe, and we know that always when a penalty is too

severe it is equivalent to no penalty at all. I offered an amendment to this bill in the committee making a lesser penalty, but even that was voted down, and I said at that time, and I here prophesy, that they are not going to keep this law.

Mr. GILBERT of Kentucky. State what your penalty is.

Mr. GILLESPIE. It was that if any officer, agent, or employee of any banking association shall violate the provisions of this section he shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $5,000. But we are told that if you go into court to prosecute the official, agent, or employee of a national bank, that prosecution, if begun, will destroy the bank. Not necessarily. Under the present penalty if the Comptroller of the Currency wants to go in and forfeit a charter, he would be punishing all people interested in the bank, the stockholders and all, and a great many of them may be and probably would be innocent; but, under my amendment, we only punish those officers, agents, and employees of the bank who are guilty. I simply want to protest against this method of rushing a bill through the Congress of the United States without the right to offer that amendment. I believe it ought to be in this law. If we expect to pass a law and expect that law to be obeyed, we ought to fix a definite and specific penalty for its violation.

Mr. SMITH of Kentucky. I would like to ask the gentleman a question. Do I understand that the gentleman is opposing the passage of the bill?

Mr. GILLESPIE. Yes, sir; I am opposing the passage of the bill.

Mr. SMITH of Kentucky. The effect of building up a surplus, as I understand it, by a bank is to strengthen the security——

Mr. DALZELL. We can not hear a word that is going on over there.

Mr. SMITH of Kentucky. I was wanting to get the opinion of the gentleman from Texas as to whether or not the effect of this bill would be to cause the national banks to build up a surplus, and thereby strengthen the security to the depositors and people who do business with them; if that is beneficial in its effect, what objection can there be to the passage of the bill? Now, I do not know what the effect will be. I would like to have his opinion as to whether or not that will be its effect.

Mr. GILLESPIE. Mr. Speaker, in answer to the gentleman's inquiry, I will say that I am also not a banker, and there has been little evidence before our committee on this proposition. Really I do not think it affects the question very seriously one way or another about building up a surplus. I do not know whether the effect of this bill will be to cause the banks to build up their surplus or take from their surplus. The only effect of the bill is to decrease the number of borrowers, to enable the bank to be able to accommodate the large borrowers; and my position is that it gives the large borrowers an open field and crowds out the small borrowers.

Mr. SMITH of Kentucky. Let us take a concrete case for illustration. Say there is a little bank with a capital of $25,000 in your home city. It is required under the present law to add so much to its surplus each year until it has a surplus equal to 20 per cent of the capital stock. In other words, it has to reach $5,000 surplus before it can use all its earnings in the way of dividends. Now, will the effect of this bill be to cause that bank to build up a surplus, say, equal to its capital stock, so that they may thereby double the amount which they may lend to any one individual? At present the bank can only lend $2,500.

Mr. GILLESPIE. One-tenth of the capital stock.

Mr. SMITH of Kentucky. One-tenth of the capital stock. Now, by building up the surplus to $25,000 it will be able, should this bill become a law, to lend to one individual $5,000, and yet by building up the surplus can you say that they have diminished the number of people among whom they are to loan their funds? Have they not rather increased the security which is available to depositors?

Mr. GILLESPIE. I think not, Mr. Speaker. Under this bill they could use the surplus as a basis for loans, and then under certain contingencies withdraw that surplus, and they can use their surplus as a basis of increasing their loan to any one individual, firm, or corporation.

Mr. POWERS. Will the gentleman allow me to ask him a question?

Mr. GILLESPIE. Certainly.

Mr. POWERS. If I understand, the gentleman's objections, or one of them, are, this will enable the banks to decrease the number of persons to whom they will loan, and only lend in large sums to some particular corporation or individual?

Mr. GILLESPIE. That is one of them.

Mr. POWERS. If I understand the principles of banking, there is no national banking association but what would prefer to lend $10,000 to ten men rather than to lend it to one, and if they can pick out a number of patrons to whom they can lend their money in the very best way, why should the national banks desire to destroy one of the very best things by which they increase their working profits?

Mr. GILLESPIE. They do not have always the safest opinion of what is their own interest, though I concede that their ingenuity is almost unerring along that line. I believe in the principle stated by the gentleman—that is, that a bank should have the greatest number of borrowers possible—but to increase the amount of the loan, as is contended by those who are in favor of the bill, will decrease the number of borrowers and lessen the cost of administration to the bank.

Mr. POWERS. Is it not the policy of this bill to have made legal that which is now perhaps done illegally, and will it not tend to increase the amount of surplus?

Mr. GILLESPIE. The bill from that standpoint is to make a condition lawful that is now unlawful.

Mr. POWERS. I do not so understand. It does not make anything lawful that is unlawful, but answers the demand of the community and of bankers all over the country, where it can be done in safety, to allow the banks to lend 10 per cent of the surplus—not exceeding 10 per cent of the capital.

Mr. GILLESPIE. Does not the gentleman believe a penalty direct and specific ought to be put in this bill for a violation of this provision?

Mr. POWERS. I believe that a penalty such as the gentleman proposes ought not to be put into this bill, and I will state to him why. In the hurry of making loans I do not believe there is one man in a bank in ten that could tell you right off in a moment what the amount ought to be, and when you understand, with all the clerks and the employees, they can not tell in a moment how much it ought or how much it ought not to be.

Mr. GILLESPIE. Will the gentleman permit me, in that connection, to say that my amendment only undertakes to punish where the act is knowingly done, and therefore it obviates the difficulty just suggested by him. I say there should be a penalty exacted. These institutions should not be permitted to violate the law at their own will. It is the purpose of the banks to defeat this penalty, and they do not intend to keep this law when you enact it. I think if the Congress of the United States recognizes that some limitation is necessary it ought to rise in its might and put a penalty there that will keep them within the limitation.

I reserve the balance of my time

The SPEAKER. The gentleman has four minutes remaining.

Mr. GILLESPIE. I reserve that.

Mr. SHARTEL. I yield five minutes to the gentleman from Massachusetts [Mr. WEEKS].

Mr. WEEKS. Mr. Speaker, my experience with bank men and national banks leads me to the conclusion that the bogie which has been set up by the gentleman from Texas is actually without foundation. Bank men do not wish to break the law, and this bill, if it were given a proper title, would be called "A bill to aid the banks to aid the public to do business." As has been stated by the gentleman from Missouri, it has been recommended by every Comptroller of the Currency for the last forty years; and if it were necessary forty years ago or thirty years ago or twenty years ago, or even ten years ago, it is doubly necessary now, for it must be apparent to every man on this floor that the business of this country has increased to enormous proportions. It has practically doubled in the last ten years; but the number of business houses doing business during that time has not doubled, which means that houses actually in business are doing more business than they were before. Therefore it is necessary at certain times that they have greater facilities for borrowing.

Now, every business man wishes to borrow money of his own bank, because the relations between the banker and his customer, if the customer is a borrower, should be of the closest character, and it is for the interest of the bank that its own customer should make his loans with his own bank, because the bank knows the condition of the customer, but does not know the condition of the man who makes the paper which otherwise the bank must go into the market to buy. Therefore, in my judgment, this bill, if adopted, would make banks safer, would tend to prevent bank failures, and therefore would strengthen the whole business situation. Now, the gentleman from Texas [Mr. GILLESPIE] who has just spoken, if I understand him correctly, does not object to the principles of this bill, but wishes a penalty attached. There is a penalty now, which applies to infractions of the national banking laws. He has stated, and I believe every man who knows anything of it agrees, that this penalty has been too severe, and that is, perhaps, the reason it has not been enforced. But under this proposed law, if it is

adopted, my judgment is that 0.999 of all loans made would naturally be made without infringing on the law at all. And bank men will not voluntarily break the law if they can have this latitude. That being the case, I want to read the present penalty, to show that if they do break the law their punishment is entirely in the hands of the Comptroller of the Currency, and if the Comptroller does not enforce the law, that is not the fault of Congress. The present law is as follows:

If the directors of any national banking association shall knowingly violate or knowingly permit any of the business agents or servants of the association to violate any of the provisions of this title, all the rights, privileges, and franchises of the association shall be thereby forfeited. Such violation shall, however, be determined and adjudged by a proper circuit, district, or Territorial court of the United States, in a suit brought for that purpose, by the Comptroller in his own name, before the association shall be declared dissolved.

That is sufficient punishment to suit anyone or to apply to any case. If this law is violated under the proposed form, it will be violated by those banking men who wish to break the law for their own personal benefit. It will not be violated by banking men who wish to aid the public, because they can safely, in my judgment, aid the public without violating any of these provisions. Therefore, as I said before, it is entirely in the hands of the Comptroller of the Currency whether he shall see the proposed law enforced or not.

Mr. SHARTEL. Mr. Speaker, I yield five minutes' time to the gentleman from Louisiana [Mr. PUJO].

Mr. PUJO. Mr. Speaker, the object of this legislation is purely corrective. In 1863 the national banking act was adopted, and the present provision limiting the right of any one individual, firm, or corporation to borrow more than 10 per cent of the capital of the bank was enacted into legislation. Some forty years after that time we propose to permit the national banks of this country to lend to any of their customers 10 per cent of their capital stock and 10 per cent of their paid-in, unimpaired surplus. The result of this legislation will be to add to the legal lending power of the national banking institutions of this country some $44,000,000. The capital of the national banks at the last report of the Comptroller of the Currency was some $800,000,000, and the surplus $442,000,000. In a short time the surplus will equal the capital stock, and the legal lending capacity of the banks to individual borrowers will amount to $80,000,000.

The principal objection to this legislation offered by the gentleman from Texas is that it is a demand on the part of the banks and not a demand in behalf of the people of this country, and that it is proposed legislation in order to meet the violations of law that have been committed on the part of officers of these institutions in the past.

I think that the gentleman is in error in relation to his premise and, naturally, as to his conclusions. The volume of business in the United States has increased wonderfully in the last forty years. The banking institutions of this country would prefer to limit their loans to their customers to 5 or 10 per cent rather than to make them in larger amounts to anyone, conceding the borrower's ability to pay. But the demands of business are so great that the laws must be modified so as to meet these changed conditions.

It is in no sense a movement on the part of the officers of the banks to increase the amount which may be legally loaned to one person or firm in order to further violate the law, but it is legislation which has been offered and approved by the Committee on Banking and Currency in order to endeavor to secure the enforcement of the law in the future.

The law has not been enforced in the past because the penalty, the forfeiture of the charter, was too drastic.

But the committee believes if this proposed bill should be enacted into legislation that in the future the law will be enforced and that the national banks of the country will be held to the limitations fixed by the law—10 per cent of the surplus and 10 per cent of the capital.

Mr. GILLESPIE. Will the gentleman allow me a question?

Mr. PUJO. Certainly.

Mr. GILLESPIE. Does the gentleman favor a penalty being affixed to this section?

Mr. PUJO. I do not favor a criminal penalty being affixed to this section, because in not one State in the Union is there a criminal penalty imposed for the violation of what you may at most call a "directory financial provision."

What is the penalty in the State of Texas for the violation of the usury law, how long must one stay in jail in Texas, or what fines does it impose for usury?

Mr. GILLESPIE. I will state to the gentleman that there ought to be a penalty, and it ought to be a crime in every civilized community for a man who collects usury.

Mr. PUJO. It is not the law and has never been the law, and the usual penalty enforced in most of the States of the Union is a forfeiture of the usurious interest.

Mr. KEIFER. It is a forfeiture of all the interest in some States.

Mr. PUJO. Yes; in some States. Therefore I consider, were the gentleman's amendment adopted, it would operate as a standing menace to the national banking institutions and to the investment of their stockholders in this way:

Suppose that at the end of the business day it was ascertained that in the multiplicity of the bank's transactions a customer had borrowed or discounted paper chargeable against the amount he was entitled to obtain—a sum exceeding the limitation. The officers of the bank could be prosecuted and convicted of a misdemeanor upon proof of the fact. It might be in a case of that kind that the sum borrowed in excess of the sum allowed by law was insignificant and trifling, and was readily adjusted when the matter was called to the attention of the borrower. Yet should the arrest of any of the bank's officers have been made for a violation of the statute, the failure of the bank would logically follow, as its depositors would become panic-stricken as soon as it became known that an officer of the Federal Government had apprehended an officer of the bank. And there would be no possibility of explaining so as to prevent a run upon the institution, resulting in disaster and loss to the stockholders and in injury to the community.

Again, the adoption of the amendment offered by the gentleman from Texas would, in my judgment, gradually undermine and destroy the confidence now reposed in such institutions in every State in the Union, for this reason:

As a general thing we usually find men of recognized character and business standing acting as presidents, directors, and cashiers of banks in which they are interested. The capital stock in the smaller banks throughout the States, and there are many in the South, is generally owned and held by the people of the community where the banks are located. Should the amendment under discussion be enacted into law many of the officers of these banks in the smaller cities and towns would sever their connection with them and probably dispose of their stock, as they would not be willing to run the risk of arrest and punishment for the possible heedless act of an employee in the institution in lending to some entirely solvent individual an amount in excess of that authorized by law.

When, Mr. Speaker, the national-banking system went into effect by the legislation of 1863, it was not perhaps foreseen that in less than half a century thereafter the banks' resources would aggregate $8,000,000,000 and their individual deposits would exceed $4,000,000,000. Hence it seems to appeal to reason that the limitation that no one individual should borrow more than 10 per cent of the capital should be extended.

The national-banking law provides that the surplus becomes a part of the capital of the bank, and many banking institutions claim that under the present law they have the right to lend 10 per cent of the capital and 10 per cent of the surplus to one individual borrower. But the Comptroller of the Currency holds otherwise, and the adoption of the present bill will place this question beyond the domain of dispute.

In the report of the Comptroller of the Currency, dated December 4, 1905, we find the following interesting paragraph:

Of the 7,966 national banks which have been organized, 460 have failed, or 5¼ per cent of the whole number, as against about 17¼ per cent of banks other than national in the same period. The national banks which have failed have paid their creditors about 78 per cent of the amount due them, while the other banks have paid only about 45 per cent.

It is therefore obvious that, notwithstanding the criticism leveled against the national-banking institutions in the past for lending more than the 10 per cent to individual borrowers, the depositors in such institutions have suffered less than those in other banks.

The Members of the House will note that under the provisions of this measure there is no encouragement for the organization of banks with small capital and a large paid-in surplus to avail themselves of the right to loan 10 per cent of the surplus, as the committee has inserted the provision that—

The total liability of any person, company, corporation, or firm * * * shall in no event exceed 20 per cent of the capital stock of the association.

The object of the committee in incorporating this provision was to prevent the incorporation of banks with a small capital stock and a large paid-in surplus, as under such conditions the security of the depositors would be limited to the stockholders' liability, which is "to the extent of the amount of stock owned at par value thereof, in addition to the amount invested."

It is the judgment of the committee reporting this bill that

the adoption of the measure would encourage the organization of banks with larger capital stock, so as to accommodate the business demands of customers entitled to accommodation and at the same time comply with the law.

The Comptroller of the Currency, in commenting upon the practices of excess loans by banks, in a few terse sentences analyzes the situation very clearly. In speaking of the penalty authorized by the present law for this practice, he says:

> The chief difficulty with the enforcement of this clause of the bank act is the lack of any reasonable penalty which can be imposed. There is no way to discipline an offender but the general clause authorizing the Comptroller to begin a suit for the forfeiture of the charter of any bank violating any of the provisions of the act. In other words, there is no penalty but death to the corporation for what is alone no more than a serious misdemeanor. The result of this is that in more than forty years no Comptroller has felt justified in invoking such a severe penalty.
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> When the loan limit was originally placed at 10 per cent of the capital stock of the banks few banks had any large surplus. It was not expected that new banks then organizing would pay in surplus with their capital, and by many it is claimed that the capital was meant to include surplus, which only differed from it through a bookkeeper's entry, and that this is now the meaning and intent of the law. However that may be, it would seem, if it is safe for a bank with $500,000 capital and no surplus to loan $50,000, it should be safe for one with $250,000 capital and $500,000 surplus to loan as much.
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> After much consideration and discussion of this subject with many able and conservative bankers and business men the Comptroller is satisfied that this is a reasonable view of it, and that banks may safely loan 10 per cent of their unimpaired capital and surplus, and would recommend that the law be amended to that effect.

Mr. Speaker, there is nothing political in this legislation. It is not a partisan measure. I believe it to be in the interest of the public generally, and that its adoption will redound to the benefit of all business. Should it become a law, we have every reason to believe that it will be observed by the banking institutions of the country, and should it prove otherwise, we have a right to believe and expect that the Comptroller of the Currency will, through the proper instrumentalities of the Government, enforce obedience to the statute, close the doors of the institutions violating its provisions, and compel their liquidation and retirement from business. [Applause.]

Mr. GILLESPIE. Mr. Speaker, I now yield the remainder of my time to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, I believe this bill ought not to pass. Evidently it is suggested by the national banks, and not by the humbler people who borrow from them. Evidently it is in the interest of the large national banks, and not the small ones. It will apply mainly to the great cities, and not to the country. The country banks do not carry any considerable surplus, and the law will have little effect with reference to them.

The policy of permitting banks to loan largely to a single borrower does not tend to the safety of the bank, but tends to endanger those who do business with it and to endanger the institution itself. It is better to have a bank with a large number of small borrowers than a small number of comparatively large borrowers. In that case the losses will be comparatively small instead of comparatively large. The bank, instead of being somewhat crippled at most in the one case, may be destroyed in the other.

Then I can not imagine the reason why, if there is to be a limitation at all, bank officers ought not to be made criminally liable for the violation of the law with reference to it. What can be the objection to that? Here is a bill which permits the loaning of 10 per cent of the capital and 10 per cent of the surplus to one borrower, but no penalty for exceeding that limit. If it is worth while to limit loans at all, whether to 10, 20, or 50 per cent, is it not worth while to enforce observance of the limitation by a penalty? What hardship could it be on the bank officer? He can know just how much is loaned to each borrower, and he knows the amount of the capital of the bank and the amount of the surplus.

If the capital is $100,000 and the surplus $100,000, under the law as it now exists the banker may loan $10,000 to one individual or firm. If this bill passes, the banker could loan $20,000, one-fifth of the capital stock. Now, the bank officer never could be tricked, he never could fall by accident, into the commission of an offense, he never would loan to one individual more than the limit unless he did it consciously and knowingly. He knows to whom the loan is made. He knows how much the loan is; he knows how much the existing loans aggregate, and he knows whether he is going beyond or is keeping himself within the limits of the law. If he wantonly, willfully, purposely goes beyond the limit of the law, why ought he not to be punished for it? If he ought not to be punished for violating that provision of the law, why ought the provision to exist? Why a limit upon loans and no means of enforcing that limit by punishing the man who wantonly—not accidentally, under special circumstances—but wantonly and purposely violates the law? Yet this committee refuses to put in a provision of that kind, refuses to permit such a provision to be put in.

So we find that the committee will increase, for the benefit of the large national banks, the limit of loans to single borrowers to the extent of double what it is now, but they positively refuse to make a single one of the officers of these banks criminally liable for a willful violation of the law. If that is not legislation absolutely in the interest of the big banks and big bank officers and absolutely in disregard of the public and the public interest, I do not know what it is.

The SPEAKER. The time of the gentleman has expired.

Mr. SHARTEL. Mr. Speaker, I yield two minutes to the gentleman from Maine [Mr. POWERS].

Mr. POWERS. Mr. Speaker, I believe this bill is directly in the interests of the business of this country. I am confident that it is demanded by the business interests of the country. I do not care so much whether it is or is not desired by the national banks. They can care for themselves, so far as corporate interests are concerned. I know, however, that they do desire its passage, for the reason that at special times they find it necessary to go beyond the statutory limits in order to prevent failures and in order to help and care for their customers. I have never heard of a single letter or a single word of protest coming to the Committee on Banking and Currency from any part of the country against this proposed legislation. It has been suggested and recommended by the Comptrollers of the Currency for many years. It is in the interest, as I said, of doing the business of the country legally and properly. Under these circumstances, as it will tend to furnish an inducement to banks to build up a surplus, and as we have an amendment which prohibits any bank from loaning upon any surplus in excess of 10 per cent of its capital, I can see no reason why the bill should not pass, for I confess I am not one of those who feel like a mad bull when a red flag is shaken before him when anything is said about a national bank. I believe that the national banks of this country have been a great instrument for good and the development of our industries. The gentleman from Texas objects to this bill, as he could not amend it with penalties which, in my judgment, are uncalled for. I am not aware, speaking of penalties, that there is any special limitation or penalty in any State upon a State banking institution loaning beyond 10 per cent. Under these circumstances, I hope the bill will pass. It will aid very much in enabling banks to keep individual loans within the limits prescribed by law, and at the same time furnish necessary accommodations to needy and deserving customers where it can be done with safety, and of the safety and propriety of any loan the directors of the bank are the judges. No legislation attempting to control their action can be effective. The prosperity and solvency of a bank must very largely depend upon the honesty and financial ability of its management, and I unhesitatingly assert that no other corporations controlling such vast interests and such large sums of money are managed with greater fidelity, honesty, and business capacity than national banks.

There are many restrictions upon them now that might be removed. I regret that I have no time to enumerate and consider them.

Mr. SHARTEL. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey [Mr. FOWLER]

Mr. FOWLER. Mr. Speaker, the amount of the capital of national banks to-day is eight hundred and fourteen millions and the surplus and undivided profits about six hundred millions. This bill provides that a bank may loan 10 per cent of its capital and in addition thereto 10 per cent of the surplus equal to its capital. The result will be that the national banks throughout the country will undoubtedly adjust their enormous surpluses where they are in excess of their capital to take advantage of this bill, and it is probable that the loanable funds will be increased by at least $100,000,000. The gentleman from Missouri [Mr. DE ARMOND] stated that he believed it was in the interest of banks and not of the people; that the banks demanded it and not the people; but the banks will make no demands of this character unless they are repeating the demands of their customers. One other point made, as I recall it, by the gentleman from Texas [Mr. GILLESPIE] was that when they had once made these loans they could then dissipate the surplus, to which I make answer by quoting the bill, which states that "it shall at no time exceed one-tenth of the capital and one-tenth of the surplus equal to the capital." Therefore there is nothing in the statement made by the gentleman to the effect that once having made the loans they could then dissipate the surplus. I think, Mr. Speaker, there is not one tenable objection to this measure. On the other hand, I believe that

this measure should pass for every reason. It has been recommended in substance by every Comptroller from McCulloch, one of the greatest financiers this country ever produced, down to the present Comptroller—Cannon, Hepburn, Lacey, Eckles, Dawes, and Ridgely all approving its general purpose.

The SPEAKER. The time of the gentleman has expired. The question is on suspending the rules and passing the bill with the amendments reported.

The question was taken; and on a division (demanded by Mr. GILLESPIE) there were—ayes 193, noes 7.

Mr. GILLESPIE. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. As many as are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Six gentlemen have arisen, not a sufficient number, and the yeas and nays are refused. In the opinion of the Chair, two-thirds having voted for the motion to suspend the rules and pass the bill, the rules are suspended, and the bill is passed.

DIVERSION OF WATER FROM SACRAMENTO RIVER, CALIFORNIA.

Mr. McKINLAY of California. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The gentleman from California asks unanimous consent for the further consideration of the following bill, which the Clerk will report. Without objection, the Clerk will read the amendment by way of a substitute.

The Clerk read as follows:

A bill (H. R. 11796) for the diversion of water from the Sacramento River, in the State of California, for irrigation purposes.

Be it enacted, etc., That the Central Canal and Irrigation Company, a corporation organized and existing under the laws of the State of California, and its successors, are hereby granted the right to divert, at all seasons of the year, from the Sacramento River, in the State of California, while and so long as such diversion shall not seriously injure the navigation of said river, 900 cubic feet per second of water to be used for irrigating the lands of the Sacramento Valley, on the west side of the Sacramento River, in said State of California. Said water to be diverted from the said Sacramento River on its west bank, between the points on said river known as Swifts Point and Squaw Hill, and the said Central Canal and Irrigation Company is hereby granted the right to erect the necessary works to effectively divert the said water: *Provided*, That the company shall provide suitable structures for regulating the flow of water from the river into their canals and suitable apparatus for measuring the amount of water taken from the river, and that such structures and apparatus shall be at all times subject to inspection, test, and use by officers or agents of the War Department: *And provided further*, That the company shall submit for approval of the Chief of Engineers and the Secretary of War plans of its proposed structures for diverting and measuring the water, and until such approval is given the structures shall not be begun: *And provided further*, That the diversion of water from the river in excess of the quantity herein authorized to be diverted shall be deemed a violation of section 10 of the river and harbor act of March 3, 1899, and shall subject the company to the penalties prescribed by law for violations of the provisions of said section, and the removal of any structures erected by said company may be enforced as provided in section 12 of the said act: *And provided further*, That if, in the judgment of the Secretary of War, the amount of water actually diverted shall seriously injure the navigation of the river, the suspension of operations by the said company may be temporarily ordered and enforced by the Secretary of War in such manner and to the extent as may be necessary to preserve the requirements of navigation until such time that the circuit court of the United States for the northern district of California, upon application of any interested party, shall determine the rights as provided by this act; and all rights granted herein and the removal of any of the structures or parts of structures erected under the provisions hereof may be enforced as provided in section 12 of the river and harbor act approved on the 3d day of March, 1899, except that suit for any of the purposes herein named may be instituted by the district attorney of the United States for the northern district of California upon request of the Secretary of War or Chief of Engineers: *And provided further*, That all costs accruing in any suit or proceeding hereunder shall be borne by the said Central Canal and Irrigation Company, its successors or assigns.

SEC. 2. That in actions against the United States, Secretary of War, or Chief of Engineers, under this act the service of all legal process, including summons, orders, writs of injunction, or restraining orders, shall be upon the United States district attorney for the northern district of California, and when service of said legal process, summons, orders, writs of injunction, or restraining orders is so made as herein provided, the United States, Secretary of War, or Chief of Engineers shall be deemed within the jurisdiction of all courts having jurisdiction herein for all purposes.

SEC. 3. That after fifteen years from the passage of this act the rights hereby granted shall be subject to cancellation by the Secretary of War, without any further act of procedure on the part of the United States, as to such portion of the waters as are not then applied to beneficial use. The said Central Canal and Irrigation Company, its successors or assigns, shall have no claim against the United States for any right so canceled.

SEC. 4. That this act shall be null and void if the actual construction of the structures for diversion and measurement of water herein authorized be not commenced within one year and completed within three years from the date hereof.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendment was read, as follows:

Strike out "of" at end of line 20, page 4, and insert "or."

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I would like to have some explanation made of the purposes and necessity of the bill.

Mr. McKINLAY of California. Mr. Speaker, this bill has been introduced for the purpose of permitting the Central Irrigation Company of California to take from the Sacramento River 900 cubic feet of water per second at such time as when the taking of that water will not in any way interfere with the navigability of the river. The reason for the introduction of this measure was this: Along in 1897 an irrigation company was formed in the counties of Glenn and Colusa, Cal. They proceeded under what was known as the Wright law, a law passed for the purpose of giving persons who so desired the right to organize an irrigation district. At that time the Federal Government had not assumed jurisdiction over the Sacramento River. Subsequently they have taken that jurisdiction. When the irrigation district was formed all the requirements of the California law were complied with. The people upon that land assessed themselves to an amount of more than $1,000,000 to build ditches and canals. Hard times came on in 1892 and 1893, and money was hard to raise and the work lapsed. Finally the Federal Government assumed jurisdiction over the portion of the river through which this water was designed to be taken. There are some twelve hundred people upon the land which is designed to be irrigated, and the quantity of land is in the neighborhood of 200,000 acres. The soil has become sterile in the last few years, and it is not now as available or valuable as it was for the purpose of raising grain, but they found if they can get water upon it alfalfa and fruits and other products can be raised at a profit. The irrigation district stood in this condition until two or three years ago. The people had expended their money, bonds were out against the district, which bonds were declared void, and a great debt hung against the district. Finally they induced capitalists to advance some three or four hundred thousand dollars, necessary for completing the canal. They gave these capitalists—or, rather, made a contract with them, that they would turn over their work to them for fifty years, provided the capitalists would put water into the ditches and give that water to the farmers at the rate of $1 per year per acre. This contract is entered into.

Mr. WILLIAMS. Does this bill recognize that contract?

Mr. McKINLAY of California. Well, the contract is not alluded to in the bill, but the bill was referred to the Committee on Interstate and Foreign Commerce and the committee objected to it and it was referred by them to the War Department, and this bill is virtually a substitute for the original bill drawn by the engineers of the War Department. It has been acquiesced in by the Committee on Rivers and Harbors. It has been submitted to the Reclamation Service, and I presume there is no bill to-day before the House that has had so many trials and vicissitudes as this, and it now comes unanimously recommended from the Committee on Interstate and Foreign Commerce, approved by the Committee on Rivers and Harbors, had the approbation of the Reclamation Service and the War Department. Every safeguard has been put around that company, so that the rights of navigation will be protected.

Mr. WILLIAMS. To save the time of the House, as far as I am concerned the gentleman has perfectly satisfied me.

Mr. STEPHENS of Texas. I desire to ask the gentleman a question.

Mr. McKINLAY of California. Certainly.

Mr. STEPHENS of Texas. The question I desire to ask is this, whether or not this bill has been submitted to the Reclamation Service, to Mr. Newell.

Mr. McKINLAY of California. One section of it has been submitted by the Reclamation Service.

Mr. STEPHENS of Texas. Then do I understand the gentleman to state this bill has been recommended by the Reclamation Service?

Mr. McKINLAY of California. It has been passed upon by them and agreed to by them.

Mr. STEPHENS of Texas. Is there any prior appropriation of the water in this river?

Mr. McKINLAY of California. No.

Mr. STEPHENS of Texas. Would it interfere with the rights of any other person desiring to use water for irrigation purposes?

Mr. McKINLAY of California. Not at all; water can not be taken out of the river when the river is within 2 feet of low-water mark, and the right to take water is subject always to the discretion of the engineers of the War Department. There are times when that river carries 150,000 cubic feet of water per second, and there are times when there are only 5,000 cubic feet. It is designed to take the water from the river when it is at flood tide and store it and hold it in the reservoir and use it during the time of scarcity in the summer.

Mr. STEPHENS of Texas. Is there a diversion dam at this point?

Mr. McKINLAY of California. No dam, but works.

Mr. STEPHENS of Texas. Is the water used directly from the river?

Mr. McKINLAY of California. Directly from the river.

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, I would like a couple of minutes.

The SPEAKER. The gentleman from New York asks two minutes in which to address the House. Is there objection? [After a pause.] The Chair hears none.

Mr. SULZER. Mr. Speaker, I have no objection to this bill. From the information that the gentleman from California [Mr. KAHN] has given me I think the bill now before the House is a very good one and that it ought to pass. In fact, I want to say that I am in favor of the policy of irrigation—a policy which has made the deserts of the West and the Pacific blossom like a rose. I am a friend of the Pacific coast, and in the future as in the past I will do all in my power to advance its interests.

I rise for the purpose now, Mr. Speaker, of asking unanimous consent to print, in connection with my remarks, in the CONGRESSIONAL RECORD some data which has been handed to me by Mrs. A. S. Gitterman, a member of the committee on school reorganization of the District of Columbia, regarding a bill now pending before the Committee on the District of Columbia, known as H. R. 8472, concerning the public schools and free lectures in the District of Columbia. It is a matter of some moment. I take a very deep interest in this question, and I know that the members of the Committee on the District of Columbia will be glad to have the information these worthy and patriotic and self-sacrificing ladies have collected regarding this subject. The bill will come up before the Committee on the District of Columbia next Thursday for a hearing. The data to which I have referred is very short and will not take up much space in the RECORD. It is important to all the Members of the House and in my judgment should be placed before them as a matter of information. Mr. Speaker, I ask unanimous consent to print it with my remarks on this matter.

The SPEAKER. Is there objection to printing in the RECORD the matter referred to by the gentleman from New York?

There was no objection.

Mr. SULZER. Mr. Speaker, just a word to say that I thank the House in the name of these distinguished ladies for the courtesy it has granted me. I take a deep and an abiding interest in the good and lasting and beneficial work these far-seeing women are doing for the children in the capital of our country. These women deserve the praise and the commendation of all good citizens. No one can estimate the importance of their work. They are building for themselves in the hearts of humanity a monument more enduring than marble or brass. Whatever they say or desire in connection with this subject should command our earnest personal consideration. I am in favor of all they request, and I know if we meet their expectations we will make no mistake. I have had some experience with this subject. But more about this question when the bill comes before the House. Suffice it now for me to say that years ago, when I was a member of the legislature of the State of New York, I passed a bill for free lectures in that State, and I am glad to say that the benefits of that law to the people of my State are beyond the calculation of the ordinary mind. Thousands and thousands of people are being educated to-day in the State of New York through the agency of these free-lecture courses. Their extension means more knowledge, and I am with the patriotic women of the District of Columbia in their efforts to extend it here and elsewhere in our country.

Mr. Speaker, the data I wish printed in the RECORD is as follows:

WASHINGTON, D. C., *April 16, 1906.*

GENTLEMEN: The committee on school reorganization of the Public Education Association has had the Babcock bill, as printed for the committee, under advisement and respectfully suggests the following slight, but essential, amendments to H. R. 8472.

1. *Board of examiners.*—Page 8, lines 3 and 4, of H. R. 8472: Examinations should not be set by the power that appoints, but by a board of examiners. As it stands now, it is opposed to civil-service spirit. The danger is that examinations will be fixed to suit special applicants. (See report of hearings before the subcommittee, p. 336, lines 3–23; p. 338, lines 52–56.)

2. *Directory of teachers.*—Provision should be made for the publication semiannually of a directory of the teachers of the public schools, giving name, address, date of appointment, salary, and school to which assigned. (See hearings, p. 411, lines 6–22; p. 410, lines 12–53.)

3. *Free lectures.*—The committee is surprised to notice that provision for the department of free lectures has been omitted, despite the expressed approval on page 393 of the hearings, lines 1 to 6, and despite the past two years' popular success shown on same page, lines 15 to 20. We therefore respectfully petition that section 6 of H. R. 12591, in some form or other, be inserted into the Babcock bill. We append on the last page of these suggestions some citations from the hearings and references thereto bearing on this important subject. (See hearings, p. 72, lines 19–43; p. 358, lines 6–18; p. 225, lines 14–32; pp. 329–331; pp. 204–208; pp. 392–403; p. 204, lines 24–36; p. 396, lines 15–43.)

4. *Assistant superintendents.*—(a) Section 9, page 10, of H. R. 8472, "Cost of supervision:" White schools—White superintendent, $5,000; white assistant superintendent, $3,600; white supervisor of high schools, $2,200, and clerks; colored superintendent, $3,600, and not a clerk nor a stenographer nor a messenger; he should be provided with at least a clerk, for the bill proposes to make the colored assistant superintendent an executive officer, having sole charge of the colored normal, high, and graded schools.

(b) Line 21, page 2, of H. R. 8472, add the words "or in the case of colored teachers, upon the written recommendation of the colored assistant superintendent."

(c) Page 3, line 13, of H. R. 8472—the colored assistant superintendent should have a seat in the board, but not the right to vote. After the word "He," insert the words "together with the colored assistant superintendent."

(d) Page 11, line 23, of H. R. 8472, insert the words "the colored assistant superintendent" after the word "schools."

5. *Assistants to superintendent of buildings and supplies.*—Page 4, line 12, of H. R. 8472, add the words "upon the recommendation of the superintendent of buildings and supplies;" because he is financially responsible for his supply clerk. One assistant in his office should be colored.

6. *School nurses.*—Page 11, line 17, of H. R. 8472, strike out the words "or matrons;" insert the word "graduated" before the word "nurses." Nine hundred dollars apiece for mere matron service would be unnecessary and extravagant. (See hearings, p. 403, lines 27–58; entire page 404; p. 405, lines 1–42.)

We desire respectfully to express our appreciation and gratification at the fact that the House of Representatives Committee on the District of Columbia saw fit to incorporate as amendments to the Commissioners' bill nearly every recommendation and suggestion for the reform and improvement of the public schools of Washington, which the Public Education Association of Washington brought to its attention and recommended during the hearings before the subcommittee on the several school bills.

L. R. KLEMM.
A. S. GITTERMAN.
R. L. BLAINE.

Citations and references concerning free lectures.

Congressman JOSEPH A. GOULDEN: "I know whereof I speak when I say there is no department of our educational system [in New York] that meets with so much favor with the people as our free lecture course, and I hope it has come to stay in the city of Washington. I should regret exceedingly to see the board of education here take a step backward in this direction." (School hearings, p. 72.)

Mr. H. R. Fuller, labor representative: "I speak in a general way. We approve this proposition [section 6, H. R. 12591, providing for free lectures], because we believe it gives workingmen who are engaged throughout the day an opportunity to enlighten themselves through these lectures, and I simply wanted to add the hearty approval of the men whom I represent to that provision of the bill." (School hearings, p. 358.)

Mr. Shelby J. Davidson, colored lawyer: "Most of them [the colored people] are breadwinners; most of them are toilers by day; most of them have come up through conditions which have made it impossible for them to gain the elementary education which is to fit them for the struggle of life, so that you can see that the free lecture courses, giving them the advantages of those learned lecturers, those persons who are in their lines experts, will broaden their minds; it will give them advantages to carry to their children, and that is the principal point after all. We believe that an extension of the free lecture courses, especially in and among the colored people, an extension of the night school courses, if it can not be done by day, will be a blessing to us; it will lessen the great charge of criminality among the colored people and give them something to think of and act upon, and will rid you of your fighters and criminals and that class that makes the District possibly objectionable on account of its negro element, so called." (School hearings, p. 225.)

Mrs. R. S. Morton, M. D., a southern physician of much experience in Washington: "I was living in Washington at the time that this system was introduced here by Mrs. Gitterman, and was particularly delighted to know that it would be in vogue here, because I felt that having been successful in New York it would be equally so here under her able guidance. The reports at the end of the first year were very gratifying, in showing that the success here had been even greater than that in New York the first year." (School hearings, page 329.)

Popular success of the free lectures: "Much expense of administration was met privately and the work of general supervision was volunteered, so that the specific Congressional appropriation of $1,500 was able to supply lectures for 15,788 persons, or about one-fortieth of the entire population of the District of Columbia, at an annual cost of less than 10 cents per capita. The results are gratifying, as evinced by numerous letters from pleased members among the auditors." (School hearings, page 393.) Also some of the letters here referred to are on file with the subcommittee.

Rev. Lewis B. Moore, Ph. D., dean of teachers' college, Howard University: "The majority of people can not go to school; they must be breadwinners; they ought to get some education. Free lectures are a splendid thing; they ought to be multiplied. We have had a few of them. There ought to be a regularly organized system of free lectures, with a supervisor, somebody to look after them. It is as important as any other part of the school system." (School hearings, page 204.)

Lectures an education for adults: "What the public school is to the child the free-lecture system is the adult workingman and working woman. * * * It is not too much to ask of any truly popular system of education that it should hold out to these intellectually starved people some small extension of the public school education; that it should at least feed their hunger, as it were, by the crumbs that fall from their children's table." (School hearings, page 257.)

Educational development of free lectures under volunteer expert guidance: "The bill provides no salary for the supervisor, because one of the many public-spirited services to this community of the Public Education Association of Washington during the past two years has been to give the services of one of its officers to this work, which has been so successful as to suggest the wisdom of continuing it under the same generous and educated guidance. The duties prescribed for the unpaid supervisor of lectures are the same as those prescribed in the New York school law for the same office." (Congressman J. A. GOULDEN, school hearings, p. 72.) "What they [the workingmen] wanted was not amusement, but instruction; and I would like to make

just as strong and and just as clear as I can that if there is no other way—and there probably is not, that I can see—to give them what they want than the way which the wisdom of Mr. GOULDEN has embodied in section 6 of his bill, No. 12591, then keep under the Public Education Association, which is so anxious to develop education in common [cooperation] with the board of education, the development of those lecture courses while they are in their initial stages. I do beg of this committee with all the force I can, and plead for it very, very earnestly, that section 6 may be passed." (School hearings, page 396.)

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. MCKINLAY] for unanimous consent to consider the bill H. R. 11796?

There was no objection.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. MCKINLAY of California, a motion to reconsider the vote by which the bill was passed was laid on the table.

DENATURED ALCOHOL.

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and discharge the Committee of the Whole House on the state of the Union from further consideration of the bill H. R. 17453 and pass the same with the amendments recommended by the committee.

The SPEAKER. The gentleman from New York [Mr. PAYNE] moves to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill indicated, agreeing to the amendments, and passing the bill. The Clerk will report the bill as amended.

The Clerk read as follows:

A bill (H. R. 17453) for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after three months from the passage of this act domestic alcohol of such degree of proof as may be prescribed by the Commissioner of Internal Revenue, and approved by the Secretary of the Treasury, may be withdrawn from bond without the payment of internal-revenue tax, for use in the arts and industries, and for fuel, light, and power, provided said alcohol shall have been mixed in the presence and under the direction of an authorized Government officer, before withdrawal from the bonded warehouse, with denaturing material suitable to the use for which the alcohol is withdrawn, but which destroys its character as a beverage and renders it unfit for liquid medicinal purposes.

The character and quantity of the said denaturing material and the conditions upon which said alcohol may be withdrawn free of tax shall be prescribed by the Commissioner of Internal Revenue, who shall, with the approval of the Secretary of the Treasury, make all necessary regulations for carrying into effect the provisions of this act.

Distillers, manufacturers, dealers, and all other persons furnishing, handling, or using alcohol withdrawn from bond under the provisions of this act shall keep such books and records, execute such bonds, and render such returns as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. Such books and records shall be open at all times to the inspection of any internal-revenue officer or agent.

SEC. 2. That any person who uses alcohol withdrawn from bond under the provisions of section 1 of this act for manufacturing any beverage or liquid medicinal preparation, or knowingly sells any beverage or liquid medicinal preparation made in whole or in part from such alcohol, or knowingly violates any of the provisions of this act, or who shall recover or attempt to recover by redistillation or by any other process or means, any alcohol rendered unfit for beverage or liquid medicinal purposes under the provisions of this act, or who knowingly uses, sells, or conceals alcohol so recovered or redistilled, shall on conviction of each offense be fined not more than $5,000, or be imprisoned not more than five years, or both: *Provided,* That manufacturers employing processes in which alcohol, used free of tax under the provisions of this act, is expressed or evaporated from the articles manufactured shall be permitted to recover such alcohol and to have such alcohol restored to a condition suitable solely for reuse in manufacturing processes under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

SEC. 3. That for the employment of such additional force of chemists, internal-revenue agents, inspectors, deputy collectors, clerks, laborers, and other assistants as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may deem proper and necessary to the prompt and efficient operation and enforcement of this law, and for the purchase of locks, seals, weighing beams, gauging instruments, and for all necessary expenses incident to the proper execution of this law, the sum of $250,000, or so much thereof as may be required, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

For a period of two years from and after the passage of this act the force authorized by this section of this act shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1883, and amendments thereof, and with such compensation as the Commissioner of Internal Revenue may fix, with the approval of the Secretary of the Treasury.

Mr. YOUNG. Mr. Speaker, I demand a second.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second may be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. PAYNE] is entitled to twenty minutes, and the gentleman from Michigan [Mr. YOUNG] to twenty minutes.

Mr. PAYNE. Mr. Speaker, the object of this bill is to provide alcohol free of tax to use for manufacturing, lighting, heating, and power purposes; that the alcohol when withdrawn from bond shall be denatured in such manner as the Commissioner shall prescribe, so as to render it unfit for and destroy its quality as a beverage or to be used in liquid medicine. Every country that imposes a tax upon alcohol has now free alcohol in the arts except the United States. The question has been agitated here for a good many years, and considerable attention has been given to it.

In 1897 an able commission was appointed by Congress that went into this subject very fully. At that time the idea was to furnish free alcohol for every use in the arts, including medicinal purposes, and the majority of that committee very properly came to the conclusion that such use of it could not be had without defrauding the revenue. In later years the idea has grown up of limiting its use so that it could not be used for medicinal purposes, and medical purposes in later years has gotten to mean for beverage purposes in very many localities in the United States; so the committee have entirely eliminated such use as that by providing for denaturing the alcohol in such a way that it would be poisonous if taken internally or used as a medicine.

I want to say further in reference to that, the commission found that there would be a large loss of revenue, amounting to nine or ten million dollars. This was founded on the statement of the census of 1890, that about 9,000,000 gallons of ethyl alcohol were used in manufactures and arts at that time. I suppose that included the use for medicinal purposes as well, and that would entail a loss of ten or eleven millions of revenue. Since that time the manufacture of wood alcohol has increased in this country to such a degree that last year 7,500,000 gallons of wood alcohol were manufactured. It seems that wood alcohol has been substituted for manufacturing purposes almost entirely in this country. It is used for manufacturing formaldehyde, and the ethyl alcohol will not produce formaldehyde, and a million and more gallons is used every year for that purpose, and will continue to be used under the provisions of this bill. More than a million of gallons are exported. About 5,000,000 gallons are used in manufactures. These 5,000,000 gallons will undoubtedly be displaced by ethyl alcohol in the event of the passage of this bill, because ethyl alcohol untaxed is cheaper, and it is also free from complaint that has come to the committee of the unhealthful use of wood alcohol in manufactures. Sometimes it destroys the eyesight and sometimes destroys life. A great demand, likely to arise for the use of this denatured alcohol, is to be found in fuel, lighting, and heating purposes. In Germany the demand has so increased in the last four or five years that it is believed 65,000,000 gallons of alcohol will be used for these purposes.

The SPEAKER. The gentleman has consumed his five minutes.

Mr. PAYNE. I will yield myself three minutes more.

Mr. BUTLER of Pennsylvania. Mr. Speaker, will the gentleman allow me to ask him a question?

Mr. PAYNE. I have not time.

Mr. BUTLER of Pennsylvania. You have twenty minutes.

Mr. PAYNE. I regret that I have to decline, but I have promised my time. The gentleman will permit me to continue. Now, of course, the demand for this is not so great for manufacturing purposes. If that were so, I have reason to doubt whether the committee would have recommended this bill; but it seems that we can produce alcohol in many parts of the country at a price so low that it will take the place of gasoline to run motor engines, of which 300,000 are now used in this country, and to which they are adding 100,000 a year. It can be used instead of kerosene for lighting purposes, as a gallon of alcohol will burn twice as long as a gallon of kerosene by actual test, furnishing the same candlepower in the light; and if produced cheap enough, can be used for fuel in some parts of the country remote from fuel sources; and it is for this reason and by reason of the probable use of alcohol in these industries and for these domestic purposes the committee has recommended this bill.

We are not oblivious to the fact that the passage of this bill will injure for a time the wood-alcohol interests; but we do not believe it will injure them permanently. We believe in the end it will result in good, because we believe there will be such use

of ethyl alcohol denatured by wood alcohol that it will in the end benefit the wood-alcohol interest. I append the report as a part of my remarks.

The report is as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. 17453) for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials, having had the same under consideration, report it back without amendment, with a recommendation that the bill do pass.

This bill provides that three months after its passage domestic alcohol of such degree of proof, and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, may be withdrawn without the payment of internal-revenue tax, for use in the arts and industries, and for fuel, light, and power. The bill also provides that the same shall be denatured so as to destroy its character as a beverage and render it unfit for liquid medicinal purposes. The second section prescribes proper penalties for the enforcement of the law. The third section provides for an additional force of chenfists, internal-revenue agents, inspectors, etc., to carry out the provisions of the law.

The subject of tax-free alcohol for use in the arts has at different periods demanded the attention of Congress. All other nations impose a tax upon alcohol, and other commercial nations of importance, having imposed such a tax for a series of years, have allowed the use of tax-free alcohol in the arts and industries. The United States have hesitated to enter upon this course for various reasons. On acount of the high tax there is the temptation to attempt fraud upon the revenue; the fear of the successful practice of such fraud has been the main obstacle to the enactment of any such legislation.

This fear was the chief reason for the adverse report of the Commission appointed in 1897, which examined so thoroughly into this subject, and was the ground on which Secretary Carlisle failed to provide suitable rules and regulations to carry out the clause in the Wilson bill in 1894 which provided for free alcohol in the arts under such regulations as the Secretary of the Treasury might prescribe. The question hitherto has been mixed up with the idea of free alcohol for use in medicines. In fact, up to a recent date, the chief agitation has been in behalf of the druggists and the manufacturers of medicines throughout the country. It might be impossible to properly guard the revenue if alcohol was to go tax free for use in medicinal compounds.

It is for this reason that the committee has eliminated the use of tax-free alcohol in the compounding of medicines in the bill reported. We provide that it must be denatured in the presence of the internal-revenue officers before it can be withdrawn from bond. Although the denaturing material is not mentioned in the bill and is left in the discretion of the Commissioner, with the approval of the Secretary, wood alcohol would be the most natural material for the purpose of denaturing. This is the most common denaturing agency employed in other countries, and as it is produced so abundantly here there is no question but that it would be used by our revenue officers.

The civilized countries which allow free alcohol methylated have found no difficulty in protecting the revenue against fraud. This is the common experience of all these countries. The Secretary of the Treasury and the Commissioner of Internal Revenue both agree that in the enforcement of this bill fraud could be practically eliminated. We now allow the makers of wine to use 3,500,000 gallons of free alcohol to fortify the wine, and we allow free alcohol in the making of vinegar. The Commissioner reports that there is practically no fraud under either of these exemptions from tax.

Another objection to the enactment of this legislation hitherto has been the question of loss of revenue. There has been no attempt to get at the amount of ethyl (grain) alcohol used in the arts and industries since 1890. In the census of that date it was reported and estimated at about 9,000,000 gallons. It is understood that this included the use of it for medicinal purposes. The use of methyl (wood) alcohol was very small in 1890, less than a million gallons per annum. Since that date the method of manufacture of methyl alcohol has been greatly improved, and the annual output has increased, so that in 1905 it reached about 7,500,000 gallons.

Of this amount over a million gallons were exported, leaving something over 6,000,000 gallons for consumption in this country. It is found that methyl alcohol has supplanted ethyl alcohol for use in nearly every art and industry except in medicinal preparations. Some of those who appeared before the committee favoring the bill made careful estimates to show that the loss in revenue from the alcohol now used in such arts and industries would not exceed one-half million dollars, while the gentlemen who appeared in behalf of the wood-alcohol industry agreed that the loss of revenue from this source would be substantially nothing. The objection, then, on account of the loss of the revenue seems to have been fully overcome.

Since 1890 the wood-alcohol industry has steadily advanced on account of the increasing demand for the use of a cheaper alcohol than tax-paid grain alcohol in the arts and industries. From year to year a better article has been put upon the market, and, as stated above, the wood alcohol has substantially displaced grain alcohol in the arts and industries. While this is a by-product, it would appear that about 40 per cent of the income from the manufacture of charcoal is represented by wood alcohol, the other 60 per cent representing charcoal and acetate of lime produced by the same process.

Of course the people who went into this industry have anticipated that the time would come when grain alcohol would be free in the arts and industries in this country, the same as in the other commercial countries of the world. There is no doubt but that the enactment of this bill into law would temporarily injure the wood-alcohol industry. There are some industries that would still continue to use wood alcohol in preference to grain alcohol, to the extent probably of 1,000,000 gallons, and these, with the export, would still leave at least 5,000,000 gallons of the output of the factories to find a market in the United States. Great Britain uses 10 per cent of wood alcohol for denaturing purposes.

Germany uses but 2½ per cent mixed with other denaturents. It would seem that for nearly all the industries in the United States the proper and best denaturing material would be wood alcohol. If the anticipation of some of the advocates of the tax-free alcohol were to be realized, but little time would elapse before the entire output of the methyl alcohol factories would be used as a denaturing material.

But the better opinion is that it would take considerable time to effect this change, and until that result was realized the charcoal manufacturers would have to look for their profits to the product of charcoal and acetate of lime, both of which are in demand to the full extent of these factories. While this would cut down the very large dividends reported to have been paid hitherto in the wood-alcohol business, it is not believed it would destroy or permanently cripple the industry.

But in the change of this tax law we have to consider the greatest good to the greatest number. If it was an assured fact that the only result of this legislation would be to allow the manufacturers now using wood alcohol a cheaper material for the 6,000,000 or 7,000,000 gallons which they use, the legislation, in view of the injury to the wood-alcohol industry, could not be justified. In the judgment of the committee the result of this legislation would be to very widely extend the use of alcohol. According to the latest reports the use of alcohol for manufacturing purposes has greatly multiplied in Germany in the last few years, as will appear from the following report:

Consumption of untaxed industrial alcohol in Germany.

Fiscal year ending October 1—	Hectoliters of pure or absolute alcohol.	Quantities expressed in American proof or taxable gallons.
1900	1,047,417	55,393,617
1901	1,161,326	61,318,032
1902	1,114,230	58,831,344
1903	1,289,123	68,065,624
1904	1,394,607	73,655,249

The hectoliter is equal to 26.4 American wine gallons. In Germany the unit of tax is a liter of pure or absolute alcohol, and therefore the number of wine gallons of alcohol used for manufacturing and other industrial purposes must be multiplied by 2 to express the quantity in American proof gallons.

Ten per cent on the average consumption in Germany for denaturing purposes would use the entire wood alcohol product in this country. The Germans have led in the manufacture of coal-tar preparations and aniline dyes to a great extent because of the opportunity for using free alcohol in their manufacture. While it is true that Germany may lead the world in chemistry, this fact alone would not account for their discoveries in this direction.

Methyl alcohol is now employed in this country in the manufacture of the foregoing list of articles: Aniline colors and dyes, hats (stiff, silk, and straw), electrical apparatus, transparent soap, furniture, picture moldings, burial caskets, cabinet work, passenger cars, pianos, organs, whips, toys, rattan goods, lead pencils, brushes, wagons, boots and shoes, smokeless powder, fulminate of mercury, brass beds, gas and and electric light fixtures, various kinds of metal hardware, incandescent mantles, photographic materials, celluloid and other like compounds, sulphuric ether, organic chemicals.

It is believed that it would be displaced by the use of tax-free denatured ethyl alcohol, except when used in manufactures where it is essential, and where ethyl alcohol can not be used. The amount of methyl alcohol which can not for this reason be displaced is about 1,000,000 gallons.

The bulk of free denatured alcohol in Germany is used for the purpose of light, fuel, and heat. A lamp is now made with a Welsbach mantle which produces a very strong, steady, and high-grade light by the use of alcohol. Experiments have been made testing this lamp with the most improved pattern kerosene lamps with round wicks and of equal candlepower; it was found that a gallon of alcohol would keep the alcohol lamp burning twice as many hours as would a gallon of kerosene burning in the most approved pattern of kerosene lamp which is in general use. In other words, 1 gallon of alcohol is equal to 2 gallons of kerosene for lighting purposes. Hence, it follows if the price of alcohol methylated is less than double the price of kerosene its use, especially on the farms and in the villages of the country, would become enormous.

During the past few months experiments have been made in adapting gasoline power engines to the use of alcohol. This has been successfully done in Germany for several years, though there they generally mix 25 per cent of gasoline with the alcohol to obtain a more ready ignition of the fluid, which is forced into the cylinder of the engine in the form of vapor. Experiments in this country have developed the fact that alcohol can be used just as readily as this mixture with gasoline or the gasoline itself, and the operation of the engine with its use is perfect. The use of small motor engines running with gasoline has become very large. In the estimate before the committee it would appear that 300,000 of these engines were now in use and that the annual output is more than a hundred thousand.

These engines are especially adapted to farm use for pumping water, cutting feed, filling silos, thrashing grain, and the multiplied uses to which a stationary power on a farm is adapted. The principal objection to gasoline, aside from its cost, is the danger to the farm buildings from fire. A gasoline fire can not be quenched with water. On the other hand, water seems to scatter the gasoline and increases the danger. But an alcohol fire is easily put out by the use of water. Large numbers of these motors are also used in automobiles, the number of which is increasing with wonderful rapidity, and for motors in small boats.

The one question of substitution of alcohol in great part for gasoline is that of cost. There is another question of the future supply of gasoline equal to the growing demand. The supply is limited. The demand seems to be almost unlimited. Experiments show that a gallon of alcohol will produce at least 10 per cent more power that a gallon of gasoline. The alcohol for this purpose produces the best results when there is at least 10 per cent of water in the mixture, or, in other words, when the alcohol is 90 per cent pure. This is known as 180° alcohol.

There is a considerable use of alcohol in Germany for heat, substituting it in stoves for gasoline. If the alcohol can be produced at an economical cost, there is no question but, like the use of gas stoves in cities, the use of alcohol stoves in the country would grow to large proportions.

The principal question, therefore, is the question of the cost of production of alcohol as compared with the cost of production of kerosene and gasoline. Upon this subject there was a wide range of evidence before the committee. It appeared that the market price of ethyl alcohol, eliminating the tax, is now about 38 cents a gallon; that during the past year it has been sold as low as 25 cents or less. It is understood that this price was by the barrel.

Mr. W. E. Lummus, who appeared in opposition to the legislation, furnished an estimate of the cost of 95 per cent alcohol, which is 5

per cent above the purity required for motor purposes, showing 27.75 cents per gallon. In this, however, he figures the cost of corn at 46.6 cents per bushel, and the manufacturer's expenses at 12.85 cents per gallon. As corn has averaged for the last ten years 42.36 cents per bushel, and the cost of manufacturing for ten years in the distillery at Peoria was 3.4 cents per gallon, it is quite evident that these figures are greatly exaggerated.

The best test before the committee would seem to be that obtained from the books of a large distillery in Peoria, Ill. At this distillery the record for ten years showed an average cost of 42.36 cents per bushel for the corn used. The average production of alcohol was 4.76 proof gallons from a bushel of corn. The cost averaged 10.78 cents per proof gallon of alcohol. The corn used in making one gallon of proof alcohol was 0.21 of a bushel, costing 8.89 cents; deducting this cost from 10.78 cents, the total cost of the alcohol, we have 1.89 cents as the cost of making one gallon of proof alcohol over and above the cost of the grain. For 90 per cent alcohol the cost of making would be 3.4 cents per wine gallon.

It should be noted here that the improvements in distilling have increased the yield to 5 gallons of proof alcohol per bushel of corn. With corn at this price, the cost of production for the entire period was 10.78 cents per proof gallon, or 19.4 cents per wine gallon testing 90 per cent, but this was on an average of 4.76 proof gallons for a bushel of corn. With an average of 5 proof gallons per bushel, which is at present realized, the cost would be about 18.4 cents per wine gallon. The cost of manufacture of crude wood alcohol, according to the census reports, is 40 cents per gallon. Using 10 per cent with 18.4 cent alcohol, the cost of denaturized alcohol would be 20.5 cents per gallon. This is less than the cost of gasoline at points in the Northwest represented before the committee for instance, by Mr. MARSHALL, of North Dakota, and would bring alcohol even at this price of corn in equal competition with gasoline.

But Mr. MARSHALL reports the price of corn at this point at 30 cents per bushel. At this price for corn, 90 per cent denatured alcohol would cost 14.20 cents a gallon. The cost of distribution would be much lighter, the consumer being so near the factory, and would indicate a price at that point below the price of gasoline. Representative MARSHALL tells us that kerosene oil costs 18 cents in Dakota and gasoline 22. Surely there can be no question as to the greater economy in the use of alcohol in that section of the country. Corn seems to be the best material from which to make alcohol in this country for beverage purposes, as is proven by the fact that it is nearly the only material used now in its manufacture in this country. In Europe the principal material is the potato, but there they have no corn.

There is another material used in the manufacture of alcohol which is much cheaper than corn and is not used now because of the odor which follows the alcohol and renders it unfit for beverage purposes. This is molasses of the lowest quality. This material is well described by Mr. Lummus in the following language:

"As is well known, millions of gallons of base molasses are produced in all the Central and South American countries and the West Indies, which is now largely burned, fed to animals, or destroyed, although a portion is dumped on our shores at almost any price above freight, and at New Orleans, Boston, and Brooklyn is being worked up into inferior liquors. That it is not more generally used at present is due to the fact that alcohol made from molasses has a disagreeable odor and taste, which render it less acceptable for the chief purpose for which ethyl alcohol is now employed in the United States, namely, liquors and medicines.

"For industrial purposes, however, especially where repulsive denaturants are to be employed, the odor and taste of molasses alcohol are not a defect, and should the tax-free law open an avenue to its more extensive use it is difficult to see how any other material could be considered for the manufacture of industrial alcohol."

It is this material which is now being used in Cuba, where Minister Squires and other United States officials report that alcohol is being manufactured at a cost of 10 cents a gallon. Two gallons of this molasses will make a gallon or more of 90 per cent alcohol. This molasses is dumped into various ports of the United States, at New Orleans, New York, and Boston, at a cost at these ports of 3 cents a gallon. Mr. Lummus estimates the cost of making at 9 cents, but the actual basis of cost for ten years in making corn alcohol in Peoria, as appears from the books of the distillery, is 3.4 cents for 90 per cent alcohol. This would result in the production of alcohol at 9.4 cents per gallon in the eastern markets.

A similar grade of molasses is produced in the manufacture of sugar beets. Ten of the factories in Michigan send their product to a distillery in that State and, as appeared in the Philippine hearings before this committee, produce therefrom about a million gallons of proof alcohol. Should the beet sugar develop as its friends anticipate, a large supply of this material would be found in the Northwestern States, where the price of kerosene and gasoline is exceptionally high. Unquestionably this would supply a market for the by-product in the manufacture of beet sugar which generally goes to waste, and would prove a potent factor in the development of that industry. If even the figures of Mr. Lummus are correct, and they are obviously too high, this source of supply would seem to settle the question of the economy in the use of alcohol.

Alcohol would be able to supplant gasoline and kerosene in the production of power and light and great good would result, especially to the farmers of the United States. It seemed reasonable that this result would follow, and, with the resulting good to the great mass of our people, would far outweigh the temporary loss which would come to the wood-alcohol industry. This belief is shared by the great mass of our fellow-citizens from all parts of the United States, and the demand for tax-free denatured alcohol is well-nigh universal.)

Mr. YOUNG. Mr. Speaker, no one can be more fully sensible of the impossibility of preventing the passage of the pending measure through this House than I am. The unanimity with which it will be supported is, in my judgment, but a measure of the misinformation, false hopes, and abounding optimism which prevail, not only in this House but throughout the country, upon this subject.

But I would be false to my duty did I not at least protest against the passage of a measure which I believe will not only disappoint the hopes of those who favor it, but will seriously cripple, if not destroy, the wood-alcohol business and its allied industries, which in my district alone support not less than 15,000 people and employ nearly $20,000,000 of capital.

In that section of our country, as in many others, are large areas of timbered lands. Some of this timber is fit for manufacture into lumber, but trees of that kind are too scattering, and the cost of building roads and lumbering them alone is too great to permit of the business being carried on at a profit. But the present age prospers on what the last age wasted. So the owners of these lands cut them clean. The pine and hemlock and maple timber that is fit to manufacture into lumber is so manufactured. The cedar is made into railroad ties and telegraph poles and fence posts, and the waste timber, the partly decayed, the tops, the crooked pieces, and all it will not pay to make into lumber is cut into cordwood and at the kilns converted into wood alcohol and charcoal and acetate of lime, and then the charcoal is used at the furnace near the land from which it was produced with which to smelt iron ore into pig iron, and all these varied forms of industry are carried on together as one business. Each branch of this industry is necessary to the success of the whole. The manufacture of the lumber would be unprofitable if carried on alone. The making of charcoal would be unprofitable if carried on alone. The manufacture of wood alcohol would be prohibitive in its cost if carried on alone, and the manufacture of acetate of lime would be impossible if carried on alone, but each branch of the industry supports the whole until now it employs in my district alone the number of men and the amount of capital I have stated. This is the business this House proposes to wipe off the industrial map in the chimerical hope of making alcohol from potato peelings and cornstalks and any old thing that contains starch or sugar at a price which will permit its use for light and fuel and power and incidentally relieving my friend from Kansas of his task of curbing the Standard Oil Company and cause that corporation and the independent producers of oil to be bundled indiscriminately into the bankruptcy court, while the distillers' trust and the sugar trust and those in this House who hate all trusts will mingle their separate and solemn joys above the dishonored graves of the defunct.

But these gentlemen who are aiming at the Standard Oil Company when they have bagged their game will find that they have brought down only the wood-alcohol business of Pennsylvania, New York, and Michigan. There is, alas, too little doubt about their getting that. The cost of wood alcohol to the manufacturer at the present price of labor is about 50 cents a gallon, and grain alcohol is now selling in the market, with the tax deducted, at about 38 to 40 cents a gallon, and as grain alcohol can be used for all purposes for which wood alcohol is used and can be produced cheaper, it must inevitably drive out the latter.

But it has been asked, Should the Government use its power of internal taxation for the purpose of building up one industry at the expense of another? I answer unhesitatingly, no; but on the other hand it should not abolish taxes already in existence and which are needed for the support of the Government and the building of needed public improvements for the sole and only purpose of destroying an existing industry in order that another by the aid of a bounty from the Government may be built upon its ruins. I have used the term "bounty" advisedly, for that is exactly what this bill proposes. It is to give a bounty, estimated at 5 cents a gallon, on denatured grain alcohol, so that it may be sold at a price to compete with petroleum products. This will be clearer from an examination of the hearings before the committee.

On page 292 Secretary Shaw, speaking of denatured grain alcohol, says:

Now, I want to make this suggestion, Mr. Chairman, if you please. That if you put a small tax upon it, enough to somewhat more than pay the expense of administration—and I suppose everyone will agree that it ought to pay the expense of supervision in that respect.

Oh, yes; all agree to that but the Ways and Means Committee and this House.

Mr. GROSVENOR. The Commissioner of Internal Revenue thought that 5 cents would be enough.

Secretary SHAW. I was going to say that 5 cents a gallon will possibly cover the loss. I do not think it will more than cover the loss. No one can tell how much will be consumed. But I am going to make this suggestion, that you put on 5 cents a gallon for two years and put it all in one bill, and thereafter let the Secretary of the Treasury assess against the various producing plants such a tax as will pay the administration.

Then the gentleman from Mississippi, after stating that 18¾ cents per gallon was the best price at which it seemed possible to make grain alcohol, said:

It is a very close question even if people can get this commodity without any tax, get it free, whether they will get it cheaply enough to compete with the things that can be used for fuel, light, and power. It is so close a question that it seems to me that 5 cents a gallon added to its cost to the purchaser would exclude it as a competitor with other commodities used in the production of fuel, light, and power.

Again, he adds:

Even at 19 or 20 cents it is questionable whether it will not be too high to compete with some things that are being used. If you make it 25 per cent higher, you are just cutting off its competitive use with kerosene or gasoline or those other things by just that much as a direct agent for fuel, light, and power.

Secretary SHAW. I grant you that the 5 cents tax would be prohibitive on power for two years.

Mr. COCKRAN. You say the 5 cents tax so long as it lasts will practically shut this out as a competitor or competitive agent in producing heat, light, and power?

Secretary SHAW. Yes.

Mr. COCKRAN. That is the main object of it, is it not, to produce a cheap and available agent for the production of heat, light, and power?

Mr. WILLIAMS. That would exclude the farmer from all benefit from it except the little increased sale of his corn.

And Secretary Shaw adds:

It is idle to talk about 50,000,000 gallons (production per annum). Talk rather about 10,000,000 gallons at the end of one or two years.

So the mountain has labored and brought forth this mouse. The 200,000,000 gallons of annual production which so fired the excited imagination of the enthusiastic searchers for this alchemist's secret which was to transmute cornstalks into gold has shrunk to a beggarly, insignificant, miserly, and miserable 10,000,000 gallons—only a little more than enough to take the place of the wood alcohol industry it will destroy.

And it is admitted that there is no hope of greater growth, or even that amount of immediate growth, unless the Government subsidizes this industry by the amount necessary to supervise denaturing the alcohol, which is estimated at 5 cents per gallon. And in order that this may be done the bill appropriates $250,000, equal to 5 cents a gallon on 5,000,000 gallons.

I am surprised at the attitude of the Democracy upon this question. I am little less than amazed that the distinguished gentleman from New York, whose language I have quoted from the hearings and who has so often told us in varied but always eloquent, striking, and brilliant phrase that the Government produced nothing, and therefore had nothing to give; that if it gave to one it must steal from another, and that, therefore, protection was robbery, and who imputes all the corruption that finds its way into our social and political system to this cause from the petty pilfering that at one time invaded our Post-Office Department to what the gentleman from New York might call the sublime larcenies of insurance officials. I am amazed, I say, that he of all men should unite with the gentleman from Mississippi, who told us that protection was a system whereby the many were robbed that some one industry might be hothoused into an unnatural prosperity, and the gentleman from Missouri, whose language about custom-houses I will not quote, because he has become so sensitive about the numerous references thereto upon this floor, but which all remember—that these three gentlemen of all others, I say, should unite in support of this bill, the avowed purpose of which is to hothouse into artificial prosperity the alcohol business by the aid of a subsidy of 5 cents a gallon.

Mr. COCKRAN. Will the gentleman yield for a question?

Mr. YOUNG. Certainly.

Mr. COCKRAN. As I was unable to distinguish much of what has been said, in the confusion in the Chamber, I should like to ask the gentleman to explain what he means by the statement that the "gentleman from New York" has supported or advocated a subsidy in connection with this particular industry?

Mr. YOUNG. The gentleman from New York has united in a report which brings this bill favorably before the House, and provides that the entire expense of denaturing—that is, of the supervision of the denaturing of this alcohol—shall be borne by the Government, and the reason the gentleman gave for it was that if it was not done this alcohol could not be used in competition with petroleum products for light, heat, and power.

Mr. COCKRAN. Does the gentleman mean the cost of denaturing the alcohol, or the cost of supervising it by the Government to guard against fraud?

Mr. YOUNG. The extra cost of supervision, made necessary by making this alcohol free; and as I said before, no man can gainsay the fact that that is a subsidy, when he looks at the substance and not the form, when he looks at the kernel and not at the husk.

Mr. Speaker, this whole movement in favor of free alcohol is based on the delusion that it can be denatured and produced at a price which will enable it to compete with coal-oil products for light, heat, and power. All are agreed that aside from these purposes the use of alcohol in the arts is very limited, and can not be greatly extended, except in so far as it displaces wood alcohol, which is a matter of not to exceed 8,000,000 of gallons annually; but if denatured alcohol could be produced cheap enough to compete with petroleum products for light, heat, and power then the field for its use might be greatly enlarged, and so the visionaries and the whisky trust have been vieing with each other in discovering new uses for the imagination.

They have talked of alcohol produced at 10 cents a gallon from cornstalks and potato peelings, and as one witness put it, "any old thing that contains starch or sugar."

From this modern wonderland they have created; where the alchemist and the wizard, the genii and the afrit, the inventor of perpetual motion, the discoverer of perpetual youth, and the Cheshire cat all touch elbows, where Mab is queen and Puck still tosses common sense topsy-turvy, where Aladdin's lamp has been discarded to make room for the greater virtues of denatured alcohol; in short, from that land where this bill was conceived and brought forth by the happy conjunction of Baron Munchausen and Colonel Sellers let us return to the prosier land of fact and sanity. Can grain alcohol be made at a price to compete with petroleum products for heat, light, and power? Secretary Shaw frankly says that it is impossible without the aid of the Government bounty of about 5 cents per gallon. The gentleman from Mississippi says it is doubtful if it can compete with that assistance. His opinion is based upon a supposititious cost of 18¾ cents per gallon.

The Committee on Ways and Means did not have before it a single witness who had ever made in a commercial way a single gallon of grain alcohol, but it was rich in chemists. It does not seem that it would have been difficult to get testimony on this head at first hands from some practical distiller. The most satisfactory testimony upon the subject is from Mr. Lummis, which appears on pages 197 and 413 and 414 of the hearings. On the latter page is given a detailed statement of the cost of manufacture at a distillery in Ohio having a capacity of 5,000 bushels of corn per day. This gives a net cost per gallon of 30.1699 cents per gallon. This statement is in detail and shows just what was included in the cost. It was evidently prepared with great care, but it contains nothing for interest on investment or depreciation of the plant.

The only other testimony which claims to be based on actual experience is contained in a letter from Mr. Kline, and purports to give the results attained during a series of years by a distillery at Peoria, Ill. It is not in detail, gives no data from which it can be determined what is included in the cost and what is excluded, but states a cost of 20.26 cents per gallon. In neither of these estimates is anything included for profit of manufacturer or middleman, and the proof is undisputed that that alcohol now sells at from $2.45 to $2.47 per gallon, and that the tax is about $2.07 per gallon, deducting which we now have a cost of 38 to 40 cents to the purchaser of grain alcohol, free of the tax. The mere statement of the fact shows the utter futility of the attempt to enable alcohol to compete with petroleum for light, heat, and power. We have been told that this bill is a blow at the Standard Oil Company, but that company seems not to have discovered it. It does not oppose this legislation. Apparently it looks at it with the same indifference with which it might regard the transit of Venus or the spots upon the moon. Neither are the independent producers of oil at all disturbed. Even my friend from Kansas, who has waged such a brilliant fight against the Standard Oil Company on behalf of the independent producers of his own State, is not ruffled in his equanimity, and, I presume, will vote for this bill.

If alcohol can compete with petroleum for light and fuel, why in the years before the war, when alcohol was untaxed, did it not compete more successfully for light with tallow candles and whale oil? It was not even a respectable antagonist, but they both succumbed to petroleum.

If alcohol can be made at a profit from cornstalks and potatoes in this country, why have not our distillers yet discovered it?

The oil men feel that they know what the supporters of this bill seem to ignore—that the farmer will continue to find it more profitable to turn corn into hogs and beef than into alcohol, and that the great oil industry, which produces 5,000,000,000 gallons of oil annually and exports 750,000,000 gallons, has nothing to fear from free alcohol, and that it contemplates with the greatest complacency, as does this House, the destruction of the wood-alcohol business.

But let us consider this matter a little more in detail.

This bill provides for the withdrawal from bond of denatured alcohol for use in the arts and industries, and for fuel, light, and power, without the payment of internal-revenue tax, and that the expense of excise supervision and denaturing shall be borne by the Government and not by the producers thereof.

During the past few years considerable public sentiment has been created in favor of the exemption from tax of denatured alcohol for industrial purposes. That sentiment is to a great

extent artificial. It is largely based upon exaggeration, confusion, misinformation, and misunderstanding in the public mind in relation to the production and use of alcohol.

The forces behind the active, organized movement for the exemption of alcohol from taxation are powerful associations of distillers of spirits and certain industries using alcohol in their processes, although it has adroitly been made to appear as a spontaneous movement on the part of the public at large. These distillers and manufacturers, not the public, would be the principal beneficiaries of this superficial and ill-considered bill.

It is time this "free-alcohol" proposition was considered by Congress sanely and practically upon its merits.

THE ISSUES INVOLVED.

The issues involved in the consideration of this bill may fairly be classified as follows:

First. The effect upon the public revenues and the prevention of fraud thereupon.

Second. The benefits to be derived by the producers of distilled spirits and those who use it in the manufactures and arts.

Third. The benefits to the public at large.

Fourth. The effect upon established industries, such as the manufacture of pig iron, hard-wood lumber, charcoal, wood alcohol, and other by-products of charcoal, varnishes, linseed oil, turpentine, etc.

REVENUE.

The passage of this bill would deplete the public revenues to a considerable extent. It would be an entering wedge for further division of the revenue and tend toward tariff changes.

Ever since the war, distilled spirits for obvious reasons have been the primary source of internal revenue. Commencing with a nominal tax it was gradually increased to 1894, when it was fixed at $1.10 per proof gallon, or about $2.07 per gallon of commercially absolute alcohol, which rate of tax has since continued. The revenue derived therefrom last year was $129,500,000. Manifestly a revenue that yields such an amount to the Treasury is a public interest not to be recklessly disturbed. The effect of any proposition for the exemption of any form of distilled spirits from the revenue tax has always commanded the serious consideration of Congress.

To avoid misconception we may add that the term "proof gallon" is a revenue term applied to distilled spirits which contain 50 per cent water. Commercial or absolute alcohol contains 95 per cent of alcohol and 5 per cent water.

In the report of the joint committee of Congress on alcohol in the manufactures and arts, December 17, 1897, this subject was carefully considered. In the views of Messrs. O. H. Platt and Charles A. Russell, set forth in that report, it is stated, in relation to the quantity consumed, that reports of the Commissioner of Internal Revenue and estimates made to that committee by George W. Wilson, deputy commissioner, placed the quantity so used approximately at 9,000,000 gallons per annum (p. 8). Mr. Evans, in his views (p. 30), says that under the proposed release of alcohol from the tax the Government "will lose a very large amount of revenue; not less than $10,000,000 annually, and probably very much more."

This estimate is at least partially recognized by Senators Platt and Russell (p. 10), where they refer "to the $10,000,000, more or less, collected annually by the Government upon alcohol used in the arts and manufactures."

Mr. Evans (p. 31) refers to the paralyzing rate of $1.10 per proof gallon imposed by the Wilson bill, and says that it is demonstrated that the burdens complained of would be greatly mitigated by a reduction of the tax rate to what would also be a better revenue-producing figure. On page 32 he again emphasizes "the fact that the quantity of alcohol used in the arts and manufactures in the United States is about 10,000,000 proof gallons annually."

In House Report No. 1444, Fifty-fourth Congress (p. 37), of report No. 411, it is stated that the best estimate made of the alcohol likely to be claimed as free under the act is 10,000,000 gallons per annum, which would result in a direct loss to the revenue of $11,000,000 per annum, and unless the strictest supervision was maintained over the whole subject of the use of alcohol the frauds committed would add many millions more to the losses of the Government.

The force of these statements was further emphasized by the statement that the distilled spirits produced more revenue than came from all other internal-revenue sources combined, amounting at that time to about $80,000,000 a year. It has since increased about $50,000,00.

Such were the conclusions of the joint committee upon the effect of the exemption of denatured alcohol from tax upon the revenues of the country after the most thorough and careful investigation and consideration of the subject ever made.

The effect of the proposed exemption of denatured alcohol from the revenue tax at the present time has received some consideration on the part of the Secretary of the Treasury and the Commissioner of Internal Revenue.

Commissioner Yerkes, in his remarks before the Ways and Means Committee (p. 8), stated that the proposed exemption would be a very expensive process. He expressed himself as in favor of a small tax upon each gallon withdrawn of 5 cents to 10 cents a gallon to meet this expense. This was a sound and practical suggestion. There is no just reason for imposing that burden upon the Government.

In view of the experience of Great Britain in this regard, as shown by the British Parliamentary Report of 1905, the estimate of Mr. Yerkes appears to be quite conservative.

In respect of price—

The British report says—

the cost of exempt denatured alcohol is enhanced by some 40 per cent by reason of measures necessary for the protection of the revenue.

Upon the extent of the use of taxed alcohol in manufactures and the arts at the present time, Mr. Yerkes stated that the authentic records and data of the Treasury Department showed absolutely nothing. The conclusion of the Census Bureau, in Document No. 206 of 1891, was, he said, that the amount used at that time was about 9,000,000 gallons.

In view of the marvelous advance in manufacture since 1891, he justly assumes that the amount of grain alcohol used in the manufactures and the arts is much greater now than at that time (p. 9).

In referring to the increased use he evidently intended to include both taxed grain alcohol and the substitute wood alcohol used in the manufactures for various purposes. He also says that during this period there has been great advance in the processes of refining wood alcohol, so that it has to a great extent displaced the use of grain alcohol in manufacturing industries.

While these statements are more or less conjectural, the conclusion, even upon this basis, is clear. The amount of wood alcohol now used in manufacturing industries is about 7,000,000 gallons a year. The amount in 1891 was something over 1,000,000 gallons. That leaves 6,000,000 gallons of wood alcohol that has gone into the greatly increased use of alcohol in manufacturing industries since 1891. Whatever amount of both is now used for industrial purposes in excess of 6,000,000 gallons must therefore be grain alcohol. To illustrate, there were 9,000,000 gallons used in 1891, and if its use has doubled since, it follows that of the increased use, 18,000,000 gallons, all but 6,000,000 gallons would be taxed grain alcohol.

Mr. Yerkes does not undertake to estimate the amount of taxed grain alcohol now used, but says it is perfectly apparent to his mind that there is still a considerable amount used in the industries, manufactures, and arts (pp. 10 and 17).

As to the loss of revenue that would result from the exemption of denatured alcohol, he says it is impossible for him to indicate what the amount would be, having no reliable data. A very safe position (p. 15).

Secretary Shaw stated that he dared not guess what the loss of revenue that would result from the proposed exemption would be. He did not believe it would cost anything like $10,000,000; but with characteristic caution added that if it did cost that amount the Treasury could now stand it, having a surplus instead of a deficit.

In every manufacturing city in the country there are numerous industries using taxed grain alcohol in considerable quantities in preference to substitutes, and dealers who regularly supply the trade with it. While there are no reliable means at present of stating definitely the total amount used throughout the entire country, enough is known to show clearly that the aggregate is large. The committee did not undertake to gather any reliable data upon the subject.

It may conservatively be assumed, however, that the loss of revenue that would result from the proposed exemption would positively be a very considerable and probably a larger amount than is generally realized. Furthermore, the proposed bill would be followed by other strenuous demands for revenue exemption. If the exemption from tax should now be restricted to the uses so loosely stated in this bill, it is absolutely sure that immediate demands would be made for its extended use for other purposes where it is not used as a beverage, and there would be no just reason for discrimination by refusing such extension.

If Congress shall exempt from tax denatured alcohol for the hat industry of Danbury, Conn., why should it refuse similar exemption for the use of alcohol by the soap companies of Buffalo for the making of perfumeries or other special purposes? If exemption is given to them, why should Congress

refuse exemption of alcohol—not denatured—even when used in preparations that are taken internally, as medicine or food, but not as a beverage? In a report of a recent meeting of the Manufacturing Perfumers' Association of the United States, published in the Paint, Oil, and Drug Reporter, the chairman of its committee on legislation stated that he thought the passage of this bill would "pave the way for a 70-cent alcohol bill, and recommended that the movement be continued for the passage of a bill giving alcohol to all trades in its pure state at a tax of 70 cents a gallon."

It goes without saying that these extended uses, whether made now or in the future, as they certainly would be, would seriously impair the public revenue.

The real significance of this bill as affecting the public revenue is shown by an article appearing in the Liquor Dealers' Journal, of Pittsburg, December 20, 1905:

> The accomplishment of this measure [a bill for denatured alcohol] is the result of the combined efforts of liquor men throughout the entire country, though they have received indorsement and financial support from manufacturers. The movement is not a sudden awakening, but is rather the result of deep thinking and investigation on the part of the liquor dealers, and is the beginning of a determined effort on their part to secure the abolition of the tax on alcohol of any description.

We repeat, therefore, that this bill is only the beginning of a movement for the impairment of the internal revenue, having for its object the reduction and ultimate abolition of the internal tax upon distilled spirits, which is to-day the primary source of internal revenue. It may significantly be observed that when this subject was investigated by the joint committee referred to many distillers of spirit, manufacturers of medicines and other articles, druggists, etc., making and using large quantities of taxed spirit, appeared at the hearings and testified vigorously as to the benefits to be derived by them from tax exemption. At the recent committee hearings, in furtherance of the assumption that tax exemption would result in little loss of revenue, they are conspicuous by their absence, and the fanciful benefits of "free" alcohol for light, heat, and power to the farmer occupied the center of the stage.

Notwithstanding all the facts shown, the committee report complacently assumes, without practical investigation of the subject, that "the objection on account of the loss of the revenue seems to have been fully overcome." This assumption is utterly misleading.

While it may be argued that the consequent benefits of this tax exemption may justify the resultant loss of revenue, there should be no delusion or self-deception on the subject now. The bill should be passed, if at all, with the expectation of resultant substantial reduction in revenue, and framed consistently with adequate safety to the revenue derived from alcohol as an article of human consumption.

FRAUD UPON THE REVENUES.

The investigation of the committee of the subject of fraud upon the revenues was superficial. Some witnesses expressed the opinion that it would be difficult or impracticable to purify alcohol after it was denatured so as to render it drinkable or fit for use for purposes other than those contemplated in this bill.

On the other hand, it was stated that extensive experiments had shown that while it would be difficult to make ordinary denatured alcohol chemically pure it could easily be made practically pure for drinking purposes by simple distillations in a simple still. Therefore, so far as this testimony shows, the subject of fraud by denaturing is a matter of conflicting opinion.

It goes without saying that the temptation and opportunity to divert ordinary methylated alcohol to uses other than those contemplated by this bill would be very great, and there would be constant danger of fraud in that regard.

The danger of fraud by illicit practice, and the consumption of comparatively harmless denatured alcohol as a beverage, to a greater or less extent, should not be minimized or overlooked. The desire for alcohol is the gravest danger to society. It is the ever-present "adder" with perpetual life. There is always the strongest incentive to obtain it for human consumption as well as other purposes. This incentive is enhanced by the maximum tax of $2.07 per gallon in this country and diminished by the minimum tax of about 72 cents per gallon in Germany. Ordinary methylated alcohol is no less drinkable than cheap whisky concoctions now consumed.

The prevention of fraud upon the spirit revenues now requires the most rigid restrictions on the part of the Government. When a distillery is to be established complete plans thereof must be made by competent engineers and filed in Washington. Its operation is under the supervision of a Government official called a "storekeeper." The grain must be weighed before and after it is ground. The hoppers have locked spouts, the mash tubs screens over them, sealed by the proper official. The outlet of the still is under lock and key. In short, the operatives are practically denied access to the product throughout the entire process of manufacture. This precaution is necessary to avoid illicit practice in the manufacture and sale of distilled spirits throughout the country. Equally stringent and expensive methods would have to be adopted in relation to the manufacture of alcohol for industrial purposes and the denaturing thereof and to prevent the demethylating of denatured products. The danger of fraud and consumption as a beverage would be very greatly increased by the manufacture and sale of methylated alcohol for the purposes of this bill.

THE REAL BENEFICIARIES OF THE PROPOSED LEGISLATION.

The theory so ingeniously urged by the advocates of this legislation as the primary reason for the exemption of denatured alcohol for industrial purposes from the internal-revenue tax, viz, that it would enable the product to be made in agricultural districts from refuse products so cheaply that it would compete with cheap petroleum for light, heat, and motive power, is without foundation.

"Free" alcohol, in the popular sense, is a delusion and a myth. Denatured alcohol is alcohol materially enhanced in cost by Government excise supervision and the denaturing process. It could nowhere in this country compete, to any material extent, with petroleum and other products for domestic use. As we have observed, it might be produced at a price that would gradually bring it into use in some localities and for some purposes where the cheapness of petroleum products is not so important in its effect, but could not be brought into practical competition with petroleum.

The advocates of the specious theory of its general use for light, heat, and power in competition with petroleum are pulling others' chestnuts from the fire. The real parties in interest who would derive the principal benefits are the distillers, who produce alcohol for the consumer, and the manufacturers who use the product in their processes.

On account of the heavy internal-revenue tax on alcohol during the past forty years, several substitutes for taxed alcohol, chiefly for solvent purposes, have been developed and come into general use, such as wood alcohol, turpentine, linseed oil, etc.

These products have been produced for much less than taxed grain alcohol, and have supplied the demands of manufacturers for cheap substitutes.

To supply this increasing demand great industries have been established and grown up throughout the country. The wood alcohol produced by the distillation of hard wood has, through modern processes, become a general substitute, chiefly for solvent purposes.

The real purpose of this bill and its principal effect would be to enable distillers to supply untaxed grain alcohol for manufacturing purposes in place of wood alcohol and other solvents at a lower price. In other words, to supplant the present output of wood alcohol, about 8,000,000 gallons annually, with untaxed grain alcohol.

The cheap "light, heat, and motive power" free-alcohol theory is put forth largely for the benefit of the distillers and solvent users of alcohol substitutes and taxed grain alcohol. Wood alcohol is now sold for solvent purposes at about 70 cents a gallon. Untaxed grain alcohol could probably be sold for manufacturing purposes at about 35 to 40 cents a gallon, and would, of course, be used in preference to dearer wood alcohol. The distillers and a few manufacturing industries would derive the benefit. That is the whole question as a practical proposition at the present time.

The desire of the makers and sellers of distilled spirits for a wider market for their products and that of certain industries for cheaper material in their business is natural and legitimate. Ordinarily they would appeal with force for the granting of assistance and relief by the exemption from the internal-revenue tax. However, when that assistance and relief involves the destruction and impairment of other established industries and loss of revenue to the Government, it becomes a question of fairness to all concerned.

This proposition involves injury and destruction to many great industries for the benefit of other industries now prosperous, and which have had the benefit of cheaper substitutes for taxed alcohol. All of these conflicting interests are entitled to consideration.

The real practical business issue should not be confused or covered up by speculation, theory, and imagination as to the unattainable under existing conditions.

As indicating the primary parties interested in this movement for free alcohol, we quote further from the article above re-

ferred to in the Liquor Dealers' Journal, of Pittsburg, December 20, 1905:

The accomplishment of this measure is the result of the combined efforts of liquor men throughout the entire country, though they have received indorsement and financial support from manufacturers, especially those engaged in manufacturing products which require the use of alcohol in the process of manufacture.

The movement is not a sudden awakening, but is rather the result of deep thinking and investigation on the part of liquor dealers, and is the beginning of a determined effort on their part to secure the abolition of the tax on alcohol of any description. To accomplish even this preliminary step required an expenditure of considerable time, effort, and money.

In this campaign neither effort, time, nor money has been spared.

The vast supplies of grain of all descriptions would be converted into alcohol at a much greater profit to the producer than would result were it disposed of as food, while the reduction in the cost to the consumer would reduce the amount expended for liquor almost nine-tenths, thus permitting the money diverted from this course to be used in other enterprises.

Liquor dealers everywhere are welcoming and aiding the movement, now that the success of the initial step seems assured, and it is but a question of time, and that brief, until the desired result—free alcohol—will be obtained.

These distillers of spirits and manufacturers constitute the forces behind the organized movement for "free alcohol" and are chiefly responsible for the seductive theories about cheap spirits for light, heat, and power that have been so freely circulated through various sources and the artificial clamor and sentiment that have been created.

Indeed, the obvious benefits that would accrue to the distillers of the country and the manufacturers, who use taxed grain alcohol or substitutes therefor chiefly as solvents, are adroitly ignored or lost sight of in the attractive, exaggerated, and delusive claims in regard to the production and use of "free alcohol" for light, heat, and power.

It should be remembered, however, that the benefits and saving that would accrue to these interests would not be sufficient to appreciably affect the price to consumers.

The maker of hats would save a cent or two on each hat, and thereby enhance his profits, but the man who wears the hat would get no reduction in price. The piano maker would save 25 cents on the material for finishing his piano, but the purchaser would not get the instrument cheaper on that account.

The joint committee in 1897, after careful investigation, recognized the distillers of spirits and special manufacturing industries as substantially the only interests that would be benefited by the exemption of alcohol from tax, and concluded that the benefits to these interests would not compensate for the loss of revenues and the injury to and sacrifice of other established industries. They were absolutely right and the same conditions exist to-day.

These distillers and manufacturing interests behind this movement for free alcohol could not now justify the loss that tax exemption would inflict by the benefits which they would derive; hence the artificial clamor and sentiment for delusive free alcohol for the farmer and public generally. This assumed public benefit could alone justify the removal of the tax. The real issues are assumed and guessed away and subordinated to artificial free alcohol for light, heat, and power. The ostrich with its head in the sand is still visible to the naked eye.

THE BENEFITS OF EXEMPTION OF ALCOHOL TO THE PUBLIC.

The crux of this entire subject as now presented to the public is the availability of untaxed distilled spirit made and denatured under Government supervision for general use not only industrially but for light, heat, and power in competition with native petroleum and other products in this country.

It is freely assumed by the enthusiastic advocates of "free alcohol" that it would not involve loss of revenue to the Government; that fraud could easily be prevented; that it would be made nondrinkable, and that its enormous consumption would provide a market for the wood-alcohol output as a denaturent and thereby protect and maintain that industry. But it is claimed that if these free assumptions should not be realized, still the benefits that would accrue to the public, and especially to the farmer, by its use industrially and for "light, heat, and motive power," would compensate for any loss of revenue and would justify the loss imposed upon established industries engaged in the production of substitutes for grain alcohol in manufactures and arts and their allied products.

It is adroitly claimed that the primary benefit of this legislation would accrue to the farmer. Through well-organized associations, apparently supplied with abundant means, a flood of literature has been circulated setting forth most attractively and seductively the blessings of "free alcohol" to the people. The extreme enthusiasts vociferously represent that "free" denatured alcohol for light, heat, and power would be made generally in small stills in agricultural districts, or even in farmyards, from corn, potatoes, fruits, cornstalks, and all kinds of refuse farm products, or, as one expressed it, "from any old thing that has sugar or starch in it."

As one witness at the hearings expressed it, they seem to expect that a machine would be set up on every crossroad and the boys would feed cornstalks in at one end and the old man would take alcohol out at the other, denature it to keep the boys from drinking it, with a Government officer at every machine. They seem to see in imagination the western farmer sitting at ease, his orchard filled with the music and the perfume of the still and a pipe line running from his cornerib and conveying light, heat, and power at his bidding.

In the interests of light, heat, and motive power it is assumed that alcohol would be made from cheap or waste material, that the refuse after the light, heat, and power had been extracted would be of sufficient value to the farmer for feed to defray the cost of making, and that the Government will relieve him of the cost of denaturing and excise supervision. All the ordinary avenues of distribution of the product from the manufacturer to the ultimate consumer and the usual manufacturers and middlemen's profits are conveniently eliminated.

While it is true that theoretically, in the laboratory, distilled spirit can be produced from various farm products and materials, and if sold to the consumer as cheap as petroleum, it would come into active competition therewith, these pictured theories as to the general production, distribution, and consumption of alcohol for light, heat, and power are obviously visionary and impractical. The alcohol of commerce and industry can not, under existing conditions, generally be produced and supplied as claimed.

Untaxed commercial alcohol would continue to be made and put upon the market under Government supervision and restrictions, just as 117,700,000 gallons of tax-paid distilled spirits was made last year, viz, in distilleries, properly equipped and operated for profit as modern business concerns, and would pass through the ordinary courses of distribution from the manufacturer to the consumer.

Untaxed denatured alcohol means distilled spirit the cost of which is enhanced materially by Government supervision of manufacture and sale and the process of denaturing. It is a commercial product, made and distributed for profit according to ordinary business methods. The popular idea of free alcohol is distilled spirit made anywhere, by anybody, in any way, with little profit to anyone, and is a myth and a catchword.

The production and use of denatured alcohol for light, heat, and motive power are governed by three considerations:

First. The conditions under which it is produced and handled.

Second. The price at which it is supplied to the consumer.

Third. The price and abundance of petroleum products. This is obvious to any thinking person, is the experience of other countries, and is recognized by the advocates of exempt alcohol in their positive insistence that the producers of denatured spirit shall be relieved of the expense of excise supervision of the manufacture and sale, and the cost of denaturing, and that this necessary expense, estimated at from 3 cents to 10 cents a gallon, shall be assumed by the Government.

In the interests of this bill every conceivable suggestion and theory that might tend to establish a presumption that denatured alcohol would be made and sold to the consumer as cheaply as petroleum have been put forth by advocates of exempt alcohol. It is generally conceded that unless this could be done alcohol could not compete with petroleum for light, heat, and power.

At the recent convention of the Manufacturing Perfumers' Association of the United States, to which I have referred, a committee of two was appointed to offer resolutions in connection with the subject of "free alcohol," and reported the following, which was unanimously adopted:

Whereas this association, viewing with much satisfaction the probable passage of the bill H. R. 17453, providing for free alcohol, as being highly beneficial to the prosperity of the country, respectfully and earnestly recommend that when conditions to be named by the Commissioner of Internal Revenue are made for the denaturing of alcohol the present internal-revenue regulations affecting the capacity of stills shall remain unchanged; or, if it be deemed necessary by the Commissioner of Internal Revenue, or by the Congress, to limit the minimum capacity of stills in which alcohol may be denatured, that the minimum be not more than 250 proof gallons.

We further recommend that the cost of administration be borne by the revenues as at present in Germany, and not be made a tax upon denatured alcohol. The enhanced cost of denatured alcohol by reason of this tax would, in our opinion, seriously limit or prevent the use of denatured alcohol, especially for power, heat, and light.

This is a practical admission that, notwithstanding the predictions as to the low price at which denatured alcohol could be made and sold, its own doubting advocates feel that Government aid to the extent of the payment of excise supervision and denaturing process, at least, is essential to "free alcohol" for power, heat, and light. One of this committee was a wit-

ness appearing at the hearings of the Ways and Means Committee as head granger, who expressed the absurd opinion that a very conservative estimate of the consumption of free alcohol, after the provisions of the denaturing bill, were generally made known would be at least 200,000,000 gallons a year. The other disinterested member is the chairman of the committee of manufacturers, formed to assist in securing cheaper alcohol for industrial purposes, and is one of the associations conducting a propaganda in its favor with headquarters in William street, New York. From these headquarters millions of letters, pamphlets, and other forms of literature and directions have gone forth to educate the people according to the theories of distillers and manufacturing associations upon the benefit of "free" alcohol and to create a sentiment in its favor.

From one of these recent circular letters in my possession I quote as follows:

The wood-alcohol interests, which constitute the principal opposition to this legislation, are preparing for a vigorous contest in the Senate, and it will be necessary to bring all possible influence from their constituents to bear on the various Senators. We purpose continuing the educational work on an even larger scale, particularly among the farmers, who through the national grange and other organizations, have been giving such valuable assistance in this matter. If you have not already written to your Congressman, please do so at once, so that he will aid in securing the enactment of this legislation. We will advise you as soon as the proposed bill reaches the Senate, so that you can take action to bring this matter to the attention of the Senators from your State.

I venture to say, sir, that at this very moment an avalanche of free newspaper and circular literature is waiting, prepared and ready, to be precipitated upon the country as soon as this bill shall pass this House, for the purpose of continuing and extending the sentimental stampede in alcohol legislation.

We repeat that these associations are the real beneficiaries of this proposed legislation and largely responsible for the artificial sentiment in its favor in the interests of "light, heat, and power."

The following clipping, from a financial article in the New York Tribune of April 7 last, is a fair sample of market comments appearing in the financial papers all over the country since this bill was reported. It reveals the visage of a familiar figure in the wood pile, and indicates the interests which would really be promoted by the passage of this bill:

There are many industrials on the bargain list, notably Distilling Securities, which as a 4 per cent stock selling at 60, yields an exceptional return upon the investment—the company having, however, the prospect of new profits in large volume close at hand through the enormous increase in trade which must follow a Congressional enactment removing internal taxes from alcohol used in manufacturing. It becomes now fairly sure that the pending bill will be promptly passed. Such opposition as showed at the opening of Congress seems to have disappeared, so clear and so strong are the industrial arguments in favor of the measure. When the bill does pass, Distilling Securities dividends can not long remain at 4 per cent—the stock on earnings will become well worth par.

FREE ALCOHOL FROM FARM PRODUCTS.

In view of the extent of territory covered by our population and the high revenue tax on alcohol generally—$2.07 per gallon—the making and handling of denatured alcohol would necessarily be under most rigid governmental restrictions, as already observed, and by most complete denaturization to prevent illicit practices and fraud.

In Germany, with one-third the tax imposed here, the official supervision is very thorough, although as little stringent as is compatible with the safety of the revenue, even with low duty and the density of the population. It is looked after by an army of officials.

In Great Britain, according to the finding of the recent Parliamentary committee, the price of untaxed methylated spirits is enhanced 40 per cent by reason of measures necessary for the protection of the revenue. It is idle to talk about producing denatured alcohol commercially under these conditions from rotten apples and green cornstalks, or surplus crops in small country stills operated spasmodically and indiscriminately.

The free-alcohol orators would have us believe that when this boon strikes the farmer he would be able to start up a still whenever he saw some produce going to waste and make a few gallons of free denatured alcohol to fill his lamps, stoves, and engines.

The enormous amount of distilled spirits of every kind now produced is made by large plants economically operated, and from steady uniform supplies of material, principally corn. Even small distilleries would require expensive equipments and continuous operation under experienced business management.

The prediction that untaxed alcohol could be made commercially from potatoes—refuse potatoes, even—is also impractical and visionary. If the farmer donated his potatoes to the cause of free alcohol for light, heat, and power, alcohol could not be produced therefrom and sold to the consumer cheap enough to compete with petroleum. The American market for potatoes for human consumption precludes the use of that product for alcohol.

In Germany the manufacture of potato alcohol has been artificially developed to a considerable extent by extensive Government assistance and under conditions that do not prevail in this country. Even there the production of alcohol from potatoes yields the German farmer an average of about $4.80 a ton for his potato crop, and it yields about 25 gallons of alcohol to the ton. (British report.)

It has been shown in this country that a bushel of potatoes would yield a little less than 1 gallon of alcohol. With potatoes bringing the farmer 25 cents and upward, potato alcohol is out of the question.

Nearly the first finding of the British Parliamentary committee was, that under the agricultural conditions in that country, it would not be possible to found a profitable industry on the employment of potatoes as a material for distillation. It would likewise be utterly impossible in this country. It could not be done in Germany even, without a bounty for the producer and a heavy duty on the competing petroleum.

It is confidently asserted, as a practical business proposition, that commercial alcohol, untaxed and denatured, could not be obtained by the consumer at less than 35 cents per gallon, wholesale, under conditions existing in this country. One hundred and twenty-five million or more gallons of distilled spirits is made annually now in this country. The wholesale price for grain alcohol is 38 to 45 cents per gallon, exclusive of the revenue tax, to say nothing about the price realized from the vast amount of more refined spirits made in connection therewith for human consumption. The retail price is very much higher. Why would an enhanced output for industrial purposes be sold to the consumer for less than it is now? Would processes be more economical? Would distillers and middlemen be content with less profits? Moreover the additional cost of Government supervision and denaturing must be taken into consideration.

Pure alcohol is now exempt from tax for uses in scientific and educational institutions, for the purification of sweet wine and for the making of vinegar. These exemptions have not diminished the price of alcohol aside from the tax. Vinegar can easily be made from refuse fruit, yet the farmer does not supply the market therefor.

There is no embargo now upon the establishment of a plant in any agricultural community to make commercial alcohol out of refuse potatoes, fruit, or green corn, at prices now prevailing.

Alcohol will continue to be made in a practical way, and for at least a reasonable profit, from corn.

As to the alleged enhanced market for corn, it should be remembered that the present output of spirits, 125,000,000 annually, would require say, 25,000,000 bushels of corn from the total crop of nearly 2,700,000,000 bushels, and this consumption comes from the country at large. An increase of a few million gallons, more or less, would make no perceptible increase in the demand for agricultural products.

There was a great deal of speculative talk before the committee about the cost of denatured alcohol, although no attempt was made to examine the records of distillers and obtain all the actual items of cost. The basis of mere cost of material for the production of alcohol upon which these speculative theories were built was entirely misleading. The only *cost entitled* to consideration in connection with this proposition is the *cost of denatured alcohol in small quantities to the average consumer.*

The only reliable criterion of cost which experience in this country affords is the selling price, which is 38 to 45 cents per gallon by the barrel. It is idle to figure, guess, or speculate on any other basis. There would be no more philanthropy in the production and distribution of denatured alcohol than there is of taxed alcohol now.

Upon the false basis of cost assumed by Mr. Kline at the distillery at Peoria, it might with equal consistency be stated that refined petroleum costs about 3 cents a gallon. Last year the average market price in bulk in New York was 4.32 cents per gallon. The course of distribution to the ultimate consumer brings the real costs up to 10 cents to 15 cents, according to locality.

In Canada denatured alcohol containing 75 per cent grain alcohol and 25 per cent wood alcohol, denatured by the government, sells for $1.10 per imperial gallon. The price paid to distillers by the government for alcohol denatured for manufacturing purposes in 1905 was 25 cents to 30 cents per proof gallon, or 50 cents to 60 cents per bulk gallon. In England the wholesale price of denatured alcohol was 38 cents per gallon (p. 153). In 1905 the price to the manufacturer was 44 cents per bulk gallon. (British report, p. 5.) It is selling all over Europe at 35 cents to 40 cents per gallon. (Hearings, p. 135.)

In Germany, where the production of alcohol from potatoes is stimulated and aided by large Government bounty, and the consumption encouraged by a large import duty on petroleum products, the wholesale price of alcohol is from 26 cents to 31 cents per gallon.

According to the British Parliamentary Report (p. 11), it sold as low as 23 cents in 1902, and was 31 cents per proof gallon and 51 cents per bulk gallon in 1905.

The conditions of production in Germany, the British report says, tend to wide and rapid fluctuation in price. Its production and sale are not under natural conditions, and they afford no criterion for this country. The talk of producing and selling alcohol to the consumer in this country in any practical way at 10 cents to 20 cents a gallon is mere buncombe, and has tended to create an utterly false sentiment and expectation among the farmers of this country.

In the hearings before the committee there has been more idle and visionary talk about the prospective consumption of untaxed alcohol than upon any other phase of the subject.

Professor Wiley assumed that with a workable law there would be, in the course of a few years, 40,000,000 to 50,000,000 gallons of ethyl alcohol used in the arts and industries (p. 127). From this estimate it stretches out to 200,000,000 gallons, and so on through innumerable ciphers by the visionary, impractical advocates of free alcohol. It is just as easy to guess a thousand millions a year, when exuberant imagination is the basis, as fifty millions. Paper millions and distilled millions are different propositions.

Mr. Gray, a practical and experienced man, speaking on behalf of taxed alcohol, placed the use of untaxed denatured alcohol at 10,000,000 gallons the first year (p. 184).

Secretary Shaw, when his attention was called to Doctor Wiley's statement, stated, as his opinion, that it was idle to talk about 50,000,000 gallons. "Talk rather," he said, "about 10,000,000 gallons."

Great Britain, after an experience of half a century with tax-free industrial alcohol, uses 5,500,000 gallons a year, but none for light, heat, and power. The recent parliamentary committee, after investigation, concluded that it would be impossible to extend its use for those purposes in competition with free petroleum.

Even in Germany, after generations of Government aid, and under conditions unlike this country, it reached a total consumption for domestic and industrial purposes of 29,305,032 gallons for 1903.

The wild statements as to the use of untaxed alcohol in the industries are based upon the impractical assumption that alcohol would be produced and sold to the consumer at 10 cents to 15 cents a gallon, and thus come into competition with petroleum at about the same price. Without such an assumption there is absolutely no basis for the statements as to use.

PETROLEUM.

Cheapness and the bountiful supply of petroleum in this country eliminates the possibility of the general use of untaxed alcohol for light, heat, and motive power. In Germany it is used to some extent for those purposes in the agricultural districts where gasoline ranges in price about the same as alcohol. But when the price of alcohol exceeds that of gasoline its use diminishes. It could not compete with petroleum even in Germany without the aid of the heavy import duty on that product.

Even in Germany, with a large bounty on the production of alcohol and an import duty on petroleum, alcohol, although used to a considerable extent in agricultural districts, has not come into general use for light, heat, and power in that country, and does not come into serious competition with petroleum products throughout the country.

It is not used to any great extent in the cities where petroleum is as cheap or cheaper than alcohol.

It should also be remembered that the wages of labor in the field and factory in Germany are less than one-half the wages paid for like labor in the United States.

Cheap native petroleum is an insurmountable obstacle to the general use of denatured alcohol for light, heat, and motive power. Petroleum in this country is the logical natural source for those uses. Nature's great oil tanks are here widely distributed.

Among the wild statements made in the interest of untaxed alcohol for light, heat, and motive power was that petroleum in its refining, produced only 2 per cent of gasoline, and that with decreasing petroleum products and increasing demand it would be inadequate in quantity and prohibitory in price. The plain facts are that naphtha, benzine, and gasoline are analogous products, the only difference being in their weight or gravity. The crude petroleum of the New York market generally furnishes from 12 per cent to 15 per cent of naphtha (0.70 Baumé gravity), and in addition from 9 per cent to 12 per cent of benzine (0.63 Baumé gravity). The supply of volatile petroleum products which can be used for light, heat, and power is therefore more than ten times the amount stated at the hearings.

There was produced in the United States in 1905 about five thousand million gallons of petroleum. We quote from an editorial in the Oil, Paint, and Drug Report, of New York, March 5, 1905:

> The production of the lighter products of petroleum—that is, products such as benzine, gasoline, naphtha, etc.—has never been larger than during the past year, notwithstanding that the higher grades of petroleum have decreased; nor is there any likelihood of a decrease in the product, as the higher grades of oil are not relied upon to supply these products. The grades of crude oil, from whatever sources, contain more or less of the volatile elements, and as the total production of crude oil in the United States is increasing, the supply of the higher products may be expected to increase.

Compare this condition with Germany, where no native petroleum products exist and which has fostered alcohol with a view to becoming as independent of a foreign product as possible.

In 1905, at the refineries in Pennsylvania, gasoline sold at 7 cents, naphtha 5 cents, and 150 water white at 6 cents per gallon.

In New York the average price in 1905 was 7.22 cents per gallon in barrels and 4.32 cents in bulk. The prices, of course, are somewhat increased in interior points, but in most parts of the country do not exceed from 10 to 15 cents per gallon for light, heat, and power. The enhanced cost incident to distribution would apply alike to alcohol and petroleum.

The findings of the subcommittee of the British Parliament, after a thorough investigation of conditions in Germany, apply with still greater force to this country:

> In the United Kingdom, with cheap gas and cheap oil, no conceivable reduction in the price of methylated spirits would make spirit able to compete with them in price, and price must always be the determining motive of choice for the mass of the people. We may dismiss almost entirely the use of spirit for domestic purposes as offering an opening for the expansion in the demand for spirit in the United Kingdom.

Viewed, then, from the standpoint of facts and existing conditions instead of theory and speculation, we may also in this country dismiss the expansion of untaxed alcohol for general use in competition with cheaper native products for light, heat, and power from practical consideration in connection with this proposition.

AUTOMOBILE FUEL.

It would be likewise utterly impracticable to bring untaxed alcohol into competition with petroleum for automobile fuel. It is not as well adapted to the generation of power as the volatile products of petroleum, and even mixed with these products is an unsatisfactory substitute. The automobile engines of to-day are not properly constructed for the use of alcohol. France and Germany for years have endeavored to stimulate its use for that purpose, but have practically failed, and very little is used, foreign petroleum being the fuel in general use. The following is an article written by an entirely disinterested party upon this subject, which appeared in the Automobile Builder, a standard publication devoted to the automobile industry, November 12, 1905:

AUTOMOBILE FUEL OF THE FUTURE.

> A persistent effort is being made to have it appear that the automobile industry, in making common cause with other commercial interests for the abolition of the tax on denaturized alcohol, is actuated by a desire to hold that product, and it only, in reserve as a fuel for internal combustion engines against the day when the scarcity and costliness of gasoline may make its use prohibitive.
>
> At this stage of its development the industry can not afford to encourage precipitancy in the selection of a fuel the superiority of which is by no means conclusively established and for the consumption of which all past engine construction would be of comparatively little service.
>
> The bait is held out to automobile makers that the substitution of untaxed alcohol for gasoline would yield far greater economy and a much higher thermal efficiency. The accuracy of these representations, however, has yet to be demonstrated in actual practice. Until this confirmation is forthcoming it is probable that alcohol will command much less attention from engine designers than they now bestow upon petroleum, which product, partly from the fact of its kinship to gasoline, is regarded as in the direct line of succession as a fuel. When it shall have been ascertained that alcohol is as easily gasified as gasoline, and the low price at which it is expected to sell will not indicate its inferiority to that product, or when the scarcity of gasoline is actual rather than conjectural, it will be time for automobile makers to consider the substitution of one fuel for the other. Meanwhile the matter seems to peculiarly and exclusively concern industries—not related to ours—which are in deadly peril from competition of the French and Germans owing to the high tax on denaturized alcohol.
>
> It is curious to observe in the campaign which is being conducted for the abolition of the tax on denaturized alcohol that all speculation upon its increased use assumes the inadequacy of supply to demand in future years. This is begging the whole question. It is obvious that if the automobile industry could be assured that the production of gasoline would not keep pace with automobile manufacture the immediate selection of some other fuel would be warranted. No such assurance, however, can be given or predicted. It is surmised, but not known, that not more than 5 per cent of gasoline can be obtained as a by-

product in the process of refining illuminating oil. It is this belief which has led to the supposition that the quantity of gasoline which can be produced depends upon the quantity of illuminating oil for which a market can be found. This imperfect reasoning overlooks the volume of gasoline which might be produced if sacrifice should be made of the profit on illuminating oil.

Standard Oil Company products, like gasoline, are usually seen in the market to an extent exactly justified by the demand and no greater. Overproduction, or anything approaching it, is scrupulously avoided. Further than this, the price at which their products are held is variable—high when there is no competition, low when competition is sharp. Having this in mind, it is quite likely that should alcohol threaten the market for gasoline as a fuel for automobiles the price of the latter would sink to the point where the profit on it was no greater than that on some other petroleum product, and thus the chief argument for the substitution of alcohol, its cheapness, would disappear.

In considering the use of a substitute fuel in automobile engines, pains should be taken to distinguish between the classes of service the vehicles are called upon to perform, for unless such a distinction is borne in mind one is apt to hastily conclude that economy in fuel is the indispensable consideration in every service. The question of fuel consumption in the operation of a gasoline touring car is very properly a subject of deep concern. On the other hand, this item of cost in an establishment employing commercial automobiles is of relatively trifling importance, as, even at the prevailing high cost of gasoline, the economy of power wagons, arising mainly from the reduction in maintenance charges, drivers' and stable wages, and the expeditiousness of the service, is so great as to make a close study of fuel economy of much less importance at the present moment than any of the main considerations.

Tons of paper have been inked in an endeavor to prove that the automobile industry at large is clamoring for the abolition of the tax on denaturized alcohol. As a matter of history and fact, however, beyond the appropriation of a small sum of money by one of our trade organizations to a committee of unrelated manufacturers "formed to assist in securing cheaper alcohol for industrial purposes," nothing has been accomplished or planned which could be twisted to imply our deep concern in the matter. All the evidence seems to indicate that automobile makers are being used to pull chestnuts out of the fire for men who make patent medicines, perfumes, silk hats, smokeless powder, picture frames, artificial silk, coal-tar dies, photographic supplies, lead pencils, furniture, varnish, soap, and thousands of other products in which alcohol, now taxed at $2.09 a gallon, is employed, and in the production of which thermal efficiency and fuel economy are terms as meaningless as geometry to a goat.

Of course, the automobile industry is glad to give reasonable assistance to any other industry, but the commercial question of alcohol for motor fuel is certainly not a vital one to the automobile industry at the present time. Nor is it likely to be in the immediate future.

STANDARD OIL.

Finally, as a last resort, the free-alcohol spokesmen and the forces behind the literature bring out the familiar bogie man "Standard Oil" and hold it up before the farmer. If these orators would turn their attention to the whisky trust they would give the public a clearer conception of the real sources of free-alcohol interest and agitation.

This bill is not "a blow at Standard Oil." It is a blow at the wood-alcohol and other allied industries, of which there are twenty in my State alone. In those industries which would be directly and indirectly affected by this deceptive legislation a hundred million dollars is invested and 100,000 people are dependent thereon and would be seriously injured thereby.

There is not the slightest reason to believe that Standard Oil interests, so called, have had even the remotest connection with the opposition to this bill.

The opposition has come from the 110 industries in the timber States engaged in the production of iron, charcoal, wood alcohol, acetate of lime, and hard-wood timber products and others whose interests are jeopardized by this bill. They have in good faith built up great industries under existing conditions and contributed to the prosperity and the glory of their States. They insist that manufactures and arts using their products have had the benefits of the cheap substitutes for taxed alcohol in their processes and that the benefits that would accrue from this legislation to distillers of spirit and manufacturers alone would not justify the sacrifice and loss to their industries.

The distillers' combination manages to stay in the game without tax exemption. The manufacturers who use alcohol or its substitutes are fairly prosperous now. They need no relief taken from the lifeblood of the wood-alcohol and charcoal industries.

There is not the slightest indication that Standard Oil anywhere feels the least solicitude over free-alcohol prophecies or threats.

With 2-cent petroleum in inexhaustible supplies they can have little fear or apprehension over even theoretical 15-cent denatured alcohol. Practical business men know that the statements as to the production and distribution of untaxed alcohol drawn from earth, air, and sunshine in competition with native petroleum are utterly impracticable.

The Standard Oil cry in press and forum is deliberately and systematically resorted to at this juncture for the purpose of arousing popular prejudice and pulling other chestnuts from the fire.

Mr. Speaker, the real interests affected by this proposed legislation justly are entitled to fair, intelligent consideration, which they have not yet received from the public nor from this Congress.

I append hereto and make a part of my remarks certain tables and statements relative to the production and use of grain alcohol in Great Britain, Germany, and the United States, and the effect of this bill on the wood alcohol and allied industries.

GREAT BRITAIN.

This country has been liberal in the use of untaxed alcohol for manufactures and the arts. In 1905 Parliament appointed a very able committee to inquire into the existing facilities for the use without payment of duty on spirits, and to ascertain the extent to which alcohol might be employed in arts and manufactures or in the production of heat, light, and motive power, and to determine the conditions of greatest freedom that could be accorded to its use for those purposes, consistently with adequate safety to the revenue derived from spirit as an article of human consumption.

Some of the findings of this committee, which evidently investigated the subject impartially, are of interest in the consideration of the subject here. They are in marked contrast with some of the theories and visionary prophecies of advocates of untaxed alcohol in this country.

They concluded that under existing agricultural conditions in that country it would not be possible to found a profitable industry on the employment of potatoes as a material for distillation.

Under the head of "Hindrances to the use of spirit for industrial purposes in the United Kingdom," they discuss the necessary enhancement of the price by the denaturing process and excise supervision.

They say that the cost of denaturing touches only a part of the question of the price of the spirit used for industrial purposes. An influence on price, even more important, lies in the conditions under which spirit can alone be manufactured there. The duty on spirit used as a beverage is very heavy, and in imposing this duty it is essential to the protection of the revenue to impose on the manufacturer such restraints as may be necessary to prevent the escape from duty, and an appreciable enhancement in the cost of manufacture is the consequence of such restraints. "In respect of price, the cost of mineralized methylated spirit is enhanced by some 40 per cent by reason of measures necessary for the protection of the revenue."

The price to manufacturers is stated to be from 40 cents to 44 cents per bulk gallon for large quantities at wholesale price. They say that spirit is not used there as a fuel for motor vehicles. Nor is it so used to any great extent either in Germany or in France, in spite of the fact that both these countries are most desirous of encouraging the use of a material that is indigenous in preference to a material, like petroleum, that has to be imported. Where spirit is used for motor or other engines in those countries it is almost entirely for agricultural engines. The question of the use of spirit for motor vehicles is regarded as largely one of price, and as the price of petroleum is about half the price of methylated spirit the consideration thereof might be delayed until such time as there might be an approximation between the price of petrol and spirit to create a practical alternative of choice between the two.

They recommend as a further encouragement to the use of alcohol industrially an allowance to the producer of a portion of the cost of excise restrictions and a reduction of the amount of wood naphtha for methylating. These recommendations, we understand, were not adopted. They gave the price at that time in Germany of denatured alcohol as 31 cents per proof gallon and 51 cents per bulk gallon.

The amount of methylated spirit used then in the United Kingdom was given as 2,200,000 gallons for domestic use and 3,300,000 for industrial use, a total of 5,500,000 gallons; and they say that any prospective increase must, for a long time to come, lie well within the limit of 3,500,000 gallons.

[There were no American prophets on that committee, no literary bureaus or distillers or manufacturers' associations to create false sentiment about free alcohol for light, heat, and power.]

GERMANY.

Perhaps no phase of the discussion of the subject of the industrial use of alcohol has given rise to grosser misconceptions than the production and use in Germany. Under the exceptional conditions existing that country affords no practical criterion for the development of the use of alcohol for industrial purposes in this country. Germany has no native petroleum products. The development of the use of alcohol for light, heat, and power was first undertaken by the Government as a war measure, so that the country might be, as far as possible, independent of imported petroleum products.

A subcommittee of the British parliamentary committee of 1905 visited Germany to investigate the production and use of alcohol industrially, and reported the results of their inquiries. From that report we give the following results of their investigation:

The price of spirit in Germany for industrial purposes fluctuates very widely, being at that time considerable higher than the price of similar spirit in Great Britain, and even in normal years its price is not as much below the price in Great Britain as the committee had been led to suppose.

The consumption of spirit in Germany for domestic purposes affords no standard by which to measure the possible consumption for similar purposes in the United Kingdom. (P. 113.) [Much less would it afford a standard for the United States.]

Completely denatured spirit is used almost entirely for agricultural engines, as no satisfactory solution has yet been found of certain difficulties which beset its use for motor cars. (P. 114.)

The cost of prima denatured spirit used for fine chemicals was then 52 cents per bulk gallon, not including a vat tax. (P. 19.)

They describe the processes of agricultural distilleries under Government supervision and assistance to manufacture alcohol from potatoes. Even with the then abnormally high price of spirit the amount realized from potatoes so used for distillation was £2 to £2 5s. per ton, whereas if sold for consumption they would realize £4 per ton. In normal years the return from potatoes for alcohol averages 20s. per ton. The yield of alcohol from a ton of potatoes is about 25 gallons. (Pp. 21 and 22.)

On the subject of the production and price of spirit in Germany they say:

The production of spirit in Germany is a State-aided enterprise, of which the primary purpose is not so much the production of spirit on economic lines as the encouragement of agriculture in the less fertile provinces of the Empire. (P. 24.)

The system is essentially communistic in character. The fundamental principle of the scheme is to make those interested in the production of alcohol sharers with the State in the revenue collected on spirit used for potable purposes. (P. 24.)

In the year 1903 the total production of spirit in Germany was, in

round figures, 132,000,000 proof gallons, and the subvention, or the amount given back to those interested in alcohol production, represented a bonus of nearly 9 cents a gallon on all spirit produced.

As a rule the bounty or bonus is retained by the producers and the users are not generally benefited by this State aid.

The price charged for spirit of the first quality was then (1905) 31 cents per proof gallon, as against 20 cents per proof gallon in Great Britain, equivalent to about double those prices in bulk gallons. (P. 25.)

The price of industrial spirit in Germany at that time was higher than in Great Britain, and the price there is subject to violent fluctuations, and although at times it has been and probably will again be appreciably below the British price it is doubtful whether its normal level in the future will show any material advantage to the user. (P. 26.)

A question that pressed itself strongly upon the attention of the committee was how far consumption of spirit for domestic and industrial purposes in that country could be taken as a measure of the possible consumption for similar purposes in Great Britain. [A still more pertinent question in the United States.]

The committee gave the consumption in Germany for the year ending September 30, 1903:

	Proof gallons.
For domestic purposes, about	33,900,000
For motor and other engines	1,100,000
For industrial purposes	14,000,000
Total	49,000,000

The large consumption in Germany for domestic purposes, for heating, cooking, and lighting, is due not to the absolute cheapness of spirit or to any special advantages that it possesses as an agent for producing heat and light, but is due solely to its cheapness as compared with other agents—coal, gas, or oil. Of these oil is the agent that most directly competes with spirit, and in Germany oil, in the interests of alcohol, is subjected to a duty of nearly 5 cents a gallon (p. 29).

The price of petroleum in Germany was 21 cents, while in the United Kingdom it was 10 to 14 cents. The price of methylated spirit in bulk gallons was then 43 cents in Germany (normal price, 24 cents), while in Great Britain it was 48 to 60 cents. The price given for petroleum in Germany was the price in Berlin, and there it was cheaper than spirit, consequently, having to compete with gas as well as with oil, it is very little used there for domestic purposes, probably not more than in Great Britain. In rural districts oil is probably dearer than in Berlin and more difficult to procure, whereas methylated spirit is of universal distribution, and it is, therefore, in those rural districts that the main consumption takes place. In the United Kingdom, with cheap oil and cheap gas, no conceivable reduction in the price of methylated spirit would make it able to compete with them in price, and price must always be the determining motive of choice for the masses of the people, for, though spirit has certain advantages in directions other than price, they are not of any marked significance in themselves, nor are they of a character to appeal very powerfully to the masses.

Accordingly, they say we may dismiss almost entirely the use of spirit for domestic purposes as offering an opening for expansion in the demand for spirit in the United Kingdom. [This is in marked contrast with the wild predictions that hundreds of millions of gallons of untaxed denatured alcohol would be used in the United States for light, heat, and motive power.]

With spirits for industrial purposes the case is different. But even here a large abatement must be made from the German figures before they can be taken as a possible measure of British consumption. Of the 14,000,000 gallons used in 1902 and 1903, 6,350,000 gallons were employed for vinegar making, a purpose for which not at present used in Great Britain. Another 2,650,000 gallons is used for polishes, varnishes, etc., an industry which in Great Britain enjoys special advantages and which may be supposed to have reached a pretty full measure of development, and under which it employs some 1,800,000 gallons of spirit. This leaves some 5,000,000 gallons used in Germany for miscellaneous purposes, for which Great Britain uses some 1,500,000 proof gallons.

On these figures they place the increased demand that might arise for spirit in Great Britain in consequence of an expansion of its use for industrial purposes at less than 3,500,000 proof gallons (p. 27).

It will therefore be seen that the policy of Germany is to stimulate and subsidize the development of a domestic product for the promotion of agriculture and to discourage dependence upon a cheap foreign product, while that of Great Britain is to favor the production of alcohol for manufactures and arts, but to admit free for consumption cheap petroleum products.

Therefore in Germany, alcohol, thus assisted by the Government, is used to a considerable extent, principally in the agricultural districts, for light, heat, and power, while in Great Britain it is not. Even in Germany, however, its use for domestic purposes is small as compared with even high-priced petroleum products.

How absurd, therefore, to assume that in the United States untaxed denatured alcohol, not assisted, but its price enhanced by denaturing and excise expense, could compete with cheap native petroleum, economically distributed to the amount of billions of gallons annually from increasing sources, for light, heat, and power. The assumption that it would be generally used is delusive and misleading.

In Germany, after many years of government support and encouragement, the amount used for light, heat, and power in 1903 was about 18,500,000 American gallons, while the amount used for manufacturing purposes was less than in the United States with its high tax.

In 1905 the amount used for light, heat, and power in Germany was 26,000,000, and for manufacturing purposes about 7,000,000 gallons. On page 259 of the committee hearings is a report over the signature of Frak H. Mason, consul-general at Berlin, in which he seeks to correct some erroneous impressions created in this country in relation to alcohol in Germany.

He says that, aside from a small amount produced for drinking and medicinal purposes from fruits, the great sources of alcohol are potatoes, grain, and the secondary molasses product from the sugar beet. The total production for the year ending August 31, 1904, was, substantially:

	Gallons.
From potatoes	80,500,000
From grain	18,300,000
From beet molasses	3,000,000
Total	101,800,000

In respect to the use of alcohol for motor purposes he says:

"Several years ago, when the motor vehicle for military and industrial purposes began to assume a new and extraordinary importance, the German Government became impressed with the necessity of building motors that could be operated with some liquid fuel that could be produced in Germany in the event that, through the chances of war or other cause, the supply of imported benzine and other petroleum products should be cut off. Alcohol offered the solution of this problem, and all the influence of the Government was exerted to encourage its production and its more extended use for motor purposes. Prizes were offered for the best alcohol-driven draft wagon for military and agricultural purposes, and all the great gas-motor builders gave great attention to perfecting engines specially adapted to the use of alcohol as fuel.

"At the same time a powerful organization known as the Centrale für Spiritus-Verwerthung, with central offices at Berlin and branches throughout the Empire was established and began a systematic, persistent campaign to encourage and extend the use of alcohol for various industrial and economic purposes, especially heating, cooking, and lighting. Special exhibitions were held from year to year, which have been fully described in these reports, and in which were displayed the whole apparatus and process of alcohol production from potatoes, corn, and molasses, motors of various types and sizes for marine, agricultural, and industrial purposes, and a vast assortment of alcohol stoves for heating, cooking, ironing, etc., and lamps and chandeliers in endless variety, in which alcohol vapor burned inside an incandescent mantel, produced a light of high intensity and cheaper for rural districts of Germany than either electricity or petroleum.

"The net result of all this systematic effort has been to extend so rapidly the use of alcohol for heating, lighting, and chemical manufacturing purposes that when the drought of last summer reduced somewhat seriously the output of potato alcohol, the previous surplus was exhausted, and the price advanced until alcohol became too costly for economical use as fuel for motors.

"The consequence of all these conditions has been that, while the general use of alcohol for industrial purposes, heating, lighting, and a vast range of chemical and other manufacturing purposes has steadily increased in Germany, the percentage of the whole product that is used for motor purposes is relatively small and, so far from increasing, is said to be rather diminishing, though to just what extent it would be difficult to prove. A few Germans, from patriotic motives, use alcohol for driving automobiles, freight wagons, motor boats, and farming machinery. A single department store in Berlin, which ordered its equipment of delivery wagons four years ago, during the height of the alcohol-promotion movement, still consumes yearly 80,000 liters (about 19,000 gallons) of alcohol for driving these wagons, but mixed for greater efficiency with about 15 per cent of benzole.

"It has been found by elaborate tests that the economy of alcohol as a fuel for gas motors is largely increased by its being carbureted through admixture with a certain percentage of benzole or other product of mineral oil. For a time it was believed that this admixture of benzole could not be safely carried beyond 20 per cent, but more recent experience has shown that a mixture of equal parts of alcohol and benzole can be used, especially in large motors, with entire safety and economical results. For automobile purposes the usual proportion is now about 30 per cent of benzole or gasoline, but at the present cost of alcohol it can not compete on the score of economy with mineral hydrocarbons in a country where they are either produced or improved free of duty."

In a statement showing the production of distilled spirits in Germany and the United States (p. 316 of committee hearings) to appears that the total proof gallons was as follows:

Year.	Germany.	United States.
1888	161,567,693	71,068,188
1902	223,899,120	128,623,402
Increase	62,331,427	56,935,214

Consumption of tax-free alcohol in Germany.

	Proof gallons.
1888	20,476,768
1902	58,632,840
Increase	38,156,072

Increase of tax paid spirits in the United States in 1888 to 1902 was 33,000,000 gallons.

In 1903 and 1904 the amount in Germany appears from the same statement to have materially decreased.

In 1903, proof gallons	178,629,739
In 1894, proof gallons	203,221,929
In 1903, tax free	68,065,694
In 1904, tax free	73,635,249

The bulk gallons would, of course, be about one-half the above amounts.

A careful study of the conditions in Germany must convince any practical man that its system of production and use is an absolute impossibility in the United States.

In Germany the production of alcohol is cheapened by direct government aid and competing petroleum enhanced in price by an import duty of 5 cents a gallon. This duty is more than the selling price of refined petroleum products in New York.

These facts alone would make a difference of about 10 cents a gallon between the prices of those products in this country and Germany, in favor of Germany, to say nothing about the cheaper raw material and labor in that country.

THE EFFECT OF THE PROPOSED EXEMPTION BILL UPON INDUSTRIES CONNECTED WITH THE PRODUCTION OF SUBSTITUTES FOR TAXED GRAIN ALCOHOL.

If this proposition did not involve such serious consequences to many other established industries it would appeal with con-

siderable force to Congress even though it involves material reduction of the public revenues.

Looking at it from a practical standpoint it would afford relief and benefit to industries supplying untaxed denatured alcohol to the consumer, and to other industries now using taxed grain alcohol, or substitutes therefor, although these industries generally are now prosperous, and would also probably encourage and facilitate to some extent the expansion of their business and the establishment of other industries using alcohol.

We submit, however, that these benefits to a few interests would not justify at the present time the enormous loss that would result to many industries built up under the existing revenue system to supply a cheap substitute for taxed grain alcohol in the manufactures and arts.

There are at the present time, located principally in the timber States—Pennsylvania, New York, Michigan, and Wisconsin—more than 100 charcoal and chemical plants engaged in the production of charcoal, wood alcohol, and other by-products thereof. Many of these plants are operated in connection with furnaces for the reduction of iron ore, which consume the charcoal product, and with hard-wood industries, which supply, through refuse and inferior hard-wood timber, the material for the making of charcoal. They are allied industries in which a great many millions of dollars are invested, and in connection with which many thousands of men are employed. They are among the most important industries of these timber States. The chemical plants connected therewith represent large investment and employ a great deal of labor. They were built to utilize the waste products in the manufacture of charcoal and could be used for no other purpose.

Operated in connection with the charcoal plants, the practical result is a material reduction in the cost of producing charcoal for the iron furnace. The charcoal plants enable the hard-wood lumber men, in connection with their lumber operations, to utilize the refuse and inferior woods as the timber is cut, and thereby to prevent timber waste and prepare the ground for cultivation. This affords varied employment for armies of men in connection with these industries which have contributed to the development and prosperity of the country in which they are located. The cheap charcoal resulting diminishes the cost of pig iron of the highest grade.

Now, just a word as to these products. In Pennsylvania and New York charcoal is made from small inferior timber and is used for various purposes. In Michigan it is also made from refuse and inferior hard woods, and generally in connection with the manufacture of hard-wood lumber. Indeed it may be said to be in the nature of a by-product of hard-wood lumbering, enabling the lumberman and timber owner to utilize the vast amount of inferior timber that would otherwise go to destruction and waste. The utilization of this refuse timber cheapens the cost of hard-wood lumber and gives investment to a great deal of capital and employment to armies of men. The product is largely used for the smelting of iron ore, producing a superior grade of pig iron used for special purposes, such as car wheels, etc.

When, during the civil war, the Government, for the purpose of revenue placed a tax on ethyl alcohol it created a necessity for a substitute for use as solvents and other and divers manufacturing purposes. "Necessity is the mother of invention," and to supply it in this case the wood-alcohol industry developed.

Great industries sprang up in the timber States for the production of wood alcohol and acetate of lime in connection with the destructive distillation of wood in the making of charcoal. This cheapened the cost of charcoal and provided two additional valuable articles of commerce and industry.

These industries became of great magnitude, supplying the demand for substitutes for grain alcohol in the arts and manufacturing and assisting materially in the great industrial development of the past twenty-five years.

From the smoke of the charcoal furnace which previously went into the air wood alcohol, so called, and acetate of lime were produced. The former was unfit for beverage because it was poisonous when taken internally. It was found to be a perfect substitute for grain alcohol in other than drinkable uses, was not the basis for whisky making and intemperance, and was therefore used to a large extent in place of grain alcohol produced by distillers, who watched the development thereof with envious and covetous eyes.

The vast improvement of refining processes has produced in wood alcohol an article of commerce not only of general industrial utility, but having marvelous antiseptic and curative properties when externally applied, and of great benefit for many other purposes.

The amount of wood alcohol produced in 1905 was about 8,000,000 gallons. At the same time there were produced more than 60,000 tons of acetate of lime, which is used in the manufacture of acetic acid, white lead, colors, and other important articles.

This bill, if enacted, will tear down, not build up. It will tear down these industries, of great value to the country, upon a speculative and impractical theory of alcohol for light, heat, and power in competition with petroleum.

It is conclusively shown by men actively connected with the practical management of these numerous allied industries that the wood alcohol of their chemical plants can not be produced and sold to the consumer as cheaply as denatured untaxed ethyl alcohol could be sold, assuming that it would be sold as low as 35 cents to 40 cents a gallon. The effect would be that the untaxed ethyl alcohol would take the place of a large portion of the wood-alcohol output of these chemical plants, amounting to about 8,000,000 gallons a year, and would practically destroy that part of their industries.

The effect of this destruction of the chemical plants would in turn materially affect the charcoal industry and enhance the cost of the manufacture of that product. This in turn would seriously impair the hard-wood operations, and make it practically impossible to consume the large amount of refuse and inferior timber in connection with their lumbering operations. The result upon the manufacture of pig iron would inevitably be to enhance the cost of that product. The increase in the actual cost of charcoal pig iron would be from $1.50 to $2 per ton.

The men connected with these great industries appeal to Congress for a careful, deliberate, and just consideration of their interests. They are and have been material factors in the development and prosperity of great communities. Their industries have been built up under existing conditions, the existing revenue tax, and the demands for substitutes for taxed alcohol in the manufactures and arts.

The industries that would derive the principal benefits of this legislation have for many years received the benefit of the comparatively cheap substitute supplied by these industries. The immediate removal of the entire tax upon grain alcohol is not essential to their continued prosperity and profit, while such exemption would destroy the market for the larger portion of the output of their chemical plants, and would impose enormous and irreparable loss upon those industries, and the labor connected with them would suffer.

If it could be demonstrated that the exemption of denatured alcohol for general industrial use would confer such general material and unprecedented benefit upon the people of this country as its enthusiastic advocates claim, the proposed legislation would justify not only the present and future loss of revenue to the Government, but the entire destruction and sacrifice of these existing industries.

The predicted results, however, viewed from a practical business standpoint, are entirely visionary and theoretical, and should be dismissed from the practical consideration of this business proposition.

Speculate and theorize as we may upon possible future blessings attainable through the beneficent influence of free alcohol, the practical question for immediate consideration is whether it is proper and just to favor the producers of alcohol and those who use it in the manufactures and arts, and increase the profit accruing to them at the expense and sacrifice of these great industries in the timber States. The increased profits and savings they would enjoy would not lower prices to consumers.

It has been urged by the advocates of free alcohol that if it would not result in its general use for light, heat, and power, in competition with petroleum, it would not materially injure the producers of wood alcohol and their substitutes.

This argument is based upon utter misapprehension of the practical features of the proposition. The removal of the revenue tax would enable denatured grain alcohol to be sold for probably 35 cents to 40 cents a gallon. The wood alcohol could not be produced and sold by chemical plants at the present time for any such price at a profit. The result would be that the present consumers of wood alcohol would at once use denatured grain alcohol in place of the wood alcohol, thus destroying the market therefor.

The managers of the allied interests referred to know this, and as practical business men also know that there would not be, for a long time at least, any material increase in the consumption of denatured alcohol for light, heat, and fuel, and would consequently, upon the passage of this bill, have to close down most of their chemical plants and prepare to meet material loss and disarrangement of the charcoal and iron business.

The advocates of free alcohol, absolved from all responsibility in the matter, confidently and vociferously predict that the consumption of free alcohol for light, heat, and power would in-

crease so rapidly and enormously as to afford a market for the wood-alcohol product of these plants for denaturing purposes.

The practical business men connected with those plants know that this kind of talk is visionary and impractical, and being responsible, as business men for their industries protest against the hazard of the interests of capital and labor connected therewith upon the speculative theories of free-alcohol advocates.

In view of the facts and conditions as they exist, this matter resolves itself into a plain practical business problem which Congress should not undertake to solve by hasty legislation based so largely upon speculative and visionary theories, and involving such serious consequences to existing industries.

Congress and the country, in view of these facts and circumstances, can well afford to take time for a more serious consideration and investigation of this subject, by all the interests concerned upon its merits in order to bring about a careful, deliberate solution thereof, with fairness and justice to all.

Mr. DRESSER. Mr. Speaker, I am not a public speaker, nor do I pretend to be an orator. I am a plain business man acquainted with the laws governing a business world, and somewhat familiar with the tariff legislation which it is the object of this bill to change. But I feel that I would not be doing my duty to the constituency which sent me here were I not to say a few words in opposition to the monstrous iniquity of this measure.

I repeat that I am not a speaker, and have a natural timidity in efforts of this kind. I am very much like the boy whose duty it was to take the cows to pasture every morning and to bring them home at the close of day. His path to and fro led him through a piece of woodland, whose darkening shadows carried fear to his timid heart. Upon approaching the woodland the boy hastened the pace of his cows into a trot and gave them no opportunity to stop until he had safely emerged on the other side. The knowledge of this timidity on the part of the boy soon became known to all the farm hands and they resolved to give him such a lesson as would forever cure his fear. One of these farm hands secured a bear skin, wrapped himself up in its capacious folds, and hid himself in the wood. At the proper time the boy appeared with his cows at a full run. As the boy passed the place where the would-be bear was secreted, a great bear sprang out after him. The already timid boy was now frightened almost to death, and began to run as though the "Old Boy" himself were after him. He was blinded with fright, forgot the cows, and gave his whole attention to fleeing from the impending danger. But, alas! In his blind fear he no longer picked his steps, and tripped himself over a small handspike which lay in his way. He went down to the ground, and as he arose eager to continue his flight, the bear came upon him. There was no longer any chance to run. It was fight now or die, and in his desperation he resolved to fight. The handspike was at his feet, and seizing it he gave one mad blow which sent the bear rolling over and over, loosened his hide, and disclosed the bleeding, disconsolate man. It was no longer fun for the man. The boy's fear vanished at once as he beheld himself master of the day.

Now, like this boy, I have no desire to fight. But my friends of the Ways and Means Committee have disguised themselves in the bear skin of ferocity, have secreted themselves in the woodland of discriminating legislation, and are seeking to destroy the carefully established industries of my people. I do not want to fight, but the gentlemen composing the Ways and Means Committee of this House have left nothing else for me to do. In the language of the day, "I am up against it," and must fight or move out of the Twenty-first Congressional district of Pennsylvania, and if some good angel will lend me the lucky handspike, I will use it with all my might and continue to use it until I have defeated this bill.

And at the very beginning of the fight I desire to say that I am a Republican, representing a Republican district in a Republican State. As a Republican I have always given my support to the doctrine of protection, as has my district and my State. The remarkable prosperity which has followed the growth of the protective idea in the United States has endeared it to me, to my people, and to the great majority of the people of the country. So dear is the doctrine of protection to the Republican party that the dictum "stand pat" has gone forth, not alone from those high in authority in this House, but also from the great leaders of the party throughout the Union. The flag of nonrevision has been hoisted by the party, and it is very strange to me that legislation, such as is presented by this bill, should have the almost unanimous support of the Committee of Ways and Means of this House. I consider it an unfair stroke, a vicious stroke, and to the extent of my ability shall fight it to the bitter end.

I have the honor to represent a constituency, a very large number of whom are interested and another very considerable number of whom are dependent upon the manufacture of wood alcohol, the industry which it is the purpose of this bill to destroy. The Twenty-first Congressional district of Pennsylvania may be said to be the home of the wood-alcohol business. Of the 118 establishments of the United States, 25 of them are located within its bounds. These 25 establishments give employment to 1,258 people; they use daily 629 cords of wood, whose annual value is very nearly $2,400,000; the money invested in their factories amounts to nearly $2,000,000; the railroads and tramways owned by them have a value of about $300,000. In my district alone $5,000,000 is invested in the manufacture of wood alcohol, giving labor to thousands of persons in the factory and forests, and giving prosperity to the four counties of which my district is composed. These 25 factories are independent industries, having no alliance with any other interests, connected in no way nor relying in any manner upon the operation of any other industrial plant. The investments necessitated by them were made principally for the production of wood-alcohol industries developed within the past forty years, and made possible only by the imposition of that revenue tax which this bill seeks to remove.

By the acts of the Republican party, acts of which in every convention its orators boast, heavy internal-revenue taxes were placed upon grain alcohol. This made this article of commerce high and forced manufacturers to the use of a cheaper article. By the acts of the Republican party manufacturers were driven from the use of grain alcohol to that of wood alcohol. By these acts my constitutents were induced to invest their capital in wood-alcohol establishments and to develop an industry which has made itself invaluable to almost every part of my district. It has built towns, created wealth, and aided labor. Under the commercial demand for the substitute—wood alcohol—other manufacturers were induced to make large investments in factories and materials for the supply of the new demand, thereby aiding the agricultural communities of Pennsylvania.

Since 1865 there has been invested in this American industry many millions of dollars. There are now 118 establishments scattered over Maine, Vermont, New York, Pennsylvania, Ohio, Michigan, Alabama, Wisconsin, and Missouri. They give employment to more than 20,000 men, and have been of the very greatest benefit to the manufacturers and consumers of the country by creating a satisfactory substitute for high-priced grain alcohol.

In 1905 they produced about 7,500,000 gallons of wood alcohol, of which about 800,000 gallons were exported. While grain alcohol sold at from $2.10 to $2.45 per gallon, a good wood alcohol sold at from 50 cents to 75 cents, and met the fullest demands of the manufacturing industries of the country.

The average revenue tax on grain alcohol is about $2.07, which this bill proposes to remove on condition that it be denaturized. To denaturize grain alcohol will put the Government into private business. Swarms of officials will be created, warehouses erected, and money squandered. And when the denaturizing is done a new avenue for fraud on revenues is created. Two distillations of the denaturized product will free the pure alcohol from the denaturizing agent and put free alcohol on the market free of tax. By a series of revenue acts you made it impossible for American manufacturers to use grain alcohol; by and through these acts the wood-alcohol business sprang into life, developed healthful proportions, and is to-day fully equipped for the fullest supply of every American demand. At the behest of gigantic alcohol interests, who have warehoused vast quantities of grain alcohol for which there is no demand at its tax-paid price, you now propose to change the revenue laws, to remove the $2.07 tax, to denaturize the product, and make it free. By one flourish of the wand you make it possible to sell an article which yesterday brought $2.45 for 40 cents. The Government proposes to lose $2.07 a gallon for whose benefit and at whose charge? The entire benefit will go to the grain-alcohol producers, already a most flourishing class, and will bring ruin to the wood-alcohol industries of the entire country. By this change the denaturized product will sell for 40 cents, and the wood alcohol, already at its lowest price, will be forced from the market and the industry destroyed.

Is this the way you propose to manage the Republican doctrine of protection? Is this the way in which you propose to foster American labor and American industries?

It was but a few days ago that the distinguished gentleman from New York wrote to the distinguished gentleman of Massachusetts that the tariff could not be revised during this Congress. In that letter he voiced the sentiments of the majority

of Republicans throughout the country, and for that sentiment he was applauded.

But something has happened since. He has had a taste of grain alcohol and seems so deliriously and gloriously drunk that he is willing not only to lower the tax on that product, but to go the full length of his tether, and make it entirely free.

I would like to call the sober attention of the distinguished gentleman to the words of the ancient king of Israel, as recorded in the Book of Books:

Look not upon denaturized alcohol in its free form, when it pays no tax, for at the last it biteth like a serpent and stingeth like an adder.

A careful survey of the hearings before the Ways and Means Committee reveals some wonderful properties in grain alcohol, denaturized alcohol, and wood alcohol. The trend of the inquiry was, "Can the denaturized product be redistilled, so as to give pure alcohol the benefit of this act?" One chemist said that it could, but that the expense would be so great as to forbid the distillation, to say nothing of the deterring influence of the penitentiary. This chemist was a Government chemist, a disciple of denaturized alcohol, and a bold adventurer in the field of experiment. The books of the Agricultural Department teem with the projects of this gentleman, and disclose the fact that with him "Whatever is is wrong, and all that isn't is right." He stops at nothing, and if permitted to go on in his revolutionary career will soon fill the land with inspectors and spies.

Another chemist said that denaturized alcohol, by two simple distillations, could be undone. There we have it. The doctors disagree, and the science of chemistry becomes an adjunct to political schemes, and Government chemistry usurps the place of independent investigation.)

The hearings also disclosed an earnest effort on the part of the committee to ascertain whether denaturized alcohol would make a man drunk. The inference sought to be created was that if this movement would increase intemperance that it was not to be encouraged. What a marvelous masquerade. And what was the evidence? All the witnesses agree that denaturized alcohol would be drunk by a certain class, but that this class was so degraded as to be outside the reach of political philosophy. The evidence also disclosed the fact that denaturized alcohol had as yet no position in the United States, and that therefore the evil was not imminent. But the evidence from England, where denaturized alcohol is on the market, is clear and unmistakable. The London Lancet, one of the most eminent of medical periodicals, had this to say:

[The Lancet, London.]

DRINKING OF METHYLATED SPIRIT.

Dr. Matthew Hay, in his annual report, draws attention to the growing use of methylated spirit as an intoxicant. It is not perhaps generally known that with a view to enable persons engaged in certain industries to obtain an alcoholic spirit for industrial purposes at a relatively small cost the Government authorized the addition to alcohol of petroleum oil, etc., the mixture thus produced being practically free from the duty imposed upon ordinary spirits. It was thought that if the spirit was thus rendered nauseous no one would be tempted to use it as an intoxicant. But in Doctor Hay's experiences this addition has failed in its object and he thinks that the poorer and more degraded class of drinkers are using the altered spirit as an intoxicant in an increasing degree. He finds that the traffic in it is mainly in half penny and penny worths, as much being procurable for a penny as would be equivalent to two glasses of whisky. As an indication of the extent to which the trade in methylated spirit is carried on, it may be mentioned that as many as seventy men have been seen to enter a certain grocery shop in the east end in less than two hours. Each is provided with a bottle, and having procured the needed spirit, proceeds to a neighboring water tap to dilute the spirit before drinking it.

And the London Sun under glaring headlines printed the following:

[The Sun, London.]

A NATIONAL DANGER—INCREASE IN METHYLATED SPIRIT DRINKING.

A matter upon which temperance reformers might with advantage concentrate their efforts for a time, and one which must command the attention of the legislature shortly, is the terrible increase of drinking almost anything with spirit in it by those who have descended to the lower levels of intemperance and poverty.

"It is now at a point," declared a scientist and medical man lately, "at which it becomes a grave national danger, threatening even our position as a civilized people."

The practice of indulging in this awful compound is becoming so general in the city and the surrounding district as to induce the poisoning of those who would form the next generation of citizens. It is also causing increased crimes, notably of a violent character.

Nor was this all. The testimony of the Secretary of Agriculture was so full of the mellowing influences of grain alcohol as to lead a prudent man to wonder. Micawber always saw things large and most frequently saw them double, two characteristics which always attend the too free use of the flowing bowl.

Now, it appears to me that the fictitious character Micawber has become real in the person of the Secretary of Agriculture and that the real Micawber exceeds the hero of fiction to about the same extent that an arc light outshines a tallow candle.

The Secretary saw a wonderful field for denaturized alcohol. All the surplus corn of the country, all the surplus rye would find a market in the alcohol factories. Not content with this large and enthusiastic vision, he painted the whole North planted in Irish potatoes and the whole South in yams, the farmers tremulous with Wall street excitement waiting for the teeming pots of gold. His vision saw alcohol lamps on every table of the land and standard oil stranded, bankrupt, and forlorn.

Wonderful possibilities! Wonderful hopes! Every cornstalk now rotting in the fields was to rise from its abject poverty and yield unbounded wealth.

Is it necessary to go further for an answer to the question, "Will denaturized alcohol make a man drunk?" It converted a staid official into a dreamer and made the Ways and Means Committee tipsy with delight. In the face of this dreaming, this enthusiasm for the possible, let us turn again to the actual.

One hundred and eighteen establishments are already here. They are on the ground. They are actually supporting thousands of families. They are a real element in our national wealth. They have grown up in response to the law of supply and demand and have carried prosperity, wealth, and vigor into communities all over the land.

In my district the industry is a most flourishing one. Its farmers are gladdened each year by a market for from $400,000 to $600,000 for their wood. They have bought timber from these farmers for future use amounting to $2,000,000 or more. They pay labor in the factories from $500,000 to $1,500,000 every year. These twenty-five manufactories are the mainstay of a large part of my constituency. The passage of this bill will cause every one of these establishments to shut down, for, as they assure me, they can not manufacture wood alcohol in competition with denaturized, tax-free, grain alcohol. All their plants and machinery will be converted into old junk and a large number of honest investors reduced to financial bankruptcy. This bill will injure my district more than the worst panic of Wall street ever carried to the speculative interests of New York.

The grain-alcohol business under existing law is a most prosperous one. It is not and has not been injured by the revenue tax. Nor is there any just ground for the belief that a change in the law will increase its prosperity or add one penny to the general prosperity of the country. Certain it is that denaturized alcohol will never displace kerosene oil, and it is this hope that leads many of my colleagues to countenance the bill.

I know, on the other hand, that the passage of this bill will injure the people of my district and the people of many other districts throughout the land. I know that thousands of people outside of the owners of the enterprises are dependent upon them, and that they will suffer. I know that thousands of men and women will be reduced to want, and that hundreds of communities and villages will be absolutely ruined. It is a question of vital importance to my people, and I urge you to withhold the destroying hand.

The great majority of these people are Republicans. They have followed the fortunes of the party through evil as well as through good report. They do not deserve the chastisement you now propose to heap upon them. They do not deserve the maelstrom of ruin which this bill will bring to their doors.

Loyalty to a great idea is poorly repaid when men in high places abandon that idea at crucial points. Integrity of political purpose can not be expected when its leaders abandon the purpose and drift aimlessly upon an experimental sea. Continued dominance of Republican ideas can not be expected when Republican leaders join hands with Democratic thought and tear down American enterprises built at the call of Republican thought. If we are Republicans, let us be loyal to the traditions of the party and vote down this insidious bill, which, as certainly as the change of seasons, will disrupt and destroy the Republican organization.

The measure under consideration is unjust to the wood-alcohol interests of the land; it injures labor and destroys industry. It offers nothing but a delusive hope, and is not demanded by the great mass of the American people. A sentiment manufactured by a bureau in New York asks for its enactment, and outside the pale of this manufactured sentiment there is no demand for the bill.

It injures the people of my district and the people of many other districts in several States. It is in violation of Republican thought, Republican traditions, and Republican ideals, and I hope it will be overwhelmingly defeated.

As a Republican, I am utterly opposed to a reduction of one iota of the Government's receipts. This bill will strike down from $5,000,000 to $10,000,000 of the annual revenues of the Government, and I am opposed to any reduction whatever.

I shall oppose revenue reduction of any kind so long as a sin-

gle city, town, or hamlet of 4,000 inhabitants is without a Federal building.

I shall continue this opposition until every river and harbor of our land has been so improved by the Government of the United States as to make it a source of pride to all the people and a source of wealth to the entire country.

And were it possible to apply the national revenue to the purpose, I should oppose this reduction until every country road from Maine to California, and from Kalamazoo to Galveston had felt the effect of the Government's revivifying hand.

We have no revenue to spare. This is no time for a reduction, and were it so, this is not the industry to be sacrificed.

I urge my friends to vote against this bill. [Applause.]

I subjoin a table of statistical information and clippings which will further illustrate the fallacies in the arguments of those who favor the passage of the bill.

Statistics of the wood-alcohol manufacturers of the Twenty-first Congressional district of Pennsylvania, showing the number of manufactories, value of the plants, value of the wood in their yards, value of the wood cut in the woods, value of the standing timber which is either owned by the manufacturers or contracted from farmers or others which the manufacturers have to take, number of men employed, number of people interested in the ownership of the plants, and value of small railroads to get this wood to the factories.

Name of company.	Cords of wood used daily.	Value of factory.	Men employed.	Value of wood and timber.	Value of railroads.	Number of stockholders.	Total value.
Smith Chemical Co	40	$120,000	80	$194,000	.....	23	$314,000
Nusbaum Chemical Co.	30	90,000	60	90,000	$12,000	3	192,000
Minard Run Chemical Co	19½	58,500	39	44,300	.....	3	102,800
Lewis Run Manufacturing Co	51	93,000	62	196,000	25,000	5	314,000
Custer City Chemical Co	45	135,000	90	133,400	10,000	5	278,400
Noles-Bolby & Co	20	60,000	40	22,500	.....	5	82,500
John Bartley	14	42,000	28	13,750	.....	5	55,750
Alton Chemical Co	16	48,000	32	30,350	.....	5	78,350
Bradford Chemical Co	12	36,000	24	22,500	.....	5	58,500
Newton Chemical Co	42	126,000	84	140,000	.....	5	266,000
Heinemann Chemical Co	67	201,000	134	474,000	100,000	5	775,000
Hazelhurst Chemical Co	19½	58,500	39	28,500	10,000	10	97,000
Corryville Chemical Co	24	72,000	48	120,750	.....	6	192,750
Day Chemical Co	42	126,000	84	184,000	54,000	3	364,000
Marvendale Chemical Co	24	72,000	48	51,500	.....	5	123,500
Gray Chemical Co	18	54,000	36	88,000	.....	6	142,000
Gaffney Brothers	20	60,000	40	50,000	.....	3	110,000
Wyman Chemical Co	24	72,000	48	54,250	.....	2	126,250
Liberty Wood Products Co	24	72,000	48	136,500	.....	10	208,500
Keller Chemical Co	16½	49,500	33	24,100	.....	3	73,600
Consolidated Chemical Co	16½	49,500	33	50,000	50,000	6	149,500
James Manufacturing Co	24	72,000	48	85,000	60,000	6	217,000
National Chemical Co.	40	120,000	80	69,500	.....	6	189,500
	629	1,887,000	1,258	2,302,900	321,000	134	4,510,900

There are about 240,000 cords of this value in wood now cut and which should be cut at least one year before using, amounting to $960,000.

ALCOHOL OF NO USE FOR AUTOMOBILES.

The Engineer, one of the leading technical journals of England, in commenting on the recent results of trials in France of alcohol as a substitute for gasoline in automobile running says:

One of the most noteworthy things to be recorded in connection with the French automobile industry during the past year is the failure of alcohol to come up to the expectations that were formed of it a twelvemonth ago. Makers of motor vehicles, with the exception of two or three have never shown much enthusiasm for the new spirit. They have been ready enough to run vehicles with alcohol in competition held in the interest of this fuel, because they have felt it their duty to support what is regarded as a national movement, yet, despite the incessant encouragement of the Government, the use of alcohol in this direction has not materially increased. As a fuel, it is fairly satisfactory, but in all cases the consumption is so high that it can only be economically employed in countries where the product is cheap and petroleum practically prohibited.

DENATURIZED ALCOHOL OF LITTLE USE FOR MANUFACTURING PURPOSES IN GERMANY.

The following are the German Government statistics of the amount of alcohol used during the year ended October 1, 1903:

	Hectoliters.	American gallons.
Tax-paid alcohol used for drinking and manufacturing purposes	2,375,778	62,760,927
Denatured alcohol	1,110,050	20,324,190
Exported	242,644	6,409,926
Total amount of alcohol used in Germany during year ended October 1, 1903	3,728,472	98,495,043

Denatured spirit used during year ended October 1, 1903.

	American gallons.
For heat, light, and power (estimated)	18,604,845
In manufacture of vinegar	4,265,612
In manufacture of varnishes	1,294,930
In manufacture of celluloid	433,784
Other manufacturing purposes	4,705,861
Total denatured spirit used	29,305,032

THE WARNING OF A CHEMIST.

It would have been easy for us to fill this committee room with thoughtful, earnest men engaged in the manufacture of charcoal, acetate of lime, wood alcohol, charcoal iron, varnish, lumber, etc., all eager to protest against the ruination of their business for the purpose of giving an additional profit to a few manufacturers already prosperous; to protest against aiding the grain distillers, who already have a monopoly. But I am satisfied that this committee will find the country is not ready for tax-free alcohol; that it can not compete with petroleum distillates for heat, light, and power purposes, and that its use in other directions will simply be to displace wood alcohol with material benefit to the manufacturers of grain alcohol, but to only a few others.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for general leave to print on this subject for five legislative days, the speeches to be confined to this bill.

The SPEAKER. The gentleman from New York asks unanimous consent that all gentlemen who desire to do so may have leave to print remarks on this bill for five legislative days, including to-day. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has thirteen minutes.

Mr. PAYNE. I yield ten minutes of that time to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, I do not wish to consume any of the time. (The gentleman from Michigan [Mr. YOUNG] seems not to understand the difference between two quite distinct things. One is untaxing a producer for the benefit of that producer and all consumers, and the other is taxing all consumers for the benefit of some producers. That old sophism, which he has indulged in to-day—of setting up as a "vested right" some existing wrong, and then asking men not to interfere with it "out of pity," is a thing that never appealed much to my judgment and I am therefore very strenuously in favor of the passage of this bill.)

I now yield four and a half minutes to the gentleman from Alabama [Mr. UNDERWOOD] and reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, in the time alloted for this debate it would be impossible for me to fairly discuss the merits of this bill, but I consider it one of the best bills that has ever come before this House since I have been a Member of it, so far as the people of the United States are concerned. I was surprised at the remarks of the gentleman from Michigan [Mr. YOUNG] as to the way he treated this bill. One would suppose that this was a measure to impose a tax for the benefit of some particular manufacturing interest. As a matter of fact, it is a bill to remove a tax from a commodity that has a greater use in the manufactures, arts, and sciences of the world than any other commodity that we have. The object of taxation, to those who believe with us on this side of the House, should be solely for the purpose of revenue; but I take it that to all the Members of this House there can be but a few, if any, that disagree to the proposition that the levy of internal-revenue taxation should only be for the purpose of raising revenue and for no other purpose.

Now, the Government of the United States, like all other civilized governments, raises a large portion of its taxes from a tax levied on whisky and spirits. It is intended to raise the tax from that commodity. It was never intended when taxation was inaugurated that it should interfere with alcohol in the arts and sciences, but incidentally it had to do it. It was not the intention to debar the people of the United States from the use of alcohol in the arts, it was merely to levy a tax on alcohol as a revenue. For many years it was supposed that we could not remove the tax on alcohol for the arts and manufactures without injuring the revenue of the country. But the great civilized nations of the world—Germany, England, and France—have denaturized alcohol and allowed it to be used in the arts for many years, and have demonstrated that this has been done without interfering with the revenues of the government and without allowing the denaturized alcohol to be used as a beverage.

The sole object of this bill or the only purpose of this bill is to so denaturize alcohol for the use in the arts—for light, fuel, and heat—that the people of the country may have that great

benefit and that that great boon may be conferred upon them without paying the tax.

The gentleman from Michigan indicted the Ways and Means Committee for not putting a tax on denaturized alcohol of 5 cents a gallon for the purpose of inspection. Your committee after a full and fair investigation in this matter found that if we put a tax of 5 cents a gallon on denaturized alcohol we would make the cost so high of fuel and light and heat that it would not be able to compete with kerosene or be used for light and for heat. Therefore your committee believed that it was our duty to the people of the country and to the people who needed free alcohol for industrial purposes, for light, for the farm home, running the farm engine, taking care of the industrial business of the farm, to give them alcohol that was absolutely free. [Applause.]

[Here the hammer fell.]

Mr. WILLIAMS. Mr. Speaker, I now yield four and a half minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, the proposition to remove the tax from denatured grain alcohol for technical uses is the only one of which history furnishes an authentic record on which distillers and prohibitionists, manufacturers and farmers, producers and consumers are agreed.

If the roseate predictions of its most optimistic advocates are fulfilled, we will witness a veritable Aladdin's lamp working its myriad wonders before our eyes in this prosaic age. If even half of them are realized, we will see a revolution in lighting, heating, manufacturing, and motors.

Buckle, in his immortal fragment, says that the three most potent factors in modern civilization were the invention of gunpowder, the invention of movable types, and the use of steam as a motor and a manufacturing agent. Had he lived in our day he would have classed electricity as the fourth. If the hopes of the proponents of untaxed denatured alcohol find fruition in fact, then it will rank as the fifth.

It is said that he who causes two blades of grass to grow where only one grew before is a public benefactor. If that be true—and it certainly is incontrovertible—then the declaration may be made without fear of successful contradiction that he is also a public benefactor who furnishes cheap light, cheap fuel, and a cheap motive power to the masses of the people. These are among the blessings promised by this measure. Every Member of this House can enroll himself among his country's benefactors by voting for this bill. A cordial invitation is hereby extended to all Members to place their names upon the roll of honor.

In passing, it may be well to state that this is the only civilized country under the sun in which any considerable tax is levied upon denatured alcohol intended for technical uses. In this age of fierce industrial and commercial competition—constantly growing fiercer—we can not afford to neglect any of the natural advantages which we possess; and as alcohol can be made from anything containing starch or sugar—grain of every sort, white potatoes, sweet potatoes, yams, waste molasses (both cane and beet), cornstalks, etc.—we can easily and profitably produce substances from which a limitless quantity of alcohol can be made.

Mr. LITTLEFIELD. Mr. Speaker, may I inquire of the gentleman how much this reduces the revenue?

Mr. CLARK of Missouri. I doubt very much whether this will reduce the revenue a dollar.

Mr. LITTLEFIELD. What is the apparent reduction?

Mr. CLARK of Missouri. The apparent reduction varies all the way from about half a million to ten millions of dollars, owing to who is doing the calculating. [Laughter.]

It is not the part of wisdom to agree with the extremists on this subject, either pro or con.

One set seem to think that untaxed alcohol will usher in the millennium; the other set conclude that it will destroy the wood-alcohol and the charcoal iron industry. The former are unduly elated, the latter are unnecessarily scared.

Alcohol can be made from the cornstalks which we produce and waste in quantities to supply not America only, but the world with cheaper and better light and fuel. Alcohol, however, will not be made from cornstalks in any considerable quantities, so long as grain and potatoes are as cheap as they now are. So far from the wood-alcohol industry being destroyed, it is doubtful if it will be injured to any appreciable degree. Indeed, some persons think it would help it, for the best denaturing material thus far discovered is one-tenth part of wood alcohol.

Last year the entire output of wood alcohol was about 9,000,000 gallons. The enthusiastic proponents of the pending measure predict that in a short time we will be consuming 200,000,000 gallons of denatured alcohol per annum. That would necessitate the use of 20,000,000 gallons of wood alcohol per annum for denaturing purposes alone, or twice our entire present output of wood alcohol.

Now, be it remembered that nobody starts out to make wood alcohol as an original proposition. It is a by-product of charcoal burning, wood alcohol and acetate of lime constituting 52 per cent of the money value of charcoal making.

On the other hand, what is called "grain alcohol" is the principal product of distillation, except the slops, which, as animal food, just about pay the cost of distillation, which is one of the simplest processes known among men.

That free denatured alcohol will be a powerful competitor with the Standard Oil trust and the coal trust there can be no question, and for that reason, if for no other, this bill should be enacted into law. It can be made in this country for from 15 to 30 cents per gallon, at which price it is cheaper than kerosene or gasoline, for a gallon of alcohol contains about twice as many heat units as a gallon of kerosene or gasoline. At the same time it is much cleaner and safer. Why, then, refuse it to the people?

Aside from its use for lighting, heating, and motor purposes, it is surprising in what variety of manufactures it is a valuable, a necessary factor.

In an elaborate report Senator Platt and Mr. Russell enumerate the following:

Acids, bicycles, blacking, brass work, bronze work, burial caskets, cabinetmaking, carriages, cars, wagons, etc., cartridges, celluloid and zylonite chairs, chemicals, chemical preparations, cigars, colors, dental goods, desks, dyes, dyes used in textiles, enameled ware, flavoring extracts, folding beds, fulminating powder, furniture, gas and electric fixtures, gilding, granite ware, guns and pistols, hats, japanned ware, machinery, moldings, organs, paints, paper, pharmaceuticals, photographic materials, pianos, picture frames, rattan goods, shellac, silk, silver plating, smokeless powder, tobacco, toys, varnishes, whips.

There are, perhaps, others. The number is certain to increase rather than diminish.

By reason of the exorbitant price at which grain alcohol is now sold—about $2.40 per gallon—many manufacturers use wood alcohol, a deadly poison, which they can procure at about 70 cents per gallon, and which does not cost the producer over 30 cents per gallon.

Because denatured alcohol would be cheaper than wood alcohol, and because it is less deleterious in the use, both the manufacturers and their employees are clamorous for the passage of this bill.

The people of the Mississippi Valley want it because they will both produce it and use it. They know that there is much of profit and of comfort in it to them.

Mr. PAYNE. Mr. Speaker, I yield one minute to the gentleman from Minnesota [Mr. MCCLEARY].

Mr. MCCLEARY of Minnesota. Mr. Speaker, the United States is the only great manufacturing and commercial country in the world that makes no distinction between alcohol used for industrial purposes and distilled spirits intended for drinking. In this country both are classed as distilled spirits for taxation purposes. The internal-revenue tax on proof alcohol 50 per cent strong is $1.10 per gallon, equivalent to about $2.07 per gallon on commercial alcohol 94 per cent strong.

Alcohol can be cheaply produced, the cost of production under present conditions with the tax removed being estimated at from 10 to 25 cents per gallon testing 94 per cent.

For nearly twenty years propositions to remove the internal-revenue tax on alcohol for use in the arts and for fuel, light, and power have from time to time been brought to the attention of Congress by bill or otherwise. But for a variety of reasons these propositions have never before been favorably acted on. Two or three difficulties have heretofore been regarded as insurmountable and have prevented favorable action.

In the first place, many good people honestly thought that the removal of the tax would render alcohol so cheap that there would be a very marked increase in drunkenness. In the second place, it was feared by Congress that the removal of the tax would seriously affect the revenues of the Government. And in the third place, it was feared that the removal of the tax on the alcohol used in the arts and industries would open a door for fraud on the Government as to the alcohol used for drinking purposes.

But appreciation of the importance of solving the problem of cheap alcohol for commercial purposes has been growing, and a great deal of thought has, during recent years especially, been given to the problem. It is not surprising, therefore, that even a larger number than usual of bills for the removal of the tax on industrial alcohol have been introduced at this session of Congress.

The Committee on Ways and Means has given the subject very careful investigation this winter, and has framed a bill—the one now pending—that is believed to meet all the legitimate

objections heretofore raised. This bill has the indorsement of the Commissioner of Internal Revenue, of the Secretary of the Treasury, and of the President.

The objections of the temperance people have been met by the provision that the removal of the tax shall apply only to alcohol that has been "denaturized" under governmental supervision—that is, only to alcohol that has been rendered unfit for drinking purposes. And full protection for the revenues is believed to be provided in the bill.

In fact, the objections heretofore raised against this proposition—that is, the legitimate objections based on the public interest, though not those based on private interests—are so fully met in the pending bill that it seems likely that this bill will pass the House practically without dissent. And it is hoped that, notwithstanding the opposition of certain powerful interests, it will pass the Senate also at this session, or at least within the life of the Fifty-ninth Congress.

WHY THIS LEGISLATION?

And now what is to be gained through such legislation? One of the best brief answers to this question that I have seen is given in a letter that I recently received from one of the leading business men of my home city, Mr. W. L. Hixon, president of the Mankato Mills Company, manufacturers of wool hosiery, which I send to the Clerk's desk and ask to have read.

The SPEAKER. Without objection, the letter will be read.

[After a pause.] The Chair hears none.

The Clerk read the letter, as follows:

MANKATO MILLS COMPANY,
Mankato, Minn., April 4, 1906.

Hon. J. T. McCLEARY,
House of Representatives, Washington, D. C.

DEAR SIR: This is to advise you that we are strongly in favor of the bill at the present time before the House for the removal of the tax from commercial alcohol, or alcohol used in the arts.

Removal of this tax will have a far-reaching effect that those who are not in touch with industries where alcohol is used do not realize. I might suggest, for instance, that alcohol is used in large quantities in the manufacture of dyestuffs and chemicals, which it is impossible to manufacture in this country at the present time, owing to the enormous tax on alcohol.

Has it ever occurred to you to inquire why, in spite of the fact that there is a duty as high as 30 per cent on certain coal-tar dyestuffs, imported mostly from Germany, there has been no industry to speak of built up in this country for the manufacture of those products, which are almost exclusively imported from Germany to this country, the industry being an enormous one, amounting to millions of dollars? Ordinarily it would pay the German manufacturers to establish factories on this side of the Atlantic, in order to save transportation and the duty. It has been tried in a small way, but has failed, owing to the fact that the enormous tax on alcohol has prevented the making of certain chemicals and dyes, which could easily be made in this country were that tax removed, and which would undoubtedly develop a very large industry in this country if the tax were removed.

I might cite the fact that on aniline salt there is no duty at all, and I venture to say that 95 per cent of the aniline salt in this country has to be imported, as it has been found unprofitable to make it in this country, and there are only three manufacturers of that article in this country to-day, although it is used in enormous quantities, aniline salt being the basis of black dyes, paints, etc.

Outside of the benefit that the removal of the tax on alcohol would have in the above respect, it would undoubtedly develop into something that would give your farmer friends a cheaper fuel, and it would develop and build up an industry which amounts at the present time to little or nothing.

Yours, very truly,

MANKATO MILLS CO.,
W. L. HIXON, *President.*

Mr. McCLEARY of Minnesota. Mr. Speaker, in another letter, a week later, Mr. Hixon elaborated his views on the subject still further, saying:

* * * * * * *

I have digressed from the subject I started to write you about, and in reference to it will say that the removal of the tax on alcohol would admit of the farmers, if they saw fit, distilling their own alcohol for fuel purposes, or placing it upon the market in its denaturized condition. It would build up another industry for them, and the enormously increased demand would produce an equal enormous increase in production, which would employ labor and be remunerative.

I believe it would ultimately make alcohol cheaper than either gasoline or kerosene by actual test, and those are now articles of household necessity.

As to the effect it will have on the manufacture of chemicals: Alcohol is a necessary solvent—in fact, the only real solvent. I might, among other chemicals, point out that ether, which is largely used in surgical operations, is in enormous consumption in this country. I have heard it said that one hospital alone in a certain city has used as high as 2,500 pounds per year. The price of ether in this country, I believe, is about 70 cents per pound, whereas in Germany, I am informed, it is about 7½ cents, the difference being entirely due to the fact that Germany levies no internal tax on denaturized alcohol. Furthermore, owing to the tax on alcohol a number of articles, including chemicals, can not be manufactured here at all. I am informed, too, that fulminating powders and fulminates, which are employed in charging percussion caps, friction primers, and fixed ammunition, without which neither dynamite nor modern smokeless powder could be fired, all come under this head, and these articles, I believe, have a direct bearing on the interests of the Government itself in the purchase of its materials for war.

I am told there are many ways of denaturizing alcohol in Germany for uses in the various industries; different methods are employed to fit the different cases. Therefore I would urge that the bill before Congress should not confine denaturizing alcohol to any one process or method.

All of this information I have picked up in the course of my own business, and without any special attempt to make a study of the matter.

I started out to write a few lines to you, and I have written a volume, but my interest in the subject, I hope, is a sufficient apology.

With kind regards, I remain,

Yours, very truly,

W. L. HIXON.

Mr. Hixon is a practical and successful business man, and his views are entitled to great consideration.

AMERICAN WORK SHOULD BE DONE IN AMERICA.

Mr. Speaker, I am one of those who believe that so far as possible the work of America should be done by the sons and daughters of America. And I believe that the passage of this bill will help in that direction. Of the many illustrations that might be given, I shall choose that of fulminate of mercury, the fulminating powder used as the explosive agent in percussion caps and cartridges of all kinds, referred to by Mr. Hixon.

Practically all the fulminating powder used in this country is made in Canada, the alcohol required being shipped from this country in bond, without payment of tax, and used in bonded manufacturing warehouses in the production of the fulminate. This is exported from Canada to the United States, paying the customs duty of 30 per cent ad valorem, which is considerably less than the internal-revenue tax on the alcohol used.

One result, therefore, of the present policy of taxing industrial alcohol is to give employment to Canadian instead of American workmen, and to prevent the development in this country of an important industry.

Mr. Hixon referred to another industry, that of dye making, which does not thrive here chiefly because of the high cost of alcohol. For these dyes we are now dependent on Germany, that empire whose people have, through wonderfully high technical skill, done so much to overcome the lack of natural resources in their country. But with "free alcohol" it is believed that we could supply ourselves with these dyes, thus again building up industries here and securing the work of our country to our own people.

It is claimed that 10,000 factories, representing 30 distinct industries, with an aggregate capital exceeding $500,000,000 and employing 300,000 hands, use alcohol, or a solvent derived from alcohol or an inferior substitute, as a raw material of manufacture. In all these factories cost of production is greatly and unnecessarily increased by the tax on alcohol. In some it is claimed that the cost is more than doubled. With "free alcohol" we shall have in all those lines cheaper production and a larger use of the products, resulting in increased employment of men, and greater enjoyment of the comforts of life by the people. It is believed that there would be a great expansion in the present industries using alcohol or substitutes for it, and the development of many new industries now unknown and undreamed of.

ALCOHOL FOR LIGHTING.

Alcohol burns readily under all conditions, without smoking, and is free from disagreeable odors. Its flame is nonluminous, but with a chemical mantle, similar to the Welsbach burner, it produces a very bright light. This was demonstrated to the Committee on Ways and Means during the hearings on the bill. And this light is very inexpensive. It is claimed that with free alcohol the cost per burner per hour for 71 candlepower will be only 1 cent. The light is pure white and very brilliant. Colors are said to be almost as readily distinguishable as by daylight. The light does not flicker and is not affected by drafts. Owing to this great steadiness, the alcohol light is said to be but little fatiguing to the eyes.

Careful tests show that a gallon of alcohol has twice the illuminating power of a gallon of kerosene. For illuminating purposes alcohol is claimed to be superior to kerosene in every way, being cleaner, safer, and better smelling. It never smokes, so chimneys keep clean and transparent. There is but little heat given off, the heat of combustion being converted into light by the mantle. The wick does not char nor gum up, and therefore it does not require trimming every day.

ALCOHOL FOR COOKING AND HEATING.

It is believed that with the removal of the tax on denaturized alcohol a great step onward in the solution of the problem of cheap fuel will have been taken. The importance of this to the people of the country, especially to those living on the prairies of the Middle West, can hardly be overestimated. The high price of coal or wood or other fuel would then, it is believed, have fewer terrors to the people.

As is well known, the chief element in the cost of coal to consumers at a distance from the mines is necessarily in the transportation. With "free denaturized alcohol" this large element of the cost of fuel can be largely removed, because fuel can then be produced near the place where it is consumed.

And what a boon to the housewife this cheap and clean fuel

will be! The general use of alcohol in the household for fuel purposes would remove many of the annoyances of housekeeping. Think of freedom from ashes and dust. Think of the ease of starting the fire and the promptness with which it can be extinguished, and what this means in the summer time. Think of the nonsmoking and odorless flame for broiling, and the uniform temperature that can be maintained in all cooking operations.

ALCOHOL AS A MOTOR FUEL.

Alcohol is claimed to be not only a decidedly satisfactory substitute for gasoline as a motor fuel, but to be superior to it in many particulars. It is clean, odorless, and free from danger of accidental explosion. The vapor given off is not inflammable unless closely confined, and naked lights may be used around the machine without danger.

Concerning the industrial uses of alcohol in Germany, Frank H. Mason, until recently United States consul-general at Berlin, reported as follows:

At its present price of 15 marks per hectoliter (about 13 cents per gallon) it competes economically with steam and all other forms of motive energy in engines of less than 20 horsepower for thrashing, pumping, and all other kinds of farm work, so that a large percentage of the spirit produced in agricultural regions remote from coal fields is consumed in the district where it is grown. The motor for farm use is tightly inclosed and absolutely free from danger of fire.

Since the inception of this movement it has been a point of extreme importance to replace the steam engines for thrashing, grinding, fuel cutting, and other agricultural purposes with alcohol motors, for which are claimed the important advantages of immediate readiness for operation, freedom from danger of fire, and, finally, greater economy of maintenance.

Another important advantage of alcohol, which applies specially to its use in motor carriages and in engines for operating creameries and small manufacturing plants in premises adjacent to dwellings, is its absolute cleanliness and freedom from the mephitic odors which render hydrocarbon engines so offensive to many people.

THE FARMERS' INTEREST IN FREE ALCOHOL.

One of the great problems in every productive industry is to find a steady market for the entire product. This is true of farming as of every other industry. With our vast area of low-priced lands and the enormous development of our agricultural areas, it is a marvel that we have been able to find a market for the gigantic crops of our farms. We could not have come anywhere near doing so had it not been for the enormous growth of our manufacturing industries, furnishing here at home the best market for farm products in the entire world.

But even under our splendid system there has generally been a surplus, great or small, of certain of our farm products. For a year or so efforts have been made to scare our farmers at the prospective loss of the German market through hostile tariff legislation in that country. But that danger has been passed and is hardly likely to appear again except as a threat to compel us to give away a part of that great market of ours. There is good reason for believing that a domestic market for a much larger quantity of farm products than are now exported to Germany will be found through the enactment of the pending bill for removing the internal-revenue tax from industrial alcohol.

What the farmer wants is a market for his corn, potatoes, and so on. And if he can secure this market at home it is manifestly to his advantage to do so. Prices in foreign markets are, to some extent, affected by the competition of India, Australia, Argentina, Russia, and other countries. The creation of a permanently enlarged home market for corn, potatoes, and other farm products would to a great extent make our farmers independent of price fluctuations consequent on large crops in competing countries.

Moreover, from the standpoint of a wise domestic economy, there can be no question that it is better to keep the bulky farm products in this country than to ship them abroad, because if utilized in this country these products are returned to enrich the soil, while if they are exported they constitute a continual drain on the productivity of our land.

With the enormous development in the uses of alcohol in the industrial arts, in its uses as power for motors, boats, and farm engines, and in its uses for heating and lighting, it is claimed by men presumed to be well informed that there will soon, if the tax is removed, be a demand for hundreds of millions of gallons of denaturized alcohol. Translated into the terms of materials from which alcohol is produced, this would mean a new domestic market for immense quantities of farm products, with consequent benefits to our agricultural interests.

Representing an agricultural district, it is both my duty and my pleasure to support the pending bill.

Mr. PAYNE. Mr. Speaker, in the two minutes remaining to me I want to say that we did not put a tax of 5 cents a gallon or any other tax on denatured alcohol, because we wanted the fullest opportunity for use in this country, both in the interests of the people who would use it for fuel and light, and in the interest of the wood-alcohol manufacturers. It will not detract from the revenue, because it was conceded by the wood alcohol men, as well as by the others that appeared before the committee, that no ethyl alcohol was used now in manufacture or in the arts. It has been displaced completely by wood alcohol. We do not fear fraud upon the revenues, because we have permitted the use of alcohol in many liquid medical compounds, and the Secretary of the Treasury and also the Commissioner of Internal Revenue united in the opinion that they can guard against fraud on the revenue. What else I wish to say in reply to the gentleman from Michigan [Mr. YOUNG] I will put in the record.

Mr. Speaker, I now ask for a vote; and in order to get a rising vote, I ask for a division.

Mr. WM. ALDEN SMITH. I ask unanimous consent to print in the RECORD with form of petition generally signed by farmers, organizations, and Grange associations throughout the State of Michigan in favor of this measure. The signatures attached to this petition approximate 5,000 names, and read as follows:

MICHIGAN PATRON FREE-ALCOHOL PETITION.

To the honorable House of Representatives, Washington, D. C.:

Your attention is respectfully asked to the urgent necessity which now exists for the enactment of such legislation by Congress as will enable the farmers of the United States to use untaxed denaturized alcohol as a motor fuel in farm engines and for heating, lighting, and cooking purposes.

Gasoline, which is now the only available fuel for the internal combustion engine, has more than doubled in price during the past few years, and since, owing to the largely increased use of this class of engines for farm work, the demand for gasoline is rapidly exceeding the supply, the necessity for securing a cheap, satisfactory, and permanent supply of fuel has become a very serious question.

Alcohol, distilled from corn and other farm products, which has been rendered undrinkable by the admixture of some poisonous substance, is the only fuel which meets all these conditions. A fire started with alcohol is one of the easiest to extinguish, owing to the fact that it mixes freely with water. Alcohol is clean and free from disagreeable odor and danger of accidental explosion, and when burned with an incandescent mantle gives a brilliant, steady, white light. The alcohol lamp with mantle is simple and inexpensive, and would be cheaper than other forms of lighting now in use on American farms if no tax was imposed on industrial alcohol.

The production of the enormous quantity of alcohol that would be used if the tax were removed would create a new market for surplus crops of corn, potatoes, or the waste products of the beet and cane sugar industries, etc. Tax-free alcohol would give the farmer a sort of balance wheel by providing a market for crops not otherwise marketable, since a crop partly spoiled could be made the source of cheap alcohol for industrial purposes, and the loss to the farmers from low-priced crops would be largely compensated for by the low cost of the alcohol fuel made therefrom.

The revenue laws of all other commercial nations, including Great Britain, Germany, France, Austria-Hungary, Italy, Belgium, Holland, Russia, Switzerland, Norway, Sweden, Denmark, Cuba, Venezuela, Brazil, Argentine Republic, Chile, and Peru, provide that no tax shall be imposed on alcohol intended for industrial purposes, and as the enactment of similar legislation would directly benefit every farmer in the United States, Congress should take such action at the earliest possible date.

Respectfully,

M. H. Foster, Wm. S. Moffitt, Mrs. H. Jones, Mrs. J. Spencer, E. E. Moffitt, James Howard, James Spencer, Jennie Howard, Harmon J. Bailey, Hiram P. Jones, Mrs. M. H. Foster, Mrs. M. N. Sturgis, Vesta A. Sturgis, Stanley Sturgis, Jno. Moffitt, Myrtle Moffitt, Eula Moffitt, Rockford, Mich.

The SPEAKER. As many as are in favor of suspending the rules and passing the bill with the amendments will rise and remain standing until counted. [After counting.] Two hundred and twenty-two gentlemen have arisen in the affirmative. The ayes will be seated, and those who are opposed will rise and remain standing until counted. [After counting.] Seven gentlemen have voted in the negative. Upon this question the ayes are 222 and the noes 7.

So (two-thirds having voted in favor of the measure) the rules were suspended and the bill was passed.

PENSION APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I present the report of the conference committee on the bill (H. R. 13103) making appropriations for the payment of invalid and other pensions, and ask that it be printed under the rules.

The SPEAKER. The gentleman from Michigan presents the report of the conference committee on the pension appropriation bill for printing under the rules. It will be printed.

DAMS ACROSS BRANCHES OF ROCK RIVER, ETC.

Mr. McKINNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14508) permitting the building of dams across any or all of the branches of Rock River, also a dam across the cut-off between Vandruffs Island and Carrs Island at, near, or upon the lower rapids of Rock River, in Rock Island County, Ill., which I send to the desk, and I ask unanimous consent that the amendment in the nature of a substitute be read instead of the bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with the reading of the bill which he

sends to the desk and for the reading of the amendment in the nature of a substitute. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read the amendment in the nature of a substitute, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Samuel S. Davis, of the city of Rock Island, in the county of Rock Island and State of Illinois, his heirs, executors, administrators, and assigns, to build, operate, and maintain dams across any or all of the branches or channels of the Rock River, including a dam across the chute or cut-off between Vandruffs Island and Carrs Island at, near, or upon the lower rapids of said Rock River, in said county of Rock Island, State of Illinois, for the development of water power, together with such works and structures in connection therewith as may be necessary or convenient in the development of said power and the utilization of the power thereby developed; said dams may be built at or near the sites of the dams formerly existing across said branches and said cut-off, or at any place or places between said sites and the dams now constructed at or near the head of said Carrs Island for the purposes of the Illinois and Mississippi Canal, and the said Samuel S. Davis, his heirs, executors, administrators, and assigns are hereby authorized and empowered to draw and divert by canal, flume, or race, or canals, flumes, and races, from the pool formed by the construction of said dams and works incident thereto, such supply of water as may be required for the full and complete development and utilization of said water power, and to discharge the same into said Rock River or some branch or channel thereof at or near the lower part of said Vandruffs Island, or at some place or places on or near the north shore of said river or of the north branch or channel thereof opposite to or below said Vandruffs Island; and also for that purpose to construct, operate, and maintain such structures and improvements as may be necessary or convenient: *Provided*, That such dams shall not be built or commenced until the plans and specifications for their construction, together with such drawings of the proposed construction and such map of the proposed locations as may be required for a full understanding of the subject, have been submitted to the Secretary of War for his approval, or until he shall have approved such plans and specifications and the location of such dams and accessory works; and when the plans for any dam to be constructed under the provisions of this act have been approved by the Secretary of War it shall not be lawful to deviate from such plans, either before or after completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of the Secretary of War: *Provided*, That in approving said plans and locations such conditions and stipulations may be imposed as the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that said Samuel S. Davis, his heirs, executors, administrators, or assigns, shall construct, maintain, and operate, without expense to the United States, in connection with said dams and appurtenant works, a lock or locks, booms, sluices, or any other structures which the Secretary of War at any time may deem necessary in the interest of navigation, in accordance with such plans as he may approve, and also that whenever Congress shall authorize the construction of a lock or other structures for navigation purposes in connection with such dams, the person owning such dams shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States a free use of water power for building and operating such constructions: *And provided further*, That suitable fishways shall be constructed and maintained in said dams by said Samuel S. Davis, his heirs, executors, administrators, or assigns, at his or their own expense, as may be required from time to time by the Secretary of Commerce and Labor: *And provided further*, That said dams and other structures shall be so constructed as in the judgment of the Secretary of War not to interfere with the Illinois and Mississippi Canal and the operation thereof, and the Secretary of War shall at any time control said dams so far as shall be necessary for the purposes of said last above-mentioned canal, but shall not destroy or impair the water power developed by said dams, canals, and appurtenant structures to a greater extent than shall be necessary to provide proper facilities for the navigation of said Illinois and Mississippi Canal or other purposes affecting navigation.

SEC. 2. That in case any litigation arises from the building, operation, and maintenance of said dams, canals, and appurtenant works, or from the obstruction of said river by the same, or any damages resulting to private property by overflow or otherwise, proceedings to adjust, determine, and recover compensation for such damages may be instituted in any court of competent jurisdiction.

SEC. 3. That unless the actual construction of the dams herein authorized shall be commenced within one year and completed within three years after the passage of this act, the rights and privileges herein granted, so far as they pertain to the construction of any dam or dams not then completed, shall cease and determine.

SEC. 4. That the right to alter, amend, and repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. STEVENS of Minnesota. Mr. Speaker, I offer the following committee amendments.

The SPEAKER. The Clerk will report the committee amendments offered by the gentleman from Minnesota.

The Clerk read as follows:

On page 1 change title to read: "Permitting the building of dams across the north and south branches of Rock River, adjacent to Vandruffs Island and Carrs Island and across the cut-off between said Islands, in Rock County Ill., in aid of navigation and for the development of water power."

On page 4 strike out lines 18, 19, 20, and line 21 to and including the words "Rock River" and insert "the north and the south branches or channels of Rock River, adjacent to Vandruffs Island and to Carrs Island and across the cut-off between said islands."

On page 4, line 22, after the word "Illinois," insert "in aid of navigation and."

On page 7, after line 14, insert "And the said Secretary of War may impose reasonable charges for the use of the flowage rights of the United States, if any, below the sites of the present Government dams at the head of said Carrs Island."

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to ask the gentleman from Minnesota whether he introduces this bill as a substitute?

Mr. STEVENS of Minnesota. We have introduced a substitute as an amendment to the bill. There were a great many changes desired——

Mr. COOPER of Wisconsin. What was the number of the bill?

Mr. STEVENS of Minnesota. The same number—14508.

Mr. COOPER of Wisconsin. Is the gentleman familiar with House bill 17878?

Mr. STEVENS of Minnesota. What is the title?

Mr. COOPER of Wisconsin. To incorporate the Rock River Navigation and Improvement Company.

Mr. BURTON of Ohio. Will the gentleman from Wisconsin yield to me? This is an entirely different measure from this. It has nothing to do with the other.

Mr. COOPER of Wisconsin. It has to do with the Rock River, and inasmuch as it flows through my district I desired to find out something about it.

Mr. BURTON of Ohio. It has nothing to do with that bill at all.

Mr. COOPER of Wisconsin. I understand it has nothing to do with it.

Mr. BURTON of Ohio. No, sir.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. STEVENS of Minnesota, a motion to reconsider the last vote was laid on the table.

IMPROVEMENT OF THE MOUTH OF THE COLUMBIA RIVER.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 17987.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17987) making an appropriation for the improvement of the mouth of the Columbia River.

Be it enacted, etc., That the sum of $400,000 be, and is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for continuing the improvement at the mouth of the Columbia River, Oregon and Washington, in accordance with the existing project.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

REGULATION OF SHIPPING IN THE PHILIPPINE ARCHIPELAGO, ETC.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of a bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 18025) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes.

Be it enacted, etc., That on and after April 11, 1909, no merchandise except supplies for the Army or Navy shall be transported by sea, under penalty of forfeiture thereof, between ports of the United States and ports or places in the Philippine Archipelago, directly or via a foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States. But this section shall not be construed to prohibit the sailing of any foreign vessel between any port of the United States and any port or place in the Philippine Archipelago: *Provided*, That no merchandise other than that imported in such vessel from some foreign port which has been specified on the manifest as for another port, and which shall not have been unloaded, shall be carried between a port of the United States and a port or place in the Philippine Archipelago.

SEC. 2. That on and after April 11, 1909, no foreign vessel shall transport passengers between ports of the United States and ports or places in the Philippine Archipelago, either directly or by way of a foreign port, under a penalty of $200 for each passenger so transported and landed.

SEC. 3. That sections 1 and 2 of this act shall not apply to the transportation of merchandise or passengers between ports or places in the Philippine Archipelago. Until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Archipelago the government of the Philippine Islands is hereby authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago.

SEC. 4. That sections 1 and 2 of this act shall not apply to the voyage of a vessel between a port or place in the Philippine Archipelago begun before April 11, 1909.

SEC. 5. That sections 1 and 2 of this act shall not apply to vessels owned by the United States.

SEC. 6. That on and after the passage of this act the same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Archipelago which are

required by law to be levied, collected, and paid upon vessels coming into the United States from foreign countries: *Provided, however*, That until April 11, 1909, the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Archipelago and the United States: *And provided further*, That the Philippine Commission shall be authorized and empowered to issue licenses to engage in lighterage or other exclusively harbor business to vessels or other craft actually engaged in such business at the date of the passage of this act, and to vessels or other craft built in the Philippine Islands or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands.

SEC. 7. That the Secretary of Commerce and Labor shall, from time to time, issue regulations for the enforcement of this act, except as otherwise provided in section 3: *Provided*, That such of the navigation laws of the United States as are in force in the Philippine Archipelago in regard to vessels arriving in the Philippine Islands from the mainland territory and other insular possessions of the United States shall continue to be administered by the proper officials of the government of the Philippine Islands.

SEC. 8. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

The SPEAKER. Is there objection to the consideration of the bill at this time by unanimous consent?

Mr. HUMPHREY of Washington. Mr. Speaker, I will have to object to unanimous consent.

Mr. CRUMPACKER. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Indiana moves to suspend the rules and pass the bill. Is a second demanded?

Mr. HUMPHREY of Washington. Mr. Speaker, I demand a second.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Indiana is entitled to twenty minutes and the gentleman from Washington is entitled to twenty minutes.

Mr. CRUMPACKER. Mr. Speaker, the only effect of this bill is to postpone the time when the coastwise laws of the United States shall become applicable to the Philippine Archipelago. By an act of Congress approved on the 15th day of April, 1904, it was provided that on and after the 1st day of July, 1906, all of the commerce between the Philippine Archipelago and the United States should be conducted in American ships, that Philippine shipping from that time forward should be coastwise commerce. It was then hoped and expected on the part of the friends of the bill that the custom duties upon products shipped from the Philippine Islands to the United States would be very materially reduced if not altogether abolished. It was the hope and expectation also of those who supported the bill that American ship companies would provide themselves with adequate facilities to take care of the shipping trade between the United States and the archipelago. All of these hopes and expectations have been disappointed. The shipping trade of the Philippine Archipelago is comparatively small and inconsequential. It is conducted now as an incident to oriental trade in general, and ships of American register and foreign register, stopping at ports in the Philippine Islands, take on cargo, large and small, destined to the United States at convenient times. If this bill shall not be passed, and if the present law is permitted to stand, from the 1st day of July next all of that commerce must be conducted in American ships, and the result will be most disastrous to the prosperity of the archipelago. It is estimated by the Philippine Commission that the freights now paid upon their shipping will be increased at least 50 per cent. With 75 per cent of the Dingley duties upon products shipped from the Philippine Islands to this country, 50 per cent increase in their freight rates upon products shipped to this country, the archipelago will be positively at a disadvantage as compared with foreign countries. It would be better for the commercial interests of the archipelago if it were recognized entirely and altogether as foreign territory.

Mr. STAFFORD. As I remember, two years ago the question before the House, when the bill then pending was under consideration, was the alternative whether we would delay the enforcement of the coastwise laws until June, 1906, or until June, 1909. I would like to ask the gentleman whether there has been any developments in the shipping interests by reason of this law that was then enacted, providing for the enforcement of the coastwise laws in June, 1906?

Mr. CRUMPACKER. Does the gentleman mean to inquire whether there has been any provision made to meet the requirements of the law?

Mr. STAFFORD. Whether there has been any extension in the shipping interests in view of giving to the American-made vessels a monopoly of the Philippine tariff?

Mr. CRUMPACKER. I think there has been none at all.

Mr. STAFFORD. Then I would like to ask the gentleman whether he thinks that by postponing for three years, until April 11, 1909, there will be any additional American ships built by reason of that prospective monopoly we were going to create for the Philippine trade?

Mr. CRUMPACKER. I hardly know how to answer that question, because any answer I could make would be purely conjectural. I believe this, that in the meantime we will probably abolish the custom duties upon Philippine products, and if we had free trade now with the islands they could probably get along if the coastwise laws applied to their shipping. But customs rates have not been reduced, and there seems to be no immediate prospect that they will be reduced.

Mr. STAFFORD. I understand the gentleman, then, that by reason of the reduction of the tariff upon Philippine imports the Philippine producers could afford to pay more for the freight, and thereby allow that to go into the hands of the ship-carrying trade?

Mr. CRUMPACKER. They would be in better condition. I do not know what the future may——

Mr. STAFFORD. To pay the higher, increased traffic?

Mr. CRUMPACKER. I do not know what the future may develop in relation to the shipping industry. I do not know what legislation there may be.

Mr. COCKRAN. Mr. Speaker, it is utterly impossible to hear.

Mr. CRUMPACKER. Mr. Speaker, this bill is calculated to afford temporary relief in the hope that some permanent change in conditions for the betterment of the affairs of the Philippine Archipelago will take place during the next three years. The bill is recommended by the Philippine Commission and indorsed by the Secretary of War. I believe people who are at all acquainted with the affairs of the archipelago generally concur in the view that some relief of this character is imperatively required.

Mr. STAFFORD. Will the gentleman permit me to make a statement?

Mr. COCKRAN. I would like to know what the character of the bill is.

Mr. CRUMPACKER. I have yielded to the gentleman from Wisconsin; I will answer the gentleman from New York in just a moment.

Mr. STAFFORD. I want to say I do not question the necessity at all of having some legislation to take down the bars so as to limit the effect of the bill we passed two years ago.

Mr. CRUMPACKER. I will say to the gentleman from New York the bill is to postpone the time when the coastwise laws of the United States will become operative upon the commerce of the Philippine Archipelago for about three years. I now reserve the balance of my time.

Mr. LITTLEFIELD. I would like to make an inquiry before the gentleman takes his seat. I would like to inquire whether the Secretary of War insists upon this amendment being taken up and acted upon now, as the gentleman understands it.

Mr. CRUMPACKER. Well, I do not know about that. I am not prepared to say what the Secretary of War is insisting on now. I insist that it should be taken up and acted upon and signed by the President before the 1st of next July; and if it is to be acted upon at this session of Congress it seems to me high time we were at it.

Mr. LITTLEFIELD. I will say for the information of the gentleman from Indiana——

Mr. CRUMPACKER. I want the gentleman to speak now in the time of the opposition. I understand he is opposed to the bill.

Mr. LITTLEFIELD. The gentleman from Washington will yield me five minutes.

Mr. HUMPHREY of Washington. I yield to the gentleman from Maine.

Mr. LITTLEFIELD. I will say, for the benefit of the gentleman from Indiana, that there is now pending in Senate bill 529 a provision relating to the coastwise laws and their application to the Philippines. I do not know that I am violating any confidence when I say that that provision was introduced in that bill with the concurrence of gentlemen who are especially interested in the welfare of the Philippine Islands; and that provides for a subvention to American vessels engaged in the Philippine Islands trade until the coastwise laws apply, and it has been understood, or at least it was the expectation that this measure that is now taken up by my distinguished friend was not to receive action until that bill might be perhaps reported to the House, and the whole question considered together.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. LITTLEFIELD. Certainly.

Mr. COOPER of Wisconsin. That provision of that bill to which the gentleman from Maine alludes is the measure commonly called the "ship-subsidy bill?"

Mr. LITTLEFIELD. It is.

Mr. COOPER of Wisconsin. So that in order to get this much relief in the interest of the Philippine Islands a Member of the House will be obliged to vote for the ship-subsidy bill? Is that the idea?

Mr. LITTLEFIELD. Not by any means.

Mr. COOPER of Wisconsin. How else could he get it?

Mr. LITTLEFIELD. He could get it by the gentleman in charge of this bill now giving unanimous consent to put on this bill an amendment that will take care of American shipping during that period of time. It is precisely for that reason, Mr. Speaker, that I am now on my feet during these five minutes, explaining in a general way to my friend from Indiana just exactly what the situation is; and I now ask unanimous consent that I may introduce an amendment accomplishing that result.

Mr. JONES of Virginia. Mr. Speaker——

Mr. LITTLEFIELD. I would like to ask for unanimous consent for the introduction of an amendment providing for this subvention to American vessels engaged in the Philippine trade until the coastwise laws go into effect.

Mr. GILBERT of Kentucky. I object, Mr. Speaker.

The SPEAKER. Objection is made.

Mr. LITTLEFIELD. What was the purpose of the gentleman from Virginia?

Mr. JONES of Virginia. I was going to make the objection if the gentleman from Kentucky had not made it.

Mr. LITTLEFIELD. You were trying to get my consent so that you might object?

Mr. JONES of Virginia. Oh, no.

Mr. LITTLEFIELD. I beg your pardon. Well, I presume it is impossible under the rule to get an amendment on this bill unless there is unanimous consent, and I understand my distinguished friend from Kentucky objects.

Mr. GILBERT of Kentucky. Oh, certainly.

Mr. SHERLEY. And others would.

Mr. LITTLEFIELD. I yield back the balance of my time.

Mr. HUMPHREY of Washington. I yield five minutes to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, the situation upon which we are now acting came from the passage of a bill reported from the Committee on Merchant Marine and Fisheries in Congress two years ago. This bill comes now from the Committee on Insular Affairs. Its purport is simply and solely to affect the American merchant marine, and this is exclusively in the jurisdiction of that committee and exclusively out of the jurisdiction of the committee that has reported the bill. I am unable to talk, but want, if possible, to give the House a fact or two in connection with this legislation.

While the Taft party was in the Philippine Islands, at the request of Mr. Secretary Taft I undertook the labor of consulting all of the interests there and getting evidence as to the necessity of this or similar legislation. I held a good many interviews with the prominent business men of the place. I have not all of them here, but I have a large amount of very valuable testimony throwing light upon this whole question. I did not know that this bill had been introduced or carried to the Committee on Insular Affairs until it was reported back again; and while some members of the Taft party must have known of the deposit of this testimony in my possession, I have not been called upon or requested at any time to make it manifest, so that the great commercial bodies of Manila could be heard. I have in my possession the statement, very elaborate and very carefully prepared, of the United Chamber of Commerce of Manila and others, and, furthermore, the Shipowners' Association of the Philippine Islands in a subsequent statement.

Now, I think that it is due to myself, they depending upon me to present their view of this question, and having a right to depend upon me that I would do it, and I being wholly misled by reason of the fact that we were waiting for the action of the committee upon another bill, I think I ought at least to present this matter to the House, and at the close of my effort to speak, I will ask unanimous consent to put these statements of the parties interested into the RECORD, so that the public may know something of the real merits of this claim. It may be said that I should have raised the question of jurisdiction, and it could only have been decided in one way; but I did not know that this bill had been introduced. I know that it is probably the duty of a Congressman to read the RECORD every morning, to see what bills are introduced and where they go, but I do not always do that, and I confess that in the present emergency I was derelict in that particular. I therefore ask unanimous consent to place in the RECORD the testimony that I hold in my hand.

The SPEAKER. The gentleman from Ohio asks unanimous consent to print the matters referred to. Is there objection?

There was no objection.

The testimony is as follows:

Report of the united Chambers of Commerce of Manila, Shipowners' Association of the Philippines, and others, to General GROSVENOR, chairman of the House Committee on Merchant Marine and Fisheries.

MANILA, P. I., *August 19, 1905.*

Report submitted by the united Chambers of Commerce of Manila, the Shipowners' Association of the Philippines, and others, to General GROSVENOR, chairman of the House Committee on Merchant Marine and Fisheries, in response to his invitation of the 11th of August, requesting information, as follows:

"The effect of the Frye bill now passed into law to begin its operations next July.

"What will be the effect of this law upon the interests of the islands? Will there grow out of it probably a monopoly in trade that will be injurious to the producers here (in the Philippines)?"

The Frye bill, which is Senate Document No. 2259, passed the Senate of the United States and became a law on December 8, 1903. This law, unless repealed, will come into force on July 1, 1906. It provides that no merchandise shall be transported by sea under penalty of forfeiture thereof between ports of the United States and ports or places in the Philippine Archipelago, directly, or via a foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States. It further provides that no foreign vessel shall transport passengers between ports of the United States and ports or places in the Philippine Archipelago, either directly or by way of a foreign port, under a penalty of $200 for each passenger so transported and landed.

The reason for the enacting of the Frye bill could only have been based on the necessity of protecting the United States flag with a view to building up its mercantile marine, the benefit of which would be derived entirely by the shipowners of the United States. To give this benefit to the shipowners of the United States, an advantage heretofore enjoyed by the inhabitants of the Philippine Islands in being able to get their products to the consuming markets through competition by the cheapest routes is to be taken away from them, or, to use plainer language, with no advantage given them to compensate them for the loss, they are to be exploited for the benefit of the shipowners of the United States.

These islands have fallen into a state of financial collapse, due to a seven years' war; rinderpest, which annihilated the draft animals, and consequent failure of crops. The country is therefore by no means in a condition to pay such tribute to the United States, but rather requires careful fostering until agriculture—the backbone of Philippine prosperity—is once more in a thriving condition and its finances again placed on a sound footing.

The Frye bill in its present state gives full license to any shipowners or combination of shipowners, commonly termed a "pool," to charge rates of freight and passage as high as the trade will stand. No subsidy is authorized to allow their cheapening rates of freight and passage, and no condition is made restricting them in the matter.

In the parallel case, where Spain imposed coastwise laws between the mother country and the Philippines, she subsidized a mail line and made it one of the conditions that the rates from any Spanish ports should in no case be higher than the current rates from Liverpool. By this provision Spain continually derived the benefit of the fluctuations of all the competing lines running to Great Britain, and thus minimized the evil effects of the law.

There exists in America a radical defect which militates very much against her being able to compete with other countries in the cheap transportation of freight and passengers. This lies in the cost of shipbuilding being fully 50 per cent above that of Europe and the wages of the officers and crew of an American ship being very much higher than those paid by all other countries. Add to this that these nonsubsidized American steamers have to compete against the heavily subsidized German, French, Japanese, Canadian, and other lines and the cheaply built and cheaply manned German, Norwegian, and British tramp steamers and it will be seen at a glance that American steamers are too heavily handicapped to be able to run at the same low rate of freight as these other vessels.

It therefore goes without saying that while when forced by open competition American vessels may keep the rates down to within reach of a competitive figure, they would immediately raise their rates to all that the trade would stand when protected by such a law as the Frye bill. This would mean that the price of hemp to the producer would go down in proportion as the rate of freight goes up. It would mean that our sugar, already handicapped by being so far away from the consuming markets, would certainly not go to the United States and that any concession in duties in favor of Philippine sugar for the benefit of the islands would in a great measure disappear into the pockets of the steamship companies. And it would mean the death stroke to the importation of American goods into these islands; or, if American goods were continued to be brought in, they could only do so, with any chance of competing with foreign goods, by the Frye bill being evaded as follows: By being brought through, or rather from, a Hongkong firm. Thus a Hongkong firm might import American goods in any bottoms to Hongkong, and a firm here could buy such goods and bring them into Manila in any bottom. This, of course, would mean a profit to the Hongkong firm, and, what is more serious, would mean a diversion of trade to the detriment of the port of Manila.

The transshipping expenses in Hongkong are only 75 centavos (37½ cents gold) per ton, and the freight from Hongkong to Manila is only a small proportion of the through freight. While a small amount of American goods might be imported either direct or by way of Hongkong, there is no doubt whatever that foreign goods, coming by the cheaper foreign lines and under an equal customs tariff, would command the market.

A good example of the effect of a difference in freight rates is given to-day in the case of flour imported into the Philippines. The freight rate from San Francisco is $5 per ton (United States currency). The freight rate from Australia is $3.75 per ton. In former days the San Francisco flour had sole command of the Philippine market, but, owing in great part to this difference in freight rates, the sale of Australian flour is increasing in the islands day by day. If such is the case to-day, when rates are open to competition, what will be the final result when the San Francisco rates are raised still further as an effect of the Frye bill?

It has been stated by those in favor of the Frye bill that there is sufficient tonnage to handle all the cargo between the Philippines and the United States, both ways, and this is probably very true, provided a sufficient number of the ocean-going vessels flying the American flag

are dedicated to this trade; but one thing is to have sufficient tonnage to give proper service, and another thing is to have a sufficient surplus of such tonnage to compete for the trade and reduce freights to a reasonable rate.

It will be well to take warning from the object lesson of the Navy Department's effort of the other day to transport all of its coal to these Islands in American bottoms. After profusely advertising for bids, the Department was able to contract for transportation in American bottoms at nearly double foreign tonnage rates, but, for want of sufficient United States tonnage, was obliged, in the end, to transport a large portion in foreign bottoms.

The following paragraphs, taken from an article contributed by Col. H. B. McCoy, deputy collector of customs at Manila, to the Manila Bulletin, will be of interest as showing how the lower rates of freight by foreign bottoms (see tables of freight rates ruling at the present time appended hereto), and probably also the scarcity of competing American tonnage, has thrown the bulk of the carrying trade to the foreign bottoms:

"During the year 1904, 556 vessels, having a net registered tonnage of 1,005,488 tons, entered the port of Manila bringing freight aggregating 624,092 tons, valued at $25,949,208 gold. Of this import tonnage, 76,062 tons, valued at $4,916,543, was from the United States, and 2,525 tons, valued at $554,067, was from Hongkong. This Hongkong tonnage does not represent the quantity actually carried by the Hongkong-Manila steamers, as it does not include foreign transit cargo transshipped at that port for Manila and other Philippine ports. Of these vessels, 82, with a registered tonnage of 254,407 tons, were of American registry arriving from the United States, and 194, with a registered tonnage of 266,527 tons, were of foreign registry arriving from Hongkong. Of the import tonnage brought to Manila, merchandise to the value of $301,420 (a trifle over 1 per cent of the total) was carried in vessels of the Philippine Islands and consisted mainly of rice cargoes imported from Saigon.

"The export trade of the islands shows practically the same conditions and proportions. During the year there was exported from the port of Manila 162,404 tons of merchandise, valued at $22,562,402 gold. Of this, 49,554 tons, valued at $8,813,742, went to the United States, and 9,076 tons, valued at $1,192,292, went to Hongkong. Again, the Hongkong tonnage does not correctly represent the shipments to or through that port, as transit cargoes are not included therein. Of the total exports only $2,011,002 was carried in American bottoms and none in vessels of the Philippine Islands."

With regard to passengers, we consider that the enforcement of section 2 of the Frye bill would be a distinctly retrograde movement in these days when the way of the traveler should be rather made easier instead of more difficult. Besides the shadow of police surveillance, implied in the penalty of $200, the traveler is distinctly handicapped in the choice of routes and way ports, and such a thing as a 'round-the-world ticket would be entirely impossible. The result, again, would be to divert the passenger traffic by way of Hongkong.

In view of the foregoing reasons we can not too strongly impress upon you the urgent necessity of taking action to ask that the Frye bill be entirely revoked, and we sincerely trust that you will give our petition your able and hearty support.

Respectfully,

W. H. Bishop, President American Chamber of Commerce; Rafael Detian, Presidente de la Cámara de Comercio Filipino; the Manila Chamber of Commerce, per D. W. Henning, Acting Secretary; R. E. Barretto, Presidente de la Camaro de Comercio Española; Cu un jieng, Presidente de la Camara Comercio China; John T. Macleod, Honorary Secretary Shipowners' Association of the Philippines; Miguel Velasco, Miembro del Consejo de Gobierno de la Asociacion de Proprietairios de la Manila; V. D. Fernandez, Miembro del Consejo de Gobierno de la Asociacion de Proprietarios de Manila; L. D. Jarrems, Miembro de la Consejo de Gobierno de la Asociacion de Proprietarios de Manila.

APPENDIX A.

Outward freight rates.

[Figures in United States currency.]

From Manila to—	Hemp, per ton of 2,240 pounds.	Sugar, per ton of 2,240 pounds.	Copra, per ton of 2,240 pounds.	General cargo, per 40 cubic feet.
New York, Boston, and Philadelphia via Suez Canal	$10.50	$5.00	----------	$8.00
Chicago, New York, Boston, and Philadelphia via Pacific Ocean and overland	16.80	----------	$22.40	15.00
Liverpool, London, Hamburg, and Marseille via Suez Canal	12.50	----------	6.75	----------
San Francisco, Seattle, and Portland via Pacific Ocean direct	13.20	----------	----------	8.00
Melbourne and Sydney via Torres Straits	10.50	----------	----------	10.50

APPENDIX B.

Inward freight rates.

[Figures in United States currency.]

To Manila from—	Flour, per ton of 2,240 pounds.	General merchandise, per 40 cubic feet.
New York, Boston, and Philadelphia via Suez Canal	----------	$8.00
Chicago, New York, Boston, Philadelphia, and principal cities of United States overland and via Pacific Ocean	----------	11.25
Liverpool, London, Hamburg, and Marseille via Suez Canal	----------	7.50
San Francisco, Seattle, and Portland via Pacific Ocean direct	$5.00	8.00
Melbourne and Sydney via Torres Straits	3.75	6.25

Report of the Shipowners' Association of the Philippines to General GROSVENOR, chairman House Committee on Merchant Marine and Fisheries.

MANILA, P. I., *August 19, 1905.*

Report submitted by the Shipowners' Association of the Philippines to General GROSVENOR, chairman of the House Committee on Merchant Marine and Fisheries, in response to his invitation of the 11th of August, requesting information as follows:

"It is desired to know the opinions of the men competent to state what ought to be done with the interisland traffic. Should the coastwise navigation laws of the United States be extended to this traffic? If not, what would be advisable for the improvement of this commerce? Furthermore, if the coastwise laws of the United States should be extended here (in the Philippine Islands), what ought to be done in regard to the vessels now carrying foreign flags in this trade?"

With regard to navigation laws to govern the interisland traffic we are perfectly satisfied with the manner of the present legislation, which is practically an extension of the coastwise navigation laws of the United States with modifications to suit local conditions. Section 73 of act 355 of the Philippine Commission reads:

"In the coasting trade the admeasurement, documenting, enrollment, and licensing of vessels built or owned in the Philippine Archipelago, and in the making and recording of all documents relating thereto, the insular collector shall observe, promulgate, and enforce such orders and regulations respecting the same as have been heretofore or shall hereafter be prescribed by the proper authority. In the absence of such regulations or orders he shall observe and follow the laws of the United States and the regulations of the Treasury Department of the United States so far as may be in his sound judgment applicable."

The conditions of the interisland trade are so entirely different from those obtaining in the United States or in any of its other possessions that we consider it absolutely necessary that the legislation governing same should be entirely separate and enacted to suit local conditions. This would in no way act to the prejudice of vessels engaged in the coastwise trade of any other American territory, as this local legislation would cease to be effective outside of the Philippine Islands, except in so far as regards the flag.

With regard to what would be advisable for the improvement of our commerce, we would cite that the establishment of a mail service by regularly scheduled routes, proposals for bids for which are out, to be opened on the 2d of January next, should bring the required improvements which will place the shipowners on a much more stable basis and give to the public and the Government a more efficient and satisfactory service. The other improvements that would aid in developing this commerce will, we are confident, in the able hands of the honorable Commission, come in time, and in such measure as the country can afford in the building of jetties and wharves and the dredging of rivers to provide a cheaper mode of loading and discharging cargo.

With regard to vessels now carrying foreign flags in this trade, we beg to state that there are none, as act 520, of the Philippine Commission, which temporarily allowed foreign vessels to enter into interisland trade, owing to a scarcity of tonnage caused by the quarantine regulations in force during the cholera epidemic of 1902–3, expired by time limit on the 1st of July, 1904.

With regard to legalizing the status of the vessels engaged in the interisland trade, section 3, of the Frye bill, says:

"Until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Archipelago the government of the Philippine Islands is hereby authorized to adopt from time to time and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago."

We think that the delay in so authorizing the registry is unjust to the local owners. The standing of the locally-owned vessels is as follows:

At the time of the taking of Manila, on the 13th of August, 1898, all the vessels engaged in the interisland trade of the Philippines were legally registered under the Spanish flag. As it was necessary to take immediate steps so that the interisland trade, interrupted since the battle of Cavite on May 1, 1898, should be resumed, an order was promulgated by the captain of the port, under date of August 30, 1898, by direction of the military governor, General Otis, the second paragraph of which provided that vessels registered as Spanish property be given a permit to carry the flag of the United States and, as such, entitled to protection as American property, etc.

No distinction was made as to whether the vessel making application for such protection was owned by a native of the islands, a Spaniard, or a foreigner. The point to be shown was proof beyond doubt that the vessel was registered as Spanish property.

This order was subsequently modified by Executive order of the 3d of July, 1899, which is embodied, with regulation governing same, in Tariff Circular 81, War Department, July 8, 1899. Most of this tariff circular is now embodied in the customs administrative act of February 6, 1902, No. 355, entitled, "An act to constitute the customs service of the Philippine Archipelago and to provide for the administration thereof."

Section 117 of this act reads as follows:

"Collectors of customs may issue a certificate of protection, entitling the vessel to which it is issued to the protection and flag of the United States in all ports and on the high seas if the vessel is owned by:

"(a) A citizen of the United States residing in the Philippine Islands;

"(b) A native inhabitant of the Philippine Islands upon taking the oath of allegiance to the United States;

"(c) A resident of the Philippine Islands before April 11, 1899, hitherto a subject of Spain, upon abjuring his allegiance to the Crown of Spain and taking the oath of allegiance to the United States."

However, by some oversight, no provision had been made for corporations or companies owning vessels and operating them under the Spanish flag and which were under their control on April 11, 1899. But this oversight was rectified by act 1235 on September 22, 1904, entitled "An act to amend act 355, known as the 'Philippines customs administrative act.'" Section 3 of this act amends section 117 of act 355 by making paragraph (a) read as follows:

"A citizen of the United States residing in the Philippine Islands or a corporation or company created under the laws of the United States or of any State thereof or of the Philippines: *Provided*, That any duly authorized officer of such corporation or company or the managing agent or the master of the vessel for which the license is sought resides in the Philippines."

Now, therefore, all of the vessels operating in the interisland trade at the present time are bona fide owned and duly registered under the laws

at present in force. No doubt whatever exists in the minds of their owners as to their legal right to the protection of the United States flag for all time.

It has been the practice of the United States, in the case of accretions of territory to it, to provide for the registration, as vessels of the United States, of vessels owned by the subjects, citizens, or residents of the territory acquired, and, in the case of the Louisiana purchase, owned by citizens of the United States in the territory at that time.

On the accretion of the Territory of Hawaii all vessels carrying Hawaiian registers, and which were owned bona fide by citizens of the United States or by citizens of Hawaii, together with several other vessels claiming Hawaiian register, were registered as vessels of the United States.

On the accretion of the island of Porto Rico to the United States the Commissioner of Navigation was instructed to make such regulations, subject to the approval of the Secretary of the Treasury, as he deemed expedient for the nationalization of all of the vessels owned by inhabitants of Porto Rico who then resided in the island or were deemed and held to be citizens of Porto Rico, except such as had elected to preserve their allegiance to the Crown of Spain on or before the 11th day of April, 1899.

It will thus be seen that on the accretion of the Territories aforementioned all their vessels were given the same rights as all other vessels of the United States proper, and therefore it would be clear discrimination against the Philippine Islands if the locally owned vessels were not given full American registry.

Besides the legal aspect of the question, it must not be forgotten that had the local vessels not been available for use the entire commerce of the islands and the transportation of troops and supplies for the United States Government would have been paralyzed at a most critical juncture.

We would beg here to give an illustration of the possible result of discrimination against the locally owned vessels if they were not given full American registry. For instance, the proposals are out for bids, to be opened on the 2d of January next, for the contract of the interisland mail service throughout the archipelago for a period of five years. Agents of local steamship companies of the Hawaiian Islands have been looking over the ground here with a view to bidding for this contract and entering into our interisland trade. As there is already a large surplus of steamers for the present trade of these islands, a great number now being tied up for want of employment, with the influx of six or seven steamers from the Hawaiian Islands, and perhaps a few more from the United States, the local owners would be practically forced to put their steamers on the limited market for China or Japan ports and thus sacrifice their boats at less than one-half of their original cost.

As the case now stands, our Philippine-owned vessels are entirely prohibited from entering into the coastwise trade of Hawaii, Porto Rico, or the United States, or being sold to any of their ports, while vessels from any or all of these ports may come in to swamp our already half-ruined local owners. Such a discrimination would be neither just nor equitable, and we are fully confident that when these facts are brought before Congress action will be immediately taken to give all locally owned vessels full American registry.

We therefore respectfully request that you lay our case clearly before Congress, ably, we know you will, and use your best endeavors to obtain a favorable legislation.

Respectfully,

JOHN T. MACLEOD,
Honorary Secretary of the
Shipowners' Association of the Philippines.

We, the undersigned, do hereby indorse the foregoing report in all its parts.

R. E. Barretto, Presidente de la Cámara de Comercio Española; Rafael De Casin, Presidente de la Cámara de Comercio Filipino; The Manila Chamber of Commerce, per D. W. Henning, Acting Secretary; Curni Jieng, Presidente de la Cámara Comercio China; Miguel Velasco, Miembro del Consejo de Gobierno de la Asociacion de Propietarios de Manila; V. D. Fernandez, Miembro del Consejo de Gobierno de la Asociacion de Propietarios de Manila; S. Barreno, Miembro del Consejo de Gobierno de la Asociacion de Propietarios de Manila.

Mr. HUMPHREY of Washington. I should like to ask the gentleman from Indiana [Mr. CRUMPACKER] whether, in case the tariff between this country and the Philippine Islands should be abolished, this bill makes any provision for the coastwise laws to go into effect before 1909?

Mr. CRUMPACKER. No; there is no provision of that kind in this bill. We thought the Philippine Archipelago could stand this bill, even though the tariff should be taken off.

Mr. HUMPHREY of Washington. I should like to ask the gentleman whether there were any hearings on this bill before his committee?

Mr. CRUMPACKER. No; there were no formal hearings. The committee were all fully advised in a general way of the needs of the Philippine Islands through the Commission and the Secretary of War. I think Secretary Taft, in a statement before the committee earlier in the session, discussed this question and emphasized the necessity of making a postponement, and not altogether repealing the law.

Mr. HUMPHREY of Washington. Was the gentleman's committee so well informed that it did not want to have any hearings or to give the shipowners or people immediately opposed to this matter any opportunity to appear before the committee?

Mr. CRUMPACKER. We recognized the fact that there are limitations upon our information, and that we can be instructed, but we thought that primarily the welfare and interests of the Philippine Archipelago were involved. That was the primary consideration, and that we owed it to the archipelago to give them as free commerce under existing conditions as it was possible to do for at least three more years.

Mr. HUMPHREY of Washington. May I ask the gentleman when the bill was introduced?

Mr. LITTLEFIELD. April 11.

Mr. HUMPHREY of Washington. When a similar bill was introduced before it went to the Committee on the Merchant Marine and Fisheries, did it not?

Mr. CRUMPACKER. It went to the Committee on the Merchant Marine and Fisheries, I think improperly. I introduced the bill and indorsed it to the Committee on Insular Affairs. That bill was held up two or three days, and I insisted that it should go to the Committee on Insular Affairs. I think it should have gone there then, and I think that the present bill logically and properly went to that committee.

Mr. HUMPHREY of Washington. Of course it is too late to argue that question now. I want to make just one statement in reference to the inquiry that was propounded by the gentleman from Wisconsin. He wished to know whether or not there had been any shipping built under its terms, under the provision that the law was to go into effect in 1906. There is a very reasonable explanation, however, why no shipping has been built, because the statement was made here upon the floor of this House that when the time came for that law to go into effect the cordage trust of this country would be here asking that it be extended. Can you expect the shipowners of this country, when they were anticipating the very thing that has happened, to go to work and build ships for that trade?

Mr. STAFFORD. Does the gentleman mean to state that the bill we are now considering is the result of the efforts of the cordage trust?

Mr. HUMPHREY of Washington. I do not mean to state that it is the result of the cordage trust, but I say that the cordage trust has been urging this legislation, and I further state that it appeared before our committee urging this legislation. I further state that it is to the interest of the cordage trust that the hemp be carried by the ship combine formed by foreign ships by way of London to New York, instead of being brought to the Pacific ports by American ships.

Mr. STAFFORD. Is that the only article of Philippine growth affected by this bill?

Mr. HUMPHREY of Washington. I do not know about that.

Mr. STAFFORD. Is the gentleman further acquainted with the representation made two years ago when a bill of a similar nature was under consideration, that it would be a great hardship to the Philippine producer when the coastwise laws took effect, without any additional American ships to render competition in freight traffic at all possible?

Mr. HUMPHREY of Washington. Yes; I am well acquainted with that report, but I do not believe it is true. We had testimony before our committee that there was nothing in that statement whatever.

Mr. STAFFORD. Does the gentleman think that freight can be carried as cheaply from the Philippines to American ports in American-made ships as in foreign-made vessels?

Mr. HUMPHREY of Washington. I think the American vessels can carry hemp from Manila to the American coast as cheaply as a British vessel can carry it from Manila to London and from London to New York.

Mr. STAFFORD. I put the question to the gentleman whether the American-made ship can carry Philippine products as cheaply as a foreign-built ship?

Mr. HUMPHREY of Washington. It is not a question of whether they can or not.

Mr. STAFFORD. That is my question.

Mr. HUMPHREY of Washington. That is the gentleman's question, but I say that the American-built ship will carry the products from the Philippine Islands, if you will give them the opportunity to get that trade—the trade that the combine of foreign ships are now carrying.

Mr. STAFFORD. What prevents the American ships from having the advantage of getting that trade in competition with foreign-made ships?

Mr. HUMPHREY of Washington. If I had known that this bill was being considered in the committee I would have presented the facts in relation to it, and if I had known that it was coming up here to-day I would have been prepared to present them.

Mr. STAFFORD. The gentleman is a member of the Committee on the Merchant Marine and Fisheries?

Mr. HUMPHREY of Washington. Yes.

Mr. STAFFORD. And that is a subject that has been before his committee only recently.

Mr. HUMPHREY of Washington. I will answer the gentleman's question. The reason why American ships now can not get this trade is because there is a combination between foreign ships and foreign merchants at Manila which prevents it.

We had testimony before our committee a few days ago that an American shipowner went to Manila to get a cargo, and there was a combination between the British vessels and the foreign merchants that prevented him from getting a cargo at any price. Whether that is true or not I do not know, but that was the testimony.

Mr. STAFFORD. I understand that the reason why the owners of foreign-built ships have an advantage over American shipowners is that they are subsidized by the foreign governments, and that the foreign governments accordingly pay a part of the freight in advancing a part of the profit through a subsidy, and that the American merchant received incidentally, by reason of lower freight rates, an advantage, and, without taking into consideration the additional handicap in increased cost of building in this country, the American-made ship could not compete with that made in foreign countries because of the subsidies paid.

Mr. HUMPHREY of Washington. Does the gentleman contend that if the foreign ships can carry our trade cheaper than the American vessels that thereby they ought to be allowed to carry it?

Mr. STAFFORD. If American capital——

Mr. HUMPHREY of Washington. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes.

Mr. HUMPHREY of Washington. Then I must decline to yield further. The gentleman from Wisconsin can answer in his own time. I do not want to prevent the gentleman from replying, but I want a little time myself. In regard to a statement made that there are no American ships to carry this trade, I will inform the gentleman that there are enough vessels running out of Puget Sound now to carry four times the trade between this country and the Philippine Islands. There are two vessels that run between Puget Sound and the Orient to-day that can carry more than the trade between this country and the Philippine Islands. The reason that the vessels of the Great Northern Railway no longer go there is because there is no trade for them. In addition to these vessels there are five vessels of the Boston Steamship Company, two of 10,000 tons each and three of about 5,000 tons each that run to Manila. They can not get full cargoes. The statement that there are no American ships to carry this trade is an error. There may be other reasons, and perhaps there are, why this law should be extended, but lack of ships is not one. What I am objecting to is the present consideration of this bill. It has been introduced, been reported, and called up here for passage without the people who are interested in it having any opportunity to be heard.

I know that I should like to have had an opportunity to appear before the committee. I would like to have presented to them some of the facts. I think under the circumstances that we who are opposing this bill can not be charged with being dilatory in this matter. This bill was before our committee before. We had reason to believe it would come there again. In addition to that fact, there is a bill now pending before our committee, as every man who has given the question any attention knows, upon this very subject. I do not think that this is a proper way to legislate, to introduce a bill that before has gone to another committee, call it up in a few days and report it without a hearing, come in here immediately and demand that it be passed. This bill affects interests very directly in my country. It affects American shipping interests everywhere. We ought to have some opportunity to be heard. I think the shipping interests of this country should have had some opportunity to appear and present their side of the case.

Mr. Speaker, I yield the balance of my time to the gentleman from Maine [Mr. LITTLEFIELD].

Mr. LITTLEFIELD. Mr. Speaker, how much time is there left?

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] has two minutes remaining, the gentleman from Indiana [Mr. CRUMPACKER] has twelve minutes remaining.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. STAFFORD] may have two minutes in which to make a statement.

The SPEAKER. The gentleman from Maine asks unanimous consent that the gentleman from Wisconsin may have two minutes in which to make a statement. Is there objection?

Mr. CRUMPACKER. Mr. Speaker, I think the gentleman from Maine asks that not, perhaps, as a matter of courtesy. I understand that the gentleman from Wisconsin [Mr. STAFFORD] is not anxious for time.

Mr. STAFFORD. Oh, I would like to have an opportunity to reply.

Mr. CRUMPACKER. Mr. Speaker, I think I will object. There are other bills waiting, and I do not think the time ought to be extended.

Mr. LITTLEFIELD. Mr. Speaker, it would be very unfortunate to occupy two minutes on a bill that must be passed within six days after it is introduced. I congratulate the Committee on Insular Affairs on the great speed that they have manifested in connection with this question. I do not intimate that the speed has been indulged in to prevent people from having an opportunity to be heard, but I do congratulate the committee on its speed, because I never heard of the bill until I saw this morning in the paper that the bill had been reported from the Committee on Insular Affairs, and I was just arranging for my own convenience and in order to take care of the interests of some people that I represent to attend a meeting of the Committee on Insular Affairs for the purpose of being heard on this question.

Now, I do not say the bill is not properly here, and I do not intimate that anybody is getting it here at this time in order to prevent people from being heard. I have no doubt they feel that there is an exigency here, possibly, and they ought to make dispatch, and certainly they are making dispatch. I am sorry that they had to make such dispatch that they could not give the gentleman from Wisconsin [Mr. STAFFORD] even two minutes. The wish of my friend from Indiana [Mr. CRUMPACKER] was the father to the thought. The gentleman from Wisconsin did want to say something. The gentleman from Indiana thought he did not want to say something. Therefore he objected.

Now, in the balance of my time I desire to read a letter which very succinctly states the conditions existing in the Philippine Archipelago in connection with this question, as to whether or not the coastwise laws of the United States should be extended to that part of the United States as well as to other portions of the United States, and give to the coastwise merchant marine the same privileges in connection with the Philippine Archipelago that they have elsewhere. So far as I am concerned, on every single item since the Philippine Archipelago became the property of but not a part of the United States, I have voted consistently to apply to them the same legislation, the same rules of law in every respect, either in the imposition of a tariff or any legislation that protects them and protects us, that we have everywhere.

The SPEAKER. The time of the gentleman from Maine has expired.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent that I may proceed for three minutes more in order to extend my remarks now.

The SPEAKER. The gentleman from Maine asks unanimous consent for three minutes. Is there objection?

Mr. LITTLEFIELD. Mr. Speaker, I hope the speed involved will not require any objection to this request.

The SPEAKER. The Chair hears no objection.

Mr. LITTLEFIELD. The haste is not such as makes it necessary to object.

Mr. CRUMPACKER. Oh, I do not object.

Mr. LITTLEFIELD. Mr. Speaker, I say that I have voted consistently for every proposition of that sort. I believe they ought to have the same constitutional rights, the same legal rights, and I believe in treating them from the beginning to the end as a part of the United States.

Mr. SHERLEY rose.

Mr. LITTLEFIELD. Oh, just a moment. I have not the time. The gentleman from Kentucky will excuse me, because I want to read this letter, and my time is very short.

Mr. SHERLEY. I see that the gentleman wants to make haste himself. [Laughter.]

Mr. LITTLEFIELD. I have to make haste. I must make hay while the sun shines. I desire to read here a letter which states very clearly and succinctly the conditions that have existed in the Philippine Archipelago, and they make it practically impossible for people interested in the coastwise trade with their vessels to engage successfully in that trade, which gives rise to the conditions that now exist. This letter is already in the RECORD, but I want to put it in the RECORD in this connection, so the committee may appreciate and the House may appreciate these practical conditions. It is as follows:

WASHINGTON, *D. C., January 24, 1906.*

Hon. C. E. LITTLEFIELD,
House of Representatives, Washington, D. C.

MY DEAR MR. LITTLEFIELD: The real difficulty as to the naval coal trade to Manila is that foreign houses absolutely control the hemp export trade, and will either give no cargoes to American ships bound home or force them to low and profitless figures. A few months ago rates on hemp to the Atlantic coast were about 50 shillings a ton. A large American steamer went out with coal to Manila. Freights instantly dropped to 32 shillings, even for a partial cargo. Immediately after the American steamer sailed freights rose again by foreign ships to approximately 50 shillings—

I suppose they had a trust in the transportation proposition among the foreign ships—

This game is regularly played. I believe but one of our steam or sail ships has had a full return cargo from the Philippines.

These American shipowners chartering tonnage for coal to the Government are compelled to figure at a higher price than foreign shipowners who are reasonably sure of a return cargo from Manila. That these foreign merchants at Manila, under the American flag, should thus make war on our merchant marine is, of course, outrageous, but we must bear it until the coastwise law goes into effect.

That will be until 1909, under this bill.

The SPEAKER. The time of the gentleman has expired.

Mr. LITTLEFIELD. Well, I will ask leave of the House to print the remainder of this letter. That is the foreign combination with the foreign owners with foreign vessels, making a combination that simply makes it impossible for the American ship to get business in Manila, the country that belongs to us, that is not a part of us, and the committee's bill extends the period over which this condition can be continued until 1909. Now, I ask unanimous consent to print the balance of this letter, which more fully shows this condition.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The remainder of the letter is as follows:

The Navy Department has not been fair on this question in its reports and testimony to Congress. It must have been aware of the handicap on American ships in Manila trade, but has not said a word about it—leaving the Democrats to infer, as they are glad to do, that our people are a lot of greedy monopolists.

I note that in yesterday's debate it was repeatedly stated that the rate in American ships on Navy coal to Manila was $7.50 a ton. The first American steamship accepted under this act of April 28, 1904, got $7. It appears in the debate that in the year before this law became effective the rate averaged in foreign vessels $6.53. But this American steamship was so delayed in loading that the three next steamers to offer asked $7.50, to cover the delay. Only these three cargoes have paid that rate. All the rest of our Navy coal sent out to Manila has gone, most of it, in sail vessels at a maximum of $6.50 and a minimum of $6. The latest charters, I understand, are at the $6 rate, 53 cents less a ton than the average in foreign bottoms from 1889 to 1904.

Of course the effect of the new law was to make foreigners bid their lowest, so as to prejudice the Navy Department and Congress against American shipowners. Apparently that has succeeded; but if the law were repealed, as the Democrats want, American ships would be driven out and the foreigners would put the rates up again, and the Navy would save little money.

If this matter comes up again in Congress some of these facts ought to be pointed out, and I know nobody so well equipped as you to do it.

Of course, if the subsidy bill is passed and the number of American ships increased, there will be a considerable reduction under this law in coal freights to Manila.

Cordially, yours, WINTHROP L. MARVIN.

Mr. FITZGERALD. Will the gentleman yield just a minute?

Mr. LITTLEFIELD. I think my time is out.

Mr. FITZGERALD. I just wanted to ask the gentleman if the letter stated what the gentleman's occupation has been?

Mr. LITTLEFIELD. Yes; I will be glad to state it. Do I have unanimous consent to state it, or is there too much haste?

Mr. CRUMPACKER. There is too much haste.

Mr. LITTLEFIELD. Too much hurry; very well, then, I can state it.

The SPEAKER. Does the gentleman from Indiana yield?

Mr. CRUMPACKER. I do not. Time is part of the essence of the contract. I yield four minutes to the gentleman from Virginia [Mr. JONES].

Mr. JONES of Virginia. Mr. Speaker, the proposition embodied in this bill is a very simple one, and one not difficult of comprehension. The date of its introduction is not important, and the length of time given to its consideration in committee wholly immaterial if it was carefully and fully considered. The committee which considered and reported it was unanimously of the opinion that there was pressing necessity for its early passage, and therefore consumed no time in useless and unprofitable hearings. Everybody possessing acquaintance with conditions in the Philippine Islands knows that it is very necessary that this bill ought to be passed and passed speedily. As the law now stands, after the 1st of July next the coastwise laws of the United States will apply to all shipping between the United States and the various ports of the Philippine Archipelago. This bill is merely intended to postpone for three years from the 1st of July next the application of the coastwise laws of the United States to our trade and commerce with the Philippine Islands. This bill is in the exact language of that passed two years ago—of the act which then postponed until July, 1906, the application of our coastwise laws to the commerce between the United States and the Philippines. The whole subject was then discussed at length, and the objections urged to that bill are precisely those which are offered. The interests which opposed that bill are opposing this. The question is not a new one, and the committee which considered and which now recommends the passage of this measure has long been familiar with the arguments advanced by its opponents. There are certain interests in America which are unalterably opposed to all legislation of this character. Those interests did not prevail two years ago, and I trust they may not prevail now, for the conditions which so strongly demanded that legislation have in nowise changed. Gentlemen who objected to the measure of two years ago object now to this, and they object for the same reason. My only objection to this bill is that it does not go far enough. Instead of postponing the date of the application of our coastwise laws to vessels engaged in our Philippine trade for three additional years I would postpone their application indefinitely. Instead of making those laws apply to vessels engaged in this trade after 1909, I would enact that they should never apply. That would be more logical, more reasonable, and more just.

Mr. BONYNGE. Mr. Speaker, will the gentleman yield?

Mr. JONES of Virginia. I have only a few minutes, I will say to my friend.

The SPEAKER. The gentleman declines to yield.

Mr. JONES of Virginia. It has been intimated that the cordage trust was behind this legislation. Mr. Speaker, with all due respect for the gentleman who presents that argument, I must say it has no weight with me. I find myself utterly unable to believe that such can be the case; the cordage trust, if there be one, has not attempted to make its influence felt in behalf of this proposed legislation. It is urged by the Secretary of War, it is urged by the Philippine Commission, it is favored by every human being who feels any interest in the welfare of the people of the Philippine Islands. I suspect, Mr. Speaker, if I may venture an opinion as to the interest which any trust is taking in this measure, that there is a very powerful trust strenuously opposing its passage. The talk about some foreign combination monopolizing our carrying trade with the Philippines if this bill is passed does not frighten me in the least. I can not be frightened into pursuing a course which I know will create a killing monopoly at home by the threat that my failure to pursue that course will result in the creation of a foreign monopoly. I don't believe it. Our trade with the Philippines is now quite insignificant, and if it be insisted that it shall be carried only in American bottoms it will soon disappear altogether. The tariff duties which we now impose upon all Philippine products is surely a sufficient burden upon our commerce with our oriental possessions. Unless this measure is passed a cruel monopoly will be created which will destroy forever any little hope there may now be of our enjoying the benefit of any trade with the Philippines. To fail to pass it will close effectually the markets of the United States to the Philippine products and materially increase in the Filipino mind the distrust which is now felt for Americans.

Mr. CRUMPACKER. Mr. Speaker, I yield four minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, I voted two years ago for an amendment which would have extended this law to 1909. I am more strongly in favor of such a proposition to-day, if possible, than I was at that time. The gentleman from Maine [Mr. LITTLEFIELD] says those islands are a part of the United States, that the Constitution is there, and therefore the navigation laws should go there. That means, under the decision of Justice White in the insular cases, that we never can get rid of the islands.

Mr. LITTLEFIELD. Mr. Speaker, "the gentleman from Maine" did not state anything of the kind, I beg the gentleman from Wisconsin to note. He said absolutely nothing of the kind.

Mr. COOPER of Wisconsin. I so understood the gentleman from Maine. Does the gentleman say that they are not under the Constitution?

Mr. LITTLEFIELD. "The gentleman from Maine" said—if the gentleman from Wisconsin would like to know what the gentleman said—they belonged to us, but were not a part of us. I said that I had voted consistently to extend all legislation to that archipelago of every kind and character. That is, in substance, what I said. I did not undertake to discuss their constitutional relations, but I stated it substantially as Mr. Justice White stated it in his opinion, that they belonged to but were not a part of us. I have not any doubt whatever but that the gentleman from Wisconsin intended to quote me correctly.

Mr. COOPER of Wisconsin. The gentleman from Maine [Mr. LITTLEFIELD] made an elaborate speech on this floor when the original insular bills were under discussion here, in which he declared that the Constitution had gone to the islands.

Mr. LITTLEFIELD. So "the gentleman from Maine" did, and since then, I hope the gentleman realizes—"the gentleman from Maine" does, and "the gentleman from Maine" realizes—there is a tribunal that settles these questions, and that tribunal, by an inconsistent majority of 1, held that they belonged to and were not a part of the United States. And four of the great judges of that court held that they not only belonged to,

but were a part of the United States. Now, I said that that, so far as the Philippines were concerned, is the law of the land.

Mr. COOPER of Wisconsin. Mr. Speaker, I knew the gentleman's views of the opinion of the majority of the Supreme Court, and I knew that he attacked this alleged incoherent majority opinion in an elaborate speech before a bar association. He took occasion to send me a copy of that speech—a very able effort—and subsequently, in a conversation with me, he said: "A majority of the court can not change my views as to whether the Constitution is there or not. I believe it is there." [Laughter.]

Mr. LITTLEFIELD rose.

Mr. COOPER of Wisconsin. Now, then, Mr. Speaker, I must decline to yield further.

Mr. LITTLEFIELD. All I have to say is that the "gentleman from Maine" did not even make that last statement.

Mr. COOPER of Wisconsin. Mr. Speaker, a word as to the cordage trust. I do not want to say anything unparliamentary, but I feel entirely justified in saying that the talk we have heard here about the cordage trust being back of this legislation is utter nonsense. No member of the Committee on Insular Affairs ever heard of the cordage trust in connection with this measure until to-day. This bill was introduced by Judge CRUMPACKER because, in the judgment of the Secretary of War, and of every other disinterested, competent observer, it is very wrong indeed for us to keep a tariff of 75 per cent of the Dingley rates against those improverished people over there, and then at the same time undertake to put down this law upon them compelling them to give up the tramp steamer, to give up the tramp sailing vessel, to give up everything like open, free competition, and limit transportation of all their products to the ships from the United States. [Applause.] No only that, but every man with whom I talked in the Philippine Archipelago last summer——

The SPEAKER. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I will follow the example of the gentleman from Maine [Mr. LITTLEFIELD] and request unanimous consent for three minutes more.

Mr. LITTLEFIELD. Better make it five minutes. I found three minutes too short.

The SPEAKER. Is there objection?

Mr. DAVEY of Louisiana. Mr. Speaker, I object.

Mr. CRUMPACKER. Mr. Speaker, how much time have I left?

The SPEAKER. Four minutes.

Mr. CRUMPACKER. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. While I was in the Philippine Islands last summer I had 100 men, if I had one, yes, 500 business men in Iloilo, Cebu, and Zamboanga, and especially in Manila, say: "Mr. COOPER, do your utmost to get that law repealed; if you can not get it repealed get it extended until the time when the Spanish treaty will expire. It is barbarous to keep 75 per cent duty upon us over here, and then put the coastwise laws upon our trade; treat us like a foreign country, and then deprive us of anything like a fair chance of getting into your market by preventing us from having anything like free competition in transportation."

Mr. Speaker, if there is any man in the House that believes in fair play, let him arise here and say how that sort of treatment can be defended on any ground of fair play. [Loud applause.] So, sir, the Secretary of War, a great American, one of the great men of this generation, wants this time extended. The Philippine Commission, as intelligent and patriotic a body of men as ever represented this country in any capacity, are unanimous in asking for it. The great business interests of Manila are unanimously asking for it.

It has been suggested that the provisions of this bill are incorporated in the ship subsidy bill soon to be reported. But, sir, we want to vote for this relief proposition upon its own merits. Therefore I ask that it pass. [Loud applause.]

Mr. CRUMPACKER. Mr. Speaker, it is about time the American Congress began to look after the interests of the Philippine Archipelago in legislation. A few years ago we passed a law abolishing the export tax on the hemp that comes to the United States. That tax was levied for revenue purposes solely and entirely and yielded in the neighborhood of $500,000 a year. The American hemp manufacturers received the sole and entire benefit of the concession, and the archipelago got absolutely nothing in the way of compensatory benefits. Our policy has been to treat the islands as foreign territory in considerations that will operate for their benefit and to treat them as domestic territory in considerations that operate to our benefit. I ask for them only that even-handed justice that belongs to all people who live under the ægis of the Constitution, whether they be citizens or aliens. This question has been considered by Congress and discussed in the press of the country for two years. This particular bill was introduced about a week ago, and some criticism was made by gentlemen who are opposing it as to the manner in which it got before the House. It belongs logically to the Committee on Insular Affairs, because it pertains to the commerce of the archipelago, and that committee is organized to promote the interests of the people of the Philippine Islands. But the question now for decision is, not what committee reported the bill, not whether its consideration has been unduly accelerated, but whether it is right and just. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LITTLEFIELD. Division, Mr. Speaker; let us see how many there are of us.

The committee divided; and there were—ayes 217, noes 27.

So (two-thirds having voted therefor) the rules were suspended, and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 11976. An act for the relief of the Compania de los Ferrocarriles de Puerto Rico;

H. R. 9813. An act granting a pension to Hariet P. Sanders;

H. R. 8997. An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes; and

H. R. 8158. An act granting an increase of pension to Lemuel P. Storms.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1794. An act to ratify an agreement with the Indians of the Klamath Indian Reservation, in Oregon, and making appropriations to carry the same into effect;

S. 697. An act providing for the award of medals of honor to certain officers and men of the Navy and Marine Corps;

S. 2787. An act to amend the act of Congress approved February 11, 1901, entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation in the State of Wisconsin;"

S. 2788. An act to enable the Indians on the La Pointe or Bad River Reservation to obtain title to the lots occupied by them in the village of Odanah, Wis., and to have said village surveyed, and for other purposes;

S. R. 30. Joint resolution to create a commission to examine into subjects of citizenship of the United States, expatriation, and protection abroad;

S. 3743. An act to amend an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875;

S. 505. An act for the relief of Jacob Livingston & Co.;

S. 3405. An act authorizing the payment of the Superintendent of the Government Hospital for the Insane of pay due to persons in the Navy or Marine Corps under treatment at that institution;

S. 2878. An act to establish an assay office at Salt Lake City, State of Utah;

S. 2948. An act to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes;

S. 4684. An act authorizing the Secretary of the Interior to sell 160 acres of land occupied by the Shebit Indians in Washington County, Utah, to the Utah and Eastern Copper Company;

S. 3632. An act to amend an act entitled "An act granting an increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893;

S. 3638. An act providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States;

S. 3241. An act to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States;

S. 4725. An act to provide for the division of penalty recovered under the alien contract labor law;

S. 4967. An act to establish additional aids to navigation in Delaware Bay and River;

S. 4245. An act for the relief of George T. Larkin;

S. 1218. An act for the relief of Louise Powers McKee, administratrix;

S. 2768. An act for the relief of the Postal Telegraph Cable Company;
S. 4666. An act to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance;
S. 4685. An act to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies;
S. 4819. An act for the relief of M. A. Johnson;
S. 5288. An act to authorize the acquisition of land and a building for the United States legation in Constantinople;
S. 3720. An act granting an increase of pension to Smith Vaughan;
S. 4193. An act granting an increase of pension to Calvin D. Wilber;
S. 834. An act granting an increase of pension to Lucien W. French;
S. 3555. An act granting a pension to Alice A. Fray;
S. 1602. An act granting a pension to Ellen H. Swayne;
S. 5355. An act granting an increase of pension to Annie M. Walker;
S. 3468. An act granting an increase of pension to Myra D. Daniels;
S. 5255. An act granting an increase of pension to John D. Cutler;
S. 4745. An act granting an increase of pension to Susan J. Joslyn;
S. 5375. An act granting an increase of pension to Frances L. Porter;
S. 3765. An act granting an increase of pension to Charles R. Frost;
S. 3549. An act granting an increase of pension to Martha H. Ten Eyck;
S. 2799. An act granting an increase of pension to Willis H. Watson;
S. 5205. An act granting an increase of pension to John F. Alsup;
S. 5114. An act granting an increase of pension to Lizzie B. Cusick;
S. 4231. An act granting an increase of pension to Owen Martin;
S. 3551. An act granting an increase of pension to Solomon Jackson;
S. 663. An act granting a pension to Joseph Ellmore;
S. 1691. An act granting an increase of pension to Alice S. Shepard;
S. 3130. An act granting an increase of pension to George B. Vallandigham;
S. 3883. An act granting an increase of pension to Ferdinand Herchey;
S. 3119. An act granting an increase of pension to F. A. Beranek;
S. 5192. An act granting a pension to John H. Stacy;
S. 4112. An act granting an increase of pension to H. M. Swigart;
S. 556. An act granting an increase of pension to William H. Egolf;
S. 3273. An act granting an increase of pension to Abisha Risk;
S. 5189. An act granting an increase of pension to Margaret F. Joyce;
S. 3415. An act granting an increase of pension to William Triplett;
S. 4739. An act granting an increase of pension to Benjamin F. Burgess;
S. 4018. An act granting an increase of pension to Ebenezer Lusk;
S. 1628. An act granting an increase of pension to Christian H. Goebel;
S. 3178. An act granting an increase of pension to Daniel Shelly;
S. 1605. An act granting an increase of pension to Richard H. Lee;
S. 5077. An act granting an increase of pension to Gabriel Cody;
S. 5146. An act granting a pension to Mary J. McLeod;
S. 5095. An act granting a pension to Jeremiah McKenzie;
S. 5093. An act granting an increase of pension to Josiah F. Staubs;
S. 5094. An act granting an increase of pension to Samuel F. Baublitz;
S. 47. An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes;
S. 5439. An act granting an increase of pension to George W. Dunlop;
S. 3230. An act granting an increase of pension to William C. Bourke;
S. 1013. An act granting an increase of pension to William H. O'Dear;
S. 2835. An act granting a pension to H. Rowan Saufley;
S. 1564. An act granting an increase of pension to Leander C. Reeve;
S. 4948. An act for the relief of W. A. McLean;
S. 2767. An act granting a pension to Sarah S. Etue;
S. 2759. An act granting an increase of pension to William B. Mitchell;
S. 3308. An act granting a pension to Sarah Lovell;
S. 2194. An act granting a pension to William H. Sweeney;
S. 5065. An act granting an increase of pension to Charles Jackson;
S. 3454. An act granting an increase of pension to William Wilson;
S. 5526. An act authorizing the establishment of a light-vessel off Orford Reef, 5 miles north of Cape Blanco, Oregon;
S. 5484. An act authorizing the Secretary of War to accept the tract of land at or near Greeneville, Tenn., where lie the remains of Andrew Johnson, late President of the United States, and establishing the same as a fourth-class national cemetery;
S. 190. An act for the relief of L. K. Scott;
S. 2578. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford;
S. 5352. An act for the relief of William H. Osenburg.
S. 4511. An act granting an increase of pension to William Hoaglin;
S. 4010. An act granting an increase of pension to Bridget Egan;
S. 5055. An act granting an increase of pension to Melvin Grandy;
S. 2977. An act granting an increase of pension to David B. Neafus;
S. 4901. An act granting an increase of pension to Joshua M. Lounsberry;
S. 4688. An act granting an increase of pension to Noel J. Burgess;
S. 4359. An act granting an increase of pension to Mary E. Lincoln;
S. 2985. An act granting an increase of pension to George W. Bodenhamer;
S. 2959. An act granting an increase of pension to William R. Gallion;
S. 3759. An act granting an increase of pension to Henry D. Mills;
S. 1913. An act granting a pension to Clara F. Leslie;
S. 5366. An act granting an increase of pension to John Beatty;
S. 971. An act granting an increase of pension to W. H. Hackney;
S. 4576. An act granting an increase of pension to William Monks;
S. 5219. An act granting an increase of pension to David N. Morland;
S. 3272. An act granting an increase of pension to John Hirth;
S. 3818. An act granting an increase of pension to David B. Johnson;
S. 1728. An act granting an increase of pension to Joseph H. Allen;
S. 3655. An act granting an increase of pension to Mary A. Good;
S. 5340. An act granting an increase of pension to Laura Hentig;
S. 5342. An act granting an increase of pension to Mary E. Johnson;
S. 5337. An act granting an increase of pension to Samuel M. Tow;
S. 5515. An act granting an increase of pension to Matilda C. Frizelle;
S. 5291. An act granting an increase of pension to E. A. Smith;
S. 5344. An act granting an increase of pension to Sophronia Roberts;
S. 5338. An act granting an increase of pension to David Buckner;
S. 4268. An act changing the name of Douglas street to Clifton street;
S. 5453. An act granting an increase of pension to Jacob M. Pickle;
S. 2886. An act granting an increase of pension to Martha Hoffman;

S. 5092. An act granting an increase of pension to Mary C. Feigley;

S. 5091. An act granting an increase of pension to Sallie Tyrrell;

S. 1514. An act granting an increase of pension to George W. Weeks;

S. 4582. An act granting an increase of pension to Seth H. Cooper;

S. 5173. An act granting an increase of pension to William S. Garrett;

S. 591. An act granting an increase of pension to William C. Banks;

S. 4759. An act granting an increase of pension to Oliver M. Stone;

S. 4763. An act granting an increase of pension to Harrison Randolph;

S. 5520. An act to amend an act entitled "An act granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes," approved March 3, 1905;

S. 5560. An act for the relief of Matthew J. Davis;

S. 171. An act for the relief of the Omaha National Bank;

S. 5151. An act for the adjudication of the claim of Henry A. V. Post by the Court of Claims;

S. 1604. An act to amend the act of March 2, 1903, increasing the pensions of those who have lost limbs or been totally disabled in them, in the military or naval service of the United States;

S. 3863. An act to correct the military record of Stephen Thompson;

S. 2418. An act to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes;

S. 4823. An act for the relief of Madison County, Ky.;

S. 5028. An act to remove the charge of desertion from the military record of Thomas F. Callan, alias Thomas Cowan;

S. 5358. An act to remove the charge of desertion from the record of Edward Kelly;

S. 2021. An act granting a pension to Juliet K. Phillips;

S. 4392. An act granting an increase of pension to Cornelia A. Mobley;

S. 1260. An act granting an increase of pension to Frank Pugsley;

S. 5186. An act granting an increase of pension to Robert Staplins;

S. 13. An act granting an increase of pension to Huntville A. Johnson;

S. 918. An act granting an increase of pension to Edwin N. Baker;

S. 4126. An act granting an increase of pension to Willard Farrington;

S. 5517. An act granting an increase of pension to William H. H. Shaffer;

S. 5455. An act granting a pension to Emily J. Alden; and

S. 1818. An act granting an increase of pension to Edward T. White.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3308. An act granting a pension to Sarah Lovell—to the Committee on Invalid Pensions.

S. 3273. An act granting an increase of pension to John Hirth—to the Committee on Invalid Pensions.

S. 3241. An act to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States—to the Committee on Claims.

S. 3230. An act granting an increase of pension to William C. Bourke—to the Committee on Invalid Pensions.

S. 3178. An act granting an increase of pension to Daniel Shelly—to the Committee on Invalid Pensions.

S. 3130. An act granting an increase of pension to George B. Vallandigham—to the Committee on Invalid Pensions.

S. 3119. An act granting an increase of pension to Francis A. Beranek—to the Committee on Invalid Pensions.

S. 2985. An act granting an increase of pension to George W. Bodenhamer—to the Committee on Invalid Pensions.

S. 2977. An act granting an increase of pension to David B. Neufus—to the Committee on Invalid Pensions.

S. 2959. An act granting an increase of pension to William R. Gallion—to the Committee on Invalid Pensions.

S. 2948. An act to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes—to the Committee on the Territories.

S. 2886. An act granting an increase of pension to Martha Hoffman—to the Committee on Invalid Pensions.

S. 2878. An act to establish an assay office at Salt Lake City, State of Utah—to the Committee on Coinage, Weights, and Measures.

S. 2835. An act granting an increase of pension to H. Rowan Saufley—to the Committee on Pensions.

S. 2799. An act granting an increase of pension to Willis H. Watson—to the Committee on Invalid Pensions.

S. 2787. An act to amend the act of Congress approved February 11, 1901, entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin—to the Committee on Invalid Pensions.

S. 2788. An act to enable the Indians on the La Pointe or Bad River Reservation to obtain title to the lots occupied by them in the village of Odanah, Wis., and to have said village surveyed, and for other purposes—to the Committee on Indian Affairs.

S. 2767. An act granting a pension to Sarah S. Etue—to the Committee on Invalid Pensions.

S. 2759. An act granting an increase of pension to William B. Mitchell—to the Committee on Invalid Pensions.

S. 2578. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford—to the Committee on Claims.

S. 2194. An act granting an increase of pension to William H. Sweeney, jr.—to the Committee on Pensions.

S. 2021. An act granting a pension to Juliet K. Phillips—to the Committee on Invalid Pensions.

S. 1913. An act granting a pension to Clara F. Leslie—to the Committee on Invalid Pensions.

S. 1818. An act granting a pension to Edward T. White—to the Committee on Invalid Pensions.

S. 1794. An act to ratify an agreement with the Indians of the Klamath Indian Reservation, in Oregon, and making appropriations to carry the same into effect—to the Committee on Indian Affairs.

S. 1628. An act granting an increase of pension to Christian H. Goebel—to the Committee on Invalid Pensions.

S. 1605. An act granting an increase of pension to Richard H. Lee—to the Committee on Invalid Pensions.

S. 1564. An act granting an increase of pension to Leander C. Reeve—to the Committee on Invalid Pensions.

S. 1514. An act granting an increase of pension to George W. Wicks—to the Committee on Invalid Pensions.

S. 1260. An act granting an increase of pension to Frank Pugsley—to the Committee on Invalid Pensions.

S. 1218. An act for the relief of Louise Powers McKee, administratrix—to the Committee on Claims.

S. 971. An act granting an increase of pension to William H. Hackney—to the Committee on Invalid Pensions.

S. 918. An act granting an increase of pension to Edwin N. Baker—to the Committee on Invalid Pensions.

S. 834. An act granting an increase of pension to Lucian W. French—to the Committee on Invalid Pensions.

S. 697. An act providing for the award of medals of honor to certain officers and men of the Navy and Marine Corps—to the Committee on Naval Affairs.

S. 663. An act granting a pension to Joseph Ellmore—to the Committee on Invalid Pensions.

S. 591. An act granting a pension to William C. Banks—to the Committee on Invalid Pensions.

S. 505. An act for the relief of Jacob Livingston & Co.—to the Committee on Claims.

S. 190. An act for the relief of L. K. Scott—to the Committee on Claims.

S. 171. An act for the relief of the Omaha National Bank—to the Committee on Claims.

S. 13. An act granting an increase of pension to Hautville A. Johnson—to the Committee on Invalid Pensions.

S. 47. An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

S. 2368. An act for the relief of the Postal Telegraph Cable Company—to the Committee on Claims.

S. 2418. An act to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes—to the Committee on Indian Affairs.

S. 1604. An act to amend the act of March 2, 1903, increasing the pensions of those who have lost limbs or been totally disabled in them, in the military or naval service of the United States—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 6401. An act granting an increase of pension to William V. Van Ostern;

H. R. 9924. An act granting an increase of pension to Carrie A. Conley;

H. R. 13010. An act granting an increase of pension to Alice B. Hartshorne;

H. R. 11748. An act granting an increase of pension to James Wilson;

H. R. 14511. An act for the relief of C. R. Williams;

H. R. 3649. An act for the relief of Zenas Parker;

H. R. 1863. An act for the relief of M. A. McCafferty;

H. R. 120. An act to amend section 9 of the Code of Law for the District of Columbia;

H. R. 6158. An act granting an increase of pension to Henry Rittenhouse;

H. R. 8278. An act authorizing the Secretary of the Interior to issue patent to Keystone Camp, No. 2879, of the Modern Woodmen of America, to certain lands for cemetery purposes;

H. R. 7709. An act for the relief of Joseph Crow;

H. R. 6675. An act for the relief of the Methodist Church at New Haven, Ky.;

H. R. 5927. An act for the relief of the board of trustees of West Tennessee College, Jackson, Tenn.;

H. R. 11275. An act increasing the penalty for certain offenses in the District of Columbia;

H. R. 10605. An act for the relief of Edward F. Stable;

H. R. 10584. An act for the relief of F. H. Driscoll;

H. R. 9324. An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County;

H. R. 12028. An act granting relief to John W. Donovan;

H. R. 15259. An act to authorize the North Mississippi Traction Company to construct dams and power stations on the Bear River on the northeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.;

H. R. 14578. An act for the establishment of a public crematorium in the District of Columbia, and for other purposes; and

H. R. 13247. An act for the relief of John H. Tharp, of Eversonville, Mo.

WOMAN AND CHILD LABOR.

Mr. GARDNER of New Jersey. Mr. Speaker, I ask unanimous consent for the making of the following order.

The Clerk read as follows:

Ordered, That for the remainder of the session the bill (H. R. 17562) to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical conditions of woman and child workers in the United States shall have the privilege belonging to bills reported from committees having leave to report at any time.

The SPEAKER. Is there objection?

Mr. CRUMPACKER. Reserving the right to object, I want to state to the House——

Mr. GARDNER of New Jersey. I move the adoption of the following order.

Mr. CRUMPACKER. I only want to make a statement of about two or three minutes.

The SPEAKER. Does the gentleman from New Jersey yield?

Mr. GARDNER of New Jersey. I move the adoption of the order.

The SPEAKER. The gentleman moves to suspend the rules and agree to the order. Is a second demanded?

Mr. CRUMPACKER. I demand a second.

Mr. GARDNER of New Jersey. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from New Jersey has twenty minutes and the gentleman from Indiana has twenty minutes.

Mr. GARDNER of New Jersey. I reserve my time, Mr. Speaker.

Mr. CRUMPACKER. Mr. Speaker, the only thing I have to say to the House is that the Census Office has now in preparation a report covering substantially the provisions contained in the bill which the gentleman from New Jersey [Mr. GARDNER] asks to have given a privileged status on the Calendar of the House. There are already statistics in the Census Office upon the subject of child labor and female labor taken in connection with the Twelfth Census in connection with the subject of manufactures, inquiries into which were made in 1905. I have here a statement from the chief of the division of revision and results, showing the scope and character of that report. My judgment is that it is substantially what is provided for in the bill proposed by the gentleman from New Jersey, and in order that the House may know about it I desire to print the statement in the RECORD. I do not deem it wise to pass a bill providing for an expenditure of about $300,000 in the unnecessary duplication of work. I do not ask to have the statement read by the Clerk, but to have it printed in the RECORD for information. I have no objection to the bill proposed by the gentleman from New Jersey having a privileged status on the Calendar of the House. What I rose for originally was to get permission to print in the RECORD the statement that I now offer.

The SPEAKER. Is there objection to have printed in the RECORD the statement referred to by the gentleman? [After a pause.] The Chair hears none.

Mr. CRUMPACKER. Now, I reserve the balance of my time. The statement is as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF THE CENSUS,
Washington, April 5, 1906.

Memorandum in regard to the scope and character of the proposed report on employment of women and children.

The proposed report on the employment of women and children, according to the present plans, will embrace the following classes of data:

1. A classification by race and nativity of the number of children of each sex, 10 to 15 years of age, employed in each of the principal occupations for children. This will show the numbers of native white children, native white born of native parents, native white born of foreign parents, foreign white, negro, and other colored children in each of these occupations. The data will be compiled separately for each State and Territory, and for each city of over 50,000 population.

2. A classification by year of age for the total number of children of each sex, 10 to 15 years of age, employed in all occupations. This will be shown separately for the native white children, native white of native parentage, native white of foreign parentage, foreign white, and negro children. The data will be presented for each State and Territory, and for each city of over 50,000 population.

3. A tabulation showing the number of women or girls engaged in occupations in each of the following age periods: Ten to 15 years, 16 to 20, 21 to 24, 25 to 34, 35 to 44, 45 to 54, 55 to 64, 65 and over. This will be combined with a tabulation giving the same classification by age periods of the total number of women and girls in the entire population, so as to show what proportion or per cent of the women and girls in each age period are engaged in occupations. A tabulation will be presented for all classes combined and also separately for the native white, native white of native parentage, native white of foreign parentage, foreign white, and negro. The data will be compiled separately for each State and Territory, and for each city of over 50,000 population.

4. Data in regard to the families which have children engaged in occupations. From the population schedules it is possible to collate the following data in regard to these families: The number of persons in the family, with sex and age; the number of breadwinners (persons reported as having gainful occupations) and the number of dependents (persons not having gainful occupations); the occupation, sex, and marital condition of the head of the family; the nationality of the family, as determined by the country in which the head of the family was born; the year in which the head of the family, if of foreign birth, immigrated to the United States, and the school attendance and illiteracy of the children in the family. It would be practically impossible to compile and tabulate these data for all families in the United States having children at work, but it is believed that it will be sufficient if such compilations as are significant are made for certain typical groups, so as to show the conditions in some of the principal industries in which child labor is employed in different parts of the country—for instance, the cotton-mill industry in Fall River, also in some of the southern mill towns, the glass industry in Pennsylvania, etc. The extent to which this particular branch of the investigation is carried will depend partly upon the significance of the results which are obtained and partly upon the clerical force that can be employed on this work without interfering with other lines of work in the Bureau of the Census. One of the tabulations which it is proposed to compile from these data will show how many of the children of each year of age in these families are employed in the selected industry, how many in other industries, how many are at school, and how many are at home; that is, neither employed nor at school.

Another tabulation shows the classification of these families according to the number of older breadwinners in the family, thus segregating those families which have no older breadwinners, and therefore are apparently entirely dependent upon child labor. Those families having older breadwinners will be classified according to the number of such breadwinners (families with one older breadwinner, with two, with three, etc.); and then each class of families as determined by the number of breadwinners will be subclassified according to the number of dependents (persons without gainful occupation), thus showing, for instance, how many of the families having only one older breadwinner have no dependents, how many have one dependent, two, three, etc. It is believed that this tabulation will be very valuable as indicating the extent to which the families are dependent upon the earnings of the child. It will be possible also to segregate those families who have no male heads, representing, for the most part, the families of widows. Another tabulation may be prepared classifying the families according to size—that is, number of members in the family, families consisting of two members, three, and four, etc. The total number of persons in each class of families, as determined by size, can then be subdivided into two groups, viz, breadwinners and dependents, and each group may, if deemed advisable, be further subdivided by age. The tabulations here enumerated are in some degree tentative, but the work has

been carried far enough to indicate that this class of data is of great importance in connection with this subject and may be presented in such a way as to bring out certain significant and interesting results.

5. A tabulation of women (females 16 years of age and over) engaged in each of the principal occupations for that sex, showing how many of these women are living in families (that is with relatives) and how many are boarding; and of those living in families, how many are heads of families and how many are living with their fathers, how many with mothers, and how many with other relatives, and furthermore, how many are living in families in which there are no other breadwinners, and how many in families in which there is one other, two other, more than two. This tabulation will be shown separately for the native white women, the native white of native parentage, the native white of foreign parentage, and the negro women, and for each of these classes of population the data can be presented by marital conditions so as to show the results separately for the single women, the married, and the widowed and divorced. The data thus compiled will afford some indication of the extent to which women engaged in gainful occupations are living outside home influences and will make possible a comparison as regards this question between the different classes of working women as determined by nativity, marital status, and kind of occupation.

This tabulation, like the preceding one, is too elaborate to be carried out for the entire United States. It is expected, however, that the data can be compiled for the six cities having more than 500,000 population—New York, Chicago, Philadelphia, Boston, St. Louis, and Baltimore—and perhaps for some of the smaller towns or cities in which there are industries employing a large number of women.

6. Certain data in regard to the wages of women and children in manufacturing industries can be derived from the material collected by the recent census of manufactures.

This data will show first, the relative importance of men, women, and children among the wage-earners of each manufacturing industry as indicated by the average number of wage-earners of each class employed in that industry during the year. These data can be shown for each State and Territory and for each individual city, so far as may be deemed advisable.

Second, the earnings of women and children as compared with those of men in the same industry. In connection with the census of manufactures a transcript of the pay roll for the busiest week of the year 1904 was obtained from each manufacturer if available. On the basis of this transcript the men, women, and children employed in that week are separately classified according to the scale of their earnings, so as to show the number receiving under $3 per week; number receiving $3 to $4; $4 to $5, etc. Since this statement covers the busiest week in the year it is probable that most of the employees were working on full time, and that their earnings therefore will correspond closely to their wages or rates of pay.

The Bureau of the Census might, if thought best, collect data of a similar character showing the earnings of women and children in some of the more important mercantile pursuits not covered by the census of manufactures—for instance, in the department stores. This possibility is under consideration.

7. It may also be worth while to tabulate the number of children born to married women engaged in occupations for comparison with the number born to other married women. The extent to which this tabulation should be carried would depend upon the results secured from experimental work.

All the above tabulations will present new data—that is, data never before published. A part of the data will be derived from the population schedules of the census of 1900, and a part from the schedules of the census of manufactures taken in 1905. The fact that five years have elapsed since the census of 1900 was taken does not, it is believed, impair the value of the data for the purposes of this report. Economic conditions have not changed so rapidly as that, and human nature has not changed at all. Moreover, it is important to have knowledge of the conditions in 1900 as a starting point from which to measure the future changes, whether in the nature of progress or of retrogression, which may be revealed by the census of 1910 or later censuses.

8. Besides these original sources of information, the statistics published in the main census report on occupations and in other census publications will be utilized so far as they can be made to contribute to the completeness of the discussion by further analysis or new correlations. An illustration of the possible value of work of this character is presented by the recent census bulletin on Negroes, the statistical data for which were derived almost exclusively from reports already published.

9. A study will be made of the census statistics of other countries with a view to introducing international comparison, so far as comparable statistics on this subject can be obtained.

It is hardly possible at this stage of progress to estimate very closely the size of the report. It is my expectation, however, that it will comprise between three and four hundred pages, making it about the size of the bulletin on Negroes.

Respectfully submitted.

J. A. HILL, *Chief of Division.*

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended, and the order was adopted.

REGISTRATION OF TRADE-MARKS.

Mr. CURRIER. I ask unanimous consent for the present consideration of the bill (H. R. 15911) to amend the laws of the United States relating to the registration of trade-marks.

The bill was read, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February 20, 1905, be, and is hereby, amended by inserting, after the words "description of the trade-mark itself," the words "if required by the Commissioner of Patents or desired by the applicant;" so that the section, as amended, shall read as follows:

"That the owner of a trade-mark used in commerce with foreign nations, or among the several States, or with Indian tribes, provided such owner shall be domiciled within the territory of the United States or resides in or is located in any foreign country which, by treaty, convention, or law, affords similar privileges to the citizens of the United States, may obtain registration for such trade-mark by complying with the following requirements: First, by filing in the Patent Office an application therefor, in writing, addressed to the Commissioner of Patents, signed by the applicant, specifying his name, domicile, location, and citizenship; the class of merchandise and the particular description of goods comprised in such class to which the trade-mark is appropriated; a description of the trade-mark itself, if required by the Commissioner of Patents or desired by the applicant, and a statement of the mode in which the same is applied and affixed to goods, and the length of time during which the trade-mark has been used. With this statement shall be filed a drawing of the trade-mark, signed by the applicant, or his attorney, and such number of specimens of the trade-mark as actually used as may be required by the Commissioner of Patents. Second, by paying into the Treasury of the United States the sum of $10, and otherwise complying with the requirements of this act and such regulations as may be prescribed by the Commissioner of Patents."

SEC. 2. That all applications for registration of trade-marks filed in the Patent Office before the 1st day of April, 1905, on which the fee of $25 required by the act of Congress approved March 3, 1881, had been paid, and on which certificate of registration had not issued prior to said 1st day of April, 1905, shall be deemed to have been pending at that date within the meaning and for the purposes of sections 14 and 24 of the act entitled "An act to authorize the registration of trade-marks in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February 20, 1905.

SEC. 3. That the Commissioner of Patents shall establish classes of merchandise for the purpose of trade-mark registration, and shall determine the particular description of goods comprised in each class. On a single application for registration of a trade-mark the trade-mark may be registered at the option of the applicant for any or all goods upon which the mark has actually been use comprised in a single class of merchandise, provided the particular description of goods be stated.

SEC. 4. That any owner of a trade-mark who shall have a manufacturing establishment within the territory of the United States shall be accorded, so far as the registration and protection of trade-marks used on the products of such establishment are concerned, the same rights and privileges that are accorded to owners of trade-marks domiciled within the territory of the United States by the act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February 20, 1905.

SEC. 5. That this act shall take effect upon its passage.

With the following committee amendments:

Amend the first section of the bill by striking out the words "if required by the Commissioner of Patents and desired by the applicant," in lines 9 and 10, on page 1, and in lines 11 and 12, on page 2, and inserting in lieu thereof the words "only when needed to express colors not shown in the drawing."

Amend by striking out section 2 of the bill.

Amend section 3 of the bill by striking out the word "description," in lines 13 and 18, on page 3, and inserting in lieu thereof the word "descriptions."

Amend the numbering of the sections of the bill so that section 3 shall read "section 2;" section 4, "section 3;" section 5, "section 4."

The SPEAKER. Is there objection?

Mr. GILBERT of Kentucky. Mr. Speaker, I want to reserve the right to object. That seems to be an exceedingly important bill, and I should like to hear somebody as to its purpose. It is almost too important to be passed by unanimous consent, but still I will merely reserve the right to object.

Mr. CURRIER. Mr. Speaker, this bill, which amends the trade-mark legislation of the country, was reported from the committee unanimously. The first section of the bill provides that the applicant for the registration of a trade-mark need not describe the mark itself except when such description is needed to express colors not shown in the drawings.

Mr. GILBERT of Kentucky. Why should that necessitate this amendment of the law?

Mr. CURRIER. In all ordinary cases the mark itself, of which a drawing is filed with the application, shows very much better than any description that can be given would show just exactly what is needed. The committee can not conceive of a case where this is not so unless colors are used in the mark.

Mr. GILBERT of Kentucky. But suppose colors are necessary?

Mr. CURRIER. The bill provides that when it is necessary to express colors a description shall be filed.

Mr. GILBERT of Kentucky. Does it require the filing of a sample?

Mr. CURRIER. That is always done. A trade-mark is often a single word or a star or something of that kind, and it is difficult to describe. I wish to say that it is dangerous often to attempt to describe it, for the reason that unless the infringer's mark comes precisely within the description filed with the application it will not be held to infringe it.

Mr. GILBERT of Kentucky. Suppose it is a close imitation of the genuine trade-mark. What is there provided in this bill for the punishment of the infringement?

Mr. CURRIER. That is provided in the bill to which this is an amendment.

Mr. GILBERT of Kentucky. Is there any delineation or delimitation as to what constitutes an infringement?

Mr. CURRIER. Yes; but that is provided in the original law to which this is an amendment.

Mr. BONYNGE. Under the original bill they are required to publish notice that they have filed their application for the trade-mark, and an opportunity is given to anybody to appear in opposition to granting the trade-mark.

Mr. GILBERT of Kentucky. Is that retained?

Mr. BONYNGE. That is all retained.

Mr. CURRIER. The committee struck out the second section of the bill, so that I shall not need to refer to that. What was originally the third section, and now becomes the second section of the bill, is a very important section. It provides that the Commissioner of Patents shall establish classes of merchandise for the purpose of registration of a trade-mark, so that on a single application an applicant may register his trade-mark on an entire class of goods, provided always he is actually using the mark on his goods in interstate commerce. Now, that is the law in all the great commercial nations of the earth, and that principle obtained here until about two or three years ago, when the present Commissioner felt constrained to give a different construction to the existing law. The result of that is, I may say, that now an applicant for trade-mark registration is forced to split up his applications. Under the construction now given to the law a man who cans fish and vegetables and meats, must make three applications and pay three fees in order to get trade-mark registration on his goods. One concern in this country that makes carpenters' supplies stated to the committee that they would be forced, under the construction now given to the law, to make 80 applications and pay 80 fees. The purpose of this is to have the Commissioner make classes. Now, in foreign countries the number of classes differs, running from about 40 to about 100.

Mr. GILBERT of Kentucky. Does this leave the number of classifications entirely under the control of the Commissioner?

Mr. CURRIER. It leaves the number entirely in his hands.

Mr. GILBERT of Kentucky. What is the method by which you anticipate that the eighty applications are hereafter to be obviated?

Mr. CURRIER. For instance, Collins & Co., manufacturers of edge tools, are now forced to make about eleven applications and pay eleven fees, and under a class comprising edge tools they would make one application and pay one fee and register on all kinds of edge tools. My understanding is that there will be something less than 100 classes constituted by the Commissioner here for these purposes. A great many manufacturers in the country are interested in this, and this amendment meets the most cordial approval of the Commissioner of Patents himself.

Mr. GILBERT of Kentucky. Will these classifications be published?

Mr. CURRIER. Certainly. Gentlemen will realize the tremendous burden and inconvenience of the present practice when I say that manufacturers who desire to register abroad are met with the fact that registration of an American mark abroad is based upon registration here; so if a man is forced to split up his application here, he is forced to do it in foreign countries, and it costs in some foreign countries from $40 to $75 for a single registration. Accordingly, a manufacturing concern who is forced to make eighty applications here must pay for eighty applications abroad, and it is a great burden upon it.

Mr. BONYNGE. Manufacturers abroad can get registration by classes.

Mr. CURRIER. Yes.

Mr. BONYNGE. And so the foreign manufacturer has a great advantage over our manufacturers?

Mr. CURRIER. That is it. Now, section 4 provides that a citizen of a foreign country having a manufacturing establishment here can register a mark used on the products of such establishment.

Mr. BONYNGE. And the law we passed last session remains intact?

Mr. CURRIER. Remains intact, except as modified by this bill.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. CURRIER, a motion to reconsider the last vote was laid on the table.

FORBIDDING IMPORTATION OF FALSELY STAMPED ARTICLES OF GOLD, ETC.

Mr. RYAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14604) forbidding the importation and carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes.

Mr. SHERLEY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky objects.

Mr. RYAN. Mr. Speaker, I move to suspend the rules and pass the bill as amended.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any person, firm, corporation, or association, being a manufacturer of or wholesale or retail dealer in gold or silver jewelry or gold ware, silver goods or silverware, or for any officer, manager, director, or agent of such firm, corporation, or association to import or export or cause to be imported into or exported from the United States for the purpose of selling or disposing of the same, or to deposit or cause to be deposited in the United States mails for transmission thereby, or to deliver or cause to be delivered to any common carrier for transportation from one State, Territory, or possession of the United States, or the District of Columbia, to any other State, Territory, or possession of the United States, or to said District, in interstate commerce, or to transport or cause to be transported from one State, Territory, or possession of the United States, or from the District of Columbia, to any other State, Territory, or possession of the United States, or to said District, in interstate commerce, any article of merchandise manufactured after the date when this act takes effect and made in whole or in part of gold or silver, or any alloy of either of said metals, and having stamped, branded, engraved, or printed thereon, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which said article is incased or inclosed, any mark or word indicating or designed or intended to indicate that the gold or silver or alloy of either of said metals in such article is of a greater degree of fineness than the actual fineness or quality of such gold, silver, or alloy, according to the standards and subject to the qualifications set forth in sections 2 and 3 of this act.

SEC. 2. That in the case of articles of merchandise made in whole or in part of gold or of any of its alloys so imported into or exported from the United States or so deposited in the United States mails for transmission, or so delivered for transportation to any common carrier, or so transported or caused to be transported as specified in the first section of this act, the actual fineness of such gold or alloy shall not be less by more than one-half of 1 carat than the fineness indicated by the mark stamped, branded, engraved, or printed upon any part of such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed; except that in the case of watch cases and flat ware, so made of gold or of any of its alloys, the actual fineness of such gold or alloy shall not be less by more than three one-thousandths parts than the fineness indicated by the mark stamped, branded, engraved, or printed upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed: *Provided*, That in any test for the ascertainment of the fineness of any article mentioned in this section, according to the foregoing standards, the part of the article taken for the test, analysis, or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of said article: *Provided further*, That in the case of any article mentioned in this section, in addition to the foregoing tests and standards, the actual fineness of the entire quantity of gold or of its alloys contained in such article, including all solder and alloy of inferior fineness used for brazing or uniting the parts of such article (all such gold, alloys, and solder being assayed as one piece), shall not be less by more than 1 carat than the fineness indicated by the mark stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed, it being intended that the standards of fineness and the tests or methods for ascertaining the same provided in this section for articles mentioned therein shall be concurrent and not alternative.

SEC. 3. That in the case of articles of merchandise made in whole or in part of silver or any of its alloys so imported or exported from the part of silver or any of its alloys so imported into or exported from the United States, or so deposited in the United States mails for transmission, or so delivered for transportation to any common carrier, or so transported or caused to be transported as specified in the first section of this act, the actual fineness of the silver or alloy thereof of which such article is wholly or partly composed shall not be less by more than four one-thousandth parts than the actual fineness indicated by any mark (other than the word "sterling" or the word "coin") stamped, branded, engraved, or printed upon any part of such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed; and that no such article or tag, card, or label attached thereto, or box, package, cover, or wrapper in which such article is incased or inclosed shall be marked, stamped, branded, engraved, or printed with the word "sterling" or "sterling silver" or any colorable imitation thereof, unless such article or parts thereof purporting to be silver contains nine hundred and twenty-five one-thousandth parts pure silver; and that no such article, tag, card, label, box, package, cover, or wrapper shall be marked, stamped, branded, engraved, or printed with the words "coin" or "coin silver" or colorable imitation thereof unless such article or parts thereof purporting to be silver contains nine hundred one-thousandth parts pure silver: *Provided*, That in the case of all such articles whose fineness is indicated by the word "sterling" or the word "coin" there shall be allowed a divergence in the fineness of four one-thousandth parts from the foregoing standards: *Provided*, That in any test for the ascertainment of the fineness of any such article mentioned in this section the part of the article taken for the test, analysis, or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of such article: *Provided further*, That in the case of any article mentioned in this section, in addition to the foregoing tests and standards, the actual fineness of the entire quantity of silver or of its alloys contained in such article, including all solder and alloy of inferior fineness used for brazing or uniting the parts of such article (all such silver, alloys, and solder being assayed as one piece), shall not be less by more than one-thousandth than the fineness indicated by the marked, stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed, it being intended that the standards of fineness and the tests or methods for ascertaining the same provided in this section for articles mentioned therein shall be concurrent and not alternative.

SEC. 4. That in the case of articles of merchandise made in whole or in part of an inferior metal, having deposited or plated thereon or brazed or otherwise affixed thereto a plating, covering, or sheet composed of gold or silver, or of an alloy of either of said metals, and known in the market as rolled gold plate, gold plate, gold filled, silver plate, or gold or silver electroplate, or by any similar designation, so imported into the United States, or so deposited in the United States

mails for transmission, or so delivered to any common carrier, or so transported or caused to be transported as specified in the first section of this act, no such article, nor any tag, card, or label attached thereto, nor any box, package, cover, or wrapper in which such article is incased or inclosed, shall be stamped, branded, engraved, or imprinted with any word or mark usually employed to indicate the fineness of gold, unless such word or mark be accompanied by other words plainly indicating that such article or part thereof is made of rolled gold plate, gold plate, or gold electroplate, or is gold filled, as the case may be, and no such article, nor any tag, card, or label attached thereto, nor any box, package, cover, or wrapper in which such article is incased or inclosed, shall be stamped, branded, engraved, or imprinted with the word "sterling" or the word "coin," either alone or in conjunction with other words or marks.

SEC. 5. That each and every person, firm, corporation, or association, being a manufacturer of or a wholesale or retail dealer in gold or silver jewelry, gold ware, silver goods, or silverware, who or which shall knowingly violate any of the provisions of this act, and every officer, manager, director, or managing agent of any such corporation or association having knowledge of such violation and directly participating in such violation or consenting thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of the United States having jurisdiction of crimes within the district in which such violation was committed or through which has been conducted the transportation of the article in respect to which such violation has been committed, shall be punished by a fine of not more than $1,000 or imprisonment for not more than six months, or both, at the discretion of the court. Whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

SEC. 6. That the expression "article of merchandise" as used in this act shall signify any goods, wares, works of art, commodity, or other thing which may be lawfully kept or offered for sale.

SEC. 7. That all articles of merchandise to which this act applies which shall have been transported into any State, Territory, District, or possession of the United States, and shall remain therein for use, sale, or storage, shall, upon arrival in such State, Territory, District, or possession, be subject to the operation of all the laws of such State, Territory, District, or possession of the United States to the same extent and in the same manner as though said articles of merchandise had been produced in such State, Territory, District, or possession, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

SEC. 8. That this act shall take effect six months after the date of its passage.

Mr. SHERLEY. Mr. Speaker, I demand a second.

Mr. RYAN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from New York is entitled to twenty minutes and the gentleman from Kentucky to twenty minutes.

Mr. RYAN. Mr. Speaker, this bill if enacted into law will forbid the importation, exportation, or carriage in interstate commerce of falsely or spurious stamped articles of merchandise made of gold or silver or their alloys.

It has been favorably reported from the Committee on Interstate and Foreign Commerce after a hearing.

Several States in the Union have laws prohibiting the false marking of gold and silver articles. The leading nations of Europe have long had laws prohibiting the false marking of gold and silver articles. In some of the countries the marking of the quality of the articles is compulsory; this is so in England, France, Austria, and Switzerland. In Germany the marking is voluntary, but if employed, must be accurate or within five one-thousandths for gold and eight one-thousandths for silver. By the provisions of this bill it is not compulsory to mark gold or silver articles, but if they are marked it must be accurate.

Section 2 provides how articles made in whole or in part of gold or of any of its alloys may be stamped, engraved, or labeled.

Section 3 provides how articles made in whole or in part of silver or of any of its alloys may be branded, engraved, or tagged.

Section 4 provides how articles of merchandise made in whole or in part of an inferior metal and having a plating or covering of gold or silver or of an alloy of either metal and known in the market as rolled gold, plate gold, or silver plate, or gold or silver electroplate, or by any similar designation, may be engraved or imprinted, and prohibits the use of the word "sterling" or the word "coin" on such articles.

Section 5 provides for punishment for violation of this act. The standard provided for the use of the word "sterling" is 0.925, and for the use of the word "coin" is 0.900.

Section 7, with the exception of the word "possessions," is the language of the original-package liquor provision of the Wilson Act.

Mr. Speaker, the bill was introduced by my colleague from New York [Mr. VREELAND], to whom I will yield the balance of my time in order that he may explain in detail what the bill is designed to do.

Mr. VREELAND. Mr. Speaker, the gentleman from New York has stated to the House the object of this law. It is to prevent the false marking and branding of articles made from gold and silver which are imported into the United States or exported from the United States, or that enter into interstate commerce. I only want to say, Mr. Speaker, that, in my judgment, this is a proper example of the regulation of interstate commerce under the authority of the Constitution.

This bill does not interfere with the police power of the State. It rather promotes and benefits trade, and acts along State lines in helping them to protect the public against imposition.

The United States has lagged behind all the other civilized nations of the world in this line of legislation. Every country of Europe to-day has laws to protect their subjects from imposition by false marking of articles made of gold and silver.

Mr. STAFFORD. Will the gentleman allow me?

Mr. VREELAND. Certainly.

Mr. STAFFORD. Do I understand that foreign countries have legislation which protects purchasers living in other countries of exported articles as this law purports to do?

Mr. VREELAND. My understanding is that they do. In this bill we have adopted the Swiss standard of fineness for watch cases, and that is within three one-thousandths of full value. I understand that watches made in Switzerland for importation into the United States are required to be within three one-thousandths of what they purport to be.

Mr. STAFFORD. How is it in Germany?

Mr. VREELAND. I can not say in regard to all of the nations, but England requires all articles to be stamped.

Mr. STAFFORD. What argument or what ground of expediency can be advanced that we should concern ourselves with the interests of the purchasers in foreign countries—the consumers of articles manufactured in this country?

Mr. VREELAND. It seems to me that it is very apparent to everybody that it is in the interest of our foreign trade. If it did not take up so much of my time, I would like to read to the gentleman an extract from an English paper, which gives the proceedings of the meeting of the British Horological Institute, a society of all the watchmakers of Great Britain, in which they demand that legislation shall be passed in Great Britain protecting them from fraudulent marking of watches that are sent into that country from the United States.

Mr. STAFFORD. That is a local regulation, for Great Britain, and not for the United States, to legislate upon.

Mr. VREELAND. I hope the gentleman will not take up my time while I am trying to answer his question. I say this great society of Great Britain demands that laws shall be passed protecting them from the manufacturers of the United States who send over there watches that are falsely and fraudulently marked. I ask, What will be the result of it if the manufacturers of this country continue to send abroad articles falsely marked upon the face of them, and if in the end it will not have the effect of destroying our trade in other countries?

Now, Mr. Speaker, I desire simply to state who are behind this bill. There is in favor of this bill an agreement of all the manufacturers of gold and silver ware in the United States—in New England, in New York, in New Jersey, in Chicago, in St. Louis. After a year of effort we have succeeded in getting an agreement upon what is considered a practicable and workable bill, the agreement coming from all of the manufacturers in the United States. I have received from the dealers in the United States—retail and wholesale—who handle these goods, who have to represent as to what they are to their customers, more than 14,000 letters representing every Congressional district in the United States, asking and urging that legislation of this kind may be passed. It goes without saying that every family in the United States—and every family in the United States at some time buys articles made of gold and silver—desires some regulation, so that when they put their money into silver which they suppose is sterling, and is marked "sterling," or into gold which they suppose is 14 or 16 carats fine, and is so marked, they may have some method of finding out whether they are being defrauded. I reserve the balance of my time.

Mr. STAFFORD. Mr. Speaker, before the gentleman takes his seat I wish he would explain the application and extent of section 6.

Mr. VREELAND. Oh, I only have fifteen minutes altogether.

Mr. STAFFORD. I would like the gentleman to explain section 6, which seems to extend the law to every conceivable kind of commerce. It reads:

That the expression "articles of merchandise," as used in this act, shall signify any goods, wares, works of art, commodity, or other thing which may be lawfully kept or offered for sale.

Mr. VREELAND. Yes; but the bill applies only to articles made of gold or silver or an alloy.

Mr. STAFFORD. Whether this phraseology would not extend it to all articles of commerce?

Mr. VREELAND. It would not extend it beyond articles made of gold or silver.

Mr. SHERLEY. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, I regret my inability to agree with my amiable friend the gentleman from New York [Mr. VREELAND]. If it were a question of local interest only, I should not resist his efforts, but being a general bill which affects us all and involves my own oath to support the Constitution as well as his and that of other gentlemen in this House, I am compelled to call the attention of the House to the fact that the bill is nothing but an effort to impose upon the Federal Government, contrary to the intention and design of the Constitution, the burden of performing the police duty of this country. There is not presented by it a conceivable case, nor can a conceivable case arrive under it that can not be punished by the courts and laws of the State in which that case might arise. It is true there is a pretense made here of empowering the States, after original packages have been delivered within their borders, to perform police duties. Gentlemen can not by taking counsel add one cubit to the stature of either the State or Federal arm of our dual Government in this respect. They can not confer or take away a police power or duty assigned to either by the Constitution. It is the law, as announced in the case of Plumley *v.* Massachusetts and affirmed in subsequent cases, that whenever original packages go into a State they are not exempt from the laws of that State, if the question of fraud or deceit or swindling be raised. In the ordinary course of trade Congress may regulate commerce. It has been distinctly recognized many times that the matter of liquors and beers referred to in the Wilson bill are articles of commerce against which no question of fraud or cheating or swindling was raised. That is especially mentioned in the case of Plumley *v.* Massachusetts, and it expressly held that regardless of the original package, or whence it came, the police powers of the State attach if fraud or dishonesty be alleged. It is not only within their power, Mr. Speaker, but it is the duty of the States to take jurisdiction and punish every act at which this bill is aimed, bad as they are. The States ought to do their duty.

Under our oaths to support the Constitution we ought to see to it that States are not allowed to impose upon the Federal Government and rid themselves of the duty, trouble, and expense of punishing these crimes, perpetrated by cheats and swindlers. If I lived in a State which confessed its incapacity or indisposition to exercise its police power I would renounce my citizenship.

Mr. GILBERT of Kentucky. Mr. Speaker I want to know why it is that there are three or four different standards of measurement prescribed in section 2. The standard mentioned in the tag is different in gold goods from that which is designated in silver goods.

Mr. ADAMSON. Mr. Speaker I would be very glad indeed to answer the gentleman, but I am unable from the study I have given to the bill to divine any reason for it. The bill is no friend of mine, and I am not in its confidence. I am fighting the bill generally for the reason that it is an unjust and unnecessary imposition on the Federal Government of duties that under the Constitution clearly can be and ought to be discharged by the local governments. I object to the bill for another reason: It confounds postal affairs with the commerce clause of the Constitution and they stand upon principles and plans essentially and radically different. The stuff mentioned in this bill ought not to go through the mails at all. The Post-Office Department ought not to come in competition with transportation companies as carriers of freight and merchandise. It ought to carry letters and newspapers, but I concede that whatever is carried it is proper for the Federal Government to guard the mails and the use of the mails everywhere. In commerce the clause originally designed to prevent discrimination by one State against another State has been construed to authorize all kinds of regulations which affect the usual order of trade and articles legitimately recognized thereunder, but no court, nobody, no State, no Congress has ever gone far enough yet to claim exemption from local laws for original packages if the question of fraud, dishonesty, immorality, or cheating and swindling be raised. All such acts are punishable by the State courts exclusively, regardless of origin or character of packages.

Mr. Speaker I yield back the balance of my time.

Mr. SHERLEY. Mr. Speaker, my opposition to this bill, like that of the gentleman who has just preceded me, is not against the subject-matter to which it relates so much as it is to the legislative body to which the matter is brought. If it is proper for Congress to legislate in regard to the purity of manufactured articles of gold and silver, when they are the subjects of interstate commerce, it is equally proper for Congress to legislate in regard to the purity of lead, zinc, fluorspar, or anything else used in interstate commerce. It is one of the curious things in connection with American history that the clause that was put into the Constitution of the United States for the purpose of keeping commerce free should now be used for the purpose of hampering commerce. We owe our Constitution to the fact that under the Articles of Confederation there had arisen conflicts between one State and another in regard to interstate commerce, and in order to prevent a State from discriminating against articles from another State it was provided that Congress should have control over commerce between the States, and for another reason, entirely over commerce with foreign nations, for those gentlemen who have taken the trouble to read the history of the debates at that time, realize that the two provisions contained in that commerce clause were given for diametrically opposite purposes. Congress was given control over commerce with foreign nations in order to give the National Government a weapon to fight England and other nations that were discriminating against our commerce on the high seas. It was given control over commerce between the States for the purpose of preventing the States discriminating and not for the purpose of restricting.

Now, there is not a Member here but realizes that the work that legitimately comes to Congress has become so great that we have been forced to not only do work almost entirely by committees, but to do work through heads of Departments. We are not able to consider matters that come here on the floor at all. We are wholly dependent upon the information that some Department presents, and nine times out of ten we follow the recommendations made by the Departments, and yet here are gentlemen asking day after day that we shall not only take care of the many matters now presented, but that we shall go out into the domain of the States and rob them of their police powers. The gentleman said that this does not take away the police powers of the State. That is partially true. If you could fully do it, you would have done that long ago, but you can not. It does do this, however: It does invade what has been declared repeatedly by the Supreme Court to be the sole province and proper domain of State government——

Mr. VREELAND. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. VREELAND. I was about to ask the gentleman if he noticed under the provisions of section 7 of the bill that articles of merchandise of this kind are expressly put under the State laws when they become intermingled with the property of the State, and I ask the gentleman how that robs the States of their police powers?

Mr. SHERLEY. The gentleman is very generous in giving something that the States already had. There is not a line written in your bill that adds one iota to the power of the States over these matters. It is simply a blind. It is held out with the hope that by saying we are not interfering with the States that the bill will be passed. What is the fact? What is happening in every State of the Union to-day? The State legislatures, the State governments, instead of being virile and efficient, are becoming anything but that. State officials do not want to use the power of their State governments because it means State taxation to pay for its exercise, which the people have to pay directly out of their pockets, and so you find officers of State governments charged with these matters coming up to the National Government to ask it to do what it is their duty to do, so that they be relieved of the burden and the States relieved of the cost. I believe it was intended that the individual States of America should be sovereign States, keeping at home among the people 90 per cent of the things that affect life, liberty, and property. I believe the safety of the country lies in keeping such government at home.

If gentlemen are to come here with this bill—a bill that has no more warrant for its existence than any bill relating to any other article of interstate commerce—you might as well regulate, as a gentleman just suggested, how far the bottom of a strawberry box shall be from the top, for strawberries are used in interstate commerce. Can the gentleman give any reason why we should not regulate articles made of bronze, copper, zinc, or lead and used in interstate commerce? They are amalgamated with baser metals and deception is practiced on the public.

Mr. VREELAND. I would like to ask the gentleman if he knows why every country in Europe for centuries has regulated gold and silver, and regulated nothing else?

Mr. SHERLEY. I do not know that to be fact, but I do know this, that every government in Europe that the gentleman refers to and to which the report refers is a government that does not have our dual system of government. That is my answer to the gentleman. If you did not have any sovereign State, if you had but one sovereignty here, there would be hundreds of questions that would properly belong to the National Government that do not now belong to it. I insist that those things which belong to the States shall be kept in the States.

Why, your very report is a refutation of the need of your legislation. You report that the State of New York has recently adopted a law and is enforcing that law. What is happening in New York can happen in every other State of the Union. But it is a modern tendency to come to Washington because it is easier than going to the different States; and it has gone so far now that we have the doctrine proclaimed that whatever is big, because it is big, must be solved by the National Government. You will swamp your Government. You will destroy a representative Government in the true sense of the term if you insist upon going along this road, and I have taken occasion to make these remarks, not because I have any special objection to this particular bill—I have not examined it in detail—but because I know it is not a matter that belongs to the National Government, and because I know in my short experience here that we can not undertake to attend to all the matters that should be subject to the police powers of the State and keep this Government an intelligent and effective one. One gentleman well remarked that this bill is not only using wrongfully power under the interstate-commerce clause, but also under the postal clause. The postal bureau was established for the purpose of conveying information to the people. It is constantly being used now and a constant demand being made on Congress to further use it for the purpose of police regulations, of regulating the morals of the people. What does it matter to the post-office, as a Department of the Government, whether a watch shipped through the mails be gold or half gold, or silver or half silver? Why should your postal affairs be intermingled with this? Is it because you have to find devious ways in and around and about to get away from the idea of the Constitution makers that these police powers belong to and were reserved to the individual States? You have got to take a power given for another purpose and pervert it to this use in order to make your legislation stick. I protest against this, the most flagrant attempt to misuse the power given under the interstate-commerce clause for police purposes. I reserve the balance of my time. [Applause.]

Mr. VREELAND. Mr. Speaker, what time is there left on the respective sides?

The SPEAKER. The gentleman from New York [Mr. VREELAND] has fourteen minutes and the gentleman from Kentucky [Mr. SHERLEY] has six minutes remaining.

Mr. VREELAND. Mr. Speaker, I only want to reply at this time to one or two points the gentleman has raised. One of them is the very natural and proper inquiry as to whether it is not necessary for the General Government to regulate everything else that goes into interstate and foreign commerce. The gentleman says, "Why should not the Government regulate lumber and iron and zinc?" And he might extend the list much further than that. Why, Mr. Speaker, the reason for this is very evident. I have asked the gentleman why in all of the civilized countries of Europe during all the years when they have manufactured articles from gold and silver those governments have found it necessary to place regulations and safeguards around articles made of gold and silver and not around other things? The gentleman does not deny the necessity for it, but he evades the inquiry by saying that we have a dual form of government and that it should be done by the States.

Now, I submit, Mr. Speaker, that experience has demonstrated that there are two articles that go into interstate commerce that need regulation by the National Government. One of them is articles made out of gold and silver and the other articles which go into the food supply of the country. I insist that there is no necessity for any regulation about lumber, and iron, and zinc, and articles made from wool, cotton, or silk, or tools and implements or machinery, for the reason, Mr. Speaker, that no one need be deceived when they buy those things. Why, a man buys a pair of shoes; if he is defrauded in it he finds it out within six months, and the man who made those shoes and sold those shoes receives his punishment in the loss of trade. But, Mr. Speaker, when a man over in the city of Brooklyn makes a watch like this and stamps it "warranted 14 carat," and when a piece of that watch is cut off and assayed by the United States shows it is only 10 carats, the man who bought it is swindled the difference between 10 and 14 carats. I ask where is the remedy for that man? He may carry that 10-carat watch in his pocket for twenty-five years and never discover that he has been swindled, and that is the reason why articles of gold and silver are singled out for regulation by the General Government.

Now, you tell me there is no trouble to regulate that by the State. We have succeeded, after four years, in forcing a law through the legislature of the State of New York forbidding the manufacturers to make false statements on articles made of gold and silver. The manufacturers of the State of New York very properly said to us, "Why, you are tying our hands, and leaving our competitors' loose. You are forbidding us from cheating upon these articles made of gold and silver, but leaving it open to the men that make the same things in Connecticut, New Jersey, Chicago, or St. Louis, or Kentucky, if they make them out there, or anywhere they are made throughout the United States, to make them and send them out and sell them, and tie our hands so that we can not compete with them, and we will be driven out of business." Now, that is the reason why we can not get State legislation upon this question. That is the reason why they said to us, "Why do you not go to Congress; why do you not have a uniform law or regulation established, where all of us may be bound by it, and where all may be protected by it?"

I yield five minutes to the gentleman from Alabama.

Mr. RICHARDSON of Alabama. Mr. Speaker, I believe that the intent and meaning of this bill is to protect the manufacturers as well as the public by excluding within the bounds of interstate and foreign commerce spuriously marked gold ware and silverware out of all the markets of the United States. I can not understand, Mr. Speaker, why anyone should object if I go into a retail jewelry establishment and want to buy a piece of silverware—a ladle, urn, pitcher, or other valuable article—if I try to protect myself against having a spurious, fraudulent article imposed on me. I find it marked "sterling;" that means nine hundred and twenty-five one-thousandths of pure silver. I buy it as pure silver, yet the truth is that instead of getting a "sterling" article, I buy that which runs about four hundred and twenty-five one-thousandths of pure silver. Is not that a misrepresentation? Is it not selling something to a purchaser under false pretenses? It is deceit of the meanest character. This bill seeks to prevent that deception. It seeks to have manufacturers, retailers, and purchasers deal with each other on the basis of honesty and fair dealing.

This bill, Mr. Speaker, does not undertake to prevent a man from selling. We must not forget that it neither seeks to prevent the manufacturer or the retailer from selling their silver or gold wares, nor it does not require the articles to be marked. It puts no restraint upon him in that respect. But it does this: It says, "Mr. Manufacturer and Mr. Retailer, whenever you mark that piece of silver or that piece of gold, by putting on it 'sterling' or '14 carat,' you shall mark it correctly, and it shall contain the standard amount of pure silver and carat gold, as marked, within the leeway under the bill. Does such a requirement wrong anyone? You shall not sell it under any false pretense. If you do not want to mark it, that is all right; let it go unmarked. If you do not want to label it, that is all right." What is the result of that? If this law passes, and it requires the manufacturer to mark his goods correctly when he marks them at all, then should a citizen go into a jewelry establishment to buy, and they show a piece of silver that is offered for sale, and he notices that the piece is not marked at all, what is the inevitable conclusion? Why, the inevitable conclusion is that it is alloyed and adulterated, and not what it is represented to be. We conclude at once that this retailer is suppressing the truth. He is seeking to sell an article that is spurious. How long would such a business house last with that reputation? We hunt another retailer, and find the silver article he offers to sell is marked "sterling," then we know what we are buying, what to calculate on, and that we are dealing with an honest manufacturer or retailer—a man that is complying with the requirements of the law.

This bill, as I say, undertakes to regulate merely articles that are manufactured of gold and silver, in whole or in part, and simply proposes not to prohibit their sale, but to require them to be marked correctly and sold for what they really are. How does this interfere in the least, as is now contended by some gentlemen, with the police rights of the State? Certainly the police powers of the State can not be invoked to shelter fraud and misrepresentation. The bill clearly declares——

Mr. HENRY of Texas. Will the gentleman permit me to ask him a question?

Mr. RICHARDSON of Alabama. Certainly.

Mr HENRY of Texas. In certain cases does it not forbid the transportation of articles from one State to another?

Mr. RICHARDSON of Alabama. What cases do you mean?

Mr. HENRY of Texas. Is it not a principle in the bill that certain articles that do not come up to a certain standard of quality shall not be transported from one State to another?

Mr. RICHARDSON of Alabama. Certainly not, if marked correctly. If a fraud is being attempted, then the transportation of that article from one State into another ought to be forbidden. This is what the bill means. The bill provides that where a State has passed a law and made a standard itself for the

manufacture of gold and silver this bill puts the article so made under the provisions of the laws of the State the moment it goes into that State. What possible objection could the most theoretical and ardent advocate of States rights make against that? No interference with the laws of the State is contemplated, but the bill seeks uniformity of rules and standards.

Mr. HENRY of Texas. It puts an embargo upon the commerce of the people on certain articles.

Mr. RICHARDSON of Alabama. What objection have you to that if the effort is to prevent imposition on the public?

Mr. HENRY of Texas. You have the right to regulate, but not suppress the commerce between the States.

Mr. RICHARDSON of Alabama. We have the right under the Constitution to regulate the instrumentalities of commerce between the States; then certainly Congress has the authority to regulate commerce itself. This bill does not suppress commerce. It prevents the transfer from one State to another of any article manufactured of gold or silver bearing a false label or mark.

Mr. HENRY of Texas. Just another question and then I am through. Section 6 says that—

> The expression "article of merchandise" as used in this act shall signify any goods, wares, works of art, commodity, or other thing which may be lawfully kept or offered for sale.

Now, does not that mean all articles of commerce, whether silverware or goldware?

Mr. RICHARDSON of Alabama. It is not so intended.

Mr. HENRY of Texas. It says "articles of merchandise."

Mr. RICHARDSON of Alabama. We are not seeking to regulate by this bill "articles of merchandise" generally, but the provisions of the bill relate to articles manufactured of gold or silver. The title of the bill discloses its scope: Forbidding the importation or exportation and carriage of falsely or spuriously stamped articles of merchandise of gold or silver.

Mr. HENRY of Texas. It may be that it goes further than you intend; and that is what I am afraid of.

Mr. RICHARDSON of Alabama. It is not the purport or meaning of this bill, as I have shown in the title of the bill and each one of its provisions.

Mr. Speaker, the section that I come from is not engaged in the manufacturing of jewelry. As I understand, for many years in the early history of this country that business was confined to the New England States.

Now, the cities of New York, Chicago, and St. Louis, together with New Jersey, have become the great manufacturers of jewelry, and they send out hundreds of millions of dollars' worth of their articles manufactured of gold and silver throughout the whole country. We all buy them throughout the country, and why should we not expect and require them simply to tell the truth in the marks that they put upon the gold and silver articles? To do less than that is a wrong and injury to honest manufacturers. As I said, if they do not want to mark them they can decline, and trust to the purchaser to come in and buy on his own responsibility and without any guaranty. No one objects to that. All we ask is, as is declared in the pure-food bill, which is kindred legislation to this, not to prevent a man from selling, but to make him tell the truth when he makes representations to the purchaser of what he is selling.

It behooves Congress, and I think it is clearly in the jurisdiction of Congress, within the limits of the commerce clause, to enact legislation that will protect the public against the growing frauds, deceit, and misrepresentations that are daily being practiced with unblushing and reckless audacity. It is worse than idle to declare in such an effort as this that we are invading the "police powers" of the States. There is such a policy as cooperation and mutual aid between the States and the Federal Government for the welfare of the people.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I do not oppose the object sought to be accomplished by this bill, but only the method by which the object is sought to be accomplished. I believe that the objects, so far as the States are concerned, can be just as well secured by the legislatures of the several States. I do not think the gentleman from New York [Mr. VREELAND], who is the author of the bill, will controvert that proposition. If he is ready to do so, I pause to have him do it now.

Mr. VREELAND. I will say to my friend from Massachusetts that, as a practical proposition, I think it is not true. As a theoretical proposition, doubtless the States could enact laws to accomplish this result.

Mr. SULLIVAN of Massachusetts. Now, the gentleman asserts as a practical proposition that the States are incapable of exercising the powers which the people of those States reserved to themselves when the Constitution was adopted.

Mr. VREELAND. If the gentleman will pardon me, I should prefer that he did not use the word "incapable." But for reasons, some of which I have stated, they are unwilling to act. Their manufacturers are unwilling to tie their hands and leave the hands of hundreds of others untied in other States.

Mr. SULLIVAN of Massachusetts. If the people of a State believe it desirable for the legislature to prescribe the fineness of an article of gold or silver, will the gentleman tell me why, with such a public opinion, the legislation sought to be secured by this bill can not be secured by the legislature of such a State? Will the gentleman answer that question?

Mr. VREELAND. Mr. Speaker, I have endeavored to explain.

Mr. SULLIVAN of Massachusetts. Won't the gentleman answer that question?

Mr. VREELAND. The difficulties of obtaining legislation by the State legislature I have partly explained. For example, in the State of New York we desired to pass a bill to prevent the false marking of jewelry. Immediately the manufacturers came in and said, "Why, you are tying our hands, you are preventing us from competing with others, but you leave open the hands of men from Massachusetts, from Illinois, from New Jersey, from Rhode Island, and from all over the Union."

Mr. SULLIVAN of Masachusetts. Have you passed such a bill in the State of New York?

Mr. VREELAND. We have succeeded after three years of effort.

Mr. SULLIVAN of Massachusetts. Now, the gentleman admits that even in the State of New York, where, he asserts, that there was opposition to such a bill, the people were virtuous enough to compel their legislature to pass such a bill. Why may not similar results be obtained in other States of the Union?

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. SHERLEY. Mr. Speaker, I yield two minutes more to the gentleman.

Mr. GILBERT of Kentucky. Mr. Speaker, will the gentleman allow me a question?

Mr. SULLIVAN of Massachusetts. If it is only a question; I have only two minutes.

Mr. GILBERT of Kentucky. Congress has recognized this duty and the Supreme Court has recognized its right to prohibit the transmission of lottery tickets through the mails. What is the difference between that right and that duty and preventing the transmission of articles fraudulently tagged through the mails? It Congress has that right and duty, where is the remedy? How can your State meet that condition?

Mr. SULLIVAN of Massachusetts. The State can pass a law prohibiting the use of or reception into the State of lottery tickets, which would be perfectly valid. The State can pass a law regulating the fineness of gold and silver articles, as Congress may. What Congress is doing is passing a bill in the exercise of a police power which Congress does not have.

Now the gentleman says that we will not legislate as to other things, because there is no necessity for it. May not some one in the next Congress say the people are suffering because they have shoddy in their woolen suits, and some virtuous gentleman rise up to prohibit the transportation of woolen suits that have any shoddy in them? The next thing we will do will be to regulate the length of nails that have become a subject of interstate commerce, the length and weight of bars of soap, railroad ties, and all other articles that may be the subject of interstate commerce. Where is it going to end? Isn't it about time to leave to the States themselves the powers which they insisted should be reserved them when they consented to come into the Union?

May we not as well amend the Constitution and abolish all State governments as to pass such laws as this under the guise of the exercise of the power to regulate interstate commerce? I think the time has come to allow the States to act upon the subjects of legislation which it was intended should be secured to them, to the end that the State legislatures may retain their virility and command the presence of able men within those States.

Mr. VREELAND. Mr. Speaker, I have only four minutes remaining. I want to say to my friend from Massachusetts [Mr. SULLIVAN] that the States have had authority to act at any time within these hundred years. A few of them have acted, but only three or four States out of the whole forty-five that comprise the Union have passed any legislation whatever on this subject. In the meanwhile, Mr. Speaker, hundreds of millions of dollars' worth of articles made from gold and silver are sold to the people of this country, in every State and in every Congressional district every year, which are falsely marked, and by which the purchasers thereof are deceived and defrauded. I

insist that we are interfering in no way in this bill with the right of the States. If the State of Kentucky desires to have its citizens buy articles of gold and silver that are falsely and fraudulently branded, they have a perfect right to do so.

Mr. SHERLEY. Will the gentleman yield?

Mr. VREELAND. I can not yield.

Mr. SHERLEY. I will yield to the gentleman a minute of my time.

Mr. VREELAND. The trouble is that the gentleman has no time remaining.

Mr. Speaker, I want to say to you that, in my judgment, you can go into the stores of this city—you can go into the stores of any city in the United States, and I have looked up the subject carefully—and you will not find 2 per cent of the articles made of gold and silver in those stores that are what they purport to be in the marks put upon them. I have a large collection of articles here that I desire to show to the House, illustrating how articles of gold and silver are falsely marked and branded to deceive the people. Why, the wife of some Member of this House desires to buy some sterling silver spoons; she desires to buy spoons that are 0.925 pure; that will last her through her lifetime, and that will be handed down to her children and her children's children, and she goes to a store to invest her money in sterling silver. The article which I have in my hand is, perhaps, a fair specimen of what she may get. She can get it in almost any large city in the United States, an article marked "Sterling," an article, perhaps, represented to her to be sterling, but which is merely a cheap plate, one which would last her four or five years and then become absolutely worthless. I have here also two other articles of the same kind. There is a gold watch marked "Warranted 14 carats," but the United States assay shows it is only 10 carats. There is a locket which might be bought for some one of your little girls for a Christmas present, an article which, if it were what it purports to be, namely, 14 carats, ought to last her a lifetime, and yet all that is is a filled case of some base metal, washed over with a covering of gold.

Why, I went into one of the great factories of New England while I was looking up this subject last summer—a factory which makes finger rings—where 700 people were employed. They showed me an order from one of the great department stores of the United States, ordering 100 dozen rings to be made, the rings to be marked 18 carats, but to be made only 10 carats fine. Why, Mr. Speaker, it is a common thing, as I am told by those who deal in these things, to order watch cases, to order rings, to order all sorts of things made out of gold and silver, and to have accompanying the order the explicit direction to mark them higher than they actually are in value.

[Here the hammer fell.]

Mr. SHERLEY. Mr. Speaker, I shall not detain the House longer than a half a minute to read to them what the gentleman declined to give to the House in response to an inquiry of mine. The gentleman stated that this proposed law did not interfere with any rights of the States or its citizens; that a merchant in the State of Kentucky was not prohibited from buying or selling false jewelry of silver or gold if he desired to do so. If the gentleman will look in his own bill he will find on the first page, in line 8, that there is an inhibition on importing or exporting any article that does not meet the requirements of this act. Now, no dealer in the State of Kentucky could import from the State of New York nor export to the State of New York such articles if he saw fit. I am not now speaking as to whether he ought to want to do so or not, but I am calling the attention of the House to this as a sample of the accuracy of the statements of the advocates of this sort of legislation.

Mr. RYAN. I call for a vote, Mr. Speaker.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question being taken, on a division (demanded by Mr. SHERLEY) there were—ayes 139, noes 35.

Accordingly (two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

NATIONAL QUARANTINE LAW.

Mr. DAVEY of Louisiana. Mr. Speaker, I call up the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service and to impose further duties thereon, and move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill, agree to the amendment reported by the committee in the nature of a substitute, and pass the bill as amended.

The SPEAKER. The gentleman from Louisiana moves to discharge the Committee of the Whole House on the state of the Union from the further consideration of the following Senate bill, agree to the amendment in the nature of a substitute, and pass the bill. The Clerk, without objection, will read the substitute in lieu of the Senate bill. [After a pause.] The Chair hears no objection.

Mr. DAVEY of Louisiana. Mr. Speaker, I ask unanimous consent that the reading of the substitute be dispensed with, as it has already been read.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that the reading of the substitute be dispensed with, it being, as the Chair understands, a copy of the House quarantine bill, which passed the House a few days ago. Is there objection?

Mr. BARTLETT. Mr. Speaker, I think we better have the bill read.

Mr. HEPBURN. Mr. Speaker, in explanation, I would say to the gentleman from Georgia [Mr. BARTLETT] that this is a Senate bill. The whole of the bill after the enacting clause was stricken out, and the amendment reported by the committee adopted. Now, that amendment is the text of the bill that a few days ago passed this House.

The SPEAKER. So the Chair understands. The gentleman from Georgia, however, demands the reading of the amendment.

Mr. HEPBURN. Mr. Speaker, I thought perhaps the gentleman from Georgia did not understand.

Mr. BARTLETT. I did understand, but, Mr. Speaker, there are so many of these bills being brought up and passed that I think the time of the country can well be expended in reading some of them.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury shall have the control, direction, and management of all quarantine stations, grounds, and anchorages established by authority of the United States, and as soon as practicable after the approval of this act shall select and designate such suitable places for them and establish the same at such points on or near the seacoast of the United States or the border of the United States and a foreign country, as in his judgment are best suited for the same and necessary to prevent the introduction of yellow fever into the United States, and, in his discretion, he may also establish at the group of islands known as the "Dry Tortugas," at the western end of the Florida reef, and at such other point or points on or near the seacoast of the United States (not to exceed four in the aggregate) as he deems necessary, quarantine grounds, stations, and anchorages, whereat or whereto infected vessels having on board any person with yellow fever and bound for any port in the United States may be detained or sent for the purpose of being disinfected, having their cargoes disinfected and discharged, if necessary, and their sick treated in hospitals until all danger of infection or contagion from such vessels, their cargoes, passengers, or crews has been removed.

SEC. 2. That in cases in which the title to the land and water so selected and designated is in the United States it shall be the duty of the department, bureau, or official of the United States having custody or possession of such land and water, or any part thereof, not used by the Government for other purposes designated by law, or possession of said Dry Tortugas Islands, on demand of the Secretary of the Treasury, to deliver the same into his custody and possession for the use of the Public Health and Marine-Hospital Service, evidencing such delivery by a suitable instrument in writing to be delivered to the Secretary of the Treasury. That in cases in which the title to such land and water, or any part thereof, is in any other owner than the United States it shall be the duty of the Secretary of the Treasury to secure the title and possession of the same to the United States for the use of the Public Health and Marine-Hospital Service of the United States, by purchase at a reasonable price, if possible; but if, in his judgment, the price demanded for such property be excessive, he is hereby authorized to apply to the Attorney-General of the United States to cause to be instituted, in the proper tribunal, condemnation proceedings in the name of the United States for the purpose of acquiring for the United States the title and possession of such land and water, and said Attorney-General shall, as soon as possible after such application by the Secretary of the Treasury, cause such proceedings to be instituted and conducted to a conclusion, and the custody and possession of such land and water, when duly acquired in accordance with the award made in such condemnation proceedings, shall be delivered to the Secretary of the Treasury for the use of the Public Health and Marine-Hospital Service.

SEC. 3. That on acquiring possession of any land and water in accordance with the provisions of this act for the purpose of establishing thereat a quarantine station and anchorage, the Secretary of the Treasury shall cause to be published in such newspapers as he may think proper, once a week for four successive weeks, a notice of the selection and designation of such places for quarantine stations and anchorages, with a description of the boundaries of such quarantine stations and anchorages, and such rules and regulations as he shall adopt and promulgate, requiring vessels with yellow fever among their passengers or crews to go to specified quarantine stations and anchorages, to be dealt with there before visiting any port of the United States. He shall establish at such quarantine stations and anchorages all necessary instrumentalities for disinfecting vessels and their cargoes, and where the same shall be required shall erect the necessary hospital buildings and install the necessary furniture and fittings for receiving and treating the sick among the passengers and crews of vessels going to such quarantine stations and anchorages, and provide for the separation of those among their passengers and crews who are suffering from yellow fever from those who are in good health, and shall further provide for doing all things necessary to eradicate such disease from such vessels, their cargoes, passengers, and crews.

SEC. 4. That any vessel, or any officer of any vessel, or other person other than State health or quarantine officers, entering within the limits of any quarantine grounds and anchorages, or any quarantine station and anchorage, or departing therefrom, in disregard of the quarantine rules and regulations or without the permission of the officer in charge of such quarantine ground and anchorage, or of such quarantine station and anchorage, shall be deemed guilty of a misde-

meanor, and upon conviction thereof shall be punished by a fine of not more than $300 or by imprisonment for not more than one year, or both, in the discretion of the court. That any master or owner of any vessel violating any provision of this act, or any provision of an act entitled "An act granting additional powers and imposing additional duties on the Marine-Hospital Service," approved February 15, 1893, or violating any rule or regulation made in accordance with this act or said act of February 15, 1893, relating to the inspection of vessels, or to the prevention of the introduction of contagious or infectious diseases into the United States, or any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of such vessel or its contents, or as to the health of any passenger or person thereon shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $500 or imprisonment for not more than one year, or both, in the discretion of the court.

SEC. 5. That in any place where a quarantine station and plant is already established by State or local authorities it shall be the duty of the Secretary of the Treasury, before selecting and designating a quarantine station and grounds and anchorage for vessels, to examine such established stations and plants, with a view of obtaining a transfer of the site and plants to the United States; and whenever the proper authorities shall be ready to transfer the same or surrender the use thereof to the United States, the Secretary of the Treasury is authorized to obtain title thereto or possession and use thereof, and to pay a reasonable compensation therefor, if, in his opinion, such purchase or use will be necessary to the United States for quarantine purposes.

SEC. 6. That whenever any established station, or any land or water, or any part thereof, shall be acquired by the United States under the provisions of this act, jurisdiction over the same shall be ceded to the United States by any State in which the same is situated before any compensation therefor shall be paid or any permanent structures or improvements be made or maintained thereon.

SEC. 7. That every common carrier engaged in interstate commerce shall, under such regulations, restrictions, and safeguards as may be promulgated by the Secretary of the Treasury, receive, carry, and transport through any State or Territory necessary to complete the journey or carriage into a State wherein delivery or debarkation may be lawful all passengers, freight, or baggage which may have been discharged and properly certified in accordance with the regulations of the Public Health and Marine-Hospital Service; and every person interfering with or obstructing such carrier or any passenger or any instrumentality of commerce in any such carriage or journey shall be guilty of a misdemeanor and on conviction thereof be punished by a fine not exceeding $300 or be imprisoned for a period not exceeding one year, or both, in the discretion of the court: *Provided*, That this section shall not be construed as giving authority to any person to debark or unload freight in any locality contrary to the lawful regulations thereof.

SEC. 8. That the sum of $500,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act, as well as for the purpose generally of preventing the importation of yellow fever into the United States, and for the further purposes, in cooperation with State or municipal health authorities, of eradicating it should it be imported, of preventing its spread from one State into another State, and of destroying its cause.

The SPEAKER pro tempore (Mr. CURTIS). Is a second demanded?

Mr. BARTLETT. Yes; I demand a second.

Mr. DAVEY of Louisiana. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. The gentleman from Louisiana asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears no objection. The gentleman from Louisiana is recognized for twenty minutes and the gentleman from Georgia [Mr. BARTLETT] for twenty minutes.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 11.30 o'clock to-morrow morning.

The SPEAKER pro tempore. The question is on taking a recess until 11.30 o'clock to-morrow morning.

The question was taken; and on a division (demanded by Mr. BARTLETT) there were—ayes 125, noes 9.

Mr. BEALL of Texas. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point of no quorum. The doors will be closed, the Sergeant-at-Arms is directed to bring in absentees, and the roll will be called. The question is, Shall the House take a recess until to-morrow at 11.30 a. m.? The Clerk will call the roll.

The question was taken; and there were—yeas 165, nays 19, answered "present" 7, not voting 190, as follows:

YEAS—165.

Acheson	Cassel	Dovener	Gronna
Adamson	Chapman	Driscoll	Grosvenor
Aiken	Clark, Fla.	Dwight	Hamilton
Allen, N. J.	Clark, Mo.	Ellerbe	Hay
Barchfeld	Cole	Ellis	Hayes
Bennet, N. Y.	Conner	Esch	Hepburn
Bishop	Cooper, Pa.	Fitzgerald	Hill, Conn.
Bonynge	Cooper, Wis.	Floyd	Hinshaw
Bonteil	Crumpacker	Foster, Ind.	Hoar
Bowers	Currier	Foster, Vt.	Hogg
Bowersock	Curtis	French	Hopkins
Brantley	Cushman	Fulkerson	Houston
Brown	Dale	Fuller	Howell, N. J.
Brundidge	Dalzell	Garber	Howell, Utah
Buckman	Davey, La.	Gardner, N. J.	Hubbard
Burton, Del.	Davidson	Gilbert, Ind.	Huff
Burton, Ohio	Dawson	Gilbert, Ky.	Hunt
Butler, Pa.	Dickson, Ill.	Graff	Johnson
Calderhead	Dixon, Ind.	Graham	Jones, Wash.
Candler	Dixon, Mont.	Griggs	Kahn
Keifer	Minor	Reynolds	Thomas, N. C.
Kinkaid	Mondell	Richardson, Ala.	Tirrell
Kitchin, Claude	Moon, Tenn.	Richardson, Ky.	Townsend
Knowland	Mouser	Rives	Trimble
Lacey	Murdock	Robinson, Ark.	Volstead
Lafean	Murphy	Rodenberg	Vreeland
Lamar	Needham	Ryan	Wallace
Landis, Frederick	Nevin	Sims	Watkins
Lever	Norris	Slemp	Webb
Littauer	Olcott	Smith, Cal.	Weeks
Little	Otjen	Smith, Iowa	Weems
Longworth	Page	Smith, Ky.	Weisse
McCleary, Minn.	Parker	Smith, Samuel W.	Wiley, Ala.
McKinley, Ill.	Parsons	Smyser	Williams
McKinney	Patterson, N. C.	Southall	Wilson
McLain	Payne	Southwick	Wood, N. J.
McMorran	Pou	Sparkman	Young
Macon	Prince	Speight	Zenor
Madden	Pujo	Steenerson	The Speaker
Marshall	Ransdell, La.	Stevens, Minn.	
Martin	Reeder	Sullivan, Mass.	
Miller	Reid	Tawney	

NAYS—19.

Bartlett	Field	Gregg	Lloyd
Beall, Tex.	Garner	Heflin	Moore
Burgess	Garrett	Henry, Tex.	Sheppard
Burleson	Gillespie	Humphreys, Miss.	Smith, Tex.
De Armond	Gillett, Mass.	Jones, Va.	

ANSWERED "PRESENT"—7.

Gillett, Cal.	Kennedy, Ohio	Mahon	Smith, Wm. Alden
Goebel	Knapp	Meyer	

NOT VOTING—190.

Adams, Pa.	Dresser	Landis, Chas. B.	Ruppert
Adams, Wis.	Dunwell	Law	Russell
Alexander	Edwards	Lawrence	Samuel
Allen, Me.	Fassett	Lee	Schneebeli
Ames	Finley	Le Fevre	Scott
Andrus	Flack	Legare	Scroggy
Babcock	Fletcher	Lester	Shackleford
Bankhead	Flood	Lewis	Shartel
Bannon	Fordney	Lilley, Conn.	Sherley
Bartholdt	Foss	Lilley, Pa.	Sherman
Bates	Fowler	Lindsay	Sibley
Bede	Gaines, Tenn.	Littlefield	Slayden
Beidler	Gaines, W. Va.	Livingston	Small
Bell, Ga.	Gardner, Mass.	Lorimer	Smith, Ill.
Bennett, Ky.	Gardner, Mich.	Loud	Smith, Md.
Bingham	Gill	Loudenslager	Smith, Pa.
Birdsall	Glass	Lovering	Snapp
Blackburn	Goldfogle	McCall	Southard
Bowie	Goulden	McCarthy	Sperry
Bradley	Granger	McCreary, Pa.	Stafford
Brick	Greene	McDermott	Stanley
Broocks, Tex.	Gudger	McGavin	Stephens, Tex.
Brooks, Colo.	Hale	McKinlay, Cal.	Sterling
Broussard	Hardwick	McLachlan	Sullivan, N. Y.
Brownlow	Haskins	McNary	Sulloway
Burke, Pa.	Haugen	Mann	Sulzer
Burke, S. Dak.	Hearst	Maynard	Talbott
Burleigh	Hedge	Michalek	Taylor, Ala.
Burnett	Henry, Conn.	Moon, Pa.	Taylor, Ohio
Butler, Tenn.	Hermann	Morrell	Thomas, Ohio
Byrd	Higgins	Mudd	Towne
Calder	Hill, Miss.	Olmsted	Tyndall
Campbell, Kans.	Hitt	Overstreet	Underwood
Campbell, Ohio	Holliday	Padgett	Van Duzer
Capron	Howard	Palmer	Van Winkle
Chaney	Hughes	Patterson, S. C.	Wachter
Clayton	Hull	Pearre	Wadsworth
Cockran	Humphrey, Wash.	Perkins	Waldo
Cocks	James	Pollard	Wanger
Cousins	Jenkins	Powers	Watson
Cromer	Kelliher	Rainey	Webber
Darragh	Kennedy, Nebr.	Randell, Tex.	Welborn
Davis, Minn.	Ketcham	Rhinock	Wharton
Davis, W. Va.	Kitchin, Wm. W.	Rhodes	Wiley, N. J.
Dawes	Klepper	Ricey	Wood, Mo.
Deemer	Kline	Roberts	Woodyard
Denby	Knopf	Robertson, La.	
Draper	Lamb	Rucker	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. CROMER with Mr. VAN DUZER.

Mr. DEEMER with Mr. KLINE.

Mr. FOSS with Mr. MEYER.

Mr. HEDGE with Mr. LEGARE.

Mr. LILLEY of Connecticut with Mr. HILL of Mississippi.

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

Mr. MANN with Mr. HOWARD.

Mr. POLLARD with Mr. PADGETT.

Mr. STERLING with Mr. BURNETT.

Mr. WATSON with Mr. SHERLEY.

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. SHERMAN with Mr. RUPPERT.

For the day:

Mr. ADAMS of Pennsylvania with Mr. BROUSSARD.

Mr. ALEXANDER with Mr. CLAYTON.

Mr. ANDRUS with Mr. WILLIAM W. KITCHIN.

Mr. BINGHAM with Mr. HEARST.

Mr. BROWNLOW with Mr. BOWIE.

Mr. BURKE of South Dakota with Mr. LEE.

Mr. BURLEIGH with Mr. KELIHER.
Mr. DAVIS of Minnesota with Mr. HARDWICK.
Mr. DUNWELL with Mr. BUTLER of Tennessee.
Mr. HALE with Mr. TALBOTT.
Mr. HITT with Mr. RUSSELL.
Mr. KNAPP with Mr. STEPHENS of Texas.
Mr. CHARLES B. LANDIS with Mr. COCKRAN.
Mr. LILLEY of Pennsylvania with Mr. UNDERWOOD.
Mr. MAHON with Mr. GAINES of Tennessee.
Mr. OLMSTED with Mr. RAINEY.
Mr. SCROGGY with Mr. TOWNE.
Mr. WM. ALDEN SMITH with Mr. SULZER.
Mr. WALDO with Mr. LEWIS.
For the vote:
Mr. ADAMS of Wisconsin with Mr. BELL of Georgia.
Mr. BABCOCK with Mr. FINLEY.
Mr. BANNON with Mr. WOOD of Missouri.
Mr. BARTHOLDT with Mr. BYRD.
Mr. BATES with Mr. DAVIS of West Virginia.
Mr. BIRDSALL with Mr. FLOOD.
Mr. BRICK with Mr. GILL.
Mr. CAMPBELL of Ohio with Mr. GLASS.
Mr. DAWES with Mr. GOLDFOGLE.
Mr. FASSETT with Mr. GUDGER.
Mr. GAINES of West Virginia with Mr. GRANGER.
Mr. GARDNER of Massachusetts with Mr. LAMB.
Mr. GARDNER of Michigan with Mr. JAMES.
Mr. GREENE with Mr. LESTER.
Mr. HUGHES with Mr. LINDSAY.
Mr. JENKINS with Mr. LIVINGSTON.
Mr. KETCHAM with Mr. BANKHEAD.
Mr. LAWRENCE with Mr. McDERMOTT.
Mr. LOUDENSLAGER with Mr. McNARY.
Mr. LOVERING with Mr. MAYNARD.
Mr. McCREARY of Pennsylvania with Mr. PATTERSON of South Carolina.
Mr. MUDD with Mr. RANDELL of Texas.
Mr. OVERSTREET with Mr. RIXEY.
Mr. PEARRE with Mr. RHINOCK
Mr. ROBERTS with Mr. RUCKER.
Mr. SCOTT with Mr. SHACKLEFORD.
Mr. SMITH of Pennsylvania with Mr. SLAYDEN.
Mr. TAYLOR of Ohio with Mr. SMALL.
Mr. TYNDALL with Mr. SMITH of Maryland.
Mr. WACHTER with Mr. STANLEY.
Mr. WANGER with Mr. BROOCKS of Texas.
Mr. WILEY of New Jersey with Mr. TAYLOR of Alabama.

Mr. BEALL of Texas. Mr. Speaker, I would ask if there is a quorum present?

The SPEAKER pro tempore. There is not at present.

Mr. BEALL of Texas. Mr. Speaker, I move that the House adjourn until 12 o'clock to-morrow.

The SPEAKER pro tempore. The gentleman from Texas moves that the House adjourn. Is there a second to that motion?

Mr. DAVEY of Louisiana. Mr. Speaker, a point of information, sir. If we adjourn now until 12 o'clock to-morrow, what will be the position of the bill before the House for consideration?

The SPEAKER pro tempore. It will be unfinished business for the next suspension day.

Mr. BARTLETT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT. This is the first motion made to adjourn; does that require a second?

The SPEAKER pro tempore. It does now. All those in favor of seconding the motion to adjourn will stand and remain standing until counted. [After counting.] Seventeen, not a sufficient number, and the motion is not seconded.

The SPEAKER. The yeas are 165 and the nays are 19; answering "present," 7, a total of 191 voting "yea," "nay," and "present"—in the opinion of the Chair a quorum. The Chair will hand to the Clerk a statement covering the reason the Chair has to assign for holding 191 to be a quorum. The Clerk will read:

The Clerk read as follows:

The Constitution of the United States, in the sections relating to the Congress, specifies that "a majority of each House shall constitute a quorum to do business." This brings to the front the question as to what constitutes the "House," whether it be all the Members provided for by the apportionment, or whether it be a less number determined by existing accidents or exigencies. During the civil war, when many seats in both House and Senate were vacant, this question assumed great significance and was passed upon in both Houses. On July 19, 1861, Mr. Speaker Grow, after listening to debate, decided that a quorum consisted of "a majority of those chosen," but expressly refrained from deciding as to whether the fact of taking or not taking the oath of office should be considered. (See section 250 of Parliamentary Precedents.) In 1879 Mr. Speaker Randall intimated that he held the same view; but in 1886 Mr. Speaker Carlisle treated the question as an open one. In 1890 Mr. Speaker Reed, after careful examination of the precedents of the House, held that a quorum was a majority of those "chosen and living," such, in his opinion, being the intent of Mr. Speaker Grow's ruling in 1861, although the language of 1861 was not in this respect definite.

This, therefore, is the status of the question so far as the decisions of the House go. But at the present time another question arises. The apportionment gives this House 386 Members, of whom 194 are a quorum. But two Members have died, and two—Messrs. Patterson of Tennessee and Williamson of Oregon—have not yet been sworn, and Mr. Swanson has resigned. If the rule be that those "chosen and living" constitute a quorum, without regard to the qualification by taking the oath, then the quorum is 192; but if Members not qualified are not to be counted as part of the House, then the total membership is reduced to 381, and the quorum is 191.

While the question has never been passed on in the House, it has been the subject of most careful consideration in the Senate, and the result is embodied in a permanent form in Rule III, sec. 2: "A quorum shall consist of a majority of the Senators duly chosen and sworn."

At first, in 1862, the Senate declined to commit itself to the rule established by the decision of Mr. Speaker Grow in the House in 1861; but in 1864, after thorough debate, by a vote of yeas 26, nays 11, the Senate resolved that "a quorum of the Senate consists of a majority of the members duly chosen." The question of qualification was brought up in this discussion, but the Senate showed reluctance to bring it into the decision.

On January 17, 1877, the Senate, in adopting rules, agreed to the rule in its present form, specifying the quorum as "a majority of Senators duly chosen and sworn." These words were adopted with very little debate, on the statement by the Senator in charge that they were the words of the old rule of 1864. But, in fact, the words "and sworn" were inserted in the revision of 1868, being recommended by a committee composed of Messrs. Henry B. Anthony, of Rhode Island; Samuel C. Pomeroy, of Kansas, and George F. Edmunds, of Vermont. Their report does not explain their reasons for adding these words, and there was no debate on this point when the Senate agreed to the report. The Senate was undoubtedly aware of the change, however, since the words "and sworn" are italicized in the report, indicating that they were an amendment. On October 11, 1893, the Senate discussed the whole rule briefly, and there was an appeal from a decision of the Chair based on the rule. This appeal was laid on the table—yeas 38, nays 5; but this question did not particularly touch the question of qualification.

Such is the status of this question so far as the law of the House and Senate is concerned. The rule of the Senate goes farther than the decisions in the House, and does not seem to have been the subject of extended deliberation so far as the qualification feature is concerned. But in view of the learning of the committee who made the report of 1868, and of the reasons which seem to sustain that report, the Chair feels constrained to hold that after the House is once organized a quorum consists of a majority of those Members chosen, sworn, and living, whose membership has not been terminated by resignation or by the action of the House.

The SPEAKER. A quorum being present, the House stands in recess until to-morrow, at 11.30 o'clock.

Accordingly (at 6 o'clock and 14 minutes p. m.) the House took a recess until to-morrow, at 11.30 o'clock.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of a project for improvement of the Cumberland River—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William H. Engles against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for telephone service in certain public buildings—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the west fork of the south branch of the Chicago River, Illinois—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General submitting an estimate of appropriation for pay of special assistant attorneys, United States courts—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for payment of damages to the mission steamer *Sentinel*—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered

to the Clerk, referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 9008) to authorize the Secretary of the Interior to add to the segregation of coal and asphalt lands in the Choctaw and Chickasaw nations, Indian Territory, reported the same with amendment, accompanied by a report (No. 3288); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10861) to limit removals from State courts into courts of the United States in certain cases, reported the same with amendment, accompanied by a report (No. 3292); which said bill and report were referred to the House Calendar.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 15095) authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations, reported the same without amendment, accompanied by a report (No. 3293); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4244) granting an increase of pension to John Spaulding, reported the same without amendment, accompanied by a report (No. 3221); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17072) granting a pension to Joseph French, reported the same with amendment, accompanied by a report (No. 3222); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17557) granting an increase of pension to John W. Marshall, reported the same without amendment, accompanied by a report (No. 3223); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17913) granting an increase of pension to Philo Green, reported the same with amendment, accompanied by a report (No. 3224); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17806) granting an increase of pension to Enoch Boyle, reported the same with amendment, accompanied by a report (No. 3225); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17797) granting an increase of pension to Wilbur F. Lane, reported the same with amendment, accompanied by a report (No. 3226); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17395) granting an increase of pension to Thaddeus C. S. Brown, reported the same without amendment, accompanied by a report (No. 3227); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15003) granting an increase of pension to James Gray, reported the same without amendment, accompanied by a report (No. 3228); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15634) granting an increase of pension to Samuel M. Reese, reported the same with amendment, accompanied by a report (No. 3229); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15819) granting an increase of pension to William T. Burgess, reported the same with amendment, accompanied by a report (No. 3230); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16471) granting an increase of pension to North Ann Dorman, reported the same with amendment, accompanied by a report (No. 3231); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16648) granting an increase of pension to Henry B. Teetor, reported the same with amendment, accompanied by a report (No. 3232); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16193) granting an increase of pension to Daniel Shrader, reported the same with amendment, accompanied by a report (No. 3233); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16629) granting an increase of pension to Louis Stoeckig, reported the same with amendment, accompanied by a report (No. 3234); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14391) granting an increase of pension to Franklin Cooley, reported the same with amendment, accompanied by a report (No. 3235); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14500) granting an increase of pension to Margaretta E. Hutchins, reported the same with amendment, accompanied by a report (No. 3236); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15316) granting an increase of pension to James McKelvey, reported the same with amendment, accompanied by a report (No. 3237); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10561) granting an increase of pension to Joseph N. Piersell, reported the same without amendment, accompanied by a report (No. 3238); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10524) granting an increase of pension to Ebenezer W. Akerley, reported the same with amendment, accompanied by a report (No. 3239); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12810) granting an increase of pension to Edward Ross, reported the same without amendment, accompanied by a report (No. 3240); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13077) granting an increase of pension to James S. Prose, reported the same with amendment, accompanied by a report (No. 3241); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13075) granting an increase of pension to Pard Lamoreux, reported the same with amendment, accompanied by a report (No. 3242); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8771) granting an increase of pension to Florence Sullivan, reported the same with amendment, accompanied by a report (No. 3243); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7584) granting an increase of pension to James H. Kemp, reported the same with amendment, accompanied by a report (No. 3244); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9135) granting a pension to August Croma, reported the same with amendment, accompanied by a report (No. 3245); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10008) granting an increase of pension to James W. Dorman, reported the same with amendment, accompanied by a report (No. 3246); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6061) granting an increase of pension to William H. Chapman, reported the same with amendment, accompanied by a report (No. 3247); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6865) granting an increase of pension to Charles F. Voss, reported the same

with amendment, accompanied by a report (No. 3248); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 735) granting an increase of pension to Frank L. Fornshell, reported the same with amendment, accompanied by a report (No. 3249); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2168) granting an increase of pension to William Bridges, reported the same with amendment, accompanied by a report (No. 3250); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2155) granting an increase of pension to William H. Smith, reported the same with amendment, accompanied by a report (No. 3251); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7508) granting an increase of pension to Benjamin F. Andrews, reported the same with amendment, accompanied by a report (No. 3252); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11510) granting an increase of pension to Joseph S. Larrance, reported the same without amendment, accompanied by a report (No. 3253); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16630) granting an increase of pension to Philip Dumont, reported the same without amendment, accompanied by a report (No. 3254); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17771) granting an increase of pension to Deloss Williams, reported the same with amendment, accompanied by a report (No. 3255); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17830) granting an increase of pension to William R. Snell, reported the same with amendment, accompanied by a report (No. 3256); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17635) granting an increase of pension to George Willey, reported the same with amendment, accompanied by a report (No. 3257); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16408) granting an increase of pension to William Hendricks, reported the same with amendment, accompanied by a report (No. 3258); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15305) granting an increase of pension to Ezra H. Brown, reported the same with amendment, accompanied by a report (No. 3259); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11917) granting an increase of pension to Davis Preston, reported the same with amendment, accompanied by a report (No. 3260); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9138) granting an increase of pension to Aaron L. Rockwood, reported the same with amendment, accompanied by a report (No. 3261); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8479) granting a pension to Nellie A. Batchelder, reported the same with amendment, accompanied by a report (No. 3262); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8547) granting an increase of pension to John W. Madison, reported the same with amendment, accompanied by a report (No. 3263); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8833) granting a pension to Edna M. Johnson, reported the same with amendment, accompanied by a report (No. 3264); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4406) granting a pension to Albert M. Ryan, reported the same with amendment, accompanied by a report (No. 3265); which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 2262) for the relief of Pay Director E. B. Rogers, United States Navy, reported the same without amendment, accompanied by a report (No. 3266); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 14232) for the relief of Delia B. Stuart, widow of John Stuart, reported the same without amendment, accompanied by a report (No. 3267); which said bill and report were referred to the Private Calendar.

Mr. McGAVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 9212) for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased, reported the same without amendment, accompanied by a report (No. 3268); which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 1169) for the refund of certain tonnage duties, reported the same without amendment, accompanied by a report (No. 3269); which said bill and report were referred to the Private Calendar.

Mr. MOUSER, from the Committee on Claims, to which was referred the bill of the House (H. R. 12009) for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner, reported the same without amendment, accompanied by a report (No. 3270); which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 3462) for the relief of Franklin Patterson, reported the same with amendment, accompanied by a report (No. 3271); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 1563) for the relief of Matthew J. Davis, reported the same without amendment, accompanied by a report (No. 3272); which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 4233) to reimburse the Harpswell Steamboat Company, of Portland, Me., for expenses incurred and for repairing damages sustained by its steamer *Sebascodegan* in collision with the United States steamer *Woodbury*, reported the same with amendment, accompanied by a report (No. 3273); which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the House (H. R. 5169) for the relief of W. B. Sutter, reported the same without amendment, accompanied by a report (No. 3274); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 5666) for the relief of L. L. Arrington and L. S. Arrington, reported the same with amendment, accompanied by a report (No. 3275); which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 14381) authorizing and directing the Secretary of the Treasury to pay to the Heltzer-Cabot Electric Company the amount due said company from the Post-Office Department, reported the same with amendment, accompanied by a report (No. 3276); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 5622) for the relief of M. D. Wright and Robert Neill, reported the same without amendment, accompanied by a report (No. 3277); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15850) for the relief of M. A. Johnson, of Stoughton, Dane County, Wis., reported the same with amendment, accompanied by a report (No. 3278); which said bill and report were referred to the Private Calendar.

Mr. RIVES, from the Committee on Claims, to which was referred the bill of the House (H. R. 2926) for the relief of the heirs of John Smith, reported the same with amendment, accompanied by a report (No. 3279); which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 3518) for the relief of Copiah County, Miss., reported the same without amendment, accompanied by a report (No. 3280); which said bill and report were referred to the Private Calendar.

Mr. RIVES, from the Committee on Claims, to which was referred the bill of the Senate (S. 4348) for the relief of Augustus Trabing, reported the same without amendment, accompanied by a report (No. 3281); which said bill and report were referred to the Private Calendar.

Mr. GARRETT, from the Committee on Claims, to which was referred the bill of the House (H. R. 6417) for the relief of T. J. H. Harris, reported the same without amendment, accompanied by a report (No. 3282); which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the House (H. R. 8) for the relief of the Harbison-Walker Company, of Pittsburg, Pa., reported the same without amendment, accompanied by a report (No. 3283); which said bill and report were referred to the Private Calendar.

Mr. CLARK of Florida, from the Committee on Claims, to which was referred the bill of the House (H. R. 2702) for the relief of Charles S. Blood, reported the same with amendment, accompanied by a report (No. 3284); which said bill and report were referred to the Private Calendar.

Mr. WELBORN, from the Committee on Claims, to which was referred the bill of the House (H. R. 13357) for the relief of John Hudgins, reported the same with amendment, accompanied by a report (No. 3285); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 6104) to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails, reported the same without amendment, accompanied by a report (No. 3286); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. GILLETT of Massachusetts, from the Committee on Appropriations: A bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes—to the Union Calendar.

By Mr. SMITH of Arizona: A bill (H. R. 18199) to increase the compensation of the members of the Arizona legislature—to the Committee on the Territories.

By Mr. BARTLETT: A bill (H. R. 18200) to provide for mandamus proceedings against the Postmaster-General on applications for the admission of publications to the mails as second-class matter—to the Committee on the Judiciary.

Also, a bill (H. R. 18201) to provide for an appeal in applications for the admission of publications to the mails as second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MURPHY: A bill (H. R. 18202) to provide for the improvement and repair of the public roads of the counties of Crawford, Dallas, Dent, Laclede, Maries, Phelps, Pulaski, Shannon, Texas, Webster, and Wright, in the State of Missouri, and making appropriation therefor—to the Committee on Appropriations.

By Mr. SMITH of Arizona: A bill (H. R. 18203) providing for the exchange and payment by the United States of certain Pima County (Ariz.) railroad bonds validated by Congress, and for other purposes—to the Committee on the Judiciary.

By Mr. CLAUDE KITCHIN: A bill (H. R. 18204) to authorize the Northampton and Halifax Bridge Company to construct a bridge across Roanoke River at or near Weldon, N. C.—to the Committee on Interstate and Foreign Commerce.

By Mr. MEYER: A bill (H. R. 18205) to authorize the Court of Claims to admit as evidence affidavits in certain cases—to the Committee on the Judiciary.

By Mr. LARRINAGA: A bill (H. R. 18206) to provide for the exemption from taxation of all bonds issued by the government of Porto Rico for the construction of public highways, bridges, and other public improvements—to the Committee on Insular Affairs.

By Mr. KALANIANAOLE: A bill (H. R. 18207) to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900—to the Committee on the Territories.

Also, a bill (H. R. 18208) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900—to the Committee on the Territories.

By Mr. KINKAID: A bill (H. R. 18209) to grant to Franklin Currie the right to construct and operate an electric railway and an electric-lighting plant and to construct a dam across White River on the Fort Robinson Military Reservation, Nebr.—to the Committee on Military Affairs.

By Mr. DE ARMOND: A bill (H. R. 18210) concerning employment in the classified civil service in the Departments at the seat of government—to the Committee on Reform in the Civil Service.

PRIVATE BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 18211) granting an increase of pension to Julia A. Burtt—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 18212) for the relief of Robert Barnett—to the Committee on Military Affairs.

Also, a bill (H. R. 18213) granting an increase of pension to William Ingram—to the Committee on Pensions.

Also, a bill (H. R. 18214) granting an increase of pension to John Ingram—to the Committee on Pensions.

By Mr. BINGHAM: A bill (H. R. 18215) granting a pension to Alfred D. Stidham—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 18216) granting an increase of pension to Hiram E. Frazier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18217) granting an increase of pension to Orcelia Gray—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 18218) granting an increase of pension to Joseph L. Topham—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 18219) for the relief of the heirs of Joel S. Calvert—to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 18220) granting an increase of pension to Daniel L. Wise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18221) granting an increase of pension to George Henness—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 18222) granting an increase of pension to William E. Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18223) granting an increase of pension to George D. McGuire—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 18224) granting a pension to Abigail Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18225) granting an increase of pension to Louisa Strang—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18226) to correct the military record of Francis Ammons—to the Committee on Military Affairs.

By Mr. DUNWELL: A bill (H. R. 18227) granting an increase of pension to Catharine F. Fitzgerald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18228) to remove the charge of desertion from the military record of John J. Waterkeyn—to the Committee on Military Affairs.

Also, a bill (H. R. 18229) to remove the charge of desertion from the military record of Thomas Butler—to the Committee on Military Affairs.

By Mr. DWIGHT: A bill (H. R. 18230) granting an increase of pension to William M. Swart—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 18231) granting an increase of pension to Amanda Lucas—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 18232) for the relief of John W. McCann—to the Committee on Military Affairs.

Also, a bill (H. R. 18233) granting an increase of pension to Charles Mulvaney—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 18234) granting an increase of pension to Randal N. Bragg—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 18235) granting a pension to Ida M. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18236) granting an increase of pension to Thomas Garrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18237) granting an increase of pension to Rachel Egeness—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 18238) granting an increase of pension to Charles Schotte—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18239) granting an increase of pension to Bryant Brown—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 18240) granting a pension to Ernest W. Hilliard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18241) granting a pension to James Emmett Lawson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18242) granting an increase of pension to Francis Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18243) granting an increase of pension to Jacob S. Rickard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18244) granting an increase of pension to James W. Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18245) granting an increase of pension to Samuel D. McCurdy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18246) granting an increase of pension to Harrison Burkett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18247) granting an increase of pension to William Baird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18248) granting an increase of pension to John D. Evans—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 18249) granting an increase of pension to Hiram G. Hunt—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 18250) granting a pension to Rose Haynes—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 18251) granting an increase of pension to Joshua M. Gibbs—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 18252) to amend and correct the records of Company D, Stone County, Mo., Home Guards, by including the name of Thomas B. Stockton therein, with the dates of his enlistment and discharge—to the Committee on Military Affairs.

By Mr. NEVIN: A bill (H. R. 18253) granting a pension to Mary Gerard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18254) granting an increase of pension to Sarah S. Crane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18255) granting an increase of pension to Amos W. Murphy, alias William Bryan—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 18256) granting an increase of pension to Henry Eash—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama (by request): A bill (H. R. 18257) for the relief of the estates of Stephen Cordell and Elizabeth Cordell, deceased—to the Committee on War Claims.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 18258) for the relief of the Cumberland Presbyterian Church, of Russellville, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 18259) for the relief of J. B. McFarlin, of Allen County, Ky.—to the Committe on War Claims.

Also, a bill (H. R. 18260) granting an increase of pension to James M. Silvey—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 18261) granting an increase of pension to John T. Mitchell—to the Committee on Invalid Pensions.

By Mr. SHARTEL: A bill (H. R. 18262) granting an increase of pension to John H. Broadway—to the Committee on Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 18263) granting a pension to Charles W. Brown—to the Committee on Pensions.

Also, a bill (H. R. 18264) granting an increase of pension to George E. Clymer—to the Committee on Invalid Pensions.

By Mr. SMYSER: A bill (H. R. 18265) granting an increase of pension to William Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18266) granting an increase of pension to Garret H. Fowler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18267) granting a pension to Rachel Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18268) granting an increase of pension to William R. Jenkins—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 18269) granting a pension to Wells Murphy—to the Committee on Pensions.

By Mr. STANLEY: A bill (H. R. 18270) for the relief of the estate of Robert C. Jameson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18271) granting an increase of pension to William H. Kyler—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 18272) providing for the payment of a certain judgment or decree against Henry E. McKee, agent and trustee for the Choctaw Nation of Indians, out of funds payable to the said nation of Indians—to the Committee on Indian Affairs.

By Mr. WEISSE: A bill (H. R. 18273) granting a pension to Wilbur M. Root—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18274) granting an increase of pension to Fritz Dittmann—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 18275) granting an increase of pension to William M. Sims—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Flatbush Taxpayers' Association, for construction of battle ships in Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. ACHESON: Petition of 400 citizens of Washington, Pa., for Sunday closing of the Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of Camp Hawkins, No. 1, and Camp De La Loma, Society of the Army of the Philippines, for bill H. R. 16013—to the Committee on Military Affairs.

Also, petition of citizens of Pennsylvania, against sale of liquor in all Government buildings and parks—to the Committee on Alcoholic Liquor Traffic.

By Mr. ANDREWS: Petition of G. Hauser et al., that all mineral lands in townships 10 north, range 11 west, and 11 north, range 12 west, New Mexico, be excluded and excepted in the grant to Atlantic and Pacific (now Santa Fe) Railway Company—to the Committee on the Public Lands.

By Mr. BARCHFELD: Petition of the Women's Health Protective Association, of New York, for bills S. 50 and H. R. 4462—to the Committee on the District of Columbia.

Also, petition of the Yellow Pine Company, of Philadelphia, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Wilson Eyre, and the T. Square Club, of Philadelphia, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Southern Pine Company, for bill H. R. 5281 (the pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Guy King, of Philadelphia, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Emily C. Scott, of the Woman's Christian Temperance Union, for the Littlefield-Dolliver bill—to the Committee on the Judiciary.

By Mr. BARTLETT: Petition of the Woman's Health Protective Association, for bills S. 50 and 2962 and H. R. 4462, relating to child labor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BENNETT of Kentucky: Petition of W. J. Canafax et al. and D. T. Reynolds et al., for immediate consideration of the Gardner bill, favoring restriction of immigration—to the Committee on Foreign Affairs.

By Mr. BINGHAM: Paper to accompany bill for relief of Alfred D. Stidham—to the Committee on Invalid Pensions.

By Mr. BONYNGE: Petition of William Hummel, for immediate consideration of the Gardner bill, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKE of Pennsylvania: Petition of the Women's Health Protective Association, for bills S. 50 and H. R. 4462—to the Committee on the District of Columbia.

Also, petition of Camp De La Loma, No. 6, Army of the Philippines, for conferring medals on certain officers and men of the Spanish war—to the Committee on Military Affairs.

Also, petition of Wilson Eyre and the T. Square Club, of Philadelphia, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Emily Clark Scott, of the Woman's Christian Temperance Union of Allegheny County, for the Littlefield-Dolliver bill—to the Committee on the Judiciary.

By Mr. COLE: Petition of Frank Wineman and many other citizens of the Eighth Ohio district, for immediate consideration of the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. COOPER of Wisconsin: Petition of W. F. Goodman, of Kenosha, against bill H. R. 12973, relative to Chinese immigration—to the Committee on Foreign Affairs.

By Mr. DALE: Paper to accompany bill for relief of John J. Howells—to the Committee on Invalid Pensions.

Also, petition of Howard L. Neff, Robert C. Lippincott, Miller, Robinson & Co., Wm. L. Shew & Co., William M. Lloyd Company, Charles Este, Edmund A. Souder & Co., R. A. & J. J. Williams, Eli B. Hallowell & Co., the Lumbermen's Exchange, Thomas B. Hammer, the Southern Pine Company, the Yellow Pine Company, the Provident Lumber Company, George F. Craig & Co., Henson & Pearson, and the Henry C. Patterson Company, all of Philadelphia, Pa., favoring and urging the passage of bill H. R. 5281, to remove discriminations against American sailing vessels in the coasting trade—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the American Federation of Labor, protest-

ing against the passage of bill H. R. 5281, to abolish compulsory pilotage in certain ports and with reference to certain vessels (coastwise sailing vessels)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. Billings, F. W. Wilson, A. C. Franklin, S. W. Franklin, W. L. Ruland, and D. L. Ruland, of Dalton, Pa., and Howard L. Arrison, of Philadelphia, favoring the repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Powers-Weightman-Rosengarten Company, of Philadelphia, relative to the words "liquid medicinal preparations," in bill H. R. 17453, and requesting a more clear definition of the term—to the Committee on Ways and Means.

Also, resolution of the National Council of Women of the United States, favoring and urging the passage of bills S. 50 and H. R. 4462 and 6001, to regulate the employment of child labor, and providing for compulsory education in the District of Columbia—to the Committee on the District of Columbia.

Also, resolution of Washington Camp, No. 280, Patriotic Order Sons of America, of Elmhurst, Pa., favoring the passage of bill H. R. 15442, providing for the establishment of a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens—to the Committee on Immigration and Naturalization.

Also, petition of Bittenbender & Co., of Scranton, Pa., against the passage of parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Baltimore and Philadelphia Steamboat Company, of Philadelphia, against the passage of bill H. R. 17129, to equip vessels with better life-preserving appliances—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. S. Webb, of Scranton, Pa., and J. C. Wilson, of Philadelphia, favoring the adoption of the metric system of weights and measures by the United States Government—to the Committee on Coinage, Weights, and Measures.

Also, petition of H. C. Derby, of Dunmore, Pa., and Washington Camp, No. 175, Patriotic Order Sons of America, of Scranton, Pa., favoring legislation restricting immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the T Square Club, of Philadelphia, urging the passage of legislation to provide for the preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Wilson Eyre, of Philadelphia, urging the passage of legislation to provide for the preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, resolution of Camp Hawkins Home, No. 1, Society of the Army of the Philippines, of Washington, Pa., and Camp Walter E. Brown, No. 4, Army of the Philippines, of Connellsville, Pa., indorsing and urging the passage of the Bonynge bill providing medals of honor to the officers and enlisted men who voluntarily remained in the service after the terms of their legal enlistment had expired—to the Committee on Military Affairs.

Also, petition of the Keystone Watch Case Company, of Philadelphia, favoring the passage of bill H. R. 14604, providing against the importation and carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Sixteenth Street Improvement Association, of Washington, D. C., requesting Congress to purchase land bounded by Florida avenue on the south and Sixteenth street on the west, for a public reservation—to the Committee on the District of Columbia.

Also, petition of Miss Florence Keen, of Philadelphia, favoring the passage of a bill providing for the creation of national forest reserves in the Southern Appalachian and White mountains—to the Committee on Agriculture.

Also, petition of the American Newspaper Publishers' Association, urging legislation to abolish the duty on mechanically ground wood and news print paper—to the Committee on Ways and Means.

Also, petition of C. S. Weston, W. W. Scranton, Robert Peck, George Sanderson, and others, of Scranton, Pa., urging the enactment of a law which will remove the internal-revenue tax from ethyl alcohol of domestic production which has been rendered undrinkable or unfit for use as a beverage by the admixture of such substance or substances as the Commissioner of Internal Revenue may prescribe—to the Committee on Ways and Means.

By Mr. DAWES: Petition of J. J. Carlow, submitting plan for digging the Panama Canal, eschewing assistance of all railroad men in so doing—to the Committee on Interstate and Foreign Commerce.

Also, petition for an appropriation to keep in repair the old National Road of Ohio—to the Committee on Appropriations.

By Mr. DAWSON: Resolution of Paint, Oil, and Glass Association, for bill H. R. 4549, for consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DOVENER: Petition of West Virginia Teamsters, for bill H. R. 12243, to pension Army teamsters—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William E. Cornwell—to the Committee on Invalid Pensions.

By Mr. ESCH: paper to accompany bill for relief of Charles Mulvaney—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Petition of the Grand Army of the Republic, Department of Minnesota, against any law inimical to the old soldier employed by the Government on account of his age—to the Committee on the Judiciary.

By Mr. FULLER: Paper to accompany bill for relief of Rachel Egeness—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Ida M. Warner—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of the Southern Line Company, of Philadelphia, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Wilson Eyrie and the T Square Club, of Philadelphia, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Women's Health Protective Association, for bills S. 50 and H. R. 4462—to the Committee of the District of Columbia.

By Mr. HAYES: Petition of the Second Presbyterian Church of San Jose, Cal., for relief of Indians in California—to the Committee on Indian Affairs.

By Mr. HUBBARD: Petitions of citizens of Storm Lake, Sac City, Sheldon, Onawa, and Monona, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HUFF: Petition of the Powers-Weightman-Rosengarten Company, for specific wording of bill H. R. 17453, as to withdrawal from bond, tax free, of denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the National Council of Women of the United States, for bills S. 50 and H. R. 4462 and 6001, relating to child labor in the District of Columbia, to education, also to creation of a child's bureau—to the Committee on the District of Columbia.

Also, petitions of Camp Walter E. Brown, No. 4, and Camp Hawkins Home, No. 1, Society of the Army of the Philippines, for an appropriation to provide medals for certain officers and men in the Spanish war—to the Committee on Military Affairs.

Also, petition of the National Metal Trades Association, for bill H. R. 529 (the Gallinger shipping bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the T Square Club, of Philadelphia, and Wilson Eyrie, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Baltimore and Philadelphia Steamboat Company, against bill H. R. 17129, as proposing legislation in the interest of patentees, but unnecessarily burdensome to steamboat companies—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Keystone Watch Case Company, for bill H. R. 14604, forbidding importation of falsely stamped merchandise of gold or silver—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Sorosis Club of New York, for bills S. 50 and H. R. 4462, being the child-labor bills, and bill S. 2962, for a children's bureau—to the Committee on the District of Columbia.

Also, petitions of R. A. & J. J. Williams, Howard L. Neff, the Lumberman's Exchange, Charles Este, Miller, Robinson & Co., the Henry C. Patterson Company, William M. Lloyd, Edmund A. Louder & Co., Thomas B. Hammer, Eli B. Hallowell & Co., George F. Craig, the Provident Lumber Company, William L. Shew & Co., and Henson & Pearson, all of Philadelphia, Pa., for bill H. R. 5281 (the pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany bill for relief of John D. Evans, James E. Lawson, William Baird, Harrison Burkett, Samuel D. McCurdy, W. Kelly, James S. Rickard, Francis Anderson, and Ernest W. Hilliard—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: Paper to accompany bill for relief of Frank S. Hastings—to the Committee on Invalid Pensions.

Also, petition of the Japanese and Korean Exclusion League, for retention of the present Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. LACEY: Petition of the T-Square Club, for preserva-

tion of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of citizens of Whatcheer, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LINDSAY: Petition for bill H. R. 8989, relative to retirement of volunteer officers of the war of the rebellion—to the Committee on Military Affairs.

Also, petition of the Woman's Health Protective Association of New York, for a model child-labor law for the District of Columbia, favoring bills S. 50 and H. R. 4462—to the Committee on the District of Columbia.

By Mr. LITTLEFIELD: Petition of citizens of Maine, for immediate consideration of the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. McCARTHY: Petition of Alfred L. Riggs et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Petition of the Junior Order of United American Mechanics of Chattanooga, Tenn., and citizens of Riceville, Tenn., for immediate consideration of the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MOUSER: Petition of citizens of Bucyrus, Tenn., for immediate consideration of the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. NEEDHAM: Petition of the Soquel Congregational Church, for relief of the landless Indians in California—to the Committee on Indian Affairs.

Also, petition of A. E. Yoell, against Japanese being brought to the United States under contracts made nominally in Hawaii, but in reality in Japan—to the Committee on Foreign Affairs.

Also, petition of the Japanese and Korean Exclusion League, for the Chinese-exclusion law as it is—to the Committee on Foreign Affairs.

By Mr. NEVIN: Petition of Junior Council, No. 34, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. POU: Petition of Walnut Creek Council, No. 55, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of E. G. Falkner—to the Committee on Pensions.

Also, paper to accompany bill for relief of the estates of Stephen Cordell and Elizabeth Cordell, late of Dekalb County, Ala.—to the Committee on War Claims.

By Mr. RIXEY: Petition of citizens of Manassas, Va., for immediate consideration of the Gardner bill favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Texas: Paper to accompany bill H. R. 17574, for a public building in El Paso—to the Committee on Public Buildings and Grounds.

By Mr. SAMUEL W. SMITH: Petition of Charles F. Hart et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SMYSER: Petition of Union ex-prisoners of Newark, Licking County, Ohio, favoring bill H. R. 14609, allowing $2 per day for every day in Confederate prisons—to the Committee on Invalid Pensions.

Also, petition of Camp No. 5, Sons of Veterans, of New Philadelphia, Ohio, William F. Hurst, commander, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of the Licking County (Ohio) Good Roads Association, W. S. Weiant, and W. L. Prout, for bill H. R. 39, for public roads—to the Committee on Agriculture.

Also, petition of the Licking County (Ohio) Good Roads Association, W. S. Weiant, and William L. Prout, for bill H. R. 17561—to the Committee on Agriculture.

Also, petition of H. W. Maddox, master, and others of Licking Valley Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Central Trades Labor Council, Edwin P. Miller, President, and 4 others—to the Committee on Foreign Affairs.

Also, petition of William Killenberger, president of the Review Club, of Newark, Ohio, and 26 members, and the Woman's Club of Coshocton, Ohio, Mrs. H. S. Pratt and 38 members, for an appropriation to investigate the industrial condition of women in the United States—to the Committee on Appropriations.

Also, petition of George C. Frut and 49 others, of Dalton, Ohio, for immediate consideration of bill for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SULLIVAN of New York: Petition of the American Reciprocal Tariff League, for an advisory commission of economic experts to adjust the tariff—to the Committee on Ways and Means.

Also, petition of Seabury & Johnson, favoring the pure-food bill with a certain amendment, as accompanies this petition and laid before the committee—to the Committee on Interstate and Foreign Commerce.

Also, petition of Seabury & Johnson, for the Currier bill providing amendments to the Bonynge bill for the protection of trade-marks—to the Committee on Patents.

Also, petition of John Lucas & Co. and the Colburn Machine Tool Company, against the compulsory metric system—to the Committee on Coinage, Weights, and Measures.

SENATE.

TUESDAY, *April 17, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

OATHS IN THE EXECUTIVE DEPARTMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting a draft of a bill to authorize officers and clerks in the Executive Departments to administer oaths when specially designated for that purpose by the head of the Department with which they are connected, and also a draft of a bill to authorize officers and employees of Executive Departments to administer oaths when specially designated for that purpose by the head of the Department with which they are connected, etc.; which, with the accompanying papers, was referred to the Committee on the Judiciary, and ordered to be printed.

FRENCH SPOLIATION CLAIM.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Neutrality*, William Clark, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Presbyterian Church of Strasburg, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the case of the heirs of Vernon H. Johnson, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Salem Baptist Church, of Clark County, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Ebenezer Methodist Episcopal Church South, of Garrisonville, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8973. An act to amend section 5200, Revised Statutes of the United States, relating to national banks;

H. R. 11796. An act for the diversion of water from the Sacra-

mento River, in the State of California, for irrigation purposes;

H. R. 14508. An act permitting the building of dams across the north and south branches of Rock River, adjacent to Vandruffs Island and Carrs Island, and across the cut-off between said islands, in Rock Island County, Ill., in aid of navigation and for the development of water power;

H. R. 14604. An act forbidding the importation, exportation, or carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes;

H. R. 15911. An act to amend the laws of the United States relating to the registration of trade-marks;

H. R. 17453. An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials;

H. R. 17987. An act making an appropriation for the improvement of the mouth of the Columbia River; and

H. R. 18025. An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 980. An act to authorize the sale of a portion of the Lower Brulé Indian Reservation, in South Dakota, and for other purposes;

S. 5026. An act providing for the establishment of a life-saving station at or near Neah Bay, in the State of Washington, and for the construction of a first-class ocean-going tug to be used in connection therewith for life-saving purposes in the vicinity of North Pacific coast of the United States, etc.;

H. R. 120. An act to amend section 9 of the Code of Law for the District of Columbia;

H. R. 1863. An act for the relief of M. A. McCafferty;

H. R. 3649. An act for the relief of Zenas Parker;

H. R. 5927. An act for the relief of the board of trustees of West Tennessee College, Jackson, Tenn.;

H. R. 6158. An act granting an increase of pension to Henry Rittenhouse;

H. R. 6401. An act granting an increase of pension to William V. Van Ostern;

H. R. 6675. An act for the relief of the Methodist Church at New Haven, Ky.;

H. R. 7709. An act for the relief of Joseph Crow;

H. R. 8278. An act authorizing the Secretary of the Interior to issue patent to Keystone Camp, No. 2879, of the Modern Woodmen of America, to certain lands for cemetery purposes;

H. R. 9324. An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County;

H. R. 9924. An act granting an increase of pension to Carrie A. Conley;

H. R. 10584. An act for the relief of F. H. Driscoll;

H. R. 10605. An act for the relief of Edward F. Stahle;

H. R. 11275. An act increasing the penalty for certain offenses in the District of Columbia;

H. R. 11748. An act granting an increase of pension to James Wilson;

H. R. 12028. An act granting relief to John W. Donovan;

H. R. 13010. An act granting an increase of pension to Alice B. Hartshorne;

H. R. 13247. An act for the relief of John H. Tharp, of Eversonville, Mo.;

H. R. 14541. An act for the relief of C. R. Williams;

H. R. 14578. An act for the establishment of a public crematorium in the District of Columbia, and for other purposes; and

H. R. 15259. An act to authorize the North Mississippi Traction Company to construct dams and power stations on the Bear River on the northeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the board of trustees of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation to establish a laboratory for the study of the criminal, pauper, and defective classes; which was referred to the Committee on Education and Labor.

Mr. DRYDEN presented sundry petitions of citizens of Paterson, Pompton Lakes, Riverdale, Old Bridge, Pompton, Jersey City, Sayreville, Riverside, Bernardsville, High Bridge, Newark, Wharton, Glassboro, Dover, Rutherford, Hackensack, Camden, Orange, Clifton, East Rutherford, and Ocean City, all in the State of New Jersey, praying for the enactment of legislation to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States; which were referred to the Committee on Immigration.

He also presented petitions of Passaic Falls Council, No. 137, of Paterson; of Local Council No. 10, of Elizabeth; of Pride of Olive Branch Council, No. 89, of Paulsboro; of Pride of Monmouth Council, No. 27, of Red Bank; of Star of Hope Council, No. 169, of Newfoundland; of Elizabeth Council, No. 10, of Elizabeth, and of Patriot Council, No. 80, of Jersey City, all of the Daughters of Liberty, in the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. BURNHAM presented petitions of Charles E. Adams, of Exeter; of Hannah Dustin Council, No. 9, Daughters of Liberty, of Franklin Falls, and of General Grant Council, No. 25, Junior Order United American Mechanics, of Exeter, all in the State of New Hampshire, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of the National Association of Army Nurses of the Civil War of 1861 to 1865, of New Hampshire, praying for the enactment of legislation to increase the pensions of Army nurses; which was referred to the Committee on Pensions.

He also presented a petition of the North County Clubs, of Whitefield, N. H., praying for the enactment of legislation to establish a national forest reserve in the White Mountains of that State; which was ordered to lie on the table.

He also presented a petition of the Woman's Club of Rochester, N. H., and a petition of the Colonial Club of Littleton, N. H., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of Merrimac Lodge, No. 266, Brotherhood of Railroad Trainmen, of Nashua, N. H., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Bear Hill Grange, No. 39, Patrons of Husbandry, of Henniker, N. H., remonstrating against the enactment of legislation providing for the free distribution of seeds; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the First Congregational Church of Keene, N. H., praying for the enactment of legislation to limit the effect of the regulation of commerce between the several States and Territories; which was referred to the Committee on Interstate Commerce.

Mr. NELSON presented a petition of A. R. Patterson Camp, No. 1, Army of the Philippines, of Minneapolis, Minn., praying for the enactment of legislation to provide special medals for the soldiers who served in the Philippines beyond the term of their enlistment; which was referred to the Committee on Military Affairs.

Mr. KEAN presented sundry petitions of citizens of Sayreville, Jersey City, Old Bridge, Paterson, Pompton Lakes, Pompton, Riverdale, Hopewell, Raritan, and Westfield, all in the State of New Jersey, praying for the enactment of legislation to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States; which were referred to the Committee on Immigration.

Mr. WARNER submitted sundry papers to accompany the bill (S. 2756) for the relief of William B. Reich; which were referred to the Committee on Claims.

He also submitted an affidavit to accompany the bill (S. 4162) granting an increase of pension to Benjamin B. Cahoon; which was referred to the Committee on Pensions.

He also submitted a paper relative to the establishment of a new reservation for the Campo Indians in San Diego County, Cal.; which was referred to the Committee on Indians Affairs.

Mr. PENROSE presented petitions of sundry citizens of Pond Hill; of Washington Camp, No. 280, Patriotic Order Sons of America, of Elmhurst; of sundry citizens of Akron; of Local Division No. 176, of Sharon, and of Local Division, No. 421, of Mount Carmel, Amalgamated Association of Street and Electric Railway Employees of America, all in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. SIMMONS presented petitions of Dan River Council, No. 8, Daughters of Liberty, of Spray; of Alamance Council, No. 10,

Daughters of Liberty, of Haw River, and of Myrtle Council, No. 3, Daughters of Liberty, of Davidson, all in the State of North Carolina, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. GALLINGER. From the Committee on the District of Columbia I report adversely two bills, similar House bills having been heretofore favorably reported and placed on the Calendar.

The bills were indefinitely postponed, as follows:

A bill (S. 4304) to prevent the giving of false alarms of fire in the District of Columbia; and

A bill (S. 4505) to amend chapter 15 of the Code of Law for the District of Columbia, relating to condemnation of land for public use.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12099) granting a pension to Charlotte A. McCormick;

A bill (H. R. 12755) granting an increase of pension to Nathaniel Y. Plymate;

A bill (H. R. 14698) granting an increase of pension to William F. Drake;

A bill (H. R. 14442) granting an increase of pension to Esther M. Lowe;

A bill (H. R. 15007) granting an increase of pension to Henry Hares;

A bill (H. R. 13171) granting an increase of pension to Jonathan K. Porter;

A bill (H. R. 11143) granting an increase of pension to Levi B. Noulton;

A bill (H. R. 13217) granting a pension to Joshua Barnes;

A bill (H. R. 13823) granting an increase of pension to William Van Keuren;

A bill (H. R. 7844) granting a pension to Phoebe Keith;

A bill (H. R. 9287) granting a pension to Eliza Byron;

A bill (H. R. 9288) granting an increase of pension to Catherine E. Bragg;

A bill (H. R. 12715) granting a pension to George B. Kirk;

A bill (H. R. 517) granting an increase of pension to Luke Waldron;

A bill (H. R. 7232) granting a pension to Alba B. Bean;

A bill (H. R. 6949) granting a pension to Alice W. Powers;

A bill (H. R. 11538) granting an increase of pension to Eli Duvall;

A bill (H. R. 11606) granting an increase of pension to Edmund W. Bixby;

A bill (H. R. 11703) granting a pension to Laura McNulta;

A bill (H. R. 12663) granting an increase of pension to Frederick Friebele;

A bill (H. R. 12556) granting an increase of pension to Joseph W. Coppage;

A bill (H. R. 13445) granting an increase of pension to Thomas T. Blanchard;

A bill (H. R. 12017) granting an increase of pension to James B. Simkins;

A bill (H. R. 12389) granting an increase of pension to Isaiah R. McDonald;

A bill (H. R. 13871) granting an increase of pension to William Delany;

A bill (H. R. 12390) granting an increase of pension to John W. Raynor;

A bill (H. R. 14534) granting an increase of pension to Jasper N. Harrelson;

A bill (H. R. 14657) granting an increase of pension to David W. West;

A bill (H. R. 14677) granting a pension to Reuben R. Ballenger;

A bill (H. R. 15415) granting an increase of pension to Ann R. Nelson;

A bill (H. R. 15119) granting an increase of pension to Cornelius Westman;

A bill (H. R. 15216) granting an increase of pension to Truman C. Stevens;

A bill (H. R. 14001) granting an increase of pension to Nathan S. Ruddock;

A bill (H. R. 15717) granting an increase of pension to Ebenezer A. Rice; and

A bill (H. R. 15794) granting an increase of pension to Samuel Pepper.

Mr. MARTIN, from the Committee on Naval Affairs, to whom was referred the bill (S. 1812) for the relief of Lieut. James M. Pickrell, United States Navy, retired, reported it with amendments, and submitted a report thereon.

Mr. MALLORY, from the Committee on Public Health and National Quarantine, to whom was referred the bill (H. R. 14316) to further protect the public health and make more effective the national quarantine, reported it with amendments.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 2699) for the relief of Robert F. Scott, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1360) for the relief of William Leech, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. DICK, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 1565) for the relief of Theodore H. Bishop, reported it without amendment, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Claims, to whom was referred the bill (S. 352) for the relief of the heirs of Fernando J. Moreno, deceased, reported it with an amendment, and submitted a report thereon.

ARMY APPROPRIATION BILL.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 14397) making appropriation for the support of the Army for the fiscal year ending June 30, 1907, to report it favorably with amendments. I give notice that I will call it up at the first convenient opportunity.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

MINOR COINAGE.

Mr. TELLER. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 229) providing for the purchase of metal and the coinage of minor coins, and the distribution and redemption of said coins, to report it favorably without amendment, and to ask for its immediate consideration.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 5726) in amendment of an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia;" which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BURNHAM introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5727) granting an increase of pension to Lucius Rumrill; and

A bill (S. 5728) granting an increase of pension to Emery Wyman.

Mr. WARREN introduced a bill (S. 5729) granting an increase of pension to Henry Cooper; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 5730) granting an increase of pension to William O. Spelman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced a bill (S. 5731) granting an increase of pension to James McTwiggin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5732) granting an increase of pension to D. R. Walden (with accompanying papers);

A bill (S. 5733) granting a pension to John H. Priestley; and

A bill (S. 5734) granting a pension to Joseph K. Boone (with accompanying papers).

Mr. DRYDEN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5735) granting an increase of pension to Andrew D. Danley;

A bill (S. 5736) granting an increase of pension to Mary Clark; and

A bill (S. 5737) granting an increase of pension to William Hibbs.

Mr. PENROSE introduced a bill (S. 5738) granting an in-

crease of pension to James J. Hasson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5739) providing for the acceptance by the United States Government of the Old Flag House, tendered by the American Flag House and Betsy Ross Association; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MILLARD introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5740) granting an increase of pension to Jared Ayer; and

A bill (S. 5741) granting an increase of pension to Amelia M. Hawes.

Mr. OVERMAN introduced a bill (S. 5742) granting an increase of pension to James A. Bryant; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5743) for the relief of the Hood Swamp Baptist Church and the Union Baptist Association; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 5744) to grant 10 per centum of the money received from forest reserves to States and counties, and for other purposes; which was read twice by its title.

Mr. PERKINS. I ask that the bill be referred to the Committee on Forest Reservations and the Protection of Game.

Mr. CARTER. I understand the fact to be that the Committee on Public Lands had jurisdiction over a bill of the same nature and reported that bill to the Senate.

Mr. PERKINS. I will then ask its reference to the Committee on Public Lands.

The VICE-PRESIDENT. The bill will be referred to the Committee on Public Lands.

Mr. SIMMONS introduced a bill (S. 5745) granting an increase of pension to John Clark; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 5746) granting an increase of pension to Mary H. Scott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 5747) for the relief of D. H. Chamberlain and Pauline Chamberlain;

A bill (S. 5748) for the relief of the estate of Gideon E. Franklin, deceased; and

A bill (S. 5749) for the relief of the estate of Durant Lane Tyer, deceased.

Mr. LODGE introduced a bill (S. 5750) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes; which was read twice by its title, and referred to the Committee on Foreign Relations.

RAILWAY MAIL COMPENSATION.

Mr. CLAY. I introduce an amendment to the post-office appropriation bill and ask that the amendment be printed in the RECORD, referred to the Committee on Post-Offices and Post-Roads, and printed.

The amendment was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed and to be printed in the RECORD, as follows:

Amend by inserting between lines 23 and 24, on page 16, the following:

"*Provided*, That the Postmaster-General be, and he is hereby, authorized and directed to readjust the compensation to be paid from and after the 1st day of July, A. D. 1906, for transportation of mails on the railroad routes hereinafter described as hereinafter provided: On railroad routes carrying their whole length an average weight of mails per day exceeding 50,000 pounds by reducing the compensation now allowed by law on such routes 5 per cent per annum, and on railroad routes carrying their whole length an average weight of mails per day exceeding 100,000 pounds by reducing the compensation now allowed by law on such routes 10 per cent per annum, and on railroad routes carrying their whole length an average weight of mails per day exceeding 150,000 pounds by reducing the compensation now allowed by law on such routes 15 per cent per annum, and on railroad routes carrying their whole length an average weight of mails per day exceeding 200,000 pounds by reducing the compensation now allowed on such routes 20 per cent per annum."

RECORDS IN OFFICE OF RECORDER OF DEEDS.

Mr. GALLINGER submitted an amendment authorizing the recorder of deeds of the District of Columbia to recopy, from time to time, such original records in his office as may need to be copied in order to better preserve them, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to repeal the provision of section 13 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," relative to the pay of naval officers when on shore duty, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. PENROSE submitted an amendment relative to the prohibition of the sale of liquors in State and national soldiers' homes, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

SALARIES OF POSTMASTERS IN NEW HAMPSHIRE.

Mr. GALLINGER. I submit a resolution which I ask to have read, printed, and lie on the table. I ask that the names of the post-offices be printed in connection with the resolution.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he hereby is, directed to report to the Senate the salaries of those who served as postmasters at post-offices in the State of New Hampshire in biennial terms, between July 1, 1864, and June 30, 1874, whose names and periods of service appear on annexed memorandum schedule, the salary of each former postmaster to be stated for each specified term of service by commissions and box rents, as shown by the registered returns of each former postmaster on file in the Sixth Auditor's Office, and to show the exact excess of the salary by commissions and box rents over the salary paid in every case where the paid salary is 10 per cent or more less than the salary by box rents and commissions, and to comply in all respects with the public order of the Postmaster-General of February 17, 1884, for stating such salary accounts of former postmasters, under the act of March 3, 1883, and to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim specified in said memorandum schedule.

Memorandum schedule—New Hampshire.

Name of post-office.	Name of postmaster.	Amount claimed due for service in term.	
Acworth	M. M. Warner	$33.85	1864 to 1866
Alstead	A. R. Emerson	80.00	1872 to 1874
Amherst	Horace E. Woodberry	100.00	1872 to 1874
Amoskeag	Harris J. Poor, representative of	57.20	1870 to 1872
Antrim	David H. Goodell	205.54	1864 to 1866 1868 to 1870
Atkinsons Depot	Charles Fernald, representative of.	97.75	1864 to 1866 1870 to 1872
Bartlett	A. L. Meserve	56.00	1870 to 1872 1872 to 1874
Belmont	A. F. Johnson	50.18	1870 to 1872
Bennington	George A. Whittemore	130.00	1866 to 1868 1870 to 1872
Berlin Falls	Merrill G. Forest, representative of.	360.00	1868 to 1870 1870 to 1872 1872 to 1874
Bethlehem	John S. Blandin	339.00	1866 to 1868 1868 to 1870 1870 to 1872
Bradford	William A. Carr	220.00	1864 to 1866
Bristol	S. K. Mason, representative of	480.00	1864 to 1866
Campton Village	W. P. Robinson, representative of.	112.00	1868 to 1870
Canaan	M. H. Wilton	75.00	1864 to 1866
Candia	Jacob L. Barker	24.22	1864 to 1866
Center Barnstead	Thomas M. Huse, representative of.	63.00	1864 to 1866 1870 to 1872
Center Conway	Hugh McNorton	38.12	1864 to 1866
Center Harbor	C. H. Dearborn	320.00	1868 to 1870
Center Sandwich	Charles Blanchard	165.78	1864 to 1866 1868 to 1870
Center Strafford	Demeritt Place	35.77	1864 to 1866 1870 to 1872
Chesterfield	Henry O. Coolidge	72.24	1864 to 1866
Chesterfield Factory	David W. Beckley, representative of.	38.00	1864 to 1866
Chesterfield Factory	J. C. Farwell	72.00	1866 to 1868 1870 to 1872
Clarksville	Pelatiah C. Roby	35.68	1864 to 1866 1868 to 1870 1870 to 1872
Colebrook	E. W. Cummings	135.04	1864 to 1866
Contoocook	Ira Dimond	37.22	1866 to 1868
Conway	John A. Odell, representative of	70.00	1870 to 1872
Coos	J. H. Danforth	220.00	1864 to 1866 1870 to 1872
Cornish Flats	John T. Breck	62.38	1864 to 1866
Dalton	Oliver M. Brooks, representative of.	21.51	1864 to 1866
Dalton	S. E. Ruggles, representative of	42.00	1870 to 1872
Danville	John C. Bradley	53.00	1870 to 1872
Derry	William W. Poor	95.00	1864 to 1866
Drewsville	Hope Lathrop, representative of.	22.64	1868 to 1870
Dublin	George W. Gleason	100.00	1868 to 1870
East Andover	Cyrus Cole	45.00	1864 to 1866
East Canaan	E. Barney	70.00	1868 to 1870
East Concord	Albert Webster	100.00	1872 to 1874
East Deering	Herod Chase, representative of	45.00	1870 to 1872 1872 to 1874
East Hampstead	Tappan S. Carter	270.00	1870 to 1872

Memorandum schedule—New Hampshire—Continued.

Name of post-office.	Name of postmaster.	Amount claimed due for service in term.	
East Jaffrey	Peter Upton	$210.00	1870 to 1872 1872 to 1874
East Kingston	J. C. Sargeant	184.33	1864 to 1866 1870 to 1872
East Madison	Mark P. Blaisdell, representative of.	29.40	1864 to 1866 1868 to 1870
East Northwood	Richard Hoyt	39.98	1870 to 1872
East Pembroke	Ann Dickey	60.00	1870 to 1872
East Rochester	S. S. Hart	82.00	1868 to 1870
East Rochester	S. F. Shorey	100.00	1864 to 1866
East Rochester	James Walker	50.00	1872 to 1874
East Sullivan	Caleb Goodnow	18.00	1864 to 1866
Epping	David Stickney	80.00	1872 to 1874
Erroll	J. F. Bragg, representative of	20.00	1864 to 1866
Farmington	A. J. Scruton, representative of	360.00	1868 to 1870 1872 to 1874
Fishersville (now Penacook).	Samuel F. Brown	200.00	1870 to 1872
Fishersville	D. W. Pratt, representative of	255.00	1864 to 1865
Fitzwilliam	Philip S. Batcheller	156.87	1864 to 1866
Fitzwilliam Depot	E. Cummings	50.00	1870 to 1872
Francestown	Samuel D. Downes	151.70	1864 to 1866 1868 to 1870
Franconia	Charles Edson	40.00	1870 to 1872
Fremont	Isaiah L. Robinson	48.73	1864 to 1866 1868 to 1870
Gilford Village	M. V. B. Eaton	53.00	1870 to 1872
Gilmanton	L. H. Mudgett	70.00	1872 to 1874
Gilsum	F. A. Howard	90.00	1864 to 1866 1870 to 1872 1872 to 1874
Goffs Falls	N. Moore, representative of	124.86	1868 to 1870 1870 to 1872
Goffstown Center	Eliphalet R. Poor	37.00	1868 to 1870
Gorham	T. Gifford	59.36	1868 to 1870
Gorham	Wesley Wight	225.78	1865 to 1868 1868 to 1870
Great Falls	John S. Haines, representative of.	800.00	1864 to 1866
Greenfield	Jacob Stephenson, representative of.	29.14	1864 to 1866
Greenland	J. E. Holmes	134.20	1868 to 1870 1872 to 1874
Greenland Depot	H. C. Taft	100.00	1872 to 1874
Groveton	James B. Spalding	156.00	1864 to 1866
Hampstead	Rufas C. Smith	129.00	1866 to 1868
Hampton	John C. Perkins, representative of.	160.00	1868 to 1870 1870 to 1872
Hanover	C. A. Field	400.00	1868 to 1870
Hanover Center	Elihu Hurlbutt	25.42	1870 to 1872
Harrisville	Charles C. P. Harris	53.00	1864 to 1866
Haverhill	John Currier	156.00	1864 to 1866
Haverhill Center	Sarah B. Bisbee	37.00	1864 to 1866
Hebron	Alfred E. Jacques	21.00	1864 to 1866
Hillsboro Bridge	J. H. T. Newell	203.00	1864 to 1866
Hillsboro Bridge	W. H. Story	190.00	1868 to 1870
Hinsdale	Charles J. Amidon	1,702.00	1864 to 1866 1866 to 1868 1868 to 1870
Holderness	Nathan B. Whitten	50.00	1872 to 1874
Hookset	J. T. Goss, representative of	100.00	1868 to 1870
Jaffrey	G. A. Phelps	62.94	1868 to 1870 1870 to 1872
Jefferson	J. H. Plaisted, representative of	48.31	1864 to 1866 1866 to 1868
Keene	Thomas E. Hatch	600.00	1864 to 1866
Kingston	L. D. Peaslee	40.00	1870 to 1872
Lake Village	E. H. Blaisdell	280.00	1870 to 1872
Laconia	J. E. Odlin, representative of	1,166.00	1864 to 1866 1870 to 1872
Lake Village	George W. Weeks, representative of.	521.00	1864 to 1866
Lancaster	John W. Spaulding	300.00	1872 to 1874
Lebanon	Edward J. Durant	245.00	1864 to 1866 1866 to 1868
Lebanon	Elisha P. Liscomb	1,210.00	1868 to 1870 1870 to 1872 1872 to 1874
Lee	Albert G. Comings	49.00	1870 to 1872 1872 to 1874
Lee	Joseph T. Comings, representative of.	50.00	1872 to 1874
Lisbon	J. R. Young, representative of	626.00	1866 to 1868 1868 to 1870 1864 to 1866
Littleton	P. R. Gould	520.00	1868 to 1870 1872 to 1874
London	Henry F. Bachelder	40.70	1864 to 1866
Londonderry	Arley Plummer, representative of.	19.70	1864 to 1866
Lower Bartlett	George Pitman, representative of.	30.16	1864 to 1866
Lyndeboro	W. W. Curtis	26.59	1868 to 1870
Madison	Ann B. Atkinson	26.00	1868 to 1870
Marlboro	E. O. Woodward	332.18	1866 to 1868 1868 to 1870 1870 to 1872 1872 to 1874
Marlboro Depot	Cyrus S. Moors	24.78	1864 to 1866
Mason	Daniel Goodwin	276.00	1870 to 1872 1872 to 1874
Mason Village	Merrill C. Dodge, representative of.	100.00	1864 to 1866
Mast Yard	Daniel G. Holmes	56.00	1872 to 1874
Melvin Village	Orlando Richardson	37.00	1870 to 1874
Meredith Village	John W. Beede, representative of.	234.41	1864 to 1866 1866 to 1868 1868 to 1870

Memorandum schedule—New Hampshire—Continued.

Name of post-office.	Name of postmaster.	Amount claimed due for service in term.	
Melvin Village	Daniel H. Durgin, representative of.	$20.67	1864 to 1866
Meriden	John T. Duncan	171.00	1864 to 1866
Merrimack	George H. Bixby, representative of.	62.00	1870 to 1872
Milan	Gardner C. Paine	79.00	1864 to 1866
Milford	E. Lovejoy	190.00	1864 to 1866
Mill Village	Elisha H. Carr	23.46	1870 to 1872
Milton	Erra H. Twombly, representative of.	63.00	1864 to 1866 1866 to 1868
Milton Mills	Henry S. Swasey, representative of.	92.00	1864 to 1866
Moultonborough	James French	40.00	1870 to 1872
Mount Vernon	Nathaniel Bruce, representative of.	70.00	1870 to 1872
New Castle	Howard M. Curtis	157.74	1864 to 1866 1866 to 1868
New Market	J. F. Garland	379.90	1864 to 1866 1870 to 1872
Newport	G. W. Nourse	1,108.00	1864 to 1866 1868 to 1874
North Conway	B. D. Eastman, representative of.	903.21	1868 to 1874
North Groton	Nathaniel Wilton	14.12	1864 to 1866
North Hampton	J. Batchelder, jr	638.46	1866 to 1872
North Haverhill	J. F. Morse	50.94	1866 to 1868
North Haverhill	M. E. Kimball	50.60	1872 to 1874
North Littleton	Rufus Smith	107.00	1870 to 1874
North Sutton	Joseph Greeley, jr	18.00	1864 to 1866
Northumberland	R. L. Adams, representative of	70.00	1868 to 1874
North Weare	William H. Gove, representative of.	46.00	1864 to 1866
North Wolfboro	Samuel N. Hersey	13.90	1864 to 1866
Nottingham	John H. Chesley	44.00	1864 to 1866 1870 to 1872
Orfordville	Alexander Strong, representative of.	17.67	1864 to 1866
Ossipee	John C. Richford	131.00	1864 to 1866
Ossipee	L. D. Sinclair	160.00	1870 to 1874
Orford	D. F. Tillotson, representative of.	163.37	1864 to 1866
Paper Mill Village, now Alstead.	Cyrus K. Vilas, representative of.	166.66	1864 to 1866
Peterborough	J. R. Miller	810.00	1866 to 1872
Piermont	Hezekiah Cutting	24.66	1866 to 1868
Pittsfield	Everett Jenkins	501.00	1864 to 1866 1870 to 1874
Plymouth	Walter D. Blaisdell	723.00	1864 to 1866 1868 to 1872
Potter Place	James Fellows	200.00	1870 to 1872
Profile House	C. H. Greenleaf	230.00	1870 to 1872
Raymond	True M. Gould	93.00	1868 to 1870 1872 to 1874
Raymond	John Locke, representative of	37.00	1868 to 1870
Reeds Ferry	Matthew P. Nichols	85.52	1866 to 1868 1872 to 1874
Richmond	Daniel R. Spaulding, representative of.	57.00	1864 to 1866
Rochester	George B. Roberts	670.00	1870 to 1874
Rochester	James F. Place	217.28	1864 to 1866
Rumney	Harry Chapman	77.00	1864 to 1866
Rumney Depot	Charles Spalding	80.00	1872 to 1874
Rye	J. T. Walker, representative of	122.44	1868 to 1870 1872 to 1874
Salem	George C. Gordon	464.19	1864 to 1868
Sanbornton	Elizabeth Lane, representative of.	52.00	1868 to 1872
Sanbornton	Fannie Lane, representative of	40.00	1864 to 1866
Sandwich	Joseph Wentworth	66.00	1864 to 1870
Shelburne	James Hebbard, representative of.	150.00	1872 to 1874
South Acworth	J. A. Wood	216.00	1864 to 1866 1870 to 1874
South Barnstead	C. H. Reynolds	33.34	1870 to 1872
South Deerfield	Francis J. White	78.00	1868 to 1874
South Lyndeboro	W. W. Young	133.74	1864 to 1872
South New Market	Albert Field	90.00	1872 to 1874
South Wolfboro	Albert Avery	48.00	1864 to 1866
Stark	Clifford Cole, representative of	47.08	1870 to 1872
Stark Water	William T. Pike	40.00	1872 to 1874
Strafford Blue Hills	A. S. Clark, representative of	36.80	1868 to 1870
Strafford Corners	James D. Berry, representative of.	34.00	1866 to 1868
Stratford	Benjamin B. Ockington, representative of.	117.00	1864 to 1866 1868 to 1872
Sugar Hill	George W. Wells	27.21	1870 to 1872
Suncook	S. A. H. Weeks, representative of.	425.00	1868 to 1872
Surry	M. B. Britton	37.14	1868 to 1872
Swanzey	Enoch Howes, representative of	30.00	1872 to 1874
Temple	Nathan Colburn, representative of.	40.00	1864 to 1866
Thornton Ferry	George Drew	40.00	1870 to 1872
Troy	W. G. Silsby	620.00	1872 to 1874
Troy	C. W. Whitney	57.27	1868 to 1870
Union	Elijah Wadleigh	60.00	1872 to 1874
Wadleys Falls	Charles H. Tuttle	108.32	1864 to 1866 1868 to 1872
Walpole	R. L. Ball	140.00	1870 to 1872
Walpole	W. C. Sherman, representative of.	128.00	1864 to 1866
Warren	Ezra B. Eaton	160.00	1864 to 1866 1868 to 1870
Union	Joseph P. Gilman	40.27	1868 to 1870
Wentworth	A. S. Hammond, representative of.	60.00	1868 to 1870
West Andover	Alvin A. Buswell	45.80	1866 to 1868
West Campton	T. J. Sanborn, representative of	58.00	1868 to 1870

Memorandum schedule—New Hampshire—Continued.

Name of post-office.	Name of postmaster.	Amount claimed due for service in term.	
West Lebanon	Joseph Kendrick, representative of.	$102.00	1864 to 1866
West Claremont	Henry A. Redfield	59.92	1864 to 1866
West Milan	B. T. Roberts	70.00	1870 to 1874
West Ossipee	Jeremiah Marston, jr	70.08	1866 to 1872
West Rumney	D. L. Simpson, representative of.	33.00	1864 to 1866
West Stewartstown	H. C. Trask	33.54	1864 to 1866
Whitefield	M. H. Gordon	180.00	1870 to 1872
Wilsons Crossing	W. Richardson	54.00	1872 to 1874
Windham Depot	B. H. Hughes, representative of.	64.00	1866 to 1868
Wolfborough	C. H. Hersey	400.00	1868 to 1870
Woodsville	H. W. Ramsey	196.00	1864 to 1866 1868 to 1872
Woodsville	Charles B. Smith, representative of.	70.00	1870 to 1874
Total amount claimed		32,863.39	

Mr. ALDRICH. I did not quite catch the first part of the resolution. I suggest that it go over until to-morrow.

Mr. GALLINGER. I suggested that it be printed and laid on the table. I had no purpose to have it acted on now.

The VICE-PRESIDENT. The resolution will be printed and lie on the table.

HEARINGS BEFORE COMMITTEE ON PUBLIC LANDS.

Mr. HANSBROUGH submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Lands be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings and proceedings as may be had before such committee or its subcommittees in connection with matters pending before it, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On April 13:

S. 535. An act to amend and reenact section 1 of chapter 77 of volume 27 of the United States Statutes at Large, being "An act to provide for a term of the United States circuit and district courts at Evanston, Wyo.," approved May 23, 1892; and

S. 5521. An act to authorize the Tyronza Central Railroad Company to construct a bridge across Little River, in the State of Arkansas.

On April 14:

S. 4168. An act to correct a typographical error in act approved July 1, 1898, entitled "An act to vest in the Commissioners of the District of Columbia control of street parking in said District;"

S. 4302. An act to amend the provision in an act approved March 3, 1899, imposing a charge for tuition on nonresident pupils in the public schools of the District of Columbia; and

S. 4426. An act to amend section 927 of the Code of Law for the District of Columbia, relating to insane criminals.

On April 16:

S. 3292. An act to incorporate the Great Council of the United States of the Improved Order of Red Men.

On April 14:

S. 5215. An act to fix the regular terms of the circuit and district courts of the United States for the southern division of the northern district of Alabama, and for other purposes.

On April 16:

S. 87. An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes.

WRONGFUL INSURANCE METHODS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Judiciary, and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit the report and recommendations, with accompanying papers, of the insurance convention which met in February last at Chicago. The convention was called because of the extraordinary disclosures of wrongful insurance methods recently made by the Armstrong legislative committee of the State of New York; the suggestion that it should be called coming to me originally from Governor John A. Johnson, of Minnesota, through Commissioner of Insurance Thomas D. O'Brien, of that State. The convention consisted of about one hundred governors, attorneys-general, and commissioners of insurance of the States and Territories of the Union. The convention was seeking to accomplish uniformity of insurance legislation throughout the States and Territories, and as a prime step toward this purpose decided to endeavor to secure the enactment by the Congress of the United States of a proper insurance code for the District of Columbia, which might serve as a model for the several States. Before adjourning the convention appointed a committee of three attorneys-general and twelve commissioners of insurance of the various States to prepare and have presented to the Congress a bill which should embody the features suggested by the convention. The committee recently met in Chicago, and in thorough and painstaking fashion sought to prepare a bill which should be at once protective of policy holders and fair and just to insurance companies, and which should prevent the graver evils and abuses of the business, and at the same time forestall any wild or drastic legislation which would be more harmful than beneficial. The proposed bill is discussed at length in the accompanying letter by Superintendent Thomas E. Drake, of the department of insurance in the District of Columbia.

I very earnestly hope that the Congress at the earliest opportunity will enact this bill into law, with such changes as its wisdom may dictate. I have no expert familiarity with the business, but I have entire faith in the right judgment and single-minded purpose of the insurance convention which met at Chicago, and of the committee of that convention which formulated the measure herein advocated. We are not to be pardoned if we fail to take every step in our power to prevent the possibility of the repetition of such scandals as those that have occurred in connection with the insurance business as disclosed by the Armstrong committee.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 17, 1906.*

PROPOSED INVESTIGATION OF NATIONAL BANKS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday, which will be stated.

The SECRETARY. A resolution by Mr. TILLMAN, directing the Committee on Finance to inquire whether or not the national banks have made contributions in aid of political committees, etc.

Mr. TILLMAN. I ask that the resolution be read.

The VICE-PRESIDENT. The resolution will be read at the request of the Senator from South Carolina.

The Secretary read the resolution submitted yesterday by Mr. TILLMAN, as follows:

Resolved, That the Committee on Finance be directed to inquire whether or not the national banks have made contributions in aid of political committees, and if so, to what extent, and why the facts have not been discovered by the Comptroller of the Currency; and whether or not such contributions have been embezzlements, abstractions, or willful misapplications of the funds of the banks which call for restitutions and criminal prosecutions. Said committee is also directed to inquire whether or not the national banks of Chicago have recently engaged in transactions beyond their lawful powers in connection with the recent failure of a bank in that city, and whether such failure involved illegalities and crimes; and also to inquire whether the national banks in Ohio have been in the habit of paying large sums of money in a secret and illicit manner to the county treasurers of Ohio as a compensation to said treasurers for making deposits of public money with such banks; and to report the facts to the Senate, and the opinion of the committee whether any legal proceedings should be instituted on account of the transactions disclosed, and whether the public interest requires any amendments of the existing national banking laws.

Mr. TILLMAN. Mr. President, I have already addressed the Senate at considerable length on this general topic twice, and at this session, and I feel that I might almost be regarded as cranky on it, because I am going to talk at some length this morning, the third time; but I think it is a very necessary reform that I am seeking to bring about, and I wish to get some action, so that the responsibility, if nothing be done, shall rest, or be shown to rest, on other shoulders than mine.

It so happens that facts have been placed in my possession bearing on the contributions by national banks which probably no other Senator has had, not any Senator that I know of, any way. Therefore, my responsibility is very clear to my mind, and I want to perform my duty under it.

I had not felt that the time was opportune for me to press this matter any sooner than I have already done, because of the immense labor that has been imposed on me by the rate bill. Therefore, I waited for a more favorable opportunity, but on Sunday last a story was published in the New York Herald by Mr. James W. Breen, with whom I had had considerable correspondence and who had furnished me facts, and it is because of this partial publicity that I have introduced the resolution.

I wish to call the attention of the Senate and of the country to the facts that Mr. Breen has himself given. I want to call attention in this body to these facts, because a great many people do not read the Herald. I therefore send to the desk the Herald of Sunday, and ask the Secretary to read the article "How the Banks Filled Hanna's War Chest."

Mr. LODGE. May I ask the Senator from South Carolina who is the author of the article?

Mr. TILLMAN. James W. Breen. I will tell you all about him before I get through. He is not an unknown man, and not an unreliable man, as I will prove to the entire satisfaction of the Senator from Massachusetts and every other Senator. He is not an anonymous correspondent.

The VICE-PRESIDENT. The Senator from South Carolina

asks that the article sent by him to the Secretary's desk be read.

Mr. ALDRICH. I think it would save a great deal of time to have the article printed without reading. I do not like to consent to its reading.

Mr. TILLMAN. Well, just let the Secretary send it here and I will read it.

Mr. ALDRICH. I do not want the Senator to do that.

Mr. TILLMAN. My voice is in good shape; it will not hurt me at all.

Mr. ALDRICH. I do not object to its being read if the Senator insists on it. I did not know but that he would as soon have it printed without reading.

Mr. TILLMAN. How would the Senator know, unless he has read the article, or how would other Senators know, about what I am going to speak?

Mr. ALDRICH. I have myself read the article. I do not know that anyone else here has.

Mr. TILLMAN. You have?

Mr. ALDRICH. Yes.

Mr. TILLMAN. Perhaps that accounts for your indifference to having it read again. But how many other Senators have read it?

Mr. ALDRICH. I am perfectly willing to have the article read.

Mr. TILLMAN. Well, if the Senator will allow the Secretary to read it I will send it again to the desk. Otherwise I will read it myself.

Mr. ALDRICH. I do not object to its being read at the desk.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

HOW THE BANKS FILLED HANNA'S WAR CHEST—COMPLETE STORY OF VOTING AWAY OF FUNDS IN 1896 BY DIRECTORS FOR POLITICAL PURPOSES—ONE-FOURTH OF 1 PER CENT AMOUNT OF TAX LEVIED ON COMBINED CAPITAL AND SURPLUS OF CONCERNS—TWO "CALLS" MADE—CAME OUT IN PITTSBURG—NOT MADE PUBLIC, THOUGH DEMOCRATS KNEW OF IT, AND SENATOR TILLMAN HAS DELAYED CHARGES.

[By James W. Breen.]

None of the evidence elicited in the recent insurance investigation in New York State excited more public indignation than that showing that large sums had been taken from the treasuries of the great life companies by the trustees and turned over to the Republican campaign managers.

As compared with the sums wasted in useless extravagance or those devoted to promoting or preventing legislation these contributions were small in amount, yet there has been a concerted and consistent demand that the men responsible (great financiers and leading citizens) should not only be compelled to repay these contributions, but should be punished criminally.

The depth and extent of this popular indignation has been somewhat puzzling to persons familiar with political management. It had been assumed that most men of average information were convinced that such contributions by corporations were regular incidents of each returning campaign.

In accounting for the outburst of popular disapprobation the theory has been advanced that while most men were satisfied that such contributions were made, there had never been concrete and undisputed evidence on the point made public.

Banks naturally stand in a different position from insurance companies, so far as political contributions are concerned. An insurance company has a vast number of policy holders of all shades of political belief. To take money in which a rabid Democrat has a beneficial interest and devote it to the election of a Republican is unfair on its face. Banks, on the other hand, are owned by few stockholders, and the controlling interest is usually held by the men on the board of directors.

It is doubtful if any legal proceedings, civil or criminal, could be taken against the bank directors who voted away the money of their institutions in 1896. The statute of limitations would probably have wiped out all legal liability.

There is one point, however, which should be emphasized, so far, at least, as national banks are concerned. During the periodic investigations by bank examiners under the control of the Comptroller of the Currency the facts concerning these contributions must have become known to the examiners and must by them have been suppressed. It is doubtful if any bank examiner was simple enough to imagine that payments of this kind were lawful.

If the bank examiners did their duty the various Comptrollers of the Currency must have been aware of the improper diversion of bank funds in this way. An investigation by a Congressional committee along these lines should prove fruitful.

Singularly enough, Senator PHILANDER C. KNOX is one of the subcommittee of the Committee on Privileges and Elections charged with the preparation of a bill to prevent improper campaign contributions. Senator KNOX was in 1896 a director of one of the Pittsburg banks called on to contribute to the Republican fund and which, according to popular report, did contribute liberally.

PRACTICALLY A TAX.

Singularly enough, I have had in my possession since 1896 undoubted evidence not only as to the fact of such contributions being made by national banks, but also data showing the manner in which what is practically a tax or assessment is levied.

Here is a copy of a circular which I made from the original during the Bryan campaign:

T. MELLON & SONS, BANKERS,
Pittsburg, Pa., September 2, 1896.

To the board of directors of the City Deposit Bank:

DEAR SIRS: The undersigned have been appointed a committee to solicit from the banks funds in aid of the campaign for the Republican national committee. The banks in New York and some other places have been contributing on the basis of one-quarter of 1 per cent of their combined capital and surplus, and the national committee requests us to ask the Pittsburg banks to do the same.

We only started yesterday afternoon and so far have found all the banks we have approached willing to contribute on this basis. So far we have received the following subscriptions:

Farmers' Deposit National Bank	$5,000
People's National Bank	5,000
National Bank of Commerce	2,750
T. Mellon & Sons	2,750
Bank of Pittsburg	2,500
National Bank of Western Pennsylvania	1,200
Union Trust Co	750

We are informed that the Second National Bank will give $5,000 and that in the other banks we have visited the matter is to be brought before the boards and formally recommended, so that we anticipate favorable action by all. The campaign managers are looking over a much larger area of country than is usual in a national campaign, and it is taking a great deal of money. The question is a vital one to all financial institutions and therefore is declared a proper and legitimate matter for contributions on the part of the banks.

The subscriptions here are payable to James S. McKean, chairman of the auxiliary finance committee, and by that committee will be turned over to the national treasurer, Cornelius N. Bliss, who will receipt to the contributors. On the basis of what the other banks are doing, the City Deposit Bank is asked to subscribe one-quarter of 1 per cent of its capital and surplus, which would be somewhere in the neighborhood of $450. Trusting this matter will have your favorable consideration, we remain,

Respectfully,

T. H. GIVEN,
F. P. DAY,
A. W. MELLON,
Committee.

HOW THE COPY CAME OUT.

I obtained this copy in this manner: While residing in Pittsburg, Pa., on September 3, 1896, I called on Joseph Howley in his law office, in the Carnegie Building, Pittsburg. While I was there an attaché of the City Deposit Bank, of the East End, Pittsburg, which is one of the branches of the Mellon Bank, came in and exhibited a document to Mr. Howley, who was the chairman of the Democratic city committee. Mr. Howley readily saw the significance of the paper, which he handed to me for perusal. The circular was typewritten on paper with a German text letter head of "T. Mellon & Sons, bankers."

After reading this letter I asked permission to make a copy of it. The bank representative who had brought it in told Mr. Howley that the document would have to be returned to the correspondence file of his bank within half an hour or there might be trouble. On my assurance that I could copy the paper in less than half an hour he consented to let me have it. I then took the original to my office, where I speedily made a careful copy. I next went to the office of the Pittsburg Post. The president of the Post company, Albert J. Barr, was not in his office at the time, but I showed the original document to Frank X. Barr, who was then an attaché of the Post business office and more recently county clerk of Allegheny County.

I asked Mr. Frank Barr if he would have some additional typewritten copies made, and inquired how long it would take to procure a facsimile plate for reproduction in a newspaper. This I found would take some hours, longer than I could retain the original in my possession. Mr. Barr had several typewritten copies made, and I returned the original to Mr. Howley, as promised.

Later I went to the office of the Post and gave a copy of the document to Mr. Albert J. Barr. He read it over carefully, seemed much impressed, and remarked that if it were published "it would rock the boat."

To this I replied, "Why shouldn't it be rocked?" He said he would have to consider the matter and advise with others.

Political excitement was running very high at the time. Most men of substance believed that the triumph of the silver issue would result in financial panic, the utter demoralization of business, and set the country back for years. All Pittsburg's business interests were alarmed by Mr. Bryan's radical free-trade views, and could see nothing but ruin to Pittsburg and its industries in case of his election.

The Post, as a regular Democratic newspaper, had been supporting Bryan, but probably more from a sense of duty to the party than from fondness for Mr. Bryan's platform. It had been threatened with a boycott by advertisers, and some patrons had already withdrawn their business. The managers of the Post were acutely sensible that they were "in the enemy's country;" that the men connected with the banks would certainly resent publication of the circular, and that these men were extremely powerful in the community.

At Mr. Barr's request I gave him a day to think the matter over. In the meantime I met William McConway, president of the McConway-Tooley Manufacturing Company, of Pittsburg, who had heard the matter discussed by manufacturers at the Duquesne Club. He asked me if I really intended to publish this document. I replied, "Why not? It is news; very important news."

BUSINESS REASONS.

"Yes," he said, "but it may make trouble in business circles."

Meantime Colonel Guffey, who was the Democratic national committeeman from Pennsylvania, had been informed of the affair, and, although not slow to realize its bearing upon the McKinley campaign, he advanced various "business" reasons why it would be inadvisable for a Democratic newspaper in Pittsburg to print this evidence.

When I called on Mr. Barr on the following day he thanked me for my kind offer and informed me that he had very reluctantly concluded not to take the risk of publishing this letter.

It is no secret in political circles that the national bank assessment of September 2, referred to in the letter quoted above, was only the first installment of the various levies made upon the national banks of the country during that heated campaign. A month or more later Hanna descended on Wall street, the alarm was again sounded, and a tremendous fund was raised for the specific purpose of insuring the success of McKinley electors in the doubtful States, especially New York and Indiana. As the circular letter itself plainly indicates, the September collection was general throughout all the large commercial cities of the North, and the toll exacted by the call issued later in the campaign is reported to have been equally large.

Confining the discussion, however, to the tangible evidence actually in hand, it is seen that eight Pittsburg banks paid an average of $3,118 each to the national Republican campaign committee in response to one call in a single campaign. There are now 128 banks doing

business through the Pittsburg Clearing House. In 1896 there were 70. Maintaining this average of $3,118 for each of the 70 banks doing business in Pittsburg in 1896, it is seen that from that city alone the committee would have realized the tidy sum of $218,260 as a result of its first call for aid.

A contribution of one-fourth of 1 per cent of their capital and surplus by the banks of the United States would produce an enormous sum. In September, 1896, the national banks had a capital of $658,126,915. The surplus would bring the total up to at least $1,000,000,000. One-fourth of 1 per cent of the amount would be $2,500,000. It is not to be assumed that all the national banks contributed, but it is reasonably certain that most of those in the larger cities did so—representing probably four-fifths of the combined capital and surplus.

The State banks and trust companies undoubtedly helped the work along. I have not at hand statistics as to the capital and surplus of these institutions, but it seems safe to assert that the banks furnished more than $2,000,000 to Mr. Hanna's war chest on the first call.

FAMOUS SECOND CALL.

It will not be forgotten that late in October Mr. Hanna called on the financial powers for a second contribution—"to make the doubtful States secure." If the call brought half as much, or even one-fourth, as the first one the enormous proportions of the McKinley campaign fund may be estimated when it is remembered that practically all the large industrial and railroad corporations were pouring gold into the treasury of the Republican campaign committee.

The estimate, so far as Pittsburg is concerned, would have to be reduced by eliminating the contribution of one bank. Among the directors of the bank in question was a well-known citizen of Pittsburg, who, when he heard of the proposed contribution or assessment, promptly objected. The directors decided to go ahead, notwithstanding his opposition. He engaged a lawyer and had papers prepared to procure an injunction. The directors then capitulated and no contribution was made by that bank.

It will be noted in the circular of the banks given above that it is stated that the committee will turn the funds over to "the national treasurer, the Hon. Cornelius N. Bliss, who will receipt to the contributors."

In other words, each institution paying money into the fund was given an individual receipt from Mr. Bliss, who, consequently, has, or at least had, knowledge of the identity of each separate contributor and the amount turned over by such contributor to the general fund.

Consequently, if any Senate or other committee wishes information as to campaign contributions, the means of obtaining such information are at hand.

When Senator TILLMAN, of South Carolina, offered a resolution in the United States Senate last December calling upon the Comptroller of the Currency to furnish to the Senate all available information in his Department concerning contributions made by national banks to political funds raised by campaign committees, I wrote to the South Carolina Senator, suggesting that banks which had been guilty of making such political contributions were not likely to surrender their political toll books to the Comptroller of the Currency. I intimated that if he desired real evidence, and if he would use such evidence vigorously and impartially, I should be glad to aid him. To this note I received from Senator TILLMAN, under date of December 11, 1905, a reply, of which this is an extract:

"I do want, above all things, the absolute proof of the charges I have indirectly made in my speech and in the resolution itself. If you will furnish me this evidence I will drive the dagger home to the hilt, it does not matter into whose bosom it may go, Democrat or Republican.

"COMPTROLLER 'SUPPLE TOOL.'

"I know the Comptroller of the Currency has been the supple tool of the national banks for these many years, and I took occasion in the Senate once to call attention to the fact that all the men who have filled that position, except three, have graduated from it into high positions in the banking and 'trust' world at big salaries. Furnish me the ammunition you have, and by the holy gods I will use it."

After verifying my standing and responsibility and examining some of my evidence, Senator TILLMAN proceeded to get his Senatorial bearings. He obtained assurances of prominent Republican Senators that the matter should be given a full and free hearing. But meantime the rate bill took the center of the stage. About the middle of last month certain distinguished representatives of great business interests called on President Roosevelt and subsequently it was announced that something like an ultimatum had been presented, in which representatives of certain great corporations had intimated that if there was to be an unseemly ripping up of their private affairs, they would "take off the lid" absolutely and unfold tales concerning campaign contributions that would shock the entire country.

Senatorial enthusiasm on the subject of an investigation appeared to have been chilled, and on March 13 last the Committee on Privileges and Elections decided that it was inexpedient to embark in any investigation of campaign contributions by the national banks. A subcommittee, consisting of Senators BAILEY, FORAKER, and KNOX, was thereupon appointed to draft such a bill as would prevent these campaign abuses hereafter. Senator TILLMAN vigorously, but vainly, strove to persuade the committee to investigate the campaign contributions, beginning with those of 1896. He maintained that in the election of that year high-water mark was reached in the scandal of vote buying and lavish campaign expenditure. That was the one year above all others when the country had to be "saved" against the peril of Bryanism and free silver.

Believing that there was still a strong sentiment among independent Republican Senators favorable to an investigation, I again addressed Senator TILLMAN in a note, the important part of which was as follows:

"Touching the matter of Presidential campaign contributions by corporate or other interests, which is now before the Senate Committee on Privileges and Elections, of which you are a member, I would, if not trenching overmuch on your time and courtesy, deferentially ask, Can an adequate remedy be devised or enforced against such contributing offenders without specific prior evidence of the methods of such offenders?

"WHAT COULD BE PROVED.

"With a view to affording your honorable committee such specific information as might serve as a ground work for effective remedial legislative action, punitive or preventive, I would respond to a subpœna and would appear before your committee and furnish under oath specific information proving and tending to prove this set of facts, to wit:

"First. A written document properly attested and authenticated, signed by leading banks and bankers, setting forth specific contributions for the Presidential campaign of 1896.

"Second. Said document shows, further, the names of donors and 'donees,' and the specific purposes of such donations or assessments.

"Third. Date, amounts, to whom paid, and by whom paid.

"In addition to this I will procure evidence showing that certain stockholders or directors in one or more banks named objected to such political contributions, and by threat of legal action (bill in equity) prevented the payment at that time of a portion of said assessments or contributions.

"I am advised by legal authority that such payments by such corporations for such purposes are illegal and against the letter and spirit of the national banking act and the United States Revised Statutes—this apart from the moral and political wrong of such corrupt and corrupting practices.

"I am not partisan enough to believe that such practices are the monopoly of any one party, as a long and varied experience leads me to believe that many 'managing politicians,' irrespective of party, if not awed by a militant public opinion or by stringent legislation, oft resort to what is irreverently termed 'yellow-dog methods.'

"I may add in conclusion that I have information other than what is here outlined touching later elections and political contributions, but will not at present trespass further on your time.

After Senator TILLMAN was formally intrusted with the charge of the rate bill his time seemed fully occupied with that measure, and so far as I could learn there was little chance of an inquiry such as I desired being undertaken by the Senate at this session. I therefore placed my material at the disposition of the Herald, in order that proper publicity might be secured before the existing feeling against corporation campaign contributions had subsided, hoping thereby to assist in the passage of proper remedial legislation. I informed Senator TILLMAN of my action in the premises and received the following in reply, dated April 11, 1906:

"I should feel that a great opportunity had been lost to get the attention of the country if you printed in any publication the facts you gave me before I used them in the Senate. I intend to seize the very first opportunity to make a speech and ventilate the whole thing, so I sincerely trust you will hold off a while longer."

It was then, however, too late to make any change in my arrangements. I am satisfied that Senator TILLMAN is anxious to probe the matter to the bottom, but with the technical position of business in the Senate it is doubtful if much could be done at this session.

PROMINENT MEN WHO KNEW.

Among the men prominently identified with the Pittsburg banks as officers and directors in 1896 were these: First National, F. H. Skelding, then cashier, now president; Alexander Nimlnck, iron manufacturer; Theodore Wrightman, glass manufacturer; Second National, John G. Stevenson, wholesale dry goods; Thomas D. Chaniter, corporation lawyer; James H. Willock, president, recently to sanitarium for mental treatment; Third National, John Farrell, of the Bailey and Farrell Manufacturing Company, sanitary supplies; Fourth National, Jacob Porter, of the then Porter-Dilworth Iron Works; Allegheny National, John Caldwell, jr., of the Westinghouse interests; Thomas Evans, glass manufacturer; Citizens' National, George A. Berry, president of the Monongahela Insurance Company; H. C. Bughman, financier; Columbia National, E. H. Jennings, Standard Oil; Diamond National, John S. Sculley, oil and coal land speculator.

Exchange National—Mark W. Watson, iron and steel manufacturer and principal owner of the Philadelphia Press; A. H. Childs, brother-in-law of H. C. Frick, capitalist; John B. Jackson, president of the Fidelity Trust. Farmers' Deposit National—Former Judge James H. Reed, formerly law partner of Senator KNOX, railroad president, great corporation lawyer, one of Pittsburg's strongest men and always a straight Republican; T. Hart Given, one of the signers to the circular, then president, as he is now; Hay Walker, jr., of Harbison-Walker refractories (the brick trust). First National of Birmingham, at Pittsburg—H. Sellers McKee, glass manufacturer. Fort Pitt National—President, D. Leet Wilson, president Central District and Printing Telegraph Company (the Bell telephone organization in this section); Samuel Ewart, wholesale grocer. German National—E. H. Myers, pork packer; A. Frauenheim, brewer. Iron City National—Alexander M. Byers, now deceased, iron and steel and principal cotton-tie manufacturer in United States. Liberty National—R. B. Ward, bakeries; Edward M. Bigelow, director department of public safety and Republican boss for many years. Marine National—J. E. Umstaetter, at that time connected with Carnegie steel interests; T. J. Wood, coal operator. Merchants and Manufacturers' National—W. S. Shallenberger, now Fourth Assistant Postmaster-General; George A. Kelly, wholesale drugs. Mechanics' National—William B. Rodgers, now city solicitor. People's National—Thomas P. Day, president, was killed in runaway accident, was one of signers to circular; J. Painter, jr., of Painter Iron Works; D. McK. Lloyd, president People's Savings Bank. Pittsburg National Bank of Commerce—W. H. Keech, wholesale furniture; Andrew W. Mellon, of Mellon National Bank, who was one of signers to circular. Tradesmen's National—Robert Wardrop, cashier, now president, of the People's National; Alexander Bradley, stove manufacturer; Oliver P. Scaife, iron. Union National—Addison Lysle, coal operator; Durbin Horne, head of Joseph Horne Company, leading department store. National Bank of McKeesport—State Senator John W. Crawford. Braddock National—J. B. Corey, coal operator, uncle of W. E. Corey, president United States Steel Corporation; District Attorney Stewart. Union Trust—Henry C. Frick, Senator D. E. and William G. Park, whose steel works were later on taken over by the Crucible Steel concern; A. W. Mellon, also of what is now the Mellon National.

The Union Trust in later years had among its directorate James Hazen Hyde, E. C. Converse, Charles Lockhart, the late Standard Oil man of this city, whose estate is estimated at one hundred and fifty millions; Col. J. M. Schoonmaker, of the Pittsburg and Lake Erie road; Thomas Morrison, of the Carnegie interests; William B. Schiller, head of National Tube Works, and Col. J. B. Finley, wealthy coal operator. The other officers and directors of the Allegheny County banks stand on a par with those here enumerated. A very conservative estimate is that fully 85 per cent of these officials are strong Republicans.

Mr. TILLMAN. Mr. President, before I state who Mr. Breen is, I want to make a comment or two on some of the utterances in the article itself and to briefly explain why I feel constrained to make this full exposition to-day.

There are statements in this article to the effect that Senatorial ardor appeared to cool, and as I had never seen any Senatorial ardor that was very hot on this trail, except my own, I was afraid that some might suppose that my own ardor had cooled; but the trouble has been this, you know: I called

the attention of the Senate to the resolution, and I spoke on it at some length. It was referred to the Committee on Privileges and Elections in December. Then, later, as soon as I had obtained some substantial evidence, I notified the chairman of the Committee on Privileges and Elections, the Senator from Michigan [Mr. BURROWS], that I was ready to appear before his committee. After some little trouble—not of his making, but mainly of my own, because I had to leave the city; anyway, it was a couple of weeks—I did appear. To my surprise, when the matter was broached and the importance of it was presented by myself, and without giving any names, I merely stating that I would prove certain facts, I found the committee in a very conformable frame of mind. To my surprise they threw up their hands, so to speak, and said, "Why, of course everybody contributed; the banks and everybody else in the United States; there was great necessity for it in the minds of some people, and of course it is all right." They did not seem at all inclined to probe for evidence as to contributions, or even to go back to 1896, but said, as a substitute for it, they would report the bill which I had introduced on February 19. That bill was referred to a subcommittee. Three weeks ago, I think it was, I broke loose in the Senate one morning [laughter] and called the attention of the Senate to the fact that neither the subcommittee nor the full committee would act; when the Senator from Ohio [Mr. FORAKER] got angry with me because he seemed to think that I had acted in a discourteous way toward himself and his brethren on that committee in alluding to it, when he had assured me that he was going to attend to the matter immediately. That was three weeks ago, and still that bill hangs fire somehow or other; it will not get on the Calendar, and we can not get the Senate to pass it and push it over to the House, where they have need for some campaign contributions, you know.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. Certainly, with pleasure.

Mr. FORAKER. Mr. President, I hardly think the Senator from South Carolina is justified in saying that I became angry with him. That, Mr. President, would be impossible.

Mr. TILLMAN. I am very glad the Senator from Ohio has such a kindly feeling toward me.

Mr. FORAKER. I wish to say, however, that when the Senator undertook to call the Senate committee to account, I did rise and inform the Senator from South Carolina, repeating what I said to him only the day before, that the subcommittee had been appointed only a very few days prior to the time when he spoke, three weeks ago, and that the Senator from Texas [Mr. BAILEY] was a member of the subcommittee; and that he had, I believe the very day or the day after the subcommittee had been appointed, been called from the city by reason of a loss in his family, which certainly gave him a good excuse for being away, and therefore it was impossible to get the subcommittee together for conference; that his absence made it impossible for us to confer with him; that as soon as he returned we would be glad to take the matter up; and as soon as he did return I would see to it that it was taken up with him and with the Senator from Pennsylvania [Mr. KNOX]. We have had a number of conferences, and I think we are ready to make a report to the full committee as soon as there is a meeting of the committee at which we can be heard. Since we had these conferences there have been only two meetings of the Committee on Privileges and Elections. At one all the time of the committee was occupied by Mr. Carlisle in making an argument in the Smoot case, and all of the other session of the committee was occupied by the attorney for Mr. SMOOT in answer to the argument of Mr. Carlisle, so that we have had no opportunity to make a report to the full committee.

I can assure the Senator there is no disposition whatever on the part of any member of the subcommittee to shirk the duty or evade it or delay the performance of it. We considered the subject, and I think we are of one mind that there ought to be legislation. We may have some difference, and I think we do as to the extent to which we should go, but there is nothing unusual about that.

Now that I am on my feet, I want to say, on behalf of the whole committee, that when the Senator from South Carolina appeared the committee did not "throw up their hands," or do anything of that sort, to employ the phrase he has just employed; but when the attention of the committee was called to the subject there was no disposition manifested on the part of anybody belonging to the committee to controvert the claim the Senator made, that the banks of this country had made contributions to the national Republican campaign fund in 1896. I stated in the committee at that time—and I suppose I may be allowed, in view of what the Senator has said, to state in the Senate what occurred in the committee room—that while I had no personal knowledge on the subject, I had heard that the banks of the country were making contributions; but to what extent they had made contributions I did not know. I thought the national banks should not make such contributions; certainly not except in extraordinary and exceptional cases, and that seemed to be one at the time; and that I was willing, because I believed that it was improper, to favor legislation that would prohibit their making further contributions; but because there was no difference of opinion as to the fact that they had made contributions, it did not seem necessary to make any investigation to establish that fact. That is about the extent, as I remember it, of the statements that were made by the members of the committee at that time.

Now, so far as the subcommittee is concerned, I want to make one other remark. Every member of that subcommittee is pretty busy with other duties, and some of the duties we have had have seemed more pressing than this. That may and should operate to extenuate the delay, if any extenuation may be needed. The Senator from Texas, immediately after he returned, was very much engrossed for a few days with the preparation of the argument that he made to the Senate—an argument that I am sure the entire Senate felt under obligations to him for making. The Senator from Pennsylvania [Mr. KNOX] also addressed the Senate; and so it has been with all of us. We have had duties that have been very pressing; and yet, notwithstanding that fact, there has been no delay whatever. The only reason there has been no report made has been one with which the Senator from South Carolina is entirely familiar, that there has been no meeting of the full committee at which a report could be made since the matter was referred to the subcommittee and since the subcommittee considered it.

Mr. TILLMAN. Mr. President, I have no purpose of reflecting on the subcommittee. I merely mentioned as a part of the current report of things that have happened that it was three weeks ago that I had brought this matter up incidentally, and I thought the Senator from Ohio displayed some vexation—I will not say he got angry or mad, because I do not believe those words were justified, but I had to apologize to him, which I very readily did when I found that he really was wounded at my seeming discourtesy, because I had no such intention. I do not want to reflect on the committee now. There are various and brilliant methods of "how not to do it" in this body, with which I am getting more or less acquainted. I find that some men are more expert at that art than others; and having failed to accomplish anything of material use or benefit through the Committee on Privileges and Elections, the Senator will note that this last resolution goes in a different direction and is referred to the Committee on Finance, where there is sterner stuff. While I have no great amount of hope that I will succeed any better, I still intend to continue to peg away as occasion offers, trying to get some legislation looking to the prevention of this abuse.

The Senator from Ohio and the other members of the Committee on Privileges and Elections all agreed that it was an abuse and ought to be corrected. When we recall the fact that it takes some time for bills that the House does not want to pass to get through the House, and when we recall the fact that an election is approaching, when there will be need of campaign funds, I should like to stop this kind of contribution at least before the next election, and not wait until doomsday before getting Congress to take some substantial action looking to the prevention of this crime. That is my excuse for unduly pressing this matter. The subcommittee, I suppose, will report it some time soon.

Mr. FORAKER. Mr. President, as I have already stated to the Senator, both here in the Chamber and at other times and places in conversation, the subcommittee has had no opportunity to make its report; but we will report just as soon as there is a meeting of the committee. I presume there will be a meeting of the committee possibly next Friday, though I do not know, as that matter rests with the chairman. I think the committee stands adjourned, awaiting the filing of briefs of counsel in the SMOOT case.

I want to say one other thing. The Senator speaks here not only to the RECORD, but to the whole country. There is not a member of this subcommittee, perhaps, but has a meeting of a committee every morning. I have.

Mr. TILLMAN. I recognize the immense amount of labor that we have to perform here and the burdens that are upon us, and I do not want to have the appearance of being unseemly in my desire to get action.

Mr. FORAKER. In no spirit of resentment at all, but simply to call the Senator's attention to the fact, I do not think he

ought to make statements that indicate that Senators, who are working every day about important matters in various committees, are neglecting anything. I do not know of any Senator who is neglecting anything. Certainly there is no occasion to neglect this proposition, and there is no difference of opinion in the committee as to the propriety of legislating. It is only a question of exactly what the phraseology of the bill should be. The Senator introduced a bill which we have had under consideration, and if he would take the trouble to walk to my desk he could see the form in which it will probably be reported, so far, at least, as I am concerned.

Mr. TILLMAN. I would much rather see the report than to see the form in which it is on the Senator's desk.

Mr. FORAKER. I can not report it until there is a meeting of the committee. There will be a meeting of the committee as soon as the chairman can find time and suitable opportunity to have a meeting. I have a committee meeting every morning: I do not miss a morning from the beginning of the week until the end of it. Every day of the week there is first one committee meeting and then another, and in every committee there is a great deal of work to do. I do not think any Senator who works with me on any committee will for one minute believe in the insinuation that anybody might make that I would shirk or neglect any duty or would unnecessarily delay any matter.

Mr. TILLMAN. I have not intimated that the Senator from Ohio is shirking anything. I have not intimated that anybody is shirking anything. I simply say there are ways of how not to do things here when a committee does not want to do them. I have tried very hard to get action, but I can not.

Mr. FORAKER. Mr. President, the Senator is just now repeating what, in a kind way, I took exception to. I am afraid to speak very emphatically, after what he has said, for fear he will think I am angry. But when he says, "Well, there is a way in which not to do things, and some men are more skilled than others in that art, and I have at last come to find out how this thing of not doing things is accomplished," that is an insinuation, as it seems to me, that somebody is not doing what he ought to do.

Now, I submit to the Senator that there is no ground whatever—and he should acknowledge it—on which to criticise either the subcommittee or the committee which has this matter in charge. But I do not want to further interrupt the Senator.

Mr. TILLMAN. Having tried since the beginning of the session to get something done, having the backing of the President in his message calling attention to this very abuse and urging Congress to take action, and having on previous occasions, as best I could, shown the enormity of the crime, as I consider it, I think it is an important matter, and that Senators who may think differently from me ought not to be so busy with other concerns. I have seen bills carried around in this body—bills possibly of no more importance than this—and a vote taken by asking, "Are you willing to have this bill reported?" It is absolutely a question whether it is desired to do it or not. I do not say the Senators on the other side are trying to shirk the responsibility or to flinch from it.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. Oh, always.

Mr. FORAKER. The Senator is aware that bills are never carried around and the committee polled except where the bills are pending before the committee. This bill was referred to a subcommittee, and until it is reported by the subcommittee to the whole committee there could not be any polling of the committee in regard to it.

Mr. TILLMAN. Having the assurance of the Senator in charge of the subcommittee that this matter will be acted upon as soon as possible——

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield further to the Senator from Ohio?

Mr. TILLMAN. Of course.

Mr. FORAKER. While committees are sometimes polled, very frequently polled, I think it is always in cases of minor importance. On very important bills, as a rule, committees are not polled. So far as my knowledge goes, they are not polled at all on important bills, and they ought not to be polled on any, as the Senator from New Jersey [Mr. KEAN] suggests to me. Bills are better considered in committee, where everybody has an opportunity to discuss them, and where we can hear and consider the points that ought to be considered in connection with them.

Mr. TILLMAN. I did not have the slightest intention or desire to discuss this phase of it. I was merely alluding to it in passing, trying to get the record straight.

Now, I will return to Mr. Breen, about whom the Senator from Massachusetts [Mr. LODGE] a moment ago was solicitous of obtaining some information.

When Mr. Breen first volunteered to furnish me information in regard to national-bank contributions and sent me the exhibits which he has made public in the New York Herald, or most of them, I set about investigating Mr. Breen, because I did not feel willing to undertake to father a movement looking for an investigation of national banks without some substantial facts back of it. Among other things with which I was furnished in regard to Mr. Breen is a list of references. I will have it printed, merely stating that the first man on the list is Hon. John P. Elkin, justice of the supreme court of Pennsylvania, and the list ends with John B. Larkin, city controller of Pittsburg, Pa. I ask that it may go in the RECORD.

The VICE-PRESIDENT. Without objection, the list will be printed in the RECORD.

The list referred to is as follows:

REFERENCES.

Hon. John P. Elkin, justice supreme court, Pennsylvania.
Hon. R. W. Frazer, judge, Allegheny County, Pa.
Hon. C. W. FAIRBANKS, Vice-President United States.
Hon. Walter Lyon, ex-lieutenant-governor, Pittsburg, Pa.
Hon. James H. Reed, Farmers' National Bank, Pittsburg, Pa.
Hon. James M. Guffey, Pittsburg, Pa.
Hon. W. H. Graham, Mercantile Trust Company, Pittsburg, Pa.
Hon. William A. Stone, ex-governor Pennsylvania.
Hon. William Flinn, Colonial Trust Company, Pittsburg, Pa.
Hon JOSEPH A. GOULDEN, Congressman, New York City.
Hon. John Brisben Walker, proprietor Cosmopolitan Magazine, New York.
Whitney & Stevenson, bankers, Pittsburg, Pa.
Market Street National Bank, Philadelphia, Pa.
J. Hampton Moore, ex-city treasurer, Philadelphia, Pa.
J. W. Clark, director department charities, Pittsburg, Pa.
Thomas J. Ford, esq., chairman Republican county committee, Allegheny County, Pa.
Stephen G. Porter, esq., city solicitor, Allegheny City, Pa.
George M. Stengel, register orphans' court, Pittsburg, Pa.
W. W. Lindsey, United States commissioner, Pittsburg, Pa.
J. Nox McCain, editor Philadelphia Press.
E. M. O'Neill, proprietor Pittsburg Dispatch.
George T. Oliver, proprietor Pittsburg Gazette and Telegraph.
George H. Holliday, postmaster, Pittsburg, Pa.
Homer L. Castle, Pittsburg, Pa.
John B. Larkin, city controller, Pittsburg, Pa.

Mr. TILLMAN. Next I have a letter, dated October 11, 1901, signed by George J. Whitney. I do not know who or what he is, but I judge by the letter head that he is a large broker. In it he gives Mr. Breen a fine character and all that kind of thing. I will ask that it be printed in the RECORD without reading.

The VICE-PRESIDENT. Without objection, it will be printed in the RECORD.

The letter referred to is as follows:

PITTSBURG, *October 11, 1901.*

JAMES W. BREEN, Esq.

MY DEAR BREEN: Replying to your favor of 10th instant, it goes without saying that any concern that can secure your talents and ability in the promotion or conduct of their business will have drawn a prize. You are at perfect liberty to refer your people to me individually or to our firm as to your capabilities and integrity.

Wishing you success in your proposed new field,

I am, sincerely, yours,

GEORGE J. WHITNEY.

Mr. TILLMAN. Next I have a letter addressed to the President.

PITTSBURG, PA., *August 1, 1898.*

To the PRESIDENT, *Washington, D. C.*

DEAR SIR: I desire to indorse the application of Mr. James W. Breen, of this city, as one of the members of the Phillips Labor Commission.

Mr. Breen has had considerable experience in the treatment of labor topics as a newspaper man and as a close student of industrial and economic questions.

I feel assured that his appointment would be a fitting one, and that he would be a valuable member of the commission.

Respectfully,

ALBERT J. BARR,
Proprietor Post.

Next I have had sent me a letter from Valley Forge, Pa.

VALLEY FORGE, PA., *July 22, 1904.*

DEAR SIR: This will introduce an old friend and acquaintance, Mr. J. W. Breen, who has telegraphed me he has some important information he desires to lay before you.

Yours, very sincerely, P. C. KNOX.

Hon. GEORGE B. CORTELYOU,
Washington, D. C.

If the Senator from Pennsylvania [Mr. KNOX] wishes to verify the signature, I will send the letter to him.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Pennsylvania?

Mr. TILLMAN. Certainly.

Mr. KNOX. I have a perfect recollection of writing that letter, and I can assist the Senator from South Carolina further by saying that I know Mr. James W. Breen, and have known him for a great many years, and he is a thoroughly reliable man.

Mr. TILLMAN. Then it is unnecessary to do more than to mention the fact that I have here a copy of a lettter addressed to the present governor of Pennsylvania by his predecessor. It is signed by Governor Stone and is addressed to Governor Pennypacker, and is along the same lines.

The letter referred to is as follows:

STONE & STONE, ATTORNEYS AT LAW,
Pittsburg, Pa., October 26, 1905.

Hon. S. W. PENNYPACKER,
Governor Pennsylvania, Harrisburg, Pa.

DEAR SIR: I desire to introduce to you James W. Breen, esq., formerly of Pittsburg, now located in Philadelphia. He is engaged in literary work. I have known Mr. Breen for many years; he is one of the ablest, brightest newspaper men I have ever met. He has done what very few have done in that profession; he has achieved success financially and reputably. I think he is a man in whom confidence may be wisely placed.

He desired me to write him a letter of introduction to you, which I take pleasure in doing.

Very truly, yours,
WILLIAM A. STONE.

Mr. TILLMAN. There is one addressed to Colonel Lowe, by Albert J. Barr.

The letter referred to is as follows:

THE PITTSBURGH POST,
Pittsburg, March 8, 1895.

Colonel LOWE,
The News, Galveston, Tex.

MY DEAR COLONEL LOWE: This letter will be presented by Mr. James W. Breen, of Pittsburg, who goes to Texas, "The Land of Promise," on newspaper business. I have known Mr. Breen for many years as one of the brightest all-around newspaper men of this city. He was for years connected with the Post, afterwards proprietor of a Sunday paper. I bespeak for him your kind attention and will appreciate anything you may do for him.

With best wishes for the continued success of the Galveston end of our firm, and the descendants of Lafitte, I am,

Very truly, yours,
ALBERT J. BARR.

Mr. TILLMAN. Then I have one addressed to Mr. Breen by his sincere friend CHARLES W. FAIRBANKS.

The letter is as follows:

WASHINGTON, D. C., *December 21, 1905.*

MY DEAR MR. BREEN: Your letter of the 16th recalls very pleasant memories of the long ago when you were editor of the Pittsburg Post. I shall never forget your very kindly assistance and your generous, friendly counsel.

The incident in the Greeley campaign to which you refer comes back to me most vividly.

If the matter concerning which you write can be accomplished, it shall be done with the very greatest of pleasure. I will advise you further in the premises.

With all good wishes, I remain,
Sincerely, your friend,
CHAS. W. FAIRBANKS.

Mr. JAMES W. BREEN,
124 North Twelfth Street, Philadelphia Pa.

Mr. TILLMAN. And later I have a letter addressed to me:

WASHINGTON, D. C., *January 29, 1906.*

MY DEAR SENATOR TILLMAN: I have just discovered your note with reference to Mr. Breen, of Philadelphia. I met Mr. Breen in Pittsburg in 1872–3. He was connected with the Pittsburg Post, and I was the agent of the Associated Press at that point. I found Mr. Breen a very conscientious, agreeable gentleman, and retain a most delightful memory of his courtesy and kindness.

Very sincerely, yours,
CHAS. W. FAIRBANKS.

Hon. B. R. TILLMAN,
United States Senate.

So I do not imagine anybody will any longer question Mr. Breen's character and reliability.

Now, then, to get back to some of the other facts in regard to——

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. Certainly.

Mr. LODGE. If the Senator will allow me, I hope he did not suppose that I intended to cast any reflection upon Mr. Breen. I had not the good fortune to have heard of him, which I suppose argues myself unknown, and I merely wanted to know who he was, as the Senator was putting him forward as the sponsor of very important charges. It was obvious, of course, from hearing the newspaper article read that he is a man of excellent judgment, as we can see from his observations in regard to the Senator from South Carolina; but I wanted to know a little further who he was.

Mr. TILLMAN. Very naturally the Senator wanted to know whether I was quoting an anonymous somebody here——

Mr. LODGE. Oh, no.

Mr. TILLMAN. Some of the "muck rakers," for instance.

Mr. LODGE. Of course, some of the muck rakers' things have been read here.

Mr. TILLMAN. Not by me, that I know of. I have been bit that way sometimes, but not of late years.

To get back to the question of campaign contributions, the Committee on Privileges and Elections seemed unwilling, if I may state it, to go back to 1896. Acknowledging, as the Senator from Ohio has acknowledged, in substance, that it was generally understood that campaign contributions had been made by the national banks, and it was a matter of course, we come on down to more recent days, and in the Washington Post of December 3 last (it is something I have already read once, but for the purpose of the continuity of this statement I will have to repeat it) I found a long article. I have the whole of it here, but I will not republish it. It may be found in the RECORD. The statements in it are to the effect that the Republican party in 1896 raised $3,800,000 for campaign purposes; that in 1900 the Republican party raised $2,800,000, and in 1904 it raised $1,900,000.

We have already been informed, through the newspapers, of the investigation of the insurance companies by a committee of the legislature of New York. Mr. Hughes was the attorney in charge of the examination, and I have, not from the newspapers, but from an autographic letter from Mr. Hughes himself—I wrote to him and asked him to send it to me—a statement of the sums that have been contributed to the national Republican committee from those sources. In the aggregate, it is $258,000, contributed by the New York Life, the Mutual Life, the Equitable Life, the Metropolitan Life, the Prudential Life, and the Provident Savings and Life Insurance Companies in 1896, 1900, and 1904; and, if I recollect aright, the insurance companies contributed more in recent years than they did in 1896.

Then we had the speech made by Col. Andy Hamilton upon his recent spectacular or dramatic appearance before a committee in Albany, N. Y., in which he stated that he had himself paid $75,000 as a campaign contribution over and above the amounts which Mr. McCall had contributed. Further, I recall a statement by Colonel Hamilton that if the trustees who had met and hastily decided to make restitution of the $258,000, expected to stop there, they would be very much short of the amount contributed, and indicating that a very large sum, which up to that time had not been unearthed, had been contributed to the Republican campaign fund. Those matters are of course smothered up, hidden, up yonder yet, and I do not know how the Senate could get at them if it wanted to, because it has nothing to do with insurance contributions. But I note that McCurdy, or the McCurdys, I think it is, are being sued upon the civil side of the court to recover something over $2,000,000 that has been misappropriated or—I do not like to say stolen, though I like that word very well for such transactions as these.

Anyhow, I received this morning a letter which appears to me to indicate a very prolific source of information if the Senator from Rhode Island and his committee shall see fit to report to the Senate a resolution ordering an investigation. I will read some of the statements made in it. The man signs his name; he is a banker; but for private reasons down here in regard to an individual mentioned who is kin to him, but not exactly as close kin as he would feel warranted in having his name made public, he does not like to have his own name made public. I will give the name to the Senator from Rhode Island in private if he wants it, if he chooses to investigate the matter.

NEW YORK, *April 16, 1906.*

Hon. B. R. TILLMAN.

SIR: If you wish to ascertain about campaign contributions to the Republican national committee (George B. Cortelyou, chairman, with headquarters in Chicago), if you will examine the auditor for the committee, Walter M. Anthony, I think you will find a complete list of all contributions. I think you will also find that a statement was made periodically of those who did and did not contribute, and that the chairman, as well as the President, knew who did and did not contribute, notwithstanding the public disclaimers made before election.

I think also that if you examine Mr. Root you will find that he was responsible for the appointment of Mr. Morton as the head of the Equitable, and that this move was made to head off inquiry as to the New York and Mutual Life Insurance companies, fearing the exposé as to campaign contributions.

I think you will also find, if you probe deep enough, that Governor Higgins held off through these same influences as long as he could, and that the legislative investigation was only begun fearing political consequences if not begun by the Republicans and controlled by them.

He goes on to state that "the auditor of the national committee has never told me this in so many words, but I know his careful, methodical ways," and so forth.

As I said, I will furnish the Senator from Rhode Island with the name of this man, and if he chooses to send after the auditor probably we will have some interesting information later on.

I am nearly through, Mr. President. I wish to ask permission to have incorporated some tables sent me by the Secretary of the Treasury, giving the amount of deposits and other facts relating to national banks, the capital, and all that, the sort of thing which will be interesting reading to people who choose to put two and two together and try to understand the modus operandi by which certain national banks are such great favorites

with the Treasury and are allowed to hold such immense sums of national money on deposit all the while.

I send these to the desk, and would like to have them published.

The VICE-PRESIDENT. Without objection, the tables will be inserted in the RECORD without reading.

The tables are as follows:

National banks.

1905.

Loans and discounts (Say, $4,000,000,000.)	$3,988,509,152.62

1904.

Capital stock (Say, $800,000,000.)	799,870,229.00
Surplus	417,757,591.42
Undivided profits	202,536,366.23
Total	1,420,164,186.65
Individual deposits (Say, $4,000,000,000.)	3,820,681,713.23
United States deposits	52,351,688.22
United States disbursing officers	9,738,611.35
Total	62,090,299.57
On December 30, 1905	61,187,620.13

Government moneys on deposit in national banks.

[Statement from United States Treasurer's Office, Division of General Accounts, made January 31, 1906.]

State.	June 30, 1896.	June 30, 1900.	June 30, 1904.	Dec. 30, 1905.
Total	$15,910,883.95	$98,726,963.57	$102,513,869.34	$61,187,620.13
Illinois	1,418,974.91	2,966,731.51	5,044,576.47	4,936,544.58
Indiana	201,396.58	2,898,074.25	3,822,122.71	2,445,012.31
Kentucky	1,211,718.83	3,577,827.79	3,887,351.80	2,367,484.45
Maryland	291,002.21	2,626,006.83	2,094,621.45	1,022,844.56
Massachusetts	367,526.97	6,047,372.84	6,112,479.46	2,533,593.38
Missouri	686,411.01	3,998,035.99	3,987,379.90	1,893,470.35
New York	1,666,554.87	37,678,741.10	26,222,593.24	10,472,245.19
Ohio	1,544,572.17	6,512,464.56	6,072,379.73	3,731,991.27
Pennsylvania	751,667.49	8,921,001.27	9,405,468.73	4,593,557.67
Virginia	631,428.92	2,707,860.75	2,877,364.11	1,976,602.06

National banks, 1904.

	Capital.
New York	$106,389,275
First National City	10,000,000
National Bank of Commerce	25,000,000
National City	25,000,000
Philadelphia	21,905,000
Baltimore	11,690,700
Pittsburg	19,400,000
Cleveland	10,500,000
Cincinnati	10,200,000
Chicago	25,600,000
First National City	8,000,000
St. Louis	15,800,000
National Bank of Commerce	7,000,000
Milwaukee	4,550,000
San Francisco	7,800,000
Peoria	1,500,000
New Orleans	2,400,000
Louisville	4,645,000

List of names of national bank depositories in several of the large cities of the United States, with the amount of public moneys held by each bank June 30, 1896, June 30, 1900, June 30, 1904, and December 30, 1905.

City and bank.	June 30, 1896.	June 30, 1900.	June 30, 1904.	Dec. 30, 1905.
Boston, Mass.				
National Shawmut Bank	$209,456.95	$1,935,747.04	$2,133,768.38	$776,186.87
New York, N. Y.				
Chase National Bank	a 49,522.67	1,689,825.00	1,102,000.00	410,000.00
Hanover National Bank	200,000.00	5,353,215.10	3,160,000.00	1,185,000.00
National Bank of Commerce	297,770.05	2,917,595.00	3,277,309.33	1,082,312.84
National City Bank	200,000.00	15,575,509.00	7,714,000.00	2,895,000.00
Western National Bank	199,003.98	1,958,278.62	----------	----------
First National Bank	----------	1,680,000.00	1,610,000.00	605,000.00
American Exchange National Bank	----------	1,046,500.00	634,000.00	----------
Philadelphia, Pa.				
Merchants' National Bank	----------	1,874,668.79	1,136,253.08	436,224.83
Fourth Street National Bank	----------	1,494,500.00	873,000.00	325,000.00

a Overdraft.

UNITED STATES TREASURER'S OFFICE,
DIVISION OF GENERAL ACCOUNTS,
January 29, 1906.

Mr. TILLMAN. It will be recalled that this discussion was begun in December by my getting the Senate to pass a resolution instructing the Secretary of the Treasury to transmit to the Senate all information in regard to national banks contributing to campaign funds. Here is a letter of Secretary Shaw, dated December 12, and he states that although there were on file in the Treasury Department 100,000 copies of reports of bank examiners, they have been able to discover contributions of only about $500 or something like that, in two small sums, by two small banks. I mention this to show one of two things: Either that the bank examination by the examiners is absolutely a fraud and a humbug, or that they have not made public and disclosed those facts which they should have found out if they did not. I do not care on which horn of the dilemma the committee sees fit to impale the authorities. There are two prongs there.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. TILLMAN. Certainly.

Mr. DOLLIVER. Did the present Comptroller undertake to report on transactions as far back as 1896?

Mr. TILLMAN. I do not think he did.

Mr. DOLLIVER. Does the Senator maintain that such contributions have gone on in that way since that time?

Mr. TILLMAN. I have no evidence, but I have this idea: If the insurance companies felt compelled in 1896, in order to accomplish their political purposes by the election of President McKinley, to contribute to the Republican national committee, and then did not stop when the specter of free silver disappeared and there was no danger of the standard being bimetallic, but continued to contribute every four years to the Republican campaign fund, I do not see why the national banks should just naturally step aside and have nothing to do with it. In other words, I believe that the national banks right now are contributing toward local State campaigns wherever they are deeply concerned in the maintenance in power of a given party, and I believe a thorough and searching investigation will prove it.

The Senator from Colorado said a while ago that he thought the banks in his State had engaged actively in that sort of work in the last campaign there; and while I have no purpose of reflecting in the slightest degree on the present Secretary of the Treasury or the present Comptroller, I simply say that this is a source of information which we ought to follow up, which we ought to probe, which we ought to dig into. Examine into campaign contributions back to the Cleveland campaign, if you want to. I am willing to go back as far as that, and come right on down, and take up both political parties; go after the chairman of the Democratic national committee and the treasurer; go after the chairman of the Republican committee, and the treasurer, and the auditor. Let them take the stand and swear whether or not they received any money from these sources, and let us stop this infamy, because it is an infamy to have the ballot debauched and elections bought by these banks.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. Certainly.

Mr. LODGE. I hope the Senator will extend his resolution so as to include an investigation of the banks from 1885 to 1889.

Mr. TILLMAN. I am willing to go back to that period. I am willing to go back to 1861 or 1863, when the national banks were first inaugurated, if you want to.

Mr. LODGE. Very well. I have been told that there is some very interesting material there.

Mr. TILLMAN. I have been informed so, too. I have nothing to hide here. As I said rather verbosely in my letter to Breen, I would as leave drive a dagger home into a Democratic bosom, if it be rotten and corrupt, as I would into a Republican bosom. I am impartial in my favors of that kind.

I hope the Senator from Rhode Island when he reports the resolution, if he sees fit to do so, will incorporate in it a provision authorizing the committee to send for persons and papers and administer oaths, and also a provision authorizing the committee to go back to the beginning. I do not want any statute of limitations pleaded in favor of a Democratic rascal.

Here I have some correspondence with Mr. Charles E. Hughes, to whom I wrote a letter on February 24, asking him to send me a transcript of the testimony given before the committee by Hendricks, the superintendent of insurance, and by Vanderpoel, in which it was brought out that those two officers had spent thirty or forty thousand dollars in a pretended examination into the affairs of those insurance companies, with the result that they found absolutely nothing worth having, and it was only when the legislative committee under Mr. Hughes's manipulation got through the crust and unearthed those frauds that anything of moment was discovered. And then Mr. Hamilton comes along and says Mr. Hughes has only touched the top of it. So I

imagine there must be a pretty deep cesspool of rottenness down under that insurance business yet, which my banker friend this morning says has been practically smothered up by the fact that the Republican committee was not anxious to discover anything, and that they only began the investigation in order to escape the consequences of public anger and so on. I will ask that Mr. Hughes's letter to me and the testimony which he sent be printed for the information of those who wish to read them.

The VICE-PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

UNITED STATES SENATE,
Washington, D. C., February 24, 1906.

CHARLES E. HUGHES, esq.,
Attorney at Law, 56 Broadway, New York City.

DEAR SIR: Thanking you for your valuable favor of the 18th of December, I venture to ask you also to send to me a copy from the testimony showing that $30,000 was paid by the Mutual Life Insurance Company for some examinations made by the commissioner of insurance, which examinations showed none of the political contributions afterwards discovered by you.

Very respectfully, B. R. TILLMAN.

Francis Hendricks, called as a witness, being duly sworn, testified as follows:

By Mr. Hughes:

Q. You are the superintendent of insurance?—A. I am.

Q. When were you appointed superintendent?—A. I took office about the middle of February, 1900.

Q. For the purpose of advising the legislature as to insurance conditions, did you endeavor to ascertain whether, apart from the mere question of solvency, the companies were so managed that they could give the policy holders the returns to which they were justly entitled?—A. Why, Mr. Hughes, I think we have left the management of the companies in the hands of the officers of the companies.

Q. Well, is it fair to say, Mr. Hendricks, that if the department was satisfied that a company was solvent it paid virtually no attention to the question whether the management of the company was economical or extravagant?—A. Not unless they were on the—they were likely to impair their solvency.

* * * * * * *

Q. Well, let us look into matters in detail a little. According to your statement, you have examined the Mutual Life Insurance Company three times—in 1895, in 1899, and in 1903. I am informed by the Mutual Life of a payment to you as superintendent for the expenses of an examination under date of September, in 1902?—A. There was.

Q. I do not see that mentioned on the list that I have been furnished. There is probably some error in that?—A. Well, the filing of it was September 21, 1903.

Q. There apparently was another examination in 1903, for there is a payment under date of July 31, 1903, of $15,607.30.—A. I think that is the same examination, is it not?

Q. They were in two different years.

Mr. APPLETON. May I explain that to you?

Mr. HUGHES. Certainly. [Mr. Hughes then consulted with Mr. Appleton.]

Q. It is suggested by Mr. Appleton that an examination will sometimes extend in the case of a large company over a considerable period, and that one branch of the business—as, for example, titles—will be examined at one time and another branch, such as securities, at another time, and payments will be made as bills are rendered from time to time.—A. I think that is so. This was one examination.

Q. So this was one examination stretched over a period of two years?—A. Yes.

Q. It appears that in 1902 and 1903 the Mutual Life paid to you as the expenses of its examination about $30,000?—A. Whatever the amount is there.

Q. That was a pretty full examination, was it not?—A. We thought it was.

Q. Just what did you do in that examination?—A. Well, you will have to ask Mr. Vanderpoel. He made the examination.

Q. Mr. Vanderpoel?—A. Yes.

Q. Who assisted Mr. Vanderpoel in making the examination?—A. I could not tell you that. He takes his own force.

Q. And that force is from your staff?—A. That force is from my staff.

Q. As detailed here?—A. Yes.

Q. Now, what do you personally, Mr. Hendricks, have to do with an examination of that description?—A. Nothing.

Q. Well, do you advise with Mr. Vanderpoel during its progress; does he report to you from time to time what he is discovering?—A. Yes; if he is——

Q. I mean aside from the formal report at the conclusion.—A. Well, he usually talks with me some about it.

* * * * * * *

Q. Now, carrying your mind back to the time of this examination of the Mutual, which extended over a year, what did you personally do in connection with it? Did you go to the offices of the Mutual Life?—A. No.

Q. Did you put any of its officers on oath?—A. No.

Q. Or any of its employees?—A. Not personally.

Q. Not personally. I am referring now to what you personally did.—A. I did not.

Q. Did you examine any records or papers,—A. Personally?

Q. Yes.—A. No.

Q. The whole matter was in the charge of Mr. Vanderpoel?—A. It was.

Q. And whatever examination was made of papers or books or vouchers was made by him and his assistants under his direction?—A. It was.

Q. Now, what, in connection with that examination, was brought to your attention with reference to the Mutual Life? Did you learn from Mr. Vanderpoel or from anyone connected with that examination that there was any extravagance in the management of the Mutual Life?—A. No.

Q. What?—A. No.

Q. Did you learn of the salaries paid to the officers of the Mutual Life?—A. I do not think so.

Q. Did you inquire into those matters?—A. I do not think so.

Q. Did you learn as to the existence of commission contracts with Charles H. Raymond & Co. or with Robert H. McCurdy?—A. No.

Q. And the nature and amount of the payments made under them?—A. I did not.

Q. You had no interviews with Mr. Vanderpoel regarding those matters?—A. No.

* * * * * * *

A. If the insurance department was to take one of these great companies and examine them as to their management he would have to go through every letter that they had written; he would have to examine every record there was there. I do not think the insurance department with ten men could examine—take the Equitable Life—and find everything there was in reference to their management of it in less than a year. And after we had got through and the chief examiner had made an affidavit of the result and he had got out, you know, why, they could take a million dollars and pay it on some loan or do anything else, and we would not know anything about it. The fact of it is, that I think you must leave the management of the companies in the hands of the directors. If they do anything wrong, punish them.

Q. Yes; and expose them.—A. And expose them, yes, for it. You see, about half of the things that have been discovered here would not be possible for us to discover.

Q. Well, it seems to me that a great deal more might be. Now, for example, you can put in accountants on the books of the New York Life or the Equitable or the Mutual and keep them in for three months before you need to take a bit of testimony. You can examine all their vouchers; you can go through every one of their accounts quietly in your office, and you can put the employees on the stand?—A. Well, we would have to have the books up to our office.

Q. Well, quietly in their office, then, to make the necessary amendment. The point is, has not the insurance department, through the traditions which have governed its practices, lived, as the saying is, far below its privileges and opportunities?—A. Possibly; and we have followed the traditions of the office.

Q. Yes. But with regard to the Mutual, I understand you did not become personally aware either of the salaries or of the irregularities in the supply department or of the irregularities of the supply department or of the irregularities in connection with the commission contracts?—A. No.

Q. Or of the syndicate operations?—A. No.

Q. Or of any of the matters which have engrossed our attention here?—A. No.

Q. And was your first information as to those matters your reading of the reports of the testimony before this committee?—A. I think that is right.

Isaac Vanderpoel, called as a witness, being duly sworn, testified as follows:

By Mr. Hughes:

Q. Mr. Vanderpoel, how long have you been connected with the insurance department?—A. Since 1870.

Q. How long have you been chief examiner?—A. Since 1895.

Q. Have you since 1895 been in charge of all the examinations of life insurance companies that have been made by the department?—A. Practically.

Q. When you undertake a full examination of a life insurance company what do you do—what is your method?—A. Well, I would examine it the same as a bank examiner examines a bank, take the condition on any date, ascertain their assets and liabilities under the law.

Q. Do you examine for the purpose of verifying the annual report?—A. In the case of most life insurance companies that has been the case.

Q. Recurring to the examination of the Mutual Life Insurance Company in 1902 or 1903, how long did that examination continue?—A. From January, 1903, to September, 1903.

Q. Did it not progress in 1902?—A. Not in 1902.

Q. I asked that because of a statement furnished by the company showing a payment to the superintendent in December, 1902, of some $9,000 and upwards in connection with an examination?—A. That may have been for the appraisal of real estate. I am not aware that we did any examination work there otherwise.

Q. How many did you have with you in the examination of the Mutual Life in 1903?—A. About twelve men.

Q. Who were they?—A. You have their names there.

Q. The list has gone to the stenographer. Can you enumerate them?—A. Do you want the full names? Silas C. Hay, Daniel F. Gordon, Frederick H. Parker, Seth C. McArthur, Richard A. Elmer, Isaac Fuld, and Mr. Mellen (since dead). Well, I had, roughly speaking, a dozen men. The names of the other five I do not recall.

Q. Were all the dozen men examiners?—A. Yes, sir.

Q. How much of the period you have mentioned were they actually at work?—A. The entire period.

Q. Nine months?—A. Yes, sir.

Q. What did you do in connection with the work personally?—A. Well, in addition to supervising the work generally I made investigations of the books, including the securities, the purchases and sales, the examination of all their books of final account, examination of vouchers, running the same through cash and subsidiary books, finally into the ledger, from which practically all their annual statements were made up.

Q. Did you verify the report of income by the company?—A. I did.

Q. Did you find it to be as stated in their sworn report?—A. I did.

Q. How did you verify that?—A. In the manner I have stated, by making an examination of their cash book, check books—vouchers were not checked solid; the time occupied in doing so would be so long that our opportunities were somewhat limited in that direction, but I suppose we checked 20 per cent of the vouchers at random.

* * * * * * *

Q. To what extent did you examine vouchers for legal expenses?—A. Merely to see that the committee of the board of directors, having cognizance of that matter, had authorized the payment of the money and directed it to be charged to legal expenses.

Q. That whenever you found on a voucher the stamp showing the approval of the committee on expenditures, then you left it alone, that is to say, you were satisfied?—A. I was.

Q. So that so far as the examination was concerned, they could have spent any amount of money for any purpose, provided it was authorized by the committee, without awakening your criticism?—A. They could.

Q. The result is that your examination was not at all directed to the propriety of expenditures, but to the fact of expenditures?—A. To the fact of expenditures.

Q. As shown by the approval of the committee?—A. Exactly.

Q. But it really was not an audit of the expenses further than to require the production of the committee's stamp?—A. Yes.
Q. Why did you limit it in that way?—A. I always had done so.
Q. Had that been the practice in all the examinations?—A. It has.
Q. That have been made of all the companies?—A. It has.
Q. Never go behind the voucher?—A. It has.
Q. Even though the voucher does not disclose the nature of the services rendered or any detail of the services rendered, providing it is approved by the appropriate committee or the appropriate officer?—A. Yes.
Q. So if anywhere you have an official voucher of any officer or of a committee, that closes your inquiry?—A. That closes my inquiry.
Q. How long has that been so in the practice of the department?—A. So far as I know, always.
Q. From the very beginning?—A. Yes.
Q. So that in fact the examinations of the Department have been no check whatever upon waste in management; they have not been intended to be?—A. Not been intended to be.
Q. There has been no effort to ascertain whether moneys have been expended properly or improperly?—A. Not that I know of.
Q. Now, in your examination of the Mutual Life, in looking through the vouchers for legal expenses, did your eye catch payments which had been made upon vouchers of the chairman of the committee for large amounts?—A. I recall vouchers that were for round sums charged to legal expenses.
Q. That is, on the signature of the chairman of the committee on expenditures?—A. The chairman or the entire committee.
Q. Yes; without disclosing the name of the recipient or recipients of the sum or sums embraced in the total?—A. No.
Q. For example, Mr. Herrick, as chairman, $25,000, a voucher for that. Did you go behind that in any way?—A. I did not.
Q. So that if they spent in a given year, we will say, $150,000, for legal expenses, if they had the visé of the committee on expenditures for $150,000, even though there were no vouchers signed by lawyers or persons receiving the moneys, the signature of the committee or the officer would be final, so far as you were concerned?—A. It would.
Q. Did you originally inaugurate the system of examination, or was it put in force by some one who preceded you?—A. By some one who preceded me.
Q. Where did you get your original instructions as to the way in which you should examine companies?—A. I received no instructions.
Q. How did you get the idea that the examination was to be circumscribed in the manner suggested by your testimony?—A. I did it on my own volition.
Q. Did you not think it important that there should be an effort to ascertain whether the expenditures were properly made as well as the fact that they had been made?—A. I took the attitude that if the payment was authorized by the proper authority within the board of directors that I had no authority to go behind that.
Q. Then you looked at the blotter, the Mutual blotter, to see the run of the expenses, and you would examine the vouchers at random and certain proportions of them to see whether they had the stamp of approval or authority upon them, and that would complete your examination of the disbursements?—A. It would.

Mr. TILLMAN. I have nothing more, Mr. President, except an original document which Mr. Breen clipped from some printed circular, I suppose. It is headed "The American Bankers' Association, No. 2 Wall street, New York, March 23, 1896."

It is addressed to "The Bankers of the United States," and is signed by Eugene H. Pullen, James R. Branch, Joseph C. Hendrix. In it they ask the national banks of the entire country to use their influence to give practical effect to this action—that is, to prevent the gold standard from being overthrown. I will ask that it be printed as a part of the exhibits to show that Mr. Breen has opened up a prolific field of investigation which promises some very interesting results; and I have no doubt if a committee, earnestly desirous of obtaining the facts, shall be ordered by the Senate to go into the matter of these campaign contributions and send for my friend Mr. Anthony—I say my friend; I never heard of him before, but the man who sent his name to me—my friend, or rather a friend of the public, because he wants to unearth corruption—I say, if the committee shall be ordered by the Senate to send for men like him, I have no doubt results will follow.

The circular referred to is as follows:

THE AMERICAN BANKERS' ASSOCIATION,
No. 2 Wall Street, New York, March 23, 1896.

To the Bankers of the United States:

At a meeting of the executive council of the American Bankers' Association, held in this city on March 11, 1896, the following declaration was made by unanimous vote:

"The executive council of the American Bankers' Association declare unequivocally in favor of the maintenance of the *existing gold standard of value*, and recommend to *all bankers* and to the *customers of all banks*, the exercise of *all* of their influence as citizens in their various States to select delegates to the *political conventions of both great parties* who will declare unequivocally in favor of the maintenance of the existing standard of value."

Your influence is earnestly requested to give *practical* effect to this action.

EUGENE H. PULLEN,
President.
JAMES R. BRANCH,
Secretary.
JOSEPH C. HENDRIX,
Chairman Executive Committee.

Mr. TILLMAN. I have another letter from a very reliable gentleman in Chicago, stating that in 1896 he knew of $70,000 being contributed to the campaign fund by the national banks; that there were witnesses who would prove it, because he had heard them; that they were reliable gentlemen of high financial standing; that they made no secret of it.

While no one expects it, let us see if the insurance people are going to make restitution to the trust fund. I read the other day a section of the Revised Statutes which applies to this national-bank business, and I will repeat it right here:

SEC. 5209. Every president, director, cashier, teller, clerk, or agent of any association, who embezzles, abstracts, or wilfully misapplies any of the moneys, funds, or credits of the association—

There is a semicolon—

or who, without authority from the directors, issues or puts in circulation any of the notes of the association.

Therefore the "or" and the semicolon will divorce the preceding acts from the subsequent ones, where the directors give authority, and so on.

I will print section 5209, if the Senate will permit me, without reading it. I have read it twice already in the previous talks I have given here. And I give it now for the purpose of illustrating how the law expressly prohibits and punishes as a misdemeanor, with a term of imprisonment, I believe, of not less than five nor more than ten years, any misapplication, embezzlement, or abstraction of the funds of the association; and therefore, if it shall be shown that even in 1896 or in 1900 or in 1904 any of these banks did contribute in this way from the funds of their stockholders, they are guilty of a crime punishable by imprisonment. That is one reason why this resolution, which was introduced yesterday and is now being discussed, provides for a report from the committee as to whether or not any change in the banking laws is necessary to prevent in the future such transactions as these.

The section referred to is as follows:

SEC. 5209. Every president, director, cashier, teller, clerk, or agent of any association who embezzles, abstracts, or willfully misapplies any of the moneys, funds, or credits of the association, or who, without authority from the directors, issues or puts in circulation any of the notes of the association, or who, without such authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree; or who makes any false entry in any book, report, or statement of the association, with intent, in either case, to injure or defraud the association or any other company, body politic or corporate, or any individual person, or to deceive any officer of the association, or any agent appointed to examine the affairs of any such association; and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section shall be deemed guilty of a misdemeanor and shall be imprisoned not less than five years nor more than ten.

Mr. TILLMAN. I recall also two facts in regard to recent events, one in Ohio and the other in Illinois, that are mentioned in the resolution, which appeared in the papers three or four weeks back, that the county treasurer of Hamilton County had been making restitution by returning, I do not know how much; $70,000, I think, or about that amount of money, which had been dropped around loose, left on the desk of these county treasurers by bank messengers or other agencies as a bonus or bribe ostensibly for the purpose of having the treasurer deposit county funds with a given bank. I think if that has been going on this committee ought to investigate it.

Furthermore, I saw in the papers that when John R. Walsh's bank failed in Chicago the association of national bankers there met and agreed among themselves that they would assume all of Walsh's obligations and act as receiver for his property, taking possession of his assets and agreeing to guarantee all his debts. The junior Senator from Illinois [Mr. HOPKINS] informed me that Walsh's bank was not really bankrupt; that it will be in business again after all obligations are squared; but I noted in the numerous letters which have come to me a statement about Walsh having had control of a coal railroad that tapped the Hocking coal field, I think, or the coal fields of West Virginia; and so we have these banks dealing in railroads, dealing in real estate, consolidating to act as receiver for one of their crippled brethren.

I want to know if the national banking law contemplated any such authority or any such power in a national banking association. If so, it looks to me like somebody ought to get after them and make them obey the law.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Illinois?

Mr. TILLMAN. With pleasure.

Mr. HOPKINS. What specific provision of law does the Senator from South Carolina contend the banks of Chicago have violated?

Mr. TILLMAN. I do not contend that they have violated any, but I contend when the banks go out of banking, their legitimate business, and associate themselves together to take charge of an estate and wind it up and guarantee the debts, regardless of whether they knew that the assets were greater than the debts or not, they have gone far off from their legitimate business as bankers, and if they have not broken any law there ought to be a law to prohibit them from doing it again. That is what I contend.

Mr. HOPKINS. I think if the Senator from South Carolina was familiar with banking conditions and the methods in which banks are conducted and the men who are engaged in banking in Chicago, he would not indulge in that statement. Everybody familiar with the banking interests of Chicago is aware of the fact that no provision of the banking law has been violated by these Chicago banks, that no interests have been jeopardized, and that the so-called "Walsh bank" is not an insolvent bank, that it has met every obligation which has been presented against it, and every depositor has been paid. There are assets enough not only to pay the full value of all the stock of the bank, but to leave a million dollars besides, to be turned over to Mr. Walsh, where he has pledged his private fortune.

It seems to me that this part of the resolution which has been offered by the Senator from South Carolina is entirely unwarranted.

The Senator states something about the national banks owning a railroad. There is nothing of the kind.

Mr. TILLMAN. I said Walsh owned the railroad, and the national banks having assumed the control of his assets probably they have been selling railroads.

Mr. HOPKINS. Mr. Walsh was interested with other gentlemen in the construction of a railroad.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. With pleasure.

Mr. CULBERSON. I will state to the Senator from Illinois that the newspapers at the time stated that the bank of which Mr. Walsh was president had violated the law on the subject of national banking by loaning more money than was authorized by the statute. I ask the Senator if he can enlighten us upon that phase of the case?

Mr. HOPKINS. Does the Senator mean the 10 per cent limitation?

Mr. CULBERSON. Yes.

Mr. HOPKINS. Mr. President, I am not aware as to the character of the article the Senator from Texas refers to. I have not seen it, and of course I can not meet it as specifically as I would if the article were before me. All I know is that under the arrangement which was made by the national banks of Chicago every depositor has been paid in full and every obligation of the bank has been met. The condition of every national bank in Chicago is such that whatever money it advanced to take any part of the assets of the Chicago National Bank will be returned with interest.

Under those conditions it seems to me that it is entirely unseemly for the Senator from South Carolina to bring in a resolution of this kind when no law has been violated by the Chicago banks, and when every creditor of the Chicago National Bank is to be paid in full.

Mr. TILLMAN. I take the criticism of the Senator from Illinois in all kindliness. He says it is unseemly for me to bring in a resolution to investigate the transactions of the national banking association of Chicago in regard to its action in this Walsh bank affair. That may be his opinion. I do not object to his holding that view, but whether or not any law has been violated the committee could so report, and whether or not this transaction——

Mr. HOPKINS. Mr. President——

Mr. TILLMAN. I will yield to the Senator in a moment. Whether or not this transaction is a warranted one, is a wise one, is a proper one, could be determined by this committee, and if its report is made to the Senate, showing that this transaction is perfectly legitimate and clean and fair and honorable and lawful, I will be perfectly content.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Illinois?

Mr. TILLMAN. Certainly.

Mr. HOPKINS. It would be just as seemly for the Senator to offer a resolution to investigate the national banks of Chicago, because they have a clearing house in which they settle the balances of those banks every day. The arrangement that was made by the Chicago banks was through the clearing house, and is a procedure similar to that to protect the interest of all the banks and all the depositors of the banks. I am sure if the Senator had been as familiar with the subject as he ought to have been he never would have presented a resolution of this kind. The action of the national banks, instead of being a subject of investigation and criticism, is a matter in which they should be commended for the prompt and energetic and patriotic manner in which they met the exigency there.

Mr. TILLMAN. That is the Senator's view. He lives close by Chicago or in it. He has a right undoubtedly to express his opinion, and so have I. I may be ignorant, and, I confess, on many things I am. But I am a little doubtful of the propriety and wisdom, and also of the business sense, of a lot of banks undertaking to guarantee the obligation of a defunct bank without knowing whether or not the assets would equal the debts.

Mr. HOPKINS. There is the fatal trouble with the Senator from South Carolina. They did nothing of the kind. They had a committee appointed to go over the assets of the bank, and they knew before they entered into any arrangement at all that the assets were not only sufficient to pay all the liabilities of the bank, but to leave a million dollars besides.

Mr. TILLMAN. Then how did this bank get into bankruptcy? How came it to get out of the hands of its owner and of those who had a right to control and manage its affairs, and to be turned over to this national banking association?

Mr. HOPKINS. That bank has not gone into the hands of a receiver. It is not an insolvent bank and never was insolvent. The question was that it had a lot of assets which were good, but were not what the bankers call "quick assets," and in order to provide quick assets the other banks of Chicago took these assets of the bank, that were absolutely good, and that are proven to be good, and furnished the money for them. In other words, they took bonds and stock and obligations that were held by the Chicago National Bank that they knew were absolutely good and advanced money for them, for which they are receiving interest, and the stockholders of their banks will get the benefit of it.

Mr. TILLMAN. Nevertheless, Mr. President, did Mr. Walsh retain control of his own bank?

Mr. HOPKINS. Mr. Walsh resigned and his board of directors resigned. A new president was elected and a new board of directors was elected.

Mr. TILLMAN. Who elected them?

Mr. HOPKINS. The stockholders elected them precisely as they elect in any other place. The directors in that bank to-day are Mr. James B. Forgan, Mr. Orson Smith, Mr. Byron L. Smith, Mr. James H. Eckels, who the Senator will remember was Comptroller of the Currency here once, one of the ablest and most efficient Comptrollers that this country has ever had, and Mr. John J. Mitchell, the head of the Illinois Trust and Savings Bank, five of the leading financiers not only of Chicago, but of the entire country, and the management of the bank has been such as to reflect not only credit upon them, but upon the banking system that is adopted and followed in the city of Chicago.

Mr. TILLMAN. The Senator would indicate that Mr. John R. Walsh's bank was entirely solvent, and that this proceeding has nothing in it that would need investigation. Has Mr. Walsh been indicted by the grand jury or anything like that?

Mr. HOPKINS. No, sir; he has not.

Mr. TILLMAN. He has not?

Mr. HOPKINS. No, sir.

Mr. TILLMAN. I do not know anything to the contrary, but I got a note from the press gallery, and those people know a great deal more about this thing than either the Senator or I.

Mr. HOPKINS. If the Senator is relying upon evidence of that kind it shows the absolute hollowness of his information, and I would recommend——

Mr. TILLMAN. Nevertheless, I still contend that it is a perfectly legitimate matter of inquiry for the Committee on Finance, dealing as it has to do and charged with the responsibility of controlling and watching the national banking system, to inquire into the Chicago Bank transaction. If the Senator feels aggrieved he will have to stay aggrieved, so far as I am concerned. I believe I am absolutely justified in asking the Senate to pass such a resolution. The resolution will, of course, go to the Committee on Finance——

Mr. HOPKINS. It is not a question of my being aggrieved; but it is a question of the Senator having full and accurate information before he attempts to press a resolution here in the Senate of the United States reflecting upon these great banking interests of the city of Chicago. That is what I protest against.

Mr. TILLMAN. Is it any reflection on the banking interest of Chicago for me to ask the Committee on Finance to investigate the fact that John R. Walsh's bank went dead somehow or other, and out of business, could not pay, and that these other banks——

Mr. HOPKINS. If every depositor has been paid in full, if every creditor of the bank has had his obligation met, what interest has the Senator from South Carolina with the local affairs in Chicago?

Mr. TILLMAN. I have no interest in it.

Mr. HOPKINS. Why is he so disturbed because nobody has lost a dollar?

Mr. TILLMAN. Somebody must have lost some money or this thing would not have happened.

Mr. HOPKINS. Mr. President, perhaps if the Senator would send to the press gallery and get a note from that reporter he might get some information upon that point. I should like——

Mr. TILLMAN. It may be that I will give the Senator some additional information before we get through with this thing.

Mr. HOPKINS. Will the Senator give the name of that reporter?

Mr. TILLMAN. It is not signed.

Mr. HOPKINS. It is anonymous?

Mr. TILLMAN. No; he did not have time to sign it; he was in such a hurry to get it to me. [Laughter and manifestations of applause in the galleries.]

The VICE-PRESIDENT. The Chair must inform the occupants of the galleries that manifestations are not permitted under the rules of the Senate.

Mr. TILLMAN. All I want to do is to have the Senate determine, or to have the Committee on Finance determine, whether or not these transactions in Cincinnati and in Illinois are subjects for investigation. I hope the Senator agrees with me that banks ought to be prohibited from contributing any more money to elect Republican Representatives in Congress.

Mr. HOPKINS. Mr. President, the Senator knows that I favor a bill of the character that he presented to the Committee on Privileges and Elections. I want honest elections everywhere, and I should like and trust that they will be as honest and as full and as fair and as free in South Carolina as I know them to be in Illinois.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. The hour of 2 o'clock having arrived the resolution goes to the Calendar, and the Chair lays before the Senate the unfinished business.

Mr. TILLMAN. I ask that the resolution be referred to the Committee on Finance.

Mr. ALDRICH. That is the suggestion I was going to make.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Finance.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

H. R. 8973. An act to amend section 5200, Revised Statutes of the United States, relating to national banks; and

H. R. 17453. An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 11796. An act for the diversion of water from the Sacramento River, in the State of California, for irrigation purposes; and

H. R. 14508. An act permitting the building of dams across the north and south branches of Rock River, adjacent to Vandruffs Island and Carrs Island, and across the cut-off between said islands, in Rock Island County, Ill., in aid of navigation and for the development of water power.

H. R. 14604. An act forbidding the importation, exportation, or carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes, was read twice by its title, and referred to the Committee on Interstate Commerce.

H. R. 15911. An act to amend the laws of the United States relating to the registration of trade-marks was read twice by its title, and referred to the Committee on Patents.

H. R. 18025. An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes, was read twice by its title, and referred to the Committee on the Philippines.

COLUMBIA RIVER IMPROVEMENT.

An act (H. R. 17987) making an appropriation for the improvement of the mouth of the Columbia River was read twice by its title.

Mr. FULTON. That is the same as the bill which passed the Senate a few days ago.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. FULTON. It will take no time. The same bill passed the Senate a few days ago, except it is a House bill. The House reported from the committee exactly the same bill in the form of a House bill, and I ask immediate consideration for it, as it has once passed both Houses unanimously.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FULTON. I understand it is in order to move to recall the Senate bill from the House in order that it may be indefinitely postponed. I make that motion.

The VICE-PRESIDENT. The Senator from Oregon enters a motion to reconsider the vote by which the bill (S. 4952) making an appropriation for the improvement of the mouth of the Columbia River was passed, and asks that the House be requested to return the bill. Without objection, it is so ordered.

REGULATION OF RAILROAD RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. FORAKER. Mr. President, the hour of 2 o'clock arrived and cut off all further consideration of the resolution introduced by the Senator from South Carolina before I got an opportunity to say anything about the banks of Ohio that are referred to in his resolution. I do not want now, when the unfinished business has been laid before the Senate and Senators are anxious to proceed with the discussion of it, to take any time to say what I had it in mind to say, but I will, if the Senate will indulge me to the extent of a sentence or two, say that so far as the charge the Senator refers to as to those banks is concerned, and the desirability of investigating them, I have no objection whatever. I know nothing about the practice named beyond what has appeared in the newspapers and what is set forth in the Senator's resolution. But so far as contributions for political purposes by the national banks of Ohio are concerned I think the Senator has a very exaggerated idea of what the facts may be.

I have had a pretty familiar acquaintance with what has been going on in the politics of Ohio during the last thirty years, and in all that time I think I can safely say that except only in 1896 I do not believe any national bank ever made a contribution to any campaign. If they did I never heard of it. There may have been some exceptions, but certainly the rule has been as I have stated.

Mr. TILLMAN. Did the Senator hear of any that year?

Mr. FORAKER. In 1896, as I stated to the Senator in the committee, and as I have stated on the floor of the Senate on one or two different occasions, I heard that some campaign contributions were being made by national banks to the national Republican campaign committee. But I have no knowledge on the subject. I did not have then. I think every moneyed institution in the country was making contributions to the national Republican campaign committee, and if I had been connected with a moneyed institution I would have felt like contributing something myself. The moneyed institutions all over the country were doing it. Whether it is right or not I am not going into a discussion of, for we are all agreed that the practice, if there is any such practice, should be broken up and prevented by proper legislation. But that was a time of an exceptional character. Men felt keenly, men were alarmed, and there were contributions of that kind, as I then understood.

I had no relations then to the national campaign committee; I have never had any such relation at any time. I never had any personal knowledge of what was contributed. I have always regretted that so much money was contributed. I am sorry any was contributed in the last campaign. There was no necessity for it. I was of that opinion before the campaign came on, and we all plainly saw there was no necessity after the campaign was over.

But there is no time to elaborate. What I wanted to say was that I believe if an investigation should be made it would disclose that the national banks and the other banks of Ohio have never been in the habit of making contributions to campaign funds.

Mr. FOSTER obtained the floor.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Louisiana yield to the Senator from Minnesota?

Mr. FOSTER. I yield to the Senator.

Mr. CLAPP. I desire to ask unanimous consent for the present consideration of the concurrent resolution regarding House bill 5976, which came from the House yesterday afternoon.

The VICE-PRESIDENT. The Chair lays before the Senate the concurrent resolution of the House of Representatives. The resolution was read yesterday. The question is on agreeing to the concurrent resolution.

Mr. CLARK of Wyoming. Mr. President, I think that the resolution should be amended before an agreement is had, and I call attention——

Mr. CLAPP. Then I withdraw it. I do not want to take the time of the Senator from Louisiana.

The VICE-PRESIDENT. The concurrent resolution will lie on the table. The Senator from Louisiana will proceed.

Mr. FOSTER. Mr. President, the subject-matter of this bill is justly regarded by many as the most momentous question that has engaged the attention of the Congress for more than a quarter of a century. In some form it affects the welfare of every man and woman and child within the borders of our country. No fortune is too great nor home too humble not to feel its force. For the first time in their history the American people are confronted with the spectacle of their Government seeking to regulate one of the factors in its economic system, whose fiscal strength is greater than that of the Government itself, barring the right to coin money; whose gross annual income exceeds by many hundreds of millions of dollars the revenue which the Government derives from all sources, and whose officers, agents, and employees constitute a force three times greater than the Federal Government employs in all branches of its executive civil service and the Army and Navy combined.

Affecting every branch of enterprise and industry in the country, touching vast and comprehensive interests, involving grave legislative and constitutional questions, and bearing upon the welfare of all the people, it is but just and proper that legislation of such scope should be approached in a spirit commensurate with the magnitude and importance of the interests involved. Its consideration should invoke the highest efforts of patriotic endeavor, and no political or partisan bias or prejudice should influence our judgment or determine our action. I trust I shall approach the discussion of this question in this spirit.

I shall consider, first, the conditions in our industrial life which, from time to time, have demanded such legislation, and briefly sketch the history of the movement which has culminated in the present measure; second, the power of Congress to pass such legislation, and, third, the wisdom, the importance, and the necessity of governmental control of common carriers as provided in this bill. And in this consideration I shall not enter into a discussion of the minutiæ or details of the question, but limit myself to a treatment of the general purposes and objects of the measure.

In 1885, as a result of the agitation of this same question, the Senate of the United States adopted a resolution appointing a select body, known as the Cullom Committee, to investigate and report upon the subject of the regulation and management of railroads in respect to interstate commerce. After months of patient labor this committee submitted a report in which it summarized the complaints against the railroad practices of the United States, stating, among other complaints, that the local rates were unnecessarily high as compared with through rates; that both local and through rates were unnecessarily high at noncompetitive points, either from the absence of competition or in consequence of pooling arrangements which restrict its operation; that unjustifiable discriminations were constantly made between individuals in the rates charged for like service under similar circumstances; that unreasonable discriminations were made between localities similarly situated; that the effect of the prevailing policy of railroad management was to establish a system of special or secret rates, rebates, drawbacks, and concessions calculated to foster monopoly and to enrich favorite shippers, and that such favoritism and secrecy introduced elements of uncertainty into legitimate business that greatly retarded the development of our industrial system; that differences in the classifications in different parts of the country, and in certain cases for shipments over the same roads in different directions, were made the means of extortion; that the capitalization and bonded indebtedness of the roads largely exceeded the cost of their actual construction or their proper value, and that unreasonable rates were charged in the effort to pay dividends on watered stocks and interest on bonds improperly issued; that railroad corporations had improperly engaged in lines of industries entirely distinct from that of transportation, and that undue advantage had been afforded to business enterprises in which the railroad officials were interested; that the common law failed to afford adequate remedies for such grievances, and that in case of dispute the shipper was compelled to submit to the decision of the railroad management or run the risk of incurring further losses by greater discrimination.

Following this report, what is known as the Cullom act was enacted into law. The debate on this measure was one of the most able and instructive that has ever taken place in Congress and was participated in by some of the ablest statesmen of that or any other day. That debate discloses the fact that many, if not all, the objections now urged against the passage of this bill were likewise urged against that measure. It was then denied, as now, that Congress had the power to pass such a measure. It was claimed that great financial disturbances would follow its passage; it was specially urged, just as now, that the charges made by public carriers were lower in this country than any other, and that the fixing of tariffs was such an involved and complicated process that none but the railroads themselves could properly adjust them. In spite of all these objections and dire forebodings, the measure was passed. Its constitutionality was sustained. An era of industrial activity followed, marked by a period of railroad development and construction the like of which was never before witnessed in this country. This law, however, failed to meet and check the evils of railroad practice, and in 1903 Congress passed what is known as the Elkins bill, which was specially directed against discriminations and rebates and other malpractices of the roads. It will be remembered that at the time of the passage of the Elkins bill similar legislation to that we now have under consideration was being urged and pressed upon Congress, and that the bill was passed largely as a compromise measure, believing that it would afford adequate remedies for the evils complained of.

Notwithstanding the laws enacted on this subject looking to the correction of these unjust and now unlawful practices, we are to-day confronted with almost the identical conditions which were so forcibly portrayed in the Cullom report, and the demand for remedial legislation is as great now, if not greater, than at that time. The bill under consideration seeks as far as possible to meet the conditions as set forth in that report, and provide an efficient remedy for the prevailing evils.

It is a grievous mistake to conclude that the consideration of this great question is the result of any idle or passing clamor of an excited or thoughtless people, or that it has its birth in the iconoclastic appeal of the public agitator or demagogue. This movement is not born amid the fierce storms of political strife or popular passion, but rather in the peaceful abode of commerce and in the sober judgment of the conservative forces of the American people. Its origin is not of to-day, of yesterday, or of a year, but can be traced back through many years, accumulating additional strength and power as the years pass by.

Nor will it do in the treatment of this subject to act upon the hypothesis that the socialistic forces of the country are behind the movement. No greater mistake could be made, and no greater error can be committed. The agitation of this question springs from the industrial and economic conditions which modern business methods have evolved. Behind it are the great conservative forces of the land. The farmer with the products of his field, the manufacturer with the products of his factory, the merchant, the miner, the producer, and the consumer are all demanding of their Government that it place some restrictions upon and exercise some regulative power over the vast railroad corporations whose operations affect, directly or indirectly, their welfare and interest. Cities and municipalities, localities and districts, are alike appealing for some legislation by which all may have a square deal and an equal opportunity in the great struggle of business and commercial life. All that is asked, and what the people have a right to demand, is that the highways of commerce shall be opened to all upon equal terms, and that for the same service, under similar conditions, like and similar charges shall be made to all alike.

It is equally as great a mistake to assert that these demands spring from any hostility toward the railroads. All admit the manifold blessings and the wonderful development which have resulted from railroad construction and enterprise; but while it is true that these corporations have done much for the country, yet, on the other hand, the Government has done and is still doing much for them. Millions and millions of dollars, almost without end, in the way of franchises, rights of way, and exemptions from taxation, have been granted to these corporations. The Government has donated them an area of public lands almost as large as was the country itself at the time we entered the family of nations—a total of 55,273,560 acres, representing an area larger than the combined size of the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and Georgia, and enough in addition to make a State larger than Massachusetts, while the liberal compensation made by the Government for any service which these roads may render has become proverbial, and is aptly illustrated by the appropriation approximating $50,000,000 made for carrying the mails last year. I cite these instances merely to show that there has not been, and is not now, any disposition, wish, or purpose

on the part of the country to cripple these enterprises in their legitimate operation or in any manner dwarf their splendid development.

The proposition involved in governmental regulation or control over railroad rates has nothing new or startling in it. It has been an ever-present subject in the minds of the thoughtful and leading men in this country since railroads assumed the importance and attitude that they now bear and have borne for years to the public interest and the private fortunes of the people.

President Garfield, in a report to the House of Representatives, of which he was then a member, on December 16, 1878, with almost prophetic vision saw the coming of the time when this question would have to be settled by Congress. He said:

I am persuaded that the next great question to be confronted will be that of corporations and their relations to the people and national life. The theory is now entertained by many of our best men that national and State legislatures of the Union in creating these vast corporations have evoked a power greater than the legislatures themselves. The rapidity with which the railroad corporations have consolidated during the last year is not the least manifestation of this power.

These consolidations, as I expect to show further on, constitute one of the great, overpowering, and commanding reasons why the Government should exercise some of its regulative powers over these vast interests.

President Grant in his message to Congress in 1872 used the following language:

The attention of Congress will be called during its present session to the various enterprises for the more certain and cheaper transportation of the constantly increasing surplus of Western and Southern products to the Atlantic seaboard. The subject is one that will force itself upon the legislative branch of the Government sooner or later, and I suggest, therefore, that immediate steps be taken to gain all available information to insure equable and just legislation.

Just as President Grant stated in this message, the subject is one that is now forcing itself upon the legislative branch of our Government, and it is an issue which must be met.

On the same subject President Arthur, in his message to Congress on December 4, 1882, used the following language:

The regulation of interstate commerce has already been the subject of your deliberation. One of the incidents of the marvelous extension of the railway system of the country has been the adoption of such measures by the corporations which own or control the roads as has tended to impair the advantages of healthy competition and to make hurtful discriminations in the adjustment of freightage. Those inequalities have been corrected in several of the States by appropriate legislation, the effect of which has necessarily been restricted to the limits of their own territory. So far as such mischiefs affect commerce between these States or between any one of these States and a foreign country, they are the subjects of national concern, and Congress alone can afford relief.

And I call attention again to the extremely forcible message on this subject, of December 4, 1884, of President Arthur. He said:

Complaints have lately been numerous and urgent that certain corporations controlling in whole or in part the facilities for the interstate carriage of persons and merchandise over the great railroads of the country have resorted in their dealings with the public to diverse measures, unjust and oppressive in their character. In some instances the State governments have attacked and suppressed these evils, but in others they have been unable to afford adequate relief because of the jurisdictional limitations which are imposed on them by the Federal Constitution. The question how far the National Government may lawfully interfere in the premises, and what, if any, supervision and control it ought to exercise, is one which merits your careful consideration. While we can not fail to recognize the importance of the vast railway systems of the country and their great and beneficial influences upon the development of our material wealth, we should, on the other hand, remember that no individual and no corporation ought to be invested with absolute power over the interests of another citizen or class of citizens. The right of these railway corporations to a fair and profitable return upon their investments and reasonable freedom in their regulation must be recognized, but it seems only just that, so far as its constitutional authority will permit, Congress should protect the people at large in their interstate traffic against acts of injustice which the State governments are powerless to prevent.

President Cleveland, in his first annual message, December 8, 1885, said:

The construction of their transcontinental lines of railways, all in successful operation, wholly within our own territory and uniting the Atlantic and Pacific oceans has been accompanied by results of a most interesting and intricate nature, and has created new conditions, not in the routes of commerce only but in political geography, which powerfully affects our relations toward and necessarily increase our interests in any trans-Isthmian route which may be opened and employed for the ends of peace and traffic, or in other contingencies for uses inimical to both.

Transportation is a factor in the course of commodities scarcely second to that of their production, and weighs as heavily upon the consumer. Our experience already has proven the great importance of having competition between land carriage and water carriage fully developed, each acting as a protestant to the public against the tendencies to monopoly which are inherent in the consolidation of wealth and power in the hands of vast corporations.

In his message of December 6, 1886, President Cleveland said:

By a recent decision of the Supreme Court of the United States it has been adjudged that the laws of the several States are inoperative to regulate rates of transportation upon railroads if such regulation interferes with the rates of carriage from one State to another. This important field of control and regulation having been thus left entirely unoccupied, the expediency of Federal action upon the subject is worthy of consideration.

Upon being returned to the Presidency, Mr. Cleveland had occasion to say, ten years later, in his message to Congress of December 7, 1896:

The Interstate Commerce Commission has during the last year supplied abundant evidence of its usefulness and the importance of the work committed to its charge. Public transportation is a universal necessity, and the question of just and reasonable charges therefor has become of vital importance, not only to shippers and carriers but also to the vast multitude of producers and consumers. The justice and equity of the principles embodied in the existing law, passed for the purpose of regulating these charges, are everywhere conceded, and there appears to be no question that the policy thus entered upon has a permanent place in our legislation. As the present statute when enacted was in the nature of the case more or less experimental, it was hardly to be expected to supply a complete and adequate system. While its wholesome effects are manifest and have amply justified its enactment, it is evident that all desired reforms in transportation have not been fully accomplished. In view of the judicial interpretation which some provisions of this statute have received and the defects disclosed by the efforts made for its enforcement, its revision and amendment appear to be essential, to the end that it may more effectually reach the evils designed to be corrected. I hope the recommendations of the Commission upon this subject will be promptly and favorably considered by Congress.

President Roosevelt, recognizing that these evils incident to the transportation system of the country have gone on with accelerated progress during the past few years, has been even more emphatic and specific in his recommendations to Congress. In his last message he uses the following language:

Above all else we must strive to keep the highways of commerce open to all on equal terms, and to do this it is necessary to put a stop to all rebates. Whether the shipper or the railroad is to blame makes no difference; the rebates must be stopped; the abuses of the private car and private terminal track and sidetrack systems must be stopped; and the legislation of the Fifty-eighth Congress which declares it to be unlawful for any person or corporation to offer, grant, give, solicit, accept, or receive any rebate, concession, or discrimination in respect of the transportation of any property of interstate or foreign commerce, whereby such property shall by any device whatever be transported at a less rate than that named in the tariff published by the carrier, must be enforced. For some time after the enactment of the act to regulate commerce it remained a mooted question whether that act conferred upon the Interstate Commerce Commission the power after it had found a challenged rate to be unreasonable to declare what thereafter should prima facie be a reasonable maximum rate for the transportation in dispute. The Supreme Court finally resolved that question in the negative, so that as the law now stands the Commission simply possesses the bare power to denounce a particular rate as unreasonable. While I am of the opinion that it would be undesirable, if it were not impracticable, primarily to clothe the Commission with general authority to fix railroad rates, I do believe that as a fair security to shippers the Commission should be vested with the power when a given rate has been challenged, after full hearing found to be unreasonable to decide, subject to judicial review, what shall be a reasonable rate to take its place, the ruling of the Commission to take effect immediately and to obtain, unless until reversed by a court of review. The Government must in an increasing degree supervise and regulate the workings of railways engaged in interstate commerce, and such increased supervision is the only alternative to an increase of the present evils on the one hand or a still more radical policy on the other.

In my judgment the most important legislative act now needed, as regards the regulation of corporations, is this act to confer on the Interstate Commerce Commission the power to revise rates and regulations, the revised rate to go at once into effect and to stay in effect unless and until the court of review reverses it.

Steamship companies engaged in interstate commerce and protected in our coastwise trade should be held to a strict observance of the interstate-commerce act.

I make these quotations from the messages of the foremost men of our country to show that the regulation of railways has been an ever-present problem of commanding interest; Democratic and Republican Presidents alike, amid the many great public questions pressing upon their time and attention involving the policies of the two great parties and the maintenance and establishment of the principles upon which those parties are based, have found time to turn aside from great national and international questions and address themselves to this great domestic problem which touches so closely the varied and multiplying interests of our country. I call special attention to the message of President Cleveland in 1896, wherein he states that the law of 1887, creating the Commission, was largely experimental in its nature and hardly expected to form a complete and adequate system for the correction of all the evils complained of, especially in view of the judicial interpretation given to that act and the defects which its enforcement discovered.

The legislation under discussion is largely to supply, as far as possible, a remedy for the defects in the present law, referred to by President Cleveland and made more prominent and imperative by the recommendations of President Roosevelt. Since the decision of the Supreme Court determining the powers of the Commission bills have been introduced in every Congress, at every session, in deference to public demand, seeking in some way to remedy the defects in the present law in order that existing evils might be corrected. During the last two sessions of Congress and even during the recess thereof the widest and most comprehensive investigation of the subject has been

held by the committees of both Houses. During that time the subject has enlisted attention and discussion in every quarter of the country. The metropolitan journals, the periodicals, and the press generally have discussed the question in all of its phases and details; professors, financiers, students of political economy, publicists, railroad officials, the bench and the bar have entered the arena of public discussion, treated the question in all of its various bearings, and thrown much light upon it. All of this discussion and publicity has but strengthened the demand for this legislation.

The bill which we have under discussion comes from the House of Representatives with the almost unanimous vote of that great representative branch of the Government as embodying the will of the House, after its members, comprising some of the most thoughtful statesmen, ablest jurists, and most unselfish patriots in the land, had full and ample opportunity to read and judge and investigate the subject in all of its bearings. Recognizing that this question rose above party rancor or political differences, the representatives of the two great parties, forgetting the bitterness of past struggles and the certainty of future differences, united in the construction and formation of this measure, which they present to the Senate as their plan for meeting the needs, demands, and requirements of the country. While it is true that this body, representing the States of the American Union, is not expected to subordinate its honest judgment or to be swerved from the conscientious performance of its high duties by the action of the coordinate branch of Congress, yet it must be conceded that in the consideration of a measure of this vast magnitude, involving the policy of this Government upon a great economic and industrial problem, the deliberations of the House are entitled to the greatest respect and most profound consideration.

The central proposition involved in this measure and the one which has provoked the fiercest opposition is found in section 15, which reads as follows:

That the Commission is authorized and empowered, and it shall be its duty, whenever, after full hearing upon a complaint made as provided in section 13 of this act, or upon complaint of any common carrier, it shall be of the opinion that any of the rates, or charges whatsoever, demanded, charged, or collected by any common carrier or carriers, subject to the provisions of this act, for the transportation of persons or property as defined in the first section of this act, or that any regulations or practices whatever of such carrier or carriers affecting such rates, are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any provisions of this act, to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such cases as the maximum to be charged, and what regulation or practice in respect to such transportation is just, fair, and reasonable to be thereafter followed; and to make an order that the carrier shall cease and desist from such violation and to the extent to which the Commission find the same to exist, and shall not thereafter publish, demand, or collect any rate or charge for such transportation in excess of the maximum rate or charge so prescribed, and shall conform to the regulation or practice so prescribed. Such order shall go into effect thirty days after notice to the carrier, and shall remain in force and be observed by the carrier, unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction.

This section is the crux of the measure, and the storm center around which has raged this great contest. It carries with it a new departure in our Government. It provides for the first time in the history of our legislation for governmental control and regulation of these vast corporations and submits to governmental supervision and correction the rate-making power of the public carriers. It presents the question of governmental control and regulation of railroads fairly and squarely before Congress, and we are face to face with that issue. I am so firmly persuaded that nothing short of such regulation will satisfy the demands of the situation that I am willing to forego any objections I may have to other provisions of the bill in order to secure its adoption; for it is my firm conviction that a failure to pass this legislation will give impetus and additional encouragement to the demand for Government ownership of all public utilities.

It will be remembered that for the first ten years following the creation of the Commission it exercised practically the same authority as is conferred by this section, and its rulings were generally observed. There were no disastrous consequences or financial disturbances resulting from such exercise of authority, nor was there any depression in railroad construction, but on the contrary a most marvelous development followed.

But in 1897 the Supreme Court of the United States, in what is known as the Maximum Rate case, decided that the Commission had no authority to substitute a rate for one condemned, and that the order of the Commission prescribing a rate for the future could have no other force upon the carrier than a recommendation. The Commission at once, therefore, ceased to have any restraining influence on the railroads, which have never since failed to berate its efficiency or to refuse to obey its recommendations when they would work any loss, hardship, or inconvenience to the roads themselves. The evils resulting from the encroachment of the roads following that decision are clearly indicated in the reports of the Industrial Commission to the Fifty-seventh Congress, in which it is stated that—

the immediate effect of this decision was to prevent any enforcement of orders relative to rates by the Commission. The carriers immediately refused to obey any orders which the Commission issued for the redress of grievances. This policy has been manifested with increasing clearness during the five years subsequent to the decision. It has become more and more certain that the denial of the right, not only to pass upon the reasonableness of a particular rate, but to prescribe what rate should supersede it, means the abolition of all control whatever. The entire inadequacy of rate-making legislation dependent upon the mere determination of rates as applied in the past without reference to the rates which shall prevail in the future is apparent on all sides. More than this, all remedies for the parties who have borne the burden of an unreasonable rate would seem to have been removed.

Relieved from apprehension of any practical restrictions by the Interstate Commerce Commission, since that body, while free to recommend, was powerless to enforce its rulings, and knowing from experience that there was little to fear from recourse to the common law on the part of the injured or wronged shipper, the roads were not long in lapsing into their old offenses, nor the people long in discovering that wrongs were being secretly and openly practiced. Again, there was inaugurated the secret, cowardly, and dishonorable practice of giving favored rates to certain communities and individuals through which huge criminal fortunes were accumulated on the one hand, while on the other individual effort was paralyzed and private enterprises were wrecked and ruined.

Mr. President, the rebate practice has no part in the honest and honorable conduct of any railroad operation. It has no defense either in the laws of trade and transportation nor in the ethics of business competition. The shippers denounce it; the railroad men denounce it; the courts of justice denounce it; the laws of Congress denounce it, and yet it is flagrantly and defiantly practiced. The extent to which it prevails, as shown by the investigations and prosecutions of the Interstate Commerce Commission and the Department of Justice, is sufficient to excite the indignation of every advocate of fair play and a square deal, and if necessary the whole civil and criminal power of this Government should be used to suppress it. The extent of this violation is well described in the correspondence of the President with ex-Secretary Morton at the time of the Atchison Rebate case, so called. In that letter the President said in his usual terse and vigorous language:

At the time when you gave this testimony the interstate-commerce law in the matter of rebates was practically a dead letter. Every railroad man admitted privately that he paid no heed whatever to it, and the Interstate Commerce Commission has shown itself absolutely powerless to secure this heed. When I took up the matter and endeavored to enforce obedience to the law on the part of the railroads in the question of rebates, I encountered violent opposition from the great bulk of the railroad men and the refusal by all to whom I spoke to testify in public to the very state of affairs which they freely admitted to me in private. You alone stated that you would do all in your power to break up the system of giving rebates; that you strongly objected to it, but that as long as the law was a dead letter the railroads which preferred to obey it were forced to disobey it if they were to continue in business at all under the competition of their less scrupulous fellows.

I agreed with you cordially that the only way in which it would be possible to secure the enforcement of the law would be by making it effective against all railroads alike, as, if some were allowed to violate it, it necessarily meant that the others in self-protection would be driven to violate it also; and I can not too heartily commend the fearless and frank way in which you, and you alone, came forward and in the interest of the Government and the public gave legal evidence of the facts which everyone in interest privately admitted to exist, but which the Interstate Commerce Commission had previously been unable legally to establish.

The Attorney-General in his last report uses the following language:

Officials of railroads have in general terms assured me of their willingness to aid the Department in every way in enforcing the provisions of the law against rebates, discriminations, and departures from published rates, but have declined to render the only assistance that would be of the slightest value, namely, the furnishing of evidence proving the offense. To every case of this kind there are two guilty parties. The Department has been, and is, willing to accept the evidence either of the shipper or of the railroad official, giving him the immunity from prosecution which would result from the use of the evidence, and to proceed by indictment against the other guilty party. But, for reasons which will be appreciated by all, men have shrunk from betraying their confederates. The case, therefore, in which evidence has been or will be obtained, is occasional and exceptional, and unless we are content to allow the evil of the discriminatory practice by some carriers to continue, with now and then a punishment of a detected crime, some remedy which reaches deeper than any law now upon the statute book must be found.

The Interstate Commerce Commission and the Department of Justice, by the exercise of the utmost diligence, can discover and prohibit or punish only a small percentage of discriminatory practices which actually exist. It seems probable that the direct payment of rebates in money has largely diminished. It is alleged to be true, and the evidence before this Department, so far as it goes, tends to support the allegation, that, though clothed and disguised by various devices,

the practice of giving one shipper preferential treatment over another in like situation, in substance, still contizues.

If the power, upon complaint, to fix a future maximum rate and put it into effect within a reasonable time, subject to appeal to the courts, should be given to some administrative body created by Congress, a weapon against discriminatory practices, much more potent than any now available, would be put in the hands of the Government. Upon proof that a lower rate has been given to some preferential shipper, the body clothed with the power to fix a maximum rate might well determine that the rate which the railroad could afford to give to the preferred shipper it could afford to give to all shippers in like situation. Such a finding, it could be predicted with certainty, the courts upon appeal would not reverse, for no better evidence of the legality and justice of the rate thus fixed could be found than in the action of the carrier itself. It would be difficult for the carrier to maintain that a rate actually charged by it was confiscatory or unjust.

Notwithstanding the existence of these practices, one would almost conclude from the evidence given before the committee that they had no place in railroad management. It is my judgment, Mr. President, that the railroads are not only guilty of practicing rebates, discriminatory and preferential charges, but are equally guilty in many instances of exacting unreasonably high charges.

I fully indorse the statement of a recent writer when he says the increase of freight rates, even on standard or high-grade traffic, has been most unevenly distributed. In fact, the inequality or unscientific distribution of the increase constitutes a serious ground of complaint at the present time. Few of the changes have been made by directly increasing the tariffs. That was the crude way by which the carriers had ineffectually sought in previous years to arrest the downward course of rates. These new changes have not only been subtle, they have been effected in many cases by means which emphasize the irresistible power of the railroads over the public, provided they all act together.

The greater part of the increase has been made by changes in the classification. Goods enjoying third-class rate have been lifted into the second class, and so on. Inasmuch as classification is effected not by individual railroads but by the associated railroads through large territories, unity of action has been as effectually secured as if it had been done by the chairman of a railroad pool.

Besides changes in classification, additional burdens have been laid upon the shipper by many other devices. Almost universally, the maximum carload rating has been increased. Traffic by the carload is carried for much less than in car lots. In many instances the shipper who formerly enjoyed carload rates for the shipment of 24,000 pounds now finds that he must pay on a minimum lading of 30,000 pounds. By the abolition of demurrage, by the prohibition of free storage, privileges and cars, by seeking to withdraw return transportation for cattlemen, by the increase in the charges for switching and terminal delivery, by increased fees for icing refrigerator cars, for feeding or bedding stock, have the total charges been increased. And great restlessness among the shipping public has been engendered as a result—a restlessness not so much conditioned by the mere magnitude of the charges, many of which are justified by the generally increased cost of operation, as by the fact that they indicate indubitably the utter impotence of the shipper when the carriers all agree to act in unity.

The truth that most rates are reasonable and low is no better reason for refusing a remedy for those that are wrong than is the fact that most men are peaceful and honest—a sufficient reason against the laws for the punishment of larceny and murder. Reparation as provided for in the present law serves neither a preventive nor cure. It is no protection against extortion, discrimination, or unreasonable rates, nor is it in any sense an adequate remedy to the wronged producer or consumer. There is for him but one safeguard which the Government may offer in its effort to regulate interstate commerce, and that one is a correction of a rate found after investigation to be unreasonable.

Transportation is not a luxury that may be dispensed with or enjoyed according to taste. It is everywhere a constant necessity. It substantially and materially affects every interest, every section, and everybody. It has made possible on the one hand the general development and growth of our country. It has, on the other hand, been the hotbed of discrimination and resultant trusts and monopolies, with their natural evils, the like of which surpass their kind in any other period of history.

After a calm and dispassionate analysis of all the evidence brought before the Interstate Commerce Committee, and the facts of the case as it is presented to me, it is my deliberate judgment that notwithstanding the statutes denounce the practice of rebates, discriminations, and unjustly preferential charges, these practices do exist and the country has just grounds to complain of the inequality, injustice, and wrongs resulting from these violations of the law, and that the present remedies for the control and correction of these unlawful practices are wholly inadequate and inefficient.

Congressional rate making is impracticable if not impossible. Individuals are helpless to prevent these abuses. Competition, the natural regulator and adjuster of freight rates, has disappeared, and the courts can not be clothed with the legislative function of rate making. Therefore section 15 addresses itself to my judgment as a substantial and effective remedy for the correction of the wrongs so generally and justly complained of. I believe every Senator in this Chamber admits that some legislation on this subject is imperative, and up to the present time, excluding the plan of the Senator from Ohio, no other legislation or remedy has been suggested.

Mr. President, the American people wish this Congress to be as fair and as just in its treatment of the railroads as it would be in dealing with a natural or any other artificial person. For my part I do not wish to injure the railroads or do them any wrong, but wish this Government to see that the railroads do not injure the people or do them any wrong. I do not wish to take the rate-making power from the railroad companies. On the contrary, I wish that power left with the public carriers, but when the railroads exercise the rate-making power I wish to see the Government assert a regulative control and supervision over such rates, and to that end a Government tribunal should be maintained to which the shipping public can appeal, and with which complaints of unlawfulness, unreasonableness, and unjustness of railroad charges and practices can be lodged and determined. That tribunal should be an absolutely fair and impartial body, one which will do equal and exact justice to the shipping interests and to the railroad interests; and when such commission has acted, I want the rates established by that body to supersede and have preference over the rate denounced, unless the courts decide that such rates are unconstitutional or illegal. As the rates of the railroads stand and are operated until the Government tribunal has decided otherwise, so I believe that the awards and orders of that commission should stand until its orders are set aside by a judicial tribunal, for I believe that this commission, representing the high purposes and objects of the Government, is more apt to deal out exact justice in these great railroad problems and rate-making propositions than the officials of the railroads, who are prompted largely by self-interest and selfish considerations in their actions. There is nothing radical, revolutionary, or dangerous in such a proposition.

If the railroad corporations can select men competent to establish just and reasonable rates as the law requires, surely this Government can select equally as competent men, who from the very nature and character of the responsibilities placed upon them, biased by no interest, prejudiced by no affiliations, and representing no special interests, will more justly and equitably administer the law. In other words, I think it better to commit the administration of the law to the officials of the Government than to the officials of the corporations. The law now prescribes that rates shall be just and reasonable, but it practically leaves the construction and enforcement of the law in the hands of the railroad officials. What I wish to see is the execution and administration of the law left with the officials of the Government when the railroads fail to observe it.

At the very threshold of this controversy we are met with the argument that the bill is unconstitutional and can therefore have no effect. It is contended with great force, fortified with elaborate research, that Congress has no power or constitutional authority to prescribe and fix a price for or to regulate the charge of transportation by railroads engaged in interstate commerce, and that if it had such power Congress could not delegate the same to a commission as provided in this bill.

If either of these propositions be true, it is evident that the foundation and basic principles upon which this bill is constructed are untenable, and the whole theory upon which Congress is proceeding falls to the ground. I do not think that I go too far should I say that if Congress has no jurisdiction or power to fix rates, or having that power is without authority to confer upon the Commission the right to fix a rate in accordance with the rules and standards it has prescribed, then our Government falls far short of the hope and purposes for which the American people believe it was established, and the sooner this fact is made known the better it will be for the country.

But I can not agree to this proposition. Article I, section 8, paragraph 3 of the Constitution authorizes Congress—

> To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

It is unnecessary to go into a long and elaborate discussion of the causes which led up to the grant of this power by the States to the General Government. Suffice it to say, as is stated by Justice Marshall, that the necessity of granting this power to

the Federal Government was the great, if not the main, cause which led up to the establishment of the American Union.

While it is true that the General Government is a government of enumerated powers, yet it is equally true when a power is conferred upon the General Government such power is as full and complete and supreme in the Government as any of the powers which are reserved by the States.

The grant of power to Congress to regulate commerce among the several States, as every other power conferred upon Congress, carries with it an implication of every power special and necessary for its exercise. Judge Cooley says:

The implications from a provision of the Constitution are sometimes exceedingly important, and have large influence upon its construction. In regard to the Constitution of the United States, the rule has been laid down that when a general power is conferred or duty enjoined every particular power necessary for the exercise of the one or the performance of the other is also conferred. The same rule has been applied to State constitutions, with an important modification by the supreme court of Illinois that other powers than those expressly granted may be, and often are, conferred by implication, is too well settled to be doubted.

Under every constitution the doctrine of implication must be resorted to in order to carry out the general grants of power. A constitution can not from its very nature enter into a minute specification of all the minor powers necessary and obviously included it it and flowing from the great and important ones which are expressly granted. It is therefore established as a general rule that when a constitution gives a general power, or enjoins a duty, it also gives, by implication, every particular power necessary for the exercise of the one or the performance of the other. The implication under this rule, however, must be a necessary, not a conjectural or augmentative, one. And it is further modified by another rule, that where the means for the exercise of a granted power are given, no other or different means can be implied as being more effectual or convenient.

There is no more potential factor in the regulation of commerce than the charges which the public carrier fixes for such services. The unequal and discriminatory rates established by the respective States in the regulation of commerce before the adoption of the Constitution was the moving cause for incorporating the present article in that instrument.

Regulation carries with it the power to prescribe the rates and fix the conditions by which commerce is governed. The regulation of commerce must mean the regulation of exchange of commodities among the States, and the terms and conditions of the conveyance of these commodities forming the exchange constitute the method of regulation. When this same subject was up for debate in this body during the discussion of the Cullom bill, that great legislator and jurist of Massachusetts, Senator Hoar, stated:

The regulation of commerce is the regulation of the exchange of commodities. The exchange of commodities is commerce. The regulation of commerce with foreign nations is the regulation of the exchange of commodities with foreign nations. The regulation of commerce among the several States is the regulation of the exchange of commodities among the several States.

An essential part of an exchange is the conveyance of the commodities from the seller to the buyer. Regulation is the prescribing of a rule or law fixing the condition.

To regulate the exchange of commodities is to prescribe the rule, or law, or condition under which such an exchange shall take place.

An essential part of the regulation of commerce, therefore, is the prescribing of the rule, or law, or condition of the conveyance of commodities from seller to buyer. The fixing or regulating of tolls, or charges, or impost for conveying commodities from the seller to the buyer is the prescribing of a condition of that conveyance. It is therefore a regulation of commerce.

Now, whenever the fixing or regulating of such imposts and tolls come within the domain of the law-making power, or whenever such impost or tolls should be regulated by law, the power which regulates commerce should properly regulate them.

This is the settled and unquestioned understanding with reference to foreign commerce. The legislature does not ordinarily regulate rates of freight charged by public carriers for merchandise brought from abroad; not because such regulation would not be a regulation of commerce, but because such carriers are engaged in a business open to unrestricted competition, and it is deemed inexpedient to regulate commerce in that respect.

Before the adoption of the Constitution the power to regulate commerce, and to establish rules and fix rates under which that commerce was carried on, was lodged entirely within the sovereignty of the States, and the jurisdiction thereof was exclusive.

As a means of regulating commerce the States exercised the right of fixing rates and charges and imposing tolls and imposts for conveying these commodities, and it is reasonable to suppose that when this power was ceded to the General Government that it was intended to grant just such powers as the States had enjoyed over the same subject. When, therefore, the States ceded the power of regulating commerce between the States to Congress, they surrendered all the powers which they had over that subject, and delegated all of such powers to the General Government. Surely it can not be contended that in the delegation of power by the States to Congress the framers of the Constitution intended that any of the powers which the States had enjoyed over the subject-matter would be lost to the Federal Government.

When this cession of power was given, it carried with it the exclusive and supreme control over the subject-matter, equally as complete as the States enjoyed, and when the States lost their power over interstate commerce and the regulation of that commerce Congress immediately became vested with the same powers.

Corporations are the creatures of government. They are artificial persons. They have no capacities other than those which the Government gives them. They have no original rights. All of their rights are derivative. Such rights are derived from their charters, subject and subordinate to not only the regulative control of the State, but of the General Government which enjoys equal powers of regulation over the commerce or transportation within its jurisdiction as the States enjoy over the same subject-matter within their jurisdiction. When the operations of these corporations extend beyond the State, the jurisdiction of the State ceases and the powers of Congress begin; then the same power which the State had to regulate the price of transportation or fix the charges for the services rendered within its borders is at once transferred to the Federal Government.

Supreme power lodges in the General Government within the sphere of its constitutional limitations as much as it does in the States. The regulation of commerce is a governmental power and Congress may employ all means not forbidden by the Constitution to accomplish the objects of that power.

The States have exclusive control and power as far as regulating intrastate commerce is concerned, and one of the methods of regulating that commerce is the prescribing and the establishment of rates. So likewise has the Federal Government exclusive power over interstate commerce and the same power which the States have to regulate and control within their jurisdiction, so the Federal Government has a corresponding and equal right to control the railroads and their charges so far as its authority and power extend.

If the States have the authority to establish just and reasonable rates as a means or method of regulating commerce within their borders, it seems to me that it is logical that Congress, vested with full and plenary powers over the same subject-matter as the States enjoy within their territory, has the power likewise to adopt the same method of regulating interstate commerce.

If this be not true, the anomalous position would be presented of the States on the one hand having exclusive control over intrastate or domestic commerce, or fixing and prescribing the rates, schedules, and charges, and, on the other hand, the General Government with exclusive powers over interstate commerce as supreme as that of the State over intrastate commerce, yet without authority to exercise the same powers which the States have of controlling the same.

Chief Justice Marshall, in Gibbons *v.* Ogden, says:

That the power of Congress to regulate commerce among the States and foreign nations is the power to prescribe the rule by which commerce is to be governed; that such power is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution; that "if, as has already been understood, the sovereignty of Congress though limited to specified objects is plenary to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States."

Again, in the same case it is said, that the Federal Government in regulating commerce among the Federal States may use the same means as may also be employed by the States in the execution of its acknowledged powers.

In Kentucky *v.* The Bridge Company (37 Fed. Rep.) the court said:

What one sovereign (the State) may do in respect to matters within its exclusive control, the other (the United States) may certainly do in respect to matters over which it has exclusive authority.

In 154 U. S., 447, the court said:

Congress has plenary power, subject to the limitations imposed by the Constitution, to prescribe the rule by which commerce among the several States is to be governed, and it may in its discretion employ any appropriate measures not forbidden by the Constitution to carry into effect and accomplish the objects of a power given by the Constitution.

The power given by the Constitution to regulate commerce among the States may employ such means not forbidden by the Constitution to accomplish the object of the powers given to it by that instrument. When Congress, therefore, seeks to regulate commerce by limiting or restricting the railroads in their charges, and prescribing a rate in lieu of that which it has condemned, it is clearly acting within its constitutional powers and in so doing is acting against no prohibitory clause of the Constitution or any article of that instrument.

If Congress has the power to establish rates, has Congress the authority to confer upon the Interstate Commerce Commission the powers enumerated in this measure, and is the conferrance of such powers on the Commission such a delegation of legislative functions as will render the act null and void? Unless Congress has such power and is authorized to delegate it to a tribunal of its creation, it is evident that there can be and will

be no effective rate legislation. Congress can not itself go into the rate-making business. The subject is too complex, far reaching, intricate, and complicated, and its details are too minute for Congress to undertake the establishment of any fixed rates by which the railroads shall be governed in their operation. Nor can the common-law principle, which is older than the Constitution itself, that carriers must be just and reasonable in their charges, practicing no discrimination or favoritism, be vindicated through the efforts of the individual who is a victim of these oppressions and wrongs of the roads. The contest is too unequal; the remedies too tortuous and slow to furnish adequate relief. The individual is no match for the corporations in such a struggle, and he would be utterly crushed and destroyed in the contest. The corporations, with their organized forces of attorneys and witnesses, are too powerful against the weak and helpless citizen, though he may be armed with right and justice. To rest the vindication of the reasonableness of charges with the individual citizen will result practically in the placing of no limitations or restrictions upon the roads, and leaving them free to fix unquestioned their charges. In speaking of this proposition, Justice Brewer, in the 52d Federal Reporter, page 912, said:

A reasonable compensation was all they could exact, and he who felt aggrieved by a charge could always invoke the aid of the court to protect himself against it. With him, however, lay the burden of proving the fact that the charge is unreasonable, a burden which all experience shows was onerous and therefore seldom undertaken, the party aggrieved preferring to submit to the overcharge rather than go to the expense and time of contesting it. Hence the effort by the State and Nation to establish limits of charges, and means of evidence of easy and accurate ascertainment.

Objections to Congress conferring this power upon the Commission were urged in the Senate when the Cullom bill was under discussion, and urged with great force and ability. Senator Garland, afterwards Attorney-General of the United States, in discussing this phase of the case, said:

Now, what do we understand by regulating commerce, according to the constitutional provision? It means no more nor less than the power to prescribe the rules by which commerce is governed. The word "regulation" there means the laws of commerce, so far as Congress can prescribe them. This is a legislative power delegated by the Constitution to Congress, and it is one of those powers which are national in their character and the want of which in the old confederation was one of the reasons that necessitated the enlarging the powers of the Union and making it, in respect to this one feature, a nation.

But when Congress, in the exercise of its legislative power delegated to it by the Constitution, may do a thing, where do we find the power in Congress to delegate this authority, delegated to it, to a mere commission of seven, or five, or three, as the case may be? This is not like the case of heads of departments or secretaries who are sometimes empowered by Congress with authority to make rules and regulations to carry into effect certain laws, for there is no law prescribing this bill, as we shall see as we go along, and even in the laws which have heretofore delegated the power I speak of to commissions or to secretaries or to heads of departments, they are generally circumscribed by the power of revision in the President or some higher authority.

If the Senate gets possession of the idea I am working at, it is that the Congress of the United States in this bill—in the very second section of it—is divesting itself of its legislative power as to regulating commerce among the States and putting it in the hands of a commission. It is a fundamental rule, outside of any constitutional question, that a power delegated can not be subdelegated; and it is an unheard of thing that a legislative power can be transferred from a legislative body to any subordinate power.

While it is true that Congress can not delegate its powers to fix rates to any subordinate tribunal of its own creation, and thus transfer its whole authority and jurisdiction over that subject-matter, with unlimited power and discretion on the part of such a tribunal, yet at the same time Congress has the power to fix and establish certain rules and regulations and a standard of charges and commit the execution and application of this general rule to some tribunal it may establish. Section 1 of the bill prescribes that:

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service, or any part thereof, is prohibited and declared to be unlawful.

The bill prescribes what the rate shall be. It does not leave that question to the discretion of the Commission. It simply imposes on the Commission the duty of applying this general law, and when the Commission in the exercise of this duty fixes a standard of charges it applies the law as Congress has declared.

It is true Congress can not delegate its powers to any tribunal to make a law, or to legislate upon any subject-matter, yet when Congress has made the law and legislated upon that subject-matter it can delegate its powers to some subordinate tribunal to determine some fact or state of things upon which the law intends to make its action depend. The fixing of rates is properly a legislative function, and Congress can not delegate the exercise of that function to a purely administrative body; yet when Congress establishes a standard of rates, and commits the enforcement of that law to a commission, or any other tribunal, it certainly does not delegate all of its powers to such tribunal, or authorize such tribunal to make a law upon the subject-matter confided to it, or to exercise any other discretion than that which the law imposes upon that body, namely, the fixing of a just and reasonable rate, which the law itself prescribes and which the Commission does not originate.

The power to fix a rate is a legislative power, yet when the legislature declares that the rate shall be reasonable or otherwise lays down a general rule for the establishment of rates for the future, the application of such rates becomes a matter of administration, and the power delegated to the Commission to announce the rate is an administrative power. It is, however, contended that the present measure simply prescribes that the rate shall be just and reasonable, which is simply a declaration of the old common-law principle and that such a provision does not prescribe an absolute standard or guide by which the Commission is controlled, and that this standard, if it can be called a standard, is vague, uncertain, and indefinite, and commits to the discretion of the Commission the fixing of the rates or the construction of the law. I admit there is much force in this contention, and should I have any doubt on this subject I shall resolve that doubt in favor of this legislation, which I believe to be for the common good of the country.

But in my judgment the bill is complete in itself. It declares that the rate shall be just and reasonable, and the Commission must obey the law. It can not legally prescribe an unjust or unreasonable rate. What is a just and a reasonable rate has received judicial interpretation, and this standard has a meaning and a definition as clear as any other general principle which the law can announce, and its limitation and application may be regarded as well settled in the law. Instead of Congress entering into an investigation, which of necessity must be inadequate in determining what the rate should be, it has legislated on the subject as far as was reasonably practicable and delegated to the Commission the duty of accomplishing the results prescribed in the statutes.

In the case of the Chicago and Northwestern Railroad *v.* Dey (35 Fed. Rep., p. 874) we find a case directly in point and so fully covers the points in controversy that I shall make a copious extract from that decision. Dealing directly with the question before us, Mr. Justice Brewer said:

While in a general sense, following the language of the Supreme Court, it must be conceded that the power to fix rates is legislative, yet the line of demarcation between legislative and administrative functions is not always easily discerned. The one runs into the other. The law books are full of statutes unquestionably valid, in which the legislature has been content to simply establish rules and principles, leaving execution and details to other officers. Here it has declared that rates shall be reasonable and just, and committed what is, partially at least, the administration of the law to the railroad commissioners. Suppose, instead of a general declaration that rates should be reasonable and just, it had ordered that the rates should be so fixed as to secure to the carrier above the cost of carriage 3 per cent upon the money invested in the means of transportation, and then committed to the board of railroad commissioners the fixing of a schedule to carry this rule into effect, would not the functions thus vested in such a board be strictly administrative? While, of course, the cases are not exactly parallel, yet the illustration suggests how closely administrative functions press upon legislative power, and enforce the conviction that that which partakes so largely of mere administration should not hastily be declared an unconstitutional delegation of legislative power.

The reasonableness of a rate changes with the changed condition of circumstances. That which would be fair and reasonable to-day, six months or a year hence may be either too high or too low. The legislature convenes only at stated periods—in this State once in two years. Justice will be more likely done if this power of fixing rates is vested in a body of continual session than if left with one meeting only at stated and long intervals. Such a power can change rates at any time, and thus meet the changing conditions of circumstances. While, of course, the argument from inconvenience can not be pushed too far, yet it is certainly a matter of inquiry whether in the increasing complexity of our civilization, our social and business relations, the power of the legislature to give increased extent to administrative functions must not be recognized.

In the recent case of State *v.* Railroad Commission (37 Northwestern Reports, 782) the supreme court of Minnesota considered this question and sustained a similar enactment. See also the case of State *v.* Railroad Company (35 Northwestern Reports, 118, and 36 Northwestern Reports, 308) decided by the supreme court of Nebraska. In the case of Tilley *v.* Savannah Railroad Company (5 Federal Reports, 641) Mr. Justice Wood of the Supreme Court of the United States, sitting on the circuit, also considered the question in a carefully prepared opinion, and sustained a similar enactment. See also other cases cited in the opinion of the supreme court of Minnesota, supra.

The case of Butterfield *v.* Stranahan, which has been so frequently alluded to in the course of this discussion, appears to me to be conclusive on this point. An act of Congress prohibited the importation of tea inferior in purity and quality to the standard prescribed by a board and approved by the Secretary of the Treasury. The act was attacked on the ground that it delegated legislative powers to the Secretary of the Treasury; that Congress had adopted no standard of the purity of the tea, and that it delegated to the discretion of the Secretary of the

Treasury this power. But the Supreme Court upheld the law and declared that—

> Congress legislated on the subject as far as was reasonably practicable and from the necessity of the case was compelled to leave to the executive officials the duty of bringing about the result pointed out by the statute. To deny the power of Congress to delegate such a duty would, in effect, amount to but declaring that the plenary power vested in Congress to regulate foreign commerce could not be efficaciously exerted.

The Supreme Court of the United States has frequently decided that the States have the power, either through constitutional ordinance or legislative act, to delegate this authority to the commissions which the various States have established. When the States sought to confer that power upon those commissions, it was at once earnestly contended that such act on the part of the State government or the legislatures of the States was a delegation of legislative functions to another body in violation of the Constitution. But the supreme courts of the States and the Supreme Court of the United States have repeatedly and uniformly declared that where State legislatures have enacted that rates must be reasonable and just the execution of this law may be constitutionally confided to an administrative body. Such, I understand, is the decision in the case of Stone et al. *v.* Farmers' Loan and Trust Company (116 U. S., 370), in which objection was made to the act of the State of Mississippi on the ground that it conferred both legislative and judicial powers upon its commission.

The same doctrine was announced in the case of Reagan *v.* Farmers' Loan and Trust Co. (154 U. S., 360), in which case Judge Brewer said:

> Passing from the question of jurisdiction to the act itself, there can be no doubt of the general power of the State to regulate the fares and freights which may be charged and received by railroads or other carriers, and that this regulation may be carried on by means of a commission. Such a commission is merely an administrative board created by the State for carrying into effect the will of the State as expressed by its legislature.

These cases affirm the right of State governments to confer such power upon State commissions. It may seem, then, that if the States have this power, Congress, exercising the supreme and exclusive power over interstate traffic, power as conclusive and exclusive as that of the State, would have the same power. But it is claimed that the States derive their power by reason of their sovereignty, and that Congress derives its power over the subject-matter by reason of the commerce clause of the Constitution. However that may be, the power to regulate commerce is a governmental power lodged in Congress by the Constitution, and the method of exercising that power is as full and complete as that enjoyed by the States, and unless there be some limitation, prohibition, or restriction placed upon the Congress its authority would seem to be complete.

Fixing of rates is a method of regulating commerce, for commerce, in its broadest signification, as declared by Chief Justice Marshall, is the right to prescribe the rules which govern commerce. To fix the rates is one of the rules as set down in the case of Ames *v.* Union Pacific (64 Fed. Rep., 165) wherein Justice Brewer said:

> But within the scope of the word "regulation" as commonly used is embraced the idea of fixing the compensation which the owners of railroad properties shall receive for the use thereof.

In the Maximum Rate case, which has been so repeatedly referred to, Justice Brewer declared, in determining the extent of the power that had been conferred upon the Commission, that—

> There were three obvious and dissimilar courses open for consideration. Congress might itself prescribe the rates, or it might commit to some subordinate tribunal that duty, or it might leave with the companies the right to fix rates, subject to regulations and restrictions, as well as to that rule which is as old as the existence of common carriers, to wit, that rates must be reasonable.

Here it seems that the Supreme Court distinctly stated that the right to confer the rate-making power upon the Commission existed. The language of the court in this decision clearly intimates that the power could be granted by Congress to the Commission, but that it had not been granted in definite terms; that—

> the power itself is so vast and comprehensive, so largely affecting the rights of carrier and shipper, as well as indirectly all commercial transactions, the language by which the power is given has been so often used and was so familiar to the legislative mind and is capable of such definite and exact statement, that no just rule of construction would tolerate a grant of such power by mere implication.

The court said that the fact that it was a debatable question was "very persuasive" that Congress had not vested the power in the Commission to fix rates. This very expression, that because it was a debatable question and had been debated was "very persuasive," is a clear suggestion that Congress could within its constitutional powers confer authority upon the Commission to fix rates for the future. In this case the powers of the Commission were the subject-matter of discussion and controversy, and in dealing with the subject it is scarcely to be supposed that the Supreme Court would lightly or loosely use such expressions as we find in this decision.

It is further contended that Congress has no power to endow the Commission with the authority given to it under the bill, for the reason that Article I, Section IX, of the Constitution, declares that—

> No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

This article of the Constitution was clearly intended to prohibit the giving of preference by Congress to vessels coming to and departing from the different ports of the country. The convention at that time was dealing with conditions then existing, and it is evident that the purpose was to secure uniformity in port charges of the commerce of the various ports of the country, which had not been the case before the adoption of the Constitution. Under the Confederation there had been great lack of uniformity, and this resulted in the conference at Annapolis in 1786 to consider—

> The trade of the United States, to examine the relative situation in the trade of the States, to consider how far a uniform system in their commercial relations may be necessary to the common interest and their permanent harmony.

From the Annapolis conference came the call for the Philadelphia convention of 1787, which framed the Constitution.

Should this bill become a law, by which the power is conferred upon the Commission to substitute a reasonable rate for any unreasonable rate, it would in no manner come in conflict with this provision of the Constitution. To authorize the Commission to fix a reasonable rate does not necessarily impose upon that body the duty to adopt such regulation of commerce as would give preference to one port over another. The law would be valid and constitutional, and it must be presumed that the Commission in all of its proceedings will act within the limits placed upon it by the Constitution and the law. The act creating the Commission and conferring upon that body the power to do a lawful act certainly would not come under the condemnation of the constitutional provision. If the Commission exceeded its powers and acted beyond the scope of the authority conferred upon it by the law, and by such act brought itself within the prohibitory provision of the Constitution, then such act of the Commission would be declared illegal when questioned. That is, the regulation prescribed by the Commission might be unlawful, not, however, by reason of the power which was conferred upon the Commission, but rather by reason of the Commission exceeding the authority given to it.

If we admit for the sake of argument that Congress has the power to confer upon this Commission authority to fix fair and reasonable rates in lieu of a rate condemned as unreasonable and unjust, such an act would be constitutional, but if the Commission exceeded the powers conferred upon it and substituted an unlawful and confiscatory rate in lieu of the condemned rate, such an act on the part of the Commission would be declared by the courts illegal, not because the law was unconstitutional, but because the Commission had transcended the law. So, likewise, if the Commission should in the regulation of commerce give one port preference over another, which it had no constitutional power to do, this particular act of the Commission would be declared illegal and void. The question of constitutionality, therefore, it seems, would relate rather to the act of the Commission than to the law creating the Commission and giving it constitutional powers.

Admitting, for the sake of argument, that this article of the Constitution could be invoked, it does not occur to me that the exercise of the authority to regulate rates would in any way be controlled or limited by this provision of the Constitution, for it is evident it could be claimed, on the other hand, that the same rate from any given point to all ports would obviously favor the most distant ports, while, on the other hand, to establish uniform mileage rate would in many instances result in the preference of one port over another. This is all the more apparent in view of the fact that numerous ports have from time to time been established in the interior and have thus created a variety of circumstances and conditions not contemplated by the framers of the Constitution. Not only in these instances would the question of distance enter, but it would be necessary in each case to consider what adjustment of the rates would place the different "ports" on a plane of relative equality. Differentials have long been applied without their constitutionality being questioned, those existing between New York, Philadelphia, and Baltimore are conspicuous examples of this fact.

It is a fact that railroads do give preferences to one port over another in the adjustment of their rates, and it would be an extraordinary condition that these corporations, the creatures of the law, can do what their creators can not do and which it can not prevent them from doing. If this article of the Con-

stitution can be so construed as to prevent Congress from regulating the charges of the railroads because of incidental preferences which such regulation might give one port over another, and the railroads which are the creatures of the State can give these preferences and Congress can not prevent it, then the argument leads to the conclusion that while Congress is prohibited from giving these preferences, yet the railroads can do what Congress can not do and Congress is helpless to prevent them from so doing. In other words, the railroads can violate the spirit of the Constitution by giving port preferentials, and Congress, because it is prohibited from giving such preferences, can not prevent the railroads from doing it. If all of these contentions be true, then the creature has outgrown the creator. If Congress can not regulate the charges of the railroad in interstate commerce; if it can not establish a general rule for the standard of charges and leave to a commission of its own creation the application of such a rule or standard, and if it can not itself establish the charges or rates which may incidentally give a preference to one port over another, and can not prevent the railroads from giving these port preferentials, then indeed has the servant become the master and the creature of sovereignty become stronger than the sovereign itself.

Mr. President, the so-called "court review" proposition has been much discussed in the consideration of this bill. We have heard much of the "broad review" and the "limited review," and the wide divergence of opinion among Senators on this subject seems to preclude the possibility of reaching a common ground upon which a majority at least can stand.

I do not like the expression "court review." I think the term is misleading, and does not fully convey the idea involved in the controversy. However, I shall use it for the purpose of the present discussion.

Those who advocate the "limited review," as it is called, would confine the rights of the railroads to attack the orders of the Commission fixing a rate only when such a rate operates a confiscation of their property or the taking of the same without just compensation. That is, the railroads can question through the courts the rate-made order of the Commission only in so far as such order impinges their constitutional rights of property as guaranteed under the fifth amendment.

Those who favor the "broad review" contend that the courts should be open to the railroads for the assertion and vindication of whatever rights they may have, whether such rights spring directly from the Constitution or from the law.

I shall try to show further on that this contention amounts almost to a distinction without a difference. Again there are those who believe that the present measure affords all the rights to the railroads which the "broad review" advocates seek, while, on the other hand, there are those who contend that no such power is accorded the roads under this bill, but that the courts are only open to the roads for the assertion of constitutional rights. However this may be, all will agree that such doubt or ambiguity in the measure ought to be removed, and the bill should state specifically its objects and purposes.

It must be remembered that we are making the law, and we can and should make the law free from doubt and question as to its intent and meaning.

No one has ever for a moment contended that Congress has the power to destroy or impair any right guaranteed to a party under the Constitution nor that the Commission in the exercise of its delegated authority can violate any of these rights. Nor can a party enjoying these rights be denied the protection of the courts in asserting them. There may be a difference between the rate which the Commission establishes as a just and reasonable rate and a rate which would afford a just compensation. Should there be such difference found in the Commission-made rate then the courts must be limited in their inquiry to the just compensation accorded under the Constitution and not to the reasonableness and justness of the rate prescribed by the law.

To me there is little or no difference between what we term a legal right and a constitutional right. If the law confers upon any party any special or general right, it seems to me that such right is as sacred and entitled to as much protection through the courts as a right which is derived directly from the Constitution, and the courts ought to be opened for the assertion and protection of that right, as wide in one instance as in the other.

I am not going to discuss any of the refinements of the law on this proposition. I am not going to discuss whether the rate of the Commission is a law-made rate or a Congressional-made rate or not, or whether the Commission is substituted for Congress, and its rate therefore entitled to as much consideration as a rate made by Congress. While this in theory may be correct, yet, as a matter of fact, I know that the Commission may abuse the authority granted to it and may unreasonably exercise the powers confided to it.

The present law prescribes that the rate substituted by the Commission must be a just and reasonable rate, and it strikes me that the railroads are entitled to the full protection of that law. Tremendous power is conferred upon the Commission by this bill, and vast and comprehensive interests affecting the people and the railroads are confided to its administration. The standard of just and reasonable rates established by Congress is in the interest of the people and the roads, and that standard is the guide, and the only guide, which the Commission can follow.

While I have every faith and confidence in the work of that Commission, and while I believe that body, selected with special reference to the peculiar work intrusted to its charge, ought to be, and probably will be, better qualified to carry out and execute the will of Congress than the courts, yet at the same time I can but feel that the power confided to this Commission may be abused or may be unreasonably exercised, and that some check or limitations should be placed upon it.

Mr. President, I am intuitively opposed to conferring upon any body of men, or any board or commission, the absolute and unrestricted right of finally deciding upon the property rights of any individual or any person, legal or natural. I have an idea that courts and courts alone are established for that purpose, and unless there be some overwhelming and paramount reason to the contrary I want to see the final adjudication of all rights left in the hands of the courts. It does not seem to me fair, just, or wise that the tremendous power we are giving to this Commission by which billions of vested rights may be affected, should be placed entirely beyond the power of the courts.

I again repeat my confidence in the Commission; in its work, and in the honesty of its purpose. I admit that the question committed to it is largely a business question presenting factors in its settlement which are not of a judicial character; that the fixing of rates addresses itself to the legislative or administrative mind rather than the judicial mind, and the Commission may act upon such facts as could not be properly brought before the courts as proof or evidence. Yet, at the same time, we are bound to admit that the orders fixing the rates affect directly property rights and property interests, and the Commission in the exercise of its complex and difficult duties may honestly, but grieviously, err, or even abuse the powers delegated to it.

Mr. President, I believe that the railroads are entitled to the full protection of the law, and when the law declares that rates shall be just and reasonable they are entitled to all the benefits of the law; and if the Commission, or any other tribunal charged with the duty of executing and administering the same, violates its provisions, then I believe a remedy ought to be left to the injured party to seek redress through the courts. I do not mean by this to confer any rate-making power upon the courts, nor do I wish to confer any rights upon the roads other than those the law gives them. But whatever rights they may have, I want the courts open for a judicial determination of the same.

Mr. President, the records of Congress will show that every bill bearing upon this subject up to this one has contained some provision authorizing a judicial investigation or review of the orders of the Commission in some shape or form, and, if I am not mistaken, the only one that limited the review of the question of confiscatory rates was the one introduced by the distinguished senior Senator from Texas. In addition to this, Mr. President, the State laws creating and establishing State railroad commissions contain similar provisions for review on the part of the courts. This is what I understood the President of the United States to advocate when he used the following language:

> While I am of the opinion that it would be undesirable, if it were not impracticable, primarily to clothe the Commission with general authority to fix railroad rates, I do believe that, as a fair security to the shippers, the Commission should be vested with the power, when a given rate has been challenged and after full hearing found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place, the ruling of the Commission to take effect immediately and to obtain until reversed by a court of review.

The distinguished chairman of the Interstate Commerce Commission, in an address reprinted in the Annals of the American Academy of Political and Social Science for November, 1905, upon the same subject stated:

> When the Commission has investigated and decided, when it has promulgated such an order as it may be authorized to make, its duty in the premises should be fully discharged and ended. Subject to such judicial review as will protect against the abuse or unreasonable exercise of delegated authority, the lawful determinations of the regulating tribunal, unless restrained or set aside by the courts, should take effect and be obligatory substantially the same as legislative enactment.

I stated, Mr. President, that the distinction between the ad-

vocates of the "broad" and the "limited" review was, in my opinion, a distinction almost without a difference.

The cases decided by the Supreme Court of the United States on this subject have arisen in the States, involving a construction of the fourteenth amendment, which declares that no one shall be deprived "of life, liberty, or property without due process of law," but, in my judgment, an entirely different question will be presented when the constitutional rights of the roads will be submitted for judicial determination under this bill. Their rights will not be determined by the fourteenth, but by the fifth amendment, which not only declares that no person shall be "deprived of life, liberty, or property without due process of law," but further provides "nor shall private property be taken for public use without just compensation."

The Supreme Court in the decision of the Nebraska Freight Rate case, involving the discussion of a just and reasonable rate, quoted with approval the language used in the Turnpike case (164 U. S.), which reads as follows:

> The utmost that any corporation operating a public highway can rightfully demand at the hands of the legislature, when exercising its general powers, is that it receive what, under all the circumstances, is such compensation for the use of its property as will be just both to it and the public.

I believe, as a practical question, when the railroads complain of the orders of the Commission on the ground that such orders violate the guarantees of property under the fifth amendment, the courts will hold that just and reasonable rates is the equivalent of a just compensation, and that just compensation will entitle the roads to just and reasonable rates.

As the Supreme Court in the cases appealed from the States upon questions involving the violation of the fourteenth amendment has necessarily been compelled to investigate all the facts bearing upon that particular question in order to reach a judicial determination of the issue, so, when the railroads invoke the protection of the fifth amendment, the court, extending its inquiry to the question of just compensation, must necessarily investigate all of the facts, and its decision will harmonize as far as possible the constitutional guarantee and the provisions of the act of Congress.

Mr. President, while I am willing that the order of the Commission substituting another rate for a rate condemned may be the subject of judicial determination, yet I am unwilling, if it can possibly be prevented, to have such order of the Commission suspended by temporary injunction.

Force and effect ought to be given to such order, and the same should remain in operation and effect. It must be remembered that in granting temporary restraint by interlocutory injunction courts of equity in no manner anticipate the ultimate determination of the rights involved. They merely recognize that a sufficient case has been made out to warrant the preservation of the property or right in issue in statu quo until a hearing on the merits can be had, without expressing or without having the means of forming a final opinion of such rights.

I am opposed to the use of this writ in anticipation of the ultimate determination of the issues involved in the case, because I believe its use will be resorted to in every instance where the roads are dissatisfied with the decision of the Commission, and thus the work of that body will be practically annulled.

Conceding the power of Congress to pass this regulation, the inquiry naturally follows, Is such a policy on the part of the Government a wise, just, and safe course to pursue? I believe, Mr. President, that I realize fully the gravity and importance of this legislation, and the more I study and reflect upon the enormous powers we are confiding to this Commission, the magnitude of the vital issues involved in this delegation of power, and the consequences which may flow from its exercise, the more I feel the responsibility of my duties. The laws now upon the statutes, it is claimed by many, provide against the unreasonable rates, against unjust discriminations, rebates, favoritism, and other malpractices. That may be true; yet, Mr. President, it is equally true that there are no efficient and adequate remedies, and the object of this measure is to provide a safe, certain, and conservative remedy. Let us, therefore, examine into some of the principal changes which this bill makes in the present law and what additional powers it confers upon the Interstate Commerce Commission; second, if the railroad management, and the part that such management plays in the business activities and the industrial and economic conditions and development of the country, demand or warrant such a measure.

The bill under consideration is built and constructed on what is known as the Cullom Act of 1887. This proposed measure is intended to add to and strengthen that law without in any manner affecting its substantive provisions or in changing any of its fundamental principles. It makes the present law more comprehensive, bringing under its provisions refrigerating and elevating charges, private-car lines and terminal facilities, and extending to the Commission jurisdiction thereof. The proposed bill also prescribes the manner in which railroad accounts shall be kept, the particular accounts to be kept, and that they shall be open at all times to the inspection or examination of the Commission or its authorized agents. With these additions to the law the fundamental or organic principles of the present law are practically unchanged, except as to the right or the power given to the Commission, after due hearing and investigation, to substitute a rate or charge for an unreasonable rate or charge by it condemned. The line of demarcation between the old law and the present bill is clear and well defined. Under the old law complaints were heard, findings and orders were issued after investigation, and unreasonable rates were denounced, but the Commission of itself was without power or authority to give effect to its orders, and the law failed to do so. These powers of the Commission have been repeatedly recognized by the highest judicial tribunal of the land, and no one doubts the constitutionality of the act. The present bill differs in so far as the powers of the Commission are concerned only in this particular: It authorizes the Commission after investigating a challenged rate and after denouncing that rate as unreasonable, to prescribe what will be a just, reasonable, and fairly remunerative rate, to be thereafter observed as a maximum rate to be charged; and when said rate is so fixed the law provides that such order of the Commission shall go into effect thirty days after notice to the carrier and that it shall remain in effect unless suspended or modified by the Commission, or suspended or set aside by a court of competent jurisdiction.

I have thus analytically defined the changes which this bill proposes to make in the present law. Ought these changes to be made? Every fair-minded man concedes that the law ought to be amended so as to bring within the jurisdiction of the Commission and the regulative power of that body the private-car system, elevating and refrigerating charges and terminal lines and private sidings, and supervision over the bookmaking of these corporations; but all the weight of the opposition is leveled against the power conferred upon the Commission by the fifteenth section of this bill.

A government such as ours, reaching out and ramifying in so vast a domain of activities, must necessarily carry on many of its functions by and through subordinate tribunals. In fact, all the agencies of government act within the sphere of their constitutional or legislative limitation. In the division of the powers of government, many of the most important functions are committed either to constitutional or legislative tribunals or instrumentalities. The district and circuit courts, with all of their great and far-reaching powers, are the creatures of the legislative will. The Postal Department of the Government, with its vast and multiplying duties, is established by the legislative department of the Government. The administration and execution of the tariff laws are confided largely to a board of appraisers, while all of the immense public domain of the country is committed to the administration of one of the Departments of the Government. While these instances might be multiplied, I mention them simply to show that the most important functions of the Government touching the rights of persons and property have been confided to agencies provided and created by Congress. But while it is true that the duties and powers conferred upon this Commission are far-reaching and of vast importance, yet I am unwilling to admit that this Government, which in the past has dealt satisfactorily with some of the greatest and most intricate problems that ever confronted a nation, is incompetent or unable to solve this great question honestly, intelligently, and for the best interests of all. And while I am willing to admit that tremendous power is lodged in the Commission by the bill, yet that same power is to-day exercised by the railroad corporations, and while there may be some danger of its abuse by the Commission, yet I submit there is a greater danger of its abuse by the officials and employees of these corporations.

Addressing myself to the second proposition, as to whether the industrial conditions of the country justify and require such legislation, I will say that it is my judgment that we have reached the epoch in the history of the industrial and economic development of this country, in which the railroads have played and are still playing such a prominent if not dominating part, that such legislation is absolutely necessary.

The last official reports show that there were 214,478 miles of trackage in this country, not including second or third tracks and sidings, and that the carriers' earnings for the fiscal year ending June 30, 1905, amounted to the enormous sum of $2,073,177,325. These figures show that about one-tenth of the entire wealth of the country, with its more than eighty millions

of people, is owned and controlled by the railroads; that their annual income exceeds by threefold the entire revenue of the Federal Government from all sources; that their army of employees, amounting to 1,300,000, is greater than any army that ever went into the field. This immense wealth is rapidly consolidating into one vast, compact, and irresistible power. The various steps by which this consolidation has been so rapidly crystallizing is generally known and recognized. According to Moody's Truth about the Trusts, published in 1904, the first group, with details of lines embraced, the mileage and capitalization included, is the Vanderbilt or New York Central group, with 21,880 miles of lines and an aggregate capitalization of $1,169,196,132, and controlling 132 subcompanies or subsidiary corporations; second, the Pennsylvania Railroad group, covering 19,300 miles, with $1,822,402,235 of capital and controlling 289 subcompanies or subsidiary corporations; third, the Morgan group, with 47,206 miles of lines and $2,265,116,350 of capital, and controlling 225 subcompanies or subsidiary corporations; fourth, the Gould-Rockefeller group, with 28,157 miles of lines and $1,368,877,540 of capital; fifth, the Harriman-Kuhn-Loeb group, with 22,943 miles of lines and $1,321,243,711 of capital, containing 85 subsidiary companies, and, sixth, the Moore or Rock Island group, with 25,092 miles of lines and $1,070,250,939 of capital, operating 91 subcompanies.

These six groups, with $9,017,016,907 of capital, control 165,586 miles of the total railroad mileage of the United States. The boards of transportation directing these six groups have already practically parceled out the whole territory of the country among themselves, and establish and fix the rate of transportation as any one of the respective boards of managers may see fit to dictate, or else the whole tariff or charges may be regulated as if by one general board. The passion for consolidation and centralization, like every other governing influence, feeds upon its own appetite. Already the railroads of the country are classified in the official returns of the Government as "operating roads" and "subsidiary roads," or those lines that operate by sufferance of the larger systems and derive their incomes from rentals or kindred sources.

It would be unnatural if the conditions were other, and the men who dominate these systems would be more than human if they failed to seek all the wealth and power that they can possibly acquire. It is the old struggle that has been made throughout the ages, since the first man oppressed his brother—a passion that in a modified form is typified in the Old World institutions to-day, and against which these United States were intended as a protest. Events within the past few years have shown us more clearly than ever before that this Government, modeled with the primary view of securing individual freedom, must stand between the citizen on the one hand and these vast interests of consolidated wealth that dominate our individual life on the other, and that no other power than that of the Government can reach the abuses from which the people are asking for relief.

The tremendous mileage of our great railways is now dominated, owned, or operated by half a dozen systems, and these great lines are interwoven by community of interest until competition has practically disappeared and disappeared forever. I say disappeared forever, for it is idle to expect, futile to endeavor, and perhaps senseless to desire a return to the old system of small competing lines. These new conditions bring new problems, but the advantages to be derived and that are apparent in the operation of the wholesale method of transportation should not cause us to lose sight of the insidious tendencies to monopoly and oppression.

One of the great dangers to the public incident to these gigantic combinations is that the absorption and assimilation of new lines is almost universally attended by reckless inflation of capitalization or bonded indebtedness. I know that it is contended that this is a matter of no possible interest to the public; that corporations are private affairs which the owners may operate as they please; that with reasonable rates it can be of no concern to the public or to the Government whether the stock of the road is $100,000,000 or $600,000,000. Yet, when subjected to a final analysis, it will readily be perceived that the inevitable result of this overcapitalization is increased taxation in the way of additional freight charges.

Take the case of the Northern Securities Company, which attempted to create a monopoly of all the northwestern transcontinental lines of the country. In the course of his argument before the Supreme Court, which resulted in the frustration of that gigantic project, the distinguished Senator from Pennsylvania, then the Attorney-General of the United States, whose able and conspicuous services in the performance of his high duties entitle him to the gratitude of the country, in speaking of this method of financial manipulation, said:

Of this common stock, as early as February, 1897, Mr. Hill and Lord Mount Stephens had acquired 258,341 shares at $16 per share, or $25,834,000 of par value for $4,133,456. Some idea of the commercial value of the monopoly of transportation to the participants may be had when it is considered that this stock, which cost $16 per share in 1897, was put into the Securities Company in 1901 at $115 per share, netting the owners $25,000,000.

But the most striking example of this class of high finance that has come to light was developed and referred to by Commissioner Clements in his testimony before the Interstate Commerce Committee of the Senate last summer, when he said:

> But I have a little matter that I want to call to your attention, which was disclosed in the proceedings two or three years ago. The railroad commission of Kentucky presented a complaint before the Commission which called for an investigation of the acquisition of the Louisville and Nashville Railroad by Mr. Gates. That came out, at least, in the investigation. It appears that Mr. Gates, a very active man, had gotten hold of a majority of the stock of the Louisville and Nashville Railroad Company, which had previously been held and controlled by the Belmonts in the interest of others whom they represented, and it disturbed some gentlemen in New York very much to think that Mr. Gates should be turned loose as a railroad man in the South, running the Louisville and Nashville road. The testimony shows that Mr. Gates had begun to buy this stock of the Louisville and Nashville Railroad at about 110, and he paid as high as 130. It was said that he paid on an average of about 125 for it. It was running along at about 110 before he commenced.
>
> When it was ascertained that he had a majority of the stock, Mr. Morgan was able to get Mr. Schwab to go, at 1 or 2 o'clock at night, to his hotel and wake him up to know upon what terms he could get an option upon that or buy it, and they found Mr. Gates and got him to give an option, by which he agreed to take 150 for all majority of the stock. They took the option and handled it, and Mr. Morgan called up the president of the Atlantic Coast Line and suggested the situation to him, and the outcome was that the Atlantic Coast Line agreed to take it at 150, and to do so issued $35,000,000 in new bonds, $8,500,000 in new stock, to the former stockholders—to the then stockholders—and $5,000,000 of stock further. That resulted in an increase of the bonds and stocks of the Atlantic Coast Line, and that increase of about $50,000,000 in order to enable the Atlantic Coast Line to take the control of the Louisville and Nashville Railroad out of the hands of Mr. Gates. Mr. J. Pierpont Morgan expressed it in this way in his testimony:
>
> "I don't wish to impugn any man's ability, but I did not consider Mr. Gates a proper person to manage the Louisville and Nashville Railroad."
>
> Mr. Gates was perhaps an active man, and he might indulge in what would be called among the railroad brethren "unreasonable and rough competition." I suppose that is what it meant. He was not wanted in that family of railroad men. And therefore the net outcome was that the Atlantic Coast Line was saddled with about $50,000,000 more of capitalization in order to get Mr. Gates out of the way. The property did not have another nail driven in it, or another cross-tie, or any more rolling stock, or any stock of any sort in addition, but when you talk about the railroad rates of the Atlantic Coast Line, and the increase of 2 cents on lumber which the Atlantic Coast Line made, along with others, the Commission, or Congress, or the country want to consider that $50,000,000 of capitalization, as well as that part of the capitalization of these railroads in the hands of the widows and the orphans who have put their little savings into these securities. And when you consider these $50,000,000 worth of bonds, of capitalization, you want to consider that the bonds become a fixed charge. Interest on them must be paid.

Now, imagine an unreasonable rate being attacked on the ground of any of these instances of stock watering and inflation of values and a reduction being ordered. Is there any doubt the first defense would be that the Commission rates were confiscatory, and not furnishing a fair return on the capitalization, bona fide and watered, besides interest on its bonded debt?

But, Mr. President, there is a far greater danger in these concentrations than the mere monopoly of the American transportation system. The great producing agencies of this country are rapidly consolidating into corporate monopolies, the success of which is to a greater or less extent dependent upon the distributing systems of the country. In the formation of these gigantic industrial enterprises the movement of their products is a factor of such overshadowing importance that transportation is the first feature considered. Thus the captains of industry and the railroad magnates are not long in striking hands or arriving at a community of interest, the one participating in the holdings of the other, and each being represented on the directorates of the other. Rate manipulations naturally follow, their purpose being to wipe out competition. They are the most efficacious remedy known for dealing with troublesome rivals, and their application is swift and certain. But, in the very nature of the case, it is only a question of time in the evolution of the system, after third parties in the form of small and independent shippers have been eliminated and all competition has been destroyed, when a union between the producing corporations and transportation systems of the country will follow.

Already the anthracite coal mines are cornered and the bituminous fields are going the same way; oil is tied up in almost every State, while the amalgamation of iron beds and copper mines is merrily going on.

Consolidations have followed consolidations until the whole power of the enormous distributing instrumentalities is absorbed by a few boards controlled and dominated by a few men. Is it safe, Mr. President, for this Government, dedicated by the

fathers to the equal protection of all, to permit this vast power, imposing annually by way of transportation tariffs over $2,000,000,000 of burden upon the body of the people, to remain in the hands of these boards, without limitation, control, or restriction? I think not. The power is too vast, the temptations to abuse too great, and the abuse too certain.

Mr. President,

> "It is excellent
> To have a giant's strength; but it is tyrannous
> To use it like a giant."

Without entering into an analysis of that well-worn statement, the question still arises, Does anything with a giant's power use it other than as a giant? Would a giant's power ever develop but by the use that makes it a giant's power? Inconceivable is the theory that the power of all the great railroad interests in the United States, concentrated in six or seven systems, shall be used other than as a giant would use it, or that it would have been possible for that power to have been so concentrated if the tyranny implied by a giant's strength had not been applied to it? Aside and apart from the question of preferential rates, extortionate tolls, rebates, discriminations and maladministration, and leaving these as though they were subjects still unsuggested, it is inconceivable that such a power so concentrated can be other than a menace to the security and tranquillity of the great business interests of the country. It is well said that no house is big enough for two masters, and certainly no government is big enough for two rulers, and that is what our government permits when it elects the legislative branch and coincidentally submits the great subject of transportation to a separate power.

The control of the means of transportation and the possession of the routes of trade will continue to be what they have been since the dawn of civilization—the gates of commerce and the doors of wealth. When these doors and gates are swung and closed on the hinges of personal gain and private advancement the public interests must and will be subordinated to private aggrandizement.

The wealth and power of the railroads are almost as vast as the territory they cover. This enormous power, through combinations and affiliations, is controlled by a body of men smaller than would be considered efficient to manage one single department of the Government. The advancement and development of the industrial and economic life of the nation is intrusted to these boards, self-appointed, responsible to no one, and with no spring of action but that of private gain. This Government is founded upon the principle that power shall not be confided in too few hands. The fathers of our country revolted from a despotism that had grown oppressive; the red blood of heroes was shed that the public and not the private good should be the object of effort, and to-day the wisdom and reward of this effort is demonstrated in the distribution of power in our Government. These railroad directors are men of passions and weaknesses like the rest of humanity. Start they may with the assumption that they are appointed to benefit mankind, and that they are intrusted with the charge to lead their nation to the pinnacle of power, but they would be more than human if their all but omniscient power should not be diverted occasionally to a baser object and a tyrannous use.

I have no wish or inclination to blame or unduly criticise these railroad directors. For their success and marvelous achievements many of them deserve praise, yet it must be admitted that they are moved by the same passions and desires that influence other men, and in my opinion no coterie of men in the United States or any other country actuated by private interests is unselfish and strong enough to be intrusted with such practically unlimited power over the fortunes and destinies of their fellow-men. Power does not by any means confer upon human beings a proportionate consecration in its use, and it is not in our present state of civilization a safe proposition to permit any man, or any number of men, to control and use without restraint such power as these boards now enjoy. It could not be done safely in our Government, nor can it be intrusted to that "imperium in imperio" which has sprung up in this country and in which the inner power has grown to such proportions that the circumscribing power of the Government is weakened. I have not said, nor shall I say, that the railroad corporations have any malign object in centralizing, concentrating, and exploiting their influence. I do not believe they have. I am convinced that they have no object more sinister than the accumulation of vast wealth, but in the expression of that desire they have, it can not be denied, exercised a tyranny in this country at times that has been almost ferocious. That any power grown to such proportions, with such unlimited field of action, with such titantic strength, with such momentum as it has gained through the passing years of prosperity, should be permitted to exist, unrestrained and uncontrolled, is opposed to the very genius of our institutions. Where a government works in fetters, or must stand aside, for the exercise of a power that it can neither limit nor control, such a government must necessarily grow weaker and weaker as the power which it fails to control grows stronger and stronger. In the rule of quasi-public institutions the railroads have called forth, it is true, the activity which has stimulated individual exertions and national development, but in their far more influential character, as an aggregation of capital, labor, and brains for the purpose of gaining wealth, they have substituted their own activity for that of individuals and governments.

That evils formidable to human freedom and individual effort are the natural effect of the concentration of such power in a few hands must become a conviction with anyone who understands the frailty of man or who has read the history of nations. We are told that the rights of property are sacred. So they are. The right of the small shipper is as sacred as that of the greatest trust or the most inflated corporation. We do not want to be deceived by bulk, by bigness, by overtowering immensity. The sacred right of property, this divinity of wealth which we all worship, is as inherent in the dollar of the poor as in the millions of the rich or the billions of the corporations. If it has the disadvantage of traveling singly rather than in flocks, of being pitted alone against its enemies instead of fighting with the herd, it becomes us all the more to offer it the protection of a government that has for its religion the equality of the rights of all men. It is not easy to define property, not easier than to tell what abstract justice and equity and right are. Where one man's rights are infringed by the activities of another must always be a line vague and varying, but it would seem reasonably obvious that the concentration of the commerce of the country into six or seven systems, with powers to make and unmake fortunes, to create and destroy industry, to fix the price of necessaries of life, and withal to be responsible not even to the Government of the country, is a contradiction of the Constitution.

It has been given to but a few inspired individuals to use power with moderation and altruism. There is something in the composition of man that is born of woman that makes power a firebrand in his hand. Evil as are the effects of great wealth on some natures, its tangibility and computability act generally as constraints or exercise a moderating effect on its use. Not so with power. The temptation to use it is constant. The amusement of testing and watching its effect becomes a passion. The desire to exercise it, the impatience of its limitations, becomes a frenzy. Its subtlety, its complexity, its mutability are the spurs which stimulate it. It grows by what it feeds upon, and its appetite knows no bounds or restraint. Each effect it produces acts as a link in an infinite series of possibilities. Begun as a controllable influence, it ends by taking possession of every faculty of its possessor.

Here is where lurks the danger in this centralized power. It will wax in strength and increase as the years go by, for surrendering nothing, jealously guarding each new power as acquired, powerful to resent interference, and hasty to visit condign punishment on all who seek to curb or control it, it will soon become a menace to the free and untrammeled operation of the Government itself, and, in the language of President Garfield—

> the State legislatures of the Union, in creating these vast corporations, have evoked a power greater than the legislatures themselves.

Mr. President, the people know that national and State bounties went into the building of the roads; they know that the wealth of the country has contributed to the success of the railroads, as the railroads have aided in the development of the wealth of the country; they know the railroads, having grown to power, feel safe in whatever wrong or injustice they may practice, and they feel and they know that there is no relief from the extortionate demands and unjust impositions of these roads other than that which the Government will afford. They know that to a certain extent these corporations are governmental agencies exercising in part governmental functions, and to that extent are subject to governmental control, and they appeal to this Congress to so control and regulate them that the tariffs and schedules of charges which they may establish shall be subject to governmental revision. They are asking no further protection of this Republic than the monarchies of the Old World extend to their subjects.

No civilized government in the world permits this class of corporations, engaged in a public service and to that extent public servants, the unrestricted right to fix and establish the rates which the people shall pay before they can move their produce. In England, France, Germany, Austria, Russia, and, in fact, all over Europe the government either owns these public

utilities or through some boards, tribunals, or other agencies control and regulate the carriers in their transportation charges.

And while it has been contended that Government control of the public carriers in the continental countries has resulted in a higher rate of charges, yet I have such an abiding faith in our institutions and in the strength and fairness of our Government that I am led to believe the governmental control of these vast corporate agencies will in the end lead to the greatest good to the greatest number.

GAMBLING IN THE TERRITORIES.

Mr. BURNHAM. I ask unanimous consent to call up the bill (H. R. 10853) to prohibit gambling in the Territories, which is on the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

Mr. ALDRICH. I was about to move that the Senate adjourn.

Mr. HEYBURN. I suggest that we have an executive session.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Rhode Island.

Mr. FORAKER. I hope the Senator will withhold that motion until the bill the Senator from New Hampshire has asked consideration of may at least be read and placed before the Senate. It will be impossible to dispose of it this evening, but it will give notice to Senators that the bill is under consideration and that at an early day it will be voted upon. It is a bill which is directly connected with the question of statehood. It proposes to prohibit gambling in the Territories by much severer penalties than any heretofore imposed. If we could take it up and proceed with it until the bill has been read, it might then go over.

Mr. LODGE. The bill has been read.

Mr. BURNHAM. I would be glad to have the bill taken up to-morrow.

Mr. BEVERIDGE. I was going to suggest——

Mr. ALDRICH. I think the bill had better go over until to-morrow.

Mr. FORAKER. If the bill has been read, as I have just been informed it has been——

Mr. LODGE. It has been read.

Mr. ALDRICH. I insist on my motion.

The VICE-PRESIDENT. The bill has been read.

Mr. FORAKER. I wish to call the attention of the Senator from New Hampshire who has the bill in charge to the fact that we will want to discuss this measure somewhat, and that I will want to have a time fixed for voting on it, so that Senators can be here.

The VICE-PRESIDENT. Objection is made to the present consideration of the bill.

Mr. BEVERIDGE. Perhaps it might be understood——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Indiana?

Mr. ALDRICH. For the purpose of making an inquiry.

Mr. BEVERIDGE. I wish merely to make a suggestion to the Senator from Ohio and the Senator from New Hampshire. Perhaps we might be able to take up the bill to-morrow after the morning business. I understand that there is no speech to be made on either side upon the rate bill to-morrow.

Mr. FORAKER. I think it would be well for us to have an understanding that we will press the bill from time to time as opportunity is afforded.

Mr. LODGE. It will be impossible to displace the rate bill.

Mr. BEVERIDGE. Oh, of course; but with the rate bill temporarily laid aside, if no Senator wishes to speak on it, I see no reason why we should not proceed with this measure to-morrow. I presume that is agreeable to the Senator from Ohio.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 18, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 17, 1906.

DISTRICT ATTORNEY.

Frank H. Watson, of Michigan, to be United States attorney for the eastern district of Michigan, in the place of William D. Gordon, whose term expires May 1, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 17, 1906.

DISTRICT JUDGE.

Alfred S. Moore, of Pennsylvania, to be United States district judge, division No. 2, district of Alaska.

POSTMASTERS.

ARKANSAS.

James Brizzolara to be postmaster at Fort Smith, in the county of Sebastian and State of Arkansas.

Henry D. Lefors to be postmaster at Gentry, in the county of Benton and State of Arkansas.

MICHIGAN.

Loomis K. Bishop to be postmaster at Grand Rapids, in the county of Kent and State of Michigan.

NEW YORK.

Edgar S. Clock to be postmaster at Islip, in the county of Suffolk and State of New York.

Walter C. Dolson to be postmaster at Kingston, in the county of Ulster and State of New York.

PENNSYLVANIA.

John H. Martin to be postmaster at Greenville, in the county of Mercer and State of Pennsylvania.

James H. Porter to be postmaster at New Wilmington, in the county of Lawrence and State of Pennsylvania.

Christian H. Sheets to be postmaster at Braddock, in the county of Allegheny and State of Pennsylvania.

Huston S. Williams to be postmaster at Fairchance, in the county of Fayette and State of Pennsylvania.

VERMONT.

William H. Humphrey to be postmaster at Fort Ethan Allen, in the county of Chittenden and State of Vermont.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 17, 1906.*

[*Legislative day of April 16.*]

The recess having expired at 11.30 a. m., the House was called to order by the Speaker.

NATIONAL QUARANTINE BILL.

The SPEAKER. On the pending bill the gentleman from Louisiana [Mr. DAVEY] is entitled to twenty minutes, and the gentleman from Georgia [Mr. BARTLETT] is entitled to twenty minutes.

Mr. BEALL of Texas. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BEALL of Texas. I raise the point of order that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. BEALL of Texas (during the count). Mr. Speaker, may I inquire whether or not the count has determined that a quorum is present?

The SPEAKER. The Chair is trying to determine the presence or absence of a quorum. [After counting.] One hundred and ninety-seven Members are present—a quorum. [Applause.] The gentleman from Louisiana [Mr. DAVEY] is recognized.

Mr. DAVEY of Louisiana. Mr. Speaker, I desire but a moment to say to the House that the bill now before it for consideration is the bill S. 4250. The committee reports striking out all after the enacting clause and substituting the bill H. R. 14316, which is exactly the same bill that was considered by this House and passed on April 3, just two weeks ago to-day. Mr. Speaker, I now reserve the balance of my time.

The SPEAKER. The gentleman from Louisiana reserves the remainder of his time. The gentleman from Georgia [Mr. BARTLETT] is recognized.

Mr. BARTLETT. Mr. Speaker, this is but an effort on the part of those who had the management of this House bill to untangle it from an unfortunate parliamentary situation in which they placed it by reason of the precipitate haste with which they forced the consideration of the House bill on the 3d day of the present month. The Senate the day before had passed this bill which we now have up for consideration and was then on the Speaker's desk, and the gentlemen then could have as well offered the House bill in place of the Senate bill, as they do now. In that event the House would have been permitted to express its preference between the two bills, which they were not permitted to do, but which those who opposed the House bill with the objectionable seventh section desired to do.

It is not necessary to repeat here the reasons for the situation with which the House was confronted and which prevented the due consideration of the questions involved in this bill. I want

to state very briefly that so far as the Senate bill was concerned, while I have some inherent and fundamental objections to the Federal Government assuming exclusive control over the matters of quarantine, yet yielding to the pressure that is behind the passage of a quarantine bill such as the gentleman from Mississippi [Mr. WILLIAMS] drew, and which bill would not have met with serious objection at my hands, at least, I want to say that I am content to have the Senate bill that is now on the Speaker's table passed. But I am not content, and I will undertake to repeat the reason why I am not content, to have the bill which the majority of the members of the Committee on Interstate and Foreign Commerce drafted in place of the one which it was understood was the concurrent judgment and desire of those from the section of the country which in the past year has been visited by yellow fever substituted for the bill introduced by the gentleman from Mississippi [Mr. WILLIAMS] and by the Senator from Florida [Mr. MALLORY], and passed in place of that bill, as the consensus of the opinion of the gentlemen who met for the purpose of securing quarantine legislation. However much I may subject myself to criticism, as I did the other day at the hands of the distinguished chairman of this committee and of other Members of this House, or those who may not be Members of the House, I do not believe Congress has the power to pass it, and I am content to take my humble place alongside of those who were likewise criticised by the gentleman from Iowa in his speech on the 3d, when he said this:

> In the earlier days when it was proposed to do something in a national way for the betterment of the people the early patriots of the Democratic persuasion always threw up their hands, as does the gentleman from Georgia to-day, and said, "Ah, this is unconstitutional."

As I say, I am ready and willing to take my place, and feel complimented that I should be so placed by the gentleman from Iowa, along with the earlier patriots of the Democratic party who resisted the invasion by the Federal Government of the powers of the State to control and regulate their own police affairs. [Applause.]

I do not desire to consume the time this morning except to repeat and state here the language of the Supreme Court in one of the adjudicated cases, as follows:

> The power of the State to impose restraints and burdens upon persons and property in the conservation of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government, nor directly restrained by the Constitution of the United States, and essentially exclusive. It is not to be doubted that the power to make the ordinary regulations of police remains with the individual States, and can not be assumed by the National Government.

Mr. Speaker, I do not care to burden the House or to delay the consideration of this bill by further reference to cases. I have undertaken on previous days to state my views before the House on the law, as I understood the law, as I understood the doctrine which I am proud to advocate upon the floor of this House. I state here, in conclusion, my conviction that this House, this Congress, can not legitimately or lawfully pass a law containing a provision which would prevent a State from stopping at its borders and prevent entering therein any person or vessel or train containing persons infected with disease or that have been exposed to disease. By that doctrine I stand to-day, and by that doctrine I propose to stand, and I am content to leave it to the great tribunal of the country—the Supreme Court of the United States—which, in my judgment, will finally uphold that doctrine so safe, so sound, so American, so democratic that it has been embodied in the fundamental law of the land, that it is reserved to the States, and that you can not take it away from them. [Applause on the Democratic side.]

Mr. Speaker, I yield ten minutes to the gentleman from Texas [Mr. BEALL].

Mr. BEALL of Texas. Mr. Speaker, this bill has afforded the Speaker of this House an opportunity to manifest his increasing love and admiration for the Senate by following one of its precedents in regard to what constitutes a quorum. I very much fear that this action will be seized upon in the future by a mean and narrow partisanship to serve some base purpose.

It seems the irony of fate that, to pass this one bill, gentlemen from this side of the House have been compelled twice to contradict their professions of a lifetime and twice to abandon the traditions of their section and their party.

In the first place, Mr. Speaker, I deny that there is any necessity to vest the Federal Government with any additional authority with respect to quarantine matters. If the purpose is to utilize the great resources of the Government in preventing the introduction of yellow fever into this country or in combating it when it has gained a foothold here, I insist that further legislation is wholly unnecessary.

Every agency and power of the Government can be invoked at the present time and under the present laws. Around the entire border of the United States—upon the coasts of Gulf and oceans, upon the Canadian and Mexican borders, everywhere—the Government now has its agents and inspectors guarding against the introduction of infectious disease. Not a train can come across our border, not a ship can empty its passengers or its cargo of freight without the consent of the Federal officials. In addition to this the States have all their machinery in operation to subserve the same purpose. Before yellow fever can enter our country to-day to blight our cities, paralyze our commerce, and destroy our people it must elude the vigilance of both the national and State authorities. But under this bill it is proposed to deny to the States the right to protect themselves in this way. Upon what theory can this be justified? Will anyone say that the peril will be lessened by lessening the precautions against peril? Is a country safer from the invasion of hostile fleets or armies with but one line of forts protecting its borders than it would be with two? Is an army safer with the protection of only one line of pickets than it would be with two? Are the lives of our people better guarded with only the Federal Government warding off disease than they would be with both the Federal and the State governments uniting for their protection? Gentlemen must adopt this strange line of argument before they can support this bill.

Is the purpose of this bill to have the Federal Government employ its energies to suppress disease after it has gained a foothold here? Further legislation is not necessary for this purpose, because the General Government, under existing laws, can utilize all its resources to attain this end in harmony with and in cooperation with the States. This has been done repeatedly in Texas and elsewhere. A few years ago there occurred an outbreak of yellow fever at Laredo and again at San Antonio. Last year almost the whole of Louisiana was scourged. In these instances, and in many others, the States and the Federal Government labored together in harmonious and friendly rivalry to stamp out the pestilence. Each was a help, an encouragement, and a check upon the other. Why should it be otherwise? If a city is staggering under an epidemic of disease, all its energies and resources should be devoted to an effort to check its inroads and to destroy it. The State should cooperate with the city, but it should not deny to the city the right to protect itself. In like manner, when pestilence enters a State the Federal Government should cooperate with the State, but it should not assume to itself exclusive authority and paralyze and destroy the power of the State to protect itself.

But, Mr. Speaker, if it is insisted that it is necessary to have additional legislation, why not accept the bill that has passed the Senate without such radical amendment? That great body has said by its action that the provisions of its bill are sufficient. That bill has also received the approval of the people most interested. A few months ago a conference was held at Chattanooga, participated in by representative men of almost every Southern State. This conference, after due deliberation, recommended certain legislation, and the Senate bill was introduced and passed as a substantial compliance with such recommendations. In addition to the indorsement of this conference, the Senate bill received the approval of the gentleman from Mississippi [Mr. WILLIAMS] who introduced a like bill in this House. In addition to all this, the Senate bill was indorsed at a conference of the representatives of almost every State that is subject to epidemics of yellow fever. The Senate bill thus comes to us not only with the indorsement of the Senate, but with the approval of all those most interested in protecting this country against yellow-fever scourges.

Not only this, but the Chattanooga conference refused to indorse the very character of proposition that is now sought to be forced upon the people of the South, and the conference of southern representatives refused to indorse it, and the gentleman from Mississippi [Mr. WILLIAMS] refused to incorporate it in the bill introduced by him.

We now witness the spectacle of gentlemen who participated in the Chattanooga conference and in the conference of southern representatives here clamoring for the very provision they refused to accept, and the gentleman from Mississippi [Mr. WILLIAMS] now appears as the special champion of the very provision that he repudiated time after time.

How can gentlemen explain or justify such inconsistency? Although we have existed for about one hundred and seventeen years without the Federal Government usurping this one right of the State to control matters pertaining to the health of its people, gentlemen now seem suddenly frightened lest chaos may ensue if the States do not at once surrender this power.

With section 7 of this substitute bill eliminated, I dare say that there would not be a vote in this House against it, yet gentlemen are thrown into a paroxysm of anguish at the sug-

gestion of striking out a section that nobody from the South seemed to favor originally. What is this section 7, about which the affections of so many seem to be entwined to-day? It is as follows:

SEC. 7. That every common carrier, engaged in interstate commerce, shall, under such regulations, restrictions, and safeguards as may be promulgated by the Secretary of the Treasury, receive, carry, and transport through any State or Territory necessary to complete the journey or carriage into a State wherein delivery or debarkation may be lawful, all passengers, freight, or baggage which may have been discharged and properly certified in accordance with the regulations of the Public Health and Marine-Hospital Service; and every person interfering with or obstructing such carrier or any passenger or any instrumentality of commerce in any such carriage or journey shall be guilty of a misdemeanor and on conviction thereof be punished by a fine not exceeding $500 or be imprisoned for a period not exceeding one year, or both, in the discretion of the court: *Provided*, That this section shall not be construed as giving authority to any person to debark or unload freight in any locality contrary to the lawful regulations thereof.

There are eight sections in this bill. The last provides for an appropriation. The first six are quarantine sections. They deal with the means of protecting this country against disease. They provide methods of inspection and disinfection of persons and property; they throw restrictions about the movement of persons and property, in order to reduce the danger of infection being carried from one point to another. Section 7 is in contradiction to all the other sections. It is not a quarantine section; it is a commercial section. It places no embargo upon the movement of persons and property from infected to noninfected points, but facilitates such movement. It does not lessen the opportunities for the transmission of disease; it increases them. It will not check yellow fever; it will spread it. It does not look to the protection of life and health of the people; it protects the railroads. It is not responsive to the demands of the people; it is in obedience to the behests of the transportation companies. It subordinates the rights of the States and the lives of human beings to the right of railroad companies to pile up earnings to satisfy the greed of stockholders. It is one more testimonial to commercialized spirit of this age, when even a measure for the protection of human life can not escape the tainting touch of railroad influences.

I do not know in whose mind this section originated, but it is apparent that it was conceived for the double purpose of aiding the transportation companies to run their trains without regard for life and of destroying the power of the State to protect itself in its own way and under its own laws.

Under the pretended authority of the interstate-commerce clause of the Constitution it compels a State to permit a railroad train to run through its limits, even though such train may be loaded down with people scourged by the "yellow peril." But gentlemen say that under this bill passengers are not permitted to leave the train contrary to the "lawful regulations" of a State. It is not necesary for a single passenger to put his foot upon Texas soil to endanger the lives of our people. A single infected mosquito escaping from such a train might be the messenger of death to a thousand.

We protest against this section as a vicious, unwaranted, and unnecessary interference with the right of a State to protect its people by requiring those coming from infected points to remain in detention until the danger is past. If Congress can compel Texas to permit a train of yellow-fever-infected people to pass through Texas with Colorado as their destination, Congress can compel Texas to permit them to stop in Texas. It is no more interstate commerce in the one case than in the other.

So far as Texas is concerned, she is moved by no spirit of hostility to other States in her opposition to this bill. She sympathizes with any people who are afflicted with the yellow-fever scourge. Gentlemen have spoken complainingly about the hardships imposed, in occasional instances, by her quarantine regulations. I concede that in many instances great inconvenience results. This can not be avoided. Our regulations are based upon the theory that it is better that a few should suffer hardship and inconvenience rather than that the grisly horror of disease and death should come to the many. In carrying out this policy we do not impose any greater burdens upon the people from infected States who seek entrance into Texas than we impose under like conditions upon our own people. When Laredo and San Antonio had yellow fever a few years ago Texas gave them every resource at her command to stamp out the disease, and in the case of San Antonio this was done in a very brief time; but so long as there was danger no person was permitted to leave Laredo or San Antonio except by complying with the very same regulations that were enforced upon the border line of Texas and Louisiana last year.

So effective was our quarantine last year that, while the specter that casts its shadow upon the palace and the hovel alike visited almost every parish in our sister State of Louisiana and came almost within sight of our Texas border, there was not one single case in Texas. Measured by such results as this, how petty and unreasonable seems this outcry against the hardships of our system. The gentleman from Louisiana [Mr. RANSDELL] in his remarks some days ago complained because the governor of Arkansas would not permit a train load of refugees from fever-infected points in Louisiana to pass through Arkansas, and then he admits that by the time that train reached the capital of Kentucky seven cases of yellow fever had developed on it. The purpose of section 7 of this bill is to compel States under just such circumstances to permit the passage of such trains.

Mr. Speaker, Texas does not want to surrender this last relic of State sovereignty to the Federal Government. While she has welcomed the aid and cooperation of the Washington Government when her cities have been stricken, she would forego that assistance rather than yield up the right to guard her own border and to protect her own people. We have never been a mendicant asking favors, but when in times of danger help has been offered her she has accepted it without the sacrifice of her dignity or honor.

Gentlemen have seen proper to taunt us with the statement that we have appealed to the Government here for aid in the effort to exterminate the boll weevil. This is an unfortunate argument for gentlemen to make. We did ask the Federal Government to assist us in that effort. We were already afflicted. We did not ask the Government at Washington to assist us in sending infection to the cotton fields of Louisiana and Mississippi. We asked the Federal Government to help us confine it to the area already infected, and to prevent its spread. We asked Congress to aid us to make it impossible for your fields to be ravaged, while you now beg Congress to disarm the protecting sentinel that stands guard before the door of every Texas home. [Applause.]

Mr. Speaker, the contest of to-day is but a renewal of the struggle that began with the establishment of our Government and has continued under varying forms and conditions ever since—an effort to take from the States some part of the power originally given to them to vest it in the General Government. In my judgment no single piece of legislation has ever done more to magnify the one and to degrade the other than will this bill if it is enacted into law. Our regret over this lamentable result is increased by the reflection that in other days the people of the South have stood steadfastly as the defenders of the faith of the fathers, while to-day this crusade for the dishonor of the States is led by those coming from what has heretofore been the very citadel of State sovereignty.

So far as we of Texas are concerned, we are determined not to sacrifice the old faith even to plunder the Treasury, nor to sacrifice the safety of our people even to accommodate the wishes of great transportation companies. Our faith may be simple and antiquated, but we cling to it because we believe that to preserve the integrity of the States is to preserve the whole fabric of our free Government; because we believe that when the States become mere geographical divisions, losing their political power and autonomy, then our Government will differ but little from the monarchies of Europe. We of Texas still believe that the individual citizen is the true political unit of this country, and that he ought to possess all the rights bestowed upon him by nature, except such as he surrenders for the public good. We still believe that the States are the repositories of political authority, entitled to exercise all power except such as they have voluntarily surrendered to the General Government, and that this Government can rightfully and righteously exercise only such power as the States have expressly given it or have given it by just and proper implication. So believing, it is not strange that we oppose this bill that strips the States of a power that they have exercised for almost a century and a quarter, and that attempts to give to the General Government a right that it never asserted until now.

We deny that Congress has the power to legislate in the manner proposed by this bill. We claim that it is a matter wholly within the power of the States. In determining whether this is true, we think it is proper to start out with the presumption that it is a power vested in the States. Under our system of Government this must be true unless the States have voluntarily surrendered this power to the Federal Government. The States have never yielded any powers originally belonging to them except in two ways, either by direct grant of power to the Federal Government or by the implied power made necessary and proper to carry into effect some expressed power.

The first seventeen paragraphs of section 8, Article I, of the Constitution, make express grants of certain powers to Con-

gress, and paragraph 18 of the same section and article says that Congress shall have power—

to make all laws which shall be necessary and proper for carrying into execution of the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

Nobody contends that there is any express grant of power to Congress to legislate upon such matters as interstate quarantine, or upon any other matters coming within the jurisdiction of the police powers of the States. Does Congress possess any implied power to do so? Under the clause of the Constitution quoted above, before a proposed statute is authorized under the implied power of Congress to legislate, it must appear that such statute is necessary and proper for carrying into effect some power expressly granted. What express grant of power is there in the Constitution which it is necessary and proper to make effective by Congress vesting control of quarantine regulations in the General Government? The "general welfare" clause can not even be invoked, for it relates wholly to the purposes for which Congress can impose taxation.

It has been urged here that the authority is found under the clause of the Constitution under which Congress is given the power to "regulate commerce with foreign nations and among the several States." Nobody denies that under this clause Congress has exclusive jurisdiction, if it chooses to exercise it, over interstate commerce, and that, in conjunction with this express power, it has all additional power "necessary and proper" to carry into effect this power. But the authority to regulate interstate commerce does not imply the power to administer interstate quarantine. Chief Justice Taney (5 How., p. 576) says:

It must be remembered that disease, pestilence, and pauperism are not subjects of commerce, although sometimes among its attendant evils. They are not things to be regulated or trafficked in, but to be prevented, as far as human foresight or human means can guard against them.

In the argument of the Passenger cases the following words were used:

Suppose a citizen or an alien, no matter whom, the President of the United States or the humblest individual that ever entered the harbor to approach our city, bringing infection, bearing death to thousands—an approach more dreadful than that of an invading army. He is repelled, justly repelled, by the express authority of the law of nations. By whom is he repelled? By the Federal Government? Under what clause of the Constitution? Under which of its powers? Under its commercial power? A traffic in contagion! A tariff on disease! Under its war power? A war with the king of terrors! No; the State, and the State alone, has the power, and alone is charged with the duty of repelling disease and of guarding its confines from the entrance of whatever might injure its citizens.

There is no attempt to "regulate" commerce under any of the quarantine laws of any of the States. But gentlemen say that commerce is "affected" by State quarantine regulations. I concede that this is often true, but the power of Congress to regulate commerce is subordinate to the right of the State to protect itself against the introduction of disease, even though commerce may be affected thereby, provided the State exercises its power in a reasonable manner.

Daniel Webster, in arguing the case of Gibbons *v.* Ogden, admitted that quarantine laws affected commerce, but did not regulate it as long as they remained reasonable and were not used as a color for other purposes. The decisions of the Supreme Court of the United States have been numerous upon this point. In the Slaughter House case, Judge Miller says (16 Wall., p. 63):

The exclusive authority of State legislatures over this subject is strikingly illustrated in the case of City of New York *v.* Miln. In that case the defendant was prosecuted for failing to comply with a statute of New York which required of every master of a vessel arriving from a foreign port, in that of New York City, to report the names of all his passengers, with certain particulars of their age, occupation, last place of settlement, and place of their birth. It was argued that this act was an invasion of the exclusive right of Congress to regulate commerce. And it can not be denied that such a statute operated at least indirectly upon the commercial intercourse between the citizens of the United States and foreign countries. But notwithstanding this it was held to be an exercise of the police power properly within the control of the State and unaffected by the clause of the Constitution which conferred on Congress the right to regulate commerce.

In Patterson *v.* Kentucky (97 U. S., p. 505) Judge Harlan says:

We have frequently decided that the police power of the States was not surrendered when the Constitution conferred upon Congress the power to regulate commerce with foreign nations and between the several States. Hence the States may, by police regulations, protect their people against the introduction within their respective limits of infected merchandise. A bale of goods upon which duties have or have not been paid, laden with infection, may be seized under health laws, and if it can not be purged of its poison, may be committed to the flames. So may the States by like regulations exclude from their midst not only convicts, paupers, idiots, lunatics, and persons likely to become a public charge, but animals having contagious diseases. This court has never hesitated, by the most rigid rules of construction, to guard the commercial power of Congress against encroachments in the form or under the guise of State regulations, established for the purpose and with the effect of destroying or impairing rights secured by the Constitution. It has, nevertheless, with marked distinctness and uniformity recognized the necessity, growing out of the fundamental conditions of civil society, of upholding State police regulations which were enacted in good faith, and had appropriate and direct connection with that protection to life, health, and property which each State owes to her citizens.

In the Passenger cases (7 How., p. 400) Judge McLean says:

In giving the commercial power to Congress the States did not part with that power of self-preservation which must be inherent in every organized community. They may guard against the introduction of anything which may corrupt the morals or endanger the health or lives of their citizens.

In Gibbons *v.* Ogden (9 Wheaton, p. 235) Judge Johnson says:

It is no objection to the existence of distinct, substantive powers that, in the application, they bear upon the same subject. The same bale of goods, the same cask of provisions, or the same ship, that may be the subject of commercial regulation, may also be the vehicle of disease. And the health laws that require them to be stopped and ventilated are no more intended as regulations on commerce than the laws which permit their importation are intended to inoculate the community with disease. Their different purposes mark the distinction between the powers brought into action; and while frankly exercised they can produce no serious collision.

In the License cases (5 How., p. 589) Mr. Justice McLean said:

The license acts of Massachusetts do not purport to be a regulation of commerce. They are police laws. Enactments similar in principle are common to all the States. * * * The acknowledged police power of a State extends often to the destruction of property. A nuisance may be abated. Everything prejudicial to the health or morals of a city may be removed. Merchandise from a port where a contagious disease prevails, being liable to communicate the disease, may be excluded; and in extreme cases it may be thrown into the sea. This comes in direct conflict with the regulation of commerce; and yet no one doubts the local power. It is a power essential to self-preservation and exists necessarily in every organized community. It is indeed the law of nature, and is possessed by man in his individual capacity. He may resist that which does him harm, whether he be assailed by an assassin or approached by poison. And it is the settled construction of every regulation of commerce that, under the sanction of its general laws, no person can introduce into a community malignant diseases or anything which contaminates its morals or endangers its safety. And this is an acknowledged principle applicable to all general regulations. Individuals in the enjoyment of their own rights must be careful not to injure the rights of others.

From the explosive nature of gunpowder a city may exclude it. Now, this is an article of commerce, and is not known to carry infectious disease; yet to guard against a contingent injury a city may prohibit its introduction. These exceptions are always implied in commercial regulations where the General Government is admitted to have exclusive power.

They are not regulations of commerce, but acts of self-preservation. And although they affect commerce to some extent, yet such effect is the result of the exercise of an undoubted power in the State.

In the Passenger cases, before referred to, Judge Wayne says:

That the States of the Union may, in the exercise of their police powers, pass quarantine and health laws interdicting vessels coming from foreign ports or ports within the United States from landing passengers and goods, describe the places and time for vessels to quarantine, and impose penalties upon persons for violating the same, and that such laws, though affecting commerce in its transit, are not regulations of commerce, prescribing terms upon which merchandise and persons shall be admitted into the ports of the United States, but precautionary regulations to prevent vessels engaged in commerce from introducing disease into the ports for which they are bound, and that the States may, in the exercise of such police power, without any violation of the power in Congress to regulate commerce, exact from the owner or consignee of a quarantined vessel, and from the passengers on board of her, such fees as will pay to the State the cost of their detention and of the purification of the vessel, cargo, and apparel of the persons on board.

For the collection of these interesting and, I think, conclusive authorities we are greatly indebted to the legal learning and industry of Edgar H. Farrar, esq., a distinguished member of the New Orleans bar, who presented them in an admirable discussion before the Mobile quarantine convention in 1898.

I do not believe that it can be successfully contended that the Supreme Court of the United States has ever decided, in any case where the proposition was directly before it and necessary to be decided, that Congress has the right to assume jurisdiction over matters of quarantine between the States, or has the right to restrict the States in the exercise of any right that, in sound discretion, they may see proper and necessary to exercise to prevent the introduction of disease, or has ever held that the authority of the States is not exclusive upon such matters.

I am aware of the fact that in recent years that tribunal has, by way of obiter dictum, suggested that the authority of a State to legislate upon the subject of quarantine would be abrogated if Congress should see fit to enact a general quarantine law. I insist, however, that in none of these cases has such a proposition been presented or argued before the court or necessary to the decision of any case, and that if that court should ever hold such a vicious doctrine it must overrule the decisions of the best and wisest judges that have ever graced that great tribunal.

I believe that the true rule is that quarantine regulations come within the exercise of the police powers of a State that can not be interfered with by the Federal Government. These police

powers inhere in every original sovereignty and they existed before any constitutions were adopted. Every State possesses, and must possess the power to legislate exclusively within its limits upon matters relating to the protection of health, life, comfort, and well-being of its people and in relation to the property rights of its citizens. If the Federal Government can invade the sovereignty of a State to the extent of taking away one of its police powers, it can take them all away. If it can deprive a State of the right to protect the lives of its citizens against disease, with equal reason it can deny to a State the right to protect its citizens against murderous assaults or the property of the State against arson. Nobody will now contend that Congress has authority to legislate with respect to any of the matters last named, yet these do not come any more clearly within the police powers of the State than the quarantine power does.

Chief Justice Marshall, in Gibbons *v.* Ogden (9 Wheat., p. 203), says:

> Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpikes, roads, etc., form a part of that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government. No direct power over these subjects is granted to Congress, and consequently they remain subject to State legislation.

Gentlemen say that in some of the States the power to administer its quarantine affairs is not properly exercised. It has never been considered within the province of Congress to inquire whether the States are exercising wisely or well any of the police powers inherent in them. Congress may not believe that the criminal laws of a State are wisely drawn or justly administered, yet Congress has no right because of this belief to deprive a State of any part of its jurisdiction over offenses committed within its limits and against the "peace and dignity of the State."

If it be said that the assumption of this power by Congress would result in more uniform regulation, the same may be said with equal force in regard to the administration of the divorce laws and in reference to many other matters over which the jurisdiction of the States is admitted to be exclusive. It is one of the penalties we have to pay for having our dual system of government, and these distinctions and differences in the laws of different States and in the methods of their administration will not cease until the work of destruction of the States already begun, is completed.

Gentlemen say that the Federal Government can administer quarantine laws more effectively than the State. I deny the proposition. I contend that the proposition is true that the closer you bring home to the people the administration of any law for their protection the more effective will be its enforcement. I do not believe that the Government at Washington can administer any of the affairs of Texas with as much wisdom or with as good results as can the people of Texas themselves. The truth of the matter is that I do not believe that the Federal Government can do anything as well as Texas can do it. Gentlemen having less faith in their own States may have reason for their desire to surrender the rights of their States to the Federal Government, but Texans do not want to do so. We want the Federal Government to exercise to the fullest extent that necessity may require every power that has been given to it, but we want it to go no further. We do not want to take from it a single power that it rightfully has, but we do not want to surrender to it a single power which it has not.

As I view it, I fear that the political evolutions of the past twenty-five years have been so great that we are now face to face with the proposition as to whether or not it is wise to longer attempt to maintain our Government under the theory under which it was first established. Every man here takes an oath to support the Constitution, but many crack it by the liberality of construction they give to it. By word of mouth they promise to observe the written Constitution that says that "the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively, or to the people," but by their conduct they interpret it to vest in the General Government all power not expressly denied to it. The question is whether we will have an "indissoluble union of indestructible States" or whether we will have a nation made up of petty provinces and dependencies. There are many who will seriously assert that the present trend toward centralization is for the better, and that we have outgrown the government of the fathers. If this be true, then it should be changed in the way provided by the Constitution for its amendment and not by its annulment and the willful usurpation of power.

I call the attention of gentlemen from the South to a recent address of Secretary Shaw, delivered at Baltimore, in which he discusses the present drift toward centralization and refers, with evident satisfaction, to the fact that the leaders of the old party that had always opposed this tendency were now clamoring that Federal authority should now extend farther than it had ever gone before.

He says:

> The Federal Government has exercised the authority vouchsafed in the Constitution in supervising international and interstate commerce. The national banking act, antitrust legislation, and railway supervision are well-marked instances of the trend toward a stronger central government. Have we reached the limit? It would seem not. The demand for Federal supervision of corporations, for insurance control, for additional rate legislation, for government inspection of foods, all look in the same direction, *and to add to the prospect of a yet stronger and more centralized government I cite the fact that the old State sovereignty party has now become the most pronounced advocate of enlarged Federal jurisdiction and supervision.* The people of the United States are becoming Hamiltonians very rapidly.

If he was not referring to your action upon this very bill, then to what did he refer?

I do not believe in this spirit of centralization. I believe that our Government as originally established was the wisest and best product of mortal man, and I believe that our safety, liberty, and happiness depend upon preserving it as it was given to us.

I concede that a great part of the agitation of to-day for additional power to the Federal Government is due to the failure of the States to exercise at all, or to exercise wisely, the functions belonging to them. They have failed to exercise the jurisdiction they possess over many subjects, and the people, impelled by the realization that conditions are not as they should be, have turned to the Federal Government for relief. Take some familiar illustrations. If the States had regulated and controlled with energy and diligence the great insurance companies operating within their respective limits, the scandals and crimes revealed by the recent disclosures would have been avoided and the demand for Federal supervision would not have been urged. If the States would do their duty in providing proper public highways for the comfort and convenience of their people, the demand for Federal aid in road building would never have been countenanced for a moment. If the States had vigorously asserted their right to control the sale of food products and to prevent imposition upon their people by food adulterations, then the so-called "pure-food" crusade would never have been started.

The remedy for many of the ills of the present conditions is largely with the people of the States. If they will demand, and rigorously enforce their demand, that the States exercise the powers belonging to them, the States will grow vigorous and strong again. If the people do not jealously guard their rights and compel their States to assert and maintain all their functions, they need not expect the dignity and power of the States to be maintained. The immutable laws of nature apply with equal force to an individual and to a State. The muscles of a blacksmith are harder and stronger than the muscles of a banker simply because they are used more. Bind the arm of the blacksmith to his side and in time it will become limp and helpless. So it is with a State. The failure to use any of the powers belonging to it will so enervate and enfeeble it that it will lose the power to perform the high functions of statehood belonging to it.

Gentlemen clamor for a great nation. I, too, want a great nation. I want it composed of great States, and these filled with great people. The process of nation building should begin with the people. To build up a great bureaucratic and centralized machine here in Washington will not make us great; it will dwarf the States and enervate the people. Make the people great by leaving to them the fullest measure of self-government and they will maintain great States, and these will make a nation of enduring greatness. [Loud applause.]

Mr. BARTLETT. Mr. Speaker, I will ask if the gentleman from Louisiana desires to use any of his time now?

The SPEAKER. The gentleman from Georgia has two minutes remaining.

Mr. DAVEY of Louisiana. I do not wish to use any at the present time.

Mr. BARTLETT. I would like to have the gentleman from Louisiana use some of his time now.

The SPEAKER. The usage is that if the gentleman from Louisiana has only one speech in conclusion, he may require the gentleman from Georgia to use the balance of his time.

Mr. DAVEY of Louisiana. Mr. Speaker, it is not my intention to use more than one or two minutes in conclusion. There will be no debate on this side.

Mr. BARTLETT. Then, Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. FIELD].

Mr. FIELD. Mr. Speaker, it is impossible for me to be of any service in the consideration of this bill in two minutes' time, and I therefore yield back the time to the gentleman from Georgia.

Mr. BARTLETT. Mr. Speaker, I reserve the balance of my time.

Mr. DAVEY of Louisiana. Mr. Speaker, it is not my desire or my intention to delay a vote on this motion. I desire to assure the House that this is one of the most important subjects now before Congress in which our people of the State of Louisiana are interested. If gentlemen who have taken part in this debate had gone through a yellow-fever epidemic, as I have, they would not stand here upon technicalities. I have taken part in every yellow-fever epidemic since my birth, during the great epidemic of 1853. I have seen sights that I hope no Member of this House will ever see. I have seen them dying, and I have seen them dead. Mr. Speaker, there is no law strong enough for me to vote for that would keep the yellow-fever plague from the boundaries of the United States. The people of Louisiana today are feeling unrestful about the coming season. It is not that the quarantine time is coming, but it is here, and unless there be some relief given within a very short time, it would be useless, as it could do no good.

Now, Mr. Speaker, so that I may not waste the time of the House, I ask for a vote on this question. [Applause.]

The SPEAKER. As many as are in favor of the motion to suspend the rules and pass the bill with the amendment indicated in the nature of a substitute and the amendment of the title——

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Is it in order to offer an amendment to the substitute or to the Senate bill?

The SPEAKER. It is not under this motion.

Mr. BEALL of Texas. Mr. Speaker, would it not be in order by unanimous consent?

The SPEAKER. The House could do anything by unanimous consent.

Mr. BEALL of Texas. Then, Mr. Speaker, I ask unanimous consent to offer an amendment striking out section 7 and to substitute therefor——

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. DAVEY of Louisiana. Mr. Speaker, I object.

Mr. HEPBURN. Mr. Speaker, I object.

The SPEAKER. Objection is made. The question is on the motion to suspend the rules and pass the bill with the amendment in the nature of a substitute.

The question was taken; and on a division (demanded by Mr. BARTLETT and Mr. BEALL of Texas) there were—ayes 172, noes 22.

So, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

UNITED STATES COURTS IN TENNESSEE.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In view of the following report from the Attorney-General I return herewith, without approval, House bill No. 20:

"I have the honor to reply to your letter of April 13, wherein you ask to be advised whether I know of objection to the approval of H. R. 20, 'An act to change and fix the time for holding circuit and district courts of the United States for the middle district of Tennessee; in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee, at Greeneville, and for other purposes.'

"Under the statutes in force in Tennessee for a long time regular terms of the Federal courts at Nashville should commence on the third Monday of April, which this year is the 16th day.

"I am advised that preparation has already been made for holding the terms during the present month, and that witnesses and jurors have been summoned therefor. To postpone the terms until the first Monday in May, as provided in the bill, might be productive of serious inconvenience.

"As the result of many months of work by this Department arrangements have been made to bring before the grand jury at Nashville, already summoned, certain matters of great concern to the Government, and it may be important that it continue during a considerable period.

"In view of the peculiar circumstances relating to the approaching terms of courts at Nashville it appears to me that the interest of the Government will be best subserved if you withhold your approval from the bill."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 16, 1906.*

Mr. PALMER. Mr. Speaker, I move that the message and the accompanying document be referred to the Committee on the Judiciary.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania, that the message and the accompanying document be referred to the Committee on the Judiciary.

The question was taken; and the motion was agreed to.

COMPAÑÍA DE LOS FERROCARRILES DE PUERTO RICO.

The SPEAKER laid before the House the bill (H. R. 11976) for the relief of the Compañía de los Ferrocarriles de Puerto Rico, with Senate amendments.

The Senate amendments were read.

Mr. MAHON. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

ENTRY OF AGRICULTURAL LANDS WITHIN FOREST RESERVES.

Mr. DIXON of Montana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17576) to provide for the entry of agricultural lands within forest reserves, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary forest reserves, except in the State of California, which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the forest reserves, and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this act.

Upon the filing of any such list or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding 160 acres in area and not exceeding 1½ miles in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated: *Provided*, That any settler actually occupying and in good faith claiming such lands for agricultural purposes prior to January 1, 1906, and who shall not have abandoned the same, and the person, if qualified to make a homestead entry, upon whose application the land proposed to be entered was examined and listed, shall, each in the order named, have a preference right of settlement and entry: *Provided further*, That any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this act shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of such lands, which shall be distinctly marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed by law for the publication of his notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the register of the land office for the land district in which such lands are situated for a like period; and further, that any agricultural lands within forest reserves may, at the discretion of the Secretary, be surveyed by metes and bounds, and that no lands entered under the provisions of this act shall be patented under the commutation provisions of the homestead laws, but settlers, upon final proof, shall have credit for the period of their actual residence upon the lands covered by their entries: *Provided further*, That the Secretary of Agriculture may set aside such forest reserve lands as were not occupied by a bona fide settler January 1, 1906, when he considers them necessary for forest reserve administrative purposes, which lands so set aside shall be listed in the local land office and shall not be subject to settlement entry or location under the public-land laws during the life of the forest reserve in which they are situated, or until such lists are revoked by the Secretary.

SEC. 2. That settlers upon lands chiefly valuable for agriculture within forest reserves on January 1, 1906, who have already exercised or lost their homestead privilege, but are otherwise competent to enter lands under the homestead laws, are hereby granted an additional homestead right of entry for the purposes of this act only, and such settlers must otherwise comply with the provisions of the homestead law, and in addition thereto must pay $2.50 per acre for lands entered under the provisions of this section, such payment to be made at the time of making final proof on such lands.

SEC. 3. That all entries under this act in the Black Hills Forest Reserve shall be subject to the quartz or lode mining laws of the United States, and the laws and regulations permitting the location, appropriation, and use of the waters within the said forest reserves for mining, irrigation, and other purposes; and no titles acquired to agricultural lands under this act shall vest in the patentee any riparian rights to any stream or streams of flowing water within said reserves; and that such limitation of title shall be expressed in the patents for the lands covered by such entries.

SEC. 4. That no homestead settlements or entries shall be allowed in that portion of the Black Hills Forest Reserve in Lawrence and Pennington counties in South Dakota except to persons occupying lands therein prior to January 1, 1906, and the homestead provisions of this act shall apply to the said counties in said reserve only so far as is necessary to give and perfect title of such settlers or occupants to lands chiefly valuable for agriculture therein occupied or claimed by them prior to the said date, and all homestead entries under this act in said counties in said reserve shall be described by metes and bounds survey.

SEC. 5. That nothing herein contained shall be held to authorize any future settlement on any lands within forest reserves until such lands have been opened to settlement as provided in this act, or to in any way impair the legal rights of any bona fide homestead settler who has or shall establish residence upon public lands prior to their inclusion within a forest reserve.

With the following committee amendments:

Page 2, line 4, strike out "and one-half miles" and insert "mile."

Page 4, line 16, after "lands," insert "in said Black Hills Forest Reserve."

Page 4, line 18, strike out "reserves" and insert "reserve;" and in line 24, page 4, strike out the word "homestead."

Mr. DIXON of Montana. Mr. Speaker, I offer the following additional amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 3, beginning with line 17, strike out the proviso down to and including line 25.

On pages 4 and 5 strike out sections 3 and 4, and change the sectional numbering.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman for an explanation of the bill. In the first place, is that bill reported by the Committee on Public Lands?

Mr. DIXON of Montana. It is.

Mr. PAYNE. And has it the approval of the Department?

Mr. DIXON of Montana. Yes.

Mr. PAYNE. As I understand it, it applies to all forest reserves except those in the State of California?

Mr. DIXON of Montana. Yes.

Mr. PAYNE. And is a general bill to do what we have been doing by special bills for some time past in reference to forest reserves?

Mr. DIXON of Montana. Yes.

Mr. PAYNE. Is there any price fixed for the sale of these lands—minimum price?

Mr. DIXON of Montana. No.

Mr. PAYNE. No price of $2.50 an acre?

Mr. DIXON of Montana. Mr. Speaker, the statement of the gentleman from New York [Mr. PAYNE] is a statement of the correct situation. It is the Department bill drawn up by them to allow homestead entries on agricultural lands when they shall file the list in the regular Land Office. The provision of $2.50 an acre applies only to some persons who are situated in some of the far-distant reserves, where they had exercised the right of homestead, and in other cases they are made to pay $2.50 an acre for the lands which they have occupied.

Mr. PAYNE. Is that price fixed in this bill with sufficient deliberation, so that the matter will not come back here again with a motion to correct it by making it $5 or $7?

Mr. DIXON of Montana. I think it is. It is the recommendation of the Commission appointed by the President to recommend legislation concerning forest reserves.

Mr. PAYNE. After an examination?

Mr. DIXON of Montana. After an examination.

Mr. PAYNE. I notice that he gives preference to people there unlawfully, according to the usual terms, in this bill.

Mr. DIXON of Montana. I talked with the chief forester, and he said it was an equitable provision for a few people who had lived there for years, whom they did not want to dispossess, and they would pay the $2.50 an acre.

Mr. PAYNE. Is not there a great deal of danger to the forests and timber in the forest reservations by bringing this population in there?

Mr. DIXON of Montana. No; it only applies to little agricultural valleys that run through the reservations. By Executive order, I remember once in my own State 6,000,000 acres were put in a forest reserve, and scattered through those 6,000,000 acres are various little mountain valleys which will sustain a population, and it is to provide for that settlement in these valleys that they have prepared the bill in the Department, and they leave the discretion to the Secretary.

Mr. PAYNE. This bill requires the Secretary to segregate all lands in all forest reserves that are set apart for agricultural purposes.

Mr. DIXON of Montana. Yes; all over the country except California; California did not want it.

The SPEAKER. Is there objection?

Mr. HOGG. Mr. Speaker, I reserve the right to object until I can ask a question in regard to this. I would like to ask the gentleman from Montana, if he thinks it a wise provision to allow agricultural land anywhere to be sold at the discretion of any Secretary, whether Secretary of the Interior or Secretary of Agriculture?

Mr. DIXON of Montana. As a general proposition, I would say to the gentleman from Colorado I would not, but we wanted relief. The Department asked that it remain discretionary with the Secretary, and realizing the need of relief from the situation which now presents itself in the West, we took half a loaf as being better than no bread.

Mr. HOGG. The present condition of the public domain is this, is it not, that at the discretion of the President this entire domain may be put into the forest reserve?

Mr. DIXON of Montana. The President, by Executive order, can put half a State in a reserve if he wants to do so.

Mr. HOGG. It can not be taken out until the discretion of some Secretary is exercised.

Mr. DIXON of Montana. That is the provision of the bill.

Mr. HOGG. Would you have any objection to correcting this bill or amending it in the third line where it says that, "the Secretary of the Interior may, in his discretion, and he is hereby authorized upon application or otherwise to examine and ascertain," to amend the bill so it will read, that the Secretary of Agriculture shall upon application or otherwise examine and ascertain?"

Mr. DIXON of Montana. If the gentleman will offer that amendment, I will gladly accept it, so far as I am concerned.

Mr. HOGG. I would move, Mr. Speaker——

The SPEAKER. One moment——

Mr. LACEY. I would object to that amendment.

Mr. STEPHENS of Texas. I hope the gentleman from Iowa will not object. I apprehend that is one of the best amendments that can be put on this bill. I am in full sympathy with the object of the bill, and I believe the amendment offered by the gentleman from Colorado will meet the views of the entire western people. I understand the conditions there, and as long as it is left in the discretion of the Secretary of Agriculture or any Department here in Washington to release these immense amounts of land that are now held we might not get the relief that is demanded and needed in the western country, and I hope the gentleman from Iowa will not interpose an objection, but I will ask the gentleman this question: He understands the mineral law now permits a man to go upon lands in the West, and if they are chiefly valuable for minerals he can make his mineral entry upon this land. Now, why should you make a distinction between the miner and the farmer? When the land is chiefly valuable for agriculture, why should not you protect the farmer and permit him to go upon these forest reserves and take his homestead?

The SPEAKER. Is there objection to unanimous consent to consider this bill at this time?

Mr. STEPHENS of Texas. I was only insisting that the amendment proposed was a right and proper one.

The SPEAKER. But the Chair desires to know whether there is objection or not.

Mr. HOGG. Mr. Speaker, I do not wish to object, but I do wish the gentleman from Iowa would withdraw his objection.

Mr. LACEY. I have not objected to the consideration of the bill.

The SPEAKER. The Chair has asked if anybody objects. Is there objection?

Mr. MONDELL. Mr. Speaker, I do not wish to object to the consideration of the bill, but I desire, however, to have some time to discuss it.

The SPEAKER. The Chair hears objection; that is equivalent to an objection.

Mr. DIXON of Montana. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Montana moves to suspend the rules and pass the bill with amendment that has been read. Is a second demanded?

Mr. MONDELL. Mr. Speaker, I demand a second.

Mr. DIXON of Montana. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Montana asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Montana [Mr. DIXON] is entitled to twenty minutes, and the gentleman from Wyoming [Mr. MONDELL] to twenty minutes.

Mr. DIXON of Montana. Mr. Speaker, I reserve my time.

The SPEAKER. The gentleman from Montana [Mr. DIXON] reserves his time. The gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Speaker, I shall not object to the passage of this measure, but I think it is a bill that should be very carefully considered and thoroughly understood by the House. It may affect the title to considerable tracts within the 90,000,000 acres of land now in forest reserves and other millions of acres which may hereafter be included in forest reserves. The necessity for this legislation, if there be any considerable necessity for it outside of the Black Hills Forest Reserve, to which its provisions now apply, so far as the action of the House can make them apply, arises from the fact that in violation of the spirit of the forest-reserve law, in my opinion, if not the letter of that statute, forest reserves have been extended over territory more valuable for agricultural purposes than for forest reserves. And what I fear is that the passage of this act, giving the Secretary of Agriculture authority, in his discretion, to provide for the entry under the homestead law of agricultural lands within forest reserves, will lead to the very great extension of the reserves. One of the strongest arguments against the extension of reserves up to this time has been that there has been included in forest reserves in the past vast areas of grazing lands and some considerable areas of agricultural lands. This

is contrary to the spirit of the law, if not to its letter. And the opposition to the reserves in the West has been in the main—that portion of it, at least, which is best founded—to the inclusion of great areas of grazing lands and of some considerable areas of farming lands.

Now, if we give to the Secretary of Agriculture authority to suggest to the Secretary of the Interior that certain lands shall be open to entry and make it the duty of the Secretary of the Interior upon such request to open such lands, the tendency will be, in my opinion, to encourage the Forestry Bureau in the very great extension of forest reserves.

Mr. SMITH of Arizona. Will my friend permit me?

Mr. MONDELL. Yes.

Mr. SMITH of Arizona. Is there room left for any more forest reserves?

Mr. MONDELL. I think that here and there in the gentleman's country there may be patches of brush and in my country, perhaps, an occasional sagebush or a straggly mountain cedar that might be made the basis of a forest reserve.

Mr. SMITH of Arizona. They have all of those in my country.

Mr. MONDELL. They have most of them all over the West. There is an area in forest reserves three times the size of the great State of Iowa. There is an area withdrawn with the view of including it in reserves of 40,000,000 acres, twice the area of the average State. And my theory is that this legislation will tend to the inclusion of further large areas in the reserves, with the view of bringing under the jurisdiction of the Forestry Bureau every considerable tract of land on the public domain that contains any kind of a bush, brush, or tree, thereby repealing the timber and stone act and the commutation clause of the homestead law, so far as those areas are concerned, and leaving it entirely with the Secretary of Agriculture to say whether here and there, in order to minimize or mollify opposition to these great increases of area, he will begrudgingly open small areas to homestead settlement. So far as my experience goes, I believe we would do much better if those of the West interested in the regions in which these reserves are established should unitedly demand that the exterior boundaries of the reserves should be so modified as to exclude all agricultural and grazing lands. In the interior of the reservations, where there are any considerable areas of land fit for farming and grazing, these, too, should be excluded from the reservations, as they may be by proclamation of the President. I believe that is a better policy to follow than the policy laid down and provided for in this bill. Yet I shall not oppose it, because it is possible that under the act some tracts may be opened and give to the farmer and homesteader an opportunity to go within forest reserves and settle upon agricultural lands. As a matter of fact, the bill holds out a hope that may be, and in the majority of cases probably will be, denied. No one should be deceived into believing that this legislation authorizes them to go within forest reserves and settle upon tracts of untimbered land, because the bill contains no provision warranting anything of the kind. It simply provides another possible remedy in addition to that now in the hands of the President whereby he may exclude from forest reservation lands not forested and which should not have been included in forest reserves, by providing that the Secretary of Agriculture may designate areas here and there that in his discretion may be opened to entry without injury to the reservation or any other public purpose.

Mr. Speaker, I reserve the balance of my time.

Mr. DIXON of Montana. Mr. Speaker, I yield such time as he may want to the gentleman from Iowa [Mr. LACEY], chairman of the Committee on the Public Lands.

Mr. LACEY. Mr. Speaker, there are now not far from a hundred million acres of land under forest reservation. Of necessity this includes a number of small valleys and desirable agricultural lands which should not be taken away from the agricultural area. The Public Lands Commission, which has been considering the various laws in connection with the public lands for the last two years, in their report made on the 7th day of March, 1904, made a recommendation for this legislation. The Commission says:

AGRICULTURAL LAND IN FOREST RESERVES.

However carefully the boundaries of forest reserves may be selected, it is practically inevitable that more or less agricultural land should be included. Such land usually lies in the narrow valleys of the rivers. Its occupation for agricultural purposes is in the interest of the region in which it lies and of the settlers who would make homes upon it. The presence of the latter in the reserves would, under wise laws, operate distinctly for the protection and general advantage of the reserves. It is essential to the prosperity of the public-land States both that the forest reserves should be maintained and that all of the land within their borders should be put to its best use. To exclude all agricultural lands by Presidential proclamation is not feasible, because of their small area, scattered location, and irregular boundaries. Therefore we recommend that such lands be opened to agricultural entry in the following way:

That the Secretary having supervision of forest reserves may, upon application or otherwise, ascertain, list, and describe, by metes and bounds or otherwise, lands within such reserves which are chiefly valuable for agriculture, and that the lands so listed may, at the expiration of ninety days from the filing of such lists in the land office of the land district in which they are situated, be disposed of to actual settlers under the homestead laws only, in tracts not exceeding 160 acres in area and not exceeding 1½ miles in length; that when such lands are ascertained and listed upon the application of any person qualified to make homestead entry, such applicant may settle upon and enter such lands thirty days after the date of such filing; that no person settling upon, entering, or occupying such lands shall thereby have a right to use any other lands within such reserve for grazing or other purposes; that any entryman desiring to obtain patent to any lands, described by metes and bounds, entered by him under the provisions of this act, may do so by filing, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of such lands, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed for the publication of his notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the register of the land office for the land district in which such lands are situated for a like period; and further, that any agricultural lands within forest reserves may, at the discretion of the Secretary, be surveyed by metes and bounds, but that no lands entered under these provisions shall be patented under the commutation provisions of the homestead laws or be exchanged for other public lands.

To open the reserves to homestead entry without restriction would be in effect to abolish them. We therefore recommend that the agricultural character of the lands should be officially ascertained, as has been the habit hitherto in the case of agricultural and mineral lands.

The effect of the foregoing provisions is to give an intending settler the right to apply for the particular agricultural land he wants and sixty days' preference in entering it. Through survey by metes and bounds the settler is enabled to take the full amount of 160 acres of actual agricultural land. The principal danger in the administration of this plan is likely to arise from the desire of others than actual settlers to get possession of valuable timber lands on the plea that they are agricultural in character, to cut the timber from the lands, and then abandon them, to the serious injury of the interests which the reserves are created to serve.

Such an abuse would be greatly facilitated by the commutation clause of the homestead act, whereas actual settlers on agricultural lands in forest reserves would seldom or never suffer hardship from the requirement of five years' residence. Agricultural lands in forest reserves are not wholly on the same plane as such lands outside, because their use must be subservient to the purposes for which the reserves were created. Their actual occupation by permanent settlers is of the first importance to this object, and shifting of ownership during the first years of settlement and development would be of serious injury to the reserves. We are of the opinion that to allow the application of the commutation clause of the homestead act to lands in the forest reserves would tend to defeat the object of the opening of these lands to agricultural entry and would embarrass the administration of the reserves.

Now, your committee have endeavored to carry out this proposition. Some objection was made to the application of this law to the State of California and the State of Wyoming; and, therefore, those States are reserved from this motion, as I understand it.

Mr. MONDELL. I think the gentleman is mistaken in regard to the State of Wyoming. It is not excepted.

Mr. LACEY. I understood that the exception was interlined in the bill as proposed to be passed on a motion to suspend the rules. I am glad to know that the State of Wyoming is to have the benefit of this bill, because I believe it is of unquestioned advantage to that great Commonwealth. We have already passed a bill as to the Black Hills region in South Dakota. The situation there is somewhat different from what it is in any other of the forest reserves, and we thought it was well to have special legislation for the peculiar conditions existing there. This bill is believed by the Department, by the Land Commission, and also by the Public Lands Committee, in the best interest of the States where these reserves are situated, and in no wise detrimental to the reserves themselves.

I yield back the balance of my time to the gentleman from Montana.

Mr. DIXON of Montana. Mr. Speaker, I yield five minutes to the gentleman from Colorado.

Mr. HOGG. Mr. Speaker, I am very much interested in the passage of this bill, not that I think the bill is what it ought to be by any means, but it is going in a direction that ought to be gone in; and that is this: We ought to take away from the administration of forest reserves the right to include within those reserves lands that are agricultural in character. It has been the theory of the Government from the very beginning that the lands belong to the people for the purpose of settlement, for the purpose of making homes for themselves; and we find that under the operation of this forest-reserve law that more than 200,000 square miles of the territory of the United States has been taken away from possible settlement by anybody.

Now, I say that as long as this Department holds this tremendous power, a power that was never imagined was to be conferred upon the President when the law was passed, or on anybody else, when this power has been exercised to the detriment of the people of the country, when these reservations have been established, it is about time that some legislation should be

had in order to force out of these forest reserves lands that are capable of being made into homes, which is the purpose of this bill, except the provision that leaves it in the discretion of the Secretary whether he will eliminate the agricultural lands or not. To that part of the bill I am opposed. I am opposed to this action by discretion in anybody whenever it is possible for Congress to pass a law that will do away with the exercise of this discretion. The fact that it gives discretion to the Secretary, whether he will eliminate these lands or not, to my mind is a bad piece of legislation. I should like to see the law go further, and when it was made apparent that lands were fit for agricultural purposes it should become the duty of the Secretary of Agriculture to eliminate the lands in order that they might be settled upon by the citizens of the respective States where these large areas are taken out.

The trouble with the administration of forest reserves is that we have got at the head of the institution, of course, a man of splendid character, a man whom I respect most highly, but a theorist from beginning to end in regard to the operation of the forest reserves. Apparently they think more of a tree or a piece of sagebrush than they do of an American citizen out there. They will take in areas absolutely barren of trees and call it a forest reserve. They are attempting to plant seed out there and make timber grow, and I expect one of the first efforts will be to plant seeds above the timber line and expect results.

Why, in my district they at one time put about two-thirds of the city of Salida into the forest reserve, a city larger than any city in the territory that the gentleman on my right [Mr. SMITH of Arizona] has in his district.

Mr. HEPBURN. Will the gentleman permit me a question?

Mr. HOGG. Certainly.

Mr. HEPBURN. Was not that at the request of the inhabitants of that town that they might avoid taxation? [Laughter.]

Mr. HOGG. Oh, no; oh, no; we pay more taxes there than the gentleman from Iowa does, and don't make half the fuss about it. [Laughter.]

Now, I say I am in favor of the purpose of this bill because it is a step in the right direction. It makes it possible to get these lands, that never ought to have been put in a forest reserve, out, so that they may be subject to settlement by citizens of this country. [Applause.]

Mr. MONDELL. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has eleven minutes.

Mr. MONDELL. I will yield five minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Speaker, it will be impossible for me more than briefly to express my opinions upon this measure within the limited time at my disposal. There is a thought suggested in this bill that is good, but at the same time, when the whole bill is considered, I believe it is a measure that will act as a sort of chloroform to the people of the West while the policy of establishing forest reserves is being carried out. In my State nearly one-third of the area is included within a permanent reserve or a temporary reserve. There is much land which is included in the forest reserves which is agricultural. Under the terms of this bill it is provided that instead of permitting the lands to be restored to entry by proclamation of the President alone, as may be done at present, the Secretary having charge of the forestry service may restore the agricultural land. In other words, in this respect there is little change from the existing law. You propose to give to the Secretary and to the President, acting separately, power that now belongs to the President, and, as you know, in a matter of this character, he, no doubt, would be governed in the main by the recommendation of the Secretary. For my part, I believe that the bill should be amended in the first section by providing that the Secretary having charge of the forestry service "shall" open up to entry all agricultural and grazing lands within the forest reserves, and that those lands "shall" be made available for homes for the American people. Insert the word "shall" in lieu of "may, in his discretion," and you will cover this defect in the measure. I believe that the passage of this bill will result in no good purpose, but that the people of the West, who think they are to receive some great boon, will wake up, after the forestry service shall have extended the forest reserves still further over the States of the West, and find that no boon has been given to them, but more lands have been included within reserves. They are asking for bread, and you are giving to them a stone.

I am especially opposed to this bill because it contains these words in section 1:

Provided further, That the Secretary of Agriculture may set aside such forest reserve lands as were not occupied by a bona fide settler January 1, 1906, when he considers them necessary for forest reserve administrative purposes, which lands so set aside shall be listed in the local land office and shall not be subject to settlement entry or location under the public-land laws during the life of the forest reserve in which they are situated, or until such lists are revoked by the Secretary.

What do those words mean? Why, under the law as it now is all public-land laws are abrogated save the mining laws alone. Under this harmless-looking provision you would also place it in the hands of the Forestry Service to abrogate the mining laws as well. I am opposed to that provision, and I have urged that it be stricken out. Friends of the measure have assured me they will accept the amendment to strike out the provision, and I hope the House will do the same.

Mr. Speaker, I believe in a policy that will guarantee the protection of the rivers, of the sources of the water for irrigation purposes, and the timber upon the areas wherever these lands can not be available for homes; but I do believe that the policy of the Government which we have followed so long should be followed now, and that every inch of land that can be made available for homes for our people should be opened to settlement as speedily as possible, whether within a reserve or not. [Applause.]

Mr. MONDELL. I yield two minutes to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, I am not very deeply interested in the bill that is before the House, because California has been eliminated from it; but I think it might be worth while to correct the idea expressed by the gentleman from Colorado as to the timber feature of a forest reserve. There has been a great deal of misunderstanding throughout the country with reference to the policy of the Government, because of the name that has been given to that work. Now, as it is developing, and as the people are coming to understand it, it is not, I think, chiefly a question of forestry, but a question of grazing; and if they should change the name of it and call it a "forest and range reserve," the country would readily understand what they are trying to do. In a great deal of the western country there are mountain sides that are now and, I think, for all time will continue to be devoid of forests, and yet the fact that they are inclosed within these reserves and managed with some skill and judgment by the Government in the matter of developing the grasses and the low brush, etc., is proving very beneficial to the stock interests, and it is because in California we desire that policy continued that I asked the committee and it consented to exclude California from the operations of this bill. In my judgment, there is danger that mischief may result to the range by allowing small farms to come in that will do greater damage to the Commonwealth than if they were kept out.

Mr. DIXON of Montana. Is it not a fact that this condition could only exist in California, where you have a "no fence" law?

Mr. SMITH of California. In California we have a law that the man who has the cattle must do the fencing, and therefore a person planting a little farm in a little meadow in the mountains could thereby annoy the stock range for miles round about. I believe that the condition does not prevail in Montana and some other States, and therefore it is not so important there. My purpose in speaking was chiefly to direct attention to the broader work that has been undertaken under this reserve power now placed in the hands of the Government, and I think in a few years it will be demonstrated that the benefit to the grasses and the greater amount of stock that can be carried on the range by controlling it to some extent will be a more important factor than the work of reforestation.

Mr. DIXON of Montana. I yield three minutes to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN. Mr. Speaker, the basis of the opposition of the gentleman from California [Mr. SMITH] to this bill is, in my judgment, one of the strongest arguments in its favor. The time inevitably comes in the development of the western country when the large stock range, whether it be in the interior of a forest reserve or out upon the open plain, must make way for the march of civilization, typified and represented by the settler who is seeking a small part of the public domain as an abiding place for himself and his family. So in these forest reserves the opposition to this sort of a measure that would permit agricultural settlement largely emanates (as the gentleman from California [Mr. SMITH] is free to confess is the fact in California) from large stock interests that are better served in their peculiar and particular purposes by keeping the range unto themselves than by making room for the settler. I was out of the House a few months ago when this bill came up, but I understand that the gentleman from Montana [Mr. DIXON] has proposed a couple of amendments which would eliminate the Black Hills Forest Reserve from the operation of this bill. It is true that a few days ago we passed through

the House a bill exactly like this, to apply to the Black Hills Forest Reserve alone. At the same time I think the better legislation or the better results would be conserved by leaving this bill as it stands and passing it and sending it to the Senate. Then the two measures may be treated there as the necessities of the legislative situation may demand. If this bill can be passed, then the other may be abandoned. I would therefore suggest, when the time comes, that the gentleman from Montana do not insist upon the amendments that he has proposed.

Mr. MONDELL. Mr. Speaker, how much time have I remaining?

The SPEAKER. Four minutes.

Mr. MONDELL. Mr. Speaker, I do not wish to have my attitude in regard to this measure misunderstood. I am in favor of the settlement of all the agricultural public domain, and I shall vote for the bill, because it may lead to further settlement of agricultural lands. But I fear at the same time the tendency to extension of the reserves that may result from the passage of the act.

The gentleman from California [Mr. SMITH], who, I think, perhaps wisely excluded his State from the operations of the act, has referred to the inclusion of large areas of grazing lands in forest reserves.

Mr. Speaker, in my country we object to that policy. We hold that it is no part of a proper forest-reserve policy to attempt to settle range controversies or to seek to improve range conditions by the creation of forest reserves, and it is because the Department has, contrary to the spirit of the law, in many instances included large areas of grazing or agricultural lands within the reserves that there arises the necessity for this class of legislation.

Mr. SMITH of California. Mr. Speaker, will the gentleman permit a question?

Mr. MONDELL. Certainly.

Mr. SMITH of California. Was it not the original intention of the Department to so handle the public domain that it would conserve, first, the timber, and then the range—the grasses—then the water, and does not the conservation of the grasses and the small brush go a long way toward the conservation of the waters?

Mr. MONDELL. Mr. Speaker, there is nothing in the forest-reserve law that by any possibility can be tortured into permission to include grazing lands in a forest reserve with a view of improving the grass. Reserves can be established legally for two purposes only—the one the conservation of the water supply, the other the preservation of timber, largely for the purpose of the conservation of water supply—but when it comes to the inclusion of great range areas in the foothills in the sparsely timbered portions of the country in reserves, in my opinion that is a violation of both the spirit and of the letter of the law, and it is because I fear that this permission to open here and there small areas to settlement granted to the Secretary will lead him to largely increase the area of reserves that I have some doubts of the wisdom of the legislation and of its ultimate benefit.

Mr. SMITH of California. If it be a violation of the law as it now stands for them to protect the ranges, does not the gentleman think the law ought to be amended, then, to include that larger scope of the work? I think it is within the spirit of the law now.

Mr. MONDELL. I will say to the gentleman that whenever the Congress gets ready, if it ever does, to give to an administrative department control over the public ranges we should do that in a carefully prepared, well-digested measure and not by loose construction of legislation provided for an altogether different purpose.

Now, I hope, Mr. Speaker, that my fears are unfounded; that this legislation will not be taken as an excuse for vast increases of the area of forest reserves. It has been the policy of the Government from its foundation to gradually pass into the hands of the people all of the public domain—a wise policy, departed from in the case of the forest reserves for reasons that have seemed right and proper so far as the law is carefully followed and the reserves limited to timbered and mountainous areas, but if that policy is to be carried to the extreme of the inclusion of the greater portion of States in forest reserves and of vast areas but sparsely and partially timbered, then, in my opinion, we have departed from the established custom and policy of the country to the harm and detriment of the people.

Mr. DIXON of Montana. Mr. Speaker, I desire to say, in conclusion, that I think everybody on the Public Lands Committee was in favor of this bill. It is not a perfect bill; it is not what any one of us individually wanted, but it was the best thing that we could get, and we sincerely hope the bill will pass.

In this connection I will say that after consultation with the gentleman from South Dakota [Mr. MARTIN], I would ask unanimous consent that my amendment striking out sections 3 and 4 of the bill be not considered. I would like to withdraw that amendment. That puts the South Dakota provisions back in the bill. The amendment was offered because the South Dakota bill had already passed the House; but the gentleman now states to me that it has not yet passed the Senate, and I would like to have sections 3 and 4 put back in the bill.

The SPEAKER. The gentleman from Montana asks unanimous consent to withdraw his amendment striking out sections 3 and 4, and to properly renumber the sections. Is there objection?

Mr. LACEY. That would still leave in, as I understand, the committee amendments. There are three or four where one or two words are changed.

Mr. DIXON of Montana. Yes.

Mr. LACEY. These committee amendments ought to be in.

Mr. DIXON of Montana. Yes. In order to clarify the situation I would say that this amendment I now offer will leave the bill exactly as it was with the committee amendments, only striking out lines 17 to 25 on page 3.

The SPEAKER. The Chair understands the gentleman asks unanimous consent to modify his motion to pass the bill as printed, with the exception of striking out lines 17 to 25 on page 3.

Mr. DIXON of Montana. That is right.

Mr. LACEY. The effect of that will be to put back the Black Hills proposition?

Mr. DIXON of Montana. It will put back the Black Hills proposition.

Mr. LACEY. So that the Senate can have both propositions all in one bill.

The SPEAKER. Then the motions stands, as the Chair understands it, to pass the bill as printed with lines 17 to 25, inclusive, page 3, stricken out?

Mr. DIXON of Montana. Yes.

The SPEAKER. Leaving sections 3 and 4 in the bill.

Mr. DIXON of Montana. With the committee amendments as printed in the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears no objection. The question is on agreeing to the amendments and passing the bill. As many as are in favor of agreeing to the amendments and passing the bill will say "aye;" those opposed, "no." [After a pause.] The "ayes" seem to have it; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules are suspended, and the bill is passed.

The bill as passed is as follows:

Be it enacted, etc., That the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary forest reserves, except in the State of California, which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the forest reserves, and which are not needed for public purposes, and may list and describe the same by metes and bounds or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this act.

Upon the filing of any such list or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding 160 acres in area and not exceeding 1 mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated: *Provided*, That any settler actually occupying and in good faith claiming such lands for agricultural purposes prior to January 1, 1906, and who shall not have abandoned the same, and the person, if qualified to make a homestead entry, upon whose application the land proposed to be entered was examined and listed, shall, each in the order named, have a preference right of settlement and entry: *Provided further*, That any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this act shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of such lands, which shall be distinctly marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed by law for the publication of his notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the register of the land office for the land district in which such lands are situated for a like period; and further, that any agricultural lands within forest reserves may, at the discretion of the Secretary, be surveyed by metes and bounds, and that no lands entered under the provisions of this act shall be patented under the commutation provisions of the homestead laws, but settlers, upon final proof, shall have credit for the period of their actual residence upon the lands covered by their entries.

SEC. 2. That settlers upon lands chiefly valuable for agriculture within forest reserves on January 1, 1906, who have already exercised

or lost their homestead privilege, but are otherwise competent to enter lands under the homestead laws, are hereby granted an additional homestead right of entry for the purposes of this act only, and such settlers must otherwise comply with the provisions of the homestead law, and in addition thereto must pay $2.50 per acre for lands entered under the provisions of this section, such payment to be made at the time of making final proof on such lands.

SEC. 3. That all entries under this act in the Black Hills Forest Reserve shall be subject to the quartz or lode mining laws of the United States, and the laws and regulations permitting the location, appropriation, and use of the waters within the said forest reserves for mining, irrigation, and other purposes; and no titles acquired to agricultural lands in said Black Hills Forest Reserve under this act shall vest in the patentee any riparian rights to any stream or streams of flowing water within said reserve; and that such limitation of title shall be expressed in the patents for the lands covered by such entries.

SEC. 4. That no homestead settlements or entries shall be allowed in that portion of the Black Hills Forest Reserve in Lawrence and Pennington counties in South Dakota except to persons occupying lands therein prior to January 1, 1906, and the provisions of this act shall apply to the said counties in said reserve only so far as is necessary to give and perfect title of such settlers or occupants to lands chiefly valuable for agriculture therein occupied or claimed by them prior to the said date, and all homestead entries under this act in said counties in said reserve shall be described by metes and bounds survey.

SEC. 5. That nothing herein contained shall be held to authorize any future settlement on any lands within forest reserves until such lands have been opened to settlement as provided in this act, or to in any way impair the legal rights of any bona fide homestead settler who has or shall establish residence upon public lands prior to their inclusion within a forest reserve.

ADMINISTRATION OF THE OPERATIONS OF THE RECLAMATION ACT.

Mr. MONDELL. Mr. Speaker, I move to suspend the rules and pass the following bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17833) providing for the administration of the operations of the act of Congress approved June 17, 1902, known as the reclamation act.

Be it enacted, etc., That there shall be in the Department of the Interior a director of the Reclamation Service, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of $6,000 a year, to be paid from the reclamation fund.

SEC. 2. That under the direction of the Secretary of the Interior the director of the Reclamation Service shall make examinations and surveys for and locate and construct, operate and maintain irrigation or reclamation works for the storage, diversion, and development of waters, including artesian wells, as provided in the act of June 17, 1902, known as the reclamation act, and any act amendatory thereof or supplementary thereto.

SEC. 3. That immediately after the close of each fiscal year the Secretary of the Interior shall prepare and submit to Congress a report covering the fiscal year just closed of all operations and expenditures under the reclamation act, the results of all examinations and surveys, the condition of each project proposed and undertaken, the quantity and location of lands which can be irrigated from each, estimates of cost of all works contemplated or under construction; also detailed report of expenditures of each and every kind on each project under construction and total of expenditures on such project; also all returns and reimbursements to the reclamation fund; also a statement of all employees of the Reclamation Service, other than laborers, giving their names, salaries, and where employed; also all expenditures in the acquisition of lands, canals, or other property, and all other information that may be necessary to inform Congress as to all the operations under the law. And in order that said report may be in print for the information of Congress at the beginning of each regular session thereof the Secretary of the Interior, as soon as said report is completed, is hereby authorized to transmit the same to the Public Printer with the statement that the usual number of copies is required, and the Public Printer is hereby directed to print the same.

SEC. 4. That the Secretary of the Interior shall submit in the Annual Book of Estimates, under the head of Irrigation of Arid Lands, a statement of the amounts proposed to be expended during the succeeding year, under the provisions of the reclamation act, for examinations and surveys, for construction, for operation and maintenance, and for general expenses; also the number of persons employed in the Reclamation Service in the city of Washington and elsewhere and the rate of compensation paid to each during the fiscal year next preceding the fiscal year for which estimates are submitted, excluding temporary employees and laborers. The expenditures made in pursuance of such estimates shall be dependent upon conditions of practicability, as developed by the surveys and investigations and upon compliance with the provisions of the said reclamation act and of any act amendatory thereof or supplementary thereto.

SEC. 5. That until the President appoints a director of the Reclamation Service, as provided herein, the duties of said office shall be performed by the Director of the Geological Survey, who shall receive for such services, in addition to any other official salary he may be receiving, a sum not to exceed $1,500, to be determined by the President and paid from the reclamation fund, said additional sum to be paid to said Director notwithstanding section 1765 of the Revised Statutes or section 3 of the act of June 20, 1874, chapter 328.

The SPEAKER. Is a second demanded?

Mr. NEEDHAM. Mr. Speaker, I demand a second.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Wyoming is entitled to twenty minutes and the gentleman from California is entitled to twenty minutes.

Mr. MONDELL. Mr. Speaker, I reserve my time.

Mr. NEEDHAM. Mr. Speaker, I do not know that I am necessarily opposed to this bill, but this is the first time I have heard of it, and I would like to ask the gentleman from Wyoming some questions.

Mr. MONDELL. If the gentleman desires it, I will make a brief statement at this time of what the bill proposes.

Mr. NEEDHAM. I will ask some questions, if the gentleman will permit. Is this a complete reorganization of the Reclamation Service?

Mr. MONDELL. Not at all.

Mr. NEEDHAM. What is the object of the bill?

Mr. MONDELL. I will make a statement, if the gentleman desires, in my own time.

Mr. NEEDHAM. Then I reserve the balance of my time for the purpose of allowing the gentleman to make a statement.

Mr. MONDELL. Mr. Speaker, by the terms of the reclamation act the duties and responsibilities under that act were placed upon the Secretary of the Interior. In carrying out the work contemplated under the act the Secretary designated the Director of the Geological Survey as the officer to supervise and direct the same, and Mr. Newell, Chief of the Hydrographic Division of the Geological Survey, under the title of chief engineer, has had personal charge of the work and the field and office force now known as the "Reclamation Service." Under this plan of organization the work has gone on in a very satisfactory way.

There is no thought or intention of changing in any way the personnel of the Reclamation Service, but in the consideration of matters connected with this work it has been deemed wise to have the officer who under the Secretary is charged with the duty of the details of examinations, surveys, and construction, an officer appointed by the President, designated by him to the end that the status of the Service may be thus permanently fixed. The first section of the bill provides for this officer, at a salary of $6,000 a year, to be appointed by the President and under the Secretary to perform the duties required under the reclamation act.

Mr. STEPHENS of Texas. Will the gentleman permit me? Is that the office now filled by Mr. Newell at the head of the Reclamation Service?

Mr. MONDELL. It is the office now filled by Mr. Walcott, Director of the Geological Survey, under whom Mr. Newell is the chief engineer and the man in direct charge.

Mr. STEPHENS of Texas. Will the new officer proposed to be created by this bill be an engineer and also have superintendence of the entire irrigation work?

Mr. MONDELL. There is nothing contained in the bill with regard to the character of the training of the officer who is to be appointed, the committee assuming that the President, fully understanding all the requirements of the Service, will appoint a man qualified to perform the duties imposed upon him, and the last section of the bill provides that, until the President shall appoint, the Director of the Geological Survey shall continue to be the Director of the Reclamation Service.

Mr. STEPHENS of Texas. Then, does this create a new office?

Mr. PALMER. The long and short of this business is to create a new office at $6,000 to do the work that is perfectly satisfactorily done now by an officer already in existence. That is the logic of it.

Mr. STEPHENS of Texas. That is what I understand.

Mr. MONDELL. If the gentleman will allow me, this bill does create a new office. It provides, however, for no additional expenditure whatever.

Mr. PALMER. Does he not get a salary of $6,000 a year?

Mr. MONDELL. But the gentleman who is now performing the duties receives a salary of $6,000 a year.

Mr. PALMER. That is, the Director of the Geological Survey receives a salary of $6,000, and for that he does all of this other business? That is, he performs all of the duties of his own office?

Mr. MONDELL. This bill does provide in the last section that as long as this particular officer shall perform these duties he shall receive an additional honorarium of $1,500. That is the only increased charge on the Treasury in the bill.

Mr. PALMER. Will not the Director of the Geological Survey get his salary just the same whether this bill passes or whether it does not pass?

Mr. MONDELL. Well, if this bill passes he will continue to draw $6,000 as Director of the Geological Survey, in addition to which he will draw $1,500 as Director of the Reclamation Service.

Mr. PALMER. Very well. Now, when your new officer is appointed he will get another $6,000?

Mr. MONDELL. He will get $6,000 and no more.

Mr. PALMER. Then the point I make is this: That this creates a new office to be paid for at $6,000, to perform duty

which, according to your own statement, are now perfectly satisfactorily performed at a cost of $1,500 a year?

Mr. MONDELL. Mr. Speaker, I made no such statement, and the gentleman is mistaken as to the facts. It is true that at this time this additional work is placed upon an officer who already has large responsibilities. The President in all probability will not at this time deem it wise to appoint another officer to this position. Mr. Walcott is performing all his duties in a most satisfactory manner, and the committee believed, after very careful consideration, that so long as this officer does perform this additional duty he is entitled to something in addition to his regular salary.

Mr. FITZGERALD. Is the object of this bill to create a new office at $6,000 a year or to provide $1,500 additional for the man who is now doing the work? Which is the particular thing that this bill is really intended to accomplish?

Mr. MONDELL. I will say to the gentleman that this bill was reported by one of the committees of this House——

Mr. FITZGERALD. I did not ask the gentleman——

Mr. MONDELL (continuing). In the performance of its duty as a servant of this House, with a view of carrying on to the very best advantage the very important work under the Reclamation Service, and it was not drawn with a view of giving anyone an office or an additional salary.

Mr. FITZGERALD. I will repeat my question, if the gentleman will permit me, because it is evident he did not understand it. Is the object of this bill to create a new office at a salary of $6,000 a year, or only to increase the compensation of a man who is now getting $6,000 a year?

Mr. MONDELL. If I did not answer the gentleman understandingly, I will put it in another way, and say that the bill provides in its first section that a director of the Reclamation Service shall be appointed by the President, at a salary of $6,000 a year.

Mr. FITZGERALD. Does the gentleman intend that the man shall be appointed or not? Is it intended that that man shall be appointed?

Mr. MONDELL. It is intended that that man shall be appointed whenever in the wisdom of the President or in his judgment such officer should be appointed.

Mr. FITZGERALD. Now, does the gentleman from Wyoming believe that we should leave that to the discretion of the President or that we should exercise that discretion ourselves, and if the office is necessary, create it, and if it be unnecessary, refuse to create it?

Mr. MONDELL. Well, I will say to the gentleman that the committee, after very carefully considering all of the conditions surrounding this work, believed it would be wise to have an officer appointed by the President in charge of the reclamation work.

Mr. FITZGERALD. There is such an officer now, is there not?

Mr. MONDELL. The committee also believed that at the present time the work was being carried on in a very satisfactory way; that there was no necessity for a change, but no one knows how long the present Director of the Geological Survey may continue in that office. We hope that he will continue for a long time, for he is a very faithful public officer, but he may be transferred to other spheres of usefulness or he might resign. Men sometimes do that.

Mr. FITZGERALD. Never, in this Government. [Laughter.]

Mr. MONDELL. And should any of these contingencies occur the President is then expected to appoint. In the meantime the work has been satisfactorily done. But the committee believe that work of such importance, entailing so much additional labor and attention and responsibility, entitled the officer doing the work to additional compensation.

Mr. FITZGERALD. If the work is being done, and satisfactorily performed at this time, by an officer appointed by the President, will it make that officer any more efficient to increase his salary; or is it a fact, as the gentleman stated it at one time, that he was overworked and could not perform the duties, and perhaps might be able if he got the additional money? [Laughter.]

Mr. MONDELL. I do not recall having stated that the gentleman was overworked and could not perform the duty. The gentleman from New York misunderstands the situation, because the Director of the Reclamation Service is not, as such, at this time an officer appointed by the President. He is an officer designated by the Secretary; and I want to call attention of the gentleman to the fact that that is a feature of the situation we desire to remedy. We wish to fix the status of the Reclamation Service by having at the head of it under the Secretary an officer whose status is fixed.

Mr. FITZGERALD. Does the gentleman think it will make any difference as to the efficiency with which this work is performed whether the man is appointed by the President or designated by the Secretary of the Interior?

Mr. MONDELL. Well, I do not claim that it would necessarily make a difference.

Mr. FITZGERALD. Incidentally?

Mr. MONDELL. I do not know that it would make any difference necessarily whether the gentleman from New York represented a district in New York or a district west of the Mississippi; he would represent it——

Mr. FITZGERALD. Equally well; I concede that. [Laughter.]

Mr. HEPBURN. I would like to ask the gentleman if there has been any request on the part of the President or the Secretary of the Interior or the Director of the Geological Survey for the appointment of this new officer?

Mr. MONDELL. I will say to the gentleman this proposed legislation has been called to the attention of the President, the Secretary, and the officers of the Reclamation Service, and all of these, as I understand it, think it would be wise to have legislation along the general lines of this bill.

Mr. HEPBURN. To appoint a new officer or increase the salary of the old one?

Mr. MONDELL. The important feature of this measure is that it makes the Director of the Reclamation Service an appointee of the President and permanently fixes the status of the service in the Interior Department.

Mr. HEPBURN. Is he not now? Is not the Chief of the Geological Survey an appointee of the President?

Mr. MONDELL. Well, the Chief of the Geological Survey is a Presidential appointee. The duty he performs as Chief of the Reclamation Service, and which is imposed on him by direction of the Secretary of the Interior in addition——

Mr. HEPBURN. It will be the same with this officer, will it not? He will be subordinate to the Secretary of the Interior?

Mr. MONDELL. He will.

Mr. HEPBURN. So that there is no difference at all in that respect?

Mr. MONDELL. Except in one case we have an officer appointed by the President.

Mr. HEPBURN. Another matter. Is it not true that many of the subordinates in the Geological Survey are officers of the Geological Survey, employees that belong to that branch of the Government?

Mr. MONDELL. I do not understand the gentleman.

Mr. HEPBURN. Very many of the subordinates under the Director of the Geological Survey and engaged in the reclamation work are officers under the Director of the Geological Survey as it now exists?

Mr. MONDELL. I will say to the gentleman that the nucleus of the Reclamation Service was the Hydrographic Division of the Geological Survey. In other words, by a letter the Secretary placed the duties and responsibilities of directing the work under the reclamation act upon the Director of the Geological Survey, and he designated the head of the Hydrographic Division in that Bureau, Mr. Newell, as the officer to have direct charge of the work. But the officers of that division who took up the reclamation work ceased to be officers on the rolls of the Geological Survey, and became officers on the rolls of the Reclamation Service.

Mr. HEPBURN. Well, what will be their status? Where would the new officer secure his subordinates if this bill became law?

Mr. MONDELL. There would be no change from the present situation whatever by the passage of this act as regards the subordinates, the personnel of the Reclamation Service.

How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has five minutes.

Mr. NEEDHAM. I yield five minutes to the gentleman from New York.

Mr. FITZGERALD. Mr. Speaker, this bill has five sections; three of them seem to be intended to accomplish something beneficial, the other two—and the peculiar thing is they are the first and the last—require considerable explanation. If I can summarize the statement of the gentleman from Wyoming, it is to this effect: That there is a gentleman to-day performing very efficiently the duties of the head of the Reclamation Service, in addition to some other work. He is now receiving $6,000 a year. Somebody fears that in some unusual and unforseen way this gentleman may become separated from the service, and in order to provide against that contingency it is desired to have available a $6,000 place for the President to fill. Well, I hardly believe that even the most ardent admirer of the President would ever suggest that he would defer the filling of that $6,000 place until something occurred in connection with an-

other man holding some other position. This other gentleman, who is occupying at present a position at the head of a bureau, is performing the work of the Reclamation Service in an entirely satisfactory manner. He is one of the highest paid officers in the Government. He receives $6,000 a year. But because some additional work is imposed upon him it is proposed to give him $1,500 additional. If he be overworked, this work should not be placed on him. If he is not overworked, and if he is performing the work satisfactorily, there is hardly any excuse whatever for increasing his salary. Now, there may be some other good reason for these two sections of the bill, and the gentleman from Wyoming suggests that there is one, and that is if instead of being designated by the Secretary of the Interior the head of the Reclamation Service is appointed by the President that the work will be much more satisfactorily performed. That hardly appeals to anyone who considers it for a moment, because, as a matter of fact, the present head of the Reclamation Service has been designated or assigned to that work by the Secretary of the Interior, and the gentleman from Wyoming himself admits that the work is being performed in a manner that is satisfactory to everybody interested in this great work.

If the only reason for this bill is either to provide an additional place at $6,000 a year, or to increase the compensation of a man who is performing his work satisfactorily, and so far as we know without any complaint against the salary he is now receiving, to increase his compensation by $1,500 a year, there seems to be hardly any excuse to occupy the time of this House with a bill of such a character, and unless the gentleman in charge of the bill can give some more satisfactory explanation than has been given, I hope the House will not pass the bill.

Mr. COOPER of Pennsylvania. I should like to suggest to the gentleman from New York that the work that is being carried on in the Reclamation Service is a very important work.

Mr. FITZGERALD. That is conceded.

Mr. COOPER of Pennsylvania. And that they are expending annually a very large sum of money; and while the conditions up to this time have been very satisfactory, yet there is no assurance that those conditions will continue permanently.

Mr. FITZGERALD. If the gentleman will permit me just to finish my statement, I will say that there is no apparent danger, so far as anybody can ascertain, that the work will not be efficiently carried on, or that the head of this service will separate himself from the service, unless it is in the contemplation of the appointing power to supplant him when his term expires.

The SPEAKER. The time of the gentleman has expired.

Mr. NEEDHAM. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. REEDER].

Mr. REEDER. Mr. Speaker, there is a purpose, as there should be for every bill, for the introduction of this bill in the House. There is a double purpose. The first purpose is that in this immense expenditure of the public money an accounting should be had, annually at least, and this is provided for in sections 2, 3, and 4 of this bill, and is conceded by all to be a good proposition.

When we were considering this matter we found that the irrigation bill, as passed in 1902, provided that the Secretary of the Interior was empowered to appoint persons to take charge of this work. The Secretary of the Interior did appoint the head of the Geological Survey for this purpose, which was and is satisfactory. But it also left the matter in such shape that he might at any time, or any new Secretary of the Interior might at any time, appoint some other branch of the Government to take charge of this work, which the committee thought not a desirable power to so lodge. For instance, the Secretary of the Interior might conclude this afternoon that he would put this work in charge of the Agricultural Department, and the committee desires it to remain permanently with the Geological Survey.

Mr. MAHON. Then your purpose is to give this department a legal status. Is that the purpose—to fix it by law?

Mr. REEDER. Our purpose is to have this immense work continued under the supervision which now has it in charge.

Mr. MAHON. To give it a legal status, so that it can not be disturbed by any Department officer.

Mr. REEDER. Our purpose was to give this a permanent status, and where it has been doing such satisfactory work.

Mr. PALMER. How can an appointment of another officer improve the local status?

Mr. REEDER. That is not the question under discussion at this time. The purpose of the bill is to do two things, and I have indicated what they are. Now I will state why we established a new office. We found here a great undertaking, growing very rapidly in importance and in the labor required. We found that it was now exceedingly difficult for the head of the Geological Survey to do this increased work. Here is a work that is extending all over the western half of the United States. It is a work of great importance, and it is a work that will be continued for a great many years in the future. The time will come when it will require as good a man at the head of this work, if it does not already, as it does at the head of the Panama Canal Commission or any other work that has ever been undertaken in the United States.

Mr. STAFFORD. If it was the intention of the committee to separate this service into a separate bureau, why do you provide for the increase of salary during its continuance under the charge of the Director of the Geological Survey?

Mr. REEDER. We concluded that this man was a man of sufficient ability to take charge of this work, in its present state at least, and a man of such ability, worked as he necessarily will be to take care of this great enterprise in a proper manner in addition to his already responsible work, was getting too small a salary in our judgment. As long as he is continued in that place with the work he has on hand, he will certainly be a man that is worked more than the head of many, if not any, other Department in this Government. We felt that he was entitled to the $1,500 extra salary. If the objection that gentlemen have to this bill is this extra salary, they can strike it out, but we feel it would be a great injustice to do so.

Mr. STAFFORD. The gentleman knows that we can not strike out a provision by an amendment under a motion of this kind.

Mr. REEDER. I hope you can not.

Mr. PALMER. Then what does the gentleman mean by putting up this bluff? [Laughter.]

Mr. REEDER. This information I have just received. If the information is correct, I would not change it if I could, because I do not wish this increase of salary stricken out.

Mr. CURTIS. Let me ask the gentleman if he thinks that it is right to pay this gentleman a larger salary than is paid to officers who are his superiors?

Mr. MONDELL. We do that in the Panama Canal.

Mr. REEDER. An engineer competent to take charge of this work is worth more than $7,500 a year for the Panama Canal or equally great private undertaking.

Mr. NEEDHAM. Mr. Speaker, my objection to the bill is that it does not go far enough. When we passed the reclamation act we gave the Secretary of the Interior all the receipts from the sales of public lands—created it as a fund and gave it to him—and since that he has been using it without any direction or authority of Congress whatever. I freely concede he has used it thus far wisely, but I think it is a bad precedent to put in the hands of one executive officer so vast a sum and give it to him without any restriction as to his power to expend it.

I regret that this bill does not go into a detailed organization of the reclamation branch of the Service. It seems to me that it is proper and wise, for the benefit of the Service itself, that its action should be restricted by some statute law. As it is now, the Secretary of the Interior, as I understand it, has the authority, without any restriction whatever, to expend this vast sum. Therefore it seems to me when this committee was taking up this proposition it should have gone into the subject in detail and provided for certain officers and fixed their salaries, so there would have been an organization of this branch of the Service authorized by Congress itself and which would be accountable to Congress. As it is now, the Secretary of the Interior fixes the salary of every one of the employees in the Reclamation Service. There is absolutely no restriction on his power to fix salaries.

Mr. PALMER. As I understand, the Service is perfectly satisfactory; that there has been no abuse of power. All you are trying to do is to anticipate the time when the Chief of the Geological Survey may depart this life or be promoted to some other sphere of usefulness?

Mr. REEDER. Will the gentleman from California allow me to answer that question?

Mr. NEEDHAM. I will yield to the gentleman.

Mr. REEDER. I would like to say that it was being so well conducted that we wanted to locate it permanently in this Department.

Mr. PALMER. How are you going to improve the conduct of the office by appointing a new man to administer it at $6,000 a year and when, as you say, it is now being conducted in a perfectly satisfactory manner?

Mr. REEDER. The purpose was to locate this work where it now is.

Mr. PALMER. It is located here in Washington.

Mr. REEDER. It is located with the head of the Geological Survey.

Mr. PALMER. Yes; but the bill provides that he is to get $1,500 extra until the President chooses to appoint somebody else.

Mr. REEDER. The bill provides that it shall be located permanently with persons now looking after it and can not be transferred to some other Department. That is the purpose of sections 1 and 5 of the bill.

Mr. NEEDHAM. Mr. Speaker, it seems to me that in the interest of good administration the duties of the officials of the Reclamation Service should be defined and their salaries fixed by Congress. That is the reason why, it seems to me, this bill is objectionable—it does not go far enough. It simply fixes the salary of one official of the Reclamation Service. I do not care how honest these officials may be, and I concede they are honest and that they have done good work—I have no criticism of the Reclamation Service—but it is due to the Service itself that there should be some organization of that branch of the Government, that Congress should state what should be the salaries and what offices should be created. Therefore I regret that this committee, when they took up this question, did not go into it thoroughly and report a bill dealing with the whole question generally, so that every official in this Service might have his duties defined and his salary fixed.

Mr. REEDER. Mr. Speaker, I would like to ask the gentleman if he has observed that this bill does provide that the committee shall know of every man that is employed and what his salary is, and not only what has been paid in the year past, but the estimated salaries, so that we may know what is being done.

Mr. NEEDHAM. Yes; but still the salaries are fixed by the executive department. There is only one salary fixed in this bill. Therefore it seems to me that Congress should fix the salaries of all officials and not permit an executive officer to fix the compensation of any official. I shall not oppose this bill, Mr. Speaker, for I believe it to be a step in the right direction, and I hope the gentlemen of the committee will go on and thoroughly organize and perfect this branch of the Government.

I now yield the balance of my time, four minutes, to the gentleman from Pennsylvania [Mr. COOPER].

Mr. COOPER of Pennsylvania rose.

Mr. SMITH of California. Mr. Speaker, before the gentleman proceeds I would like to ask him a question, so that he may answer it in the course of his remarks.

The SPEAKER. Does the gentleman yield?

Mr. COOPER of Pennsylvania. I do.

Mr. SMITH of California. Is it contemplated by this bill that sooner or later some one shall be appointed who will be over Mr. Newell—that is, over the station which he now holds—that the "chief engineer," as we now call him, would act under the direction of some additional person, or is it contemplated that this position created here shall be the same as that now held by Mr. Newell in relation to the other departments of the Reclamation Service?

Mr. COOPER of Pennsylvania. Mr. Speaker, I don't know whether I understand the purpose of the gentleman in the question or not. If he means to say that the work is being carried on by Mr. Newell at this time, he is in error, because the work is under the charge of the Director of the Geological Survey, Mr. Walcott. Mr. Newell is the chief engineer under him.

Mr. SMITH of California. Does not the description of the work to be done by this new office correspond to the work being done by Mr. Newell?

Mr. COOPER of Pennsylvania. I would answer that question by saying that it is not the purpose of this bill to change the personnel or to change this organization at all. It is the purpose of this bill to give the Reclamation Service a fixed legal status. As it is at present, it exists, as has been stated by the chairman of our committee, by a letter from the Secretary of the Interior designating the head of the Geological Survey to do this work. He could change that order to-day. The whole force could be disorganized, and the good work that has been going on here might be so interrupted as to result in very serious consequences to what is being done; but, Mr. Speaker, this bill, I think, is in the right direction. It is in the interests of good administration. We propose that the work here, which is so important and which is growing so rapidly and attracting so much of the attention of the people who live in that section of the country, shall be administered in a way that will be above criticism, and to that end we have inserted in this bill a section which provides that estimates or statements shall be submitted to Congress, so that Congress may be in the possession of knowledge in advance of the work that is being done or is proposed to be done, and we also insert in the bill a clause which requires the making public of this annual report in such manner as that it will be available at the beginning of Congress, so that Members can see what is being done. Under these provisions we think that we have taken a step in the right direction. It is not the purpose to reform this Bureau and change its organization, but it is the purpose to perpetuate it and give it a fixed legal status, and in case a change is necessary, as will be necessary in the course of time, the President, as the high appointing power of this Government, can designate some proper person who will take charge of the work and administer it in a way that will be satisfactory to the people of this country.

The extent of the work that is being carried on there is not known perhaps to many people. It is estimated that during the present fiscal year there will be expended in this work something like $12,000,000, a larger sum than that which is being expended under the direction of the President on the Panama Canal, which has created so much talk and discussion in this House. It is the purpose of this bill that we shall have more advanced knowledge of what is proposed to be done with this large sum of money.

Mr. PALMER. Have you got any well-grounded apprehension the Secretary of the Interior is about to make a change and transfer this work to the Agricultural Department?

Mr. COOPER of Pennsylvania. I do not say there is, and I do not think that is a necessary inference from this bill, but I think it is proper and wise that we take such steps in this reclamation work here as will make sufficient provision for the future. It is not necessary to wait until the damage in done or something happens in order to find some justification for it.

Mr. PALMER. The good book says, "Sufficient to the day is the evil thereof."

Mr. COOPER of Pennsylvania. But we do not want to wait for the evil day; we want to make provision for the evil day before it arrives.

Mr. MONDELL. Mr. Speaker, I believe that the bill is not only legislation in the right direction, but that it goes quite far enough for the present at least. The Committee on Irrigation of Arid Lands of the House has taken great pains to keep in close touch with the work of the Reclamation Service. We have found that work to have been carried on in a faithful, energetic, economical, satisfactory manner. We believe that the Bureau now established by the direction of the Secretary of the Interior should be permanently fixed by law. This bill provides no further expenditure than might now be made under the reclamation act. In addition——

Mr. SMITH of California. I think, in looking at the bill a little closer, it aims more at the position now held by the head of the Geological Survey than the chief engineer, to whom I referred in addressing the gentleman from Pennsylvania. Now, does it contemplate the Director of the Geological Survey shall be separated from the duties of the Reclamation Service, or will he be put under this new director, or what will be the relations between the director of this Service and the Director of the Geological Survey?

Mr. MONDELL. You mean the Chief of the Reclamation Service?

Mr. SMITH of California. This office that is created. What will be its relation to the Director of the Geological Survey, or rather what will be the relation of the Director of the Geological Survey to the Reclamation Service?

Mr. MONDELL. I will say to the gentleman there will be no change whatever by reason of this legislation in the relations now existing between Mr. Newell and Mr. Walcott. Mr. Walcott is now in charge of the Reclamation Service by order of the Secretary, and Mr. Newell is under Mr. Walcott as chief engineer.

Mr. SMITH of California. Now, suppose the President should appoint a man to take the position herein created?

Mr. MONDELL. He will take the position now occupied by Mr. Wolcott.

Mr. SMITH of California. And Mr. Wolcott would have nothing to do with the Reclamation Service.

Mr. MONDELL. Not at all. Now, Mr. Speaker, in addition to fixing the status of the service the bill provides for an enlarged report to Congress in great detail of all operations of the Reclamation Service, which the committee believes to be wise. It provides for the submission of a statement in the Annual Book of Estimates of the estimated expenditures for the year following, and it provides that at the present time and until the President appoints or makes a change there will be no change whatever in the present exceedingly satisfactory personnel of the Reclamation Service.

The question was taken; and on a division (demanded by Mr. HEPBURN) there were—ayes 75, noes 19.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

DISTRICT AND CIRCUIT COURTS, UNITED STATES, WESTERN DISTRICT OF VIRGINIA.

Mr. SLEMP. Mr. Speaker, I desire to ask unanimous consent for the present consideration of the bill H. R. 11029.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 11029) to authorize the holding of a regular term of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Va.

The SPEAKER. Is there objection? The bill has been read on a prior day.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I would ask the gentleman if this bill has been reported from the Committee on the Judiciary?

Mr. SLEMP. Yes, sir.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. SLEMP, a motion to reconsider the last vote was laid on the table.

RIGHT OF MANCOS, COLO., TO ENTER CERTAIN LANDS.

Mr. HOGG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10292) which I send to the Clerk's desk.

The SPEAKER. The gentleman from Colorado asks unanimous consent for consideration of a bill which the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the following-described tract of land, situate in the county of Montezuma and State of Colorado, namely, the west half of the northwest quarter of the northwest quarter and the southeast quarter of the northwest quarter of the northwest quarter of section 27, in township 36 north, of range 13 west of the New Mexico principal meridian, may be entered by the mayor of the town of Mancos, Montezuma County, Colo., for the use of said town, subject to the legal rights of others, if any, upon paying $1.25 per acre and the usual fees therefor, and a patent shall issue therefor as in other cases.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I would like to ask the gentleman from Colorado if this is unanimously reported by the Committee on Public Lands?

Mr. HOGG. It is.

Mr. WILLIAMS. Is it indorsed by the Department?

Mr. HOGG. The report says that it has been indorsed by the Department.

Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 9, after the word "by," strike out the words "the mayor of."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the bill as amended.

The bill as amended was ordered to be engrossed and read a third time; was accordingly read the third time, and passed.

On motion of Mr. HOGG, a motion to reconsider the vote by which the bill was passed was laid on the table.

MISSIONARY LANDS IN OKLAHOMA.

Mr. McGUIRE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 11862.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That any missionary society or religious organization now occupying, under proper authority, for religious or educational work among the Indians, any of the lands heretofore ceded to the United States by the Wichita and affiliated bands of Indians and reserved for missionary purposes to such missionary society or religious organization on the schedule of allotments to said Indians approved by the Secretary of the Interior July 1, 1901, and on any of the lands heretofore ceded by the Kiowa, Comanche, and Apache tribes of Indians and reserved for such religious uses on the schedule of allotments approved June 20, 1901, shall have the right for two years within which to purchase the lands so occupied and scheduled at a fair valuation to be fixed by the Secretary of the Interior, which shall not be less than $1.25 an acre, the same to be conveyed to such missionary society or religious organization by patent in fee in the usual form: *Provided*, That the proceeds arising from lands so purchased in the former Wichita Indian Reservation shall be placed to the credit of the Wichita and affiliated bands of Indians.

Also the following amendment:

Amend the title so as to read: "A bill to enable the various missionary societies and religious organizations now occupying lands for religious purposes in the Territory of Oklahoma to purchase the same, and to receive patents in fee therefor."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid upon the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 13, 1906:

H. R. 11026. An act to authorize the counties of Holmes and Washington to construct a bridge across Yazoo River, Mississippi.

On April 14, 1906:

H. R. 4461. An act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes;

H. R. 12843. An act to amend the seventh section of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the several acts amendatory thereto;

H. R. 8717. An act for the relief of Jacob Pickens;

H. R. 11129. An act granting an increase of pension to Thomas J. Lindsey; and

H. R. 11536. An act granting an increase of pension to James D. Hudson.

On April 16, 1906:

H. R. 17359. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

PERMIT TO EDISON ELECTRIC COMPANY.

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 11490.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That upon the conditions herein named the Edison Electric Company, a corporation existing under the laws of the State of Wyoming, and engaged in generating and distributing electric energy for use by municipalities and the public generally for lighting and power purposes, is hereby granted a permit, the duration of which shall be fixed by the Secretary of Agriculture immediately after the passage of this act, revocable during the term fixed by said Secretary only in the manner and for the causes hereinafter specified, to occupy and use lands, to be designated in the manner hereinafter specified, within the San Bernardino, Sierra, and San Gabriel forest reserves, in the State of California, for canals, conduit lines, pole lines, power houses, diverting dams, necessary grounds to be submerged above the diverting dams, and necessary buildings and structures for the water-power plants hereinafter described, for the generation, transmission, and distribution of electrical power, namely:

(a) For the diversion of the waters of Mill Creek from a point on Mill Creek in the southeast quarter of the northeast quarter section 8, township 1 south, range 1 west, San Bernardino base and meridian, and the conveyance of said waters thence westwardly and southwestwardly through said section 8 and through sections 7 and 18, township 1 south, range 1 west, San Bernardino base and meridian, and thence westwardly through section 13, township 1 south, range 2 west, San Bernardino base and meridian, to a power house situated on Mill Creek, in the southwest quarter of the northeast quarter of said section 13, in the San Bernardino Forest Reserve.

(b) For the diversion of the waters of Mill Creek from a point on Mill Creek in the northwest quarter of the northeast quarter of section 13, township 1 south, range 1 west, San Bernardino base and meridian; thence westwardly through said section 13 and through sections 14, 15, 16, 17, and 18, township 1 south, range 1 west, San Benardino base and meridian, and westwardly through section 13, township 1 south, range 2 west, San Bernardino base and meridian, to a power house on Mill Creek, in the southwest quarter of the northeast quarter of said section 13, in the San Bernardino Forest Reserve.

(c) For the diversion of the waters of the Santa Ana River from a point on Santa Ana River in the southwest quarter of the northwest quarter of section 20, township 1 north, range 1 west, San Bernardino base and meridian; thence southwestwardly through said section 20 and through section 19, township 1 north, range 1 west, San Bernardino base and meridian, and sections 24, 23, and 26, township 1 north, range 2 west, San Bernardino base and meridian, to a power house situated on Santa Ana River, in the northwest quarter of the northeast quarter of said section 26, in the San Bernardino Forest Reserve.

(d) For the diversion of the waters of Santa Ana River from a point on Santa Ana River in the northwest quarter of the northeast quarter of section 26, township 1 north, range 2 west, San Bernardino base and meridian; thence westwardly, southwardly, and southwestwardly through said section 26 and through section 35, township 1 north, range 2 west, San Bernardino base and meridian, and section 34, township 1 north, range 2 west, San Bernardino base and meridian,

to a power house situated on Santa Ana River, in the southwest quarter of the northeast quarter of said section 34, in the San Bernardino Forest Reserve.

(e) For the diversion of the waters of Lytle Creek from a point on Lytle Creek in the southwest quarter of the northwest quarter of section 26, township 2 north, range 6 west, San Bernardino base and meridian, in the San Gabriel Forest Reserve; thence northeastwardly, eastwardly, and southeastwardly through said section 26 and through sections 25 and 36, township 2 north, range 6 west, San Bernardino base and meridian, to the eastern boundary of said section 36 and of the western boundary of the San Bernardino Forest Reserve; thence southwardly through section 31, township 2 north, range 5 west, San Bernardino base and meridian, in the San Bernardino Forest Reserve, and southeastwardly through section 6, township 1 north, range 5 west, San Bernardino base and meridian, to a power house in the northeast quarter of the northwest quarter of said section 6, in the San Bernardino Forest Reserve.

(f) For the diversion of the waters of Kern River from a point on Kern River in the southwest quarter of the northwest quarter of section 5, township 28 south, range 31 east, Mount Diablo base and meridian; thence southwardly and southwestwardly through said section 5 and sections 6 and 7, township 28 south, range 31 east, Mount Diablo base and meridian, and sections 12, 13, 24, and 26, township 28 south, range 30 east, Mount Diablo base and meridian, and westwardly, northwestwardly, and southwestwardly through sections 26, 27, 22, and 28, township 28 south, range 30 east, and westwardly and northwestwardly through sections 29 and 30, township 28 south, range 30 west, Mount Diablo base and meridian, to a power house in the northeast quarter of the southeast quarter of said section 30, in the Sierra Forest Reserve.

(g) For the diversion of the waters of Kern River from a point on Kern River in the northwest quarter of the northeast quarter of section 15, township 27 south, range 32 east, Mount Diablo base and meridian; thence southwardly and southwestwardly through said section 15 and sections 16, 17, 20, 19, and 30, township 27 south, range 32 east, and westwardly through section 25, township 27 south, range 31 east, Mount Diablo base and meridian, and southwestwardly through sections 26, 35, and 34, township 27 south, range 31 east, and westwardly and southwestwardly through section 33, township 27 south, range 31 east, and sections 4 and 5, township 28 south, range 31 east, Mount Diablo base and meridian, to a power house in the northwest quarter of the southwest quarter of said section 5, in the Sierra Forest Reserve.

(h) For the diversion of the waters of Kern River from a point on Kern River in the southeast quarter of the southwest quarter of section 12, township 23 south, range 32 east, Mount Diablo base and meridian; thence southwardly and southeastwardly through said section 12 and sections 13, 24, and 25, township 23 south, range 32 east, Mount Diablo base and meridian, and southeastwardly through sections 30, 31, and 32, township 23 south, range 33 east, Mount Diablo base and meridian, and southeastwardly, southwestwardly, and southwardly through sections 5, 8, 9, 16, and 17, township 24 south, range 33 east, Mount Diablo base and meridian, and southwestwardly and southeastwardly through sections 20, 29, 32, and 33, township 24 south, range 33 east, and southeastwardly and southwestwardly through sections 3, 10, and 9, township 25 south, range 33 east, Mount Diablo base and meridian, to a power house in the northeast quarter of the northeast quarter of said section 9, in the Sierra Forest Reserve.

(i) For the diversion of the waters of Kern River from a point on Kern River in the southeast quarter of the northwest quarter of section 5, township 21 south, range 33 east, Mount Diablo base and meridian; thence southwestwardly and southwardly through said section 5 and sections 6, 7, 18, 19, 30, and 31, township 21 south, range 33 east, Mount Diablo base and meridian, and southwardly, southeastwardly, and southwestwardly through sections 6, 7, and 18, township 22 south, range 33 east, Mount Diablo base and meridian, and southwestwardly through sections 24, 25, and 36, township 22 south, range 32 east, Mount Diablo base and meridian, to the southeast quarter of the southwest quarter of said section 36, township 22 south, range 32 east, Mount Diablo base and meridian; also southeastwardly through section 25, township 22 south, range 32 east, Mount Diablo base and meridian, and southeastwardly and southwestwardly through sections 30 and 31, township 22 south, range 33 east, Mount Diablo base and meridian, and southwestwardly through sections 6 and 7, township 23 south, range 33 east, Mount Diablo base and meridian, and westwardly through section 12, township 23 south, range 32 east, Mount Diablo base and meridian, to a power house on the northwest quarter of the southeast quarter of said section 12, in the Sierra Forest Reserve.

Permits for the construction of each of the foregoing power plants having been heretofore granted by the Interior or Agricultural Departments.

SEC. 2. That the ground covered by the permit hereby granted shall include 50 feet on each side of the center of said canals or conduit lines and on each side of said pole lines, or so much thereof as may be actually necessary for their installation, maintenance, and use, and the ground actually occupied by and necessary for power houses, diverting dams, and necessary buildings and structures to be used in connection with the operation and maintenance of said water-power plants, together with 50 feet on each side of the marginal limits of all of such buildings and structures, or such portion of said 50 feet as may be actually necessary for the efficient operation and maintenance of said power plants, dams, and other structures; also the right to submerge and flood at the intake of each of said power plants within said forest reserves, not to exceed 30 acres in each case, such area only as may be actually necessary to divert the water into the several canal or conduit lines for said several power plants.

SEC. 3. That within six months after the passage of this act the Edison Electric Company shall file with the register of the United States land office for the district where said power plants are located, and with the Forester of the Department of Agriculture, a map, showing separately as to each power plant the grounds occupied or proposed to be occupied by such canals or conduit lines, pole lines, power houses, and other buildings and structures used in connection with said electrical power plants. These maps shall show the dimensions of each building and structure and each diverting dam, and the areas which it will be necessary to submerge at the point of intake of each power plant and, after the filing of said maps, all lands covered by this permit as shown on the maps, or to be occupied by such buildings and structures as shown, together with such portion of 50 feet on each side of the marginal limits thereof as may be actually necessary for the operation of the power plants, and such land as may be submerged by the construction and operation of said power plants, shall, when disposed of by the Government, be disposed of subject to the rights hereby granted unless said rights shall have terminated or shall have been revoked as herein provided prior to such disposal.

SEC. 4. That said company shall conform to all regulations adopted or prescribed by the Secretary of Agriculture or the Secretary of the Interior governing said forest reserves, or the use or the users thereof, and shall not take, cut, or destroy any timber within the forest reserves except such as it may be actually necessary to remove to construct its power plants and the structures pertaining thereto, and it shall be required to pay to the proper officer of the Forest Service the full value of all timber and wood cut, used, or destroyed by it within the forest reserves.

SEC. 5. That the privileges herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under laws of the United States or of the State of California.

SEC. 6. That no private right, title, or interest owned by any person, persons, or corporation in such forest reserves shall be interfered with or abridged, except with the consent of the owner or owners, or by due process of law and just compensation to said owner or owners.

SEC. 7. That if the said permittee shall fail to consummate and put in operation the said power plant specified in subdivision (f) of section 1 hereof within two years from the date of the passage of this act, or the power plant specified in subdivision (g) of section 1 hereof within five years from the passage of this act; or the power plant specified in subdivision (h) hereof within eight years from the passage of this act; or the power plant specified in subdivision (i) of said section 1 within ten years from the passage of this act; then as to each of said power plants not completed and put in operation within the time herein limited this permit shall be deemed to be revoked without judicial or other proceeding; and a failure during any year after completion to operate any power plant provided for in this act for a total time of ninety days in such year shall operate as a like revocation of this permit as to such plant or plants.

SEC. 8. That the enjoyment of the permit hereby granted shall be subject at all times to all laws relating to the forest reserves, and to all rules and regulations authorized and established thereunder, and that for infraction of such laws, rules, or regulations the owner or user of said permit shall be subject to all fines and penalties imposed thereby, and shall also be liable in a civil action for all damages that may accrue from such breach, and that for any continued infraction of such laws, rules, or regulations, or failure to pay any amount due the Forest Service from said company within sixty days of notice thereof, the Secretary of the Department of Agriculture or other department having control of forest reserves may, after due notice and hearing, revoke and vacate this permit: *Provided*, That the transfer of any lands from the jurisdiction of one department to that of another shall in no wise affect this permit, but the power hereby vested in the Secretary shall, upon such transfer, be deemed to be transferred with the land.

SEC. 9. That the said company shall pay annually in advance to the proper officer of the Forest Service, as compensation for the privileges hereby granted, such reasonable sum as the Secretary of Agriculture may fix from year to year, and shall pay for wood or timber cut, removed, or destroyed as fast as the value thereof may be ascertained and charged by the Forester: *Provided*, That the Secretary of Agriculture, his agents and employees, and all officers of the Forest Service, shall have free and unrestricted access in, through, and across all lands and structures covered by said permit in the performance of their official duties, and the Secretary in charge of forest reserves may construct or permit to be constructed in, through, or across any land covered by said permit, but not covered by dams, diversion works, power houses, or other buildings and roads or trails, public or otherwise, or other means of transportation, not inconsistent with the enjoyment of the permit hereby granted: *Provided further*, That the Edison Electric Company shall, under penalty of immediate forfeiture of the permit hereby granted, when requested to do so, assist the forest officers in fighting fire, and shall furnish any men under its employ necessary for that purpose, and shall otherwise assist to the extent of its power in protecting the forest reserves and maintaining good order upon them.

The committee amendments were read as follows:

On page 1, line 9, after the word "of," strike out the word "Agriculture" and insert in lieu thereof "the Interior."

On page 9, in line 8, after the word "map," insert "and such copies thereof as the Secretary of the Interior may prescribe."

On page 10, line 24, change the word "subdivision" to the word "subdivisions," and insert after the letter "(g)" the letters "(h)" and "(i)." Then strike out, in line 25 of page 10, all after the word "act," and on page 11 all of lines 1, 2, and 3.

On page 11, lines 21 and 22, strike out the words "Agriculture, or other Department having control of forest reserves," and in line 23 the word "may" and insert in lieu thereof the words "the Interior may upon request of the Secretary of Agriculture."

On page 12, in line 17, after the word "permit," strike out all down to the word "roads," in line 18.

Add as a new section:

"SEC. 10. Congress shall have power at any time to amend, modify, or repeal this act."

Mr. SMITH of California (during the reading). Mr. Speaker, I ask unanimous consent that the Clerk omit the reading of subdivisions (a) and (i) in the bill. It is merely a technical description of the quarter sections.

Mr. McNARY. Mr. Speaker, I object.

The SPEAKER (after the reading of the bill). Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask some gentleman in charge of the bill a question in order to get a little information in regard to this matter. As I understand it, these people have had revocable license to use this power up to the present time, and having expended some several million dollars on it, and now what they desire is a title in fee to it?

Mr. SMITH of California. Yes, sir.

Mr. PAYNE. That is not to be revoked unless they fail to comply with the terms of the bill? Now, I say that there is a little clause that looks as though there might be some com-

pensation to the United States for the use of this most valuable grant of water power in the discretion of the Secretary of the Interior, and, of course, as those things go, the United States generally gets the little end of it. What is the occasion for giving them a title in fee, what better off will the United States be by giving that to them, instead of the revocable license which they have now?

Mr. SMITH of California. I will be very glad to explain to the gentleman. I will state that at the present time five of these electric plants are completed and in operation, furnishing power to Los Angeles and the country roundabout for all kinds of power purposes, including the light for villages, and somewhat to the city of Los Angeles. The sixth plant is in my own county, now about completed, for transmission of power to Los Angeles also. Three other plants are yet to be completed.

Now, the point comes to this: The gentleman understands that this right of way we ask is entirely over forest reserves, and in the law creating forest reserves it was provided that the Secretary of Agriculture might give a license for right of way for power purposes. Congress had already previously provided a procedure by which you could get right of way for a railroad, for an irrigating ditch, and for a mining ditch, but has never given a right of way or a procedure by which you could obtain a right of way for a water conduit line for power purposes or pole line across the country. In endeavoring to give the Secretary of Agriculture the right to grant these rights of way for power purposes, it contained this provision, that the grant given by the Secretary of Agriculture "shall not be held to confer any right or easement or interest in, to, or over any public land, reservation, or park." Thereby, if a person came along and located a mining claim—which still may be located in forest reserves—the mining right of the locator was superior to the right of the electric company, and, although they might have spent millions of dollars, as they have in some cases, in the construction of their conduit lines along the side of the mountains and in other ways, a person could come along and locate a quartz mining claim and tell them to get off, because, under the language of the statute that I have read, the right which the electric company took was not construed to be a right in or easement over the land.

Mr. PAYNE. The right of way to convey the power is a very small incident to this grant. The real thing is the water power, is it not?

Mr. SMITH of California. Yes; the water right; but the water right—the right to use the water—is derived from the State——

Mr. PAYNE. Does not the United States own the sites of these dams and the reservations?

Mr. SMITH of California. Yes, sir.

Mr. PAYNE. Then the real thing is giving the water—the water power—but not the right of way for the electric wire.

Mr. SMITH of California. Do you understand that they have the right to the water under the law of California?

Mr. PAYNE. The right of way to the electric wire across the public lands would not avail the company much unless they used it for the water purposes, so that the real gift is the water and the use of it.

Mr. SMITH of California. No; because the right to the use of water in California under the law of appropriation is different. This is not on a navigable stream.

Mr. PAYNE. Does the gentleman admit that we own the reservation on which the streams and dams are located?

Mr. SMITH of California. There are not any extensive dams.

Mr. PAYNE. Do we not own the land?

Mr. SMITH of California. Yes; the United States owns the land we want to use.

Mr. PAYNE. And we own the land on which the water is?

Mr. SMITH of California. Yes.

Mr. PAYNE. And on which the water power is located?

Mr. SMITH of California. Yes.

Mr. PAYNE. And Congress gave them the right which they have now to use that water?

Mr. SMITH of California. No, sir.

Mr. PAYNE. On a revocable license?

Mr. SMITH of California. No, sir; Congress does not give them the right to the use of the water. They get that under the law of California, by an appropriation.

Mr. PAYNE. Do you mean to say that the State of California can give land of the United States to establish water rights through them, though we own them?

Mr. SMITH of California. The water right.

Mr. GILLETT of California. I desire to say to the gentleman from New York that the laws of California are different from the laws under the common law for the use of water. They were made so by reason of the necessity for taking water for the purposes of mining, irrigation, and matters of that kind. Under the laws of California a person has the right to go upon the public domain and appropriate the water running in a stream if not already appropriated, and may do so by posting a notice stating that he intended to take so many inches of water therefrom and proposed to divert it for a certain use. Our law reads different from the common law. I want to say that when I first went to California it was a long time before I could get through my mind the right of a man to take water that would, if untouched, run through another man's land.

Mr. PAYNE. How do they get it from the United States?

Mr. GILLETT of California (continuing). It was so different from what I had known in the East. Under our laws the United States has no right in streams except it be the riparian proprietor or a navigable stream, and under the laws of California, both as to the land of the United States and of individuals, the common-law right to use water does not obtain. You can not measure the rights of the people back there as you can in Pennsylvania, because conditions are entirely different.

Mr. PAYNE. That would not give the right of another man to go on a man's land and take water?

Mr. GILLETT of California. Yes, sir.

Mr. PAYNE. And use it?

Mr. GILLETT of California. Yes, sir. Of course he would have to comply with the statute, but he would have the right to divert the water.

Mr. PAYNE. He would have to condemn it?

Mr. GILLETT of California. He would have to condemn it—yes—if the party had certain rights in the water.

Mr. PAYNE. If the man owned the land that the water was on he would have to condemn it, wouldn't he?

Mr. BUTLER of Pennsylvania. Water companies have the power of eminent domain.

Mr. GILLETT of California. As far as the water is concerned which flows down the sides of the Sierra Nevadas, through the lands belonging to the United States or through lands belonging to the State, people who desire it for irrigating or for domestic uses in cities, or for mining purposes, have a right to divert it by giving the proper notice and recording it in the recorder's office and commencing work within sixty days. They may take it as far as they want to take it.

Mr. BUTLER of Pennsylvania. Without compensation?

Mr. GILLETT of California. Without compensation; and I have seen places there in communities where certain individuals had all the water, to the exclusion of everybody else.

Mr. PAYNE. Never mind the example. Is that the condition?

The SPEAKER. One moment. This is suspension day, and the Chair desires to know if there is objection to considering this bill by unanimous consent.

Mr. PAYNE. I want to ask one more question, to determine whether I will object or not.

The SPEAKER. What the Chair wanted was to recognize the gentleman to move to suspend the rules and let the twenty minutes be running.

Mr. PAYNE. It may not be necessary if I can get a satisfactory answer to my question.

The SPEAKER. Does the gentleman from California yield further?

Mr. GILLETT of California. Yes.

Mr. PAYNE. Is this an original right reserved in the Spanish grant through which the United States and everybody else get title?

Mr. GILLETT of California. I could not answer that, but I know it is a right recognized by our laws and by the courts.

Mr. McNARY. Mr. Speaker, do I understand that the gentleman has made a motion to suspend the rules?

The SPEAKER. He has not; but is there objection to considering this bill by unanimous consent?

Mr. McNARY. I object.

Mr. GILLETT of California. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The gentleman from California moves to suspend the rules and pass the bill. Is a second demanded?

Mr. McNARY. I ask for a second.

Mr. SMITH of California. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from California is entitled to twenty minutes and the gentleman from Massachusetts to twenty minutes.

Mr. SMITH of California. If the gentleman from Massachusetts desires to speak now, I will reserve my time.

Mr. McNARY. I desire to speak, but I am willing to give the gentleman from California a fair chance to explain the merits or demerits of this bill to the House. Up to this time I have been unable to agree with him in his view that this bill should pass. I am entirely unable to agree with the other view advanced here that any individual, in California or elsewhere, has a right to go upon Government land, upon a national forest reserve that we have established for the purpose of protecting the water supply, for irrigation and agricultural purposes, and take whatever water he chooses for whatever purpose he chooses, to use it for his own profit, without compensation to the Government, because that will tend to destroy the very purpose for which the forest reserve was created.

Now, therefore, as I have not had time to examine the provisions of the bill carefully, I am opposed to it in view of the explanations which have been made so far, and I am opposed to it in view of the fact that the company, having certain rights at the present time, now desires to get those rights in perpetuity, beyond the power of the Government or the power of the Secretary to take them away. In my own section of the country rights of this character are worth millions of dollars. Water rights were the foundation of prosperity in the old New England colonies, and they have been the foundation of the prosperity of whole sections of the country, and they are very jealously guarded. I believe that if this company desires any such rights, provisions should be put in this bill which will, in the first place, protect the forest reserve, and, in the next place, will bring to the Government proper compensation for the enormously valuable water rights which the company will get under the provisions of this bill. In any event, this company should not have these rights granted in perpetuity, but it should be retained in the power of this Congress, or the agent of this Congress, the Secretary of Agriculture, to revoke these rights whenever the interests of the people of that locality and of the State shall demand it. Such a bill as this should be very carefully inquired into, and the gentleman owes it to this House, as well as to his own community, to make a clear, careful statement of the matter.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. I yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I think the questions propounded by the gentleman from Massachusetts [Mr. McNARY] are very well put before the House, and that the House ought to fully understand the nature of this proceeding.

Under existing law there is power on the part of the Secretary to grant an easement in the forest reserve, in the nature of a mere license, but it is revocable at will on the part of the Secretary; and it has been held also to carry with it no rights whatever in the soil but such rights as may be taken away by a subsequent mineral location.

You can not locate a homestead in a forest reserve unless, perchance, the bill gets through which we passed this afternoon, but the forest reserves are open to general mineral location, and in the making of discovery of mineral the rights are at once attached, and with the power to perfect the title and absolutely cut out the previous right of an electric company in the nature of a license. Under the right-of-way act of 1875 the railway company can have a right over public lands to build its railway, and the courts hold that that is a grant, that they have an interest in the land, and that they have a right which can not be subsequently taken away by any other claim or location. As to electric power in forest reserves, it is, under present law, in the nature of a revocable license, and in these forest reserves which are upon the mineral lands these parties that are spending large sums of money to develop light and power find themselves in a position where some one can come in and locate across their right of way a mineral claim. Now, that mineral location ought to be subservient to this prior right, instead of being superior to it. This bill will not prevent them from locating mineral claims, but their right will be inferior to and subject to the provisions of the previous grant for right of way. If it were not so, parties making mineral location could come and locate a mineral claim and absolutely blackmail the previous investors who have spent large sums of money to supply power to the people down in the valley.

Mr. FITZGERALD. I would like to ask the gentleman from Iowa if this fact was not known to these people when they went on there and made the expenditure?

Mr. LACEY. Certainly; and they want to expend a great deal more money.

Mr. FITZGERALD. This bill gives them additional privileges.

Mr. LACEY. I will call my friend's attention to the situation. In 1898 we granted the same right that is provided for in this bill in the Grand Canyon in Arizona. In 1898 the same kind of a grant was made to the Pike's Peak company. In 1898 the same kind of a grant was made to the Cripple Creek company. In 1899 a like grant was made to the San Francisco company. We have passed these various bills making grants in substantially the same form that this bill does, and a general bill was afterwards enacted in order to relieve Congress from having these special grants from time to time; but unfortunately it was so drawn that it only gave a mere revocable license that was junior and inferior to the rights of subsequent mineral locators. In this bill we simply provide that the right of these people who are furnishing the power and the heat to the cities in the valley below shall have the superior right and not the inferior right.

It is not a donation at all. The bill expressly provides that the companies shall pay annually in advance to the officers of the Forestry Service, as compensation for the privilege granted, such sum as the Secretary of Agriculture may fix. Now, in spending such sums of money as they are necessarily compelled to spend for this purpose, gentlemen will recognize that something more than a revocable license, which may not only be taken away by the Government, but may be taken away by some individual coming in and under the mineral law destroying the right previously granted, ought to be provided for. They will understand that this is not fair to the men who are developing the country and spending their money for the benefit of their community and to help build it up.

[Here the hammer fell.]

Mr. SMITH of California. Mr. Speaker, I now yield five minutes to the gentleman from California [Mr. GILLETT].

Mr. GILLETT of California. Mr. Speaker, it seems to me that there should be no objection to the passage of this bill, particularly if the people can understand the conditions existing in California, and the necessity for the uses of the water for improving the State in the various ways in which water is needed.

The old common law does not obtain in California as far as it affects the question of water rights. Under our law, and it has always been the law, a person has the right to go upon the public domain and appropriate the water not already appropriated that is running in any of the streams, take it any distance he may choose, to his mining claim or to the valley for the purpose of irrigation, or he may take it into some city to be used for public use there for the purpose of affording light and electrical power.

Our streams are precipitous; they are useful to us in the way of irrigation; they are useful to us in many ways, and because of the necessity existing there for the development of the State from the fact that it does not deprive anybody, under our law, of any right that is unjust to the Government in any way, these rights should be obtained. With these improvements established, it goes to the betterment of the State, for its benefit, and no harm comes to any interest. I believe the bill is a good measure and should become a law. It is for the interest of our State, and no one is deprived of any right; it takes nothing from the United States Government. I now yield back the rest of my time.

Mr. SMITH of California. Mr. Speaker, I would be glad to have the gentleman on the other side use a portion of his time now.

Mr. McNARY. Mr. Speaker, I will take my time later. I prefer to have the gentleman use his time.

Mr. SMITH of California. Mr. Chairman, I would really like to have the gentleman state his objections to the bill, so that I may have some of my time left.

Mr. McNARY. Mr. Speaker, I asked the gentleman previously to state his proposition and the reasons in favor. He has not yet done so. I should now like him to state the reasons he has for this bill, and after he has done that I will endeavor to reply to them.

Mr. SMITH of California. Then, I will undertake to use five minutes of my time at this time, and will thank the Chair to call my attention to that fact at the end of that time.

The SPEAKER pro tempore. The gentleman has thirteen minutes remaining.

Mr. SMITH of California. Mr. Speaker, I wish to assure the gentleman that I do not think his objection is in any sense captious, but I would like to have him start right on this proposition and understand that the power is not derived from the Federal Government—that is, the water power in California is not derived from the Federal Government. We are speaking now of nonnavigable streams, and the Federal Government has absolutely nothing to do with them, and this bill does not give any right or pretend to give any right to take water and use it for power purposes. If gentlemen will get that right in their

minds, I think one of the objections will be met and passed. In our State legislature we had a good deal of discussion as to what California should do in the matter of giving these valuable water rights away; but Uncle Sam, so to speak, has absolutely nothing to do with them.

Mr. FITZGERALD. Does the gentleman say that this bill does not give the right to take the water for power?

Mr. SMITH of California. I say it in no sense touches the right to appropriate the water. All we want here is the right of way.

Mr. FITZGERALD. The gentleman wants more than the right of way. He wants to confirm a license that was granted under the act——

Mr. SMITH of California. Not a license touching the water, but a license for the right of way.

Mr. FITZGERALD. A license to locate lands and rights of way and everything else within the forest reserves?

Mr. SMITH of California. No, sir. The only license which we received from the Federal Government was the license to pass over the public domain. It in no sense touches the right to use the water.

Mr. FITZGERALD. Then what does this language mean: "And the ground actually occupied by and necessary for power houses, diverting dams, and necessary buildings and structures to be used in connection with the operation and maintenance of said water-power plants?" Is it not a fact that these companies obtained a right to locate these plants within this forest reserve and that now this law is proposed to confirm that to some extent or to make it less easy to take away the license that was given?

Mr. SMITH of California. Yes; the purpose of the bill is this: The Government has already given to parties who have water privileges—and they obtained the water privilege from California—the right to pass over the land, to occupy certain tracts of land where their power houses come, and also, under this bill, the right to back the water up over 30 acres of land. The Government, under the present condition of the law, can give that, subject only to the right of the mineral location, and this bill undertakes to provide that it shall be absolute, and that a person who comes along and locates a mining claim where there is a water ditch—or conduit line, as we call it—shall take it subject to the right of the power company, putting them in exactly the same position as they are with reference to rights of way for railroads and rights of way for irrigating and mining ditches. There is nothing more.

Mr. ROBINSON of Arkansas. Does the State of California own the water on Government lands, not navigable streams?

Mr. SMITH of California. Yes.

Mr. ROBINSON of Arkansas. Under what law?

Mr. SMITH of California. By its original reservation when the State came into the Union.

Mr. ROBINSON of Arkansas. When the State came into the Union it reserved that?

Mr. SMITH of California. It has absolute power over the nonnavigable streams. The law of the State is very complete on the subject of the appropriation of water for irrigation and power purposes, and I think if the gentlemen will examine the law they will be convinced that I am right in that; that we are not asking from Congress any concession with reference to the use of the water, but merely the right of way over the land and certain small tracts of land of a few acres each for power purposes. Now, let me call attention to another fact which I think will have effect on gentlemen's minds. Five of these plants are completed. The company having this enterprise in hand took its chances on its limited right of way.

The SPEAKER pro tempore. The gentleman from California has now consumed five minutes.

Mr. SMITH of California. Then I will use three minutes more. That company took its chances on its limited right of way. They have invested $2,300,000 in five plants that are now furnishing electricity to Los Angeles and adjacent cities. In my own county they are building the sixth plant, at an expense of $1,700,000. Now, in all of these they are at the mercy, they have found subsequently, of anyone who may come in on the public domain and locate a mining claim.

Mr. FITZGERALD. I wish the gentleman would point out in this bill the provision that makes it impossible for a person to locate a mining claim on any of the land covered by water.

Mr. SMITH of California. It does not provide that.

Mr. FITZGERALD. How will this law operate to prevent the doing of that, if it is permissible now?

Mr. SMITH of California. It does not prevent the location of a mining claim, but makes the mining claim subject to this.

Mr. FITZGERALD. Where does it say that?

Mr. SMITH of California. I will show you. It is in line 7:

That upon the conditions herein named, etc.

Mr. FITZGERALD. What page?

Mr. SMITH of California. Page 1:

That the right is hereby granted.

That is all we want.

Mr. FITZGERALD (reading)—

The duration of which shall be fixed by the Secretary of the Interior.

Now, the law under which the present permit is granted provides that the Secretary may have the power to grant the permit, and that it can be revoked at his will, and it has this interesting provision in it, which I think the gentleman is trying to get away from, that—

Any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or his successors, and in his discretion shall not be held to confer any right or easement or interest in, to, or over any public land, reservation, or park.

It seems to me that is the particular thing the gentleman is trying to get away from.

Mr. SMITH of California. I could not state the language better than you do. That is exactly the thing we are trying to get away from. They do now take their rights under all of these large expenditures subject to that mischievous provision in the law. They do not acquire an easement, but a license, which any individual can revoke by locating a mining claim across it.

Mr. FITZGERALD. I will call the gentleman's attention to another thing in the law under which the original permit was granted. In this law, which it is now proposed to enact, is there any language which would indicate that the locator of a mining claim would have either a superior or an inferior right?

Mr. SMITH of California. Let me read that language to you again. That the license given by the Secretary of the Interior "shall not be held to confer any right or easement or interest in, to, or over public lands." If it does not confer a right, of course the mining locator does take right of way.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SMITH of California. I reserve the balance of my time. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has five minutes remaining.

Mr. McNARY. Mr. Speaker, I must state the gentleman has not cleared up my mind in regard to the purposes of this bill. If he merely desired to protect his company from invasion of what rights it now possesses because of mining claims that could have been accomplished very readily by a different sort of a bill by an amendment to the mining act, providing that the location of a mining claim across such a right as this would not vitiate that or interfere with that right, but this bill does not——

Mr. NEEDHAM. It has been so decided that it is.

Mr. McNARY. I say that an amendment could be introduced to the mining law specifically deciding that it could not, but this bill does not do that, and the men reporting this bill do not attempt to do that. They do not ask to amend the law so as to provide that a mining claim could not interfere with this enterprise, and that is not their real purpose. Their purpose is not to get away from the interference of mining claims, because, as a matter of fact, that is inconsequential. Their purpose is to get away from the interference of the United States Government and its agents and to get rights in this land which they do not now enjoy and in perpetuity.

Mr. SMITH of California. May I interrupt the gentleman for a question?

Mr. McNARY. Certainly.

Mr. SMITH of California. Assuming that interpretation of the intent of the bill is correct, do you not think a man who makes an investment of this character ought to have a permanent right of way that could not be disturbed by the Federal Government or anybody else?

Mr. McNARY. Mr. Speaker, I think the man who makes an investment of this character if he buys the ground, buys it from its original owners, buys the water rights, buys the water power, buys the right of way, is entitled to all the protection the law can give him; but when the United States Government creates a forest reserve for the purpose of providing the security of the water supply for agriculture and for irrigation, then when a company comes along and proposes to take the land which the United States Government has set apart for public uses for its own use and profit I do not believe that it should have rights in perpetuity which the Government could not take away.

Now, then, I maintain that the claim of the gentleman from California that the State of California has rights in the lands of the United States owned and set apart under the general

laws is an absurd claim. That they have a right to take the water which the United States Government has protected and preserved for the benefit of the whole community—that they have the right, in other words (the State of California or its agents), to practically set aside the whole purpose of the forest reserve—is an absurd contention on their part.

Mr. GILLETT of California. Will the gentleman yield?

Mr. McNARY. Certainly.

Mr. GILLETT of California. Does not the gentleman know that the courts of our State have for years upheld and maintained this "absurdity" and the legislature has enacted "absurd laws" along this line?

Mr. McNARY. The laws of California are not regarded very highly in the eastern section of our country, or the decisions of their courts, and I doubt that such a decision as that would stand before the Supreme Court of the United States.

Mr. GILLETT of California. Does the gentleman know that the United States Supreme Court has upheld that very same doctrine?

Mr. McNARY. Mr. Speaker, the gentleman does not state his case. Of course he can make a statement of a certain character and without citing cases make it appear plausible, but the doctrine that the State of California has the right to go in and take the lands or water of the United States in a forest reserve, I do not believe that the case has been so decided, and I do not think it would be decided that way.

Mr. MONDELL. Will the gentleman yield to me?

Mr. McNARY. Certainly.

Mr. MONDELL. I think the case the gentleman states has never been decided—namely, that the State of California can go into a forest reserve and take the Government land.

Mr. McNARY. Or individuals or corporations in the State.

Mr. MONDELL. But it is the law of the land, upheld by the courts, that the States have absolute control of the nonnavigable waters, and that has never been denied anywhere.

Mr. McNARY. But the States have no control over the lands or waters of the United States. You are endeavoring to give a company control of the lands of the United States in this act, rights which the State of California can not get, and yet, as the gentleman has stated, the State of California could give it as to the water.

Mr. LACEY. I would like to ask the gentleman from Massachusetts a question.

Mr. McNARY. Certainly.

Mr. LACEY. If he has observed this statement of the Department, that this bill has been prepared in collaboration with the Forest Service, in order to place the Edison Electric Light Company in a more tolerable position in regard to the rights of way already granted them under the act of 1901, and for the reasons given it is recommended that this bill be favorably considered?

Mr. McNARY. I have observed that statement. I well know that in our section of the country that water rights and water powers are extremely valuable. A power of this character is worth the investment that the company has put into the land and the power stations, and we do not give them away for nothing. Now, then, if any such action has been taken, it has been at the instigation of the company, at the request of the company, under pressure from the company, and not for the benefit of the forestry reserve or the United States Government. If this company is to have rights of this character because of an easement in the land, it will give it a right of way to the water and give it the right to impound that water, give it right to build dams and divert and submerge lands and build up a great water supply, and will give it the power, irrevocably and for all time, for getting water of the United States Government which was created by the forestry reserve for the benefit of the whole people—give them very valuable rights worth millions of dollars for practically nothing.

Mr. MURPHY. Did not the gentleman vote for the Muscle Shoals bill?

Mr. McNARY. I did not; and I would vote to sustain the President of the United States in his veto of the Muscle Shoals bill, and I would vote also to take away from the power companies at Niagara their use of that stream, if the gentleman, the chairman of the Committee on Rivers and Harbors, brings in a bill of that character. I would vote also against the continuance of the rights of the railroads in the Indian Territory to coal land. I think it would be a shame for this House to pass this bill. My record on that matter is entirely clear, and, having been fooled with the Indian bill in allowing it to go through without objection, I do not propose to allow another such bill to go through if I can prevent it.

The men who ask for these rights are men of wide experience, of great knowledge, and great enterprise. They know the value water power is to be in the future in the generation of electricity. Many people believe the consumption of coal will decrease materially in the future because of the generation of electricity and the transmission of the same for heat, light, and power from the small water powers, and large sections of the country will be relieved from the cost of coal by the utilization of water power in the running streams; yet we propose to give these people rights in perpetuity and give it practically for nothing.

I am opposed to the bill in principle and detail, and hope this House will not pass it without serious and grave amendment.

Mr. STEPHENS of Texas. Will the gentleman allow me to correct a mistake that he made in reference to the coal lands?

Mr. McNARY. Yes; if it is a correction.

Mr. STEPHENS of Texas. The gentleman spoke of the coal lands being saved by the bill passed recently for the settlement of the affairs of the Five Civilized Tribes. That has been made subject to the future action of Congress. It is a thing that I worked very hard for.

Mr. McNARY. This House has by its action protested against the control of coal by the Chesapeake and Ohio Railroad and the Pennsylvania Railroad, and at the same time passed a bill continuing control of coal in the Indian Territory.

Mr. STEPHENS of Texas. On the other hand, we prevented either the lease or the sale of the coal lands.

Mr. McNARY. But the committee continued the present leases.

Mr. STEPHENS of Texas. Certainly. You would not violate the obligation of a contract.

Mr. McNARY. And by the continuance of the leases you have given those people the benefit of it. I would not confirm previous mistakes in legislation. I am opposed to the control of the public lands in this way.

Mr. STEPHENS of Texas. Would the gentleman violate the obligation of a contract?

Mr. McNARY. I would not violate the obligation of any contract, but it is not necessary for your committee to continue these contracts. I am opposed to this character of bill. It has been known throughout a number of years that we take lands in the West for dams and for other purposes without getting any adequate compensation for the Government.

We gave valuable grants under the timber and stone act and under the desert-land act, and under these thousands and even millions of acres of the public land have been stolen, and men would be found again to do the same thing. I am opposed to this bill from principle. I am opposed to giving this company the right to go and take the waters of this Government, created by means of the forest law, and give them the right to take that water for all time, taking extremely valuable rights in perpetuity without compensation. I hope the House will not pass this bill at this time. If it has passed bills of this character, it is time it ceased to do so, and protect the right of the people and the community and see that the Government gets adequate compensation for a valuable privilege. It gets none under this bill.

Mr. SMITH of California. Do you desire to use any more of your time?

Mr. McNARY. I reserve the balance of my time.

Mr. SMITH of California. How much time has the other side, Mr. Speaker?

The SPEAKER. Four minutes.

Mr. SMITH of California. I hope the gentleman will use his time, because I desire to close the argument.

Mr. McNARY. The gentleman to whom I desired to yield is not in the Chamber.

The SPEAKER. The gentleman from California has the right to close, if he demands it.

Mr. SMITH of California. I demand the right to close the debate, and I would like the gentleman to consume his time now.

The SPEAKER. The gentleman from California has five minutes and the gentleman from Massachusetts four minutes. The gentleman from Massachusetts declines to use his time.

Mr. McNARY. The gentleman to whom I was to give my time is not in the Chamber, and unless somebody wants to speak I am perfectly willing that the gentleman may proceed. [Cries of "Vote!"]

Mr. SMITH of California. I would just like to say this, Mr. Speaker: That the bill was prepared under the Agricultural and Interior Departments—all the rights and conditions as they will affect the forest reservations, as to the conservation of the waters. Under all these circumstances, the water is not being used for power only, but it is first used for power and then for irrigation. We are not allowing the power companies to waste any water.

Mr. BUTLER of Pennsylvania. Do I understand the gentleman to say that the Secretary of Agriculture approves this bill?

Mr. SMITH of California. Yes, sir; the Secretary of Agriculture and the Secretary of the Interior prepared this bill in their offices.

Mr. GILLETT of California. And the Secretary of Agriculture has charge of the forest reservations in our State.

Mr. SMITH of California. Yes.

Mr. GILLETT of California. And this is a conservation of the water.

Mr. SMITH of California. This is what he says in the conclusion of a letter printed in the report:

For the reasons given above, I recommend that your committee consider the bill H. R. 11490 favorably.

So that it has the entire indorsement of every Department of the Government that it affects.

Mr. SHERLEY. Will the gentleman answer a question?

Mr. SMITH of California. Yes.

Mr. SHERLEY. Does the United States get any return for giving this right?

Mr. SMITH of California. This bill contains the only provision that I think was ever written into a right-of-way act providing that the Department may collect a rental on the land used. I do not believe there is a railroad or an irrigating ditch or a mining ditch right of way that has ever been granted before that contained that provision, by which the United States can recover a rental value for it.

Mr. McNARY. I should like to ask the gentleman whether this provision applies to a payment for the right of way or whether it applies to a payment for the water.

Mr. SMITH of California. It does not contain a provision for the payment for the water, because the water belongs to the State of California.

Mr. McNARY. The water is the extremely valuable part of the grant, because the right of way controls the water, and the water is worth millions.

Mr. SMITH of California. Let me read the provision of section 9:

SEC. 9. That the said company shall pay annually in advance to the proper officer of the Forest Service, as compensation for the privileges hereby granted, such reasonable sum as the Secretary of Agriculture may fix from year to year.

Now, you may say it is for the water or for the land. I say it is for the land, because we do not concede that the Federal Government has anything to do with the nonnavigable streams of California. I call for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question being taken, on a division (demanded by Mr. McNARY) there were—ayes 125, noes 26.

Accordingly (two-thirds voting in the affirmative) the rules were suspended, and the bill passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 4760. An act granting an increase of pension to John B. Lee.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 6982. An act for the relief of James W. Jones;

H. R. 229. An act providing for the purchase of metal and the coinage of minor coins, and the distribution and redemption of said coins; and

H. R. 17987. An act making an appropriation for the improvement of the mouth of the Columbia River.

BRIDGE ACROSS TUG BRANCH OF BIG SANDY RIVER.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17945) authorizing the Borderland Coal Company to construct a bridge across Tug Branch of Big Sandy River.

The bill was read, as follows:

Be it enacted, etc., That the Borderland Coal Company, a corporation organized under the laws of the State of West Virginia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad, tramroad, conveyor, wagon or foot bridge and approaches thereto, across the Tug Fork of Big Sandy River, at a point about 1½ miles east of Nolan, Mingo County (where the same forms the boundary line between the States of Kentucky and West Virginia), in the State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BARTLETT, a motion to reconsider the last vote was laid on the table.

ADDITIONAL LAND OFFICE, NORTH DAKOTA.

Mr. GRONNA. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2452) creating an additional land office in the State of North Dakota.

The bill was read as follows:

Be it enacted, etc., That all of that portion of North Dakota lying north of the twelfth standard parallel and west of a line beginning at the juncture of the range line between ranges 92 and 93 with the said twelfth standard parallel and running north to the fifteenth standard parallel, and thence west along the said fifteenth standard parallel to the range line between ranges 96 and 97, and thence north along the said range line to the international boundary line, all west of the principal meridian, be, and the same is hereby, created into a separate land district, to be known as the Williston district; and the land office for said district shall be located at the town of Williston until such time as the President may, in his discretion, remove the site of said land office from said town.

SEC. 2. That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said district; and they shall be subject to the same laws and be entitled to the same compensation as is or may hereafter be provided by law in relation to the existing land offices and officers in said State.

The SPEAKER. Is there objection?

Mr. CRUMPACKER. I desire to know something about the necessity for this bill, as it seems to create a new land district, with a register and the other necessary officers. Will the gentleman explain the necessity for the legislation?

Mr. GRONNA. This bill has the unanimous recommendation of the Committee on Public Lands, and it is also indorsed by the Secretary of the Interior and the Commissioner of the General Land Office.

Mr. CRUMPACKER. These indorsements are very good, but is there a necessity for an additional land office in North Dakota?

Mr. GRONNA. The old district is a very large one. It is now about 130 miles wide and 180 miles long. The district which it is proposed to create will be approximately 66 miles wide and 91 miles long. This bill is in the interest of the convenience of the settlers.

Mr. LACEY. Will my colleague on the committee yield just for a moment? I should like to suggest to my friend from Indiana that the Department can do away with unnecessary land offices at any time by consolidation.

Mr. CRUMPACKER. But is that ever done?

Mr. LACEY. Oh, yes; a number have been done away with recently; but the Department can not add any land office, and it recommended this additional office.

Mr. CRUMPACKER. Since we have gotten along all these years and have been disposing of the public domain so rapidly, and the means of communication have increased so greatly, I have been wondering why it is necessary at this time to create a new land district.

Mr. LACEY. There has been a great rush to North Dakota, where for a great many years the settlers were few. They found that the land has a sufficient rainfall, and a very large settlement has gone in.

Mr. CRUMPACKER. I have a great deal of faith in the judgment of the gentleman from Iowa [Mr. LACEY] as well as in the judgment of the gentleman from North Dakota [Mr. GRONNA]. Does the gentleman from Iowa say to the House that, in his opinion, this district ought to be created; that it is necessary for the administration of the public-land service?

Mr. LACEY. I base my judgment on the views of the Commissioner of the Land Office, who says that it is desirable to have an additional land office there. They have just done away with the office at Kingfisher, Okla.; consolidated it with another office. Frequent reductions are made in number of the land offices.

Mr. PAYNE. If this is created now by official act, can the President afterwards consolidate it under the general act?

Mr. LACEY. Yes.

Mr. PAYNE. It being a later statute.

Mr. LACEY. The offices when created are under the general law, but they must be established first by statute, but may be discontinued by Executive order.

The bill was ordered to be read a third time; and it was read a third time, and passed.

On motion of Mr. GRONNA, a motion to reconsider the last vote was laid on the table.

AMENDING SECTION 5501 OF THE REVISED STATUTES.

Mr. JENKINS. Mr. Speaker, I present conference report on the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States, for the purpose of being printed in the RECORD.

The SPEAKER. The conference report and statement will be printed under the rule.

APPEALS IN CRIMINAL PROSECUTIONS.

Mr. NEVIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15434) to regulate appeals in criminal prosecutions.

The Clerk read the bill, as follows:

Be it enacted, etc., That in all criminal prosecutions the United States shall have the same right of review by writ of error that is given to the defendant, including the right to a bill of exceptions: *Provided*, That if on such writ of error it shall be found that there was error in the rulings of the court during the trial, a verdict in favor of the defendant shall not be set aside.

The following amendment was recommended by the committee:

Add a new section, as follows:

"SEC. 2. That this act shall take effect and be in force from and after its passage and shall apply to all cases pending."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. NEVIN, a motion to reconsider the last vote was laid on the table.

COAL LANDS IN ALASKA.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17415) to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska.

The Clerk read the bill, as follows:

Be it enacted, etc., That any citizen or citizens of the United States may make entry under the coal-land laws applicable to Alaska for not more than 1,280 acres of any coal lands in that district which are covered by the valid locations of any persons who have assigned their interests therein to such citizen or citizens; but no person shall be entitled to locate more than 160 acres of such lands, and no person shall be permitted to obtain patent to more than 1,280 acres of such lands.

The following amendments, recommended by the committee, were read:

In line 6, after the word "the," insert "contiguous." At the end of the bill add the following: "*Provided*, That no entry under this act shall exceed 2 miles in length."

The SPEAKER. Is there objection?

Mr. WILLIAMS. I would like to ask the gentleman from Iowa if this is a unanimous report?

Mr. LACEY. It is a unanimous report, and this legislation is requested by the three commissioners who represent Alaska.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

PROHIBITING ALIENS FROM FISHING IN THE WATERS OF ALASKA.

Mr. POWERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 267) to prohibit aliens from fishing in the waters of Alaska, and I ask unanimous consent that the amendment in the nature of a substitute be read in lieu of the Senate bill.

The SPEAKER. Is there objection to the request that the substitute be read? [After a pause.] The Chair hears none.

The Clerk read the substitute, as follows:

That it shall be unlawful for any person not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, and is a bona fide resident therein, or for any company, corporation, or association not organized or authorized to transact business under the laws of the United States or under the laws of any State, Territory, or district thereof, or for any person not a native of Alaska, to catch or kill, or attempt to catch or kill, except with rod, spear, or gaff, any fish of any kind or species whatsoever in any of the waters of Alaska under the jurisdiction of the United States: *Provided, however*, That nothing contained in this act shall prevent those lawfully taking fish in the said waters from selling the same, fresh or cured, in Alaska or in Alaskan waters, to any alien person, company, or vessel then being lawfully in said waters: *And provided further*, That nothing contained in this act shall prevent any person, firm, corporation, or association lawfully entitled to fish in the waters of Alaska from employing alien labor, either at stated wages or by piecework, or both, in connection with Alaskan fisheries, canneries, salteries, etc.

SEC. 2. That every person, company, corporation, or association found guilty of a violation of any provision of this act or of any regulation made thereunder shall, for each offense, be fined not less than $100 nor more than $500, which fine shall be a lien against any vessel or other property of the offending party or which was used in the commission of such unlawful act. Every vessel used or employed in violation of any provision of this act or of any regulation made thereunder shall be liable to a fine of not less than $100 nor more than $500, and may be seized and proceeded against by way of libel in any court having jurisdiction of the offense.

SEC. 3. That the violation of any provision of this act or of any regulation made thereunder may be prosecuted in any United States district court of Alaska, California, Oregon, or Washington.

SEC. 4. That the collector of customs of the district of Alaska is hereby authorized to search and seize every foreign vessel and arrest every person violating any provision of this act or any regulation made thereunder, and the Secretary of Commerce and Labor shall have power to authorize officers of the Navy and of the Revenue-Cutter Service and agents of the Department of Commerce and Labor to likewise make such searches, seizures, and arrests. If any foreign vessel shall be found within the waters to which this act applies, having on board fresh or cured fish and apparatus or implement suitable for killing or taking fish, it shall be presumed that the vessel and apparatus were used in violation of this act until it is otherwise sufficiently proved. And every vessel, its tackle, apparatus, or implements so seized shall be given into the custody of the United States marshal of either of the districts mentioned in section 3 of this act, and shall be held by him subject to the proceedings provided for in section 2 of this act. The facts in connection with such seizure shall be at once reported to the United States district attorney for the district to which the vessel so seized shall be taken, whose duty it shall be to institute the proper proceedings.

SEC. 5. That the Secretary of Commerce and Labor shall have power to make rules and regulations not inconsistent with law to carry into effect the provisions of this act, and such rules and regulations shall have the force and effect of law. And it shall be the duty of the Secretary of Commerce and Labor to enforce the provisions of this act and the rules and regulations made thereunder, and for that purpose he may employ, through the Secretary of the Treasury and the Secretary of the Navy, the vessels of the United States Revenue-Cutter Service and of the Navy: *Provided, however*, That nothing contained in this act shall be construed as affecting any existing treaty or convention between the United States and any foreign power.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRUMPACKER. Mr. Speaker, I desire to ask the gentleman a question or two. Does this prohibit the natives from engaging in fishing in Alaska?

Mr. POWERS. It does not.

Mr. CRUMPACKER. I know that they are not citizens of the United States, that they are not Indians, and that they have no rights under the law.

Mr. POWERS. We discussed all that in the committee. I will say to the gentleman that this is a substitute for the Senate bill, and we think it is somewhat better.

Mr. CRUMPACKER. In the reading of the bill I notice that it provides, does it not, that the Secretary of Commerce and Labor may make regulations for carrying out the purposes of the bill, and that these regulations shall have the same effect as law? Does the bill provide penalties for the violation of any of the regulations that may be subsequently made by the Secretary of Commerce and Labor?

Mr. CUSHMAN. Section 5 covers that matter and reads as follows:

SEC. 5. That the Secretary of Commerce and Labor shall have power to make rules and regulations not inconsistent with law to carry into effect the provisions of this act, and such rules and regulations shall have the force and effect of law. And it shall be the duty of the Secretary of Commerce and Labor to enforce the provisions of this act and the rules and regulations made thereunder, and for that purpose he may employ, through the Secretary of the Treasury and the Secretary of the Navy, the vessels of the United States Revenue-Cutter Service and of the Navy: *Provided, however*, That nothing contained in this act shall be construed as affecting any existing treaty or convention between the United States and any foreign power.

Mr. CRUMPACKER. I want in a few words to enter my protest against the conferring of power upon heads of Departments to enact legislation, and particularly criminal legislation.

Mr. PAYNE. Can they do it?

Mr. CRUMPACKER. I do not think they can, and I do not think we ought to go through the formality of conferring upon them any such authority.

We are doing altogether too much of that kind of business, authorizing bureaus and heads of Departments to make regulations that have practically the force of law, and in many instances we attach penalties for the violation of those regulations, penalties that are enforced, and I do not believe that if any of them should be taken into the courts they would stand for a minute. The power of legislation belongs in the Congress and not in the Secretary of the Department of Commerce and Labor, and we ought to make all the regulations that we can consistently do. Of course regulations for administrative purposes are necessary. I shall not object to this bill, because I do not know enough about it.

Mr. POWERS. I wish to say to the gentleman from Indiana that the sole purpose of this bill is to give some protection to our own people in our own fisheries.

Mr. CRUMPACKER. But why not permit a motion to strike out that provision? It gives these regulations the same force and effect as law.

Mr. POWERS. I have no objection to that.

Mr. CUSHMAN. Personally I have no special objection to its going out, but I know the Department of Commerce and Labor feel that without this provision in the bill they may have difficulty in making it effective in a working way. Personally I do not think that we should confer, or attempt to confer, the legislative power of Congress upon any branch or Department of the Government.

Mr. CRUMPACKER. They can make regulations for the purpose of administration—that is all right enough—in respect to their own officers, but to give those regulations the same effect as law I think is going beyond our power.

Mr. CUSHMAN. I agree with the gentleman in a legislative sense, but it is proper to state that this same kind of legislation has been put into a number of other bills.

Mr. PAYNE. Mr. Speaker, I hope that clause will go out. We had that same question before the Committee on Ways and Means the other day with reference to the denatured-alcohol bill, and we were asked by the Department to put in such a provision, and the committee considered it and unanimously reported against it.

Mr. POWERS. I apprehend that clause can be stricken out by unanimous consent, and I will ask unanimous consent to have it stricken out. I will offer that as an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, strike out in lines 20 and 21 the following words: "and such rules and regulations shall have the force and effect of law."

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. POWERS. Mr. Speaker, I offer the following committee amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 4, line 25, strike out the words "alien labor" and insert in lieu thereof the words "as laborers any aliens who can now be legally employed under the existing laws of the United States."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. POWERS, a motion to reconsider the last vote was laid on the table.

ROLLS OF CITIZENSHIP OF THE FIVE CIVILIZED TRIBES OF INDIANS.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17719) to prevent the copying, selling, or disposing of any rolls of citizenship of the Five Civilized Tribes of Indians, and providing punishment therefor, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That any person who shall copy any roll of citizenship of the Creek, Cherokee, Choctaw, Chickasaw, or Seminole tribes of Indians, prepared by or under the direction of the Commission to the Five Civilized Tribes or the Commissioner to the Five Civilized Tribes, whether completed or not, and regardless of any approval by the Secretary of the Interior, or whether made by the Secretary of the Interior or under his direction, or any person who shall, directly or indirectly, exhibit, sell, offer to sell, give away, offer to give away, or in any manner or by any means offer to dispose of, or who shall have in his possession, any such roll or rolls, any copy of the same, or any instrument of any nature purporting to be a copy, or a copy of any portion thereof, shall be deemed guilty of a felony, and punished by imprisonment for not less than two years.

With the following amendments:

Page 1, line 5, insert after the word "of" the words "Secretary of the Interior."

Page 1, line 7, strike out the words "and regardless of."

Page 1, strike out all of lines 8 and 9.

Page 1, line 13, strike out the words "or any."

Page 2, line 1, strike out the words "instruments of any nature purporting to be a copy."

Page 2, line 2, strike out the word "felony" and insert in lieu thereof the word "misdemeanor."

Page 2, line 3, strike out the words "less than" and insert in lieu thereof the word "exceeding" after the word "not."

Page 2, line 3, insert after the word "years" the following: "*Provided*, That this act shall not apply to any person authorized by the Secretary of the Interior, the Commissioner of Indian Affairs, or the Commissioner to the Five Civilized Tribes to copy, exhibit, or use such rolls or a copy thereof for any purpose necessary or required by law."

The SPEAKER. Is there objection?

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask whether or not this will permit an attorney to get a certified copy of the rolls of any family that he desires to.

Mr. CURTIS. I should say he could, to use in any lawful manner. The bill authorizes officers of the Government to use and give out copies of the rolls for any purpose necessary or required by law, but does not permit the hawking and selling of the rolls stolen a few weeks ago. The rolls of two different tribes were stolen. There is a law now to punish the person or persons who stole them, but there is no law to prosecute those who may sell the rolls or who may assist such persons in disposing of them.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

CHANGE OF REFERENCE.

By unanimous consent, the bill (H. R. 10133) to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribes, and to adjust the existing claims between the two tribes as to said annuities, was changed from the Union to the House Calendar.

Also, by unanimous consent, the bill (H. R. 8761) to amend section 1 of an act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes, was changed from the Union to the House Calendar.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that the House now consider bills on the Private Calendar which were in order on Friday last.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SULLOWAY. Mr. Speaker, I also ask unanimous consent that said bills may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The House then proceeded to the consideration of pension bills, Mr. CAPRON in the chair.

KATHARINE PARTRIDGE.

The first pension business was the bill (H. R. 16390) granting a pension to Katharine Partridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katharine Partridge, an imbecile daughter of Wesley Partridge, late of Company B, Thirty-sixth Regiment Ohio Veteran Volunteer Infantry, and pay her a pension at the rate of $12 per month, the same to be paid to her duly constituted guardian.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "an imbecile" and insert in lieu thereof the words "helpless and dependent."

In lines 7 and 8 strike out the word "Veteran."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES W. LYONS.

The next pension business was the bill (H. R. 3689) granting an increase of pension to Charles W. Lyons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Lyons, late of Company E, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH H. WAGONER.

The next pension business was the bill (H. R. 5956) granting an increase of pension to Joseph H. Wagoner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Wagoner, late of Company I, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN E. MURPHY.

The next pension business was the bill (H. R. 9415) granting an increase of pension to John E. Murphy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Murphy, late of Company B, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. DOHERTY.

The next pension business was the bill (H. R. 6452) granting an increase of pension to William H. Doherty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Doherty, late of Company K, Forty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HIRAM LINN.

The next pension business was the bill (H. R. 6213) granting an increase of pension to Hiram Linn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Linn, late of Company H, Ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SOLOMON RIDDELL.

The next pension business was the bill (H. R. 6256) granting an increase of pension to Solomon Riddell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon Riddell, of Rockcastle County, Ky., late a bugler in Company H, Ninth Regiment Kentucky Cavalry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Rockcastle County, Ky."

In same line strike out the word "a."

In line 7 strike out the words "bugler in" and insert in lieu thereof the word "of."

In same line, before the word "Cavalry," insert the word "Volunteer."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. MILES.

The next pension business was the bill (H. R. 4230) granting an increase of pension to William H. Miles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Miles, late of Company I, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANKLIN D. CLARK.

The next pension business was the bill (H. R. 4679) granting an increase of pension to Franklin D. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin D. Clark, late of Company E, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HIRAM G. HOKE.

The next pension business was the bill (H. R. 5044) granting an increase of pension to Hiram G. Hoke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram G. Hoke, late of Company A, One hundred and seventy-second Regiment Pennsylvania Volunteer Infantry, and Company B, Ninth Regiment Pennsylvania Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6, 7, and 8 strike out the words "Company A, One hundred and seventy-second Regiment Pennsylvania Volunteer Infantry, and."

In line 8, before the word "Cavalry," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PAUL STANG.

The next pension business was the bill (H. R. 3979) granting a pension to Paul Stang.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Paul Stang, late of Company L, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Paul Stang."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NAPOLEON B. GREATHOUSE.

The next pension business was the bill (H. R. 4135) granting a pension to Napoleon B. Greathouse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Napoleon B. Greathouse, late of Company C, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company C" and insert in lieu thereof the word "unassigned."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIJAH PANTALL.

The next pension business was the bill (H. R. 5178) granting an increase of pension to Elijah Pantall.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah Pantall, late of Company F, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company H, Twenty-fourth Regiment Veteran Reserve Corps."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY D. STIEHL.

The next pension business was the bill (H. R. 4745) granting an increase of pension to Henry D. Stiehl.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry D. Stiehl, late of Company K, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN BIDDLE.

The next pension business was the bill (H. R. 3419) granting an increase of pension to John Biddle.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Biddle, late of Company I, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC TUTTLE.

The next pension business was the bill (H. R. 3227) granting an increase of pension to Isaac Tuttle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Tuttle, late of Company B, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M. EDDY.

The next pension business was the bill (H. R. 2731) granting an increase of pension to James Eddy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Eddy, late of Company F, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "James," insert the letter "M."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to James M. Eddy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES DAYTON.

The next pension business was the bill (H. R. 2852) granting an increase of pension to James Dayton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Dayton, late of Company F, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMANDA M. WEBB.

The next pension business was the bill (H. R. 2978) granting a pension to Amanda M. Webb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda M. Webb, widow of Nathan B. Webb, late of Company D, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $20 per month

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RICHARD E. DAVIS.

The next pension business was the bill (H. R. 2794) granting an increase of pension to Richard E. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard E. Davis, late of Company H, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW H. NICHOLS.

The next pension business was the bill (H. R. 1910) granting a pension to Andrew H. Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew H. Nichols, late of Company C, Second Regiment Connecticut Heavy Artillery, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Heavy," insert the word "Volunteer."

In line 8, before the word "dollars," insert the word "four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Andrew H. Nichols."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY C. MAXWELL.

The next pension business was the bill (H. R. 1893) granting an increase of pension to Henry C. Maxwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Maxwell, late of Company D, Sixth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE H. GASKILL.

The next pension business was the bill (H. R. 667) granting an increase of pension to George H. Gaskill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Gaskill, late a private of Company A, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EBENEZER RICKETT.

The next pension business was the bill (H. R. 531) granting an increase of pension to Ebenezer Rickett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ebenezer Rickett, late of Company D, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID RANKIN.

The next pension business was the bill (H. R. 1245) granting an increase of pension to David Rankin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Rankin, late of Company G, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY LOCKARD.

The next pension business was the bill (H. R. 1133) granting a pension to Mary Lockard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Lockard, helpless daughter of John Lockard, late of Company H, First Regiment Pennsylvania Volunteers, and Company K, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "helpless," insert the words "and dependent."

In same line, after the words "late of," insert the words "Company I, Twentieth Regiment Pennsylvania Volunteer Cavalry, and."

In line 7 strike out the words "Volunteers, and" and insert in lieu thereof the words "Provisional Volunteer Cavalry."

In lines 8 and 9 strike out the words "Company K, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN B. PAGE.

The next pension business was the bill (H. R. 9601) granting an increase of pension to John B. Page.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Page, late of Company K, Fifth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ESTHER M. NOAH.

The next pension business was the bill (H. R. 16320) granting a pension to Esther M. Noah.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Esther M. Noah, widow of Jacob J. Noah, late captain Company K, Second Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CAROLINE M. PEIRCE.

The next pension business was the bill (H. R. 16429) granting an increase of pension to Caroline M. Peirce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline M. Peirce, widow of Washington Peirce, late of Company D, Sixth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DARWIN JOHNSON.

The next pension business was the bill (H. R. 16887) granting an increase of pension to Darwin Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Darwin Johnson, late of Company C, Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Regiment," insert the word "First."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE C. POWELL.

The next pension business was the bill (H. R. 16220) granting an increase of pension to George C. Powell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Powell, late of Company C, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWIN ELLIOTT.

The next pension business was the bill (H. R. 16271) granting an increase of pension to Edwin Elliott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Elliott, late of Company B, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID R. WALDEN.

The next pension business was the bill (H. R. 16583) granting an increase of pension to David Waldon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Waldon, late of Company H, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 stike out the word "Waldon" and insert in lieu thereof the words "R. Walden."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to David R. Walden."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTIN DAYHUFF.

The next pension business was the bill (H. R. 13923) granting an increase of pension to Martin Dayhuff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Martin Dayhuff, late of Company G, Thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES A. SCRUTCHFIELD.

The next pension business was the bill (H. R. 14142) granting an increase of pension to James A. Scrutchfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Scrutchfield, late of Company I, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES S. TOPPING.

The next pension business was the bill (H. R. 12279) granting an increase of pension to James S. Topping.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James S. Topping, late of Company G, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI H. TOWNSEND.

The next pension business was the bill (H. R. 15592) granting an increase of pension to Levi H. Townsend.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi H. Townsend, late of Company D, First Regiment New York Mounted Rifles, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Mounted," insert the word "Volunteer."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ABRAHAM WALKER.

The next pension business was the bill (H. R. 15925) granting an increase of pension to Abraham Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham Walker, late of Company B, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JUAN CANASCO.

The next pension business was the bill (H. R. 13877) granting an increase of pension to Juan Canasco.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Juan Canasco, late of Company D, First Battalion California Volunteer Cavalry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Battalion," insert the word "Native."

In line 8 strike out the words "one hundred" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY A. WEIGAND.

The next pension business was the bill (H. R. 11918) granting a pension to Mary A. Weigand.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Weigand, recognizing her as the lawful widow of Frederick Weigand, late first lieutenant Company B, Seventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "recognizing her as the lawful."

In line 7 strike out the letter "B" and insert in lieu thereof the letter "G."

In line 9 strike out the word "twelve" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS HUGHES.

The next pension business was the bill (H. R. 11361) granting an increase of pension to Thomas A. Hughes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas A. Hughes, late captain Company A, attached to the Thirteenth Regiment Missouri Volunteer Cavalry (also known as Company A, Fifth Battalion Cavalry), and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A."

In same line strike out the word "attached."

In line 7 strike out the words "to the Thirteenth Regiment" and insert in lieu thereof the words "Berry's battalion."

In line 8 strike out the words "(also known as Company A, Fifth Battalion Cavalry)."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Thomas Hughes."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL J. MILLER.

The next pension business was the bill (H. R. 12331) granting an increase of pension to Daniel J. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel J. Miller, late of Company K, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HESTER HYATT.

The next pension business was the bill (H. R. 15588) granting a pension to Hester Hyatt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hester Hyatt, widow of John H. Hyatt, late major Fifteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "lieutenant-colonel Eighteenth Regiment New York National Guard, and."

In line 7 strike out the words "Volunteer Infantry" and insert in lieu thereof the words "State Militia."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

JOHN S. MELTON.

The next pension business was the bill (H. R. 14106) granting an increase of pension to John S. Melton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Melton, late of Company F, Eighteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI L. PRICE.

The next pension business was the bill (H. R. 13882) granting an increase of pension to Levi L. Price.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi L. Price, late of Company D, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH B. TEAS.

The next pension business was the bill (H. R. 15147) granting an increase of pension to Joseph B. Teas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph B. Teas, late of Company H, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY C. KEYSER.

The next pension business was the bill (H. R. 15024) granting an increase of pension to Henry C. Keyser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Keyser, late acting third assistant engineer, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES WEBB.

The next pension business was the bill (H. R. 16622) granting an increase of pension to James Webb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Webb, late of Company I, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOEL R. YOUNGKIN.

The next pension business was the bill (H. R. 16881) granting an increase of pension to Joel R. Youngkin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel R. Youngkin, late of Captain Evan's independent company Illinois Volunteer Cavalry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Evan's" and insert in lieu thereof the word "Evans'."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW DORN.

The next pension business was the bill (H. R. 16372) granting an increase of pension to Andrew Dorn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Dorn, late of Company D, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ARBY FRIER.

The next pension business was the bill (H. R. 10030) granting an increase of pension to Arby Frier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arby Frier, late of Company A, Sixth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Sixth" and insert in lieu thereof the word "Sixteenth."

In line 7 strike out the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DENNIS W. RAY.

The next pension business was the bill (H. R. 14861) granting an increase of pension to Dennis W. Ray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dennis W. Ray, late of Company D, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM HAINES.

The next pension business was the bill (H. R. 13236) granting an increase of pension to William Haines.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Haines, late of Company C, Fiftieth Regiment Volunteer Infantry, and

pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Volunteer," insert the word "Pennsylvania."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY DE GRAFF.

The next pension business was the bill (H. R. 13060) granting an increase of pension to Henry De Graff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry De Graff, late lieutenant, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "lieutenant" and insert in lieu thereof the word "commissary-sergeant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH B. DICKINSON.

The next pension business was the bill (H. R. 12588) granting an increase of pension to Joseph B. Dickinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph B. Dickinson, late of Company H, Thirteenth Regiment New York Volunteer Heavy Artillery, and Company M, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM T. EDGEMON.

The next pension business was the bill (H. R. 10456) granting an increase of pension to William T. Edgemon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Edgemon, late of Company F, Second Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Infantry," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN B. HALL.

The next pension business was the bill (H. R. 11591) granting an increase of pension to John B. Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Hall, late of Chicago Board of Trade Battery, Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Chicago Board of Trade" and insert in lieu thereof the words "Captain Stoke's."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

STEPHEN W. NEAL.

The next pension business was the bill (H. R. 11424) granting an increase of pension to Stephen W. Neal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen W. Neal, late of Company A, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JERRY EDWARDS.

The next pension business was the bill (H. R. 10881) granting a pension to Jerry Edwards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerry Edwards, late of Company F, First Regiment Tennessee Volunteer Colored Artillery, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Tennessee Volunteer" and insert in lieu thereof the words "United States."

In line 7, before the word "Artillery," insert the words "Volunteer Heavy."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Jerry Edwards."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NANNIE L. SCHMITT.

The next pension business was the bill (H. R. 6450) granting an increase of pension to Mrs. William A. Schmitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. William A. Schmitt, widow of William A. Schmitt, late of Twenty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Mrs. William A." and insert in lieu thereof the words "Nannie L."

In line 7 strike out the word "of" and insert in lieu thereof the word "lieutenant-colonel."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "sixteen."

Amend the title so as to read: "A bill granting an increase of pension to Nannie L. Schmitt."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUSAN C. SMITH.

The next pension business was the bill (H. R. 6985) granting a pension to Susan C. Smith.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan C. Smith, widow of Ashabel W. Smith, late of Independent Battery E, Pennsylvania Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Ashabel" and insert in lieu thereof the word "Ashbel."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

In same line, after the word "month," insert the words "such pension to cease upon proof that the soldier is living."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. REEDER.

The next pension business was the bill (H. R. 14072) granting an increase of pension to George W. Reeder.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Reeder, late of Company D, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN A. BRYAN.

The next pension business was the bill (H. R. 16335) granting an increase of pension to John A. Bryan.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Bryan, late of Company E, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In same line and line 7 strike out the words "E, One hundred and thirty-third" and insert in lieu thereof the words "D, Eleventh."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AARON P. SEELEY.

The next pension business was the bill (H. R. 14504) granting an increase of pension to Aaron P. Seeley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron P. Seeley, late captain Company A, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM W. CARTER.

The next pension business was the bill (H. R. 16427) granting an increase of pension to William W. Carter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Carter, late of Company C, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WAKELAND HERYFORD.

The next business was the bill (H. R. 4599) to remove the charge of desertion from the military record of Wakeland Heryford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Wakeland Heryford, late private of Light Battery K, First Regiment of Artillery, and grant him an honorable discharge.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD M. BARNES.

The next pension business was the bill (S. 4233) granting an increase of pension to Edward M. Barnes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward M. Barnes, late first lieutenant Company A, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AMANDA O. WEBBER.

The next pension business was the bill (S. 4877) granting an increase of pension to Amanda O. Webber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda O. Webber, widow of James H. Webber, late of Company K, Sixty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES SHAFFER.

The next pension business was the bill (S. 975) granting an increase of pension to James Shaffer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Shaffer, late of Company E, Second Regiment Ohio Volunteer Cavalry; Company H, One hundred and fifth Regiment Ohio Volunteer Infantry, and Company A, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALEXANDER ESLER.

The next pension business was the bill (S. 1415) granting an increase of pension to Alexander Esler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Esler, late of Captain Boyd's company, District of Columbia Volunteer Militia, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HARRIET WILLIAMS.

The next pension business was the bill (S. 1105) granting an increase of pension to Harriet Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet Williams, widow of James E. Williams, late major, Third Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LOUISE M. WYNKOOP.

The next pension business was the bill (S. 1919) granting an increase of pension to Louise M. Wynkoop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise M. Wynkoop, widow of Edward W. Wynkoop, late major, First Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN CARPENTER.

The next pension business was the bill (S. 3566) granting an increase of pension to John Carpenter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Carpenter, late of Company K, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL H. HANCOCK.

The next pension business was the bill (S. 3987) granting an increase of pension to Samuel H. Hancock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Hancock, late of Company A, Second Regiment United States Volunteer Sharpshooters, and Company B, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LUTHER M. ROYAL.

The next pension business was the bill (S. 3835) granting an increase of pension to Luther M. Royal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luther M. Royal, late of Company C, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM P. MARSHALL.

The next pension business was the bill (S. 3641) granting an increase of pension to William P. Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Marshall, late of Company D, Ninth Regiment Indiana Volunteer Infantry, and Company H, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BENJAMIN W. VALENTINE.

The next pension business was the bill (S. 2667) granting an increase of pension to Benjamin W. Valentine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin W. Valentine, late of Company G, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY L. BURR.

The next pension business was the bill (S. 2953) granting an increase of pension to Mary L. Burr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Burr, widow of Lafayette Burr, late first lieutenant and adjutant Ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. LUCAS.

The next pension business was the bill (S. 2102) granting an increase of pension to George W. Lucas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Lucas, late of Company D, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JACOB A. FIELD.

The next pension business was the bill (S. 3484) granting an increase of pension to Jacob A. Field.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob A. Field, late first lieutenant Company K, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS W. WAUGH.

The next pension business was the bill (S. 2575) granting an increase of pension to Thomas W. Waugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas W. Waugh, late of Company F, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE CONKLIN.

The next pension business was the bill (S. 3297) granting an increase of pension to George Conklin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Conklin, late of Company K, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CASSY COTTRILL.

The next pension business was the bill (S. 306) granting a pension to Cassy Cottrill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cassy Cottrill, widow of Augustine J. Cottrill, late of Company B, Sixth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN F. WHITE.

The next pension business was the bill (S. 4551) granting an increase of pension to John F. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. White, late of Company D, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

KATE GILMORE.

The next pension business was the bill (S. 4606) granting an increase of pension to Kate Gilmore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate Gilmore, widow of John Gilmore, late of Company A, First Regiment Virginia Volunteer Cavalry, and One hundred and nineteenth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EPHRAIM WINTERS.

The next pension business was the bill (S. 3811) granting an increase of pension to Ephraim Winters.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ephraim Winters, late of Company G, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY GOLDER.

The next pension business was the bill (S. 3222) granting an increase of pension to Henry Golder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Golder, late of Captain Jones's company, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL DERRY.

The next pension business was the bill (S. 1434) granting an increase of pension to Samuel Derry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Derry, late of Company D, Third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALBERT B. LAWRENCE.

The next pension business was the bill (S. 1203) granting a pension to Albert B. Lawrence.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert B. Lawrence, helpless and dependent son of Edward Lawrence, late of Company G, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM D. JOHNSON.

The next pension business was the bill (S. 520) granting an increase of pension to William D. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Johnson, late of Company G, Third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JESSE A. THOMAS.

The next pension business was the bill (S. 4612) granting an increase of pension to Jesse A. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse A. Thomas, late of Company A, Eighth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE THOMAS.

The next pension business was the bill (S. 4386) granting an increase of pension to George Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Thomas, late of Company G, Fifth Regiment, and Company G, Sixth Regiment, West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID TREMBLE.

The next pension business was the bill (S. 2033) granting an increase of pension to David Tremble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Tremble, late first lieutenant and captain Company K, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DELIGHT A. ALLEN.

The next pension business was the bill (S. 4817) granting an increase of pension to Delight A. Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Delight A. Allen, widow of Augustus M. Allen, late of Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM C. QUIGLEY.

The next pension business was the bill (S. 4180) granting an increase of pension to William C. Quigley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Quigley, late of Company K, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

KATHERINE WILLS.

The next pension business was the bill (S. 4106) granting an increase of pension to Katherine Wills.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katherine Wills, widow of Charles W. Wills, late major One hundred and third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES M. M'CORKLE.

The next pension business was the bill (S. 3676) granting an increase of pension to James M. McCorkle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. McCorkle, late of Company K, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANCIS J. KEFFER.

The next pension business was the bill (S. 3653) granting an increase of pension to Francis J. Keffer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis J. Keffer, late of Company F, United States Voltigeurs, war with Mexico, and captain Company N, Seventy-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY JANE SCHNURE.

The next pension business was the bill (S. 3232) granting an increase of pension to Mary Jane Schnure.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Jane Schnure, widow of John C. Schnure, late of Company F, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS B. WHALEY.

The next pension business was the bill (S. 2638) granting an increase of pension to Thomas B. Whaley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas B. Whaley, late of Company F, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and Company I, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

KATE E. YOUNG.

The next pension business was the bill (S. 1614) granting a pension to Kate E. Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate E. Young, widow of George W. Young, late of ram Lioness, Mississippi Marine Brigade, United States Volunteers, and pay her a pension at the rate of $8 per month, and $2 per month additional on account of the minor child of said George W. Young until she reaches the age of 16 years.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LEWELLEN T. DAVIS.

The next pension business was the bill (S. 1435) granting an increase of pension to Lewellen T. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewellen T. Davis, late of Company D, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELLEN A. GIBBON.

The next pension business was the bill (S. 4717) granting an increase of pension to Ellen A. Gibbon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen A. Gibbon, widow of James S. Gibbon, late of Company F, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES GANNON.

The next pension business was the bill (S. 829) granting an increase of pension to James Gannon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James

Gannon, late of Company G, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PARKER PRITCHARD.

The next pension business was the bill (S. 2574) granting an increase of pension to Parker Pritchard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Parker Pritchard, late of Company F, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANCIS M. LYNCH.

The next pension business was the bill (S. 2577) granting an increase of pension to Francis M. Lynch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Lynch, late of Company K, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS A. MAULSBY.

The next pension business was the bill (S. 4775) granting an increase of pension to Thomas A. Maulsby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas A. Maulsby, late captain, Maulsby's independent battery, Virginia Volunteer Light Artillery, and pay him a pension at the rate of $55 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES W. LINNAHAN.

The next pension business was the bill (S. 4409) granting an increase of pension to James W. Linnahan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Linnahan, late of Company A, Ninety-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN W. HALL.

The next pension business was the bill (S. 4146) granting a pension to John W. Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Hall, late enrolling officer and deputy provost-marshal ninth district of Illinois, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN MATHER.

The next pension business was the bill (S. 2725) granting an increase of pension to John Mather.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Mather, late of Company E, Seventy-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES W. SHEDD.

The next pension business was the bill (S. 3035) granting an increase of pension to Charles W. Shedd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Shedd, late of Company H, Fourteenth Regiment Vermont Volunteer Infantry, and Company M, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANNA FRANCES HALL.

The next pension business was the bill (S. 3254) granting an increase of pension to Anna Frances Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Frances Hall, widow of Caleb Hall, late of Company E, Seventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH H. BEALE.

The next pension business was the bill (S. 3419) granting an increase of pension to Joseph H. Beale.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Beale, late of Company D, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ADA A. THOMPSON.

The next pension business was the bill (S. 3520) granting an increase of pension to Ada A. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ada A. Thompson, widow of Charles W. Thompson, late first lieutenant Company G, Thirty-ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PETER QUERMBECK.

The next pension business was the bill (S. 3584) granting an increase of pension to Peter Quermbeck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Quermbeck, late of Company B, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JABEZ MILLER.

The next pension business was the bill (S. 4325) granting an increase of pension to Jabez Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jabez Miller, late of Company K, Eighteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL H. FOSTER.

The next pension business was the bill (S. 1012) granting an increase of pension to Samuel H. Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Foster, late of Company I, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DANIEL C. EARLE.

The next pension business was the bill (S. 1349) granting an increase of pension to Daniel C. Earle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel C. Earle, late of Company A, Forty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LYDIA JONES.

The next pension business was the bill (S. 1354) granting a pension to Lydia Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia Jones, widow of Lewis Jones, late of Company H, First Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LOUISA ARNOLD.

The next pension business was the bill (S. 4301) granting an increase of pension to Louisa Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Arnold, widow of Edwin W. Arnold, late of Company D, Second Regiment Rhode Island Volunteer Infantry, and Company F, Thirteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES H. NOBLE.

The next pension business was the bill (S. 4324) granting an increase of pension to James H. Noble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Noble, late of Company A, Twentieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN A. STOCKWELL, ALIAS JOHN STOCKWELL.

The next pension business was the bill (S. 1667) granting an increase of pension to John A. Stockwell, alias John Stockwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Stockwell, alias John Stockwell, late of United States ships Cumberland and North Carolina, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALICE A. ARMS.

The next pension business was the bill (S. 2077) granting an increase of pension to Alice A. Arms.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice A. Arms, widow of Charles J. Arms, late first lieutenant Company B, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Charles J. Arms until he reaches the age of 16 years.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WALTER GREEN.

The next pension business was the bill (S. 3257) granting an increase of pension to Walter Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walter Green, late of Company B, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES B. FOX.

The next pension business was the bill (S. 3284) granting an increase of pension to Charles B. Fox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles B. Fox, late musician, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PATRICK BURK.

The next pension business was the bill (S. 3296) granting an increase of pension to Patrick Burk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Burk, late of Company K, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANNA K. CARPENTER.

The next pension business was the bill (S. 3532) granting an increase of pension to Anna K. Carpenter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna K. Carpenter, widow of Thomas H. Carpenter, late captain, Seventeenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN N. HENRY.

The next pension business was the bill (S. 3524) granting an increase of pension to John N. Henry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John N. Henry, late hospital steward, Forty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOEL S. WEISER.

The next pension business was the bill (S. 4228) granting an increase of pension to Joel S. Weiser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel S. Weiser, late of Company I, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN BROWN.

The next pension business was the bill (S. 4689) granting an increase of pension to John Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Brown, late of Captain Mount's company, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AARON J. BURGET.

The next pension business was the bill (S. 4691) granting an increase of pension to Aaron J. Burget.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron J. Burget, late of Companies D and C, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BENJAMIN S. MILLER.

The next pension business was the bill (S. 2540) granting an increase of pension to Benjamin S. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin S. Miller, late first lieutenant and quartermaster, Forty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM A. MURRAY.

The next pension business was the bill (S. 1302) granting an increase of pension to William A. Murray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Murray, late of Company H, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALDEN FULLER.

The next pension business was the bill (S. 4124) granting an increase of pension to Alden Fuller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alden Fuller, late of Company C, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS E. KEITH.

The next pension business was the bill (S. 2970) granting an increase of pension to Thomas E. Keith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas E. Keith, late of Company A, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MINARD VAN PATTEN.

The next pension business was the bill (S. 2973) granting an increase of pension to Minard Van Patten.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minard Van Patten, late of Company F, One hundred and tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BENSON H. BOWMAN.

The next pension business was the bill (S. 4541) granting an increase of pension to Benson H. Bowman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benson H. Bowman, late of Company F, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALFRED F. SEARS.

The next pension business was the bill (S. 249) granting an increase of pension to Alfred F. Sears.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred F. Sears, late major, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID C. HOWARD.

The next pension business was the bill (S. 3893) granting an increase of pension to David C. Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Howard, late second lieutenant Company F, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NETTIE E. TOLLES.

The next pension business was the bill (S. 4424) granting an increase of pension to Nettie E. Tolles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nettie E. Tolles, widow of William R. Tolles, late lieutenant-colonel One hundred and fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN T. BROTHERS.

The next pension business was the bill (S. 3839) granting an increase of pension to John T. Brothers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Brothers, late of Company I, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES WILLIAMS.

The next pension business was the bill (S. 2736) granting an increase of pension to James Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Williams, late of Company I, First Regiment Iowa Volunteer Infantry, and Companies F and B, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS MARTIN.

The next pension business was the bill (S. 563) granting an increase of pension to Thomas Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Martin, late of Company A, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS F. CAREY.

The next pension business was the bill (S. 97) granting an increase of pension to Thomas F. Carey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas F. Carey, late of Company F, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LYDIA ANN JONES.

The next pension business was the bill (S. 337) granting an increase of pension to Lydia Ann Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia Ann Jones, widow of John P. Jones, late of Company B, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ROBERT W. LIGGETT.

The next pension business was the bill (H. R. 13917) to remove the charge of desertion from the military record of Robert W. Liggett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against Robert W. Liggett, late captain Company B, Sixteenth Regiment Ohio Volunteer Infantry, to amend his military record accordingly, and to grant to said Robert W. Liggett an honorable discharge.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES F. DEISCH.

The next business was the bill (H. R. 5842) to correct the military record of Charles F. Deisch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Charles F. Deisch, late a private in Company G, Thirteenth Regiment Ohio Volunteer Infantry, and to issue to said Charles F. Deisch an honorable discharge from the service of the United States, of date April 4, 1864.

The amendment recommended by the committee was read, as follows:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN T. ODIORNE.

The next pension business was the bill (H. R. 2796) granting a pension to Benjamin T. Odiorne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin T. Odiorne, late of the United States Navy, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "of the" and insert "ordinary seaman."
In line 7 strike out "twelve" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM SIMMONS.

The next pension business was the bill (H. R. 3333) granting a pension to William Simmons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Simmons, late of Company I, Second Regiment United States Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "of" where it occurs the second time and insert "recruit, United States Army, war with Mexico and."
In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCES E. MALOON.

The next pension business was the bill (H. R. 4264) granting a pension to Frances E. Maloon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances E. Maloon, widow of Solon H. Maloon, formerly in the United States Navy, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "formerly in the" and insert "late carpenter, United States ship Vandalia."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSHUA S. DITTO.

The next pension business was the bill (H. R. 4594) granting an increase of pension to Joshua S. Ditto.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua S. Ditto, formerly of Captains Gee's company, Regiment Alabama Mounted Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Captains" to "Captain."
In line 7 strike out "Regiment;" and in the same line, after "Volunteers," insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS H. TALLANT.

The next pension business was the bill (H. R. 4595) granting an increase of pension to Thomas H. Tallant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Tallant, late of Company K, First Regiment Alabama Volunteers, Mexican war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Mexican war" and insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MINER L. BRADEN.

The next pension business was the bill (H. R. 5822) granting a pension to Minor L. Braden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minor L. Braden, late of Captain Blandon's Company F, of the Palmetto Regiment South Carolina Volunteers, at the rate of $20 per month, to commence from the date of this act.

The amendments recommended by the committee were read, as follows:

Change the title so as to read "Granting an increase of pension to Miner L. Braden."
In line 6 change "Minor" to "Miner."
In the same line strike out "Captain Blanden's."
In line 7 strike out "of the;" and in the same line, after "Volunteers," insert "war with Mexico, and pay him a pension."
In lines 8 and 9 strike out "to commence from the date of this act."
Add to the end of the bill the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES B. M'WHORTER.

The next pension business was the bill (H. R. 6578) granting an increase of pension to James B. McWhorter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. McWhorter, late of Company F, Sixteenth Regiment Volunteer Infantry, in the Mexican war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer" and insert "United States."
In the same line strike out "in the Mexican war" and insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES THOMPSON BROWN.

The next pension business was the bill (H. R. 8046) granting an increase of pension to James T. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. Brown, a veteran soldier of the Mexican war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving, he having served as a private in Company K, Third Regiment Missouri Volunteers, enlisting in 1846 and serving therein until the end of the Mexican war, in 1848.

The amendments recommended by the committee were read, as follows:

Change the initial "T." where it appears in claimant's name in the title and body of the bill to "Thompson."
Strike out all in the bill after "Brown," in line 6, and insert in lieu thereof "late of Company K, Third Regiment Missouri Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NATHANIEL M. STUKES.

The next pension business was the bill (H. R. 9257) granting an increase of pension to Nathaniel M. Stukes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel M. Stukes, late of General Scott's and General Taylor's armies, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "General Scott's and General Taylor's armies."
In line 6, after the words "late of," insert "Captain Handley's company, First Regiment Texas Volunteer Cavalry."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM C. HERRIDGE.

The next pension business was the bill (H. R. 9261) granting an increase of pension to William C. Herridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Herridge, late a soldier in the Indian wars, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "late a soldier in the Indian wars;" and in the same line, after "Herridge," insert "late of Captain Gant's company, Alabama Volunteers, Cherokee Indian disturbances."
In line 7 strike out "twenty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALFRED B. MENARD.

The next pension business was the bill (H. R. 9578) granting an increase of pension to A. B. Menard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. B. Menard, late of Company D, First Regiment Texas Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "A." where it appears in claimant's name in the title and body of the bill to "Alfred."
In line 7 strike out "Infantry" and insert "Rifles."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. WARREN.

The next pension business was the bill (H. R. 9993) granting a pension to George W. Warren.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Warren, late of Company D, Nineteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HANNAH C. REESE.

The next pension business was the bill (H. R. 10494) granting an increase of pension to Hannah C. Reese.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah C. Reese, widow of David Reese, late of Company G, Second Regiment Pennsylvania Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "fifty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH MATTHEWS.

The next pension business was the bill (H. R. 11303) granting a pension to Joseph Matthews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Matthews, late seaman, U. S. S. Constitution, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7, after "Constitution," insert "United States Navy."
In line 7 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM WILEY.

The next pension business was the bill (H. R. 12792) granting an increase of pension to William Wiley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Wiley, late of Captain W. H. Russel's company, Missouri Volunteers, Seminole war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Seminole" and insert "Florida Indian."
In line 8 strike out "thirty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS CROWLEY.

The next pension business was the bill (H. R. 13507) granting an increase of pension to Thomas Crowley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Crowley, late of Company C, First Regiment United States Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert "Texas and New Mexico Indian war."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY GENTLES.

The next pension business was the bill (H. R. 14493) granting an increase of pension to Henry Gentils.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Gentils, late of Company C, Seventh Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "Granting an increase of pension to Henry Gentles, alias Henry Hopner."
In line 6 strike out "Gentils" and insert, after "Henry," the words "Gentles, alias Henry Hopner."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DRUCILLAR A. MASSEY.

The next pension business was the bill (H. R. 15459) granting an increase of pension to Drucillar A. Massey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Drucillar A. Massey, widow of B. J. Massey, late of Company B, Third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change the initial "B." to "Berrel."
In line 7, after the word "Infantry," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH PARKS.

The next pension business was the bill (H. R. 15501) granting an increase of pension to Elizabeth Parks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Parks, widow of William M. Parks, late of W. M. Ballard's company, Third Regiment Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "W. M. Ballard's" and insert "Captain Ballard's."
In the same line, after "company," insert "Young's."
In the same line strike out "Third;" and after "Regiment" insert "Texas."
In line 9 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN M'CONNELL.

The next pension business was the bill (H. R. 15539) granting an increase of pension to John McConnell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McConnell, late of Captain Sublett's company, Powell's battalion, Missouri Mounted Volunteers, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after "Volunteers," insert "war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZA L. NIXON.

The next pension business was the bill (H. R. 14545) granting an increase of pension to Ellen L. Nixon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen L. Nixon, widow of James B. Nixon, late captain, Twenty-fourth Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the Christian name "Ellen," where it appears in the title and body of the bill, to "Eliza;" and in line 6 change "James" to "John."
In line 8 strike out "fifty" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARLEY MOWREY.

The next pension business was the bill (H. R. 15675) granting an increase of pension to Harley Mowrey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harley Mowrey, late of Company C, Mormon Battalion Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer Infantry."
In the same line insert "Iowa Volunteers, war with Mexico."
In line 8 strike out the word "four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARMON FREEMAN.

The next pension business was the bill (H. R. 15762) granting an increase of pension to Hiram Storms, alias Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Storms, alias Freeman, late of Company B, Fourth Regiment United States Artillery, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "Granting an increase of pension to Harmon Freeman, alias Harmon Storme."
In line 6 strike out "Hiram Storms, alias Freeman;" and insert in the same line, after the word "of," "Harmon Freeman, alias Harmon Storme."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY J. HALBERT.

The next pension business was the bill (H. R. 15768) granting an increase of pension to Mary J. Halbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Halbert, widow of George H. Halbert, late of Company C, Second Regiment Kentucky Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "H." in soldier's name to "T."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY E. RAMSEY.

The next pension business was the bill (H. R. 15977) granting an increase of pension to Mary E. Ramsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Ramsey, widow of Simon D. Ramsey, late of Company —, —— Regiment —— Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Regiment" and "Infantry."
In the same line, after "Company," insert "B, Captain Crawson's battalion, Mississippi;" and after the word "Volunteer," in the same line, insert "Rifles."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRIETTA W. WILSON.

The next pension business was the bill (H. R. 15982) granting an increase of pension to Henrietta W. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta W. Wilson, Washington, D. C., widow of Thomas Wilson, late brevet brigadier-general, United States Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Washington, District of Columbia."
In line 7 strike out "brevet brigadier-general" and insert "major and commissary of subsistence, and colonel and assistant commissary-general of subsistence."
In line 8 strike out "forty" and insert "thirty-five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD E. ELLIOTT.

The next pension business was the bill (H. R. 16279) granting an increase of pension to Edward E. Elliott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward E. Elliott, late of Company B, Fourth Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M'CRACKEN.

The next pension business was the bill (H. R. 16400) granting an increase of pension to James McCracken.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McCracken, late of Company H, Third Regiment Kentucky Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES R. HILLIARD.

The next pension business was the bill (H. R. 16526) granting an increase of pension to James R. Hilliard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James R. Hilliard, late of Company C, United States Mounted Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "C" to "I."
In line 7 strike out "Rifles" and insert "Riflemen, war with Mexico."
In line 7 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. GAUTIER.

The next pension business was the bill (H. R. 16530) granting an increase of pension to William H. Gautier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Gautier, late of Company C, First Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "C" to "I."
In line 7, after "Infantry," insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH M. EVANS.

The next pension business was the bill (H. R. 16540) granting an increase of pension to Sarah M. Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah M. Evans, widow of Charles Evans, late of Company C, Second Regiment Pennsylvania Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, after "Mexico," insert "Company E, First Regiment United States Infantry; sergeant-major Third Regiment Pennsylvania Volunteer Infantry, and first lieutenant Company K, Seventy-sixth Regiment Pennsylvania Volunteer Infantry;" and in the same line strike out "twelve" and insert "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMBROSE Y. TEAGUE.

The next pension business was the bill (H. R. 16541) granting an increase of pension to Ambrose Y. Teague.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ambrose Y. Teague, late of Company K, First Regiment North Carolina Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN RUTTER.

The next pension business was the bill (H. R. 16547) granting an increase of pension to John Rutter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Rutter, late of Company G, Voltiguer Regiment Maryland Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "Company G," insert "United States;" and in the same line change "Voltiguer" to "Voltiguers."
In lines 6 and 7 strike out "Regiment, Maryland Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PLEASANT W. COOK.

The next pension business was the bill (H. R. 16603) granting an increase of pension to P. W. Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of P. W. Cook, late of Company B, Second Regiment Tennessee Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Change the initial "P." where it appears in claimant's name in the title and body of the bill to "Pleasant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DELILAH MOORE.

The next pension business was the bill (H. R. 16627) granting a pension to Delilah Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Delilah Moore, widow of Robert Moore, late of Captain White's company, Illinois Militia, Black Hawk war, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Robert Moore," insert "alias Abraham Moore;" and in the same line, after "Captain," insert "Alexander."
In line 7 strike out "Militia" and insert "Mounted Volunteers;" and in the same line, after "Black Hawk," insert "Indian."
In line 8 strike out "twelve" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

STERLING HUGHES.

The next pension business was the bill (H. R. 16717) granting an increase of pension to Sterling Hughes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sterling Hughes, late of Company —, —— Regiment Tennessee Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "Company," insert "A, First."
In line 7 strike out the words "Tennessee" and "Infantry" and insert in lieu thereof the words "Arkansas" and "Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGIA A. HUGHS.

The next pension business was the bill (H. R. 16828) granting an increase of pension to Georgia Ann Hughes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Georgia Ann Hughes, widow of Nat C. Hughes, late of Captain Burney's company, Colonel Williamson's regiment, Georgia Volunteer Infantry, Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the claimant's name where it appears in the title and body of the bill to "Georgia A. Hughs."
In line 6 change soldier's name to "Hughs."
In line 7 strike out "Colonel Williamson's regiment."
In line 8, after "Infantry," insert "Florida."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

STEPHEN VAUGHT.

The next pension business was the bill (H. R. 16991) granting an increase of pension to Stephen Vaught.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Stephen Vaught, late of Company H, Fourth Regiment Kentucky Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Volunteers," insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

VIRGINIA A. HILBURN.

The next pension business was the bill (H. R. 16930) granting a pension to Virginia A. Hilburn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Virginia A. Hilburn, widow of Charles E. Hilburn, late of Capt. Crump's company, First Regiment Texas Volunteers, war with Mexico, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "Texas," insert "Mounted."
In line 9 strike out "thirty" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SHERWOOD F. CULBERSON.

The next pension business was the bill (H. R. 16936) granting an increase of pension to Sherwood F. Culberson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sherwood F. Culberson, late a member of Capt. G. W. Kendrick's company, Georgia Volunteers, of the Indian war of 1836, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "of the" and insert, after "Volunteers," "Creek."
In line 8 strike out "of 1836."
In line 9 strike out "forty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GILSON LAWRENCE.

The next pension business was the bill (H. R. 16985) granting an increase of pension to Gilson Lawrence.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gilson Lawrence, late of Company E, Third Regiment Kentucky Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN R. BALDWIN.

The next pension business was the bill (H. R. 16992) granting an increase of pension to John R. Baldwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Baldwin, late of Company E, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH DELISLE.

The next pension business was the bill (H. R. 16996) granting an increase of pension to Joseph Delisle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Delisle, late of Battery G, Fifth Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "thirty" and insert "ten."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FOUNTAIN M. FAIN.

The next pension business was the bill (H. R. 17006) granting an increase of pension to Fountain M. Fain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fountain M. Fain, late of Company C, Third Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDITH F. MORRISON.

The next pension business was the bill (H. R. 17108) granting a pension to Edith F. Morrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edith F. Morrison, widow of Walter E. Morrison, late major, Fifth Regiment Massachusetts Volunteer Infantry, war with Spain, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert the word "twenty-five" and add to the end of the bill the words "and $2 per month additional on account of each of the minor children of said Walter E. Morrison until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JESSE WILEY.

The next pension business was the bill (H. R. 17144) granting an increase of pension to Jesse Wiley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Wiley, a veteran of the war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "a veteran of the," and in the same line, after "Wiley," insert "late of Captain Murray's company, Second Regiment Tennessee Volunteers."
In line 7 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RACHEL ALLEN.

The next pension business was the bill (H. R. 17231) granting an increase of pension to Rachel Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rachel Allen, widow of Spartan Allen, late of Captain Arnold's company, and second lieutenant Captain Liken's company, Alabama Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "company," insert "Alabama Volunteers, Creek Indian war."
In line 8, after "Infantry," insert "Cherokee Indian disturbance."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS CLAIBORNE.

The next pension business was the bill (S. 1338) granting an increase of pension to Thomas Claiborne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Claiborne, late first lieutenant Company D, United States Mounted Rifles, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THEODORE M'CLELLAN.

The next pension business was the bill (S. 1910) granting an increase of pension to Theodore McClellan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore McClellan, late of Company A, Sixth Regiment United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JESSE ALDERMAN.

The next pension business was the bill (S. 1952) granting an increase of pension to Jesse Alderman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Alderman, late of Captains Hooker, Lesley, and Kendrick's companies, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LOUISE J. D. LELAND.

The next pension business was the bill (S. 2552) granting an increase of pension to Louise J. D. Leland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise J. D. Leland, widow of Lewis Jay Leland, late chaplain First Regiment Tennessee Volunteer Infantry, war with Spain, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARTHA E. WARDLAW.

The next pension business was the bill (S. 3618) granting an increase of pension to Martha E. Wardlaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha E. Wardlaw, widow of John B. Wardlaw, late of Captain Tally's company, First Regiment Georgia Drafted Militia, Creek Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARGARET LEWIS.

The next pension business was the bill (S. 3817) granting a pension to Margaret Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Lewis, widow of Richard F. Lewis, late of Captains Coffee and Fisher's companies, Florida Volunteers, war with Mexico, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM E. ANDERSON.

The next pension business was the bill (S. 4288) granting an increase of pension to William E. Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Anderson, late of Battery H, Third Regiment United States Artillery, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HANNAH C. PETERSON.

The next pension business was the bill (S. 4473) granting a pension to Hannah C. Peterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah C. Peterson, dependent mother of Matthew R. Peterson, late major and commissary of subsistence, United States Volunteers, war with Spain, and pay her a pension at the rate of $25 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SETH DAVIS.

The next business was the bill (H. R. 12892) granting an honorable discharge to Seth Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dishonorably discharging from the service Seth Davis, second lieutenant, Fourth Regiment Michigan Volunteer Infantry, and to issue to him an honorable discharge to date from April 23, 1866; and the said Davis shall hereafter be held and considered to have been honorably discharged from the military service of the United States on said date.

The amendments recommended by the committee were read, as follows:

In line 5 strike out the word "second" and insert in lieu thereof the word "first;" in the same line, after the word "lieutenant," insert the words "Company E."

In line 11, after the word "date," insert the following: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN H. COOL.

The next pension business was the bill (H. R. 17202) granting an increase of pension to Benjamin H. Cool.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin H. Cool, late of Company H, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE M. DAILEY.

The next pension business was the bill (H. R. 15355) granting an increase of pension to George M. Daily.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Daily, late of Company I, First Regiment Nebraska Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Daily" and insert in lieu thereof the word "Dailey."

In line 7 strike out the word "Infantry" and insert the word "Cavalry."

Amend the title so as to read: "A bill granting an increase of pension to George M. Dailey."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. SUTTON.

The next pension business was the bill (H. R. 15783) granting an increase of pension to George W. Sutton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Sutton, late of Company F, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Engineers," insert the words "of the West."

In line 8 strike out the words "one hundred" and insert in lieu thereof the word "forty-five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM T. STEWART.

The next pension business was the bill (H. R. 14198) granting an increase of pension to William T. Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Stewart, late first-class fireman U. S. S. Pansy, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "first-class fireman" and insert in lieu thereof the word "of."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN K. DALZELL.

The next pension business was the bill (H. R. 14200) granting an increase of pension to John K. Dalzell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John K. Dalzell, late of Company F, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

J. MORGAN SEABURY.

The next pension business was the bill (H. R. 12372) granting an increase of pension to J. Morgan Seabury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. Morgan Seabury, late of Company C, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN M'DONOUGH.

The next pension business was the bill (H. R. 12304) granting an increase of pension to John McDonough.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McDonough, late of the United States schooner Rara, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out the words "of the U. S. schooner Para" and insert in lieu thereof the words "acting master's mate, United States Navy."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEWIS HOFFMANN.

The next pension business was the bill (H. R. 12010) granting an increase of pension to Louis Hoffmann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis Hoffmann, late captain Fourth Independent Battery, Ohio Volunteer Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Louis" and insert in lieu thereof the word "Lewis."

In line 7, before the word "Artillery," insert the word "Light."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Lewis Hoffmann."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

REESE MOORE.

The next pension business was the bill (H. R. 12813) granting an increase of pension to Reese Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reese Moore, late of Company A, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LLOYD D. BENNETT.

The next pension business was the bill (H. R. 8290) granting an increase of pension to Lloyd D. Bennett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lloyd D. Bennett, late of Company D, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL S. GARST.

The next pension business was the bill (H. R. 8277) granting an increase of pension to Samuel S. Garst.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel S. Garst, late of Company G, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES HAMMOND.

The next pension business was the bill (H. R. 7687) granting an increase of pension to Charles Hammond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Hammond, late of Company B, First United States Chasseurs Regiment, Sixty-fifth New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias Hiram W. Kirkpatrick."

In same line strike out the words "First United States."

In line 7 strike out the words "Chasseurs Regiment."

In same line, before the word "New York," insert the word "Regiment."

Amend the title so as to read: "A bill granting an increase of pension to Charles Hammond, alias Hiram W. Kirkpatrick."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES F. HOLLETT.

The next pension business was the bill (H. R. 10318) granting an increase of pension to Joseph H. Hollett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Hollett, late of Company E, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Joseph H." and insert in lieu thereof the words "James F."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to James F. Hollett."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SILAS FLOURNOY.

The next pension business was the bill (H. R. 1018) granting an increase of pension to Silas Flourney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas Flourney, late of Company I, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Flourney" and insert in lieu thereof the word "Flournoy."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Silas Flournoy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH S. RICE.

The next pension business was the bill (H. R. 1138) granting an increase of pension to Joseph S. Rice.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph S. Rice, late of Company C, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS H. PADGETT.

The next pension business was the bill (H. R. 2173) granting an increase of pension to Thomas H. Padgett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Padgett, late of Company A, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM E. WALLACE.

The next pension business was the bill (H. R. 12664) granting an increase of pension to William E. Wallace.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Wallace, late of Company G, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH NOBINGER.

The next pension business was the bill (H. R. 13679) granting an increase of pension to Joseph Nobinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Nobinger, late of Company B, Thirty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW J. MOSIER.

The next pension business was the bill (H. R. 17274) granting an increase of pension to Andrew J. Mosier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Mosier, late of United States ship Massachusetts, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "ship" and insert in lieu thereof the word "ships."

In same line, after the word "Massachusetts," insert the words "and Zeta."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN B. CAHOON.

The next pension business was the bill (H. R. 14374) granting an increase of pension to Benjamin B. Cahoon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin B. Cahoon, late of Company D, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES M. MEARS.

The next pension business was the bill (H. R. 14328) granting an increase of pension to Charles M. Mears.

The bill was read, as follows:

***Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Mears, late of Company K, Fourteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.**

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL C. JOSLYN.

The next pension business was the bill (H. R. 14994) granting an increase of pension to Daniel C. Joslyn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel C. Joslyn, late of Company A, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. THOMAS.

The next pension business was the bill (H. R. 15500) granting an increase of pension to John W. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Thomas, late of Company K, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD O'SHEA.

The next pension business was the bill (H. R. 15201) granting an increase of pension to Edward O'Shea.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward O'Shea, late of Company L, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "Captain."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALLISON W. POLLARD.

The next pension business was the bill (H. R. 13713) granting a pension to Allison W. Pollard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allison W. Pollard, late of Companies C and K, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Companies C and" and insert in lieu thereof the words "Second lieutenant, Company."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN F. SMITH.

The next pension business was the bill (H. R. 14996) granting an increase of pension to John F. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Smith, late of Company I, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH B. SANDERS.

The next pension business was the bill (H. R. 15632) granting an increase of pension to Joseph B. Sanders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph B. Sanders, late of Company K, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB WAGENKNECHT.

The next pension business was the bill (H. R. 15064) granting an increase of pension to Jacob Wagenknecht.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Wagenknecht, late of Company G, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWIN HOWES.

The next pension business was the bill (H. R. 15229) granting an increase of pension to Edwin Howes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Howes, late of Company K, Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM D. JONES.

The next pension business was the bill (H. R. 15943) granting an increase of pension to William D. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Jones, late of Company G, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM TAYLOR.

The next pension business was the bill (H. R. 17143) granting an increase of pension to William Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Taylor, late of Company K, Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACKSON D. THORNTON.

The next pension business was the bill (H. R. 17014) granting an increase of pension to Jackson D. Thornton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jackson D. Thornton, late of United States Army, unassigned, war with Mexico, United States Marine Corps from October 15, 1850, to September 12, 1853, and Company G, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, war of the rebellion, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6, 7, 8, and 9 strike out the words "United States Army, unassigned, war with Mexico, United States Marine Corps, from October 15, 1850, to September 12, 1853, and."

In line 11 strike out the words "war of the rebellion."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS BLAKNEY.

The next pension business was the bill (H. R. 17070) granting an increase of pension to Thomas Blakney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Blakney, late of Company D, Third Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company D" and insert in lieu thereof the words "hospital steward."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM BERRY.

The next pension business was the bill (H. R. 9046) granting a pension to William Berry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Berry, late of Captain Mike Gilbreth's company of scouts and guides, Alabama Volunteers, and pay him a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Mike Gilbreth's" and insert in lieu thereof the word "Gilbreath's."

In line 7 strike out the words "of scouts and guides."

In same line strike out the word "Volunteers" and insert in lieu thereof the words "Scouts and Guides."

In line 8 strike out the word "eight" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARRIET HOWARD.

The next pension business was the bill (H. R. 14854) granting an increase of pension to Harriet Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet Howard, widow of John Howard, late of Company E, Sixth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Troop."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROSE V. MULLIN.

The next pension business was the bill (H. R. 14299) granting an increase of pension to Rose Vincent Mullin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rose Vincent Mullin, late a volunteer nurse, and serving throughout the civil war, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Vincent" and insert in lieu thereof the letter "V."

In same line strike out the words "a volunteer."

In same line strike out the words "and serving" and insert in lieu thereof the words "Medical Department, United States Volunteers."

In line 7 strike out the words "throughout the civil war."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting an increase of pension to Rose V. Mullin."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ARTEMESIA T. HUSBROOK.

The next pension business was the bill (H. R. 15243) granting a pension to Artemesia T. Husbrook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Artemesia T. Husbrook, widow of Paschal C. Husbrook, late of Company G, Forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month, to commence on the 2d day of May, A. D. 1899.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

In line 9 strike out the words "to commence on the 2d day of May," and all of line 10.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HANNAH M. HAYES.

The next pension business was the bill (H. R. 15682) granting a pension to Hannah M. Hayes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah M. Hayes, widow of Joel M. Hayes, late of Company H, One hundred and twentieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Joel," strike out the letter "M." and insert in lieu thereof the letter "N."

In line 8, after the word "Infantry," insert the words "and Forty-second Company, Second Battalion Veteran Reserve Corps."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Hannah M. Hayes."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALICE GARVEY.

The next pension business was the bill (H. R. 17205) granting a pension to Alice Garvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice Garvey, widow of John Garvey, late of Company I, Sixth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEWIS DENSON.

The next pension business was the bill (H. R. 16491) granting an increase of pension to Lewis Denson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis Denson, late of Company E, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH SMITH.

The next pension business was the bill (H. R. 16173) granting a pension to Sarah Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Smith, foster mother of Freeman H. Smith, late of Company E, First Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "foster," insert the word "dependent."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY B. WATSON.

The next pension business was the bill (H. R. 17273) granting a pension to Mary B. Watson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary B. Watson, widow of Nimrod W. Watson, late of Capt. John W. Deckey's company, Alabama Scouts and Guides, and pay her a pension at the rate of $8 per month.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "Deckey's" and insert in lieu thereof the words "Dickey's independent."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT KENNISH.

The next pension business was the bill (H. R. 1340) granting a pension to Robert Kennish.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Kennish, late master's mate on the United States tugboat Restless in the United States Navy during the war from 1861 to 1865, and pay him a pension at the rate of $30 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JESSE WOODS.

The next pension business was the bill (H. R. 6238) granting an increase of pension to Jesse Woods.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Woods, late of Company I, First Kentucky Volunteer Cavalry, war of 1861 to 1865, and to pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "First," insert the word "Regiment."
In lines 7 and 8 strike out the words "war of 1861 to 1865."
In line 8 strike out the word "to."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed it was accordingly read the third time, and passed.

EPHRAIM MARBLE.

The next pension business was the bill (H. R. 10250) granting an increase of pension to Ephraim Marble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ephraim Marble, late of Company F, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of Company" and insert in lieu thereof the words "captain Companies B and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM F. GRIFFITH.

The next pension business was the bill (H. R. 7540) granting an increase of pension to William F. Griffith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Griffith, late of Company L, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ABRAHAM M. BARR.

The next pension business was the bill (H. R. 8780) granting an increase of pension to Abraham M. Barr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham M. Barr, late assistant surgeon, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN COUGHLIN.

The next pension business was the bill (H. R. 8091) granting an increase of pension to John Coughlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Coughlin, late lieutenant-colonel Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M'KENNA.

The next pension business was the bil (H. R. 12480) granting an increase of pension to James McKenna.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McKenna, late of Company M, Twenty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Companies."
In same line, before the word "Twenty-third," insert the words "and H."
In line 7, after the word "Infantry," insert the words "and Company C, Twenty-second Regiment, Veteran Reserve Corps."
In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS J. SIZER.

The next pension business was the bill (H. R. 10924) granting an increase of pension to Thomas J. Sizer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Sizer, late of Company I, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPHINE D. M'NARY.

The next pension business was the bill (H. R. 12160) granting an increase of pension to Josephine D. McNary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine D. McNary, widow of William H. McNary, lieutenant-colonel One hundred and fifty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

At the end of line 6, after the word "McNary," insert the word "late."
In line 9 strike out the word "twelve" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN A. MATHER.

The next pension business was the bill (H. R. 17430) granting an increase of pension to John A. Mather.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Mather, late of Company H, Seventh Regiment United States Veteran Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Infantry," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL P. SARGENT.

The next pension business was the bill (H. R. 15418) granting an increase of pension to Samuel P. Sargent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel P. Sargent, late of Company F, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ORLANDO HAND.

The next pension business was the bill (H. R. 17422) granting an increase of pension to Orlando Hand.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orlando Hand, late captain Company E, Eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN L. FUHRMAN.

The next pension business was the bill (H. R. 17344) granting an increase of pension to John L. Fuhrman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Fuhrman, late of Company K, Thirty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. HESTER.

The next pension business was the bill (H. R. 17303) granting a pension to William H. Hester.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Hester, late of Company H, Forty-eighth Regiment Indiana Volunteer Infantry, and Company K, Nineteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of dollars per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Forty-eighth," insert the words "One hundredth Regiment, and Company G."

In lines 7 and 8 strike out the words "and Company K, Nineteenth Regiment Kansas Volunteer Cavalry."

In line 9, before the word "dollars," insert the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William H. Hester."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA HOWARD.

The next pension business was the bill (H. R. 17235) granting an increase of pension to Martha Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Howard, widow of Louis S. C. Howard, late of Company F, First Regiment Tennessee Volunteers, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Louis" and insert in lieu thereof the word "Lewis."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "sixteen."

In line 9, after the word "receiving," insert the words "and $2 per month additional on account of each of the two minor children of the soldier until they shall arrive at the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SOPHIE POHLERS.

The next pension business was the bill (H. R. 17165) granting an increase of pension to Sophie Pohlers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sophie Pohlers, widow of Augustus Pohlers, late hospital steward, United States Army, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RHODA MUNSIL.

The next pension business was the bill (H. R. 17120) granting a pension to Rhoda Munsil.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rhoda Munsil, widow of Aaron Munsil, late of First Independent Company Sharpshooters, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Company," insert the words "Michigan Volunteer."

In same line, before the word "Twenty-seventh," insert the words "attached to."

In line 9 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM L. WILCHER.

The next pension business was the bill (H. R. 17069) granting an increase of pension to William L. Wilcher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William L. Wilcher, late of Company M, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLARD F. SESSIONS.

The next pension business was the bill (H. R. 17004) granting an increase of pension to Willard F. Sessions.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Willard F. Sessions, late of Company K, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELEAZER C. HARMON.

The next pension business was the bill (H. R. 17003) granting an increase of pension to Eleazer C. Harmon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eleazer C. Harmon, late of Company C, Eleventh Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteer."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHRISTOPHER C. REEVES.

The next pension business was the bill (H. R. 16602) granting an increase of pension to Christopher C. Reeves.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christopher C. Reeves, late of Company K, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES B. FAIRCHILD.

The next pension business was the bill (H. R. 16516) granting an increase of pension to James B. Fairchild.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Fairchild, late of Company A, Sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL E. CARLTON.

The next pension business was the bill (H. R. 16454) granting an increase of pension to Samuel E. Carlton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel E. Carlton, late of Company B, Forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY H. SIBLEY.

The next pension business was the bill (H. R. 16445) granting an increase of pension to Henry H. Sibley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Sibley, late captain Company B, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN WILLIAMSON.

The next pension business was the bill (H. R. 16174) granting an increase of pension to John Williamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Williamson, late of Company H, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CATHARINE ARNOLD.

The next pension business was the bill (H. R. 15807) granting a pension to Catherine Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Arnold, widow of Anning Arnold, late of Company B, Seventy-third Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Catherine" and insert in lieu thereof the word "Catharine."
In same line, after the word "Anning," insert the letter "W."
In same line, before the word "Company," insert the words "Company B, Forty-fourth Regiment, and."
In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."
Amend the title so as to read: "A bill granting a pension to Catharine Arnold."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW F. KREGER.

The next pension business was the bill (H. R. 15566) granting an increase of pension to Andrew F. Kreger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew F. Kreger, late of Company C, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIAS ANDREW.

The next pension business was the bill (H. R. 15499) granting an increase of pension to Elias Andrews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias Andrews, late of Company D, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Andrews" and insert in lieu thereof the word "Andrew."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to Elias Andrew."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM W. FERGUSON.

The next pension business was the bill (H. R. 15149) granting an increase of pension to W. W. Ferguson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. W. Ferguson, late of Company H, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "of," strike out the letter "W." and insert in lieu thereof the word "William."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to William W. Ferguson."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOUIS C. ROBINSON.

The next pension business was the bill (H. R. 14539) granting an increase of pension to Louis C. Robinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis C. Robinson, late captain Company E, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM A. BRASELTON.

The next pension business was the bill (H. R. 14470) granting an increase of pension to William B. Brazelton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Brazelton, late lieutenant, Company C, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "B. Brazelton" and insert in lieu thereof the words "A. Braselton;" in same line strike out the word "lieutenant" and insert in lieu thereof the word "of."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

Amend the title so as to read: "A bill granting an increase of pension to William A. Braselton."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMOS DYKE.

The next pension business was the bill (H. R. 13881) granting an increase of pension to Amos Dyke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos Dyke, late of Company K, Seventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELLEN M. VAN BRUNT.

The next pension business was the bill (H. R. 13577) granting an increase of pension to Mrs. George B. Van Brunt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. George B. Van Brunt, widow of George B. Van Brunt, late of Company —, lieutenant-colonel Forty-seventh Regiment Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Mrs. George B." and insert in lieu thereof the words "Ellen M."

In line 7 strike out the words "Company —,"

In line 8, before the word "Volunteer," insert the words "New York."

In line 9 strike out the word "twenty-five" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting an increase of pension to Ellen M. Van Brunt."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM KELLY.

The next pension business was the bill (H. R. 13535) granting an increase of pension to William Kelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Kelly, late of Company I, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JULIA A. BACHUS.

The next pension business was the bill (H. R. 13506) granting a pension to Julia A. Bachus.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Bachus, widow of Lucius A. Bachus, late captain Company C, Twenty-tieth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "captain" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "fifteen."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Julia A. Bachus."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH J. MEEK.

The next pension business was the bill (H. R. 13493) granting an increase of pension to Elizabeth J. Meek.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth J. Meek, widow of John Meek, late of Company E, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AUGUSTUS M'DANIEL.

The next pension business was the bill (H. R. 13326) granting an increase of pension to Augustus McDaniel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus McDaniel, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEWIS S. PERKINS.

The next pension business was the bill (H. R. 13111) granting an increase of pension to Lewis S. Perkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis S. Perkins, late of Company G, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN C. HENEY.

The next pension business was the bill (H. R. 13030) granting an increase of pension to John C. Heney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Heney, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of the" and insert in lieu thereof the word "mate."

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ABRAM VAN RIPER.

The next pension business was the bill (H. R. 12734) granting an increase of pension to Abram Van Riper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abram Van Riper, late of Company E, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALICE EDDY POTTER.

The next pension business was the bill (H. R. 12521) granting an increase of pension to Alice Eddy Potter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice Eddy Potter, widow of William Elmer Potter, late captain Company G, Twelfth Regiment New Jersey Volunteer Infantry, and brevet major, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Elmer" and insert in lieu thereof the letter "E."

In line 8 strike out the words "and brevet major, United States Volunteers."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES H. DUNNING.

The next pension business was the bill (H. R. 12180) granting an increase of pension to Charles H. Dunning.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Dunning, late of Company B, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EVANS BLAKE.

The next pension business was the bill (H. R. 11593) granting an increase of pension to Evans Blake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Evans Blake, late lieutenant and regimental quartermaster Forty-fifth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the word "first."

In line 7 strike out the words "United States" and insert in lieu thereof the word "Illinois."

In same line, after the word "Infantry," insert the words "and captain and commissary of subsistence, United States Volunteers."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH A. BRINKER.

The next pension business was the bill (H. R. 11565) granting a pension to Sarah A. Brinker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Brinker, widow of Henry R. Brinker, late of Dick's independent company Pennsylvania Militia Cavalry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FANNY L. CONINE.

The next pension business was the bill (H. R. 11374) granting an increase of pension to Fanny L. Conine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fanny L. Conine, widow of J. W. Conine, late colonel Fifth Regiment United States Colored Troops, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "of," strike out the letter J," and insert in lieu thereof the word "James."

In the same line, before the word "colonel," insert the words "of Captain Simmon's independent battery, Kentucky Volunteer Light Artillery, and."

In line 7 strike out the word "Troops" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN C. PARKINSON.

The next pension business was the bill (H. R. 11306) granting an increase of pension to John C. Parkinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Parkinson, late second assistant engineer, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "United," insert the words "U. S. S. Louisville."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. LOCKHART.

The next pension business was the bill (H. R. 10173) granting a pension to John H. Lockhart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Lockhart, late of Company G, Ninety-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Indiana" and insert in lieu thereof the word "Ohio."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John H. Lockhart."

BENJAMIN R. SOUTH.

The next pension business was the bill (H. R. 10161) granting an increase of pension to Benjamin R. South.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin R. South, late of Company K, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES C. MILLER.

The next pension business was the bill (H. R. 9833) granting an increase of pension to James C. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Miller, late of Company K, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL CRAIG.

The next pension business was the bill (H. R. 9627) granting an increase of pension to Daniel Craig.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Craig, late of Company A, Twelfth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA JEWELL.

The next pension business was the bill (H. R. 9606) granting a pension to Martha Jewell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Jewell, widow of Quintus Jewell, late of Company K, One hundred and Twenty-third Regiment United States Colored Infantry, and pay her a pension at the rate of $15 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "Colored," insert the word "Volunteer."

In same line strike out the word "fifteen" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. HAMMOND.

The next pension business was the bill (H. R. 8948) granting an increase of pension to John W. Hammond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Hammond, late of Company C, Twentieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE HENDERSON.

The next pension business was the bill (H. R. 8778) granting an increase of pension to George Henderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Henderson, late of Company K, Sixth Regiment United States Colored Troops, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Troops" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SEWELL F. GRAVES.

The next pension business was the bill (H. R. 8650) granting an increase of pension to Sewell F. Graves.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sewell F. Graves, late master's mate, United States Navy, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MILTON H. WAYNE.

The next pension business was the bill (H. R. 8157) granting an increase of pension to Milton H. Wayne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton H. Wayne, late of Company A, Twentieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company C, Fifth Regiment Veteran Reserve Corps."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PALMETTO DODSON.

The next pension business was the bill (H. R. 7968) granting an increase of pension to Palmetto Dodson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Palmetto Dodson, widow of C. M. Dodson, late of Company A, Fifty-second Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "C." and insert in lieu thereof the word "Charles."

In line 7, after the word "Regiment," insert the words "and Company B, One hundred and ninety-ninth Regiment."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "sixteen."

In line 9, after the word "receiving," insert the words: "and $2 per month additional on account of a minor child of said soldier until said child shall arrive at the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY J. M'KIM.

The next pension business was the bill (H. R. 7837) granting an increase of pension to Mary Jane McKim.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. McKim, widow of William E. McKim, late surgeon of One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the word "assistant."

In lines 8 and 9 strike out the word "twenty-five" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary J. McKim."

MATHIAS BRADY.

The next pension business was the bill (H. R. 7821) granting an increase of pension to Mathias Brady.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mathias Brady, late of Company A, Fifth New York Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Fifth," insert the word "Regiment."
In same line, after the word "New York," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WHEELER LINDENBOWER.

The next pension business was the bill (H. R. 7745) granting an increase of pension to Wheeler Lindenbower.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wheeler Lindenbower, late of Company C, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

STEPHEN M. SEXTON.

The next pension business was the bill (H. R. 7720) granting an increase of pension to Stephen M. Sexton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen M. Sexton, late of Company —, —— Regiment Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the letter "F."
In same line, before the word "Regiment," insert the word "First."
In line 7, before the word "Volunteer," insert the word "Iowa."
In the same line strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WALTER LYNN.

The next pension business was the bill (H. R. 7970) granting an increase of pension to Walter Lynn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walter Lynn, late of Company D, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, I move that this bill lie on the table.

The SPEAKER pro tempore. Without objection, the bill will lie on the table.

There was no objection.

STEPHEN C. SMITH.

The next pension business was the bill (H. R. 6776) granting an increase of pension to Stephen C. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen C. Smith, late of Company D, Sixth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Sixth" and insert in lieu thereof the word "Second."
In line 7 strike out the words "United States Infantry" and insert in lieu thereof the words "Connecticut Volunteer Heavy Artillery, and Forty-first Company, Second Battalion, Veteran Reserve Corps, and One hundred and fifty-ninth Company, Second Battalion, Veteran Reserve Corps."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANNIE R. E. NESBITT.

The next pension business was the bill (H. R. 4294) granting an increase of pension to Annie R. E. Nesbitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie R. E. Nesbitt, widow of Thomas Shelton Nesbitt, late of Company B, Seventh Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Shelton" and insert the letter "S."
In line 7 strike out the words "of Company R" and insert in lieu thereof the words "first lieutenant and regimental quartermaster."
In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER M. LOWRY.

The next pension business was the bill (H. R. 2801) granting an increase of pension to Alexander M. Lowry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander M. Lowry, late adjutant One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "adjutant" and insert in lieu thereof the words "first lieutenant Company H."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PATRICK MAHONEY.

The next pension business was the bill (H. R. 2778) granting an increase of pension to Patrick Mahoney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Mahoney, late of Company C, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ASHFORD R. MATHENY.

The next pension business was the bill (H. R. 2721) granting an increase of pension to A. R. Matheny.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. R. Matheny, late of Company K, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A." and insert in lieu thereof the word "Ashford."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Ashford R. Matheny."

EUGENIE TILBURN.

The next pension business was the bill (H. R. 2102) granting an increase of pension to Eugenia Tilburn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugenia Tilburn, widow of Edward Tilburn, late of Company D, Fortieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Eugenia" and insert in lieu thereof the word "Eugenie."
In line 7 strike out the word "Fortieth" and insert in lieu thereof the word "Ninetieth."
In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Eugenie Tilburn."

WILLIAM H. LEE.

The next pension business was the bill (H. R. 1734) granting an increase of pension to William H. Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Lee, late of Company D, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SILAS MOSHER.

The next pension business was the bill (H. R. 1375) granting an increase of pension to Silas Mosher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas Mosher, late of Company A, One hundred and seventy-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISRAEL E. MUNGER.

The next pension business was the bill (H. R. 601) granting an increase of pension to Israel E. Munger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Israel E. Munger, late of Company I, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM G. WESTOVER.

The next pension business was the bill (H. R. 15233) granting an increase of pension to William G. Westover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. Westover, late of Company A, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert the words "and first lieutenant, Company C, Seventy-fifth Regiment United States Colored Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY GOOD.

The next pension business was the bill (H. R. 6864) granting an increase of pension to Henry Good.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Good, late of Company C, Third Regiment Ohio Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer Infantry" and insert "Volunteers."
In line 8 strike out "twenty-four" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. WINTERS.

The next pension business was the bill (H. R. 7737) granting a pension to William H. Winters.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Winters, late of Troop E, Fifth United States Cavalry; late of United States Marine Corps; late in Battery F, Third Artillery; and late at Jackson Barracks, La., in M Battery, Second Artillery, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "Troop E, Fifth United States Cavalry;" in line 7 strike out "late of" and insert "the;" and in the same line strike out "late in Battery" and insert "and Company."
In lines 8 and 9 strike out "Artillery; and late at Jackson Barracks, Louisiana, in M Battery, Second Artillery," and insert in lieu thereof "Regiment, United States Artillery."
In line 10 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LAURA B. IHRIE.

The next pension business was the bill (H. R. 8226) granting a pension to Laura B. Ihrie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura B. Ihrie, widow of Brig. Gen. George P. Ihrie, second and first lieutenant, Third Regiment Artillery, United States Army, 1855 and 1857; lieutenant-colonel Third Regiment Infantry, California Volunteers, 1861; major and paymaster, United States Army, 1866, and so forth, and pay her a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Brigadier-General."
In line 7 strike out "second and first" and insert in lieu thereof "late captain's clerk, U. S. S. *Ohio*, United States Navy, war with Mexico;" and in the same line, after "lieutenant," insert "colonel."
In lines 7, 8, 9, 10, and 11 strike out "Artillery, United States Army, 1855 and 1857; lieutenant-colonel Third Regiment Infantry, California Volunteers, 1861," and insert in lieu thereof "California Volunteer Infantry, colonel and assistant aid-de-camp, United States Volunteers."
In line 11, before "major," insert "and."
In line 12 strike out "1866, and so forth."
In line 13 strike out "fifty" and insert "sixteen," and add to the end of the bill the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Laura B. Ihrie."

RICHARD L. DAVIS.

The next pension business was the bill (H. R. 9491) granting an increase of pension to R. L. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of R. L. Davis, late of Company C, Fifth Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "R." where it appears in the title and the body of the bill, to the Christian name "Richard."
In line 6 strike out "Company" and insert "Troop."
In line 7 strike out "war with Spain."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Richard L. Davis."

FRANCIS M. M'CLENDON.

The next pension business was the bill (H. R. 12561) granting a pension to Francis M. McClendon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. McClendon, late of Company A, First Regiment Florida Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. WABRASS.

The next pension business was the bill (H. R. 13421) granting a pension to John W. Wabrass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Wabrass, late of Company F, Sixth Regiment United States Infantry, and also of Company G, Seventh Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out "and also of Company G, Seventh Regiment United States Infantry."
In line 9 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCES BELL.

The next pension business was the bill (H. R. 13575) granting a pension to Frances Bell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances Bell, widow of John E. Bell, late of Eighty-seventh Company Coast Artillery, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "E."
In line 7, after the word "Company," insert the words "United States."
Add to the end of the bill the words "and two dollars per month additional on account of each of the minor children of said John Bell until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FREDERICK B. WALTON.

The next pension business was the bill (H. R. 14745) granting an increase of pension to Frederick B. Walton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick B. Walton, late of Company B, Second Regiment Missouri Volunteer Mounted Infantry, war with Mexico, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer Mounted Infantry" and insert "Mounted Volunteers."
In line 8 strike out "fifty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZA MOORE.

The next pension business was the bill (H. R. 14955) granting a pension to Eliza Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Moore, widow of Lewis W. Moore, late of Company I, Second Regiment Illinois Volunteer Infantry, war with Mexico, and captain Company G, Forty-ninth Regiment Illinois Volunteer Infantry, war of the rebellion, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before "Company," insert "Captain Miller's," and in the same line strike out "I;" also in line 7 change "Volunteer Infantry" to "Foot Volunteers."
In lines 9 and 10 strike out "war of the rebellion," and in line 10 strike out "thirty" and insert "sixteen;" add to the end of the bill the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Eliza Moore."

ELVIE LANE.

The next pension business was the bill (H. R. 15366) granting a pension to Elvia Lane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elvia Lane, late of Company G, Second Regiment United States Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

Change the spelling of the claimant's Christian name in the title and the body of the bill to "Elvie."
In line 7 strike out "Volunteer," and in the same line, after "Infantry," insert "war with Spain."
In line 8 strike out "twenty-four" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILL E. KAYSER.

The next pension business was the bill (H. R. 15855) granting a pension to Will E. Kayser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Will E. Kayser, late of Company I, Second Regiment United States Volunteer Engineers, war with Spain, and pay him a pension at the rate of $30 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS M. CRAWFORD.

The next pension business was the bill (H. R. 16224) granting an increase of pension to Francis M. Crawford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Crawford, late of Company ——, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "Company," insert "E, Thirteenth Regiment United States Infantry."
In line 7 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ASENITH WOODALL.

The next pension business was the bill (H. R. 16466) granting an increase of pension to Asenith Woodall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asenith Woodall and pay her a pension at the rate of $36 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "Woodall," insert "widow of Abraham Woodall, late of Captain Patrick's company, Fourth Regiment Alabama Mounted Volunteers, Florida Indian war."
In line 7 strike out "thirty-six" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM MARTIN.

The next pension business was the bill (H. R. 16527) granting an increase of pension to William Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Martin, late of Company C, Twelfth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "C" to "I."
In line 7 strike out "Volunteer," and after "Infantry," in the same line, insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M. SIKES.

The next pension business was the bill (H. R. 16529) granting an increase of pension to James M. Sykes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Sykes, late of Company B, First Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change claimant's surname where it appears in the title and body of the bill to "Sikes."
In line 7 change "Volunteer" to "Volunteers." In the same line strike out "Infantry" and insert, after "Volunteers," "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SILAS P. CONWAY.

The next pension business was the bill (H. R. 16576) granting an increase of pension to Silas P. Conway.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas P. Conway, late of Company C, First Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after "Infantry," insert "war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH M. POUND.

The next pension business was the bill (H. R. 16577) granting an increase of pension to Joseph M. Pound.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph M. Pound, late of Company A, First Regiment Illinois Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteers" and insert "Volunteer Infantry."
In line 8 strike out "twenty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GUSTAVE BERGEN.

The next pension business was the bill (H. R. 16681) granting a pension to Gustave Bergen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gustave Bergen, late of Eleventh Regiment United States Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Company K."
In line 7 strike out "twenty-four" and insert "ten."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DENNIS WINN.

The next pension business was the bill (H. R. 16902) granting an increase of pension to Dennis Winn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dennis Winn, late of Company A, Mormon Battalion Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 add "s" to "Volunteer."
In the same line strike out "Infantry," and in the same line, after "Volunteers," insert "war with Mexico."
In line 8 strike out "twenty-four" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CORNELIA MITCHELL.

The next pension business was the bill (H. R. 16931) granting a pension to Cornelia Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia Mitchell, widow of Nathan Mitchell, late of Captain Sam H. Walker's company, under Gen. Z. Taylor, war with Mexico, and pay her a pension at the rate of $8 per month.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out "Captain Sam H. Walker's company, under Gen. Z. Taylor," and insert in lieu thereof "the Quartermaster's Department, United States Army."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPHINE L. JORDAN.

The next pension business was the bill (H. R. 17036) granting an increase of pension to Josephine L. Jordan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine L. Jordan, widow of Robert Jordan, late of Captain Flewelen's company, Georgia Volunteer Infantry, Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Flewelen's" and insert "Fluellen's."
In the same line strike out "Volunteer" and insert "Volunteers," and strike out "Infantry" and insert "Florida."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SIMEON PIERCE.

The next pension business was the bill (H. R. 17067) granting an increase of pension to Simeon Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simeon Pierce, late of Second Regiment Mississippi Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 5, after "late of," insert "Company A."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM T. MORGAN.

The next pension business was the bill (H. R. 17151) granting a pension to William T. Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Morgan, late of Fifth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows.

In line 6, after "late of," insert "Company F."
In lines 7 and 8 strike out "and pay him a pension at the rate of $12 per month" and insert "war with Spain."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JENNIE WHITE.

The next pension business was the bill (H. R. 17194) granting an increase of pension to Jennie White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie White, widow of Robert O. White, late of Company E, Third Regiment Illinois Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY E. PATTERSON.

The next pension business was the bill (H. R. 17278) granting an increase of pension to Mary E. Patterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Patterson, widow of Lorenzo D. Patterson, late of Captain J. Thomason's company, First Regiment Alabama Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the initial "J."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS A. HITE.

The next pension business was the bill (H. R. 17310) granting an increase of pension to Francis A. Hite.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis A. Hite, late of Company B, Third Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WESLEY G. COX.

The next pension business was the bill (H. R. 17342) granting an increase of pension to Wesley G. Cox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wesley G. Cox, late of Company D, First Regiment Georgia Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ARETHUSA M. PETTIT.

The next pension business was the bill (H. R. 17372) granting an increase of pension to Arethusa M. Pettit.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arethusa M. Pettit, widow of Charles B. Pettit, late of Company A, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 add "s" to "Volunteer."
In the same line strike out "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAIAH H. HAZLITT.

The next pension business was the bill (H. R. 17402) granting an increase of pension to Isaiah H. Hazlitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaiah H. Hazlitt, late of Capt. J. K. Limerick's company, in Gen. Joe Lane's command, in Rogue River war, in Oregon Territory, in 1853, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Limerick's" and insert "Lamerick's."
In lines 7 and 8 strike out "in Gen. Joe Lane's command, in Rogue River war, in Oregon Territory, in 1853."
In line 7, after "pany," insert "Oregon Volunteers, Oregon and Washington Territory Indian war."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM HALL.

The next pension business was the bill (H. R. 17591) granting an increase of pension to William Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hall, late a recruit in Fourth Regiment Kentucky Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "a" and "in."
In line 7, after "Volunteers," insert "war with Mexico."
In the same line strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUSAN E. NASH.

The next pension business was the bill (H. R. 17613) granting an increase of pension to Susan E. Nash.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan E. Nash, widow of Michael V. Nash, late of Captain Carr's company, First Regiment Georgia Volunteer Infantry, Creek Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVIA D. SPAIN.

The next pension business was the bill (H. R. 17619) granting an increase of pension to Davia D. Spain.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Davia D. Spain, widow of Albertus C. Spain, late of Captain Sumter's company, First Regiment South Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert "first lieutenant."
In line 9 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL FISH.

The next pension business was the bill (H. R. 10580) granting an increase of pension to Samuel Fish.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel

Fish, late of Company C, Thirty-fourth Regiment Illinois Volunteer Infantry, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert the words "and One hundred and seventh Company, Second Battalion."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. ADAMS.

The next pension business was the bill (H. R. 10686) granting an increase of pension to George W. Adams.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Adams, late of Company G, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AQUILLA M. HIZAR.

The next pension business was the bill (H. R. 10727) granting an increase of pension to Aquella M. Hizar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aquella M. Hizar, late of Company I, First Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Aquella" and insert in lieu thereof the word "Aquilla."

In same line, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 7 strike out the words "United States" and insert in lieu thereof the word "Delaware."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Aquilla M. Hizar."

BENJAMIN F. HEALD.

The next pension business was the bill (H. R. 11466) granting an increase of pension to Benjamin F. Heald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Heald, late of Company F, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW J. SPEED.

The next pension business was the bill (H. R. 11532) granting a pension to Andrew J. Speed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Speed, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Andrew J. Speed."

EMMA C. WALDRON.

The next pension business was the bill (H. R. 12803) granting a pension to Emma C. Waldren.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma C. Waldren, widow of William N. Waldren, late of Company F, Sixth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," strike out the word "Waldren" and insert in lieu thereof the word "Waldron."

In same line, before the word "late," strike out the word "Waldren" and insert in lieu thereof the word "Waldron."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Emma C. Waldron."

WILLIAM J. BEACH.

The next pension business was the bill (H. R. 13024) granting a pension to William J. Beach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Beach, late of Troop F, Fourth United States Cavalry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "United" insert the word "Regiment."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JESSE W. HOWE.

The next pension business was the bill (H. R. 13140) granting an increase of pension to Jesse W. Howe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse W. Howe, late of Companies H and B, Seventy-sixth Regiment, and Company G, One hundred and forty-seventh Regiment, New York Volunteer Infantry, and unassigned detachment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANN DEWIER.

The next pension business was the bill (H. R. 13704) granting a pension to Ann Dewier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Dewier, widow of Michael Dewier, late of Company E, Sixteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH SHROYER.

The next pension business was the bill (H. R. 13730) granting a pension to Joseph Shroyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Shroyer, late of Company F, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joseph Shroyer."

CHARLES W. KELSEY.

The next pension business was the bill (H. R. 12733) granting an increase of pension to Charles W. Kelsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Kelsey, late of Company C, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM S. NEWMAN.

The next pension business was the bill (H. R. 13689) granting an increase of pension to William S. Newman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Newman, late of Company E, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELEANOR GREGORY.

The next pension business was the bill (H. R. 13465) granting an increase of pension to Eleanor Gregory.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eleanor Gregory, widow of Samuel Oscar Gregory, late colonel Twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "second lieutenant Company C."

In line 7, before the word "colonel," insert the word "and."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN G. VASSAR.

The next pension business was the bill (H. R. 17238) granting an increase of pension to John G. Vassar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Vassar, late of Company I, Twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NATHANIEL C. SAWYER.

The next pension business was the bill (H. R. 17174) granting an increase of pension to Nathaniel C. Sawyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel C. Sawyer, late major and additional paymaster, United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE FANKELL.

The next pension business was the bill (H. R. 17055) granting an increase of pension to George Fankell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Fankell, late of Company A, McLaughlin Squadron, Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "McLaughlin" and insert in lieu thereof the word "McLaughlin's."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS H. HOGAN.

The next pension business was the bill (H. R. 16941) granting a pension to Thomas H. Hogan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Hogan, late of Company D, Second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas H. Hogan."

WILLIAM D. WOODCOCK.

The next pension business was the bill (H. R. 16884) granting an increase of pension to William D. Woodcock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Woodcock, late of Company A, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY BRENIZER.

The next pension business was the bill (H. R. 16806) granting an increase of pension to Henry Brenizer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Brenizer, late of Company F, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANGUS CAMPBELL.

The next pension business was the bill (H. R. 16765) granting an increase of pension to Angus Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Angus Campbell, late of Company F, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES A. DUFF.

The next pension business was the bill (H. R. 16606) granting an increase of pension to James A. Duff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject

to the provisions and limitations of the pension laws, the name of James A. Duff, late of Company E, One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteer" and insert in lieu thereof the words "National Guard."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JONATHAN I. WRIGHT.

The next pension business was the bill (H. R. 16535) granting an increase of pension to Jonathan I. Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan I. Wright, late of Company C, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS BOSWORTH.

The next pension business was the bill (H. R. 16486) granting an increase of pension to Thomas Bosworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Bosworth, late of Company C, Thirty-ninth Regiment Indiana Volunteer Infantry, and Company C, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out the words "and Company C, Eighth Regiment Indiana Volunteer Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN LONG.

The next pension business was the bill (H. R. 16455) granting an increase of pension to John Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Long, late of Company H, Thirty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MORRIS SMITH.

The next pension business was the bill (H. R. 16165) granting an increase of pension to Morris Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Morris Smith, late of Company G, Forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS J. SMITH.

The next pension business was the bill (H. R. 15972) granting an increase of pension to Thomas J. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Smith, late of Company D, Second Regiment Florida Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARTLEY B. COX.

The next pension business was the bill (H. R. 15932) granting an increase of pension to Hartley B. Cox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hartley B. Cox, late of Company M, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELI WOODBURY.

The next pension business was the bill (H. R. 15641) granting an increase of pension to Eli Woodbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli Woodbury, late of Company H, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CLARK CORNETT.

The next pension business was the bill (H. R. 15614) granting an increase of pension to Clark Cornett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clark Cornett, late of Company H, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PATRICK MOONEY.

The next pension business was the bill (H. R. 15272) granting an increase of pension to Patrick Mooney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Mooney, late of Company C, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MATTHEW H. BELLAMY.

The next pension business was the bill (H. R. 14980) granting an increase of pension to Matthew H. Bellamy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mat-

thew H. Bellamy, late of Company G, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Bellamy" and insert in lieu thereof the word "Bellomy."

Amend the title so as to read: "A bill granting an increase of pension to Matthew H. Bellomy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN ELDRIDGE, JR.

The next pension business was the bill (H. R. 15011) granting an increase of pension to John Eldridge, jr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Eldridge, jr., late of Company C, United States Engineer Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "United," insert the word "Battalion."

In line 7 strike out the words "Engineer Corps" and insert in lieu thereof the word "Engineers."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC C. SMALLWOOD.

The next pension business was the bill (H. R. 14736) granting an increase of pension to Isaac C. Smallwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac C. Smallwood, late of Company B, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MALCOLM RAY.

The next pension business was the bill (H. R. 13787) granting an increase of pension to Malcolm Ray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Malcolm Ray, late of Company C, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL MEADOWS.

The next pension business was the bill (H. R. 8518) granting an increase of pension to Samuel Meadows.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Meadows, late of Company —, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the letter "H."

In same line strike out the word "Fortieth" and insert in lieu thereof the word "Forty-fifth."

In line 7, before the word "Infantry," insert the word "Mounted."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES SCOTT.

The next pension business was the bill (H. R. 7419) granting an increase of pension to James Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Scott, late of Company B, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

YORK A. WOODWARD.

The next pension business was the bill (H. R. 17638) granting an increase of pension to York A. Woodward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of York A. Woodward, late of Company D, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, and first lieutenant, Twenty-fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "and first lieutenant."

In line 8 strike out the words "Twenty-fourth Regiment Veteran Reserve Corps."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE A. HAVEL.

The next pension business was the bill (H. R. 9417) granting an increase of pension to George A. Havel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Havel, late of Company C, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SIDNEY S. BREWERTON.

The next pension business was the bill (H. R. 17608) granting an increase of pension to Sidney S. Brewerton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney S. Brewerton, late of Company F, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading, and being engrossed, it was accordingly read the third time, and passed.

CHARLES DORIN.

The next pension business was the bill (H. R. 10358) granting an increase of pension to Charles Dorin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Dorin, late of Company G, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES F. HOWARD.

The next pension business was the bill (H. R. 8711) granting an increase of pension to James F. Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of James F. Howard, late of Company A, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARRIET A. MORTON.

The next pension business was the bill (H. R. 17586) granting a pension to Harriet A. Morton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet A. Morton, widow of R. S. Morton, late chaplain Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "R." and insert in lieu thereof the word "Robert."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SIDNEY A. LAWRENCE.

The next pension business was the bill (H. R. 17589) granting an increase of pension to Sidney A. Lawrence.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney A. Lawrence, late of the United States ship Yankee, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out the words "the United States ship Yankee" and insert in lieu thereof the words "U. S. S. North Carolina and Fahkee."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES H. M'KENNEY.

The next pension business was the bill (H. R. 9375) granting an increase of pension to Charles H. McKenney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. McKenney, late of Company F, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM B. M'ALLISTER.

The next pension business was the bill (H. R. 17406) granting an increase of pension to William B. McAllister.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. McAllister, late of unassigned recruits, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of."

In the same line strike out the word "recruits."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CLARA N. SCRANTON.

The next pension business was the bill (H. R. 9441) granting a pension to Clara N. Scranton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara N. Scranton, widow of William N. Scranton, late of Company B, Fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARGARET E. EVELAND.

The next pension business was the bill (H. R. 17308) granting a pension to Margaret E. Eveland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. Eveland, widow of Andrew Eveland, late of Company E, Fourteenth Regiment Wisconsin Volunteer Infantry, and former widow of Freeman Grover, late of Companies H and D, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $28 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Andrew" and insert in lieu thereof the word "Andreas."

In lines 8, 9, and 10 strike out the words "and former widow of Freeman Grover, late of Companies H and D, Sixteenth Regiment Wisconsin Volunteer Infantry."

In line 10 strike out the word "twenty" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN J. HIGGINS.

The next pension business was the bill (H. R. 17251) granting an increase of pension to John J. Higgins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Higgins, late of Company F, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES CRANDOL.

The next pension business was the bill (H. R. 17244) granting an increase of pension to James Crandol.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Crandol, late of Company I, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY A. FOSTER.

The next pension business was the bill (H. R. 4242) granting an increase of pension to Mary A. Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Foster, widow of Henry D. Foster, late acting ensign, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "United," insert the words "U. S. S. Calhoun."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDMUND FISH.

The next pension business was the bill (H. R. 6112) granting an increase of pension to Edmund Fish.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmund Fish, late of Company F, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Company" and insert the words "Companies M and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWIN R. STEENROD.

The next pension business was the bill (H. R. 6111) granting an increase of pension to Edwin R. Steenrod.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin R. Steenrod, late of Company K, Sixty-fifth Regiment, and Company H, One hundred and twenty-first Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Company K, Sixty-fifth Regiment and."

In line 8, before the words "New York," insert the words "and Company K, Sixty-fifth Regiment."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

QUINCY CORWIN.

The next pension business was the bill (H. R. 5853) granting an increase of pension to Quincy Corwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Quincy Corwin, late of Company B, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMANDA PITMAN.

The next pension business was the bill (H. R. 15180) granting an increase of pension to Amanda Pittman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda Pittman, widow of Thomas H. Pittman, late of Company F, First Regiment Florida Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," strike out the word "Pittman" and insert in lieu thereof the word "Pitman."

In same line, before the word "late," strike out the word "Pittman" and insert in lieu thereof the word "Pitman."

In line 8 strike out the word "sixteen" and insert in lieu thereof the word "twelve."

Amend the title so as to read: "A bill granting an increase of pension to Amanda Pitman."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH W. VANCE.

The next pension business was the bill (H. R. 4350) granting an increase of pension to Joseph W. Vance.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Vance, late of Company I, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN C. MATHENY.

The next pension business was the bill (H. R. 4763) granting an increase of pension to John C. Matheny.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Matheny, late of Company H, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MATILDA MORRISON.

The next pension business was the bill (H. R. 15178) granting an increase of pension to Matilda Morrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda Morrison, widow of Henry Morrison, late of Company B, First Regiment Florida Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "sixteen" and insert in lieu thereof the word "twelve."

In line 9, after the word "receiving," insert the words "and $2 per month additional on account of a minor child of said soldier until such child shall arrive at the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES D. LEACH.

The next pension business was the bill (H. R. 10774) granting an increase of pension to James D. Leach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Leach, late of First Company, Second Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "First."

In same line, after the word "Company," insert the letter "I."

In line 7 strike out the words "Light Artillery" and insert in lieu thereof the word "Infantry."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ORESTES B. WRIGHT.

The next pension business was the bill (H. R. 3347) granting an increase of pension to Orestes B. Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orestes B. Wright, late of Company K, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-seven" and insert in lieu thereof the word "twenty-five."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES JACOBS.

The next pension business was the bill (H. R. 1858) granting an increase of pension to James Jacobs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Jacobs, late of Company K, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL M. PHILBROOK.

The next pension business was the bill (H. R. 14660) granting an increase of pension to Daniel M. Philbrook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel M. Philbrook, late of Company H, Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ORRIN D. NICHOLS.

The next pension business was the bill (H. R. 16319) granting an increase of pension to Orrin D. Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orrin D. Nichols, late of Company C, One hundred and ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DORIS F. CLEGG.

The next pension business was the bill (S. 98) granting an increase of pension to Doris F. Clegg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Doris F. Clegg, former widow of Henry Whetsler, late of Company A, Sixth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALFRED WOODIN.

The next pension business was the bill (S. 230) granting an increase of pension to Alfred Woodin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Woodin, late of Company B, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES FLYNN.

The next pension business was the bill (S. 450) granting an increase of pension to James Flynn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Flynn, late of Company D, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM SPROUSE.

The next pension business was the bill (S. 487) granting an increase of pension to William Sprouse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Sprouse, late of Company C, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM T. GODWIN.

The next pension business was the bill (S. 518) granting an increase of pension to William T. Godwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Godwin, late first lieutenant Company A, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LESTINA M. GIFFORD.

The next pension business was the bill (S. 524) granting an increase of pension to Lestina M. Gifford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lestina M. Gifford, widow of Leander W. Gifford, late captain Company C, First Regiment Pennsylvania Rifles (Thirteenth Regiment Pennsylvania Reserves Volunteer Infantry), and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ABIJAH CHAMBERLAIN.

The next pension business was the bill (S. 558) granting an increase of pension to Abijah Chamberlain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abijah Chamberlain, late of the Seventeenth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY J. REYNOLDS.

The next pension business was the bill (S. 657) granting an increase of pension to Mary J. Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Reynolds, widow of Robert L. Reynolds, late of Company A, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS A. AGUR.

The next pension business was the bill (S. 674) granting an increase of pension to Thomas A. Agur.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas A. Agur, late of Company I, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN W. SCOTT.

The next pension business was the bill (S. 835) granting an increase of pension to John W. Scott.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Scott, late of Company B, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDWIN R. HARDY.

The next pension business was the bill (S. 914) granting an increase of pension to Edwin R. Hardy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin R. Hardy, late of Company H, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ABRAHAM S. BROWN.

The next pension business was the bill (S. 920) granting an increase of pension to Abraham S. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham S. Brown, late of Company C, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NELSON COOK.

The next pension business was the bill (S. 1162) granting an increase of pension to Nelson Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson Cook, late of Company I, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MICHAEL SCANNELL.

The next pension business was the bill (S. 1352) granting an increase of pension to Michael Scannell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Scannell, late of Company A, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ADAM WERNER.

The next pension business was the bill (S. 1376) granting an increase of pension to Adam Werner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Werner, late first lieutenant Captain Knapp's company (A), Seventh Regiment Indiana Legion, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN R. BROWN.

The next pension business was the bill (S. 1377) granting an increase of pension to John R. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Brown, late of Company B, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDMUND MORGAN.

The next pension business was the bill (S. 1398) granting an increase of pension to Edmund Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmund Morgan, late acting master, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MOSES HILL.

The next pension business was the bill (S. 1406) granting an increase of pension to Moses Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses Hill, late of Company C, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN M'CAUGHEN.

The next pension business was the bill (S. 1407) granting a pension to John McCaughen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McCaughen, late unassigned, Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FREDERIC W. SWIFT.

The next pension business was the bill (S. 1884) granting an increase of pension to Frederic W. Swift.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederic W. Swift, late lieutenant-colonel Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES M. BENSON.

The next pension business was the bill (S. 1953) granting an increase of pension to Charles M. Benson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Benson, late of Company G, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JULIA BALDWIN.

The next pension business was the bill (S. 1962) granting an increase of pension to Julia Baldwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia Baldwin, widow of Edwin Baldwin, late of Companies E and C, Sixtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY E. DUGGER.

The next pension business was the bill (S. 1975) granting an increase of pension to Mary E. Dugger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Dugger, widow of Jefferson Dugger, late captain and assistant adjutant-general, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Jefferson," insert the initial "L."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time; and it was accordingly read the third time, and passed.

JOTHAM T. MOULTON.

The next pension business was the bill (S. 2050) granting an increase of pension to Jotham T. Moulton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jotham T. Moulton, late of Company I, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RODNEY W. TORREY.

The next pension business was the bill (S. 2094) granting an increase of pension to Rodney W. Torrey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rodney W. Torrey, late of Company K, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES V. POPE.

The next pension business was the bill (S. 2287) granting an increase of pension to James V. Pope.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James V. Pope, late of Company G, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM WHEELER.

The next pension business was the bill (S. 2507) granting an increase of pension to William Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Wheeler, late of Company I, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. BOYLES.

The next pension business was the bill (S. 2549) granting an increase of pension to George W. Boyles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Boyles, late of Company K, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NOAH C. FOWLER.

The next pension business was the bill (S. 2568) granting an increase of pension to Noah C. Fowler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Noah C. Fowler, late of Company H, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARIE J. SPICELY.

The next pension business was the bill (S. 2670) granting an increase of pension to Marie J. Spicely.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marie J. Spicely, widow of William T. Spicely, late colonel Twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALONZO M. BARTLETT.

The next pension business was the bill (S. 2689) granting an increase of pension to Alonzo M. Bartlett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo M. Bartlett, late of Company B, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES CRISMON.

The next pension business was the bill (S. 2733) granting an increase of pension to Charles Crismon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Crismon, late of Captain Smith's company, Utah Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ZERELDA N. M'COY.

The next pension business was the bill (S. 2745) granting an increase of pension to Zerelda N. McCoy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zerelda N. McCoy, widow of James A. C. McCoy, late assistant surgeon Forty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES H. NILES.

The next pension business was the bill (S. 2772) granting an increase of pension to Charles H. Niles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Niles, late of Company K, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM J. MILLETT.

The next pension business was the bill (S. 2790) granting an increase of pension to William J. Millett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Millett, late of Company F, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN ALBERT.

The next pension business was the bill (S. 2795) granting an increase of pension to John Albert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Albert, late of Company A, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SUSAN PENINGTON.

The next pension business was the bill (S. 2832) granting an increase of pension to Susan Penington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Penington, widow of John Penington, late of Company A, Twenty-fourth Regiment, and captain Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM A. GIPSON.

The next pension business was the bill (S. 2952) granting an increase of pension to William A. Gipson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Gipson, late of Company K, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID S. TRUMBO.

The next pension business was the bill (S. 3024) granting an increase of pension to David S. Trumbo.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David S. Trumbo, late first lieutenant and quartermaster, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WALTER LYNN.

The next pension business was the bill (S. 3182) granting an increase of pension to Walter Lynn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walter Lynn, late of Company D, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID F. CRAMPTON.

The next pension business was the bill (S. 3252) granting an increase of pension to David F. Crampton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of David F. Crampton, late of Company I, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN B. ASHELMAN.

The next pension business was the bill (S. 3298) granting an increase of pension to John B. Ashelman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Ashelman, late of Independent Battery A, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LORENZO D. HUNTLEY.

The next pension business was the bill (S. 3300) granting an increase of pension to Lorenzo D. Huntley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo D. Huntley, late of Company B, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HARRIETT B. SUMMERS.

The next pension business was the bill (S. 3303) granting an increase of pension to Harriett B. Summers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriett B. Summers, imbecile and dependent daughter of William H. Summers, late of Company D, Forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN T. VINCENT.

The next pension business was the bill (S. 3465) granting an increase of pension to John T. Vincent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Vincent, late of Company G, United States Voltigeurs, war with Mexico, and Company K, First Regiment Washington Territory Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS REED.

The next pension business was the bill (S. 3493) granting an increase of pension to Thomas Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Reed, late captain Company H, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ROBERT G. HARRISON.

The next pension business was the bill (S. 3525) granting an increase of pension to Robert G. Harrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert G. Harrison, late assistant surgeon, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES D. BROWN.

The next pension business was the bill (S. 3598) granting an increase of pension to Charles D. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles D. Brown, late of Company K, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

TRUMAN R. STINEHOUR.

The next pension business was the bill (S. 3812) granting an increase of pension to Truman Stinehour.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Truman R. Stinehour, late of Companies F and H, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY WILHELM.

The next pension business was the bill (S. 3821) granting an increase of pension to Henry Wilhelm.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Wilhelm, late second lieutenant Company F and captain Company A, Fourth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ROBERT M'CALVY.

The next pension business was the bill (S. 3834) granting an increase of pension to Robert McCalvy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert McCalvy, late of Company G, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ROLLIN T. WALLER.

The next pension business was the bill (S. 3843) granting an increase of pension to Rollin T. Waller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rollin T. Waller, late of Company G, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SARAH E. YOCKEY.

The next pension business was the bill (S. 3984) granting an increase of pension to Sarah E. Yockey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Yockey, widow of Charles J. Yockey, late of Company B, Fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MATILDA E. NATTINGER.

The next pension business was the bill (S. 3985) granting an increase of pension to Matilda E. Nattinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda E. Nattinger, widow of Edward A. Nattinger, late of Company C, Fourteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID MOREHART.

The next pension business was the bill (S. 3996) granting an increase of pension to David Morehart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Morehart, late of Company H, Thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES E. CHAPMAN.

The next pension business was the bill (S. 4088) granting an increase of pension to Charles E. Chapman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Chapman, late of Company I, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN A. BROADWELL.

The next pension business was the bill (S. 4102) granting an increase of pension to John A. Broadwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Broadwell, late of Battery D, First Regiment New Jersey Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ABSALOM WILCOX.

The next pension business was the bill (S. 4110) granting an increase of pension to Absalom Wilcox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Absalom Wilcox, late of Company E, Twenty-fifth Regiment Missouri Volunteer Infantry, and Company C, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL G. ROBERTS.

The next pension business was the bill (S. 4186) granting an increase of pension to Samuel G. Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel G. Roberts, late second lieutenant Company G, Seventeenth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CARRICK RUTHERFORD.

The next pension business was the bill (S. 4247) granting an increase of pension to Carrick Rutherford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrick Rutherford, late second lieutenant Company F, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES F. HACKNEY.

The next pension business was the bill (S. 4258) granting an increase of pension to James F. Hackney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Hackney, late unassigned, Twenty-first Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FANNIE E. MALONE.

The next pension business was the bill (S. 4279) granting an increase of pension to Fannie E. Malone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie E. Malone, widow of John K. Malone, late Captain Company A, Second Regiment New York Provisional Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELIZABETH A. VOSE.

The next pension business was the bill (S. 4315) granting an increase of pension to Elizabeth A. Vose.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Vose, widow of Marcus A. Vose, late first lieutenant Company M, Second Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN P. DUNN.

The next pension business was the bill (S. 4360) granting an increase of pension to John P. Dunn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Dunn, late of Company H, Sixth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES DREURY.

The next pension business was the bill (S. 4432) granting an increase of pension to James Dreury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Dreury, late of Company F, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH KAUFFMAN.

The next pension business was the bill (S. 4440) granting an increase of pension to Joseph Kauffman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Kauffman, late of Company F, One hundred and sixty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALBERT L. CALLAWAY.

The next pension business was the bill (S. 4520) granting an increase of pension to Albert L. Callaway.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert L. Callaway, late of Companies F and C, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HANNAH E. WILMER.

The next pension business was the bill (S. 4548) granting a pension to Hannah E. Wilmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah E. Wilmer, widow of Edwin Wilmer, late colonel Sixth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM JANDRO.

The next pension business was the bill (S. 4556) granting an increase of pension to William Jandro.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Jandro, late of Company G, First Regiment Massachusetts Volunteer Cavalry, and Company I, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN R. M'CRILLIS.

The next pension business was the bill (S. 4557) granting an increase of pension to John R. McCrillis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. McCrillis, late of Company E, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ISAIAH M'DANIEL.

The next pension business was the bill (S. 4622) granting an increase of pension to Isaiah McDaniel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaiah McDaniel, late of Company H, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS M'DONALD.

The next pension business was the bill (S. 4650) granting an increase of pension to Thomas McDonald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas McDonald, late of United States ships America and Macedonian, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FANNIE P. NORTON.

The next pension business was the bill (S. 4675) granting an increase of pension to Fannie P. Norton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie P. Norton, widow of Charles B. Norton, late lieutenant-colonel and quartermaster, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM M'CANN.

The next pension business was the bill (S. 4683) granting an increase of pension to William McCann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William McCann, late of Company K, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NEHEMIAH M. BRUNDEGE.

The next pension business was the bill (S. 4785) granting an increase of pension to Nehemiah M. Brundege.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nehemiah M. Brundege, late of Company B, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. COUGHANOUR.

The next pension business was the bill (S. 4786) granting an increase of pension to George W. Coughanour.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Coughanour, late of Company F, Fortieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JACOB FRANZ.

The next pension business was the bill (S. 4797) granting an increase of pension to Jacob Franz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Franz, late of Company H, Forty-seventh Regiment Ohio Volunteer Infantry, and Company H, Fifteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SARAH AGNES EARL.

The next pension business was the bill (S. 4826) granting a pension to Sarah Agnes Earl.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Agnes Earl, widow of Wesley Clark Earl, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

OCTAVE COUNTER.

The next pension business was the bill (S. 4834) granting an increase of pension to Octave Counter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Octave Counter, late of United States ships North Carolina, Minnesota, and Cohasset, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALFRED B. CHILCOTE.

The next pension business was the bill (S. 4917) granting an increase of pension to Alfred B. Chilcote.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred B. Chilcote, late of Company G, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SARAH E. HULL.

The next pension business was the bill (S. 4972) granting an increase of pension to Sarah E. Hull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Hull, widow of Melville F. Hull, late of the U. S. S. Signal and Clara Dolsen, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALFRED BEHAM.

The next pension business was the bill (S. 4986) granting an increase of pension to Alfred Beham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Beham, late of Company A, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES G. POLK.

The next pension business was the bill (S. 5016) granting an increase of pension to Charles G. Polk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles G. Polk, late assistant surgeon, Third and Thirty-fourth Regiments United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES I. METTLER.

The next pension business was the bill (S. 5074) granting an increase of pension to James I. Mettler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James I. Mettler, late of Company A, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANDREW J. HUNTER.

The next pension business was the bill (S. 5079) granting an increase of pension to Andrew J. Hunter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Andrew J. Hunter, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES H. HAMAN.

The next pension business was the bill (S. 5121) granting an increase of pension to James H. Haman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Haman, late of Company E, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN M. DE PUY.

The next pension business was the bill (S. 5172) granting an increase of pension to John M. De Puy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. De Puy, late of Company E, Nineteenth Regiment New York State Militia Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HORACE A. GREGORY.

The next pension business was the bill (S. 5244) granting an increase of pension to Horace A. Gregory.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace A. Gregory, late of Company B, Seventh Regiment, and Company E, Forty-seventh Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN M. PRENTISS.

The next pension business was the bill (S. 5287) granting an increase of pension to John M. Prentiss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Prentiss, late of Company K, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NEWTON G. COOK.

The next pension business was the bill (S. 5323) granting an increase of pension to Newton G. Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Newton G. Cook, late of Companies I and G, Fifteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PETER SLOGGY.

The next pension business was the bill (S. 5324) granting an increase of pension to Peter Sloggy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Sloggy, late captain Company D, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM WARNES.

The next pension business was the bill (H. R. 17384) granting an increase of pension to William Warnes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Warnes, late of Company D, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN HOCH.

The next pension business was the bill (H. R. 17683) granting an increase of pension to John Hoch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hoch, late of Company A, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES S. RUBY.

The next pension business was the bill (H. R. 17385) granting an increase of pension to James S. Ruby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James S. Ruby, late of Company H, Fourteenth Regiment Illinois Volunteer Infantry, and Company E, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Company H, Fourteenth Regiment Illinois Volunteer Infantry, and Company" and insert in lieu thereof the word "Battery."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH M. HAYS.

The next pension business was the bill (H. R. 17684) granting an increase of pension to Joseph M. Hays.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph M. Hays, late of Company F, Twelfth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANK M. PARKER.

The next pension business was the bill (H. R. 17781) granting an increase of pension to Frank M. Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank M. Parker, late of Company E, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HUGH F. AMES.

The next pension business was the bill (H. R. 17650) granting an increase of pension to Hugh F. Ames.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh F. Ames, late of Company K, Sixty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW T. MITCHELL.

The next pension business was the bill (H. R. 17700) granting an increase of pension A. T. Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. T. Mitchell, late of Fourth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A." and insert in lieu thereof the word "Andrew."

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Andrew T. Mitchell."

SARAH A. THOMPSON.

The next pension business was the bill (H. R. 17671) granting a pension to Sarah A. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Thompson, widow of James Thompson, late of Company D, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM K. STEWART.

The next pension business was the bill (H. R. 14827) granting an increase of pension to William K. Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William K. Stewart, late of Company H, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARRIET L. MORRISON.

The next pension business was the bill (H. R. 16972) granting a pension to Harriet L. Morrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet L. Morrison, widow of James A. Morrison, late of United States ship Valley City, United States Navy, and pay her a pension at the rate of $8 per month.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the words "United States ship" and insert in lieu thereof the letters "U. S. S."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LORENZO D. HARTWELL.

The next pension business was the bill (H. R. 17028) granting an increase of pension to L. D. Hartwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of L. D. Hartwell, late of Company F, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "L." and insert in lieu thereof the word "Lorenzo."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lorenzo D. Hartwell."

JAMES M'MANIS.

The next pension business was the bill (H. R. 14839) granting an increase of pension to James McManus.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McManus, late of Company K, First Regiment United States Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "McManus" and insert in lieu thereof the word "McManis."

In line 7, before the word "Volunteer," insert the word "Veteran."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James McManis."

WILLIAM H. RYCKMAN.

The next pension business was the bill (H. R. 15102) granting an increase of pension to William H. Ryckman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Ryckman, late of Company F, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM T. A. H. BOLES.

The next pension business was the bill (H. R. 16186) granting a pension to William T. A. H. Boles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. A. H. Boles, late of Company B, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William T. A. H. Boles."

WILLIAM CARTWRIGHT.

The next pension business was the bill (H. R. 14728) granting an increase of pension to William Cartwright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Cartwright, late of Company I, One hundred and forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteer" and insert in lieu thereof the words "National Guard."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOB B. SANDERSON.

The next pension business was the bill (H. R. 15495) granting an increase of pension to Job B. Sanderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Job B. Sanderson, late of Company C, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Company C, Sixty-third Regiment Ohio Volunteer Infantry," and insert in lieu thereof the words "U. S. S. Grampus, Great Western, and Benton, United States Navy."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ENOCH RECTOR.

The next pension business was the bill (H. R. 15058) granting an increase of pension to Enoch Rector.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enoch Rector, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN BURKE.

The next pension business was the bill (H. R. 17118) granting an increase of pension to John Burke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Burke, late of Company I, Ninth Regiment United States Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "sixty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES S. BURGESS.

The next pension business was the bill (H. R. 16724) granting an increase of pension to James S. Burgess.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James S. Burgess, late of Company F, Sixtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CYRUS S. CASE.

The next pension business was the bill (H. R. 16536) granting an increase of pension to Cyrus S. Case.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cyrus S. Case, late of Company C, Sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH ADAMS.

The next pension business was the bill (H. R. 12653) granting a pension to Sarah Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Adams, dependent and helpless daughter of Edward Adams, late of Company E, Sixteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "dependent and helpless" and insert in lieu thereof the words "helpless and dependent."

In line 7 strike out the letter "E" and insert in lieu thereof the letter "F."

In same line, after the word "Regiment," insert the words "and Company F, Eleventh Regiment."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM J. DRAKE.

The next pension business was the bill (H. R. 12842) granting an increase of pension to William J. Drake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Drake, late of Company K, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Sixty-seventh" and insert in lieu thereof the word "Sixty-second."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "fifty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY COCHRAN.

The next pension business was the bill (H. R. 13622) granting a pension to Mary Cochran.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Cochran, widow of Isaac H. Cochran, late second lieutenant Company C, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "twenty" and insert in lieu thereof the word "fifteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL DAVY.

The next pension business was the bill (H. R. 13469) granting an increase of pension to Michael Davy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Davy, late of Company B, Seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias James Byron."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Michael Davy, alias James Byron."

JOHN B. GERARD.

The next pension business was the bill (H. R. 10473) granting an increase of pension to John B. Gerard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Gerard, late of Company I, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MANNING ABBOTT.

The next pension business was the bill (H. R. 11367) granting an increase of pension to Manning Abbott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Manning Abbott, late of Company C, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WALTER SAUNDERS.

The next pension business was the bill (H. R. 13047) granting an increase of pension to Walter Saunders.

The bill was read, as follows.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walter Saunders, late captain Company I, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH B. NEWBURY.

The next pension business was the bill (H. R. 9812) granting an increase of pension to Joseph B. Newbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph B. Newbury, late of Company I, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

VALENTINE BARTLEY.

The next pension business was the bill (H. R. 1151) granting a pension to Valentine Bartley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Valentine Bartley, late of Company H, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $72 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Valentine Bartley."

DORA C. WALTER.

The next pension business was the bill (H. R. 9442) granting a pension to Dora C. Walter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dora C. Walter, widow of George F. Walter, late of Company H, Fortieth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," insert the words "Companies C and D, Fifty-fifth Regiment; Company K, Thirty-eighth Regiment, and."

In line 8 strike out the word "fifteen" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM J. THOMPSON.

The next pension business was the bill (H. R. 9829) granting an increase of pension to William J. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Thompson, late of Company H, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS C. JACKSON.

The next pension business was the bill (H. R. 9556) granting an increase of pension to Thomas C. Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas C. Jackson, late of Company ——, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the letter "B."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EUGENE ORR.

The next pension business was the bill (H. R. 7902) granting an increase of pension to Eugene Orr, alias Charles Southard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugene Orr, alias Charles Southard, late master-at-arms of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "arms," strike out the word "of" and insert in lieu thereof the words "U. S. S. North Carolina, Oneida, and Bienville."

In line 7, before the word "United," strike out the word "the."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMELIA E. GRIMSLEY.

The next pension business was the bill (H. R. 9791) granting an increase of pension to Amelia E. Grimsley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amelia E. Grimsley, widow of Fielding W. Grimsley, late of Company B, Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Twenty-second," insert the words "Permanent Guard (Draft Rendezvous, Indianapolis) Indiana Volunteer Infantry, and unassigned."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL BOUGHMAN.

The next pension business was the bill (H. R. 3738) granting an increase of pension to Daniel Baughman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel

Baughman, late of Company C, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Baughman" and insert in lieu thereof the word "Boughman."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Daniel Boughman."

JOSEPH A. C. CURTIS.

The next pension business was the bill (H. R. 6919) granting an increase of pension to Joseph A. C. Curtis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. C. Curtis, late of Company D, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $46 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty-six" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM T. BRANAM.

The next pension business was the bill (H. R. 5274) granting an increase of pension to William T. Brannon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Brannon, late of Company I, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Brannon" and insert in lieu thereof the word "Branam."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William T. Branam."

PETER M. CULINS.

The next pension business was the bill (H. R. 3430) granting a pension to Peter M. Culins, and conferring the rank of captain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter M. Culins, late of Company H, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month and confer the rank of captain.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

In same line strike out the words "and confer the rank of captain" and insert in lieu thereof the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Peter M. Culins."

WILLIAM A. OLMSTED.

The next pension business was the bill (H. R. 1547) granting a pension to William A. Olmsted.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Olmsted, late colonel of the Fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of the."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

INEZ TALKINGTON.

The next pension business was the bill (H. R. 8820) granting a pension to Inez Talkington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Inez Talkington, the helpless and dependent daughter of Robert Talkington, late of Company A, Ninth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "the."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD DUFFY.

The next pension business was the bill (H. R. 1567) granting an increase of pension to Edward Duffy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Duffy, late of Company H, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY F. M'CAULEY.

The next pension business was the bill (H. R. 9034) granting an increase of pension to Mary F. McCauley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary F. McCauley, widow of John McCauley, late of Company B, Third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH BROOKS.

The next pension business was the bill (H. R. 1887) granting a pension to Joseph Brooks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Brooks, late of Company B, Sixth Virginia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 change "B" to "D;" and in the same line, after "Sixth," insert "Regiment."

Strike out all in the bill after the word "Spain," in line 7.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH E. GREEN.

The next pension business was the bill (H. R. 4669) granting a pension to Joseph E. Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph E. Green, late second-class apprentice, U. S. S. James K. Polk, United States Navy, war with Mexico, and pay him a pension of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY E. O'HARE.

The next pension business was the bill (H. R. 9276) granting a pension to Mary O'Hare.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary O'Hare, mother of Peter O'Hare, late of the U. S. S. Brooklyn, and pay her a pension at the rate of $15 per month.

The amendments recommended by the committee were read, as follows:

Change the claimant's name where it appears in the title and body of the bill to "Mary E. O'Hare."

In line 6, after "Mary E. O'Hare," insert "dependent;" in the same line strike out the words "of the" and insert after late, in the same line, the word "oller."

In line 7 strike out "steamship" and insert "ship;" in the same line, after the word "Brooklyn," insert "United States Navy."

In line 8 strike out "fifteen" and insert "six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Mary E. O'Hare."

LARS F. WADSTEN.

The next pension business was the bill (H. R. 11898) granting a pension to Lars F. Wadsten.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lars F. Wadsten, late of Company K, Nineteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $18 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Wadsten," insert "alias Frederick Wadsten."

In line 8 strike out "eighteen" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Lars F. Wadsten, alias Frederick Wadsten."

ROBERT BLANCETT.

The next pension business was the bill (H. R. 13227) granting a pension to Robert Blanchett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Blanchett, late of Company F, First Regiment Alabama Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 change "Blanchett" to "Blancett."

Add to the end of the bill the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Robert Blancett."

AUGUSTUS HATHAWAY.

The next pension business was the bill (H. R. 13228) granting a pension to Augustus Hathaway.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus Hathaway, late of Company A, First Regiment North Carolina Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

Add to the end of the bill the words "in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Augustus Hathaway."

SARAH E. HOLLAND.

The next pension business was the bill (H. R. 13229) granting an increase of pension to Sarah E. Holland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Holland, widow of William Holland, late of Company D, Third Regiment United States Artillery, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PENINA OWENS.

The next pension business was the bill (H. R. 13232) granting an increase of pension to Penina Owens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Penina Owens, widow of Elisha Owens, late of Company A, First Regiment North Carolina Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "Volunteers" and insert "Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JESSE A. B. THORNE.

The next pension business was the bill (H. R. 13233) granting an increase of pension to Jesse A. B. Thorne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse A. B. Thorne, late of Company A, First Regiment North Carolina Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY E. DARCY.

The next pension business was the bill (H. R. 15490) granting a pension to Mary E. Darcy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Darcy, mother of James C. Darcy, late of the United States Navy, and pay her a pension at the rate of $16 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Mary E. Darcy," insert "dependent;" in the same line strike out "of the," and after the word "late" insert "oller, U. S. S. Detroit."

In line 7, after "Navy," insert "war with Spain."

In line 8 strike out "sixteen" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LAFAYETTE NORTH.

The next pension business was the bill (H. R. 15761) granting an increase of pension to Lafayette North.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lafayette North, late of Company G, Third Kentucky Regiment, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "Third," insert "Regiment."

In line 7 strike out "Regiment" and insert "Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MELROE TARTER.

The next pension business was the bill (H. R. 16993) granting an increase of pension to Melroe Tarter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melroe Tarter, late of Company L, Second Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY THACKARA.

The next pension business was the bill (H. R. 17012) granting an increase of pension to Mary Thackara.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Thackara, widow of Samuel C. Thackara, late of Capt. R. L. Armstrong's company, New Jersey Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. OLIS.

The next pension business was the bill (H. R. 17085) granting an increase of pension to George W. Olis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Olis, late of Company D, First Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer Infantry" and insert "Volunteers, war with Mexico."

In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LIZZIE H. PROUT.

The next pension business was the bill (H. R. 17538) granting a pension to Lizzie H. Prout.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie H. Prout, widow of William D. Prout, late of United States ship Relief, United States Navy, war with Mexico, and pay her a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert "captain's clerk;" in the same line strike out "of."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES LEE.

The next pension business was the bill (H. R. 17597) granting an increase of pension to Charles Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Lee, late of Company L, First Regiment New York Volunteer Artillery, war with Mexico, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "New York Volunteer;" in line 6, after "Regiment," insert "United States;" in line 7, after "Mexico," insert "and Company B, Tenth Regiment, Connecticut Volunteer Infantry."

In line 8 strike out "forty" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY C. EASTLER.

The next pension business was the bill (H. R. 17644) granting an increase of pension to Henry C. Eastler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Eastler, late of Company H, Third Regiment United States Artillery, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELLEN E. LEARY.

The next pension business was the bill (H. R. 17690) granting a pension to Ellen E. Leary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen E. Leary, mother of Peter J. Leary, late of Seventeenth Company, United States Signal Corps, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Ellen E. Leary," insert "dependent."
In line 7, after the word "States," insert "Volunteer."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS J. MACKEY.

The next pension business was the bill (H. R. 17761) granting an increase of pension to Thomas J. Mackey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Mackey, late of Company F, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPHINE V. SPARKS.

The next pension business was the bill (H. R. 17842) granting a pension to Josephine Virginia Sparks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine Virginia Sparks, widow of Ovid G. Sparks, late of Captain Meriweather's company, Cooper's battalion, Georgia Volunteers, Indian war of 1836, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

Change "Virginia" where it appears in claimant's name in the title and body of the bill to the initial "V."

In line 7 strike out "Cooper's battalion."

In line 8, after "Volunteers," insert "Florida;" in the same line, after "war," strike out "of 1836."

In line 9 strike out "twenty" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN EUBANK.

The next pension business was the bill (H. R. 17854) granting an increase of pension to John Eubanks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Eubanks, late of Captain Owen's company, Fourth Regiment Kentucky Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out the letter "s" where it appears in the claimant's surname in the title and body of the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES MOSS.

The next pension business was the bill (S. 1165) granting an increase of pension to James Moss.

The bill was read, as follows:

Be it enacted, etc, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Moss, late of Company G, United States Mounted Rifles, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELIZABETH B. BEAN.

The next pension business was the bill (S. 1248) granting a pension to Elizabeth B. Bean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Bean, widow of George W. Bean, late of Capt. P. W. Connover's company of Utah Militia, Utah Indian war, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twelve" and insert "eight."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

EMILIE GRACE REICH.

The next pension business was the bill (S. 1308) granting an increase of pension to Emilie Grace Reich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emilie Grace Reich, widow of Henry F. Reich, late lieutenant, United States Navy, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Henry F. Reich until she reaches the age of 16 years.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty-five" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. TRICE.

The next pension business was the bill (S. 1733) granting an increase of pension to George W. Trice.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Trice, late of Company B, Fourth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CARRIE E. COSTINETT.

The next pension business was the bill (S. 2115) granting a pension to Carrie E. Costinett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie E. Costinett, widow of Henry J. Costinett, late of Battery A, Fourth Regiment United States Artillery, and pay her a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARIA LEUCKART.

The next pension business was the bill (S. 2378) granting an increase of pension to Maria Leuckart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Leuckart, widow of Sigismund Leuckart, late pharmacist, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES H. GARDNER.

The next pension business was the bill (S. 3112) granting an increase of pension to James H. Gardner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Gardner, late of Captain Hardee's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM H. HOUSTON.

The next pension business was the bill (S. 3819) granting an increase of pension to William H. Houston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Houston, late of Captain Hart's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ADELE JEANETTE HUGHES.

The next pension business was the bill (S. 4309) granting a pension to Adele Jeanette Hughes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adele Jeanette Hughes, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SULLOWAY, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

LEMUEL P. STORMS.

The SPEAKER pro tempore laid before the House the bill (H. R. 8158) granting an increase of pension to Lemuel P. Storms, with a Senate amendment; which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

JERRY W. TALLMAN.

The SPEAKER pro tempore laid before the House the bill (H. R. 15691) granting an increase of pension to Jerry W. Tallman, with a Senate amendment; which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

ROBERT L. NARROW.

The SPEAKER pro tempore also laid before the House the bill (H. R. 5931) granting an increase of pension to Robert L. Narrow, with a Senate amendment; which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

OLIVER C. REDIC.

The SPEAKER pro tempore also laid before the House the bill (H. R. 10298) granting an increase of pension to Oliver C. Redic, with a Senate amendment; which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

MALEK A. SOUTHWORTH.

The SPEAKER pro tempore also laid before the House the bill (H. R. 8892) granting an increase of pension to Malek A. Southworth, with a Senate amendment; which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

SATURNINO BACA.

The SPEAKER pro tempore also laid before the House the bill (H. R. 13572) granting an increase of pension to Saturnino Baca, with a Senate amendment; which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

HELEN G. HEINER.

The SPEAKER pro tempore also laid before the House the bill (H. R. 11046) granting an increase of pension to Helen G. Heiner, with a Senate amendment; which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5026. An act providing for the establishment of a life-saving station at or near Neah Bay, in the State of Washington, and for the construction of a first-class ocean-going tug to be used in connection therewith for life-saving purposes, in the vicinity of North Pacific coast of the United States, and so forth; and

S. 980. An act to authorize the sale of a portion of the Lower Brulé Indian Reservation, in South Dakota, and for other purposes.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10432. An act granting an increase of pension to John E. Oyler;

H. R. 10449. An act granting an increase of pension to George B. D. Alexander;
H. R. 10451. An act granting an increase of pension to Robert M. White;
H. R. 10452. An act granting an increase of pension to Richard C. Daly;
H. R. 10523. An act granting an increase of pension to Elizabeth Gorton;
H. R. 10747. An act granting an increase of pension to Jonathan Lengle;
H. R. 10818. An act granting an increase of pension to George W. Creasey;
H. R. 10819. An act granting an increase of pension to John Burns;
H. R. 10014. An act to amend an act entitled "An act to create the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein," approved June 1, 1900, and all acts amendatory thereof;
H. R. 1895. An act granting a pension to H. Edward Goetz;
H. R. 2034. An act granting a pension to Cora F. Mitchell;
H. R. 3569. An act granting a pension to Ada N. Hubbard;
H. R. 5840. An act granting a pension to Catherine Spier;
H. R. 6094. An act granting a pension to Julia G. Aldrich;
H. R. 6969. An act granting a pension to Ellen C. Lewis;
H. R. 7588. An act granting a pension to Thomas F. Dowling;
H. R. 8191. An act granting a pension to John Hobart;
H. R. 8307. An act granting a pension to William C. Estill;
H. R. 9190. An act granting a pension to Ida Carty;
H. R. 9661. An act granting a pension to Charles R. Hill;
H. R. 9888. An act granting a pension to Abigail Townsend;
H. R. 11076. An act granting a pension to Marion W. Stark;
H. R. 11622. An act granting a pension to Martha A. Remington;
H. R. 11657. An act granting a pension to Madison M. Burnett;
H. R. 12182. An act granting a pension to Sallie W. Mason;
H. R. 12651. An act granting a pension to Louis Grossman;
H. R. 13526. An act granting a pension to Levi N. Lunsford;
H. R. 14472. An act granting a pension to Thomas Cheek;
H. R. 523. An act granting an increase of pension to Franklin G. Hawkins;
H. R. 603. An act granting an increase of pension to Thomas Blyth;
H. R. 1069. An act granting an increase of pension to Daniel Britton;
H. R. 1218. An act granting an increase of pension to Nathan Hinkle;
H. R. 1357. An act granting an increase of pension to George W. Barton;
H. R. 1667. An act granting an increase of pension to Abram H. Hicks;
H. R. 1793. An act granting an increase of pension to Playford Gregg;
H. R. 1939. An act granting an increase of pension to William F. Limpus;
H. R. 1969. An act granting an increase of pension to Christian Peterson;
H. R. 2120. An act granting an increase of pension to Parmer Stewart;
H. R. 2263. An act granting an increase of pension to Edward Keating;
H. R. 2377. An act granting an increase of pension to John N. Moore;
H. R. 2468. An act granting an increase of pension to John Broad;
H. R. 2491. An act granting an increase of pension to Edwin A. Botsford;
H. R. 2757. An act granting an increase of pension to Jonathan E. Floyd;
H. R. 3223. An act granting an increase of pension to Thomas G. McLaughlin;
H. R. 3273. An act granting an increase of pension to Andrew J. Levi;
H. R. 3423. An act granting an increase of pension to Thomas Watt;
H. R. 3434. An act granting an increase of pension to George W. Darby;
H. R. 4364. An act granting an increase of pension to George W. Neece;
H. R. 4633. An act granting an increase of pension to Fannie E. Morrow;
H. R. 4671. An act granting an increase of pension to William H. Brady;
H. R. 5210. An act granting an increase of pension to Elizabeth Moore;
H. R. 5373. An act granting an increase of pension to John L. Smith;
H. R. 5403. An act granting an increase of pension to John Lines;
H. R. 5488. An act granting an increase of pension to Margaret E. Foster;
H. R. 5511. An act granting an increase of pension to Christopher Bohn;
H. R. 5555. An act granting an increase of pension to Andrew P. Allen;
H. R. 5638. An act granting an increase of pension to Alpheus Jones;
H. R. 5639. An act granting an increase of pension to Thomas C. Craig;
H. R. 5712. An act granting an increase of pension to Caroline Dehlendorf;
H. R. 5806. An act granting an increase of pension to Samuel J. Harding;
H. R. 5850. An act granting an increase of pension to Lucas Hagar;
H. R. 5936. An act granting an increase of pension to Caroline Neilson;
H. R. 6055. An act granting an increase of pension to Angeline Watson;
H. R. 6118. An act granting an increase of pension to Bridget Reidy;
H. R. 6384. An act granting an increase of pension to William McBeth;
H. R. 6454. An act granting an increase of pension to Milo B. Morse;
H. R. 6461. An act granting an increase of pension to Daniel G. Sterling;
H. R. 6488. An act granting an increase of pension to Frank Osterberg, alias William McKay;
H. R. 6500. An act granting an increase of pension to Jesse Bucey;
H. R. 6563. An act granting an increase of pension to George Stewart;
H. R. 6576. An act granting an increase of pension to Napoleon McDowell;
H. R. 6773. An act granting an increase of pension to Weston Ferris;
H. R. 6897. An act granting an increase of pension to Abbie B. Gould;
H. R. 6937. An act granting an increase of pension to Thomas Furey;
H. R. 7243. An act granting an increase of pension to Moses B. Page;
H. R. 7483. An act granting an increase of pension to Laurence V. Whitcraft;
H. R. 7518. An act granting an increase of pension to George Richter;
H. R. 7630. An act granting an increase of pension to Henry W. Higley;
H. R. 7718. An act granting an increase of pension to Jacob D. Peterson;
H. R. 7759. An act granting an increase of pension to John Gemmill;
H. R. 7760. An act granting an increase of pension to William H. Brown;
H. R. 7807. An act granting an increase of pension to John D. Atwaters;
H. R. 7935. An act granting an increase of pension to Samuel J. Stannah;
H. R. 8137. An act granting an increase of pension to Marion L. Holvenstot;
H. R. 8319. An act granting an increase of pension to John Gardner Stocks;
H. R. 8869. An act granting an increase of pension to Nathan Coward;
H. R. 8953. An act granting an increase of pension to Lutellus Cook;
H. R. 9033. An act granting an increase of pension to Burgoyne Knight;
H. R. 9039. An act granting an increase of pension to James R. Hales;
H. R. 9270. An act granting an increase of pension to Wiley B. Johnson;
H. R. 9271. An act granting an increase of pension to Joseph Henry Martin;
H. R. 9277. An act granting an increase of pension to Elizabeth A. Butler;
H. R. 9294. An act granting an increase of pension to S. Amanda Mansfield;

H. R. 9397. An act granting an increase of pension to Mary A. King;
H. R. 9451. An act granting an increase of pension to Frederick M. Wood;
H. R. 9587. An act granting an increase of pension to Samuel S. Thompson;
H. R. 9765. An act granting an increase of pension to John C. Anderson;
H. R. 9832. An act granting an increase of pension to Alexander D. Polston;
H. R. 9910. An act granting an increase of pension to John McCoy;
H. R. 10148. An act granting an increase of pension to John Sphar;
H. R. 10830. An act granting an increase of pension to Dudley Portwood;
H. R. 10831. An act granting an increase of pension to Levi C. Bishop;
H. R. 10864. An act granting an increase of pension to John P. Kleckner;
H. R. 10884. An act granting an increase of pension to Lorenzo D. Libby;
H. R. 11168. An act granting an increase of pension to Robert R. Matthews;
H. R. 11206. An act granting an increase of pension to John Wilhelm;
H. R. 11256. An act granting an increase of pension to William M. Ewing;
H. R. 11331. An act granting an increase of pension to Thomas Rowan;
H. R. 11332. An act granting an increase of pension to William F. Kenner;
H. R. 11334. An act granting an increase of pension to John M. Steel;
H. R. 11409. An act granting an increase of pension to Josiah H. Seabold;
H. R. 11484. An act granting an increase of pension to Thomas H. Wilson;
H. R. 11563. An act granting an increase of pension to John Henderson;
H. R. 11597. An act granting an increase of pension to George M. Apgar;
H. R. 11702. An act granting an increase of pension to Lucy A. Pender;
H. R. 11716. An act granting an increase of pension to Warren B. Tompkins;
H. R. 11804. An act granting an increase of pension to Patrick McDermott;
H. R. 11856. An act granting an increase of pension to Luke McLoney;
H. R. 11866. An act granting an increase of pension to David H. Allen;
H. R. 11868. An act granting an increase of pension to Joseph Dougal;
H. R. 11926. An act granting an increase of pension to John Hornbeak;
H. R. 12049. An act granting an increase of pension to Rolland Havens;
H. R. 12122. An act granting an increase of pension to Robert G. Shuey;
H. R. 12187. An act granting an increase of pension to Mary L. Davenport;
H. R. 12192. An act granting an increase of pension to William Cummings;
H. R. 12205. An act granting an increase of pension to George Holden;
H. R. 12241. An act granting an increase of pension to Elizabeth E. Barber;
H. R. 12498. An act granting an increase of pension to Charles F. Runnels;
H. R. 12509. An act granting an increase of pension to Benjamin Botner;
H. R. 12532. An act granting an increase of pension to Zachariah George;
H. R. 12533. An act granting an increase of pension to Zadick Carter;
H. R. 12884. An act granting an increase of pension to Lucinda Gain;
H. R. 12992. An act granting an increase of pension to Henry G. Klink;
H. R. 13019. An act granting an increase of pension to George Whitman;
H. R. 13079. An act granting an increase of pension to James H. Griffin;
H. R. 13110. An act granting an increase of pension to James M. Moomaw;
H. R. 13153. An act granting an increase of pension to George Budden;
H. R. 13170. An act granting an increase of pension to John R. Mabee;
H. R. 13255. An act granting an increase of pension to William J. Hays;
H. R. 13336. An act granting an increase of pension to Samuel Horn;
H. R. 13537. An act granting an increase of pension to Elizabeth B. Busbee;
H. R. 13573. An act granting an increase of pension to Francis M. Ballew;
H. R. 13723. An act granting an increase of pension to John Underwood;
H. R. 13803. An act granting an increase of pension to Henry H. Forman;
H. R. 13822. An act granting an increase of pension to Augustus D. King;
H. R. 13866. An act granting an increase of pension to Isaac Place;
H. R. 14131. An act granting an increase of pension to Francis M. Simpson;
H. R. 14143. An act granting an increase of pension to Zacur P. Pott;
H. R. 14235. An act granting an increase of pension to John Williams;
H. R. 14241. An act granting an increase of pension to Lydia M. Edwards;
H. R. 14337. An act granting an increase of pension to Gabriel Y. Palmer;
H. R. 14375. An act granting an increase of pension to Edmond R. Haywood;
H. R. 14437. An act granting an increase of pension to Marquis M. De Burger;
H. R. 14454. An act granting an increase of pension to William A. Blossom;
H. R. 14489. An act granting an increase of pension to Peter C. Krieger;
H. R. 14532. An act granting an increase of pension to Augusta N. Manson;
H. R. 14547. An act granting an increase of pension to Thomas Chapman;
H. R. 14559. An act granting an increase of pension to Henry West;
H. R. 14560. An act granting an increase of pension to Elizabeth Weston;
H. R. 14718. An act granting an increase of pension to Joseph A. Jones;
H. R. 14823. An act granting an increase of pension to William Woods;
H. R. 14824. An act granting an increase of pension to Samuel P. Newman;
H. R. 14855. An act granting an increase of pension to Henry C. Carr;
H. R. 14874. An act granting an increase of pension to William C. Hearne;
H. R. 14875. An act granting an increase of pension to Mary A. Witt;
H. R. 14909. An act granting an increase of pension to John W. Creager;
H. R. 14918. An act granting an increase of pension to Franklin Simpson;
H. R. 14920. An act granting an increase of pension to Winfield S. Bruce;
H. R. 14951. An act granting an increase of pension to James Nunah;
H. R. 15028. An act granting an increase of pension to Anthony Emes;
H. R. 15029. An act granting an increase of pension to Sabine Vancuren;
H. R. 15059. An act granting an increase of pension to Alfred W. Morley;
H. R. 15110. An act granting an increase of pension to John Green;
H. R. 15192. An act granting an increase of pension to John J. Merideth;
H. R. 15198. An act granting an increase of pension to Elizabeth J. Martin;
H. R. 15200. An act granting an increase of pension to Charles Klein;
H. R. 15251. An act granting an increase of pension to Alexander M. Taylor;

H. R. 15252. An act granting an increase of pension to Samuel Allbright;
H. R. 15253. An act granting an increase of pension to Balos C. Dewees;
H. R. 15304. An act granting an increase of pension to Irwin O'Bryan;
H. R. 15306. An act granting an increase of pension to Asa Wall;
H. R. 15347. An act granting an increase of pension to John M. Love;
H. R. 15382. An act granting an increase of pension to Mary C. Moore;
H. R. 15385. An act granting an increase of pension to William Lucas;
H. R. 15392. An act granting an increase of pension to John W. Wise;
H. R. 15393. An act granting an increase of pension to Nancy N. Allen;
H. R. 15414. An act granting an increase of pension to John L. Blinn;
H. R. 15491. An act granting an increase of pension to James Buckley;
H. R. 15536. An act granting an increase of pension to Henry H. Tillson;
H. R. 15552. An act granting an increase of pension to George H. Hayter;
H. R. 15553. An act granting an increase of pension to Susan H. Isom;
H. R. 15622. An act granting an increase of pension to Argyle Z. Buck;
H. R. 15893. An act granting an increase of pension to Volney P. Ludlow;
H. R. 15940. An act granting an increase of pension to James M. Carley;
H. R. 15974. An act granting an increase of pension to Martin C. King;
H. R. 16519. An act granting an increase of pension to Erwin G. Dudley; and
H. R. 6982. An act for the relief of James W. Jones.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 16140. An act to authorize the maintaining and operating for toll an existing structure across Tugaloo River, known as "Knox's bridge," at a point where said river is the boundary between the States of South Carolina and Georgia;
H. R. 9165. An act authorizing the Secretary of the Interior to issue patent to the Scandinavian Evangelical Lutheran Little Missouri River congregation to certain lands for cemetery purposes;
H. R. 2996. An act to reimburse Capt. Sydney Layland for sums paid by him while master of the U. S. transport *Mobile*, in July and August, 1898;
H. R. 13154. An act for the relief of John T. Irion;
H. R. 12863. An act to create a new division of the southern judicial district of Texas, and to provide terms of court at Victoria, and for other purposes; and
H. R. 17359. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. R. 30. Joint resolution to create a commission to examine into subjects of citizenship of the United States, expatriation, and protection abroad—to the Committee on Foreign Affairs.
S. 3743. An act to amend an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875—to the Committee on the Public Lands.
S. 4084. An act authorizing the Secretary of the Interior to sell 160 acres of land occupied by the Shebit Indians in Washington County, Utah, to the Utah and Eastern Copper Company—to the Committee on Military Affairs.
S. 3632. An act to amend an act entitled "An act granting an increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893—to the Committee on Pensions.
S. 3638. An act providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States—to the Committee on Military Affairs.
S. 4725. An act to provide for the division of penalty recovered under the alien contract labor law—to the Committee on Claims.
S. 4967. An act to establish additional aids to navigation in Delaware Bay and River—to the Committee on Interstate and Foreign Commerce.
S. 4245. An act for the relief of George T. Larkin—to the Committee on Claims.
S. 4686. An act to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance—to the Committee on Claims.
S. 4685. An act to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies—to the Committee on Claims.
S. 4819. An act for the relief of M. A. Johnson—to the Committee on Claims.
S. 5388. An act to authorize the acquisition of land and a building for the United States legation in Constantinople—to the Committee on Foreign Affairs.
S. 3720. An act granting an increase of pension to Smith Vaughan—to the Committee on Invalid Pensions.
S. 4193. An act granting an increase of pension to Calvin D. Wilber—to the Committee on Invalid Pensions.
S. 3555. An act granting a pension to Alice A. Fray—to the Committee on Invalid Pensions.
S. 5355. An act granting an increase of pension to Annie M. Walker—to the Committee on Invalid Pensions.
S. 3468. An act granting an increase of pension to Myra D. Daniels—to the Committee on Invalid Pensions.
S. 5255. An act granting an increase of pension to John D. Cutler—to the Committee on Invalid Pensions.
S. 4745. An act granting an increase of pension to Susan J. Joslyn—to the Committee on Invalid Pensions.
S. 5375. An act granting an increase of pension to Frances L. Porter—to the Committee on Invalid Pensions.
S. 3765. An act granting an increase of pension to Charles R. Frost—to the Committee on Invalid Pensions.
S. 5205. An act granting an increase of pension to John F. Alsup—to the Committee on Invalid Pensions.
S. 5114. An act granting an increase of pension to Lizzie B. Cusick—to the Committee on Invalid Pensions.
S. 4231. An act granting an increase of pension to Owen Martin—to the Committee on Invalid Pensions.
S. 3551. An act granting an increase of pension to Solomon Jackson—to the Committee on Invalid Pensions.
S. 3883. An act granting an increase of pension to Ferdinand Hercher—to the Committee on Invalid Pensions.
S. 5192. An act granting a pension to John H. Stacy—to the Committee on Invalid Pensions.
S. 4112. An act granting an increase of pension to H. M. Swigart—to the Committee on Invalid Pensions.
S. 5189. An act granting an increase of pension to Margaret F. Joyce—to the Committee on Invalid Pensions.
S. 4739. An act granting an increase of pension to Benjamin F. Burgess—to the Committee on Invalid Pensions.
S. 4018. An act granting an increase of pension to Ebenezer Lusk—to the Committee on Invalid Pensions.
S. 5077. An act granting an increase of pension to Gabriel Cody—to the Committee on Invalid Pensions.
S. 5146. An act granting a pension to Mary J. McLeod—to the Committee on Invalid Pensions.
S. 5095. An act granting a pension to Jeremiah McKenzie—to the Committee on Invalid Pensions.
S. 5093. An act granting an increase of pension to Josiah F. Staubs—to the Committee on Invalid Pensions.
S. 5094. An act granting an increase of pension to Samuel F. Baublitz—to the Committee on Invalid Pensions.
S. 5439. An act granting an increase of pension to George W. Dunlop—to the Committee on Invalid Pensions.
S. 4948. An act for the relief of W. A. McLean—to the Committee on Claims.
S. 5065. An act granting an increase of pension to Charles Jackson—to the Committee on Pensions.
S. 3454. An act granting an increase of pension to William Wilson—to the Committee on Invalid Pensions.
S. 5526. An act authorizing the establishment of a light vessel off Orford Reef, 5 miles north of Cape Blanco, Oregon—to the Committee on Interstate and Foreign Commerce.
S. 5151. An act for the adjudication of the claim of Henry A. V. Post by the Court of Claims—to the Committee on Claims.
S. 3863. An act to correct the military record of Stephen Thompson—to the Committee on Military Affairs.

S. 4823. An act for the relief of Madison County, Ky.—to the Committee on Claims.

S. 5028. An act to remove the charge of desertion from the military record of Thomas F. Callan, alias Thomas Cowan—to the Committee on Military Affairs.

S. 5358. An act to remove the charge of desertion from the record of Edward Kelly—to the Committee on Military Affairs.

S. 4392. An act granting an increase of pension to Cornelia A. Mobley—to the Committee on Invalid Pensions.

S. 5186. An act granting an increase of pension to Robert Staplins—to the Committee on Invalid Pensions.

S. 4126. An act granting an increase of pension to Willard Farrington—to the Committee on Invalid Pensions.

S. 5517. An act granting an increase of pension to William H. H. Shaffer—to the Committee on Invalid Pensions.

S. 5455. An act granting a pension to Emily J. Alden—to the Committee on Invalid Pensions.

S. 5352. An act for the relief of William H. Osenburg—to the Committee on Interstate and Foreign Commerce.

S. 4511. An act granting an increase of pension to William Hoaglin—to the Committee on Invalid Pensions.

S. 4010. An act granting an increase of pension to Bridget Egan—to the Committee on Invalid Pensions.

S. 5055. An act granting an increase of pension to Melvin Grandy—to the Committee on Invalid Pensions.

S. 4901. An act granting an increase of pension to Joshua M. Lounsberry—to the Committee on Invalid Pensions.

S. 4688. An act granting an increase of pension to Noel J. Burgess—to the Committee on Invalid Pensions.

S. 4359. An act granting an increase of pension to Mary E. Lincoln—to the Committee on Invalid Pensions.

S. 3759. An act granting an increase of pension to Henry D. Mills—to the Committee on Invalid Pensions.

S. 4576. An act granting an increase of pension to William Monks—to the Committee on Invalid Pensions.

S. 5219. An act granting an increase of pension to David N. Morland—to the Committee on Invalid Pensions.

S. 3818. An act granting an increase of pension to David B. Johnson—to the Committee on Pensions.

S. 3655. An act granting an increase of pension to Mary A. Good—to the Committee on Invalid Pensions.

S. 5342. An act granting an increase of pension to Mary E. Johnson—to the Committee on Invalid Pensions.

S. 5291. An act granting an increase of pension to E. A. Smith—to the Committee on Invalid Pensions.

S. 5344. An act granting an increase of pension to Sophronia Roberts—to the Committee on Invalid Pensions.

S. 5338. An act granting an increase of pension to David Buckner—to the Committee on Invalid Pensions.

S. 4268. An act changing the name of Douglas street to Clifton street—to the Committee on the District of Columbia.

S. 5453. An act granting an increase of pension to Jacob M. Pickle—to the Committee on Invalid Pensions.

S. 5092. An act granting an increase of pension to Mary C. Feigley—to the Committee on Invalid Pensions.

S. 5091. An act granting an increase of pension to Sallie Tyrrell—to the Committee on Invalid Pensions.

S. 4582. An act granting an increase of pension to Seth H. Cooper—to the Committee on Invalid Pensions.

S. 5173. An act granting an increase of pension to William S. Garrett—to the Committee on Invalid Pensions.

S. 4759. An act granting an increase of pension to Oliver M. Stone—to the Committee on Invalid Pensions.

S. 4763. An act granting an increase of pension to Harrison Randolph—to the Committee on Invalid Pensions.

S. 5560. An act for the relief of Matthew J. Davis—to the Committee on Claims.

S. 4760. An act granting an increase of pension to John B. Lee—to the Committee on Invalid Pensions.

UNIFORM INSURANCE.

The SPEAKER pro tempore also laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I herewith transmit the report and recommendations, with accompanying papers, of the insurance convention which met in February last at Chicago. The convention was called because of the extraordinary disclosures of wrongful insurance methods recently made by the Armstrong legislative committee of the State of New York, the suggestion that it should be called coming to me originally from Governor John A. Johnson, of Minnesota, through Commissioner of Insurance Thomas D. O'Brien, of that State. The convention consisted of about one hundred governors, attorneys-general, and commissioners of insurance of the States and Territories of the Union. The convention was seeking to accomplish uniformity of insurance legislation throughout the States and Territories, and as a prime step toward this purpose decided to endeavor to secure the enactment by the Congress of the United States of a proper insurance code for the District of Columbia, which might serve as a model for the several States. Before adjourning the convention appointed a committee of three attorneys-general and twelve commissioners of insurance of the various States to prepare and have presented to the Congress a bill which should embody the features suggested by the convention. The committee recently met in Chicago, and in thorough and painstaking fashion sought to prepare a bill which should be at once protective of policy holders and fair and just to insurance companies, and which should prevent the graver evils and abuses of the business, and at the same time forestall any wild or drastic legislation which would be more harmful than beneficial. The proposed bill is discussed at length in the accompanying letter by Supt. Thomas E. Drake, of the department of insurance in the District of Columbia.

I very earnestly hope that the Congress at the earliest opportunity will enact this bill into law with such changes as its wisdom may dictate. I have no expert familiarity with the business, but I have entire faith in the right judgment and single-minded purpose of the insurance convention which met at Chicago and of the committee of that convention which formulated the measure herein advocated. We are not to be pardoned if we fail to take every step in our power to prevent the possibility of the repetition of such scandals as those that have occurred in connection with the insurance business as disclosed by the Armstrong committee.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 17, 1906.*

The message and accompanying documents were referred to the Committee on the Judiciary, and ordered to be printed.

IRRIGATION ACT IN THE STATE OF TEXAS.

Mr. SMITH of Texas. Mr. Speaker, I ask that the Speaker lay before the House as unfinished business the bill (H. R. 14184) to extend the provisions of the irrigation act to the State of Texas.

The SPEAKER pro tempore. The gentleman from Texas calls up the unfinished business, which is the bill referred to by him.

Mr. PAYNE. Is that bill already before the House?

The SPEAKER pro tempore. Unanimous consent having been given on April 2, the gentleman from Texas [Mr. SMITH] is recognized.

Mr. SMITH of Texas. Mr. Speaker, in response to a platform demand of both of the great political parties in 1902, Congress passed what is known as the "reclamation act," providing for the reclamation by irrigation of the arid lands in the western half of the United States. The terms of that act confine this work to the reclamation of arid and semiarid lands. No direct appropriation of money was made for this work, but the public lands of the Government were set aside in certain States and Territories to be sold, the proceeds to be used as a fund for carrying on the irrigation work. That act embraced within its terms all of the arid lands within the United States except those in the State of Texas. The extreme western part of Texas is arid, and there are some streams where irrigation works may properly be constructed, if upon a survey by the reclamation service feasible projects are found. The bill before the House is merely to extend the provisions of the irrigation act to that portion of the arid lands omitted from the original act.

Mr. PAYNE. The original act applied to land belonging to the United States. These lands of which you speak never belonged to the United States, but they belong to the State of Texas, do they not?

Mr. SMITH of Texas. I want to say to the gentleman that if he thinks the terms of the irrigation act apply only to the public domain of the Government, he is mistaken.

Mr. PAYNE. The act provided for the creation of a fund to arise from the sale of the public lands of the United States, and I can not see any condition under which any dollar of this fund should go to the benefit of the public lands belonging to the State of Texas.

Mr. SMITH of Texas. I want to ask the gentleman if the State of Texas is not a member of the Union upon equal terms with every other State, and if the public lands of the United States do not belong to all the States in common?

Mr. PAYNE. The United States has title to the public lands in other States, but never had title to a foot of land in Texas that it did not buy for the purposes of a fort or some other public use, and pay for it. The other public lands were ceded to the United States.

Mr. HENRY of Texas. Will you explain how it is then that the proceeds arising from the sale of lands in other States than Texas are appropriated and given to the agricultural and mechanical college of that State and other States, and for educational purposes?

Mr. PAYNE. If we have done wrong in that, we certainly ought not to do wrong in this.

Mr. HENRY of Texas. I do not think we have done wrong. That is a parallel case.

Mr. PAYNE. I think we did wrong in the other case, but that is no reason why we should in this.

Mr. SMITH of Texas. Mr. Speaker, I can not understand the force of the objection that is made by the gentleman from

New York. If the public lands of the Government belong to the National Government, and there are arid lands in the State of Texas that can be irrigated, as well as in some of the other States, I can not see why Texas should be discriminated against, and why the arid lands in Texas could not be reclaimed for the benefit of the whole country, as well as the arid lands in the other States.

Mr. PAYNE. The reclamation act provides for the reclamation of public lands of the United States and provides for the sale of those lands by the United States and that the proceeds go to the reclamation fund. Here is a proposition to take that fund set aside for that purpose and to create a further fund, and so go on with the work of completing it. Here is a proposition to divert a part of that fund entirely opposed to all the purposes of the reclamation act.

Let the State of Texas, that owns the land, take care of it.

Mr. SMITH of Texas. The gentleman is mistaken in supposing that the only purpose of the irrigation act is to reclaim the arid lands of the Government. They are reclaiming private lands throughout the arid States as well as public lands. I understand that some of the projects that the Government has constructed are not connected with the public lands, but are to irrigate private lands almost altogether. The object of the act is to reclaim the arid lands wherever they are, whether owned by the Government or private individuals.

Mr. PAYNE. I never knew before that the reclamation act was a beneficial or eleemosynary institution for the purpose of helping people who own arid lands. It is the first time I have heard a proposition of that kind.

Mr. SMITH of Texas. I want to state to the House that the money is not appropriated or donated to any of these projects, but the money is loaned on ten years' time, to be paid back by those who receive the benefit of the act. The water users thus receiving the use of the water under the irrigation project are required to pledge their land to the Government to pay back in ten equal annual installments the cost of the project. As I say, if the gentleman from New York understands that the work of the Reclamation Service is to reclaim the public lands of the Government, he absolutely misunderstands the terms of the act and the work that is going on under it.

As I say, the bill now before the House does not undertake to change the terms of the irrigation act in any particular, except to merely extend the operation of the act to that part of the arid section of the country that is not now embraced in the act and is not receiving the benefit of it. At the time the act was passed the fact that there were arid lands in the State of Texas was not called to the attention of Congress, but since that time it has been the subject of discussion in different ways throughout the country.

The National Irrigation Congress at its last two annual meetings has passed a resolution favoring the extension of the irrigation act to Texas. The President, in his message at this session of Congress, has recommended to Congress that the act be extended to the State of Texas. The Committee on Irrigation of Arid Lands, after a thorough consideration of all the questions involved in this bill, unanimously recommended that the act be extended to the State of Texas.

When I attempted to call this bill up some weeks ago the gentleman from Iowa [Mr. LACEY] objected to its consideration, and while those of us who had investigated the merits of the measure were surprised that an objection should be made, I must confess that I was even more surprised at the grounds given by the gentleman for his objection. Substantially it was based upon the contention that Texas has no interest in the vast public domain of this Government and is not entitled to share in any of the benefits to be derived therefrom. I suppose he is preparing to offer the same objection now. It is scarcely necessary for me to say that this is a strange and discordant doctrine to the people of Texas, who have long supposed that their State was a member of this Union on an equal footing with every other State.

Let us further examine the national irrigation act and see what its provisions and purposes are and then go further into the objection of the gentleman from Iowa and see if it is tenable.

The act was passed in 1902, and provided that the moneys received from the sale and disposal of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, beginning on July 1, 1901, should be reserved, set aside and appropriated as a special fund in the Treasury, to be known as the "reclamation fund," to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage diversion and development of waters for the reclamation of arid and semiarid lands in the States and Territories mentioned.

The purpose of the act is to reclaim the arid and semiarid lands of the West by irrigation where rainfall is too light and uncertain for successful farming. It applies only to arid and semiarid lands, and it is immaterial whether they are held by private or public ownership, and does not apply to any lands where there is an abundance of rainfall. According to the provisions of the act, the selection and construction of irrigation projects and the allotment of money from the reclamation fund therefor is left practically to the judgment and discretion of the Secretary of the Interior.

Another important feature of the law is that the money expended for irrigation shall not be a gratuity to the land owners receiving the benefits thereof, but only a loan to them which they must return to the Government in ten equal annual installments without interest. The reclamation fund is therefore a revolving fund going out to do its work and then coming back to be sent out again and again upon similar missions. It is also a large and growing fund. It now amounts to about $30,000,000, and is being constantly increased by the sale of public lands to the amount of $3,000,000 or $4,000,000 annually. And when we consider that there are about 500,000,000 acres of the public domain yet to be sold for the benefit of the reclamation fund, we can form some conception of what its magnitude may be ultimately and of the tremendous results it will accomplish in the work of reclaiming arid lands.

If the present policy of irrigation shall be continued and wisely preserved and administered, as I have no doubt it will be, I do not hesitate to express the belief that ultimately all the arid lands of this country will be reclaimed wherever practicable, and all the money utilized for that purpose returned to the Treasury.

Now, Mr. Speaker, I want to call attention to the fact that all the arid land of this country is in the western part of the United States. It is all within the States and Territories to which the act applies, except that which is within the State of Texas. Nearly the western half of Texas is arid. Why should not the act apply to her? Why should she be discriminated against?

Is it because none of the public domain is located within her borders? Is the question of beneficial ownership in land determined by its location?

Mr. Speaker, I deny such a doctrine. The States own all the land within their respective boundaries only in the sense that they exercise governmental jurisdiction and dominion over them and their occupants. But the beneficial ownership may be, and indeed usually is, in another. The public domain belongs to the National Government wherever situated, and the individual States do not actually own any more interest in them than they do in the lands within their borders held and owned by private individuals.

As members of the Union, the States stand upon an equality and are entitled to share equally in the blessings and benefits of the National Government in every respect whatsoever. While the States individually do not own any of the public domain, yet, through the National Government, they own it in common, and it should be disposed of for their common benefit. This doctrine has been recognized from the foundation of the Government. The irrigation law is founded upon it, as I shall hereafter show. The gentleman from Iowa, however, contends that none of the reclamation fund should be used for irrigation in the State of Texas, because when Texas was admitted into the Union she did not transfer her public lands to the National Government, but was permitted to retain them.

Mr. Speaker, it seems to me that this is a late day to reopen the case between Texas and the United States Government for the purpose of adjusting equities between them. This service was rendered by Congress to the satisfaction of the State and the Government when Texas was admitted into the Union more than sixty years ago, and the settlement then made has been accepted and acquiesced in ever since, and it ought now to be res adjudicata.

If the gentleman has looked into that transaction, he will remember that when Texas applied for admission she was a sparsely settled and independent republic, and burdened with a great national debt. A few years before she had declared her independence of Mexico, of which she was a province, and while she had achieved her independence by a war in which her valorous sons had given a new meaning to heroism and patriotic sacrifice, it had taxed her beyond her resources and left her not only with a great burden of debt, but also with the sacred obligation of caring for her veterans who had survived the war as well as for the widows and orphans of those who gave up their lives in that war. With these burdens and obligations resting upon her she had passed through the difficult and expensive formative period of an independent government.

Therefore it is not at all strange that when she came face to face with the proposition to surrender her own national character and assume the position of a State in this Union she was heavily burdened with debt and that there were numerous equities to be adjusted between the two governments.

The enabling act, passed by Congress on March 1, 1845, proposing the terms upon which Texas could come into the Union, shows that these equities were considered and adjusted by Congress. I read the second section of that act, which relates to the point under discussion:

Said State, when admitted into the Union after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defense belonging to said Republic of Texas, shall retain all public funds, debts, taxes, and dues of every kind which may belong to or be due and owing said republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas, and the residue of said lands after discharging said debts to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States.

Thus it will be seen that the proposition was for the Government of the United States to take over all the property of a national character belonging to the Republic of Texas, including her ports and custom-houses, her principal if not her only means of collecting revenue for the payment of her debts, and in lieu thereof Texas was to retain her public lands with which to pay them.

That Texas accepted these terms clearly appears from another act of Congress, passed on December 29, 1845, following, from which I will now read, and which also defines the status of Texas as one of the States of the Union:

Whereas the Congress of the United States by a joint resolution approved March 1, 1845, did consent that the territory properly included within and rightfully belonging to the Republic of Texas to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing Government, in order that the same might be admitted as one of the States of the Union; which consent of Congress was given upon certain conditions specified in the first and second sections of said joint resolution; and

Whereas the people of the said Republic of Texas by deputies in convention assembled, with the consent of the existing Government, did adopt a constitution and erect a new State with a republican form of government, and in the name of the people of Texas, and by their authority, did ordain and declare that they assented to and accepted the proposals, conditions, and guaranties contained in said first and second sections of said resolution; and

Whereas the said constitution, with the proper evidence of its adoption by the people of the Republic of Texas, has been transmitted to the President of the United States and laid before Congress in conformity to the provisions of said joint resolution: Therefore,

Resolved, etc., That the State of Texas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

Mr. Speaker, here we have the terms of the settlement; here we have the solemn judgment of Congress adjusting the equities between Texas and the Government; here we have the judgment of Congress to the effect that under conditions existing then it was right and just that Texas should retain her public lands; that it was necessary for her to do so in order to advance her to an equality with the other States. And upon the acceptance of these terms which Congress itself proposed, the resolution which I have read was passed solemnly and formally declaring that Texas was not only one of the States of the Union, but that she was admitted on an equal footing with the other States in all respects whatever. I submit that language could not be broader or more comprehensive or emphatic. That judgment of Congress has stood without question for more than sixty years. To now repudiate it would be unjust to the Government; it would be unjust to Texas, and it would be unjust to the memory of the patriotic men who were Members of that Congress.

But, Mr. Speaker, although I believe the plea of res adjudicata which I have offered is entirely sufficient to meet the objection of the gentleman from Iowa, it is not at all necessary that we should rely upon it. We can reopen the case and adjust equities with him with no fear that the balance will be against us.

Texas when admitted into the Union was very sparsely settled, having a total population of but little over 50,000, while her outstanding indebtedness was the enormous sum of over $12,000,000, a per capita of about $250 for every man, woman, and child. Her unappropriated public domain though large was comparatively from a pecuniary standpoint worthless. It could not be sold, as the State soon found out, so she had to find a different way of discharging her public debt. Accordingly, as a means of doing this, in 1850 she ceded to the United States Government 98,380 square miles of her territory, for which the Government paid her the sum of $10,000,000, which was applied to the payment of her public debt.

The balance of her public domain has gone—some of it to the veterans and the widows and children of the veterans of her war with Mexico for independence, some of it for free homes for her own people and for immigrants from other States, some of it for public buildings, a large part of it to railroads, and the balance to free schools. There is not a foot of unappropriated public domain in the State of Texas to-day, although there remains unsold a part of her school lands.

Mr. Speaker, I call attention to the fact that the great bulk of the public domain of the Government has been disposed of for similar purposes in the various States. Donations have been made to war veterans and to actual settlers. Appropriations of lands have been made for public buildings and eleemosynary institutions, for the construction of railroads and canals, and for educational purposes in the various States and Territories.

I have not complete figures at hand, but I have gone far enough into the investigation to enable me to say that considering the comparative sizes of the States, the other States have each had almost if not quite as much benefit from Government lands as Texas has had from her own. While, on the other hand, the nation as a whole has received a like benefit from the public lands of Texas as from its own lands appropriated for public uses and improvements in the other States and Territories.

But, Mr. Speaker, there is a stronger equity still, if it may be so called, in favor of Texas. The greater part of the public domain which is set apart for the irrigation fund was acquired after Texas came into the Union. I refer to the territory acquired by us from Mexico. As a matter of fact, it may be truthfully said that it was through Texas that this vast territory was brought into our possession and under our dominion. If Texas had not come into the Union there would have been no war with Mexico, and if there had been no war with Mexico there would have been no cession of this territory to us, but it would have remained with Mexico. But Texas came into the Union and we had the war, and in the American army engaged in that war Texas had more volunteer soldiers than any other State in the Union. Not only that, but when the $15,000,000 was paid to Mexico, under the treaty of peace, for the territory ceded to us, Texas contributed her share of the money.

Mr. Speaker, let it be denied that Texas came into the Union upon an equality with the other States. Let it be admitted, if you will, that some of the other States have not enjoyed the benefit of public lands to the extent that Texas has; but for the sake of all that is fair, just, and right do not deny to Texas the fruits of the victory for which her brave sons fought and died, and do not withhold from her that which she contributed her own money to buy.

Is there anyone here who will stand up and say that California, Nevada, Utah, or the other irrigation States and Territories have a better claim upon this public domain than Texas? If so, I want to remind him that Texas had perfected her claim before they had entered the chrysalis territorial state, before they had even come into being, and nothing has since occurred to impair her claim.

Now, Mr. Speaker, I have up to this time been discussing this question from the standpoint of the individual State. Let us now look at it from the national standpoint, the only standpoint from which Congress can view it or legislate upon it, for I suppose there is not a gentleman upon this floor who would seriously contend for a moment that Congress has the power to pass any law primarily for the benefit of the individual States or for any purpose other than for the common good of all.

The public domain which Congress has set aside for irrigation purposes belongs to the National Government, and Congress has no right to appropriate it to any other than a national use, and in my opinion it has not attempted to do so. The policy of reclaiming the great arid region of the West is a great national policy entered upon by the Government not for the benefit of the individual States and Territories where the work of reclamation may be carried on, but for the benefit of all the States and of the people of every part of the Union. If this be not true, then I believe that all will agree with me it would be the duty of Congress to go out of the irrigation business. And if it be true that the policy was entered upon merely as a means of donating the public lands to the States and Territories wherein they are situated it would have been far better to have made the donation direct, so as not to have assumed the responsibility of a work purely local in character and beyond the scope of the national function.

But, as I have already asserted, the national irrigation act was passed for the benefit of the whole country. The immense region where the great work of reclamation is to be carried on, which embraces at least one-half of the whole area of the

United States, was originally acquired for the national benefit, and now its development is of deep concern to the nation as a whole. Comparatively speaking, this section is practically undeveloped. Its population, which is poorly distributed, is not one-tenth of the whole population of the entire country. But it is endowed with all of the natural elements which go to make up a fruitful and prosperous country except rainfall. Its climate is the most healthful and salubrious to be found anywhere on the globe. The richness and fertility of the soil upon its plains and in its valleys are not surpassed anywhere, and the stores of minerals in its mountains are inexhaustible. But the one great factor lacking is water. This to a very large extent will be supplied under the operation of the national irrigation act. By impounding, storing, and utilizing the flood waters which have heretofore gone to waste, and by the control and diversion of the streams that run down to the seas from the plains and the snow-capped mountains, we will make homes for the people who will raise crops, develop mines, construct railroads, build cities, establish industries, and buy from the merchants and manufacturers of the East, and thus add to the wealth, prosperity, and well-being of the nation as a whole and of every part of it.

I want to remind this House that Congress entered upon this beneficent policy in response to the platform demands of both the great political parties, and to show that it was the intention of those most largely responsible for the act that it should be broad and national in its scope and purposes, I desire to offer a few quotations.

President Roosevelt, in his message to Congress in 1901, in urging legislation upon the subject of irrigation, said:

It is as right for the National Government to make the streams and rivers of the arid region useful by engineering works for water storage as to make useful the rivers and harbors of the humid region by engineering works of another kind. The storing of the floods in reservoirs at the headwaters of our rivers is but an enlargement of our present policy of river control under which levees are built on the lower reaches of the same streams.

Again, he says in the same message:

The reclamation and settlement of the arid lands will enrich every portion of our country just as the settlement of the Ohio and Mississippi valleys brought prosperity to the Atlantic States. The increased demand for manufactured articles will stimulate industrial production, while wider home markets and the trade of Asia will consume the larger food supplies and effectually prevent western competition with eastern agriculture. Indeed, the products of irrigation will be consumed chiefly in upbuilding local centers of mining and other industries, which would not otherwise come into existence at all. Our people as a whole will profit, for successful home making is but another name for the upbuilding of the nation.

The Secretary of the Interior, in his annual report for 1901, uses this language:

The expansion of our interior trade and commerce through the settlement of the arid lands and the increase of population in the West would benefit every class and section of our country in the same way that the settlement of the Ohio and Mississippi valleys has brought prosperity and wealth to the States east of the Alleghenies. The settlement of the vast arid region still farther to the west would benefit the whole eastern half of the United States by creating new home markets for eastern merchants, southern cotton growers, and all manufacturers. It would enormously increase local traffic and would tend to relieve the congestion of our great centers of population, creating opportunities which would go far to allay social discontent. It would promote industrial stability by giving to every man who wanted it a home on the land. * * * The investigations which have been carried on demonstrate that, looking at the matter from all sides, there is no one question now before the people of the United States of greater importance than the conservation of the water supply and the reclamation of the arid lands of the West and their settlement by men who will actually build homes and create communities.

In discussing the bill before the Senate in March, 1902, providing for national irrigation, Senator Stewart, of Nevada, said:

If you bring under cultivation the fertile lands that may be cultivated by irrigation in the very healthful climate of the West—the best climate in the world—together with the mineral resources and everything which grows to make a great and populous country, by the use of agricultural lands in connection with the other advantages, I think the population might be increased perhaps twenty, thirty, or even forty million. Nobody can tell how many people could live there. We know it is true that in desert countries which had been irrigated the population was more dense than anywhere else. We have all the evidence that it will be the same in that region.

There is nothing to destroy human life in the arid region. There is no malaria, no damp climate, nor anything that tends to shorten human life. In that high altitude, with the advantages of health and vigor, and with the abundant resources of the country, agricultural and mineral, we have reason to believe that the population will increase as much as I have stated.

I believe, from the tone of the press, that the people of the East are waking up to the importance of the accomplishment of these great results. They are not biased or sectional when they talk about irrigation. That feeling does not exist. They are willing to take hold anywhere, as is shown by their history, for the purpose of aiding in these enterprises, which not only increase wealth, but increase population and increase the grandeur and power of this Republic. I think that is the universal sentiment.

Senator TILLMAN, speaking upon the same bill, said:

The only thing which I see in this proposition that probably is strange is that instead of coming directly to the President and asking a specific appropriation for annual improvement along this line, as we are making continuing contracts for improving rivers and harbors, we come here and merely limit these people to a fund that is somewhat nebulous and will certainly prove inadequate. I think the people of the East—and I live in a State in the East where we get plenty of rain ordinarily—should go at this in a broader and more statesmanlike way, and instead of using the money that is to be derived from these sales, which, as I said, will be uncertain in amount, and the amount is going to be inadequate, we should go at it by a direct appropriation.

Senator TELLER, in his remarks upon that bill, used this language:

We do not appeal to Senators to give this measure support because we have done that, for that was only our duty as we saw it to the country at large. I merely want to impress upon the Senate that we are not asking for local benefit and local advantage, but a benefit and advantage that are open to every citizen of the United States, in every part of it. We believe that the Government has never expended a dollar that will do as much good as the money that will be spent on these arid lands in the way of providing water for their cultivation.

Speaking to the same bill, Senator GALLINGER said:

Mr. President, even from a selfish standpoint, or from selfish considerations, I should give my vote in favor of this bill. We are engaged in New England largely in manufactures and we are seeking new markets for our manufactured goods. I feel sure that every thoughtful New England man will agree that when the arid region of our country is reclaimed, and American families and American homes are established on these lands, it will open a new market for the manufactured goods of New England. Possibly our people have not to any very considerable extent considered that view of the subject, which, to my mind, would be a controlling reason if I had no other reason for voting for the bill that is now before the Senate.

In a speech in this House upon this question Hon. F. G. NEWLANDS, now Senator from Nevada, said:

It is an uncontrovertible fact that the prosperity of the West causes a reflex agricultural prosperity in the agriculture of the East. Suppose the 600,000,000 acres of arid land west of the one hundredth meridian, and the industries which have arisen in connection therewith, should be suddenly wiped from the face of the earth. What would be the result? Disaster would follow in many an eastern community, because thousands of farms and factories depend upon the orders of their western customers. These factories employ hands, and those hands, when employed, live well and spend well. They create a demand for great amounts of farm products. To bring the illustration still further, does anyone contend that the Atlantic States would be benefited if the whole country west of the Alleghenies were effaced from the map? The cases are parallel. One part of the country is the complement of the other, and the prosperity of one section will not retard but will help all the others.

Especially would the Atlantic States be helped by the development of the Pacific slope, for the Western States would buy from the East, while at the same time they would bring great sums of money into the country from their own sales of produce to the Orient.

The Hon. WILLIAM A. REEDER, of Kansas, in speaking upon this subject on the floor of this House in 1902, said:

When we look at the matter from the broad national point of view, we see that every class of our people will be benefited by the creation of new communities in the arid regions. Every new settler creates a demand for all the manufactured articles that he must use to cultivate his land, to stock his farm, to furnish his house, and to clothe himself and his children. When we look at the internal commerce and markets for our eastern manufacturers which have been created by the 7,500,000 acres of land which have been reclaimed by private enterprise, we can form some idea, by comparison, of the enormous markets which would be furnished by the reclamation and settlement of the many millions of acres which can only be reclaimed by the action of the Government.

Hon. W. L. JONES, of Washington, speaking in favor of the national irrigation bill, thus eloquently proclaimed its benefits:

Pass this bill and its beneficent influences will lighten the burdens and gladden the hearts of our people of every class and condition, largely solve the social problem of discontent that agitates our cities, strengthen the fibers of the nation, kindle anew the fires of patriotism almost smothered by poverty and distress, and give new impetus to that onward march of civilization that has been the wonder of the nineteenth century and the glory of the twentieth.

Mr. Speaker, I could quote from other Senators and Members of the House upon this subject, but will not do so. In urging the passage of the irrigation act the President, the Secretary of the Interior, and the Senators and Representatives who delivered speeches upon it all placed it upon the broad national ground that it would be for the benefit of the whole country, that it was as much for the good of the East as it was for the West, and I have no doubt that it was upon this ground that the act was passed. Any effort to have secured this legislation merely for the benefits to be derived from it locally would have been met with derision and failure.

This being true, I now want to ask the gentleman from Iowa if our people as a whole would not derive as much benefit from the irrigation of the arid lands in Texas as they would from the irrigation of arid lands in California, Nevada, Utah, Wyoming, or in any other of the States or Territories? And if so, why should the arid lands of Texas be excluded from the act? Speaking from a national standpoint, do we not do violence to our own interests when we refuse to extend the act to Texas? Are homes in that State, is the development of industries in that State, and is the upbuilding and extension of markets in that State for the merchants and manufacturers of the East less important and valuable than elsewhere? Is the gentleman from Iowa really sincere in his desire to build up our

home markets, which he so eloquently eulogized on the floor of this House a few days ago?

Mr. Speaker, the questions I have asked very clearly suggest the absolute absurdity of the position taken by the gentleman from Iowa in opposing the extension of the irrigation act to Texas. His view of this question is entirely too narrow and contracted, and I believe is unworthy of the high position which he occupies as a Member of this House.

The gentleman does not deny that there are arid lands in Texas which may be reclaimed. That is not the ground upon which he bases his objection. He raises a question of far more serious import. He calls in question the equality of a sovereign State as a member of this Union. He demands an accounting between that State and the Government. When, I want to ask him, did the Government begin the keeping of accounts with the States in regard to national matters? If Texas must render a public-land account, then let the other States do likewise. They have all received the benefit of public lands in various ways, directly and indirectly, from the Government. So let them come up and render accounts also. When we have done this let us go further and have the States render accounts for what they have received for public buildings and rivers and harbors and other things. Let us have a general adjustment and settlement all around, which we can use as a basis when we go to make future appropriations. If the gentleman is correct in his theory, the Government should not appropriate more money for Federal purposes in one State than in another. Neither New York nor Pennsylvania nor Illinois, with their immense population and territory, should have more than Rhode Island, Vermont, or Nevada, regardless of the needs of the Government.

But the gentleman is not correct. The Government will not neglect its own interest merely for the sake of keeping its accounts with the States in regard to appropriations evenly balanced. Under the Constitution it will do its national work as heretofore wherever needed or desirable, without reference to State lines and without reference to previous appropriations.

Mr. Speaker, the proposition presented by the bill I am advocating is simple. It merely proposes to extend the provisions of the national irrigation act so as to include that comparatively small portion of the arid and semiarid region which happened to be omitted when the act was passed. It ought to be immaterial to the House where it may be situated, whether in Texas or elsewhere. It ought to be sufficient to know that it is arid and that it is within the national domain.

We are not proposing to change the policy of the Government in any respect. The present law does not confine the proceeds of the sale of lands to the use of the State wherein the land is situated. Forty-nine per cent of the whole fund arising from the sale of land in all the States can be spent in any one of the States—in Kansas, for instance, which has less than 1,000,000 acres of the public domain within her borders. Ultimately the proceeds of 250,000,000 acres might be spent for irrigation in Kansas under the law as it now exists.

We are not proposing to change the irrigation policy of the Government by asking for irrigation or drainage of lands where the climate is humid, where there is a reasonable amount of rainfall. If my bill passes, only the arid or semiarid lands of Texas could be reclaimed, as now is the case with other States.

The bill carries no appropriation. If it should become a law, its effect would be to authorize the Secretary of the Interior to cause surveys to be made in the arid region of Texas, and if he should anywhere find conditions such as to make the construction of an irrigation plant feasible and the return of the cost reasonably certain, he could, when the fund in his hands should be sufficient, make an allotment for the purpose, just the same as is now being done in the other arid States. It would enable the Reclamation Service to extend its irrigation systems into Texas on interstate streams when necessary or desirable, as is about to be done on the Rio Grande under the act passed by the last Congress. The Reclamation Service will soon want to enter Texas on the Pecos River by the extension of the irrigation system which is now being constructed on that river above in New Mexico, and in time I have no doubt that it will be desirable to enter the State with irrigation systems on other interstate streams. This can not be done under the existing law.

Mr. Speaker, I urge the passage of this bill as an act of justice to Texas, in recognition of her equal footing with all other States as a member of the Union, and as a fit acknowledgment of the splendid part she took in the great military achievement which gave us the larger part of that domain from which the irrigation fund is derived. I urge it in the interest of all our people as an extension and completion of the great national scheme of reclamation. It is approved by many if not all the officers of the National Irrigation Association. It has been twice indorsed by the National Irrigation Congress, composed of delegates from all the arid States and Territories of the West. It has the approval of the Reclamation Service. It has, after the most thorough consideration, been formally recommended to Congress by the President in his message. And it has been favorably reported, after full hearing, by the unanimous vote of the Committee on Irrigation of Arid Lands.

I earnestly protest against making this a provincial or local matter. It should be kept where it was originally placed, upon the high plane of national development for the national good.

Mr. Speaker, I reserve the balance of my time.

WITHDRAWAL OF PAPERS.

Mr. ESCH, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of John W. McCann (bill H. R. 232, 56th Cong.), no adverse report having been made thereon.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of Commerce and Labor, submitting a draft of a bill to authorize employees of the Executive Departments to administer oaths under certain circumstances—to the Committee on the Judiciary, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law on the French spoliation cases relating to the brig *Neutrality*, William Clark, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of the acts and resolutions of the second session of the third legislative assembly of Porto Rico—to the Committee on Insular Affairs.

A letter from the Acting Secretary of the Treasury, transmitting, in response to the request of the House, copies of accounts of the postal agent at Shanghai and consul at Tientsin, China—to the Committee on Expenditures in the State Department, and so much as relates to accounts ordered to be printed, but not the copies of regulations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BYRD, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 5537) authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska, reported the same without amendment, accompanied by a report (No. 3295); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McGAVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 5) to provide for the refunding of certain money, and so forth, reported the same without amendment, accompanied by a report (No. 3294); which said bill and report were referred to the Private Calendar.

Mr. WELBORN, from the Committee on Claims, to which was referred the bill of the House (H. R. 8365) for the relief of C. A. Berry, reported the same without amendment, accompanied by a report (No. 3297); which said bill and report were referred to the Private Calendar.

Mr. RIVES, from the Committee on Claims, to which was referred the bill of the House (H. R. 16581) for the relief of George W. Schroyer, reported the same without amendment, accompanied by a report (No. 3298); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which

was referred the bill of the Senate (S. 2368) for the relief of the Postal Telegraph Cable Company, reported the same without amendment, accompanied by a report (No. 3299); which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the Senate (S. 2578) for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford, reported the same without amendment, accompanied by a report (No. 3300); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HAYES: A bill (H. R. 18276) to provide campaign badges for officers, enlisted men, sailors, or marines who served honorably in the Spanish, Philippine, or China campaigns, and who were not in the United States service on January 11, 1905—to the Committee on Military Affairs.

Also, a bill (H. R. 18277) to permit the naturalization of citizens of Porto Rico, of the Philippine Islands, and of other possessions of the United States—to the Committee on Insular Affairs.

By Mr. SHARTEL: A bill (H. R. 18278) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways, and to provide for national aid in the improvement of public roads—to the Committee on Agriculture.

By Mr. FOWLER (by request): A bill (H. R. 18279) to fix a 10 per centum ad valorem duty on teas and coffees imported into the United States from Canada—to the Committee on Ways and Means.

By Mr. BONYNGE: A bill (H. R. 18280) providing for the compilation and publication of volume 3 of Federal and State Constitutions, Colonial Charters, and Organic Laws of the United States—to the Committee on Printing.

By Mr. ANDREWS: A bill (H. R. 18281) to amend an act entitled "An act to prohibit the passage of local or special laws in the Territories, to limit the Territorial indebtedness, and for other purposes"—to the Committee on the Territories.

Also, a bill (H. R. 18282) to increase the compensation of the members of the New Mexico legislature—to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BENNETT of Kentucky: A bill (H. R. 18283) granting an increase of pension to John Nicholas—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 18284) granting a pension to Margaret Abram—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: A bill (H. R. 18285) granting an increase of pension to Frank H. Holman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18286) granting an increase of pension to Mary A. Hartinger—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 18287) for the relief of the heirs of Daniel Linebaugh—to the Committee on Claims.

By Mr. CALDER: A bill (H. R. 18288) to provide relief for such employees in the United States navy-yards that have been disabled while in performance of their duty—to the Committee on Naval Affairs.

By Mr. DAWSON: A bill (H. R. 18289) granting a pension to William M. Wilson—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 18290) granting a pension to Mary Gordon—to the Committee on Pensions.

Also, a bill (H. R. 18291) granting an increase of pension to Joseph R. Rosborough—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 18292) granting a pension to John W. Davenport—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 18293) granting an increase of pension to Lucius D. Cardwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18294) granting an increase of pension to James F. Roody—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 18295) granting a pension to Joshua B. Casey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18296) granting a pension to Melvin A. Carey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18297) granting an increase of pension to Mrs. Lorendo E. Thayer—to the Committee on Invalid Pensions.

By Mr. GILLETT of California: A bill (H. R. 18298) granting a pension to Wilson Carey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18299) granting a pension to Clement Hickman—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 18300) granting an increase of pension to Frederick D. Carpenter—to the Committee on Invalid Pensions.

By Mr. JONES of Virginia: A bill (H. R. 18301) for the relief of the heirs of William Samuel Custis, deceased, late of Onancock, Accomac County, Va.—to the Committee on War Claims.

By Mr. KEIFER: A bill (H. R. 18302) granting a pension to Ellen Bernard Lee—to the Committee on Pensions.

By Mr. KLINE: A bill (H. R. 18303) granting an increase of pension to James W. Krader—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 18304) for the relief of the Compañia de los Ferrocarriles de Puerto Rico—to the Committee on War Claims.

By Mr. LITTLE: A bill (H. R. 18305) for the relief of Reuben B. Friday, of Sevier County, Ark.—to the Committee on the Public Lands.

By Mr. McCALL: A bill (H. R. 18306) granting a pension to Edward T. Lincoln—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 18307) for the relief of Pollard & Wallace—to the Committee on Claims.

By Mr. McKINNEY: A bill (H. R. 18308) granting a pension to Clay Riggs—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 18309) granting an increase of pension to David Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18310) granting an increase of pension to Virgil A. Bayley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18311) granting an honorable discharge to Lewis Presley—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 18312) granting a pension to Margaret J. Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18313) granting an increase of pension to Rebecca A. Cole—to the Committee on Pensions.

Also, a bill (H. R. 18314) granting an increase of pension to John Sweney—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 18315) granting a pension to Joseph A. Nimmo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18316) granting an increase of pension to Minor E. Duke—to the Committee on Invalid Pensions.

By Mr. PATTERSON of North Carolina: A bill (H. R. 18317) for the relief of Evelyn Clifton Beckwith, widow of James L. S. Beckwith—to the Committee on War Claims.

Also, a bill (H. R. 18318) granting a pension to Martha Jane Goddard—to the Committee on Pensions.

By Mr. POLLARD: A bill (H. R. 18319) granting an increase of pension to Newton Kinnison—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 18320) granting an increase of pension to Jonathan M. Hunter—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 18321) granting an increase of pension to Thomas Washington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18322) granting an increase of pension to Hezekiah James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18323) granting an increase of pension to Richard B. Rankin—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 18324) granting a pension to Charles H. Lunger—to the Committee on Pensions.

By Mr. WANGER: A bill (H. R. 18325) granting an increase of pension to John W. Schofield—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 18326) granting an increase of pension to Frederick Dicke—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15043) granting a pension to Anne Dinan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11176) granting a pension to Charles T. Weaver—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18151) granting an increase of pension to George Camp—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 5318) to amend the act approved March 15, 1878, entitled "An act for the relief of William A. Hammond, late Surgeon-General of the Army"—Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 5571) granting an increase of pension to William Cary—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of W. W. Jobes et al., citizens of Roscoe, Pa., for bill granting pension to Malcolm Hagerty—to the Committee on Invalid Pensions.

By Mr. ADAMS of Pennsylvania: Petition of the T Square Club, of Philadelphia, Pa., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Camp Walter E. Brown, No. 4, Society of the Army of the Philippines, to provide special medals of honor to certain officers and men of the Spanish war—to the Committee on Military Affairs.

Also, petition of E. C. Worrell et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Trades League of Philadelphia, Pa., against the Little bill and the Gilbert bill relative to granting immunity to members of labor organizations in case of disputes—to the Committee on the Judiciary.

Also, petition of Diligent Council, No. 4, Junior Order of United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ALLEN of Maine: Petition of F. D. Cummings and 23 others, of Portland, Me., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURKE of South Dakota: Petition of citizens of South Dakota, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURTON of Ohio: Petition of R. A. Gordon and 15 other citizens of Cleveland, Ohio, for the Hepburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS: Petition of citizens of Topeka, Kans., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DALZELL: Petition of 600 citizens of Washington, Pa., for law forbidding sale of liquor in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of 600 citizens of Washington, Pa., for Sunday closing of the Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. DOVENER: Petitions of Excelsior Council, No. 4, Daughters of Liberty, and John A. Logan Council, No. 95, Junior Order United American Mechanics, both of Wheeling, W. Va., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Club, of Wellsburg, W. Va., for bills S. 50 and H. R. 4462, etc.—to the Committee on the District of Columbia.

Also, petition of the executive council of the American Federation of Labor, of Washington, D. C., against bill H. R. 5281 (pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the State board of health of West Virginia, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Division No. 103, Amalgamated Association of Street Railway Employees of America, of Wheeling, W. Va., for the present Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. FRENCH: Petition of citizens of Moscow, Idaho, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAYES: Petition of citizens of California and the Presbytery of San Jose, Cal., for relief of the landless Indians of northern California—to the Committee on Indian Affairs.

Also, petition of the Japanese and Korean Exclusion League, of San Francisco, Cal., for the present Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of the Japanese and Korean Exclusion League, of San Francisco, Cal., against arrival of Japanese laborers from Hawaii—to the Committee on Immigration and Naturalization.

Also petition of citizens of the county of Santa Clara, Cal., for relief of the landless Indians of northern California—to the Committee on Indian Affairs.

By Mr. HINSHAW: Paper to accompany bill for relief of George W. Walden—to the Committee on Invalid Pensions.

Also, petition of the Saunders County Medical Society, of Wahoo, Nebr., against concurrence of the House in amendment to section 9 of the Heyburn pure-food bill as added by the Interstate-Commerce Committee—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of New Jersey: Petition of Eagle Council, Junion Order United American Mechanics, of Spotswood, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Parker Brothers Glass Manufacturing Company, of Bridgeton, N. J., against the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Olive Branch Grange, No. 142, of Matawan, N. J., opposing seed distribution—to the Committee on Agriculture.

By Mr. HUFF: Petition of the Baltimore and Philadelphia Steamboat Company, against bill H. R. 17129, legislation relative to a patented article (previously referred to the Committee on the Merchant Marine and Fisheries)—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: Petition of citizens of Lucas, Wis., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LINDSAY: Petition of Pennsylvania Cement Company, for the same specification relative to naming "Portland cement" for the Panama Canal in the second letting as was made in the first requisition for bids—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Christian H. Goebel—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Petition of Winifred Smith, Carthage, Me., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. McCARTHY: Petition of the Cesky Obzor, of Schuyler, Nebr., and the Sentinel, of Hooper, Nebr., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MAHON: Petition of Washington Camp, No. 374, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of John Suiney—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Margaret J. Ferguson—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Rebecca A. Cole—to the Committee on Pensions.

Also, petition of Messrs. Bennett and Le Clery and papers to accompany bill H. R. 17416, relative to franchise from the Chattanooga and Chickamauga Park Electric Railroad—to the Committee on Military Affairs.

By Mr. PATTERSON of North Carolina: Paper to accompany bill for relief of Evelyn C. Beckwith—to the Committee on War Claims.

Also, paper to accompany bill for relief of Martha Jane Goddard—to the Committee on Pensions.

By Mr. POLLARD: Petition of J. M. Robertson, of Verdon, Nebr., in support of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SAMUEL: Petition of Grange No. 31, of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Ministerial Association of Milton, Pa., against bill S. 3413, for extension of time for confinement of cattle in cars in transit—to the Committee on Interstate and Foreign Commerce.

Also, petition of Division No. 421, Amalgamated Association of Street and Electric Railway Employees of America, and Charles W. Parring, of Mount Carmel, Pa., against bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of Capt. C. B. Brockway Camp, No. 270, Sons of Veterans, Department of Pennsylvania, against bill H. R. 8131, relative to wearing uniforms resembling those of United States Army, Navy, etc.—to the Committee on Military Affairs.

Also, petition of Trinity Lutheran Church, against bill ex-

tending time in cars of live stock in transit—to the Committee on Interstate and Foreign Commerce.

Mr. SMITH of Maryland: Paper to accompany bill for relief of John W. Jones—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: Paper to accompany bill for relief of J. L. F. Cottrell—to the Committee on War Claims.

By Mr. STERLING: Paper to accompany bill for relief of John H. Watson—to the Committee on Invalid Pensions.

By Mr. TALBOTT: Petition of Church of God Christian Endeavor Society, of Carrollton, Md., for a law to protect State liquor laws against outside nullifiers—to the Committee on Ways and Means.

By Mr. WOOD of New Jersey: Petition of B. F. Boyer Company, of Camden, N. J., and the Colburn Machine Tool Company, against bill H. R. 8988 (the metric system bill)—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Parker Brothers Glass Manufacturing Company, against the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Harry H. Powell, of Duffield, N. J., W. H. H. Wyckoff & Son, and John T. Conklin, for bill H. R. 15442 (the immigration and naturalization bill)—to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *April 18, 1906.*

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

God is our refuge and strength, a very present help in trouble. Therefore will not we fear, though the earth be removed, and though the mountains be carried into the midst of the sea. Though the waters thereof roar and be troubled, though the mountains shake with the swelling thereof.

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God is in the midst of her; she shall not be moved.

Father, we come to Thee when we need Thee. We seek Thee in our calamities, as we have sought Thee in our triumphs. Draw near to us here. Draw near to the people of this nation in the midst of great calamity. Thou art from everlasting to everlasting, the same yesterday, to-day, and forever. Thou wilt oversee us; Thou wilt help us, and we come to Thee even in the moment of weakness. We come to Thee in our foolishness to ask for Thy wisdom, in our terror to ask for God's guidance, in our weakness to ask for Thy strength.

Be with us. Be with Thy servants who are in the midst of trial. Be with this whole land, that this land may know what its duty is; how brothers may help brothers; how each can help all; that we are one family in the arms of the living God. Father, we ask it in Christ Jesus.

Our Father who art in Heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is done in Heaven. Give us this day our daily bread. Forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, Thine is the power, Thine is the glory. Forever, Amen.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

LAWS OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a copy of the acts and resolutions of the second session of the third legislative assembly of Porto Rico, January 8 to March 8, 1906, including the organic act of Congress providing for civil government and the acts and resolutions of Congress amendatory thereof, etc.; which, with the accompanying report, was referred to the Committee on Pacific Islands and Porto Rico.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 5931. An act granting an increase of pension to Robert L. Narrow;

H. R. 8158. An act granting an increase of pension to Lemuel P. Storms;

H. R. 8892. An act granting an increase of pension to Malek A. Southworth;

H. R. 10298. An act granting an increase of pension to Oliver C. Redic;

H. R. 11046. An act granting an increase of pension to Helen G. Heiner;

H. R. 11976. An act for the relief of the Compañia de los Ferrocarriles de Puerto Rico;

H. R. 13572. An act granting an increase of pension to Saturnino Baca; and

H. R. 15691. An act granting an increase of pension to Jerry W. Tallman.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the Senate bill (H. R. 13103) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes.

The message further announced that the House had passed the following bills, each with an amendment; in which it requested the concurrence of the Senate:

S. 1248. An act granting a pension to Elizabeth B. Bean; and

S. 1308. An act granting an increase of pension to Emilie Grace Reich.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8997) to regulate the practice of pharmacy and sale of poisons in the District of Columbia, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CAMPBELL, Mr. TAYLOR of Ohio, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message further announced that the House had passed the following bills and joint resolution:

S. 97. An act granting an increase of pension to Thomas F. Carey;

S. 98. An act granting an increase of pension to Doris F. Clegg;

S. 230. An act granting an increase of pension to Alfred Woodin;

S. 249. An act granting an increase of pension to Alfred F. Sears;

S. 306. An act granting a pension to Cassy Cottrill;

S. 337. An act granting an increase of pension to Lydia Ann Jones;

S. 450. An act granting an increase of pension to James Flynn;

S. 487. An act granting an increase of pension to William Sprouse;

S. 518. An act granting an increase of pension to William T. Godwin;

S. 520. An act granting an increase of pension to William D. Johnson;

S. 524. An act granting an increase of pension to Lestina M. Gifford;

S. 558. An act granting an increase of pension to Abijah Chamberlain;

S. 563. An act granting an increase of pension to Thomas Martin;

S. 657. An act granting an increase of pension to Mary J. Reynolds;

S. 674. An act granting an increase of pension to Thomas A. Agur;

S. 829. An act granting an increase of pension to James Gannon;

S. 835. An act granting an increase of pension to John W. Scott;

S. 914. An act granting an increase of pension to Edwin R. Hardy;

S. 920. An act granting an increase of pension to Abraham S. Brown;

S. 975. An act granting an increase of pension to James Shaffer;

S. 1012. An act granting an increase of pension to Samuel H. Foster;

S. 1105. An act granting an increase of pension to Harriet Williams;

S. 1162. An act granting an increase of pension to Nelson Cook;

S. 1165. An act granting an increase of pension to James Moss;

S. 1203. An act granting a pension to Albert B. Lawrence;

S. 1302. An act granting an increase of pension to William A. Murray;

S. 1338. An act granting an increase of pension to Thomas Claiborne;

S. 1349. An act granting an increase of pension to Daniel C. Earle;

S. 1352. An act granting an increase of pension to Michael Scannell;
S. 1354. An act granting a pension to Lydia Jones;
S. 1376. An act granting a pension to Adam Werner;
S. 1377. An act granting an increase of pension to John R. Brown;
S. 1398. An act granting an increase of pension to Edmund Morgan;
S. 1406. An act granting an increase of pension to Moses Hill;
S. 1407. An act granting a pension to John McCaughen;
S. 1415. An act granting an increase of pension to Alexander Esler;
S. 1434. An act granting an increase of pension to Samuel Derry;
S. 1435. An act granting an increase of pension to Lewellen T. Davis;
S. 1614. An act granting a pension to Kate E. Young;
S. 1667. An act granting an increase of pension to John A. Stockwell, alias John Stockwell;
S. 1733. An act granting an increase of pension to George W. Trice;
S. 1884. An act granting an increase of pension to Frederic W. Swift;
S. 1910. An act granting an increase of pension to Theodore McClellan;
S. 1919. An act granting an increase of pension to Louise M. Wynkoop;
S. 1952. An act granting an increase of pension to Jesse Alderman;
S. 1953. An act granting an increase of pension to Charles M. Benson;
S. 1962. An act granting an increase of pension to Julia Baldwin;
S. 1975. An act granting an increase of pension to Mary E. Dugger;
S. 2033. An act granting an increase of pension to David Tremble;
S. 2050. An act granting an increase of pension to Jotham T. Moulton;
S. 2077. An act granting an increase of pension to Alice A. Arms;
S. 2094. An act granting an increase of pension to Rodney W. Torrey;
S. 2102. An act granting an increase of pension to George W. Lucas;
S. 2115. An act granting a pension to Carrie E. Costinett;
S. 2287. An act granting an increase of pension to James V. Pope;
S. 2378. An act granting an increase of pension to Maria Leuckart;
S. 2507. An act granting an increase of pension to William Wheeler;
S. 2540. An act granting an increase of pension to Benjamin S. Miller;
S. 2549. An act granting an increase of pension to George W. Boyles;
S. 2552. An act granting an increase of pension to Louise J. D. Leland;
S. 2568. An act granting an increase of pension to Noah C. Fowler;
S. 2574. An act granting an increase of pension to Parker Pritchard;
S. 2575. An act granting an increase of pension to Thomas W. Waugh;
S. 2577. An act granting an increase of pension to Francis M. Lynch;
S. 2638. An act granting an increase of pension to Thomas B. Whaley;
S. 2667. An act granting an increase of pension to Benjamin W. Valentine;
S. 2670. An act granting an increase of pension to Marie J. Spicely;
S. 2689. An act granting an increase of pension to Alonzo M. Bartlett;
S. 2725. An act granting an increase of pension to John Mather;
S. 2733. An act granting an increase of pension to Charles Crismon;
S. 2736. An act granting an increase of pension to James Williams;
S. 2745. An act granting an increase of pension to Zerelda N. McCoy;
S. 2772. An act granting an increase of pension to Charles H. Niles;
S. 2790. An act granting an increase of pension to William J. Millett;
S. 2795. An act granting an increase of pension to John Albert;
S. 2832. An act granting a pension to Susan Penington;
S. 2952. An act granting an increase of pension to William A. Gipson;
S. 2953. An act granting an increase of pension to Mary L. Burr;
S. 2970. An act granting an increase of pension to Thomas E. Keith;
S. 2973. An act granting an increase of pension to Minard Van Patten;
S. 3024. An act granting an increase of pension to David S. Trumbo;
S. 3035. An act granting an increase of pension to Charles W. Shedd;
S. 3112. An act granting an increase of pension to James H. Gardner;
S. 3182. An act granting an increase of pension to Walter Lynn;
S. 3222. An act granting an increase of pension to Henry Golder;
S. 3232. An act granting an increase of pension to Mary Jane Schnure;
S. 3252. An act granting an increase of pension to David F. Crampton;
S. 3254. An act granting an increase of pension to Anna Frances Hall;
S. 3257. An act granting an increase of pension to Walter Green;
S. 3284. An act granting an increase of pension to Charles B. Fox;
S. 3296. An act granting an increase of pension to Patrick Burk;
S. 3297. An act granting an increase of pension to George Conklin;
S. 3298. An act granting an increase of pension to John B. Ashelman;
S. 3300. An act granting an increase of pension to Lorenzo D. Huntley;
S. 3303. An act granting a pension to Harriett B. Summers;
S. 3419. An act granting an increase of pension to Joseph H. Beale;
S. 3465. An act granting an increase of pension to John T. Vincent;
S. 3484. An act granting an increase of pension to Jacob A. Field;
S. 3493. An act granting an increase of pension to Thomas Reed;
S. 3520. An act granting an increase of pension to Ada A. Thompson;
S. 3524. An act granting an increase of pension to John N. Henry;
S. 3525. An act granting an increase of pension to Robert G. Harrison;
S. 3532. An act granting an increase of pension to Anna K. Carpenter;
S. 3566. An act granting an increase of pension to John Carpenter;
S. 3584. An act granting an increase of pension to Peter Quermbeck;
S. 3598. An act granting an increase of pension to Charles D. Brown;
S. 3618. An act granting an increase of pension to Martha E. Wardlaw;
S. 3641. An act granting an increase of pension to William P. Marshall;
S. 3653. An act granting an increase of pension to Francis J. Keffer;
S. 3676. An act granting an increase of pension to James M. McCorkle;
S. 3811. An act granting an increase of pension to Ephraim Winters;
S. 3812. An act granting an increase of pension to Truman Stinehour;
S. 3817. An act granting a pension to Margaret Lewis;
S. 3819. An act granting an increase of pension to William H. Houston;
S. 3821. An act granting an increase of pension to Henry Wilhelm;
S. 3834. An act granting an increase of pension to Robert McCalvy;

S. 3835. An act granting an increase of pension to Luther M. Royal;
S. 3839. An act granting an increase of pension to John T. Brothers;
S. 3843. An act granting an increase of pension to Rollin T. Waller;
S. 3863. An act granting an increase of pension to David C. Howard;
S. 3984. An act granting an increase of pension to Sarah E. Yockey;
S. 3985. An act granting an increase of pension to Matilda E. Nattinger;
S. 3987. An act granting an increase of pension to Samuel H. Hancock;
S. 3996. An act granting an increase of pension to David Morehart;
S. 4088. An act granting an increase of pension to Charles E. Chapman;
S. 4102. An act granting an increase of pension to John A. Broadwell;
S. 4106. An act granting an increase of pension to Katherine Wills;
S. 4110. An act granting an increase of pension to Absalom Wilcox;
S. 4124. An act granting an increase of pension to Alden Fuller;
S. 4146. An act granting a pension to John W. Hall;
S. 4180. An act granting an increase of pension to William C. Quigley;
S. 4186. An act granting an increase of pension to Samuel G. Roberts;
S. 4228. An act granting an increase of pension to Joel S. Weiser;
S. 4233. An act granting an increase of pension to Edward M. Barnes;
S. 4247. An act granting an increase of pension to Carrick Rutherford;
S. 4258. An act granting an increase of pension to James F. Hackney;
S. 4279. An act granting an increase of pension to Fannie E. Malone;
S. 4288. An act granting an increase of pension to William E. Anderson;
S. 4301. An act granting an increase of pension to Louisa Arnold;
S. 4309. An act granting a pension to Adele Jeanette Hughes;
S. 4315. An act granting an increase of pension to Elizabeth A. Vose;
S. 4324. An act granting an increase of pension to James H. Noble;
S. 4325. An act granting an increase of pension to Jabez Miller;
S. 4339. An act to amend section 4502 of the Revised Statutes of the United States, relating to bonds and oaths of shipping commissioners;
S. 4360. An act granting an increase of pension to John P. Dunn;
S. 4386. An act granting a pension to George Thomas;
S. 4409. An act granting an increase of pension to James W. Linnahan;
S. 4424. An act granting an increase of pension to Nettie E. Tolles;
S. 4432. An act granting an increase of pension to James Dreury;
S. 4440. An act granting an increase of pension to Joseph Kauffman;
S. 4473. An act granting a pension to Hannah C. Peterson;
S. 4520. An act granting an increase of pension to Albert L. Callaway;
S. 4541. An act granting an increase of pension to Benson H. Bowman;
S. 4548. An act granting a pension to Hannah E. Wilmer;
S. 4551. An act granting an increase of pension to John F. White;
S. 4556. An act granting an increase of pension to William Jandro;
S. 4557. An act granting an increase of pension to John R. McCrillis;
S. 4606. An act granting an increase of pension to Kate Gilmore;
S. 4612. An act granting an increase of pension to Jesse A. Thomas;
S. 4622. An act granting an increase of pension to Isaiah McDaniel;
S. 4650. An act granting an increase of pension to Thomas McDonald;
S. 4675. An act granting an increase of pension to Fannie P. Norton;
S. 4683. An act granting an increase of pension to William McCann;
S. 4689. An act granting an increase of pension to John Brown;
S. 4691. An act granting an increase of pension to Aaron J. Burget;
S. 4717. An act granting an increase of pension to Ellen A. Gibbon;
S. 4775. An act granting an increase of pension to Thomas A. Maulsby;
S. 4785. An act granting an increase of pension to Nehemiah M. Brundege;
S. 4786. An act granting an increase of pension to George W. Coughanour;
S. 4797. An act granting an increase of pension to Jacob Franz;
S. 4817. An act granting an increase of pension to Delight A. Allen;
S. 4826. An act granting a pension to Sarah Agnes Earl;
S. 4834. An act granting an increase of pension to Octave Counter;
S. 4877. An act granting an increase of pension to Amanda O. Webber;
S. 4917. An act granting an increase of pension to Alfred B. Chilcote;
S. 4972. An act granting an increase of pension to Sarah E. Hull;
S. 4986. An act granting an increase of pension to Alfred Beham;
S. 5016. An act granting an increase of pension to Charles G. Polk;
S. 5074. An act granting an increase of pension to James I. Mettler;
S. 5079. An act granting an increase of pension to Andrew J. Hunter;
S. 5121. An act granting an increase of pension to James H. Haman;
S. 5172. An act granting an increase of pension to John M. De Puy;
S. 5244. An act granting an increase of pension to Horace A. Gregory;
S. 5287. An act granting an increase of pension to John M. Prentiss;
S. 5323. An act granting an increase of pension to Newton G. Cook; and
S. 5324. An act granting an increase of pension to Peter Sloggy;
S. 5520. An act to amend an act entitled "An act granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes," approved March 3, 1905; and
S. R. 46. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 531. An act granting an increase of pension to Ebenezer Rickett;
H. R. 601. An act granting an increase of pension to Israel E. Munger;
H. R. 667. An act granting an increase of pension to George H. Gaskill;
H. R. 1018. An act granting an increase of pension to Silas Flourney;
H. R. 1133. An act granting a pension to Mary Lockard;
H. R. 1138. An act granting an increase of pension to Joseph S. Rice;
H. R. 1151. An act granting an increase of pension to Valentine Bartley;
H. R. 1245. An act granting an increase of pension to David Rankin;
H. R. 1340. An act granting a pension to Robert Kennish;
H. R. 1375. An act granting an increase of pension to Silas Mosher;
H. R. 1547. An act granting a pension to William A. Olmsted;
H. R. 1567. An act granting an increase of pension to Edward Duffy;
H. R. 1734. An act granting an increase of pension to William H. Lee;

H. R. 1858. An act granting an increase of pension to James Jacobs;
H. R. 1887. An act granting a pension to Joseph Brooks;
H. R. 1893. An act granting an increase of pension to Henry C. Maxwell;
H. R. 1910. An act granting an increase of pension to Andrew H. Nichols;
H. R. 2102. An act granting an increase of pension to Eugenia Tilburn;
H. R. 2173. An act granting an increase of pension to Thomas H. Padgett;
H. R. 2721. An act granting an increase of pension to Ashford R. Matheny;
H. R. 2731. An act granting an increase of pension to James M. Eddy;
H. R. 2778. An act granting an increase of pension to Patrick Mahoney;
H. R. 2794. An act granting an increase of pension to Richard E. Davis;
H. R. 2796. An act granting a pension to Benjamin T. Odiorne;
H. R. 2801. An act granting an increase of pension to Alexander M. Lowry;
H. R. 2852. An act granting an increase of pension to James Dayton;
H. R. 2978. An act granting a pension to Amanda M. Webb;
H. R. 3227. An act granting an increase of pension to Isaac Tuttle;
H. R. 3333. An act granting a pension to William Simmons;
H. R. 3347. An act granting an increase of pension to Orestes B. Wright;
H. R. 3419. An act granting an increase of pension to John Biddle;
H. R. 3430. An act granting an increase of pension to Peter M. Culins;
H. R. 3689. An act granting an increase of pension to Charles W. Lyons;
H. R. 3738. An act granting an increase of pension to Daniel Boughman;
H. R. 3979. An act granting an increase of pension to Paul Stang;
H. R. 4135. An act granting a pension to Napoleon B. Greathouse;
H. R. 4230. An act granting an increase of pension to William H. Miles;
H. R. 4242. An act granting an increase of pension to Mary A. Foster;
H. R. 4264. An act granting a pension to Frances E. Maloon;
H. R. 4294. An act granting an increase of pension to Annie R. E. Nesbitt;
H. R. 4350. An act granting an increase of pension to Joseph W. Vance;
H. R. 4594. An act granting an increase of pension to Joshua S. Ditto;
H. R. 4595. An act granting an increase of pension to Thomas H. Tallant;
H. R. 4669. An act granting a pension to Joseph E. Green;
H. R. 4679. An act granting an increase of pension to Franklin D. Clark;
H. R. 4745. An act granting an increase of pension to Henry D. Stiehl;
H. R. 4763. An act granting an increase of pension to John C. Matheny;
H. R. 5044. An act granting an increase of pension to Hiram G. Hoke;
H. R. 5178. An act granting an increase of pension to Elijah Pantall;
H. R. 5274. An act granting an increase of pension to William T. Brannon;
H. R. 5822. An act granting an increase of pension to Minor L. Braden;
H. R. 5842. An act to correct the military record of Charles F. Deisch;
H. R. 5853. An act granting an increase of pension to Quincy Corwin;
H. R. 5956. An act granting an increase of pension to Joseph H. Wagoner;
H. R. 6111. An act granting an increase of pension to Edwin R. Steenrod;
H. R. 6112. An act granting an increase of pension to Edmund Fish;
H. R. 6213. An act granting an increase of pension to Hiram Linn;
H. R. 6238. An act granting an increase of pension to Jesse Woods;
H. R. 6256. An act granting an increase of pension to Solomon Riddell;
H. R. 6450. An act granting an increase of pension to Nannie L. Schmitt;
H. R. 6452. An act granting an increase of pension to William H. Doherty;
H. R. 6578. An act granting an increase of pension to James B. McWhorter;
H. R. 6776. An act granting an increase of pension to Stephen C. Smith;
H. R. 6864. An act granting an increase of pension to Henry Good;
H. R. 6919. An act granting an increase of pension to Joseph A. C. Curtis;
H. R. 6985. An act granting a pension to Susan C. Smith;
H. R. 7419. An act granting an increase of pension to James Scott;
H. R. 7540. An act granting an increase of pension to William F. Griffith;
H. R. 7687. An act granting an increase of pension to Charles Hammond, alias Hiram W. Kirkpatrick;
H. R. 7720. An act granting an increase of pension to Stephen M. Sexton;
H. R. 7737. An act granting a pension to William H. Winters;
H. R. 7745. An act granting an increase of pension to Wheeler Lindenbower;
H. R. 7821. An act granting an increase of pension to Mathias Brady;
H. R. 7837. An act granting an increase of pension to Mary Jane McKim;
H. R. 7902. An act granting an increase of pension to Eugene Orr, alias Charles Southard;
H. R. 7968. An act granting an increase of pension to Palmetto Dodson;
H. R. 8046. An act granting an increase of pension to James Thompson Brown;
H. R. 8091. An act granting an increase of pension to John Coughlin;
H. R. 8157. An act granting an increase of pension to Milton H. Wayne;
H. R. 8226. An act granting an increase of pension to Laura B. Ihrie;
H. R. 8277. An act granting an increase of pension to Samuel S. Garst;
H. R. 8290. An act granting an increase of pension to Lloyd D. Bennett;
H. R. 8518. An act granting an increase of pension to Samuel Meadows;
H. R. 8650. An act granting an increase of pension to Sewell F. Graves;
H. R. 8711. An act granting an increase of pension to James F. Howard;
H. R. 8778. An act granting an increase of pension to George Henderson;
H. R. 8780. An act granting an increase of pension to Abraham M. Barr;
H. R. 8820. An act granting a pension to Inez Talkington;
H. R. 8948. An act granting an increase of pension to John W. Hammond;
H. R. 9034. An act granting an increase of pension to Mary F. McCauley;
H. R. 9046. An act granting a pension to William Berry;
H. R. 9257. An act granting an increase of pension to Nathaniel M. Stukes;
H. R. 9261. An act granting an increase of pension to William C. Herridge;
H. R. 9276. An act granting a pension to Mary E. O'Hare;
H. R. 9375. An act granting an increase of pension to Charles H. McKenney;
H. R. 9415. An act granting an increase of pension to John E. Murphy;
H. R. 9417. An act granting an increase of pension to George A. Havel;
H. R. 9441. An act granting a pension to Clara N. Scranton;
H. R. 9442. An act granting a pension to Dora C. Walter;
H. R. 9491. An act granting an increase of pension to Richard L. Davis;
H. R. 9556. An act granting an increase of pension to Thomas C. Jackson;
H. R. 9578. An act granting an increase of pension to Alfred B. Menard;
H. R. 9601. An act granting an increase of pension to John B. Page;
H. R. 9606. An act granting a pension to Martha Jewell;

H. R. 9627. An act granting an increase of pension to Daniel Craig;
H. R. 9791. An act granting an increase of pension to Amelia E. Grimsley;
H. R. 9812. An act granting an increase of pension to Joseph B. Newbury;
H. R. 9829. An act granting an increase of pension to Willam J. Thompson;
H. R. 9833. An act granting an increase of pension to James C. Miller;
H. R. 9903. An act granting a pension to George W. Warren;
H. R. 10030. An act granting an increase of pension to Arby Frier;
H. R. 10161. An act granting an increase of pension to Benjamin R. South;
H. R. 10173. An act granting an increase of pension to John H. Lockhart;
H. R. 10250. An act granting an increase of pension to Ephraim Marble;
H. R. 10292. An act granting to the town of Mancos, Colo., the right to enter certain lands;
H. R. 10318. An act granting an increase of pension to James H. Hollett;
H. R. 10358. An act granting an increase of pension to Charles Dorin;
H. R. 10456. An act granting an increase of pension to William T. Edgemon;
H. R. 10473. An act granting an increase of pension to John B. Gerard;
H. R. 10494. An act granting an increase of pension to Hannah C. Reese;
H. R. 10580. An act granting an increase of pension to Samuel Fish;
H. R. 10686. An act granting an increase of pension to George W. Adams;
H. R. 10727. An act granting an increase of pension to Aquella M. Hizar;
H. R. 10774. An act granting an increase of pension to James D. Leach;
H. R. 10881. An act granting an increase of pension to Jerry Edwards;
H. R. 10924. An act granting an increase of pension to Thomas J. Sizer;
H. R. 11029. An act to authorize the holding of a regular term of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Va.;
H. R. 11303. An act granting a pension to Joseph Matthews;
H. R. 11306. An act granting an increase of pension to John C. Parkinson;
H. R. 11361. An act granting an increase of pension to Thomas Hughes;
H. R. 11367. An act granting an increase of pension to Manning Abbott;
H. R. 11374. An act granting an increase of pension to Fannie L. Conine;
H. R. 11424. An act granting an increase of pension to Stephen W. Neal;
H. R. 11466. An act granting an increase of pension to Benjamin F. Heald;
H. R. 11490. An act granting the Edison Electric Company a permit to occupy certain lands for electric power plants in the San Bernardino, Sierra, and San Gabriel forest reserves, in the State of California;
H. R. 11532. An act granting a pension to Andrew J. Speed;
H. R. 11591. An act granting an increase of pension to John B. Hall;
H. R. 11593. An act granting an increase of pension to Evans Blake;
H. R. 11862. An act to enable the various missionary societies and religious organizations now occupying lands for religious purposes in the Territory of Oklahoma to purchase the same, and to receive patents in fee therefor;
H. R. 11898. An act granting a pension to Lars F. Wadsten, alias Frederick Wadsten;
H. R. 11918. An act granting a pension to Mary A. Weigand;
H. R. 12010. An act granting an increase of pension to Louis Hoffmann;
H. R. 12160. An act granting an increase of pension to Josephine D. McNary;
H. R. 12180. An act granting an increase of pension to Charles H. Dunning;
H. R. 12279. An act granting an increase of pension to James S. Topping;
H. R. 12304; An act granting an increase of pension to John McDonough;
H. R. 12331. An act granting an increase of pension to Daniel J. Miller;
H. R. 12372. An act granting an increase of pension to J. Morgan Seabury;
H. R. 12480. An act granting an increase of pension to James McKenna;
H. R. 12521. An act granting an increase of pension to Alice Eddy Potter;
H. R. 12561. An act granting a pension to Francis M. McClendon;
H. R. 12588. An act granting an increase of pension to Joseph B. Dickinson;
H. R. 12653. An act granting a pension to Sarah Adams;
H. R. 12664. An act granting an increase of pension to William E. Wallace;
H. R. 12733. An act granting an increase of pension to Charles W. Kelsey;
H. R. 12734. An act granting an increase of pension to Abram Van Riper;
H. R. 12792. An act granting an increase of pension to William Wiley;
H. R. 12803. An act granting a pension to Emma C. Waldren;
H. R. 12813. An act granting an increase of pension to Reese Moore;
H. R. 12842. An act granting an increase of pension to William J. Drake;
H. R. 12892. An act granting an honorable discharge to Seth Davis;
H. R. 13024. An act granting a pension to William J. Beach;
H. R. 13030. An act granting an increase of pension to John C. Heney;
H. R. 13047. An act granting an increase of pension to Walter Saunders;
H. R. 13060. An act granting an increase of pension to Henry De Graff;
H. R. 13111. An act granting an increase of pension to Lewis S. Perkins;
H. R. 13140. An act granting an increase of pension to Jesse W. Howe;
H. R. 13227. An act granting an increase of pension to Robert Blanchett;
H. R. 13228. An act granting an increase of pension to Augustus Hathaway;
H. R. 13229. An act granting an increase of pension to Sarah E. Holland;
H. R. 13232. An act granting an increase of pension to Penina Owens;
H. R. 13233. An act granting an increase of pension to Jesse A. B. Thorne;
H. R. 13236. An act granting an increase of pension to William Haines;
H. R. 13326. An act granting an increase of pension to Augustus McDaniel;
H. R. 13421. An act granting a pension to John W. Wabrass;
H. R. 13465. An act granting an increase of pension to Eleanor Gregory;
H. R. 13469. An act granting an increase of pension to Michael Davy, alias James Byron;
H. R. 13493. An act granting an increase of pension to Elizabeth J. Meek;
H. R. 13506. An act granting an increase of pension to Julia A. Bachus;
H. R. 13507. An act granting an increase of pension to Thomas Crowley;
H. R. 13535. An act granting an increase of pension to William Kelly;
H. R. 13575. An act granting a pension to Frances Bell;
H. R. 13577. An act granting an increase of pension to Ellen M. Van Brunt;
H. R. 13622. An act granting a pension to Mary Cochran;
H. R. 13679. An act granting an increase of pension to Joseph Nobinger;
H. R. 13689. An act granting an increase of pension to William S. Newman;
H. R. 13704. An act granting a pension to Ann Dewier;
H. R. 13713. An act granting a pension to Allison W. Pollard;
H. R. 13730. An act granting an increase of pension to Joseph Shroyer;
H. R. 13787. An act granting an increase of pension to Malcolm Ray;
H. R. 13877. An act granting an increase of pension to Juan Canasco;

H. R. 13881. An act granting an increase of pension to Amos Dyke;
H. R. 13882. An act granting an increase of pension to Levi L. Price;
H. R. 13917. An act to remove the charge of desertion from the military record of Robert W. Liggett;
H. R. 13923. An act granting an increase of pension to Martin Dayhuff;
H. R. 14072. An act granting an increase of pension to George W. Reeder;
H. R. 14106. An act granting an increase of pension to John S. Melton;
H. R. 14142. An act granting an increase of pension to James A. Scrutchfield;
H. R. 14198. An act granting an increase of pension to William T. Stewart;
H. R. 14200. An act granting an increase of pension to John K. Dalzell;
H. R. 14299. An act granting an increase of pension to Rose V. Mullin;
H. R. 14328. An act granting an increase of pension to Charles M. Mears;
H. R. 14374. An act granting an increase of pension to Benjamin B. Cahoon;
H. R. 14470. An act granting an increase of pension to William A. Braselton;
H. R. 14493. An act granting an increase of pension to Henry Gentils, alias Henry Hopner;
H. R. 14504. An act granting an increase of pension to Aaron P. Seeley;
H. R. 14539. An act granting an increase of pension to Louis C. Robinson;
H. R. 14545. An act granting an increase of pension to Eliza L. Nixon;
H. R. 14660. An act granting an increase of pension to Daniel M. Philbrook;
H. R. 14728. An act granting an increase of pension to William Cartwright;
H. R. 14736. An act granting an increase of pension to Isaac C. Smallwood;
H. R. 14745. An act granting an increase of pension to Frederick B. Walton;
H. R. 14827. An act granting an increase of pension to William K. Stewart;
H. R. 14839. An act granting an increase of pension to James McManus;
H. R. 14854. An act granting an increase of pension to Harriet Howard;
H. R. 14861. An act granting an increase of pension to Dennis W. Ray;
H. R. 14955. An act granting an increase of pension to Eliza Moore;
H. R. 14980. An act granting an increase of pension to Matthew H. Bellamy;
H. R. 14994. An act granting an increase of pension to Daniel C. Joslyn;
H. R. 14996. An act granting an increase of pension to John F. Smith;
H. R. 15011. An act granting an increase of pension to John Eldridge, jr.;
H. R. 15024. An act granting an increase of pension to Henry C. Keyser;
H. R. 15058. An act granting an increase of pension to Enoch Rector;
H. R. 15064. An act granting an increase of pension to Jacob Wagenknecht;
H. R. 15102. An act granting an increase of pension to William H. Ryckman;
H. R. 15147. An act granting an increase of pension to Joseph B. Teas;
H. R. 15149. An act granting an increase of pension to William W. Ferguson;
H. R. 15178. An act granting an increase of pension to Matilda Morrison;
H. R. 15180. An act granting an increase of pension to Amanda Pittman;
H. R. 15201. An act granting an increase of pension to Edward O'Shea;
H. R. 15229. An act granting an increase of pension to Edwin Howes;
H. R. 15233. An act granting an increase of pension to William G. Westover;
H. R. 15243. An act granting a pension to Artemesia T. Husbrook;
H. R. 15272. An act granting an increase of pension to Patrick Mooney;
H. R. 15355. An act granting an increase of pension to George M. Dailey;
H. R. 15366. An act granting a pension to Elvia Lane;
H. R. 15418. An act granting an increase of pension to Samuel P. Sargent;
H. R. 15434. An act to regulate appeals in criminal prosecutions;
H. R. 15459. An act granting an increase of pension to Drucillar A. Massey;
H. R. 15490. An act granting a pension to Mary E. Darcy;
H. R. 15495. An act granting an increase of pension to Job B. Sanderson;
H. R. 15499. An act granting an increase of pension to Elias Andrews;
H. R. 15500. An act granting an increase of pension to John W. Thomas;
H. R. 15501. An act granting an increase of pension to Elizabeth Parks;
H. R. 15539. An act granting an increase of pension to John McConnell;
H. R. 15566. An act granting an increase of pension to Andrew F. Kreger;
H. R. 15588. An act granting a pension to Hester Hyatt;
H. R. 15592. An act granting an increase of pension to Levi H. Townsend;
H. R. 15614. An act granting an increase of pension to Clark Cornett;
H. R. 15632. An act granting an increase of pension to Joseph B. Sanders;
H. R. 15641. An act granting an increase of pension to Eli Woodbury;
H. R. 15675. An act granting an increase of pension to Harley Mowrey;
H. R. 15682. An act granting an increase of pension to Hannah M. Hayes;
H. R. 15761. An act granting an increase of pension to Lafayette North;
H. R. 15762. An act granting an increase of pension to Harmon Freeman, alias Harmon Storme;
H. R. 15768. An act granting an increase of pension to Mary J. Halbert;
H. R. 15783. An act granting an increase of pension to George W. Sutton;
H. R. 15807. An act granting a pension to Catherine Arnold;
H. R. 15855. An act granting a pension to Will E. Kayser;
H. R. 15925. An act granting an increase of pension to Abraham Walker;
H. R. 15932. An act granting an increase of pension to Hartley B. Cox;
H. R. 15943. An act granting an increase of pension to William D. Jones;
H. R. 15972. An act granting an increase of pension to Thomas J. Smith;
H. R. 15977. An act granting an increase of pension to Mary E. Ramsey;
H. R. 15982. An act granting an increase of pension to Henrietta W. Wilson;
H. R. 16165. An act granting an increase of pension to Morris Smith;
H. R. 16173. An act granting a pension to Sarah Smith;
H. R. 16174. An act granting an increase of pension to John Williamson;
H. R. 16186. An act granting an increase of pension to William T. A. H. Boles;
H. R. 16220. An act granting an increase of pension to George C. Powell;
H. R. 16224. An act granting an increase of pension to Francis M. Crawford;
H. R. 16271. An act granting an increase of pension to Edwin Elliott;
H. R. 16279. An act granting an increase of pension to Edward E. Elliott;
H. R. 16319. An act granting an increase of pension to Orrin D. Nichols;
H. R. 16320. An act granting a pension to Esther M. Noah;
H. R. 16335. An act granting an increase of pension to John A. Bryan;
H. R. 16372. An act granting an increase of pension to Andrew Dorn;
H. R. 16390. An act granting a pension to Katharine Partridge;
H. R. 16400. An act granting an increase of pension to James McCracken;

H. R. 16427. An act granting an increase of pension to William W. Carter;
H. R. 16445. An act granting an increase of pension to Henry H. Sibley;
H. R. 16429. An act granting an increase of pension to Caroline M. Peirce;
H. R. 16454. An act granting an increase of pension to Samuel E. Carlton;
H. R. 16455. An act granting an increase of pension to John Long;
H. R. 16466. An act granting an increase of pension to Asenith Woodall;
H. R. 16486. An act granting an increase of pension to Thomas Bosworth;
H. R. 16491. An act granting an increase of pension to Lewis Denson;
H. R. 16516. An act granting an increase of pension to James B. Fairchild;
H. R. 16526. An act granting an increase of pension to James R. Hilliard;
H. R. 16527. An act granting an increase of pension to William Martin;
H. R. 16529. An act granting an increase of pension to James M. Sykes;
H. R. 16530. An act granting an increase of pension to William H. Gautier;
H. R. 16535. An act granting an increase of pension to Jonathan I. Wright;
H. R. 16536. An act granting an increase of pension to Cyrus S. Case;
H. R. 16540. An act granting an increase of pension to Sarah M. Evans;
H. R. 16541. An act granting an increase of pension to Ambrose Y. Teague;
H. R. 16547. An act granting an increase of pension to John Rutter;
H. R. 16576. An act granting an increase of pension to Silas P. Conway;
H. R. 16577. An act granting an increase of pension to Joseph M. Pound;
H. R. 16583. An act granting an increase of pension to David R. Waldon;
H. R. 16602. An act granting an increase of pension to Christopher C. Reeves;
H. R. 16603. An act granting an increase of pension to Pleasant W. Cook;
H. R. 16606. An act granting an increase of pension to James A. Duff;
H. R. 16622. An act granting an increase of pension to James Webb;
H. R. 16627. An act granting a pension to Delilah Moore;
H. R. 16681. An act granting a pension to Gustave Bergen;
H. R. 16717. An act granting an increase of pension to Sterling Hughes;
H. R. 16724. An act granting an increase of pension to James S. Burgess;
H. R. 16765. An act granting an increase of pension to Angus Campbell;
H. R. 16806. An act granting an increase of pension to Henry Brenizer;
H. R. 16828. An act granting an increase of pension to Georgia A. Hughes;
H. R. 16881. An act granting an increase of pension to Joel R. Youngkin;
H. R. 16884. An act granting an increase of pension to William D. Woodcock;
H. R. 16887. An act granting an increase of pension to Darwin Johnson;
H. R. 16902. An act granting an increase of pension to Dennis Winn;
H. R. 16930. An act granting a pension to Virginia A. Hilburn;
H. R. 16931. An act granting a pension to Cornelia Mitchell;
H. R. 16936. An act granting an increase of pension to Sherwood F. Culberson;
H. R. 16941. An act granting an increase of pension to Thomas H. Hogan;
H. R. 16972. An act granting a pension to Harriet L. Morrison;
H. R. 16985. An act granting an increase of pension to Gilson Lawrence;
H. R. 16991. An act granting an increase of pension to Stephen Vaught;
H. R. 16992. An act granting an increase of pension to John R. Baldwin;
H. R. 16993. An act granting an increase of pension to Melroe Tarter;
H. R. 16996. An act granting an increase of pension to Joseph Delisle;
H. R. 17003. An act granting an increase of pension to Eleazer C. Harmon;
H. R. 17004. An act granting an increase of pension to Willard F. Sessions;
H. R. 17006. An act granting an increase of pension to Fountain M. Fain;
H. R. 17012. An act granting an increase of pension to Mary Thackara;
H. R. 17014. An act granting an increase of pension to Jackson D. Thornton;
H. R. 17028. An act granting an increase of pension to Lorenzo D. Hartwell;
H. R. 17036. An act granting an increase of pension to Josephine L. Jordan;
H. R. 17055. An act granting an increase of pension to George Fankell;
H. R. 17067. An act granting an increase of pension to Simeon Pierce;
H. R. 17069. An act granting an increase of pension to William L. Wilcher;
H. R. 17070. An act granting an increase of pension to Thomas Blakney;
H. R. 17085. An act granting an increase of pension to George W. Olis;
H. R. 17108. An act granting a pension to Edith F. Morrison;
H. R. 17118. An act granting an increase of pension to John Burke;
H. R. 17120. An act granting a pension to Rhoda Munsil;
H. R. 17143. An act granting an increase of pension to William Taylor;
H. R. 17144. An act granting an increase of pension to Jesse Wiley;
H. R. 17151. An act granting a pension to William T. Morgan;
H. R. 17165. An act granting an increase of pension to Sophie Pohlers;
H. R. 17174. An act granting an increase of pension to Nathaniel C. Sawyer;
H. R. 17194. An act granting an increase of pension to Jennie White;
H. R. 17202. An act granting an increase of pension to Benjamin H. Cool;
H. R. 17205. An act granting a pension to Alice Garvey;
H. R. 17231. An act granting an increase of pension to Rachel Allen;
H. R. 17235. An act granting an increase of pension to Martha Howard;
H. R. 17238. An act granting an increase of pension to John G. Vassar;
H. R. 17244. An act granting an increase of pension to James Crandol;
H. R. 17251. An act granting an increase of pension to John J. Higgins;
H. R. 17273. An act granting a pension to Mary B. Watson;
H. R. 17274. An act granting an increase of pension to Andrew J. Mosier;
H. R. 17278. An act granting an increase of pension to Mary E. Patterson;
H. R. 17303. An act granting an increase of pension to William H. Hester;
H. R. 17308. An act granting a pension to Margaret E. Eveland;
H. R. 17310. An act granting an increase of pension to Francis A. Hite;
H. R. 17342. An act granting an increase of pension to Wesley G. Cox;
H. R. 17344. An act granting an increase of pension to John L. Fuhrman;
H. R. 17372. An act granting an increase of pension to Arethusa M. Pettit;
H. R. 17384. An act granting an increase of pension to William Warnes;
H. R. 17385. An act granting an increase of pension to James S. Ruby;
H. R. 17402. An act granting an increase of pension to Isaiah H. Hazlitt;
H. R. 17406. An act granting an increase of pension to William B. McAllister;
H. R. 17415. An act to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska;

H. R. 17422. An act granting an increase of pension to Orlando Hand;
H. R. 17430. An act granting an increase of pension to John A. Mather;
H. R. 17558. An act granting a pension to Lizzie H. Prout;
H. R. 17576. An act to provide for the entry of agricultural lands within forest reserves;
H. R. 17586. An act granting a pension to Harriet A. Morton;
H. R. 17589. An act granting an increase of pension to Sidney A. Lawrence;
H. R. 17591. An act granting an increase of pension to William Hall;
H. R. 17597. An act granting an increase of pension to Charles Lee;
H. R. 17608. An act granting an increase of pension to Sidney S. Brewerton;
H. R. 17613. An act granting an increase of pension to Susan E. Nash;
H. R. 17619. An act granting an increase of pension to Davia D. Spain;
H. R. 17638. An act granting an increase of pension to York A. Woodward;
H. R. 17644. An act granting an increase of pension to Henry C. Eastler;
H. R. 17650. An act granting an increase of pension to Hugh F. Ames;
H. R. 17671. An act granting a pension to Sarah A. Thompson;
H. R. 17683. An act granting an increase of pension to John Hoch;
H. R. 17684. An act granting an increase of pension to Joseph M. Hays;
H. R. 17690. An act granting a pension to Ellen E. Leary;
H. R. 17700. An act granting an increase of pension to Andrew T. Mitchell;
H. R. 17719. An act to prevent the copying, selling, or disposing of any rolls of citizenship of the Five Civilized Tribes of Indians, and providing punishment therefor;
H. R. 17761. An act granting an increase of pension to Thomas J. Mackey;
H. R. 17781. An act granting an increase of pension to Frank M. Parker;
H. R. 17833. An act providing for the administration of the operations of the act of Congress approved June 17, 1902, known as the "reclamation act;"
H. R. 17842. An act granting a pension to Josephine V. Sparks;
H. R. 17854. An act granting an increase of pension to John Eubanks; and
H. R. 17945. An act authorizing the Borderland Coal Company to construct a bridge across Tug Branch of Big Sandy River.

Subsequently the foregoing pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 523. An act granting an increase of pension to Franklin G. Hawkins;
H. R. 603. An act granting an increase of pension to Thomas Blyth;
H. R. 1069. An act granting an increase of pension to Daniel Britton;
H. R. 1218. An act granting an increase of pension to Nathan Hinkle;
H. R. 1357. An act granting an increase of pension to George W. Burton;
H. R. 1667. An act granting an increase of pension to Abram H. Hicks;
H. R. 1793. An act granting an increase of pension to Playford Gregg;
H. R. 1895. An act granting a pension to H. Edward Goetz;
H. R. 1939. An act granting an increase of pension to William F. Limpus;
H. R. 1969. An act granting an increase of pension to Christian Peterson;
H. R. 2034. An act granting a pension to Cora F. Mitchell;
H. R. 2120. An act granting an increase of pension to Parmer Stewart;
H. R. 2263. An act granting an increase of pension to Edward Keating;
H. R. 2377. An act granting an increase of pension to John N. Moore;
H. R. 2468. An act granting an increase of pension to John Broad;
H. R. 2491. An act granting an increase of pension to Edwin A. Botsford;
H. R. 2757. An act granting an increase of pension to Jonathan E. Floyd;
H. R. 3223. An act granting an increase of pension to Thomas G. McLaughlin;
H. R. 3273. An act granting an increase of pension to Andrew J. Levi;
H. R. 3423. An act granting an increase of pension to Thomas Watt;
H. R. 3434. An act granting an increase of pension to George W. Darby;
H. R. 3569. An act granting a pension to Ada N. Hubbard;
H. R. 4364. An act granting an increase of pension to George W. Neece;
H. R. 4633. An act granting an increase of pension to Fannie E. Morrow;
H. R. 4671. An act granting an increase of pension to William H. Brady;
H. R. 5210. An act granting an increase of pension to Elizabeth Moore;
H. R. 5373. An act granting an increase of pension to John L. Smith;
H. R. 5403. An act granting an increase of pension to John Lines;
H. R. 5488. An act granting an increase of pension to Margaret E. Foster;
H. R. 5511. An act granting an increase of pension to Christopher Bohn;
H. R. 5555. An act granting an increase of pension to Andrew P. Allen;
H. R. 5638. An act granting an increase of pension to Alpheus Jones;
H. R. 5639. An act granting an increase of pension to Thomas C. Craig;
H. R. 5712. An act granting an increase of pension to Caroline Dehlendorf;
H. R. 5806. An act granting an increase of pension to Samuel J. Harding;
H. R. 5840. An act granting a pension to Catherine Spier;
H. R. 5850. An act granting an increase of pension to Lucas Hagar;
H. R. 5936. An act granting an increase of pension to Caroline Neilson;
H. R. 6055. An act granting an increase of pension to Angeline Watson;
H. R. 6094. An act granting a pension to Julia G. Aldrich;
H. R. 6118. An act granting an increase of pension to Bridget Reidy;
H. R. 6384. An act granting an increase of pension to William McBeth;
H. R. 6454. An act granting an increase of pension to Milo B. Morse;
H. R. 6461. An act granting an increase of pension to Daniel G. Sterling;
H. R. 6488. An act granting an increase of pension to Frank Osterberg, alias William McKay;
H. R. 6500. An act granting an increase of pension to Jesse Bucey;
H. R. 6563. An act granting an increase of pension to George Stewart;
H. R. 6576. An act granting an increase of pension to Napoleon McDowell;
H. R. 6773. An act granting an increase of pension to Weston Ferris;
H. R. 6897. An act granting an increase of pension to Abbie B. Gould;
H. R. 6937. An act granting an increase of pension to Thomas Furey;
H. R. 6969. An act granting a pension to Ellen C. Lewis;
H. R. 6982. An act for the relief of James W. Jones;
H. R. 7243. An act granting an increase of pension to Moses B. Page;
H. R. 7483. An act granting an increase of pension to Lawrence V. Whitcraft;
H. R. 7518. An act granting an increase of pension to George Richter;
H. R. 7588. An act granting a pension to Thomas F. Dowling;
H. R. 7630. An act granting an increase of pension to Henry W. Higley;
H. R. 7718. An act granting an increase of pension to Jacob D. Peterson;

H. R. 7759. An act granting an increase of pension to John Gemmill;
H. R. 7760. An act granting an increase of pension to William H. Brown;
H. R. 7807. An act granting an increase of pension to John D. Atwaters;
H. R. 7935. An act granting an increase of pension to Samuel J. Stannah;
H. R. 8137. An act granting an increase of pension to Marion L. Holvenstat;
H. R. 8191. An act granting a pension to John Hobart;
H. R. 8307. An act granting a pension to William C. Estill;
H. R. 8319. An act granting an increase of pension to John Gardner Stocks;
H. R. 8869. An act granting an increase of pension to Nathan Coward;
H. R. 8953. An act granting an increase of pension to Lutellus Cook;
H. R. 9033. An act granting an increase of pension to Burgoyne Knight;
H. R. 9039. An act granting an increase of pension to James R. Hales;
H. R. 9190. An act granting a pension to Ida Carty;
H. R. 9270. An act granting an increase of pension to Wiley B. Johnson;
H. R. 9271. An act granting an increase of pension to Joseph Henry Martin;
H. R. 9277. An act granting an increase of pension to Elizabeth A. Butler;
H. R. 9294. An act granting an increase of pension to S. Amanda Mansfield;
H. R. 9397. An act granting an increase of pension to Mary A. King;
H. R. 9451. An act granting an increase of pension to Frederick M. Wood;
H. R. 9587. An act granting an increase of pension to Samuel S. Thompson;
H. R. 9661. An act granting a pension to Charles R. Hill;
H. R. 9765. An act granting an increase of pension to John C. Anderson;
H. R. 9832. An act granting an increase of pension to Alexander D. Polston;
H. R. 9888. An act granting a pension to Abigail Townsend;
H. R. 9910. An act granting an increase of pension to John McCoy;
H. R. 10148. An act granting an increase of pension to John Spahr;
H. R. 10432. An act granting an increase of pension to John E. Oyler;
H. R. 10449. An act granting an increase of pension to George B. D. Alexander;
H. R. 10451. An act granting an increase of pension to Robert M. White;
H. R. 10452. An act granting an increase of pension to Richard C. Daly;
H. R. 10523. An act granting an increase of pension to Elizabeth Gorton;
H. R. 10747. An act granting an increase of pension to Jonathan Lengle;
H. R. 10818. An act granting an increase of pension to George W. Creasey;
H. R. 10819. An act granting an increase of pension to John Burns;
H. R. 10830. An act granting an increase of pension to Dudley Portwood;
H. R. 10831. An act granting an increase of pension to Levi C. Bishop;
H. R. 10864. An act granting an increase of pension to John P. Kleckner;
H. R. 10884. An act granting an increase of pension to Lorenzo D. Libby;
H. R. 11076. An act granting a pension to Marion W. Stark;
H. R. 11168. An act granting an increase of pension to Robert R. Mathews;
H. R. 11206. An act granting an increase of pension to John Wilhelm;
H. R. 11256. An act granting an increase of pension to William M. Ewing;
H. R. 11331. An act granting an increase of pension to Thomas Rowan;
H. R. 11332. An act granting an increase of pension to William F. Kenner;
H. R. 11334. An act granting an increase of pension to John M. Steel;
H. R. 11409. An act granting an increase of pension to Josiah H. Seabold;
H. R. 11484. An act granting an increase of pension to Thomas H. Wilson;
H. R. 11563. An act granting an increase of pension to John Henderson;
H. R. 11597. An act granting an increase of pension to George M. Apgar;
H. R. 11622. An act granting a pension to Martha A. Remington;
H. R. 11657. An act granting a pension to Madison M. Burnett;
H. R. 11702. An act granting an increase of pension to Lucy A. Pender;
H. R. 11716. An act granting an increase of pension to Warren B. Tompkins;
H. R. 11804. An act granting an increase of pension to Patrick McDermott;
H. R. 11856. An act granting an increase of pension to Luke McLoney;
H. R. 11866. An act granting an increase of pension to David H. Allen;
H. R. 11868. An act granting an increase of pension to Joseph Dougal;
H. R. 11926. An act granting an increase of pension to John Hornbeak;
H. R. 12049. An act granting an increase of pension to Rolland Havens;
H. R. 12122. An act granting an increase of pension to Robert G. Shuey;
H. R. 12182. An act granting a pension to Sallie W. Mason;
H. R. 12187. An act granting an increase of pension to Mary L. Davenport;
H. R. 12192. An act granting an increase of pension to William Cummings;
H. R. 12205. An act granting an increase of pension to George Holden;
H. R. 12241. An act granting an increase of pension to Elizabeth E. Barber;
H. R. 12498. An act granting an increase of pension to Charles F. Runnels;
H. R. 12509. An act granting an increase of pension to Benjamin Botner;
H. R. 12532. An act granting an increase of pension to Zachariah George;
H. R. 12533. An act granting an increase of pension to Zadick Carter;
H. R. 12651. An act granting a pension to Louis Grossman;
H. R. 12884. An act granting an increase of pension to Lucinda Gain;
H. R. 12992. An act granting an increase of pension to Henry G. Klink;
H. R. 13019. An act granting an increase of pension to George Whitman;
H. R. 13079. An act granting an increase of pension to James H. Griffin;
H. R. 13110. An act granting an increase of pension to James M. Moomaw;
H. R. 13153. An act granting an increase of pension to George Budden;
H. R. 13170. An act granting an increase of pension to John R. Mabee;
H. R. 13255. An act granting an increase of pension to William J. Hays;
H. R. 13336. An act granting an increase of pension to Samuel Horn;
H. R. 13526. An act granting a pension to Levi N. Lunsford;
H. R. 13537. An act granting an increase of pension to Elizabeth B. Busbee;
H. R. 13573. An act granting an increase of pension to Francis M. Ballew;
H. R. 13723. An act granting an increase of pension to John Underwood;
H. R. 13803. An act granting an increase of pension to Henry H. Forman;
H. R. 13822. An act granting an increase of pension to Augustus D. King;
H. R. 13866. An act granting an increase of pension to Isaac Place;
H. R. 14131. An act granting an increase of pension to Francis M. Simpson;
H. R. 14143. An act granting an increase of pension to Zacur P. Pott;
H. R. 14235. An act granting an increase of pension to John Williams;

H. R. 14241. An act granting an increase of pension to Lydia M. Edwards;
H. R. 14337. An act granting an increase of pension to Gabriel Y. Palmer;
H. R. 14375. An act granting an increase of pension to Edmond R. Haywood;
H. R. 14437. An act granting an increase of pension to Marquis M. De Burger;
H. R. 14454. An act granting an increase of pension to William A. Blossom;
H. R. 14472. An act granting a pension to Thomas Cheek;
H. R. 14489. An act granting an increase of pension to Peter C. Kreiger;
H. R. 14532. An act granting an increase of pension to Augusta N. Manson;
H. R. 14547. An act granting an increase of pension to Thomas Chapman;
H. R. 14559. An act granting an increase of pension to Henry West;
H. R. 14560. An act granting an increase of pension to Elizabeth Weston;
H. R. 14718. An act granting an increase of pension to Joseph A. Jones;
H. R. 14823. An act granting an increase of pension to William Woods;
H. R. 14824. An act granting an increase of pension to Samuel P. Newman;
H. R. 14855. An act granting an increase of pension to Henry C. Carr;
H. R. 14874. An act granting an increase of pension to William C. Hearne;
H. R. 14875. An act granting an increase of pension to Mary A. Witt;
H. R. 14909. An act granting an increase of pension to John W. Creager;
H. R. 14918. An act granting an increase of pension to Franklin Simpson;
H. R. 14920. An act granting an increase of pension to Winfield S. Bruce;
H. R. 14951. An act granting an increase of pension to James Nunah;
H. R. 15028. An act granting an increase of pension to Anthony Emes;
H. R. 15029. An act granting an increase of pension to Sabine Vancuran;
H. R. 15059. An act granting an increase of pension to Alfred W. Morley;
H. R. 15110. An act granting an increase of pension to John Green;
H. R. 15192. An act granting an increase of pension to John J. Merideth;
H. R. 15198. An act granting an increase of pension to Elizabeth J. Martin;
H. R. 15200. An act granting an increase of pension to Charles Klein;
H. R. 15251. An act granting an increase of pension to Alexander M. Taylor;
H. R. 15252. An act granting an increase of pension to Samuel Allbright;
H. R. 15253. An act granting an increase of pension to Balos C. Dewees;
H. R. 15304. An act granting an increase of pension to Irwin O'Bryan;
H. R. 15306. An act granting an increase of pension to Asa Wall;
H. R. 15347. An act granting an increase of pension to John M. Love;
H. R. 15382. An act granting an increase of pension to Mary C. Moore;
H. R. 15385. An act granting an increase of pension to William Lucas;
H. R. 15392. An act granting an increase of pension to John W. Wise;
H. R. 15393. An act granting an increase of pension to Nancy N. Allen;
H. R. 15414. An act granting an increase of pension to John L. Blinn;
H. R. 15491. An act granting an increase of pension to James Buckley;
H. R. 15536. An act granting an increase of pension to Henry H. Tillson;
H. R. 15552. An act granting an increase of pension to George H. Hayter;
H. R. 15553. An act granting an increase of pension to Susan H. Isom;
H. R. 15622. An act granting an increase of pension to Argyle Z. Buck;
H. R. 15893. An act granting an increase of pension to Volney P. Ludlow;
H. R. 15940. An act granting an increase of pension to James M. Carley;
H. R. 15974. An act granting an increase of pension to Martin C. King;
H. R. 16014. An act to amend an act entitled "An act to create the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein," approved June 1, 1900, and all acts amendatory thereof; and
H. R. 16519. An act granting an increase of pension to Irwin G. Dudley.

PETITIONS AND MEMORIALS.

Mr. PLATT presented a petition of the Cayuga County Historical Society, of Auburn, N. Y., praying that an appropriation be made for the preservation of the frigate *Constitution;* which was referred to the Committee on Naval Affairs.

He also presented the petition of L. C. Williams, of Utica, N. Y., praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the enactment of legislation providing for the relief of landless Indians in northern and southern California; which was referred to the Committee on Indian Affairs.

Mr. CULLOM presented petitions of the Columbia Club, of Batavia; the Woman's Club of Henry; the Council of Jewish Women, of Chicago, and the Woman's Club of La Grange, all of the General Federation of Women's Clubs, in the State of Illinois, and of the Women's National Trade Union League of Chicago, Ill., praying for an investigation into the industrial condition of the women of the country; which were referred to the Commttee on Education and Labor.

He also presented a memorial of sundry citizens of Elgin, Ill., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOPKINS presented a petition of sundry citizens of Chicago, Ill., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. PILES presented a petition of the Chamber of Commerce of Spokane, Wash., praying that an appropriation be made for the improvement of the Columbia River, in that State; which was referred to the Committee on Commerce.

Mr. HEMENWAY presented a petition of the Woman's Club, of Kentland, Ind., praying that an investigation be made into the industrial condition of women in the United States; which was referred to the Committee on Education and Labor.

He also presented a memorial of Local Division No. 81, Amalgamated Association of Street Railway Employees of America, remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

Mr. BEVERIDGE presented petitions of the Farmers Woman's Christian Temperance Union of Wabash, and of sundry citizens of Decatur and Winamac, all in the State of Indiana, praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the Fortnightly Club, of Vincennes, Ind., and a petition of the Clio Club, of Spencer, Ind., praying for an investigation into the industrial condition of the women of the country; which were referred to the Committee on Education and Labor.

He also presented a memorial of Local Division No. 317, Amalgamated Association of Street and Electric Railway Employees, of South Bend, Ind., and a memorial of Local Division No. 355, Amalgamated Association of Street and Electric Railway Employees, of Eaton, Ind., remonstrating against the repeal of the present Chinese-exclusion law; which were referred to the Committee on Irrigation.

He also presented a petition of Lorain Council, No. 10, Daughters of Liberty, of Logansport, Ind., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a memorial of the Local Council of Women, of Indianapolis, Ind., remonstrating against the restoration of the Army canteen; which was referred to the Committee on Military Affairs.

He also presented a petition of the National Council of Women of the United States, praying for the establishment of a children's bureau in the Department of the Interior; which was referred to the Committee on Education and Labor.

He also presented a petition of Post M, Travelers' Protec-

tive Association of America, of Crawfordsville, Ind., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 3739) for the relief of A. A. Noon, reported it without amendment, and submitted a report thereon, which, together with the accompanying map, was ordered to be printed.

Mr. FRAZIER, from the Committee on Claims, to whom was referred the bill (S. 4323) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased, reported it without amendment, and submitted a report thereon.

Mr. LONG, from the Committee on the Census, to whom was referred the bill (H. R. 12064) to amend section 7 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902, reported it with amendments, and submitted a report thereon.

Mr. DRYDEN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5581) to provide for the purchase of a site and the erection of a public building at Passaic, N. J., reported it with an amendment, and submitted a report thereon.

Mr. CLAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4716) appropriating $15,000 for acquiring additional ground and necessary improvements for the same for the Federal building at Butte, Mont., reported it with an amendment to the title, and submitted a report thereon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5530) authorizing the procuring of additional land for the enlargement of the site for the public building at Kalamazoo, Mich., reported it without amendment, and submitted a report thereon.

ADDITION TO POST-OFFICE BUILDING AT WASHINGTON.

Mr. SCOTT. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 6297) providing for the erection of an addition to the post-office building at Washington, D. C., to report it favorably with an amendment. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 8, after the word "including," to strike out "lift" and insert "elevator;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed, for the purpose of providing additional accommodations for the post-office, an extension to the United States custom-house, in the city of Washington, D. C., at a cost not to exceed $8,000, including elevator, and all necessary changes in, alterations of, and repairs to the present building, and of the heating and plumbing systems, which may be incident to the construction of such addition.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEARINGS BEFORE COMMITTEE ON PUBLIC LANDS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. HANSBROUGH, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Public Lands be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings and proceedings as may be had before such committee or its subcommittees in connection with matters pending before it, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

DEPARTMENTAL INFORMATION AFFECTING MARKETS.

Mr. CLARK of Wyoming submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 6, 9, and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 7, 8, 11, and 12, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: On page 2, line 14, after the word "thereof," insert "and every Member of Congress;" and the Senate agree to the same.

C. D. CLARK,
KNUTE NELSON,
C. A. CULBERSON,
Managers on the part of the Senate.
JOHN J. JENKINS,
C. E. LITTLEFIELD,
H. D. CLAYTON,
Managers on the part of the House.

The report was agreed to.

BILLS INTRODUCED.

Mr. ALLEE introduced a bill (S. 5751) to fix the status of the Fifth and Sixth Regiments of Delaware Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 5752) granting an increase of pension to Ruth M. Hoag; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5753) granting an increase of pension to Isaac H. Lawrence; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 5754) granting a pension to Hannah McCarty; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRAZIER introduced a bill (S. 5755) for the relief of Nathaniel F. Cheairs; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 5756) granting an increase of pension to Charles A. Bell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5757) granting an increase of pension to Thomas J. Swain; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HEMENWAY introduced a bill (S. 5758) granting an increase of pension to Joshua J. Clark; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5759) for the relief of John Smith; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PLATT introduced a bill (S. 5760) for the relief of Priscilla J. Shipman, administratrix of the estate of John J. Shipman, deceased, for work done and materials furnished to the District of Columbia; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5761) granting an increase of pension to Sallie B. Welch; and

A bill (S. 5762) granting an increase of pension to Dewitt C. Winburn (with accompanying papers).

Mr. BEVERIDGE introduced a bill (S. 5763) to correct the military record of William J. Alexander; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. KNOX introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5764) granting an increase of pension to Henry Eash; and

A bill (S. 5765) granting an increase of pension to Theodore F. Montgomery.

AMENDMENTS TO RAILROAD RATE BILL.

Mr. WARREN. I submit an amendment intended to be proposed by me to the pending rate bill. The amendment is short, and I ask that it may be read.

The amendment was read, and ordered to be printed, and to lie on the table, as follows:

Amendment intended to be proposed by Mr. WARREN to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, viz: Add to section 3 of said act the following:

Provided, however, That in time of war or threatened war preference and precedence shall, upon the representation of the President of

the United States of the need therefor, be given, over all other traffic, to the transportation of troops and material of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic.

Mr. PLATT submitted an amendment intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table, and be printed.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BURROWS submitted an amendment proposing to increase the salaries of two assistants in the Senate document room to $1,600 and $1,800, respectively, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MILITIA ORGANIZATIONS IN CIVIL WAR.

Mr. WARREN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and is hereby, directed to furnish to the Senate a list, arranged by States, showing which of the military organizations accepted into the service of the United States during the civil war were so accepted as militia organizations.

ADDITIONAL JUDGE FOR SOUTHERN DISTRICT OF NEW YORK.

Mr. PLATT. I ask unanimous consent for the consideration of the bill (S. 5533) to appoint an additional judge for the southern district of New York.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. CULLOM. Has the bill been before the committee?

Mr. PLATT. Yes; it was reported by the Senator from Pennsylvania [Mr. KNOX] from the Committee on the Judiciary.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HALE. Mr. President, I suggest that if we are to remain in session we go to the Calendar.

Mr. ALLISON. Mr. President——

The VICE-PRESIDENT. Will the Senator from Iowa kindly wait until the Senate is in order?

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. The Senator from Iowa has been recognized. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. ALLISON. I yield to the Senator.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. Mr. President, in dealing with the question which is under consideration in the Senate as the unfinished business, the railroad rate bill, the experience of Senators has demonstrated the fact that sometimes it is necessary to have conferences. Notwithstanding efforts to get at an agreement on matters which are of very grave moment, there is great difference of opinion. I think probably the business would be expedited and we could reach some satisfactory conclusion if the bill were laid aside for the balance of the day and the Senate should now adjourn.

Mr. CLAY. Will the Senator let me present some morning business?

Mr. TILLMAN. Certainly.

[The routine business presented by Mr. CLAY appears under its appropriate heading.]

Mr. TILLMAN. I was requested by the junior Senator from Wisconsin [Mr. LA FOLLETTE] to give notice that to-morrow, immediately after the conclusion of the routine morning business, he will ask permission to address the Senate on the rate bill. I now move that the Senate adjourn.

The VICE-PRESIDENT. Will the Senator withhold his motion for a moment?

Mr. TILLMAN. Certainly.

The VICE-PRESIDENT. The Chair lays before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

H. R. 11029. An act to authorize the holding of a regular term of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Va.; and

H. R. 15434. An act to regulate appeals in criminal prosecutions.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 10292. An act granting to the town of Manco, Colo., the right to enter certain lands;

H. R. 17415. An act to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska; and

H. R. 17576. An act to provide for the entry of agricultural lands within forest reserves.

H. R. 11490. An act granting the Edison Electric Company a permit to occupy certain lands for electric power plants in the San Bernandino, Sierra, and San Gabriel forest reserves, in the State of California, was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

H. R. 11862. An act to enable the various missionary societies and religious organizations now occupying lands for religious purposes in the Territory of Oklahoma to purchase the same, and to receive patents in fee therefor; and

H. R. 17719. An act to prevent the copying, selling, or disposing of rights of citizenship of the Five Civilized Tribes of Indians, and providing punishment therefor.

H. R. 17833. An act providing for the administration of the operations of the act of Congress approved June 17, 1902, known as the "reclamation act," was read twice by its title, and referred to the Committee on Irrigation.

H. R. 17945. An act authorizing the Borderland Coal Company to construct a bridge across Tug Branch of Big Sandy River, was read twice by its title, and referred to the Committee on Commerce.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

H. R. 5842. An act to correct the military record of Charles F. Deisch;

H. R. 12892. An act granting an honorable discharge to Seth Davis; and

H. R. 13917. An act to remove the charge of desertion from the military record of Robert W. Liggett.

COURTS AT MIAMI, FLA.

Mr. KNOX. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 5489) to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Miami, in said district, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HALE. I call for the regular order.

The VICE-PRESIDENT A motion to adjourn is pending. The Senator from South Carolina moves that the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 19, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 18, 1906.*

The House met at 12 o'clock m.

Prayer by Rev. JOHN VAN SCHAICK, Jr., of the Church of Our Father, Washington, D. C., as follows:

Almighty and most merciful God, our Heavenly Father, trusting in Thy loving kindness and tender mercy, we come into Thy presence and bring Thee our devout offerings. In their day our fathers walked by Thy guidance and trusted in Thy compassion. Still to their children, we pray Thee, be Thou the pillar of cloud by day and the pillar of fire by night, and let Thy blessing rest upon these, Thy servants, gathered for their work.

Especially we invoke Thy blessing upon Thy servant, the Chaplain, in an hour of great and sudden sorrow, and we pray Thee, O God, that Thou wilt send Thy spirit of sympathy and of love and of comfort to that section of our country visited by sudden calamity and affliction. To everyone that is bowed down by anxiety we pray that Thou wilt give the spirit of assurance and trust, and grant that they, and we, and all may understand that the Eternal God is our refuge, and that underneath are the

everlasting arms. For Thine is the kingdom, and the power, and the glory, for ever and ever. Amen.

The Journal of the proceedings of yesterday was read.

The SPEAKER. The Chair desires to state to the House, pending the approval of the Journal, that on Monday's session, which was extended into the calendar day of Tuesday, the Chair held that 191 Members constituted a quorum of the House. Mr. Williamson, of Oregon, and Mr. Patterson, of Tennessee, Members-elect, under the certificates of the governors of their respective States, have not qualified, and the Chair held that they should not be counted to make a quorum. The Chair, in the preparation of the Journal, instructed the Journal clerk to leave their names from the roll that is called. Members understand that, under the statute, from necessity, until organization and qualification under oath, the House organizes itself from the Clerk's roll, but from Jefferson's Manual, as well as sound parliamentary precedents, in the judgment of the Chair, the name of the Member-elect, after the organization and until he has taken the oath, should not be upon the roll from which the yeas and nays are called. Therefore the Chair directed the correction of the roll as it appears in the Journal; and hereafter, in case this Journal shall be approved with the correction just described by the Chair, in calling the roll the names of Messrs. Patterson and Williamson will not be called until they shall have taken the oath, respectively.

Is there objection to the approval of the Journal?

Mr. GAINES of Tennessee. Mr. Speaker, I would like to make a parliamentary inquiry. Does the Speaker rule that a Member-elect is not a Member of the House until he is sworn in as a Member of the House?

The SPEAKER. There is in the organization of the House what is known as the "Clerk's roll," and upon that roll the House organizes itself. No doubt it would have the power to organize itself even in the absence of statutory provision, but the whole proceeding is controlled by statutory provision. Now, the House being organized, the yeas and nays are called by virtue of the Constitution. The Chair holds that, the House being organized, the roll should contain the names only of those who have taken the oath.

Mr. GAINES of Tennessee. If the Chair will pardon me again, is a Member-elect, though not sworn in as a Member of the House, entitled to his mileage and to his salary?

The SPEAKER. A Member-elect draws his mileage and salary by virtue of statutory provision.

Mr. OLMSTED. Mr. Speaker, a further parliamentary inquiry. I understand that in arriving at the number 191 as constituting a quorum the Chair also omits and does not, of course, treat as part of the House two Members who were sworn in, but who have since died.

The SPEAKER. That is correct. Also one who has resigned.

Is there objection to the approval of the Journal? [After a pause.] The Chair hears none.

PENSION APPROPRIATION BILLS.

Mr. GARDNER of Michigan. Mr. Speaker, I call up the conference report on the bill (H. R. 13103) making appropriations for the payment of invalid and other pensions, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Michigan calls up the conference report on the pension appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13103) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

That the Senate recede from its amendment numbered 3.

WASHINGTON GARDNER,
W. P. BROWNLOW,
JOHN A. SULLIVAN,
Conferees on the part of the House.

P. J. MCCUMBER,
N. B. SCOTT,
Conferees on the part of the Senate.

The Clerk read the statement.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 13103) making appropriations for the payment of invalid and other pensions for the fiscal year 1907 submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report as to each of the Senate amendments, namely:

On amendments numbered 1 and 2: Makes the provision with reference to age as a permanent disability read as proposed by the Senate and as follows: "That the age of sixty-two years and over shall be considered a permanent, specific disability, within the meaning of the pension laws."

On amendment numbered 3: Strikes out the following provision, proposed by the Senate, namely: "*And provided further*, That hereafter in the adjudication of pension claims under the general law the soldier shall not be required to prove the continuance of the alleged disability or disabilities from the date of his discharge from the service to the time application is made for pension or increase of pension, it being sufficient for him to show that the disability was incurred in the service and line of duty, and that it exists at the time of medical examination."

WASHINGTON GARDNER,
W. P. BROWNLOW,
JOHN A. SULLIVAN,
Managers on the part of the House.

Mr. GARDNER of Michigan. Mr. Speaker, I move the adoption of the report.

Mr. WILLIAMS. Mr. Speaker, I did not quite catch this. What will be the effect of this?

Mr. GARDNER of Michigan. It is the conference report on the bill making appropriations for pensions for the ensuing year.

Mr. WILLIAMS. What is the gentleman moving to do—to concur with the Senate amendments?

Mr. GARDNER of Michigan. The amendments simply specify the minimum age limit at 62 years, so that there shall not be any difference in the ruling of future Pension Commissioners on the subject of age.

Mr. WILLIAMS. Do I understand that the gentleman is seeking to have adopted now by law the Executive order of the President?

Mr. GARDNER of Michigan. Substantially.

Mr. WILLIAMS. Does the law as the gentleman makes it now differ from that Executive order?

Mr. GARDNER of Michigan. Only in this: It not only makes age a specific disability, in harmony with the Executive order, but it fixes 62 years as the minimum age. Otherwise it stands as named by the President in Order No. 78.

Mr. WILLIAMS. What age did the President fix—62?

Mr. GARDNER of Michigan. That was in the order, but this fixes it so that there shall be no difference in the rulings of future Pension Commissioners.

Mr. WILLIAMS. Then I understand that we are finally going to put upon the statute books substantially that Executive order?

Mr. GARDNER of Michigan. In substance that.

Mr. WILLIAMS. Then, Mr. Speaker, I want to congratulate the gentleman and the Republican party upon having finally seen the advisability, if not the necessity, of legislating in accordance with the Executive order, although for quite a while we have been proceeding upon the theory that the Executive order without law was sufficient.

Mr. KEIFER. You mean the Executive order of President Cleveland.

Mr. WILLIAMS. I mean the Executive order, whoever issued it, and which was lately put into operation in a new form by our present reform President.

Mr. GARDNER of Michigan. As a matter of fact, Mr. Speaker, at least three Presidents have ruled in spirit the same as President Roosevelt. This fixes the latest ruling in the statute as the law.

Mr. CRUMPACKER. Allow me to ask a question. Is it not true that this bill makes age a specific disability? It provides that age shall be the basis of pensions absolutely, and the Executive order referred to by the gentleman from Mississippi only made age prima facie evidence of disability. This legislation and the Executive order do not belong to the same class at all. The Executive order simply provided a rule of proof, a rule of evidence, and this bill fixes a rule of liability on the part of the Government for pensions. Under this bill 62 years of age gives an ex-soldier a pensionable status. Under the Executive order, in the absence of other proof, 62 years of age is only presumptive evidence of disability, but it may

be overcome by countervailing evidence. That order was only fixed as a rule of evidence. This makes it a matter of law. So it is not legislating the Executive order into law at all. It is making a new basis for fixing pensions, the age basis. Now pensions are granted only for disability, and under the Executive order a certain age is prima facie evidence of disability. This bill will give a pension on account of age, without regard to disabilities.

Mr. WILLIAMS. Mr. Speaker, I understood at first we had merely put upon the statute book substantially the Executive order. I now understand from the gentleman from Indiana that whereas the Executive order pronounced that a man was to be presumed to have reached this stage of decrepitude at 62, that presumption could be overcome by proof aliunde——

Mr. KEIFER. Under the order.

Mr. WILLIAMS (continuing). But under this, as proposed to be passed, he is to be taken conclusively to have reached that stage of decrepitude, whether as a matter of fact he had or not or whether you could prove he had or not. If that is the case, it seems to me this is a rather unwise law to put upon the statute book. I would like to ask the gentleman this question upon this subject: How did that subject-matter get to the conferees? What difference between the two Houses was there that led them to settle the difference by putting this legislation upon the report?

Mr. GARDNER of Michigan. The bill as passed in the House declared that age shall be considered a permanent specific disability within the meaning of the pension law. There was a question as to whether there was not some ambiguity in that and that our Pension Commissioners might rule differently from the present one; hence the Senate inserted these words: "The age of 62 years and over shall be considered a permanent specific disability." It was understood by the House, as well as the committee, exactly what is carried in the Senate amendment. It is simply to prevent the possibility of ambiguity in the future construction of the law that the amendment is offered by the Senate and agreed to by the conferees of the House.

Mr. WILLIAMS. But the gentleman admits that in accordance with the statement of the gentleman from Indiana this does make the age, formerly a presumptive proof——

Mr. KEIFER. Under the order.

Mr. WILLIAMS (continuing). To a certain pensionable status now a conclusive proof not to be disputed at all.

Mr. GARDNER of Michigan. It does just exactly what the House did for the Mexican war soldiers years ago, that when a Mexican war soldier should reach the age of 62 years he should be put upon the pension rolls at $8 a month, regardless of his physical or his financial condition—simply age, and that age was 62 years.

Mr. WILLIAMS. I understood it was 75; but let that go.

Mr. GARDNER of Michigan. No; at $8.

Mr. WILLIAMS. I did not know myself. Now, I desire to ask the gentleman for information how much this bill, if it passes, entitles a soldier to receive simply because he is 62 years of age?

Mr. GARDNER of Michigan. When a soldier is 62 years of age he is entitled because of that age to $6 a month on his application, without examination; when he is 65, to $8 a month; when he is 68, to $10 a month; when he is 70, to a maximum of $12 a month.

Mr. WILLIAMS. It makes no increase in the rate?

Mr. GARDNER of Michigan. Not a bit.

Mr. KEIFER. It follows Order 78.

Mr. GAINES of Tennessee. What is the difference in this amendment, in substance, to the amendment offered, I think, by the gentleman from Tennessee [Mr. MOON] last Congress, whereby he undertook to make, in substance, the order the law of the land? What is the difference in the two?

Mr. GARDNER of Michigan. I do not recall the amendment offered by the gentleman from Tennessee to which reference is made.

Mr. GAINES of Tennessee. The gentleman will remember that we made an effort over here to make it the law that such and such thing should be done, instead of leaving it to the discretion of the President or anybody else.

Mr. GARDNER of Michigan. It may be so, but I do not recall it. Mr. Speaker, I ask for a vote.

The conference report was agreed to.

On motion of Mr. GARDNER of Michigan, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

ANDREW D. WHITE.

Mr. McCLEARY of Minnesota. Mr. Speaker, by direction of the Committee on the Library, I report Senate joint resolution No. 46, to fill a vacancy in the Board of Regents of the Smithsonian Institution, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than members of Congress shall be filled by the reappointment of Andrew D. White, a citizen of New York, whose term expires June 2, 1906.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to consider the joint resolution at this time. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the joint resolution.

The resolution was ordered to be read a third time; was read the third time, and passed.

On motion of Mr. McCLEARY of Minnesota, a motion to reconsider the last vote was laid on the table.

SUBPORT OF SPOKANE.

Mr. JONES of Washington. Mr. Speaker, I desire to call up a privileged bill (H. R. 17757) extending to the subport of Spokane, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

The SPEAKER. The gentleman from Washington calls up a privileged bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same is hereby, extended to the subport of Spokane, in the State of Washington.

Also the following committee amendment:

Strike out the word "is," in line 6, and insert in lieu thereof the word "are."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; was accordingly read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMESTOWN EXPOSITION.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent that the minority of the Committee on Industrial Arts and Expositions may have one week in which to submit their views on the bill H. R. 12610—namely, the Jamestown Exposition bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for one week in which to submit the views of the minority on bill H. R. 12610—the Jamestown Exposition bill. Is there objection?

There was no objection.

BRIDGE ACROSS THE CUMBERLAND RIVER.

The SPEAKER laid before the House the bill (H. R. 14591) to authorize the construction of a bridge across the Cumberland River in or near the city of Clarksville, State of Tennessee, with Senate amendment.

The Senate amendment was read.

Mr. GAINES of Tennessee. Mr. Speaker, I move the concurrence of the House in the Senate amendment.

The question was taken; and the Senate amendment was concurred in.

TWO BRIDGES ACROSS THE CUMBERLAND RIVER.

The SPEAKER laid before the House the bill (H. R. 14592) to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn., with Senate amendment.

The Senate amendment was read.

Mr. GAINES of Tennessee. Mr. Speaker, I move the concurrence of the House in the Senate amendment.

The question was taken; and the Senate amendment was concurred in.

CHOCTAW, OKLAHOMA AND GULF RAILROAD COMPANY.

The SPEAKER. The Chair lays before the House the following Senate bill, a similar House bill being on the House Calendar.

The Clerk read as follows:

A bill (S. 5520) to amend an act entitled "An act granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes," approved March 3, 1905.

Be it enacted, etc., That the second proviso in section 1 of an act entitled "An act granting to the Choctaw, Oklahoma and Gulf Railroad

Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes," approved March 3, 1905, be, and the same is hereby, amended by inserting between the words "selling company" and the words "and all suits" the words "except its mortgage bonds," and that said proviso as amended shall read: "*Provided*, That said purchasing company shall, by said purchase, be and become liable and assume the payment of all existing liabilities of said selling company, except its mortgage bonds, and all suits now pending against said Choctaw, Oklahoma and Gulf Railroad Company shall proceed to final judgment the same as if said sale had not been made."

Mr. CURTIS. Mr. Speaker, I ask for immediate consideration of the Senate bill.

Mr. SULZER. Reserving the right to object, I would like to——

The SPEAKER. It is not subject to objection.

Mr. SULZER. Very well; then I would like to have some explanation in regard to the bill.

Mr. CURTIS. I will yield to the gentleman for a question.

Mr. SULZER. I desire to know what this bill does.

Mr. CURTIS. The bill amends the second proviso of section 1 of a bill which became a law in 1905. That bill as it was amended in the Senate made the purchasing company assume the mortgage of the selling company. This mortgage is fully secured by the railway property, franchises, etc. This bill makes the purchasing company take the property subject to the mortgage, and makes it assume the payment of all other liabilities.

Mr. SULZER. Does this bill relieve the railroad company of any liability?

Mr. CURTIS. It does not relieve the railroad company; it simply leaves the mortgage bonds as they now are, secured by a first mortgage on all the railway property, rights, franchises, and privileges, and the company in making the purchase takes that property subject to the mortgage.

Mr. SULZER. On the explanation just made I shall not object.

The Senate bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. CURTIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CURTIS. Mr. Speaker, I move that the House bill on the same subject lie on the table.

The motion was agreed to.

RELINQUISHMENT OF CERTAIN LANDS TO THE STATE OF MONTANA.

Mr. DIXON of Montana. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 17135.

The Clerk read as follows:

A bill (H. R. 17135) providing that the State of Montana be permitted to relinquish to the United States certain lands heretofore selected and select other lands from the public domain in lieu thereof.

With Senate amendments, which were read.

Mr. PAYNE. Reserving the right to object, I will ask the gentleman if this amendment is not in substance a bill now pending before the House?

Mr. DIXON of Montana. I will say to the gentleman that the House passed a bill making this provision applicable to the lands selected by the State of Montana. The Senate amendment extends it to a specific part of the area of the reservoir site. It passed the Senate unanimously, was considered in the Committee on Public Lands informally this morning, because it was on the Speaker's table, and by the unanimous direction of the House Committee on Public Lands I was authorized to call it up in order to expedite its consideration and ask for concurrence in the Senate amendment.

Mr. PAYNE. Is this not a bill which should go to the Committee on Arid Lands?

Mr. DIXON of Montana. This bill allows the construction of a reservoir site on the public lands, including some lands which had heretofore been entered. The gentleman from Iowa [Mr. LACEY] is chairman of the Committee on Public Lands, which has had this bill under consideration.

Mr. LACEY. This irrigation scheme does not come under the terms of the reclamation act; it is under what is known as the "Carey Act."

Mr. DIXON of Montana. I ask unanimous consent that the Senate amendments be concurred in.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Senate amendments were concurred in.

BONDS AND OATHS OF SHIPPING COMMISSIONERS.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4339.

The Clerk read as follows:

A bill (S. 4339) to amend section 4502 of the Revised Statutes of the United States, relating to bonds and oaths of shipping commissioners.

Be it enacted, etc., That section 4502 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 4502. Every shipping commissioner so appointed shall give bond to the United States, conditioned for the faithful performance of the duties of his office, for a sum, in the discretion of the Secretary of Commerce and Labor, of not less than $5,000, in such form and with such security as the Secretary of Commerce and Labor shall direct and approve; and shall take and subscribe the oath prescribed by section 1757 of the Revised Statutes before entering upon the duties of his office: *Provided*, That nothing in this section shall be construed to affect in any respect the liability of principal or sureties on any bond heretofore given by any shipping commissioner."

The SPEAKER. Is there objection?

Mr. SULZER. Reserving the right to object, I would like to ask the gentleman from Ohio what is the effect of this bill?

Mr. GROSVENOR. Under the original statute these commissioners were appointed by the circuit courts, and the circuit courts approved their bonds. Later the appointment was transferred to the Secretary of the Treasury, and yet the circuit courts approved the bonds. Now, by statute the appointment is made under the Department of Commerce and Labor, and the provision is simply that the Department of Commerce and Labor shall approve the bonds.

Mr. SULZER. Is that the only difference?

Mr. GROSVENOR. That is the only difference.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

ISSUANCE OF ENROLLMENTS AND LICENSES OF VESSELS OF THE UNITED STATES.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16133) to simplify the issue of enrollments and licenses of vessels of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation is hereby authorized and directed from time to time to consolidate into one document in the case of any vessel of the United States of 20 net register tons or over the form of enrollment prescribed by section 4319 of the Revised Statutes and the form of license prescribed by section 4321 of the Revised Statutes, and such consolidated form shall hereafter be issued to a vessel of the United States in lieu of the separate enrollment and license, now prescribed by law, and shall be deemed sufficient compliance with the requirements of laws relating to the subject.

SEC. 2. That section 4325 of the Revised Statutes is hereby amended to read:

"SEC. 4325. The license granted to any vessel shall be presented for renewal by indorsement to the collector of customs of the district in which the vessel then may be within three days after the expiration of the time for which it was granted, or, if she be absent at that time, within three days from her first arrival within a district. In case of change of build, ownership, district, trade, or arrival under temporary papers in the district where she belongs the license shall be surrendered. If the master shall fail to deliver the license he shall be liable to a penalty of $10, which shall not be mitigated."

SEC. 3. That this act shall not be construed to amend any law now in force concerning the compensation of officers of the customs for service connected with the enrollment and license of vessels.

SEC. 4. That this act shall take effect on and after January 1, 1907.

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, I wish to know if the bill has been unanimously reported from the committee?

Mr. GROSVENOR. It is a unanimous report from the Committee on Merchant Marine and Fisheries. The object of the bill is to simplify the documenting of ships. At present it is required that they shall have three papers—a register, an inspection certificate, and an enrollment. This paper is recommended for the purpose of simplifying and lessening the expense of the proceeding.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4952) making an appropriation for the improvement of the mouth of the Columbia River.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1691. An act granting an increase of pension to Alice S. Shepard—to the Committee on Invalid Pensions.

S. 1692. An act granting a pension to Ellen H. Swayne—to the Committee on Invalid Pensions.

S. 1013. An act granting an increase of pension to William H. Odear—to the Committee on Invalid Pensions.

S. 556. An act granting an increase of pension to William H. Egolf—to the Committee on Invalid Pensions.

S. 3405. An act authorizing the payment to the Superintendent of the Government Hospital for the Insane of pay due to persons in the Navy or Marine Corps under treatment at that institution—to the Committee on Naval Affairs.

S. 1728. An act granting an increase of pension to Joseph H. Allen—to the Committee on Invalid Pensions.

S. 3415. An act granting an increase of pension to William Triplett—to the Committee on Invalid Pensions.

S. 3549. An act granting an increase of pension to Martha H. Ten Eyck—to the Committee on Invalid Pensions.

S. 5337. An act granting an increase of pension to Samuel M. Tow—to the Committee on Invalid Pensions.

S. 5340. An act granting an increase of pension to Laura Hentig—to the Committee on Pensions.

S. 5366. An act granting an increase of pension to John Beatty—to the Committee on Invalid Pensions.

S. 5515. An act granting an increase of pension to Matilda C. Frizelle—to the Committee on Pensions.

PRACTICE OF PHARMACY IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 8997) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes, with sundry Senate amendments.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. It seems to the Chair that the Senate amendments ought to be read. The Clerk will report the amendments.

The Clerk read the Senate amendments.

Mr. CAMPBELL of Kansas. Now, Mr. Speaker, I renew my motion that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER announced as conferees on the part of the House Mr. CAMPBELL of Kansas, Mr. TAYLOR of Ohio, and Mr. MEYER.

IRRIGATION ACT IN THE STATE OF TEXAS.

Mr. SMITH of Texas. Mr. Speaker, I ask that House bill 14184 be laid before the House as unfinished business.

The SPEAKER. The gentleman from Texas asks that the bill, of which the Clerk will read the title, be laid before the House as unfinished business.

The Clerk read as follows:

The bill (H. R. 14184) to extend the irrigation act to the State of Texas.

Mr. SMITH of Texas. Mr. Speaker, I yield ten minutes to my colleague, Mr. STEPHENS.

Mr. STEPHENS of Texas. Mr. Speaker, in 1902 Congress passed what was known as the "reclamation act," an act to provide for the irrigation of public lands of the United States. It was the unanimous desire of the people of the western part of the United States to be benefited by the irrigation of public lands that this bill should become a law. The State of Texas was not included in the bill and will receive none of the benefits to be derived from the act, and the purpose of this bill it to extend the act to our State. There is west of the one-hundredth meridian in the State of Texas about two-fifths of the State, an area of good irrigable land greater in magnitude than any other State or Territory in the United States contains. It was thought at the time the bill was passed that if Texas were included in the act that it would possibly prevent the passage of the bill, and the Members of this House from Texas voted unanimously for the bill, leaving out their own State, because we did not desire to jeopardize the passage of the bill at that time. I introduced a bill in last Congress and also in this Congress to extend the irrigation laws over Texas.

It is a fact well established and well known that in the State of Texas we have quite a lot of territory that can produce cotton and rice, and these staple crops can not be produced in any other territory in the United States that is subject to the irrigation laws, and for that reason the passage of this bill will add greatly to the material wealth of this country, and thus it will benefit the entire people of the United States, and for that reason we should extend the act to that State.

Mr. Speaker, the platform of both political parties, before the irrigation law passed, recommended the passage of the act, and thereby declared in favor of the irrigation of the arid lands of the United States. Our State is in that same arid belt, and Texas extends farther west than either Oklahoma or Kansas and as far west as the eastern half of New Mexico. We have as arid land there as you will find anywhere in the United States. I speak of that portion of the State west of the Pecos River. All this part of Texas in the southern part of the arid belt of the United States, and can, as I have stated, produce cotton and rice by irrigation, while the rest of the land that can be irrigated can produce neither of these crops. Therefore we will not come in competition with the persons raising ordinary crops on other portions of the land irrigated under the act of 1902.

The objection urged against this bill by the gentleman from New York [Mr. PAYNE] and the gentleman from Iowa [Mr. LACEY], is that Texas reserved her public domain when she went into the Union as a State, and that she has no public lands to sell in order to help increase this fund.

Mr. CRUMPACKER. Will the gentleman yield for a question?

Mr. STEPHENS of Texas. Yes.

Mr. CRUMPACKER. I can understand the theory of the general irrigation law, because the Federal Government uses the fund for reclaiming the land and making it valuable, but what authority has the United States Government to undertake the reclamation of land that is worthless because of its arid condition or worthless because it is partially overflowed, land that belongs to the State or a private individual? What authority has the Federal Government to go into the business? Why shouldn't it come over into Indiana and reclaim the swamp lands the title of which is in private individuals?

Mr. STEPHENS of Texas. Mr. Speaker, I can better answer the gentleman by quoting the gentleman who is at the head of the Reclamation Service of the United States. I will also answer by that statement the gentleman from New York [Mr. PAYNE]. I read from a letter from Charles D. Walcott, Director of the United States Geological Survey, who is at the head of the Reclamation Service, written last year to the irrigation congress assembled on the 21st day of August in the city of Portland. I read as follows:

Among the principles thus far developed that may aid in shaping the policy of the future, four may be mentioned here.

a. The money resulting from the disposal of public lands belongs to the nation and not to the community.

Mr. Speaker, if this is true then Congress has the right to use these funds for the purpose of redeeming the arid (only) lands in any part of the United States.

That is a sufficient answer to the gentleman from Iowa [Mr LACEY], and also to the gentleman from New York [Mr. PAYNE] and to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. While the money resulting from these lands belongs to the nation, it must be used for national purposes. The gentleman is asking now to take Federal money and use it for local purposes in his own State of Texas.

Mr. STEPHENS of Texas. We are not asking that; but we are asking that it be used on all of the arid land found in Texas, as well as elsewhere. Already millions of dollars have been expended under the irrigation law of 1902, and there is now between twenty-eight and thirty millions of dollars available for the building of these dams and ditches in the West. The irrigation of these arid lands by the Government is an accomplished fact, and it is too late now to question the wisdom of that law. We only ask that it be extended to our State.

Mr. HOGG. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. HOGG. From what source will your water be derived?

Mr. STEPHENS of Texas. Mr. Speaker, I am very glad the gentleman has asked that question. All of the water that will be used by Texas under this bill comes from New Mexico and Colorado, the Rocky Mountain watershed. The Pecos River and the Canadian River, I will say to the gentleman, do not touch the State of Colorado, but rise in New Mexico. The Rio Grande rises in Colorado, in the gentleman's State, but the water derived from that river will not benefit Texas by this bill

in any respect. The Fifty-eighth Congress passed a bill providing for the irrigation of the arid lands on the Rio Grande River, both in New Mexico and Texas, and no other project can be put on foot on the Rio Grande River in Texas.

Mr. HOGG. Mr. Speaker, I understand the gentleman to state he expects to take the water from the Rio Grande.

Mr. STEPHENS of Texas. Not at all. I will state to the gentleman that this can not affect the Rio Grande further than has already been effected by the bill I have just mentioned, which was passed by the last Congress.

Mr. HOGG. Does it take water from any of its tributaries?

Mr. STEPHENS of Texas. It will not, except the Pecos River, and that does not rise in the gentleman's State, and if it does take it from the Pecos River, Colorado will not be in any way affected by that fact.

Mr. HOGG. It is not a question of where it rises. The point I am making is this: Will the gentleman not meet the same trouble with the Interior Department that we in Colorado have in attempting to construct reservoirs in the San Luis Valley? The Department has held that up and will not permit these reservoirs to be constructed, because of some treaty rights that might be invaded as between old Mexico and the United States.

Mr. STEPHENS of Texas. I think the Department is wrong in that, unless Colorado is seeking to use more than her share of the water in the Rio Grande River. This act, if passed, can not affect the State of Colorado in any way.

Mr. HOGG. What I am asking is whether the gentleman has interrogated the Department?

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of Texas. Mr. Speaker, I yield two minutes more to the gentleman from Texas.

Mr. STEPHENS of Texas. Mr. Speaker, in the time allotted to me it would be impossible to go at length into this matter. I would simply state that the President of the United States in his recent message has recommended the passage of this bill, that the irrigation congress, of which I happened to be a member, at its twelfth and thirteenth annual meetings has recommended the passage of this bill, and there were as members of that congress men from the State of Iowa, men from the State of New York, and it was the unanimous vote of that congress that this bill should pass and that the reclamation act should be extended to the State of Texas. These reclamation funds are refunded. They can be used for only ten years, and it only amounts to a loan of the amount of money in each one of these projects for ten years and then the people who use the funds have to return them to the General Government. They get them without interest and that is the only benefit there is. It is loaned to them for ten years without interest. The Reclamation Service requires mortgages and contracts to be placed upon every foot of the land under these ditches, so that within ten years the full amount of the money will be refunded to the Government. Texas proposes to bring herself within the terms of that law, and I would state that we changed our constitution two years ago so as to get the benefit of this act. The constitution of the State of Texas did not permit a homestead to be mortgaged, until two eyars ago, for any purpose. We changed the law so that it can be now mortgaged and this money can be refunded. The husband and wife can join in the mortgage for the purpose of getting money to place their land under these projects and there is no reason, when the irrigation congress recommends it, when the President of the United States recommends it, when the Irrigation Committee of this House recommends it, and when everybody—persons who have investigated it—recommends it, why it should not become a law.

Mr. LACEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. LACEY. I desire to be recognized against the bill.

The SPEAKER. Does the gentleman from Texas yield the floor?

Mr. SMITH of Texas. For the present. I reserve the balance of my time.

Mr. LACEY. Mr. Speaker, I regret to have to oppose a proposition that the gentleman from Texas seems to have so much at heart, but I think if the House will consider the proposition, the manifest injustice of the proposed bill will be sufficiently obvious to insure its defeat. Texas is the only State that came into the Union without in any way participating in the public domain to begin with. She came in as a republic, not as a Territory. She came in clothed with the ownership of all of the public buildings, of the various docks, and also of all of the public land within her borders at the time of her acquisition as a part of the territory of the United States.

Mr. SMITH of Texas. Will the gentleman submit to a question?

Mr. LACEY. Certainly.

Mr. SMITH of Texas. Do I understand the gentleman to say Texas came into the Union without any right to participate in the benefits of the public domain?

Mr. LACEY. I say Texas came into the Union without taking part in the public-land scheme in this, that she absolutely reserved to the ownership of the State every foot of public land in the State, every acre of it, and therefore I say that practically excluded her from the benefit of the land laws, because all the land in the State of Texas was held by the State and not subject to national control, and therefore she did not participate in the public-land grants until finally when the agricultural college bill was passed she was then granted 180,000 acres of the public domain outside of the State of Texas, and now receives $25,000 annually from the public lands sales under the agricultural-college act.

Mr. SMITH of Texas. I will ask the gentleman if Texas was not permitted to retain her public domain to pay her public debt, which was enormous at that time?

Mr. LACEY. Yes; and the Government afterwards paid her debt for her or furnished the money to do so. The gentleman is anticipating me. I think the gentleman himself, if he listens to my remarks through in patience, will agree with me that there is absolutely no merit whatever in this bill.

Mr. STEPHENS of Texas. Did not Texas become a part of the United States by virtue of annexation, and if she did become part of the United States why do you limit her right?

Mr. LACEY. Because she limited the right of the United States. For instance, we will take the State of Missouri, and I commend to the attention of my friend from Missouri [Mr. CLARK] this fact.

Mr. FIELD. Mr. Speaker——

Mr. LACEY. I will have to take some time myself, before I yield, to define my proposition. When the State of Missouri was admitted, one section out of every thirty-six was given to the State of Missouri. When Texas came in thirty-six sections out of thirty-six were retained in the State of Texas. That is the difference.

Mr. CLARK of Missouri. Let me ask the gentleman a question—of course it is not my fight.

Mr. LACEY. I think it ought to be the gentleman's fight.

Mr. CLARK of Missouri. Well, I am on the other side. [Applause.]

Mr. LACEY. I hope not.

Mr. CLARK of Missouri. Did not Texas give to the United States Government enough land north of the present Texas line to make a State or two?

Mr. LACEY. Oh, yes; Texas sold at $25\frac{1}{2}$ cents an acre more than 60,000,000 acres of land, much of it for more than it is worth to-day, and sold it to the United States Government, and the United States paid Texas $16,000,000, principal and interest; $10,000,000 of principal and $6,000,000 of interest.

Mr. HENRY of Texas. Will the gentleman permit me to make a suggestion here? I know he wants to be accurate in his statement.

Mr. LACEY. I intend to be accurate in my statement.

Mr. HENRY of Texas. I know you do. You say Texas reserved her land herself. Is it not a fact in the adjustment of affairs between the Republic of Texas and the United States that the Congress of the United States itself by a joint resolution reserved to Texas all of her public domain?

Mr. LACEY. Oh, certainly.

Mr. HENRY of Texas. That is set out in section 7 in the joint resolution in regard to annexing Texas.

Mr. LACEY. Oh, yes. There was no impropriety in Texas keeping all her land, none whatever. She owned this land and came to us as a full-fledged republic. I believe to-day that Texas is the greatest State south of Mason and Dixon's line. I used to say, if I had the choice between taking all of the Southern Confederacy and Texas, I would regard Texas as the more valuable piece of property of the two. It is a great State, a wonderful State, and a State we all admire. I like the State and I like her people.

Down in Mexico, there is a saying among the people there, that they could whip the United States if it were not for Texas. They regard Texas as invincible, and as worth more money than all the balance of the United States put together. So that there is no need of charity when you come to Texas. Whatever she gets under this proposition she ought to get as a matter of right. I admire her; I respect her; I do not propose to say or do anything that is unjust to her, but I want to get at the facts. If this House knows the facts and then thinks Texas is entitled to have this privilege, all right; if it wants to make an exception to the rule that governs in Wyoming, Colo-

rado, and California, it is for the House to say it, and I will have done my duty when I shall have explained and called attention to the situation. Mr. Speaker, I see several gentlemen rising and I shall decline to yield for the next ten minutes.

Mr. GILBERT of Kentucky. Mr. Speaker, I want to ask the gentleman one question for information. Conceding all that you claim, that Texas came into the Union——

Mr. LACEY. The gentleman does not know what I have claimed, and I shall have to decline to yield.

Mr. GILBERT of Kentucky. When Texas came into the Union she retained all her own public domain, and then came into the Union on an equality with the other States.

Mr. LACEY. She did not come in on an equality; she came in on an inequality. She added nothing to the public domain. She kept all she had.

Mr. GILBERT of Kentucky. Let me finish my question. Was there any reservation which prevented the State of Texas from participating in the general public domain that belonged to all of the States generally?

Mr. LACEY. Only thus far, Mr. Speaker, that when the other States came into the Union, they came in with all the public domain in those States belonging to the United States. But Texas, when she was admitted, reserved all the land to the State of Texas. Therefore she did not come in on an equality, but with an inequality, and the inequality was greatly in her favor. She kept thirty-six thirty-sixths of all her lands, and the others east of the Missouri only got one thirty-sixth. The States west of the Missouri River got two thirty-sixths. Texas came into the Union with an express agreement on her part, accepted and ratified by the Congress of the United States, that she should retain all this public land. She had, however, a flexible, indefinite, and undefined boundary, and that uncertain boundary was one of the causes of the war with Mexico. She realized the importance of having an elastic boundary; a sort of elasticity that reached out into New Mexico, into Kansas and into Colorado. That dispute was settled in 1850 by Congress paying her in bonds and in money that amounted, when the interest was paid on it, to $16,000,000. With that money she could pay off her debts, and I understand did so. The Government paid all her debts and left Texas the land, and she has I think about 3,000,000 acres of land yet. We have appropriated all of the proceeds of the public land and the other lands to irrigation in sixteen other States and Territories, and Texas now asks to share with the other States under the reclamation act.

Mr. STEPHENS of Texas. The gentleman wants to be fair; let me make a suggestion to him.

Mr. LACEY. The gentleman can do so in his own time.

Mr. STEPHENS of Texas. We gave 20,000,000 acres to the Southern Pacific Railroad in order to build its line.

Mr. LACEY. You gave land to build the Southern Pacific Railroad. The State of Texas gave the right of way across the land to the Southern Railroad. Texas had the right to give land to build a railroad through the State of Texas, and she gave lands to build the capitol, and she also sold her lands for cash. Texas is in as good financial condition to-day as any State in the Union. The State is absolutely now in a position to neither ask nor accept charity.

Mr. BURLESON. And it will not do it.

Mr. LACEY. And it will not do it. It can not afford to press this bill. I certainly think that the sixteen gentlemen representing that State here ought to stand up and vote against this proposition to take money away from Colorado, California, and Arizona and spend it in the State of Texas. I will tell you how far I am willing to go as far as Texas is concerned. We passed, a year ago last February, a bill for an irrigation scheme on the Rio Grande. Why? Because the Rio Grande was an international river, because it was an interstate river, and we passed a bill providing that if the irrigation authorities found that the money could be made safe for subsequent return upon the scheme they were authorized to include the Rio Grande proposition in Texas in the irrigation scheme. There is one other proposition, the Pecos River, which makes its rise in the Territory of New Mexico and runs into Texas, which could not be satisfactorily handled without having both regions considered.

Mr. STEPHENS of Texas. The Canadian River also.

Mr. LACEY. I will not yield to the gentleman and can not yield for at least ten minutes. Now, then, there is the Pecos. It will be perfectly proper under the same principle laid down in the Rio Grande scheme to give Texas the benefit of a joint arrangement with the Territory of New Mexico or the new State of Arizona, whichever it may be, to have an irrigation district there of an interstate character. I should favor such a bill, because I want to be fair to Texas; but when we passed this bill a year ago we let the camel's head in the tent, and now Texas is humping herself and trying to get her whole body in. She proposes to do it without adding one dollar to the irrigation fund. She proposes to come in under the irrigation law of 1902, which provides that 51 per cent of all the money received for lands in each of the sixteen States and Territories named shall be expended in those States and Territories, and the other 49 per cent might be expended by any other State or Territory, and it provides also that within ten years there shall be such a readjustment as will get back from the State or Territory in which this money is expended the 49 per cent less the proceeds of whatever public lands go into the work from that State or Territory. Now, Texas would be entitled to 49 per cent, and she has to pay that back in ten years out of the sale of the public domain in her territory, but there is none to sell. It is all State land. Now, if that is not a charity it resembles it so much as to make my Texas friends just a little inclined to blush.

In 1850 there was passed what was known as the "Arkansas swamp land act." It provided that all the swamp lands of the United States should be conveyed to the various public-land States; and I invite again to the attention of my friend from Missouri [Mr. CLARK] that under the Arkansas act all the swamp lands in Missouri were conveyed to Missouri, and all the swamp lands in Iowa were conveyed to Iowa, for the purpose of reclamation, and the States assumed the burden of reclamation. From time to time through many years the States having arid lands have asked some sort of relief.

We passed a bill known as the "Carey Act," which gave every arid State the right to select a million acres of desert land, or not to exceed a million, for an irrigation district within its borders. Some of the States have made this selection. Propositions have been made from time to time to convey all of the arid lands to the States—the same as we did the swamp lands—but knowing the ill success of the swamp-land grant and knowing the result did not meet the expectations of anybody and that the land when coveyed to the State was not reclaimed, but passed out of national ownership into the control of the State, where it was sold, much of it for a song, this plan for conveying these arid lands to the State has not met with much favor. The national irrigation plan was then considered. Sixteen States and Territories got together and presented a bill to Congress by which the proceeds of the sales of all the public lands in all of those sixteen States and Territories should go into a reclamation fund. Texas was not included in the sixteen. Why? Because she did not have any land to put into the proposition. There is no land within her borders belonging to the United States. She has millions of acres of public land which she was keeping, and these gentlemen propose still to keep it. They would spurn any proposition now for an amendment to this bill to have Texas, in order to get the benefits of this law, cede to the United States her remaining public lands. They would not make such cession.

Mr. HENRY of Texas. Will the gentleman let me make a suggestion there?

Mr. LACEY. Certainly.

Mr. HENRY of Texas. While Mr. Newell and these gentlemen from the West were conferring about the matter, I desire to say I met with them at frequent intervals and cooperated with them in order to bring about this national enterprise, as I consider it.

Mr. LACEY. My friend was looking further ahead then than anybody was expecting him to do. He pleads guilty now. When the bill was passed to the effect that 51 per cent should be used in the States where it was raised and the other 49 used elsewhere—but which must be paid back in ten years—he had his weather eye out for 49 per cent for Texas, even that long ago.

Mr. HENRY of Texas. If the gentleman will permit me?

Mr. LACEY. Now, I give my friend credit for his astuteness.

Mr. HENRY of Texas. I was only anticipating the homesteaders that would come into Texas from Iowa, and trying to take care of them.

Mr. LACEY. Iowa has sent to Texas a great many good men, and we may send her more of them. Texas is a good State. You are not needing this help. You have 3,000,000 acres of land to-day.

When the constitution of 1876 was adopted in the State of Texas she had a public domain equal in area to the entire State of Colorado. Every foot of it belonged to the State, and she has made good use of it in the main. I think it would have been better for her if she had thrown it all open under the homestead law absolutely instead of selling any of it. But the growth of the State of Texas is perhaps an adequate answer to that. She has grown in spite of the fact that she did not have the benefits

of the general public-land laws. I believe if Texas had not retained her land at the time of her admission, instead of having to-day a population of only three or four million people she would now have 10,000,000 souls. She will ultimately have 10,000,000 population, and maybe 20,000,000, in spite of the mistake of retaining her public domain, because it will finally pass into the hands of settlers. Nothing can permanently hurt a country that has a good soil, and Texas has a good soil.

So that, Mr. Speaker, this proposition now is to reverse the policy of the reclamation law. It is a proposition not to consider the States in which the public land to be reclaimed is located as having the right to the fund, but to put it elsewhere.

Let me say to the gentlemen of the arid States who are in favor of reclamation that this bill has invited a proposition to drain the Dismal Swamp, to take the proceeds of this land that Texas is asking and put them in North Carolina instead. It has invited a proposition to drain the private farms of Red River of the North. It has invited a proposition for the draining of Minnesota, notwithstanding the fact that all the wet land in Minnesota was long ago given to the State to drain it, under a contract that the State would drain it.

Mr. McCLEARY of Minnesota. Does not that apply simply to the lands of the United States in Minnesota?

Mr. LACEY. Yes; but the lands of the United States in Minnesota these gentlemen claim belong in part to Texas. My friend is losing sight of what we are discussing here just now. Texas says she wants equality, namely, an equality in what we have left, but at the same time preserving an inequality by keeping all that is within her own borders.

Mr. GILBERT of Kentucky. May I ask the gentleman a question now?

Mr. LACEY. Yes.

Mr. GILBERT of Kentucky. I want some information on the proposition you started out with, that the public lands of the United States belong to some of the States, and that the other States have no interest in them.

Mr. LACEY. I did not start out with that proposition.

Mr. GILBERT of Kentucky. Because Texas came in as a republic and retained her own private domain, your argument is that Texas does not participate in the enjoyment of the benefits of the public lands of the United States.

Mr. LACEY. Texas has made herself an exception under the act by which she came in. She was made a voluntary exception. She has eaten her pie, and she wants still to have it in the other public lands.

Mr. GILBERT of Kentucky. The gentleman from Iowa——

Mr. LACEY. Let me say in regard to the gentlemen from Kentucky and Virginia——

Mr. GILBERT of Kentucky. Kentucky does not need to be irrigated.

Mr. LACEY. They do a good deal of irrigating in Kentucky. [Laughter.]

Mr. SULZER. That is a personal matter.

Mr. GILBERT of Kentucky. The gentleman from Iowa makes a difference that I am not able to see. Texas, as a republic, retained her own private domain. The United States made no cession.

Mr. LACEY. Oh, it was not a private domain. We bought the land and paid Mexico $20,000,000 for it.

Mr. GILBERT of Kentucky. But that was a contract and there was a quid pro quo.

Mr. LACEY. Then we paid Texas $16,000,000 more for what we bought of her. That was added to the national public domain.

Mr. GILBERT of Kentucky. That was the private property of the State of Texas. Now, suppose the State of Kentucky does not have any State capital, and suppose that the State of Iowa has a capital worth $10,000,000. How does that affect the right of the State of Iowa or the right of the State of Kentucky to participate in the proceeds of the public lands or the irrigation of the public lands?

Mr. LACEY. My friend invites me into a discussion that would be a delightful one to me, and which would interest the gentleman from Kentucky, namely, the origin of the public domain. Let me say to the gentleman that the public domain was not the child of the Constitution, but the father of it. When Maryland held back and refused to come into the Union, she withheld her consent until the various other States that had a public domain put it into the common property.

Maryland had no public land.

The public domain was once a more vital subject of interest than at present.

But there are 800,000,000 acres of public lands remaining, and the subject is still one of great importance.

The first essential to the prosperity of any country is that there should be a good title to the soil. I wish to recall to your minds a few of the complex circumstances out of which the present perfect title of the great Northwest has grown. There were many real-estate puzzles, growing out of the vague geography and the wild prodigality with which the royal British family dealt with these provinces, which they neither understood nor in fact held. They distributed it with a vague and reckless profusion, placing overlapping grants, which necessitated almost endless trouble for other people long after the grantor and grantees had gone to that land where there are no land-title problems.

James I in 1606 made the first grant to Virginia, which ran from the Atlantic west and northwest to the Pacific Ocean. No one knew the distance, but there was no doubt that the great ocean was somewhere in that direction. Then came the Massachusetts grant of 1620, also running from sea to sea. On April 23, 1662, Charles II, who had not long before been a fugitive in France, granted to the Connecticut Company a charter and land grant "in New England, in America, bounded on the east by the Narragansett River, commonly called 'Narragansett Bay;' on the north by the Massachusetts Plantation; on the south by the sea, and in longitude as the line of the Massachusetts colony running from east to west—that is to say, from the Narragansett Bay on the east to the South Sea on the west, including all islands thereunto adjoining." This of course was a good grant, as far as Charles held title, but the claims of the Most Christian King of France intervened in the far West, the settlements and rights of the Dutch on the Hudson cut the grant in two in part, whilst the overlying grant made in 1681 to William Penn by Charles II afterwards also cut Connecticut in two on the south, and in 1664 the British King gave to his "dearest brother, James, the Duke of York, his heirs and assigns," the territory which is now principally occupied by the State of New York. James had already acquired the previous grant made in 1635 to the Earl of Sterling. The French did not discover the Mississippi until May 17, 1763, so that the grant of Connecticut by nearly a year antedates the French claims to Louisiana. The French in the north were trappers, the Spanish in the south were gold seekers, but the English were settlers.

It is always interesting to discuss what might have been, but it is almost unthinkable to consider the northern part of Ohio, Indiana, and Illinois as constituting a part of the State of Connecticut in the light of subsequent history. But there was a complex variety of things which brought about the present configuration of the great State of Illinois and the transfer of the land on which Chicago stands to the National Government by the State of Connecticut. New York had a shadowy claim in the days of the Revolution to parts of Ohio and Virginia. Maryland refused to enter the Confederation of the Revolution on the ground that the northwest country should be ceded to the united colonies as a whole, but she still joined hands with her sisters in doing her best to make the struggle for liberty a successful one. It was not, however, till 1781 that she finally became an actual part of the Confederation. It was fortunate that there were so many conflicting charters and claims in the Northwest, thus adding to the reasons for nationalizing the public lands.

New York's claims were very shadowy, and rested upon very slight foundations, but her unconditional conveyance of these claims to the National Government paved the way for the action of other States. Virginia had fortified her paper title by the successful expedition of Gen. George Rogers Clark.

The peace of 1783 involved France and Spain as well as England. But Jay, Franklin, and Adams so managed it as to save the great Northwest, including the unknown wealth of Lake Superior in iron and copper.

It was a keen negotiation, but the decision opened up the great possibilities of the Northwest, to be followed by the Louisiana purchase in 1803.

The treaties of 1763 and 1783 made the Mississippi our western boundary and marked the western limits of Connecticut.

A special Federal court met at Trenton, N. J., by authority of Congress, and tried the issue between Pennsylvania and Connecticut. It located the west line of Pennsylvania where it now is, but left Connecticut to claim the ancient boundaries as far west as the Mississippi River.

Massachusetts asserted her claims to much of the land now occupied by Michigan and Wisconsin. Massachusetts conveyed her title April 19, 1785; Virginia, March 1, 1784. New York made her cession March 1, 1781. Georgia made a pretty close bargain with the Government for the transfer of her western claims to the Mississippi, but Connecticut granted her lands, with all of the possibilities of Chicago in the future, on September 14, 1786. She reserved, however, 3,250,000 acres in

northern Ohio, "the Connecticut Western Reserve," of which she afterwards sold the soil, and subsequently ceded the sovereignty to the National Government. This last was done in order that a perfected title might be given to the Connecticut Company, to which she had granted the western reserve.

But the future Chicago's troubles were not yet at an end. Wisconsin wanted the north fourteen counties of Illinois, and these counties, including Cook, seemed quite willing to leave Illinois. Wisconsin unwillingly gave up a few hundred square miles in Ohio, including the present Toledo, and took instead the northern peninsula, with the richest iron and copper mines on the planet.

The questions were viewed in the most practical way by our ancestors. "Better an acre in Middlesex than a principality in Utopia."

It is wonderfully interesting to look over the chain of title which opened up the great Northwest in the form in which it now appears upon the map of the States. The ordinance of 1785, simplifying surveys and providing the present method by sections, townships, and ranges, was one of the most important steps toward the settlement and growth of that region.

The Connecticut Western Reserve surveyed its townships in squares of 5 miles instead of 6, but the system was the same. In Europe land was entailed and progress halted a thousand years. In swift-moving America land is as transferable as a horse or a bale of goods. The man who has it is not required to keep it, and, with rapid and easy transfers, lasting improvements have speedily been erected. There is no bar to human progress like a refractory land title.

Perfect titles, simple surveys, easy transfers, secure and recorded, prohibition of entailment—these are elements that seem to us so commonplace that it is difficult to realize how important they have been to our national growth.

When the first currents that set from Massachusetts, Connecticut, and Virginia were lost in the great ocean of national unity, then came the public domain. Wise laws opened the way to utilize the rich soil and healthful climate for the homes of a free people. Individual ownership, stimulating individual effort, was the inspiration of the settlement of the great Northwest.

A few years ago the Turkish Government brought forward an ancient claim, two hundred and fifty years old, by which it was proposed to take for the Crown the lands surrounding the city of Joppa. Private owners began to allow their property to go to decay. They quit watering the orange trees, and the country was threatened with ruin. The claim was abandoned, or the land would have returned once more to its mother, the desert.

Before the white settlements in America the title was held by the Indians in common. A number of misguided gentlemen to-day are urging the seizure of all lands through the proposed medium of a single tax. They claim to have something original in this proposition, but it is not; it is aboriginal. It was not only necessary to provide for good surveys and titles, but a free government, administered by free men, was even more essential.

The ordinance of 1787 provided a system out of which has grown all the subsequent territorial organizations in the United States. The old Northwest, bounded on the west by the Mississippi and on the south by the Ohio, was larger than France and larger than either the Austrian or German Empire.

The political jurisdiction of the remote States on the seashore would have been a great handicap to the growth of the new country. Religious freedom, exclusion of negro slavery, the reservation of each sixteenth section for school purposes were the great forces in the ordinance of 1787. This ordinance was not only a landmark in our history, but was a turning point in the history of civilization. The main features of the ordinance and of our national Constitution, which was also made in 1787, now seem so natural and reasonable that it is hard to realize the time when the principles of these two great charters were not recognized by all mankind.

The cession of this great western empire to the nation at large was essential to the adoption of the Constitution itself.

The Englishman, it is said, always has a "hunger for the horizon," which is another way of expressing the thought that land hunger is a characteristic of the race to which we belong. It is a chronic condition of the Anglo-Saxon.

In 1763 Great Britain very seriously discussed the propriety of giving up Canada to France and taking Guadeloupe, including all the little islands around it, in exchange. Doctor Franklin wrote a pamphlet of fifty pages to prove that Canada was worth more than Gaudeloupe. Franklin's argument prevailed, and in 1764 France surrendered all claims east of the Mississippi River to England, and soon after all west of the river to Spain.

I will not follow up in this discussion the great event of the acquisition of the Louisiana territory, nor our title by discovery and settlement in Oregon and Washington.

The old Northwest is now occupied by Ohio, Indiana, Illinois, Michigan, Wisconsin, and a part of Minnesota. Minnesota was only half in the old Northwest Territory, and has been said to be only a half-sister to the other five States of that territory. But the same public-land system has been extended to our other continental acquisitions.

The next great step in relation to our public domain was the free homestead era which began in 1862. This was second only in importance to the ordinances of 1785 and 1787. However much we may criticise the land grants which aided in carrying the railroads to the Pacific coast, it is undoubtedly true that the settlement of the vast empire between the Mississippi and the Pacific was very greatly accelerated by this policy. Another important departure from all previous methods was the adoption of the existing system of administering our public mineral lands.

The old Spanish law, under which the Crown owned all the precious metals, was abrogated, and every inducement is held out to the hardy explorer whose venturesome spirit has led him into almost every part of the far West. Even far-away Alaska, purchased by Seward in 1868 and looked upon as an indirect way of giving $7,200,000 to Russia for her friendship in the civil war, has proven to be one of the richest of all our possessions, and each year that Territory yields us in gold, fish, and furs very much more than the whole of the original purchase price.

We have to-day in the public domain, including Alaska, something over 800,000,000 acres of lands. The best of the agricultural land has passed into private ownership. A system of national irrigation has been entered upon which will make homes for many more millions of our population. Nearly 100,000,000 acres of timbered lands have been set apart as permanent forest reserves, but one of the greatest sources of national wealth has, in my judgment, been greatly neglected. Nearly 500,000,000 of acres of grazing lands still belong to the nation. Most of these lands are unsuited for the making of homes by the old methods. Much of the grass is annual, and if grazed too closely it will produce no crop in the succeeding year. The subject is a very interesting one and, in my opinion, is one of the most important with which this generation has to deal. Some method must be devised by which the grazing may be carried on so as to produce the largest amount of pasturage. To discuss this question as it deserves would occupy more time than is allotted to me and would not be relevant now.

Connecticut once owned the site of the city of Chicago. Suppose this domain had not been conveyed into the general public property. Connecticut would have had Chicago, and Chicago would have had considerable influence in Connecticut politics. Connecticut would have been a kangaroo State, the biggest end of her behind. [Laughter.] Finally Connecticut conveyed her rights, Massachusetts conveyed hers, Virginia conveyed hers, and the Government of the United States assumed all the debts of the colonies as a consideration, took the land and devoted it to the general public use of the settlers. That was the origin of the public domain.

Mr. GILBERT of Kentucky. Was not Chicago in the Northwest Territory and given by the State of Virginia?

Mr. LACEY. Virginia claimed it and claimed that General Clark had strengthened that claim by his expedition. I think the record gives the best title to Connecticut. She would have had Chicago, she held the Western Reserve in Ohio, and if she had not yielded that up, to-day she would have been able to point to Garfield's and Mark Hanna's tombs and Tom Johnson alive all in the State of Connecticut. [Laughter.] But the lands were conveyed to the State of Ohio.

Mr. RUCKER. I always heard that it was hard to beat a Connecticut man. How did they beat them out of Chicago?

Mr. LACEY. Chicago wasn't there then; they gave this land to the nation and the Government assumed the debts of Connecticut. Connecticut retained only the Western Reserve in the State of Ohio.

Mr. GILBERT of Kentucky. I want to say to the gentleman from Iowa that there were some Kentucky gentlemen who wore coon-skin caps and buckskin breeches who moved up the Ohio line, headed by Clark, and the State of Connecticut never had any title to the territory.

Mr. LACEY. The State of Connecticut got the Western Reserve notwithstanding the coon-skin caps and the buckskin breeches of Kentucky, but Kentucky got a part of the deposit that was received from the National Treasury out of the proceeds of the public domain in 1835. At that time the public domain was a great question. It was the greatest of all questions back in those days. When Texas came in she was wise—Connecticut "wasn't in it" with Texas! The only thing that Connecticut saved out of her territory was the Western Reserve; she gave up Chicago and saved the Western Reserve. But

Texas, keen, cutting Texas, kept it all, kept every acre of it, and now, like Oliver Twist, she is asking for more. [Laughter.]

Mr. STEPHENS of Texas. I would like to read to the House one of the resolutions of the annexation of Texas to the United States.

Mr. LACEY. The gentleman can read that in his own time. She did reserve it and she had a right to, and because she reserved it she has it yet. And yet she wants the United States to sell land in Colorado and take the proceeds and irrigate that land for her. That is the proposition that is held up for the benefit of the arid States in the Union. I am surprised to note that some Members from the arid-land States seem inclined to vote for the proposition.

Now, if Texas were helpless, if she were poor, if she were not the empire that she claims to be, and I am glad that she is, that might make some difference. They talk about making five States out of her; she is great enough for five States, but the Texans wouldn't divide her under any consideration. In that situation she is not in a position to ask that a few hundred thousand acres of land remaining in Kansas should be sold and a portion of the proceeds spent in Texas for the purpose of irrigation there. Texas should not ask aid of Kansas. Kansas is rich, but Texas should not ask help from that quarter.

Mr. STEPHENS of Texas. I want to read to the gentleman one resolution which shows that Texas was admitted into the Union as one of the original States on equal terms.

Resolved, etc., That the State of Texas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

Mr. LACEY. I say that that is not correct; that she did not come in on "equal terms" with the other States. Kansas obtained 2 sections out of 36, but Texas retained the whole 36 out of 36.

Mr. BURLESON. Kansas did not retain anything, but the United States gave to Kansas these 2 sections out of 36.

Mr. LACEY. The United States, after it captured Texas from Mexico, gave Texas all of it.

Mr. BURLESON. Captured Texas from Mexico!

Mr. LACEY. Yes; and gave her $16,000,000 afterwards.

Mr. BURLESON. Texas maintained her independence for nine years——

Mr. LACEY. I know it, but that wasn't very long.

Mr. BURLESON. Before it was invited into the Union, and it was the proposition of the United States that Texas retain her lands in order to discharge an indebtedness of over $12,000,000, and no other State was ever admitted into the Union that had any such indebtedness as that, and the equities appealed to the United States.

Mr. LACEY. Mr. Speaker, my friend gives away his whole case. He says Texas retained the public land because of her debt. She did. That is one of the grounds on which she retained it, and then within five years from that time the United States came forward and paid the debt off for her.

Mr. BURLESON. Paid it off, when Texas gave her a body of land one-half of New Mexico? I think surely that statement made by the gentleman from Iowa must be made inadvertently.

Mr. LACEY. Not at all.

Mr. BURLESON. As a matter of fact, instead of paying off this indebtedness for Texas, Texas conveyed to the United States one-half of New Mexico, more than one-third of Colorado, a part of Wyoming, a part of Kansas, and a part of Oklahoma.

Mr. LACEY. She conveyed her claims to that land.

Mr. KEIFER. I would ask the gentleman from Texas where is the authority for that statement which he has just made?

Mr. BURLESON. Why, every map evidencing the title of the United States to any of the property within her limits.

Mr. LACEY. Now, Mr. Speaker, I wish to read from a very interesting volume entitled "Public Domain," published in 1883, which is full of interesting matter:

TEXAS.

Congress, by act of September 9, 1850, made proposals for the cession by Texas of her claim to the territory north of latitude 30° 30′ N., west of the one hundred and third meridian of longitude west from Greenwich and north of the thirty-second parallel of north latitude, and to the Rio Grande River, to the United States. Texas was to relinquish all claims against the United States for any payments or liabilities on the part of the United States for the property of the Republic of Texas, surrendered by the State, which was turned over to the United States at the time of annexation, and the United States proposed to pay to the State of Texas $10,000,000 for such cession in 5 per cent 14-year bonds.

November 25, 1850, the legislature of the State accepted, and by proclamation of the President of the United States, of date December 13, 1850, the act of Congress of September 9, 1850, was announced to be operative and the ceded territory came under the control of the United States.

AREA AND COST OF PURCHASE.

The United States obtained by this cession for the public domain (estimated) 96,707 square miles of territory, being and lying in the following States and Territories:

	Square miles.
In the southwest corner of Kansas	7,766
In the southeastern corner of Colorado	18,000
In the eastern portion of the Territory of New Mexico	65,201
In the public land strip north of the Panhandle of Texas	5,740
Total	96,707

Or 61,892,480 acres.

Over all of the above, except the land lying in the "public land strip," and excepting certain grants therein made by the Spanish and Mexican authorities, have the public land laws of the United States, as to survey and disposition, been extended. It cost:

Principal sum, 5 per cent 14-year bonds	$5,000,000
Interest to date of redemption	3,500,000
Act of February 28, 1855	7,500,000
Total	16,000,000

The United States assumed jurisdiction at once upon the acceptance by the State of Texas of the terms offered, and has since retained it.

Mr. GILBERT of Kentucky. Will the gentleman let me ask him a question?

Mr. LACEY. I am not through with this other question yet. Mr. Speaker, referring to the map, which is now hanging before the Speaker's desk, and which I have just called for, there we will find the history of this whole transaction. It is the Land Office map and shows the public domain. It is a very interesting history. If one will follow the blue line, indicating the State of Texas, he will find the Panhandle up into the interior. Those were asserted claims, claims of doubtful validity in part, but they were claims nevertheless, and a portion of the claim of Texas was unquestionably valid. The United States passed a law taking from Texas this much of New Mexico [indicating]; this strip above here which runs in Colorado, and a little corner in Kansas, and a portion of the proposed new State of Oklahoma.

Now, Texas also claimed to own Greer County, and, in fact, sold most of it. The Supreme Court recently held that Texas did not own it, and it is in Oklahoma. There has never been anything very modest about Texas. She has been charged with everything except modesty. [Laughter.] I do not blame her for that. There is something fascinating about the bigness, the magnitude, of Texas, where they haul their lumber a thousand miles by rail, all inside of the Lone Star State, from the sawmill to the market; so that I acquit her of any charge of immodesty. They made a claim to pretty near everything in sight in the northwesterly direction.

Mr. BURLESON. And that map seems to concede it.

Mr. LACEY. No; their claim was bigger than shown on this map. This map is much more modest than Texas. This is the amount it is conceded Texas really had some reasonable claim to. It amounted to about 96,000 square miles, and those 96,000 square miles have been ceded to the nation. Most of these acres are deserts. Texas sold the worst she had. It is marvelous, but she did. She reminds me of the story Artemus Ward tells about a conversation overheard by him in Maine. He heard two men talking in a hotel. One of them said to the other, "Well, Bill, I have sold that old mare." "What," says Bill, "that old, flea-bitten, knock-kneed, broken-down, spavined mare?" "Yes." "How much did you sell her for?" "One hundred dollars." "One hundred dollars! Who did you sell her to?" "I sold her to mother." [Prolonged laughter.] "Well," says Bill's brother, "you are a good one."

Now, when Texas was "selling her land to mother" she took the worst land she had and "sold it to mother" for 25 cents and a fraction an acre. There are millions of those acres that would not bring anything like that price now.

Mr. BURLESON. And a son of Connecticut, as President, negotiated the sale, I believe.

Mr. LACEY. Yes; there is no doubt about that. We have been good to Texas, and ought to have been good to her, and she has been good to herself. [Laughter.]

Mr. STEPHENS of Texas. She is a stepchild.

Mr. LACEY. No; she is not a stepchild, and neither is she a mother-in-law. She appears now and asks equality. Equality in what? To keep all she has and divide up with the rest of the States what is left. [Laughter.] That is the "equality" that my friends from Texas ask this House to adopt. She wants to be considered as one not only of the original thirteen States, but as one of the sixteen irrigated States. She wants to do this without putting an acre of land into the proposition and to draw out whatever she can get.

Mr. BURLESON. She has put in 75 per cent of the land that is going to be irrigated.

Mr. LACEY. No; she sold that; sold it to "mother," and sold it at 25 cents an acre.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman two or three questions.

Mr. LACEY. Well, ask only one.

Mr. CLARK of Missouri. I will ask one at a time. The gentleman bases his whole argument, as I understand it, upon the justice of his position?

Mr. LACEY. No; on the injustice of the proposition.

Mr. CLARK of Missouri. Well, that is the converse of the right way of putting it. Now, is it not true that the fact that Texas achieved her independence led to the United States getting all the land that is in New Mexico, Arizona, California, Nevada, and a large part of Utah, Wyoming, and all that other country that is in this controversy?

Mr. LACEY. The war of Texas gave us an opportunity to give $20,000,000 to Mexico for that land, just as the war with Cuba gave us an opportunity to give $20,000,000 for the Philippines.

Mr. CLARK of Missouri. That is not a fair way of stating it. Is it not true the Texas independence performance led to our getting all the land that is in controversy now? Now, that is question No. 1, and I want to ask another——

Mr. LACEY. I am not going into the justice or the injustice of the Texan war. We are not very proud of our position in relation to that war. We were proud of the results, and the results have been good, but Texas had a war with Mexico and we got into it, not because we ought to have done so, but because we wanted to, and so we did get into it, and in consequence we got Texas; we got California; we got New Mexico; we got an empire; but we did not take it away from Mexico without paying for it.

Mr. CLARK of Missouri. Why did not you answer the question?

Mr. LACEY. Why did not you ask it?

Mr. CLARK of Missouri. I did ask it. Did not the fact that Texas achieved her independence lead to our getting all of this land out on the Pacific slope?

Mr. LACEY. Oh, yes; and did not the fact that Adam married Eve lead to all this trouble? [Great laughter and applause.]

Mr. CLARK of Missouri. That is a very fine piece of wit, but it does not answer the question.

Mr. LACEY. Why does it not? It is a little further back, that is the only difference.

Mr. CLARK of Missouri. I want to ask another, if the gentleman will not answer that one. After Texas got into the Union, did she not have her proportional part of property-interest rights in all the lands that the United States Government had that we are fixing to irrigate now?

Mr. LACEY. Oh, undoubtedly. She came in just the same as any other Territory, except for the fact that she took pains to place herself outside the general plan of the public domain by retaining her public domain for herself.

Mr. CLARK of Missouri. Now, one more question. If she did have the same property rights in this portion of the land out there that is to be under irrigation, as Iowa, Missouri, and the rest of the States had, how does it come to be a matter of justice to shut her out of all the right to participate in this great irrigation scheme?

Mr. LACEY. She is not shut out. She has 3,000,000 acres in Texas that she can put under the irrigation schemes. What we are trying to shut her out of is to shut her out of Idaho, Colorado, New Mexico, Kansas, and——

Mr. SMITH of Texas. Will the gentleman yield?

Mr. LACEY. I yield.

Mr. SMITH of Texas. The gentleman states we have 3,000,000 acres of public land we can put in this irrigation fund. I want to say we have not a foot of unappropriated land in Texas that we can put into this fund or any other fund.

Mr. LACEY. Your constitution will not let you; you have tied yourself hand and foot, and now say, "We adopted a constitution in 1876 that prevents us disposing of this land in this way."

Mr. BURLESON. If the gentleman will permit, not only the constitution will not permit it, but it has been donated long ago to the school fund, university fund, support of eleemosynary institutions, etc., just as the United States disposed of her public lands elsewhere.

Mr. LACEY. Now, after answering the questions, I do not intend to take up the time of the House further. What I wished to do was to attract the attention of the House sufficiently to this matter so that they would know what they were doing, and then if the Members of the House want to grant Texas a share of these funds without her putting a dollar into the scheme they could vote for this bill.

Now, I want the House to understand that I am not opposed to any reasonable specific proposition to cover a specific irrigation scheme that can not be successfully handled by Texas, because it is an interstate proposition. I have voted for the Rio Grande bill. I would also vote for the Pecos proposition, because, although it is giving Texas something really that she is not strictly entitled to, it is, after all, a fair deal, because the two propositions can not be handled well without being treated as interstate propositions.

Mr. SMITH of Texas. I would like to ask the gentleman one question.

Mr. LACEY. Here is a proposition now simply to put Texas on the same footing with Arizona, with California, with Idaho, Colorado, North and South Dakota, and to put nothing in in return.

Mr. SMITH of Texas. Will the gentleman yield for a question?

Mr. LACEY. Yes, sir; I will yield.

Mr. SMITH of Texas. The gentleman states that Texas does not propose to put anything into this fund. I will ask him if these other States that he names put anything into this fund? Does not this all come from the National Government?

Mr. LACEY. The lands in these other States, instead of being given to these other States, and the States holding it have been held by the general public. They are all open to homestead settlement, subject to cash commutation. There are mineral claims that are patented from time to time. All of the funds arising go into the land fund, and that fund in sixteen States and Territories has been reserved for the irrigation of those States and Territories. Now, why do we reserve from the irrigation fund the State of Minnesota? She had public land. Why was not that put in with the other sixteen States? For the simple reason that there was no arid land to irrigate in that State. If there had been, Minnesota would have been included.

Mr. REEDER. I would like to ask the gentleman a question.

Mr. LACEY. Certainly.

Mr. REEDER. Is it not a fact that these public lands were not put in because we could not get the votes for the bill?

Mr. LACEY. That is putting it on high moral grounds. I had hoped that this Congress had passed the bill fairly. There was no agreement about it. I favored the irrigation bill finally, because I believed it to be a good bill. The details were not as I would have drawn them, but I was in hearty sympathy with its purpose. I should have preferred to have taken up specific propositions from time to time.

Mr. McCLEARY of Minnesota. Mr. Speaker, I desire to ask a question for information. After this irrigation is all completed in these States that were contemplated by the original irrigation act and the fund has revolved and has done the work it is intended to do, where does that money go that remains, then?

Mr. LACEY. It goes back into the United States Treasury, and the United States would share in it if any of it ever came back. But it would be subject to be used again for like purpose. How much of it will be returned is another question I did not care to discuss, because I know our irrigation friends are full of hope. They believe a good deal of money will come back. I think the money will come back, when it comes back, out of our rivers and harbors and out of our public lands. No doubt some of it will be paid back, but I have never shared in the opinion that the money put into irrigation will be all repaid by the beneficiaries.

Mr. McCLEARY of Minnesota. Assuming that it does not come back, let me ask another question. Where would the fund go? If these lands shall be sold off in Texas, if they were sold, would the fund go into the Texas treasury? Does not this differentiate this proposition from the other?

Mr. LACEY. They say it is "equality" for Texas to have this go into its own treasury, and for sales in Minnesota to go into the United States Treasury. On this question of inequality, after we admitted Texas, we gave her $16,000,000, and on this question of equality we discriminated in her favor as against every other new State admitted into the Union. This bill proposes to increase that inequality in favor of Texas. I believe the irrigation law ought to be extended to a few Texan schemes which could be properly called interstate in their character, and involving Texas and New Mexico, and when one of these fair propositions comes up I will vote for it, as I voted for the Rio Grande scheme of irrigation. This bill takes in the entire State of Texas, and puts it on the same footing as New Mexico and Arizona, without any compensation or contribution from Texas.

Mr. CLARK of Missouri. I would like to ask the gentleman one question about this Rio Grande project. Now, is not the

Rio Grande proposition entirely dissimilar from all other irrigation schemes in the United States?

Mr. LACEY. It is the same as any other, except that the location involves international and interstate water.

Mr. CLARK of Missouri. That is what I wanted to get at.

Mr. LACEY (continuing). In all other schemes the public land directly or incidentally had some benefit as well as that of the private owners. This proposition involves no national public land whatever, and it has not even a corner to stand on.

Mr. CLARK of Missouri. But this Rio Grande proposition grows out of the fact that old Mexico raised a row because we had taken part of the water that they sought to use and devastated their fields, so they said.

Mr. LACEY. Because of the international character of the proposition it could be best accomplished through national control.

Mr. CLARK of Missouri. New Mexico gets the benefit of it instead of Texas.

Mr. LACEY. New Mexico gets more benefit than Texas, because there is more of the land to be irrigated in New Mexico. Texas gets benefit from it, and I am glad she does, but that has no connection with the present proposition. It is an isolated interstate and international proposition, standing on its own peculiar merits.

Now, Mr. Speaker, I reserve the balance of my time, unless some gentleman from Texas wants to ask me a further question.

Mr. FIELD. I would like to ask the gentleman a question. I understand he claims that Texas should be excluded from the benefits of this reclamation act by reason of the fact that she ceded none of her lands to the National Government. Now, if you would bring about equality, why should not greater benefits be extended to those States that had ceded a larger amount to the Union than others?

Mr. LACEY. If we were to go out of the States where these arid lands are, I would want to cede it to Virginia instead of Texas. Old Virginia ceded the Northwest to the United States and we paid her debts, but Texas ceded nothing to us but what she got the cash for.

Mr. RANDELL of Texas. The gentleman says he is in favor of an irrigation scheme in Texas when it is interstate in character?

Mr. LACEY. Necessarily so.

Mr. RANDELL of Texas. Is not the gentleman aware of the fact that when you reclaim by irrigation any land in Texas it would be irrigated by the waters that come from the great Rocky Mountain range, and it is absolutely impossible to handle it unless under some interstate proposition? That is the reason we ask for this.

Mr. LACEY. The answer to the gentleman from Texas is that in this case of the Rio Grande and one other scheme which is somewhat local in character—that is, the Pecos River—there are peculiar reasons for their support; but if this bill goes through there is no reason why there should not be thirty or forty independent irrigation schemes of the arid parts of Texas maintained and constructed at the expense of the United States Government out of receipts of the sales of public lands in the particular States designated as arid-land States, and which have been under the irrigation law set apart especially for that purpose.

Mr. RANDELL of Texas. I would like to call the gentleman's attention to the geographical fact. Perhaps the gentleman has not studied that particular part of Texas.

Mr. LACEY. I have been running a school in geography for the last half hour. We have the map before us.

Mr. RANDELL of Texas. In the western section of Texas there is a large area which can not be irrigated except by waters from the great mountain range. Now, if we can have an irrigation plant, practically all, or a majority, at any rate a great amount of fertile land that only needs water to make it profitable, can be brought into cultivation, and unless we can get it through some such proposition as this it will lie in waste.

If, therefore, this bill that was formerly passed in reference to the irrigation matter is extended to the State of Texas, there will be no conflict of authority in the matter, there will be no conflict in the scheme, and everything will work out all right. Texas will get nothing from anyone except what she contributes to the general fund.

Mr. LACEY. That is very pretty in theory——

Mr. RANDELL of Texas. Is it not true?

Mr. LACEY. The streams that rise in northwestern Texas, in Colorado, and New Mexico, that run diagonally through Texas, are susceptible of creating irrigating districts by the score, entirely within the boundaries of the State, where no interstate transactions would be involved. It is true that the water comes from farther up——

Mr. RANDELL of Texas. Will the gentleman permit a question?

Mr. LACEY. The gentleman will have an opportunity in his own time. I wish to reserve a little of my own time.

Mr. RANDELL of Texas. Simply a question.

Mr. LACEY. I want to reserve a little of my time. I have not many minutes remaining. I want to say in conclusion that the House has this question before it, to take another partner into the irrigation scheme, but it must take that partner in without that partner being anything more than a receiving partner. That partner is not to part with anything. It is to share in the benefits and not to be responsible for any of the burdens of the law.

I reserve the balance of my time.

The SPEAKER. The gentleman reserves the balance of his time, which is eleven minutes.

Mr. SMITH of Texas. Mr. Speaker, I yield ten minutes to my colleague [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, some time ago, when an effort was made to get up this bill by unanimous consent, the gentleman from Iowa [Mr. LACEY] objected. I wondered then why it was, wondered if one substantial reason could be given by him why Texas should not be permitted to participate in the benefits of the reclamation act. I have listened patiently for nearly an hour to the very interesting discussion of the gentleman from Iowa, and I must confess that I am still in the dark, am still wondering if one sound reason will be urged against the pending bill. You heard it stated by my colleague [Mr. STEPHENS] that since the reclamation act was passed two national irrigation congresses have assembled—one at El Paso, Tex., the other at Portland, Oreg. These congresses consisted of delegates from all the vast area of our country that is so much interested in this great fund. These gentlemen—members of the national irrigation congress, who have a vital concern in protecting this fund—unanimously adopted resolutions approving the purpose of this measure. I appeal to every thoughtful man here, do you not know that the suggestion that Texas was to participate in it would have been promptly rejected unless it had been founded upon every consideration of sound public policy and based upon substantial principles of right and justice? But the fact that this action was taken by the national irrigation congress weighs nothing with the gentleman from Iowa. Furthermore, Mr. Speaker, the father of this great reclamation scheme, the senior Senator from Nevada, who conceived the idea and devoted so many years of arduous service in this end of the Capitol to the support of this proposition, and witnessed his labors finally crowned with success, and this prodigious reclamation work undertaken which is to do so much for the arid West, recognizing the fact that this was a broad national policy that should embrace all the arid land of the United States, favors the proposition set forth in this measure. But, of course, this fact does not appeal to the gentleman from Iowa.

Furthermore, Mr. Speaker, the President of the United States, recognizing that the original purpose of the reclamation act was the inauguration of a broad national policy to be pursued with reference to all our arid lands without regard to where they were situated, when his attention was called to the fact by my colleague [Mr. SMITH of Texas] that the arid lands of Texas alone, of all the arid lands of the United States, had not been embraced within the territory to be benefited by this measure, promptly sent a message to the Congress recommending that this act be extended to Texas. Whatever else may be said against Theodore Roosevelt, the President, it can not be charged that in this recommendation he was either narrow or sectional. Of course, the gentleman from Iowa [Mr. LACEY], by his action here, has shown that he has no respect for this recommendation.

Furthermore, Mr. Speaker, the head of the Department and the bureau chief to whom the administration of this act has been intrusted, who have brought to the discharge of their duties a zeal and an intelligence that has excited the wonder and admiration of every person to whose attention it has been brought, and who are rendering a lasting service to all the people within that section of our country affected by this act, cordially approve the purpose of this measure.

But this fact is not persuasive with the gentleman from Iowa. And last, Mr. Speaker, the Committee on Irrigation of Arid Lands, made up of Representatives in Congress from every State and Territory that is interested (and whatever may be said of the western Congressmen it can not be said that they are not always keenly alive to the interests of their own section); these gentlemen, who are wide-awake at all times to see that no false step be taken, that the funds set apart for this great purpose be conserved and protected from waste;

these gentlemen, whose every thought is to guard jealously and protect this fund from encroachment on the part of those not entitled to participate, have unanimously reported in favor of the proposition set forth in this bill. Yet the gentleman from Iowa insists that they are grievously mistaken as to what was the best thing for them to do. As I have before stated, Texas alone of all the States in the Union has arid lands that are not entitled to participate in the great benefits to be conferred under the reclamation act. Mr. Speaker, why should Texas be thus discriminated against?

It is a fact known to every gentleman within the sound of my voice that the States and Territories which are to be the principal benficiaries under this act are California and Nevada, Arizona and New Mexico. This vast territory was brought within the limits of our territory under the treaty of Guadalupe Hidalgo.

It is a historic fact, and will not be disputed by any well-informed person, that Texas furnished more soldiers in the Mexican war than any other State in this Union, notwithstanding she was the youngest in the sisterhood of States. These Texan soldiers, cooperating with their valorous comrades in arms from other States, acquired the principal part of the territory to be benefited by the reclamation act. I believe I can say without boasting that Texas and Texan soldiers brought within the limits of this great country nearly all the vast territory that is to be benefited by the reclamation act. More than that, Mr. Speaker, the Lone Star State brought with her in 1845 within the limits of the United States not only the 265,000 square miles embraced within her limits at this time, but, in addition to this imperial domain, Texas brought within the limits of our country more than one-half of what now constitutes the Territory of New Mexico, more than one-third of the present State of Colorado, a part of Wyoming, a part of Kansas, and a part of Oklahoma. Mr. Speaker, every foot of the territory which I have just defined is participating in the benefits of the reclamation act, and yet the gentleman from Iowa stands here and contends that Texas, the mother, is to be deprived of the right to have an equal participation therein. Understand, gentlemen, that Texas asks this not as a charity, not as a concession, she insists upon it as a right.

If you refuse this request, upon what basis can you justify your action? I contend, upon no substantial ground whatever. The poorest lawyer in this body will admit, and no good lawyer in all this land can be found who will deny, that the proceeds arising from the sale of the public land in the States of this Union belong to all the States. The gentleman from Iowa has charged that Texas, when she came into the Union, retained as her own her public lands. That is true. Texas came into this Union as no other State has come in or will ever come in. When she came in she came by invitation, and named her own terms. Texas did retain her public domain when she entered the Union. She retained it because at the time the invitation was extended to the independent Republic of Texas to enter the Union she owed more than $12,000,000, and the United States of her own accord, proposed to Texas that she should retain her public lands. No other State ever came into this Union under these circumstances. Texas did retain her own lands when she came into the Union. She was pledged by this great Government—yes, she received its plighted faith, voluntarily offered—that she should be admitted upon terms of absolute equality with every other State in this Union.

As I have said, no one denies—in fact, the gentleman from Iowa admits—that the funds arising from the sale of public lands belongs to all the States. A part of this fund has been set apart for the reclamation of the arid lands of the United States. Texas has arid lands. Then, in the name of reason and logic, answer me, why Texas is not entitled to her part of this fund for their reclamation, just as Iowa would be entitled to her portion if she had within her borders arid lands? If Iowa had such lands, Mr. Speaker, no Texan could be found—and I do not hesitate to say it—who would stand here and attempt to block her efforts to secure it.

I submit to gentlemen here now that this fund belonging to all the States is one in which she should participate. Do you propose to go back upon the faith plighted by the Government with Texas that Texas should come in upon terms of absolute equality with all other States?

Mr. Speaker, Texas had the right and has the right now to an interest in every dollar that arose from the sale of the public land within the limits of the State of Iowa, and she wants it—she wants it for her people. Texas stands here to-day—not asking charity; do not mistake our meaning—Texas is here demanding as a matter of right that she be permitted to participate in the benefits of the reclamation act. And for whom? For the people of Texas and for the people of Iowa who are pouring into Texas by the hundreds and thousands. Why, Mr. Speaker, before the next Congressional apportionment Texas will number enough Iowans alone who have taken up citizenship in our State to entitle her to another Representative in Congress. When that time comes, I hope that the splendid State of Iowa will not be forced to a reduction of her representation on this floor, but if that time does come, when that State gives up the Congressman who is of least service to her, if the gentleman who now opposes us will come to Texas, with some radical changes in his views and otherwise, we might consider his claim for the position of Representative for these Iowans who have come to our State. [Laughter and applause.]

[Here the hammer fell.]

Mr. SMITH of Texas. Mr. Speaker, I yield ten minutes to my colleague [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, not many years ago a distinguished general remarked that if he owned Texas and hell, he would rent out Texas and live in the other place. [Laughter.] At that time there seemed to be a little approval of the suggestion in some quarters, but now everybody is trying to go to Texas and stay away from the other place. [Laughter.]

The gentleman from Iowa [Mr. LACEY] speaks of the immodesty of Texas in this request. Since listening to his address I would not denominate modesty as his crowning virtue. Now, what is this question? It is regrettable that a great national enterprise should be viewed in a narrow and provincial manner. When you joined the sixteen States mentioned in the original irrigation act of 1902, I am glad to say that I was one on this side of the House who believed in the importance and necessity of this great national enterprise.

This is indeed a national project, and the only suggestion the gentleman from Iowa makes to prevent Texas participating in this fund is that she retained all her public domain when coming into the Union in 1845, and did not donate any of it to the Federal Government. Ah, Mr. Speaker, time after time has this Government sold its public land and donated the proceeds of the sale thereof to States other than those where the lands were situated. Why, sir, in the irrigation act of 1902 5 per cent of this fund is reserved for the purpose of education and given to the agricultural and mechanical colleges of the various States. That 5 per cent is made inviolate by the provisions of this identical act.

In 1787, when Virginia ceded that princely domain, extending far beyond the State of Michigan, when that State was a part of Orange County, Va., when she gave that vast extent of territory, out of which have been carved Ohio, Indiana, Michigan, and Wisconsin, was there any thought that the public lands that were contained in those Territories should be given to the people who resided therein or to the States thereafter formed? Not at all! When those lands were sold the proceeds were distributed to the people of the various States and scattered to the four quarters of the Republic. So with the public lands of Georgia and the public lands of North Carolina, Kentucky, and other States. When Texas came into the Union, in 1845, she did it upon the invitation of the Federal Government, and when entering into the sisterhood of States, by the very language of the joint resolution of annexation, she retained her public domain. There was an adjustment of matters between the Federal Government and the State of Texas. The State of Texas had barely 100,000 white inhabitants when she was admitted as a State, and her public debt amounted to $12,000,000. Let me read again the language contained in the joint resolution of annexation in 1845.

Section 2 reads:

> Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, forts and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defense belonging to said Republic of Texas, shall retain all public funds, debts, taxes, and dues of every kind which may belong to or be due and owing to said Republic, *and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas*, and the residue of said lands, after discharging said debts, be disposed of as said State may direct, but in no event her said debts and liabilities to become a charge upon the Government of the United States.

There was an adjustment of all questions of property between Texas and the Federal Government. We conveyed to the United States a vast amount of property, and they left Texas her public domain. Again, in 1850, when there was a dispute about the northern boundary line of our State, Texas ceded to the Federal Government a magnificent area, comprising more than one-half of New Mexico, a splendid strip of land running through the very heart of the State of Colorado, a part of the State of Wyoming, a portion of Kansas, and a piece of Oklahoma. We received $10,000,000 for this immense territory of

nearly 100,000 square miles—not the true value of the land. When Texas took that amount we were only compromising differences between the Federal Government and Texas. The disputed territory was at that time worth ten times the amount actually received by Texas. The gentleman from Iowa [Mr. LACEY] says that Texas should not participate in the benefits of the irrigation act which was passed in 1902. As I stated a while ago, when it was passed I thought it was a national enterprise and not for the benefit of any particular State in the Union. You have given us part of the money from the sale of your public lands for the benefit of our agricultural and mechanical college and for educational purposes. You donate it to us every year, and still it is true that not one square foot of Texas domain has ever gone to the Federal Government. Texas does not take a narrow view of the question. When the Government was chartering the great trunk railways to run across the continent from ocean to ocean, Texas did not stand back, but in her infancy donated 16 sections of land to the mile of the railroads that were to traverse her domain. She gave to those great arteries of commerce connecting one section of this country with the other vast areas, not with a selfish purpose, but in furtherance of a great national enterprise, for the benefit of all the people of all the State lying between the Atlantic and the Pacific oceans.

Now, what is the proposition here involved? It is simply to extend the irrigation law of 1902 to the State of Texas so that Texas may receive the benefit thereof. That law provided for irrigating not only public lands, but in section 5 it provided for irrigating lands of individuals. As a compensation for the right to use the water, the owners of private lands shall give ten notes or obligations of equal amounts, etc., to return the money to the Federal Government at the end of ten years. That is all there is in this bill to-day—to permit Texas to participate as the other States, to borrow a part of this reclamation money for ten years and return it to the Federal Government at the end of that time. You are not donating anything to Texas. We expect to pay back this borrowed money, as the irrigation act of 1902 requires. At this time the total, as I understand, amounts to more than $30,000,000, and yet there are 500,000,000 acres of land yet unsold, out of which great sums will arise and be placed to the credit of the reclamation fund. This fight against the imperial State of Texas is unworthy of the gentlemen from Iowa and New York. When we came into the Union, it was upon equal terms and in good faith. Texas takes her place under the flag to-day as an equal sovereign. We come not as petitioners and beggars. In the proud majesty of our giant strength we only ask for equity and equality. When the arms of this Republic were victorious from the first battle till our common flag waved in glory over the halls of the Montezumas, Texans, greater than any other State in numbers, were there with patriotic purpose to share the fame of all our soldiers. We contributed more soldiers than any other State in that memorable contest. Out of that struggle, brought on by the admission of Texas, the United States acquired a vast empire, embracing California, Nevada, part of New Mexico, Arizona, and parts of other States. Texas furnished the cause that brought the fruits of those victories. We are proud we were the instrument of this princely annexation. So does every State in this Union exult in that glorious achievement. Then let us stand together under the flag of the Republic as equal sovereigns before the law, as joint heirs in the grander destiny yet awaiting our whole country! [Applause.]

Mr. SMITH of Texas. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. COOPER].

Mr. COOPER of Pennsylvania. Mr. Speaker, I have no sympathy with the criticism that has been indulged in by the gentleman from Iowa against the State of Texas. I am one of those who believe that when the Republic of Texas was admitted as one of the sovereign States of this Union she then and there became entitled to all the rights, benefits, and privileges as a member of this Union. The reclamation act was intended as one great national scheme. The money that is going into the Treasury of the United States to-day and is set aside for the purpose of carrying on this reclamation work is not the money of any one particular State or set of States, but it is the money of the people of the whole United States, and Texas as a member of the Federal Union had the same interest in that fund and she has put that in along with the other States, and it is now being expended under the direction of the Secretary of the Interior to carry on this work. As has been said, there has been an act passed which extended the reclamation law to the Rio Grande Valley. By consultation with the members of the Reclamation Service, who are carrying on this work, I am advised that there is practically no irrigable land in the State of Texas outside of the Pecos Valley, that district which the gentleman from Iowa is willing to join in and have added to the irrigation territory. There may be some other irrigable land, and the Committee on Irrigation, after considering the matter, concluded it was wise to make the bill apply to the entire State, and have unanimously reported this bill. Now, the gentleman speaks considerably about the injustice of giving Texas that which belongs to the States that are covered by this irrigation act. The whole of that land, Mr. Speaker, belongs to the United States, and when the State of Nevada, Colorado, and others ceded certain parts of their public domain to the United States they only ceded to the United States that which already belonged to her.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. Mr. Speaker, I yield two minutes now to the gentleman from Kansas [Mr. REEDER].

Mr. REEDER. Mr. Speaker, I feel pretty safe in making the statement that if this bill is passed it will be a benefit to the citizens of Iowa and every other State in this Union. [Applause.] It seems to me that the view that has been taken by our friend from Iowa is a selfish, narrow view, and based upon a false assumption. It is based upon the statement that this money belongs to the States of Colorado, Nevada, Utah, or States where public lands lie which are sold to make up the irrigation funds. This is not a true statement of the fact. The money belongs to the United States. It is being used in the United States to make homes for citizens of the United States, and it seems to me that it is to the benefit of a citizen of Iowa who wants a home that if by making a few homes over in the State of Texas with this fund and the citizen of Iowa can thus secure a home there for a more reasonable amount than he could otherwise, it will surely justify my claim that the passage of this bill will prove to be an advantage to the citizen of Iowa as well as the citizens of other States. These Representatives of Iowa seem to have been mistaken about this irrigation matter from the first. I remember when we were passing the national irrigation law they were worried a great deal about the question whether in establishing a strawberry bed in New Mexico or a potato patch the effect would be to decrease the value of their land for raising corn, and the gentleman from Iowa who has just spoken classes as desert that part of Arizona and New Mexico turned over by the State of Texas to the General Government when she came into the Union. When these gentlemen wake up to the facts as they exist, they will realize that when those acres are irrigated by this sacred fund they will produce three times as much of value to the acre as any acre that can be found in Iowa.

Mr. BURLESON. And it contains the Cripple Creek gold field.

Mr. REEDER. As I stated previously, this is not State money. That is the falsity of the foundation of this whole contention.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired. [Applause.]

Mr. SMITH of Texas. Mr. Speaker, if the gentleman from Iowa is to use the balance of his time, I would be obliged if he would use it at this time.

Mr. LACEY. I would ask the gentleman from Texas if he intends to move the previous question at the close of his hour?

Mr. BURLESON. Yes.

Mr. LACEY. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Iowa has seven minutes remaining.

Mr. LACEY. I yield that time to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I have no stones to throw at the State of Texas. Texas is a great State—great in resources, great partially because of the 120,000,000 acres of public lands she had when she came into the Union, and which belong to her, and great because she is a part of the United States—too great to be a mendicant here at the hands of Congress at the expense of the United States.

Mr. BURLESON. We are not in the attitude of mendicants.

Mr. PAYNE. I have only seven minutes.

Mr. BURLESON. I wish to say that we are not in the attitude of mendicants here.

Mr. PAYNE. I can not yield now to the gentleman from Texas. I would like to do so, but I can not do it.

Now, Mr. Speaker, it has been said that this fund now amounts to $30,000,000. I think that is approximately correct. It is also true that the contracts let upon it amount now to about $32,000,000, as I am informed by an officer who has charge of it. Also that the probable cost of the work now in contemplation will amount to $100,000,000.

Now, it is proposed to turn a part of this fund over to the

State of Texas, not simply for the benefit of the people of the State of Texas, not simply to establish homes in Texas, but for the benefit of the great State of Texas. I do not think we ought to go into that sort of business. It is not in the law to-day. It is true that where there are individual ownerships in the arid land districts which are a part of the great scheme of irrigation in these other States that a provision of law has been made by which we can take a portion of the water provided on paying the United States a reasonable sum—one that is fixed for that purpose. But that is not an arrangement with the State of Texas or with any other State. That is an arrangement with the individual owners of that portion of the territory of the United States.

I am opposed to the proposition of turning this sum or any part of it over to Texas for the reason suggested that it belongs to the States. You have got it to divide. Why not divide it among the States according to their population and wipe out the fund and thereby benefit the poor in Texas and the poor in other States equally? I am opposed to it, because it would be a step in the wrong direction, and because it is a bad step in the wrong direction. If you vote this bill, if you inaugurate this principle of giving a portion of the money of the United States to a State for the benefit of public improvement on the land in that State, what excuse will you have when a bill comes along here for draining the great Dismal Swamp in order to furnish homes in some of the Atlantic Coast States? What answer will you have to any of these myriads of schemes that are brought in here to be fastened on to the Treasury of the United States if you vote this bill to-day to the great and rich and prosperous State of Texas? Why should we be asked to give this subsidy? Now, that is outside of the home question. Texas ought to be able to take care of the homes in Texas. We are able to do so in the State of New York. Why, we have been building our great canals in the State of New York, and we do not think of calling upon the Treasury of the United States to pay for the work, although the canals, free to all, benefit half a continent. I invite my friends from Texas to come out into the open, on to the higher ground, and be willing to take for their State a part of the responsibility that belongs to them, take care of their own internal improvements, as they were so anxious within ten days to take care exclusively of the question of quarantine in the State of Texas. You were so manly, you were on such a high plane, you stood up so above the level of your southern brethren in that respect, why not stand there to-day? Why come here as a suppliant, why come here with a hat passed around for a contribution from the Treasury of the United States? Withdraw your bill. Do not ask the people of the United States in one breath to allow you to regulate your quarantine, and to refuse with disdain the aid of the National Treasury to keep yellow fever out of the United States, and in the next breath come into the Congress of the United States and ask them to develop the wonderful domain that belongs to your State in fee simple.

Do not ask the Congress of the United States to drain this poor reclamation fund in order to simply benefit the treasury of your own State. I am against doing it as a gratuity; I am against doing it as a loan; I am against all this sort of thing of benefiting the public property of any State out of the Treasury of the United States. [Loud applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. SMITH of Texas. I yield the balance of my time to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, this debate is a very excellent illustration of how much ado may be raised over a comparatively small matter. After this discussion never let it be again stated that the House does not carefully consider even minor and relatively unimportant legislation. Those of us who from the beginning have been favorable to the theory and practice of national irrigation, and who labored faithfully for the passage of the act which this bill proposes now to extend to the State of Texas, are delighted at the large number of recruits we find to our ranks. It is certainly creditable to the gentlemen who favored the irrigation act in the first instance, and who voted for it, that those who most vehemently opposed it are now the most earnest guardians of the funds.

But these new-found friends of national irrigation are somewhat belated in their solicitude for the reclamation fund, for the House a year ago by a unanimous vote (I think not a record vote) extended to the valley of the Rio Grande in Texas the national reclamation act. That action became necessary because it was discovered that in order to carry out comprehensive irrigation projects under the law, to cover lands in New Mexico, it would be necessary to place a dam at a point where, to make the scheme a paying one, some land in Texas must be irrigated to help repay the cost.

Since that time there has been much discussion among the friends of irrigation in the West as to the advisability of extending the law generally to the State of Texas. The irrigation congress last year recommended that that be done. The President of the United States recommended it in his message. The Committee on Irrigation of Arid Lands, having charge of these matters, after very careful consideration, came to the conclusion that in order to make the law in fact what it is in name—a national law—the arid and semiarid lands in the United States not now under the provisions of the law should be included, and come under the provisions of the law, thereby rounding out the measure and making it in fact a national irrigation law.

This is the more important in the case of Texas, Mr. Speaker, in view of the fact that not only the Rio Grande, but the Pecos and the Canadian, flowing, when they flow at all, out of territory now under the national irrigation law, flow into the State of Texas. And in order to carry out any comprehensive project on either of those streams at any time in the future when it might seem wise to do so and the condition of the funds will allow it, it is necessary that the provisions of the law be extended to the State of Texas. Hence, the committee unanimously and without a thought that there would be any special opposition to the bill, reported it. And we find the curious condition existing, that most of the opposition to the measure, advocated, as it is, by the friends of irrigation, comes from gentlemen who, if they now favor the national irrigation policy, are very recent converts to it.

And in this connection I wish to suggest to these converts to the faith that they are doing a great injury to the cause of irrigation when they suggest on the floor of this House that we of the West do not expect a return of the moneys which the Government invests. We believe that the carrying out of that scheme in the largest possible way, to the fullest extent, and to the benefit of the greatest number of people—aye, the very continuance of the policy—depends upon the full return to the Government of the moneys expended in construction.

Now, Mr. Speaker, the question as to whether or not Texas has contributed to this fund is a relatively unimportant one. Why, the State of Nevada has only contributed $64,000 to the national irrigation fund, and yet we have already expended in that State $2,000,000, and the officers in charge of the work are proposing to further expend a million dollars in the near future. It is not possible that the States shall benefit in proportion to their contributions to the fund, but in proportion to the existence within their borders of feasible and practicable irrigation projects. It is true that the law provides that the major portion of the fund which the sale of lands in a given State brings to the fund shall be expended in that State, provided that in the State there are feasible and practicable irrigation projects, but that is only a direction to the departmental officers, and merely places upon them the responsibility of ascertaining whether there are feasible projects in the various States contributing to the fund, and if there are, they shall expend a major portion of the fund in the State from which it flows.

Mr. McCLEARY of Minnesota. I wish to ask a question for information that may affect the judgment of some Members of the House. In case that this bill should pass and money from the reclamation fund were expended as proposed, would that money be refunded to the reclamation fund?

Mr. MONDELL. Yes, sir; it must be refunded under the terms of the reclamation act, and the only difference between Texas and the balance of the arid-land States is that Texas does not in the first instance contribute to the fund; but, as I have just stated to the House, the State of Nevada has so far only contributed $64,000, while we have expended $2,000,000 within her borders. The State of Oregon has turned into the fund $4,750,000, and up to this time only $114,000 has been expended there, though large sums will eventually be expended in Oregon as soon as the details of projects can be worked out, and in all of the other States which are contributing to the fund where feasible projects exist. The mere fact that the sales of public lands in a given State are large does not in itself constitute a claim that money shall be expended in the State.

Now, Mr. Speaker, all there is to this bill is simply a proposition to round out and nationalize the national irrigation law, to make it complete, to cover the comparatively small portions of semiarid lands not now under its provisions.

Mr. YOUNG. Will the gentleman tell me about what portion of the land to be reclaimed, outside of the State of Texas, is public land and what is owned by private parties?

Mr. MONDELL. In some instances practically all the lands

in a project are private lands and in others all or nearly so are public lands.

Mr. YOUNG. You could not tell the proportion as a whole?

Mr. MONDELL. No, I could not. There are some large projects involving the expenditure of millions of dollars where nine-tenths of the land is private land and where the conditions exist exactly as they do in Texas.

Mr. Speaker, I move the previous question on the bill to its passage.

The previous question was ordered.

The question being taken on the engrossment and third reading of the bill, on a division (demanded by Mr. LACEY) there were—ayes 88, noes 51.

Mr. LACEY. Mr. Speaker, I demand the yeas and nays.

Mr. GROSVENOR. This is not on the passage of the bill. All time taken on this vote is wasted.

Mr. LACEY. I withdraw the demand.

Accordingly the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER pro tempore (Mr. CAMPBELL of Kansas). The question is on the passage of the bill.

Mr. LACEY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 121, nays 89, answered "present" 17, not voting 153, as follows:

YEAS—121.

Adamson	Garrett	McLain	Sims
Aiken	Gilbert, Ky.	Macon	Slayden
Ames	Gill	Marshall	Smith, Ky.
Barchfeld	Gillespie	Maynard	Smith, Md.
Beall, Tex.	Glass	Meyer	Smith, Tex.
Bonynge	Graham	Miller	Southall
Bowers	Granger	Mondell	Sparkman
Broocks, Tex.	Gregg	Moon, Pa.	Spight
Broussard	Hardwick	Moore	Stanley
Brundidge	Hay	Mouser	Steenerson
Burgess	Henry, Conn.	Mudd	Stephens, Tex.
Burleson	Henry, Tex.	Murdock	Sulzer
Campbell, Kans.	Hinshaw	Murphy	Talbott
Candler	Hopkins	Padgett	Taylor, Ala.
Chapman	Humphreys, Miss.	Page	Thomas, N. C.
Clark, Fla.	Hunt	Patterson, N. C.	Townsend
Clark, Mo.	Jones, Va.	Patterson, S. C.	Trimble
Cole	Jones, Wash.	Pou	Vreeland
Cooper, Pa.	Kennedy, Nebr.	Randell, Tex.	Wachter
Davis, Minn.	Kline	Reeder	Wanger
Dickson, Ill.	Lamar	Richardson, Ala.	Watkins
Dixon, Ind.	Lamb	Richardson, Ky.	Weeks
Dixon, Mont.	Lawrence	Rixey	Weems
Ellerbe	Lee	Robinson, Ark.	Weisse
Ellis	Lever	Rucker	Wharton
Field	Lilley, Pa.	Russell	Wiley, Ala.
Floyd	Lindsay	Ryan	Wiley, N. J.
Foster, Ind.	Lloyd	Samuel	Zenor
Foster, Vt.	Lorimer	Schneebeli	
Garber	McCall	Shackleford	
Garner	McGavin	Sheppard	

NAYS—89.

Adams, Pa.	Dovener	Hogg	Payne
Allen, Me.	Draper	Howell, N. J.	Perkins
Andrus	Driscoll	Howell, Utah	Pollard
Bannon	Dwight	Hubbard	Reynolds
Beidler	Esch	Huff	Roberts
Bennet, N. Y.	Flack	Hughes	Rodenberg
Bennett, Ky.	Fordney	Humphrey, Wash.	Scott
Bishop	French	Keifer	Smith, Iowa
Bowersock	Fuller	Lacey	Smith, Wm. Alden
Brown	Gaines, W. Va.	Landis, Frederick	Smyser
Burton, Ohio	Gardner, Mass.	Law	Southwick
Butler, Pa.	Gardner, Mich.	Le Fevre	Sperry
Calder	Gardner, N. J.	Littauer	Stafford
Capron	Goebel	Longworth	Stevens, Minn.
Cocks	Graff	Loud	Sulloway
Cousins	Grosvenor	Loudenslager	Tawney
Curtis	Hamilton	McCreary, Pa.	Taylor, Ohio
Cushman	Haugen	McKinley, Ill.	Thomas, Ohio
Dale	Hedge	McKinney	Wood, N. J.
Dalzell	Hermann	Mahon	Young
Darragh	Higgins	Minor	
Davidson	Hill, Conn.	Olcott	
Dawson	Hoar	Olmsted	

ANSWERED "PRESENT"—17.

Alexander	Crumpacker	Goldfogle	Moon, Tenn.
Bartlett	Currier	Goulden	Watson
Boutell	Fitzgerald	Houston	
Brick	Gaines, Tenn.	Jenkins	
Cooper, Wis.	Gillett, Mass.	Johnson	

NOT VOTING—153.

Acheson	Bradley	Campbell, Ohio	Dresser
Adams, Wis.	Brantley	Cassel	Dunwell
Allen, N. J.	Brooks, Colo.	Chaney	Edwards
Babcock	Brownlow	Clayton	Fassett
Bankhead	Buckman	Cockran	Finley
Bartholdt	Burke, Pa.	Conner	Fletcher
Bates	Burke, S. Dak.	Cromer	Flood
Bede	Burleigh	Davey, La.	Foss
Bell, Ga.	Burnett	Davis, W. Va.	Fowler
Bingham	Burton, Del.	Dawes	Fulkerson
Birdsall	Butler, Tenn.	De Armond	Gilbert, Ind.
Blackburn	Byrd	Deemer	Gillett, Cal.
Bowie	Calderhead	Denby	Greene
Griggs	Lafean	Overstreet	Smith, Pa.
Gronna	Landis, Chas. B.	Palmer	Snapp
Gudger	Legare	Parker	Southard
Hale	Lester	Parsons	Sterling
Haskins	Lewis	Pearre	Sullivan, Mass.
Hayes	Lilley, Conn.	Powers	Sullivan, N. Y.
Hearst	Little	Prince	Tirrell
Heflin	Littlefield	Pujo	Towne
Hepburn	Livingston	Rainey	Tyndall
Hill, Miss.	Lovering	Ransdell, La.	Underwood
Hitt	McCarthy	Reid	Van Duzer
Holliday	McCleary, Minn.	Rhinock	Van Winkle
Howard	McDermott	Rhodes	Volstead
Hull	McKinlay, Cal.	Rives	Wadsworth
James	McLachlan	Robertson, La.	Waldo
Kahn	McMorran	Ruppert	Wallace
Kelliher	McNary	Scroggy	Webb
Kennedy, Ohio	Madden	Shartel	Webber
Ketcham	Mann	Sherley	Welborn
Kinkaid	Martin	Sherman	Williams
Kitchin, Claude	Michalek	Sibley	Wilson
Kitchin, Wm. W.	Morrell	Slemp	Wood, Mo.
Klepper	Needham	Small	Woodyard
Knapp	Nevin	Smith, Cal.	
Knopf	Norris	Smith, Ill.	
Knowland	Otjen	Smith, Samuel W.	

So the bill was passed.

The following pairs were announced:

For the session:

Mr. CONNER with Mr. FINLEY.

Mr. SHERMAN with Mr. RUPPERT.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. BRADLEY with Mr. GOULDEN.

Until May 9:

Mr. WATSON with Mr. SHERLEY.

Until further notice:

Mr. BURKE of South Dakota with Mr. DAVEY of Louisiana.

Mr. KAHN with Mr. WOOD of Missouri.

Mr. HITT with Mr. LEGARE.

Mr. STERLING with Mr. BURNETT.

Mr. MANN with Mr. HOWARD.

Mr. LILLEY of Connecticut with Mr. HILL of Mississippi.

Mr. CROMER with Mr. VAN DUZER.

Mr. ALEXANDER with Mr. CLAYTON.

For this day:

Mr. HASKINS with Mr. JOHNSON.

Mr. KENNEDY of Ohio with Mr. JAMES.

Mr. DRAPER with Mr. BOWIE.

Mr. JENKINS with Mr. RAINEY.

Mr. MCLACHLAN with Mr. KELIHER.

Mr. KNAPP with Mr. SULLIVAN of Massachusetts.

Mr. FOSS with Mr. RHINOCK.

Mr. WALDO with Mr. LEWIS.

Mr. SCROGGY with Mr. TOWNE.

Mr. CHARLES B. LANDIS with Mr. COCKRAN.

Mr. BINGHAM with Mr. HEARST.

Mr. SAMUEL W. SMITH with Mr. MCDERMOTT.

Mr. PEARRE with Mr. SMALL.

Mr. DAWES with Mr. WEBB.

Mr. POWERS with Mr. PUJO.

Mr. WOODWARD with Mr. UNDERWOOD.

Mr. OVERSTREET with Mr. WILLIAMS.

Mr. KETCHAM with Mr. ROBERTSON of Louisiana.

Mr. BABCOCK with Mr. DE ARMOND.

Mr. BARTHOLDT with Mr. BRANTLEY.

Mr. ADAMS of Wisconsin with Mr. BANKHEAD.

Mr. BIRDSALL with Mr. BUTLER of Tennessee.

Mr. BROWNLOW with Mr. FLOOD.

Mr. BUCKMAN with Mr. BYRD.

Mr. BURKE of Pennsylvania with Mr. GUDGER.

Mr. LAFEAN with Mr. GAINES of Tennessee.

Mr. BURLEIGH with Mr. CLAUDE KITCHIN.

Mr. CASSEL with Mr. WILLIAM W. KITCHIN.

Mr. DEEMER with Mr. LESTER.

Mr. FASSETT with Mr. LITTLE.

Mr. GREENE with Mr. HEFLIN.

Mr. HEPBURN with Mr. LIVINGSTON.

Mr. GRONNA with Mr. MCNARY.

Mr. HALE with Mr. RANSDELL of Louisiana.

On this vote:

Mr. ALLEN of New Jersey with Mr. FITZGERALD.

Mr. BRICK with Mr. BARTLETT.

Mr. CRUMPACKER with Mr. GRIGGS.

The result of the vote was then announced, as above recorded.

On motion of Mr. SMITH of California, a motion to reconsider the vote whereby the bill was passed was laid on the table.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I am directed by the Committee on Appropriations to report a bill (H. R. 18334) making an appropriation to supply a deficiency in the appropriation for

bringing home the remains of officers and men of the Navy and Marine Corps who die abroad, which I send to the desk and ask to have read, and I ask unanimous consent for its present consideration, and also that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That to supply a deficiency in the appropriation for "bringing home the remains of officers and men, Navy and Marine Corps, who die abroad," on account of the fiscal year 1906, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $4,000.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman further asks unanimous consent that it may be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. SULZER. Mr. Speaker, I wish to ask if these officers died in the Philippines?

Mr. LITTAUER. The annual naval act carries an appropriation of $10,000 for bringing home the remains of officers and men who die abroad. The extreme urgency of this case is because of the accident that happened on the U. S. S. *Kearsarge* a few days ago.

Mr. SULZER. Then this bill does not refer to officers that have died in the Philippines. I want to know the fact, and have the truth stated, that is all. I have no objection to the bill. I want its phraseology accurate.

Mr. TAWNEY. Mr. Speaker, I desire to say that the deficiency in this appropriation rises because of the death of so many men in connection with the accident on the U. S. S. *Bennington*, where there were sixty-five men and a number of officers brought home. On account of that accident the appropriation has been entirely exhausted. There is no money with which to bring home the remains of the men who have recently been killed in the accident that occurred on the *Kearsarge*.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. LITTAUER, a motion to reconsider the last vote was laid on the table.

RIGHT OF GOVERNMENT TO APPEAL IN CRIMINAL CASES.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying documents, was ordered printed, and referred to the Committee on the Judiciary:

To the Senate and House of Representatives:

I submit herewith a letter of the Attorney-General, inclosing a statement of the proceedings by the United States against the individuals and corporations commonly known as the "beef packers," and commenting upon the decision of District Judge Humphrey. The result has been a miscarriage of justice. It clearly appears from the letter of the Attorney-General that no criticism whatever attaches to Commissioner Garfield. What he did was in strict accordance with the law and in pursuance of a duty imposed on him by Congress, which could not be avoided; and, of course, Congress in passing the Martin resolution could not possibly have foreseen the decision of Judge Humphrey.

But this interpretation by Judge Humphrey of the will of the Congress, as expressed in legislation, is such as to make that will absolutely abortive. Unfortunately there is grave doubt whether the Government has the right of appeal from this decision of the district judge. The case well illustrates the desirability of conferring upon the Government the same right of appeal in criminal cases, on questions of law, which the defendant now has, in all cases where the defendant had not been put in jeopardy by a trial upon the merits of the charge made against him. The laws of many of the States, and the law of the District of Columbia, recently enacted by the Congress, give the Government the right of appeal. A general law of the character indicated should certainly be enacted.

Furthermore, it is very desirable to enact a law declaring the true construction of the existing legislation, so far as it affects immunity. I can hardly believe that the ruling of Judge Humphrey will followed by other judges; but if it should be followed, the result would be either completely to nullify very much, and possibly the major part, of the good to be obtained from the interstate-commerce law and from the law creating the Bureau of Corporations in the Department of Commerce and Labor; or else frequently to obstruct an appeal to the criminal laws by the Department of Justice. There seems to be no good reason why the Department of Justice, the Department of Commerce and Labor, and the Interstate Commerce Commission, each, should not, for the common good, proceed within its own powers without undue interference with the functions of the other. It is, of course, necessary, under the Constitution and the laws, that persons who give testimony or produce evidence as witnesses should receive immunity from prosecution. It has hitherto been supposed that the immunity conferred by existing laws was only upon persons who, being subpœnaed, had given testimony or produced evidence as witnesses relating to any offense with which they were, or might be, charged. But Judge Humphrey's decision is, in effect, that, if either the Commissioner of Corporations does his duty, or the Interstate Commerce Commission does its, by making the investigations which they by law are required to make, though they issue no subpœna and receive no testimony or evidence, within the proper meaning of those words, the very fact of the investigation may of itself operate to prevent the prosecution of any offender for any offense which has been developed in even the most indirect manner during the course of the investigation, or even for any offense which may have been detected by investigations conducted by the Department of Justice entirely independently of the labors of the Interstate Commerce Commission or of the Commissioner of Corporations—the only condition of immunity being that the offender should have given, or directed to be given, information which related to the subject out of which the offense has grown.

In offenses of this kind it is at the best hard enough to execute justice upon offenders. Our system of criminal jurisprudence has descended to us from a period when the danger was lest the accused should not have his rights adequately preserved, and it is admirably framed to meet this danger. But at present the danger is just the reverse—that is, the danger nowadays is not that the innocent man will be convicted of crime, but that the guilty man will go scot-free. This is especially the case where the crime is one of greed and cunning perpetrated by a man of great wealth in the course of those business operations where the code of conduct is at variance not merely with the code of humanity and morality, but with the code as established in the law of the land. It is much easier, but much less effective, to proceed against a corporation than to proceed against the individuals in that corporation who are themselves responsible for the wrongdoing. Very naturally outside persons, who have no knowledge of the facts and no responsibility for the success of the proceedings, are apt to clamor for action against the individuals. The Department of Justice has, most wisely, invariably refused thus to proceed against individuals, unless it was convinced both that they were in fact guilty and that there was at least a reasonable chance of establishing this fact of their guilt. These beef-packing cases offered one of the very few instances where there was not only the moral certainty that the accused men were guilty, but what seemed, and now seems, sufficient legal evidence of the fact.

But in obedience to the explicit order of the Congress the Commissioner of Corporations had investigated the beef-packing business. The counsel for the beef packers explicitly admitted that there was no claim that any promise of immunity had been given by Mr. Garfield, as shown by the following colloquy during the argument of the Attorney-General:

"Mr. MOODY. * * * I dismiss almost with a word the claim that Mr. Garfield promised immunity. Whether there is any evidence of such a promise or not I do not know and I do not care.

"Mr. MILLER (the counsel for the beef packers). There is no claim of it.

"Mr. MOODY. Then I was mistaken, and I will not even say that word."

But Judge Humphrey holds that if the Commissioner of Corporations (and therefore if the Interstate Commerce Commission) in the course of any investigations prescribed by Congress asks any questions of a person not called as a witness, or asks any questions of an officer of a corporation not called as a witness, with regard to the action of the corporation on a subject out of which prosecutions may subsequently arise, then the fact of such questions having been asked operates as a bar to the prosecution of that person or of that officer of the corporation for his own misdeeds. Such interpretation of the law comes measurably near making the law a farce; and I therefore recommend that the Congress pass a declaratory act stating its real intention.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 18, 1906.*

REQUEST FROM THE SENATE.

The SPEAKER. The Chair lays before the House the following request from the Senate, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4952) making an appropriation for the improvement of the mouth of the Columbia River.

The SPEAKER. If there be no objection, the request will be granted. [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, Mr. DAVEY of Louisiana was granted leave of absence indefinitely, on account of important business.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GILLETT of Massachusetts. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill.

Mr. BURLESON. Mr. Speaker——

Mr. GILLETT of Massachusetts. And, Mr. Speaker, pending that motion, I would like to ask the gentleman from Texas, representing the minority, if we can not agree upon some limit for general debate? The gentleman appreciates how important it is that this bill gets into the Senate as early as possible.

Mr. BURLESON. I will state to the gentleman from Massachusetts I really believe that we could expedite the passage of the bill by not entering into a hard and fast agreement at this time as to the limit that should be placed upon the time for general debate. I have requests for three hours and five minutes of general debate upon the bill.

Mr. GILLETT of Massachusetts. Let me say to the gentleman I have had requests upon this side of the Chamber, but finally I persuaded them to withdraw all requests for debate not upon the bill, and I think if the gentleman will endeavor we can agree upon some time, which will shorten the discussion.

Mr. BURLESON. Well, the gentlemen who have requested

this time of me have stated they desired to use the time upon the floor——

Mr. GILLETT of Massachusetts. Upon this bill?

Mr. BURLESON. One gentleman proposes to discuss the bill itself, and I have a request for another hour——

Mr. GAINES of Tennessee. Let me ask my friend——

Mr. BURLESON. Included in that time is half an hour for the gentleman from Tennessee.

Mr. GAINES of Tennessee. I was a little bit surprised that the gentleman from Massachusetts would, as it were, drive off the gentlemen on his side of the House from discussing subjects generally. We have very little chance for debate in the House anyway, and when the opportunity comes along we ought to throw open the doors a little bit. There are enough speeches suppressed at best.

Mr. GILLETT of Massachusetts. We debated a whole week on the post-office bill, and the agricultural appropriation bill is to immediately follow this bill.

Mr. GAINES of Tennessee. And there are nearly 400 Members in this House, and there are thousands of subjects that ought to be discussed, and we have gotten along pretty well in discussing matters in this Congress, better than we have for the last eight or ten years, by allowing freer debate.

Mr. BURLESON. And I would state to the gentleman from Massachusetts that the gentleman from Mississippi has just submitted a request for an hour additional, which will make the request for four hours and five minutes which I already have.

Mr. GAINES of Tennessee. So far as I am concerned, I will say to the gentleman from Texas I will surrender whatever time he has accorded to me. I do not want to block anything. I am simply speaking generally for reasonable chance for anyone to speak who desires.

Mr. GILLETT of Massachusetts. Suppose I suggest to the gentleman we agree upon five hours of general debate, and I will yield to the gentleman. I do not expect to use more than an hour on this side——

Mr. BURLESON. With that understanding, that I may have four hours of the five, I will agree with the gentleman that debate be closed at the end of five hours, and whatever time is not consumed by the gentlemen who have mentioned the matter to me requesting time I will yield back to the gentleman from Massachusetts.

Mr. GILLETT of Massachusetts. Mr. Speaker, I will accept the gentleman's proposition, making it six hours, so that I may have an hour's leeway in case I have to yield to somebody.

Mr. BURLESON. We must make some provision for a statement to be made by the gentleman from Massachusetts [Mr. GILLETT], and I shall submit about a ten minutes' statement.

Mr. GILLETT of Massachusetts. Does the gentleman state that he needs four hours?

Mr. BURLESON. I have requests for four hours and five minutes outside of the time that is to be consumed by the gentlemen on the committee.

Mr. GILLETT of Massachusetts. Outside of that?

Mr. BURLESON. Outside of that.

Mr. GILLETT of Massachusetts. Then you would probably need four hours and a half?

Mr. BURLESON. Four hours and a half.

Mr. GILLETT of Massachusetts. Mr. Speaker, I think we had better go on without an agreement.

FRANKLIN MEMORIAL.

The SPEAKER. Pending the gentleman's motion, the Chair will say that Messrs. FASSETT and WATSON ask to be relieved from committee service in connection with the Franklin memorial, and the Chair designates, if there be no objection, Messrs. FOSTER of Vermont and BENNET of New York.

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GILLETT of Massachusetts. I will propose to the gentleman from Texas [Mr BURLESON] that we make this provision, namely, call it seven hours, to be divided equally between two sides, to be controlled by the gentleman and myself. That will leave the gentleman three hours and a half. I will agree to yield to him at least an hour from our side.

Mr. BURLESON. That will give four hours and a half?

Mr. GILLETT of Massachusetts. Yes.

Mr. BURLESON. That will leave twenty-five minutes to the gentleman from New York and myself. I will content myself with ten minutes if the gentleman from Massachusetts [Mr. GILLETT] can content himself with fifteen minutes.

Mr. GILLETT of Massachusetts. It seems to me you are getting most of our time in that way.

Mr. BURLESON. I think we can enter into that agreement.

Mr. FITZGERALD. Mr. Speaker, I suggest that the debate go on without any agreement until we know something about the time.

REPRINT OF BILL.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent for a reprint of the bill H. R. 16550.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. LACEY. Mr. Speaker, before going into the Committee of the Whole I would like to have consent to extend my remarks on the Texas bill in the RECORD.

Mr. BURLESON. Mr. Speaker, I wish to submit a similar request.

The SPEAKER. Is there objection?

There was no objection.

THE SAN FRANCISCO DISASTER.

Mr. GILLETT of Massachusetts. Mr. Speaker, it has been suggested to me by many Members in my neighborhood here that on account of the terrible calamity in California it would be proper for the House to adjourn.

Mr. GROSVENOR. Mr. Speaker, the gentleman from California [Mr. KAHN] has prepared a resolution which he desires to offer.

Mr. GILLETT of Massachusetts. I will yield to the gentleman from California. I withdraw my motion.

Mr. KAHN. Mr. Speaker, the messages that have been coming from San Francisco in the past hour or two are of the most appalling nature. The latest that I have heard is that fifty-four blocks of the city of San Francisco have been destroyed, while the cities on the other side of the bay are also in a terrible condition. No doubt there is a great loss of life and consequent calamity. I therefore desire to offer a resolution that the War Department and the Navy Department place at the disposal of the mayors of the city of San Francisco and other afflicted communities such supplies as may be necessary.

The SPEAKER. The Chair would suggest to the gentleman from California [Mr. KAHN] that the joint resolution which he proposes should be in black and white, and drawn with care, in order to cover the ground. Perhaps it would take but a short time to do so.

Mr. PAYNE. Mr. Speaker, I would suggest to the gentleman, then, that the House might go into the Committee of the Whole House on the state of the Union for a time, until such a joint resolution could be prepared.

Mr. KAHN. I can prepare the resolution in a very few minutes.

Mr. PAYNE. And then the committee can rise.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Then, on motion of Mr. GILLETT of Massachusetts, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 18198) making appropriation to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes, Mr. DALZELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18198—the District of Columbia appropriation bill.

Mr. GILLETT of Massachusetts. I ask that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT of Massachusetts. Mr. Chairman, this is my first service in connection with this District of Columbia appropriation bill, and it is perhaps but fair to say that of the subcommittee which prepared this bill, four of the five were equally inexperienced. Consequently we went into the preparation of the bill with more care, perhaps, at least in more detail, than is generally expended by a committee on such a bill and have felt more than usual deference for the experience of our predecessors.

I appreciate, Mr. Chairman, that a bill of this kind, so local in its character, has nothing intrinsically interesting to the membership of the House. Indeed, when I was first assigned to membership of this subcommittee, I felt that it was the most undesirable and unpleasant of all subcommittees of the Appropriations Committee; but I have found it much less irksome than I expected, for it presents the great problem of municipal government, which is to-day one of the most pressing and most interesting problems before the country, and the one which apparently is least near a satisfactory solution.

One feature which has impressed me in the consideration of the bill is that all the pressure that came on the committee

was for increased expenditure. Now, every member of every appropriation committee in the House has doubtless had the same feeling—that the pressure is always for increased expenditures and nobody is interested in economy. But I felt it even more strongly than ever in this District appropriation bill. It has seemed that nobody in the District of Columbia is interested in economical expenditures of money, and everybody is interested that more appropriations shall be made in one line or another. This, I suppose, comes partly from the fact that the United States pays half the expenses of the District and consequently each citizen of the District feels that what is spent is coming from Uncle Sam. But it comes also, I think, from another reason—from the way the taxes in the District are imposed. It comes from the fact that here, if the expenditures are large, it makes no increase in the individual taxes. In our home cities, if an administration makes a large or extravagant expenditure, it knows that it has an immediate effect on the pockets of the citizens; that the tax rate will be raised, and that criticism will follow, for nothing is more sensitive than a man's feeling about paying larger taxes. But in the District of Columbia, no matter how large the expenditure is, that has no effect upon the amount of taxes, because of the cast-iron rule that is adopted, imposing $15 on a thousand each year, no matter what the expenditure is. Moreover, that $15 a thousand is not imposed upon the par or market value of the property, but imposed upon a 66 per cent valuation.

Now, I think here at the outset that this present system of taxation in the District of Columbia is unfortunate. It seems unnatural that there should be no relation between the amount of expenditure and the amount of taxation. It seems to me unfortunate that an extravagant administration should not run the risk of bringing down upon itself criticisms from the taxpayers who have had money taken from them. And if we allow this system to exist, it seems to me it ought to be put upon a fairer basis than $15 a thousand upon a 66 per cent valuation, which is lower than that of any city in my Commonwealth that I know of.

Mr. SIMS. Will the gentleman allow me to ask him this question: Why is it limited to $15 a thousand, or why limit it to 66 per cent in assessing the value?

Mr. GILLETT of Massachusetts. Because the law provides it.

Mr. SIMS. What I wanted to know was why it should be that way?

Mr. GILLETT of Massachusetts. I do not think it should be so. I think the gentleman's committee should change it.

Mr. SIMS. I am very anxious to change it.

Mr. SMITH of Kentucky. I want to ask the gentleman from Massachusetts whether personalty was assessed and paid taxes upon the same basis as alluded to by him—66 per cent of its market value?

Mr. GILLETT of Massachusetts. It is 66 per cent on personalty. But, of course, the tax on personalty does not include all personalty, but only includes visible property.

Mr. SMITH of Kentucky. Does it include stocks and bonds?

Mr. GILLETT of Massachusetts. Oh, no; not at all.

Mr. SIMS. Stocks, bonds, and money?

Mr. GILLETT of Massachusetts. It is practically only household effects.

Mr. SMITH of Kentucky. Does not the law require it?

Mr. GILLETT of Massachusetts. The law does not require it.

Mr. SMITH of Kentucky. That seems to me to be a very great exemption from taxation.

Mr. SCOTT. I would like to ask the gentleman this question: He says no matter what the expenditure, the rate of taxation and the rate of assessed valuation is never changed?

Mr. GILLETT of Massachusetts. The assessed valuation is changed once in three years.

Mr. SCOTT. But the rate of taxation is not changed?

Mr. GILLETT of Massachusetts. No, sir.

Mr. SCOTT. I should think that would result either in a very large deficit when the expenses are large or in a very large surplus when the expenses are small.

Mr. GILLETT of Massachusetts. That is exactly the result.

Mr. SCOTT. I should like to inquire what arrangement is made when there is a deficit?

Mr. GILLETT of Massachusetts. This arrangement has been made, Mr. Chairman: For the last five years there has been a provision in the appropriation bill of each year that the deficit shall be advanced from the Treasury of the United States, and that the District shall pay 2 per cent on such advance. So it is practically loaned from the United States Treasury.

Mr. SCOTT. What arrangement is made for eventually paying this loan?

Mr. GILLETT of Massachusetts. We are to pay it off in five years from next July. No bonds have been issued, but the provision is that it shall be paid in annual installments in the next five years. That must be saved out of the money that is raised by taxation, of course.

Mr. SCOTT. That is within the jurisdiction of your committee?

Mr. GILLETT of Massachusetts. No; I am sorry to say it is not.

Mr. PERKINS. I should like to ask the gentleman if it would not be perfectly possible to have a provision of law by which, after the amount of the expenses of the District has been fixed, the assessors should then be directed to impose upon the taxable property of the District one-half of the expense and collect it?

Mr. GILLETT of Massachusetts. Of course.

Mr. PERKINS. That is the procedure in every city that I know anything about.

Mr. GILLETT of Massachusetts. There are an indefinite number of ways in which this result could be reached.

Mr. PERKINS. That is the way it is ordinarily done. The amount is fixed and then the assessors levy it on the taxable property. Why is it not done here?

Mr. GILLETT of Massachusetts. So far as the Committee on Appropriations is concerned, it is because that committee has no legislative power.

Mr. PERKINS. You get a good many legislative provisions enacted on your bill.

Mr. GILLETT of Massachusetts. But it is all done by unanimous consent.

Mr. SIMS. I want to say this by way of compliment to your committee, that the small amount of tax which is imposed on personal property was imposed as the result of a provision put on the District bill by the Committee on Appropriations.

Mr. GILLETT of Massachusetts. I am glad to know that.

Mr. SIMS. I want to ask the gentleman if he will offer to this bill an amendment making stocks, bonds, promissory notes, money, and other intangible personal property taxable at the same rate that other personal property is taxable?

Mr. GILLETT of Massachusetts. If the gentleman will listen to me a little further I will state my opinion. It seems to me that is not the most crying evil for which there is a necessity of a change in the law.

Mr. SIMS. Would it not be a very desirable change?

Mr. GILLETT of Massachusetts. I am not certain about that. I will develop what I think could be done.

Mr. SIMS. Would you object or make a point of order to such an amendment if offered to this bill?

Mr. GILLETT of Massachusetts. I do not know. I will consider that when it comes.

Mr. SIMS. It is useless to prepare an amendment if the gentleman would make a point of order against it.

Mr. GILLETT of Massachusetts. I do not know whether I would or not. Of course, Mr. Chairman, there is an obvious objection to any tax on stocks and bonds. All persons who live where that is the custom, as it is in my State, recognize that that kind of a tax has two objections. One that is usually raised is that it is inquisitorial; but the great objection to that tax is the impossibility of levying it with any fairness.

The man who divulges just what he has got pays the full tax, and the nine-tenths or ninety-nine one-hundredths who do not divulge just what they have escape in varying proportions. Consequently, I think everybody admits that there is always that unequal and unfair effect incident to any tax upon intangible personal property. But what it seems to me the gentleman's committee might wisely do is to change this $15 on a thousand, or else change the 66 per cent valuation. I do not believe there is a city in the whole State of Massachusetts that does not have to pay above $15 a thousand; not on a 66 per cent valuation, but on a full valuation. I suspect the tax rate runs from $15 to $20 per thousand on the marget value. Now, in Washington it runs $15 on the thousand on a 66 per cent valuation, which amounts to $10 per thousand on a full valuation. It seems to me that is far too low, and it is producing the natural tendency to make Washington a paradise for persons who wish to evade taxes. Persons come here and escape any taxation upon their investments. They pay no personal tax, except upon their household effects, and then only pay $10 a thousand upon the real value of their estate. That is far less than is paid in most of the Commonwealths of this country. I do not think it is right that so little should be paid here.

Mr. PERKINS. I would like to ask the gentleman if, whatever the rate in other cities—and it probably averages $20 on a thousand of assessable property for general city expenses—there is not also thrown upon the real estate the cost of local improvements, while here this is entirely defrayed out of the gen-

eral fund, and thus the entire taxes paid here are very much less than in corresponding cities?

Mr. GILLETT of Massachusetts. That is also a proper criticism, I think. So one result of my study of this bill has been to convince me that the tax law of the District needs revision, and that there ought to be a higher rate of taxation on the property here.

The Government now is paying one-half of the expenses. I do not suppose that will always remain true. I do not think it ought always to remain true, because, although we all recognize that this being the national capital we wish that it should be made a model city and we are willing that the Government should contribute toward that end, yet I think we recognize, too, that Washington is growing so fast, and that the residential and business portions are so far exceeding in growth the national portion, that in a few years the same half-and-half division, which may have been fair years ago and may be fair to-day, will not be fair and undoubtedly will be changed.

Mr. WM. ALDEN SMITH. Will the gentleman allow me a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. WM. ALDEN SMITH. I would like to ask how long that has been the rule here?

Mr. GILLETT of Massachusetts. Since 1878 at least.

Mr. WM. ALDEN SMITH. What was the object of it?

Mr. GILLETT of Massachusetts. And it may have been before 1878, but it has been certainly since 1878.

Mr. WM. ALDEN SMITH. What was the object of that rule?

Mr. GILLETT of Massachusetts. I was not here in 1878, but the theory on which it has been generally defended is that the Government owning so large an amount of property in the city which is exempt from taxation—and at that time I suppose it owned more proportionately than now—it was jumped at as a fair proposition that as more than one-half of the property was owned by the Government and was exempt from taxation the Government should pay one-half of the expenses.

Mr. WM. ALDEN SMITH. I had assumed that it was due to the fact that the Government exercises almost absolute control over the property rights in this District, subject to constitutional limitations, and that in exercising those rights the Government's necessities grow with each year; the property holder is necessarily at the mercy of the Government, and therefore he got his compensation for the risk in this cession of taxes and sharing of the expenses. Now, I want to know if the same reason does not exist to-day as much as it ever did, and if it will not continue to exist as the Government's interest grows larger?

Mr. GILLETT of Massachusetts. That is an argument for that proposition, but the other argument is the one I have heard put forward as the main argument. I was not here in 1878, and can not, of course, tell what was in the minds of those who devised the scheme.

Mr. SIMS. With the permission of the gentleman from Massachusetts, I would like to state to the gentleman from Michigan——

M. GILLETT of Massachusetts. I will yield to the gentleman from Tennessee.

Mr. SIMS. I would like to state to the gentleman from Michigan, that after the municipal form of government was abolished and they established a board of public works, they entered into such a scheme of improvement that they run the city hopelessly in debt and were practically confiscating the property of the small owners, and this act of 1878 was in part passed to redeem them from a hopeless case of insolvency which that form of government brought them into.

Mr. GILLETT of Massachusetts. Mr. Chairman, it seems to me that if the rate of taxation was made as high here as it is in the average city throughout the country we would have money enough in the next few years to make this really a model city, to do away with the portions of it which are a disgrace to any city, and to have our streets well paved and well kept and well lighted, and to have our schools well housed and conducted, all our departments efficiently maintained, and, in fact, to have all the duties of government so performed as to make this the model city, which I am sure the country wants.

Mr. WM. ALDEN SMITH. If it does not interrupt the gentleman, I want his judgment as to whether the streets are kept clean and in good repair now?

Mr. GILLETT of Massachusetts. I do not consider that they are well kept, though they are better than in most cities.

Mr. WM. ALDEN SMITH. I consider them in very bad condition, a disgrace to the District—I want to emphasize that as strongly as I know how.

Mr. GILLETT of Massachusetts. To-day the condition of the finances of the city is this: There is a debt of about $11,000,000, the residue of a bond issue of over twenty millions about thirty years ago. To-day that debt is about $11,000,000, and we pay into a sinking fund every year to cancel it at maturity $975,000.

Mr. SCOTT. In what form is that debt carried?

Mr. GILLETT of Massachusetts. It was a bond issue.

Mr. SCOTT. Does the Government pay one-half interest on those bonds?

Mr. GILLETT of Massachusetts. Yes. They were issued at the time the city was really made over, about thirty or forty years ago, as the gentleman will recollect. Those bonds have been taken up and canceled, until now there are only about $11,000,000 of them outstanding.

Mr. SCOTT. When the Government is called upon in the way of current expenses to advance money at the rate of 2 per cent, as the gentleman suggested a moment ago, are bonds issued to cover that debt?

Mr. GILLETT of Massachusetts. No. This is besides that, which I shall come to in a moment.

Mr. SCOTT. Let me ask the gentleman this further question: Does the Government pay one-half of the 2 per cent interest on this advanced money?

Mr. GILLETT of Massachusetts. No. The District alone pays that. We pay half the interest and principle on those other bonds. Now, besides that $11,000,000, which we are paying at the rate of $975,000 a year into the sinking fund, and which will cancel them at maturity, in the last few years we have incurred an indebtedness of about $2,000,000, which is advanced from the Treasury of the United States, and on which we pay 2 per cent. That debt has been created in this way.

A few years ago we began the sewage-disposal plant, which is now nearly completed and which cost over $5,000,000. Then we are just completing the filtration plant, at an expense of three and a half millions of dollars, making eight and a half millions of dollars. Then we are building our new municipal building, at an expense of two millions and a half, not yet all paid for, which makes eleven millions; and, further, we have agreed to pay to the Baltimore and Ohio Railroad Company and for the change of grade at the new station over $3,000,000, making in all over $14,000,000, all of which public works we have begun in the last five years, and for which we have paid as much as we could each year. Any balance that is left over any year went to pay that debt, and any deficit increased that debt; and there remains due upon those $14,000,000 now $2,000,000, and the completion of these various projects will cost between two and three millions more, making in all from four to five millions of dollars which the District will owe the United States and on which it pays an interest of 2 per cent. So that, in addition to our bonded indebtedness, there is this debt of $4,000,000. I think no one will say that that debt was unwisely incurred, and I think it is very creditable that so much of it has been paid out of current income, and the only question is whether it would have been wiser to have issued bonds, as other cities would.

That indebtedness, by the terms of the resolution, is payable to the United States in the next five years, so it will take probably from seven to eight hundred thousand dollars a year to pay that off. So it seems to me if we are going to appropriate as we ought to for the current needs of the city and have the streets and the schools and all the other items of city expenses up to the proper standard, there is urgent need of increasing the revenues of the District.

Mr. JONES of Virginia. Mr. Chairman, just on that point I want to ask the gentleman if he does not think it would be fairer, instead of increasing the rate of taxation upon real estate and tangible personal property, to provide that intangible personal property shall be taxed? I understand the gentleman to say that the objection to the taxation of intangible property, money, bonds, stocks, etc., is that dishonest people will cover up their intangible property and make dishonest returns; but is it not a fact that in every State in the Union that character of property is taxed and is the source of considerable revenue?

Mr. GILLETT of Massachusetts. I don't know whether it is true in every State in the Union. It is in my State. But I do not think I care to go into that question as to what should be taxed. That is, of course, not the province of this committee.

Mr. JONES of Virginia. The gentleman is discussing this very question, however, and I simply want to make one or two observations, which I regard as timely and in point. I have been told that a great many very wealthy people, people whose wealth is composed almost entirely of money, bonds, and stocks, come here to reside for the sole purpose of escaping taxation.

I am told that a citizen of one of the cities of Virginia, worth probably several million of dollars, nearly every dollar of which was in intangible personal property, came here to live for the sole purpose of escaping taxation in my State, and it is very

unjust to the States of the Union that the laws of the District of Columbia should encourage this character of dishonesty. It makes the city of Washington a sort of asylum for the tax dodgers of the country—a city of refuge for millionaires who desire to escape just taxation.

Mr. GILLETT of Massachusetts. Mr. Chairman, I do not care to go into a general discussion of taxation. I alluded to the question because, this being my first year on this subcommittee, I thought I would suggest to the House how the existing conditions in the city impressed an unprejudiced mind, and it does seem to me that the taxation rate is much too low and that it ought to be changed; but of course that is not within the province of this committee, and I trust it will be taken care of by the proper committee.

Mr. GAINES of Tennessee. What committee has charge of that?

Mr. GILLETT of Massachusetts. The District Committee, of course. Now, taking up the bill itself, I do not suppose the House wants me to go into the details, but I want to point out a few salient features of it.

This bill appropriates $573,000 less than the bill of last year, but I do not wish to impose upon the House a false claim for economy. This illustrates the dangers and uncertainty of comparisons, for really we do not deserve any encomiums for that saving. That saving comes not from current expenses, but comes because some of these large projects in which the city has been engaged for the last five years are reaching completion and more had to be expended for them last year than this year. For instance, for grade crossings about the Union Station last year we spent $450,000 and this year only $50,000. Last year we built the Potomac bridge for $200,000. This year it is completed and we have no expense for it. Last year we spent $394,000 on the Connecticut Avenue Bridge; this year we only spend $150,000. On the other hand, this year we appropriate $279,000 for the Anacostia bridge and $38,000 for the K Street Bridge, for which last year nothing was spent. Last year we spent on the sewage-disposal system about a million and a half, on which we do not have to spend any this year. This year, however, on the filtration plant we have to spend $80,000 and we shall spend $500,000 on the municipal building, against $300,000 last year. This year we appropriate for a tuberculosis hospital $100,000, so comparing what I think might be called extraordinary expenses—permanent expenses of last year—with this I think that last year we spent about a million dollars more——

Mr. GAINES of Tennessee. What do you mean by "we?"

Mr. GILLETT of Massachusetts. Congress last year.

Mr. GAINES of Tennessee. "We" means Congress?

Mr. GILLETT of Massachusetts. As I was saying, we spent about a million dollars more last year for these extraordinary projects. Taking from that the $573,000 which we seem to have saved leaves about $425,000, which is the amount we appropriate this year more than last year for current expenses, but that is explained largely by a few big items. For instance, there is an appropriation of a hundred and seventy-seven thousand dollars more for new schoolhouses than there was last year, and for street cleaning we recommend $34,000 more, and for collection of garbage $68,000 more; repairs to streets, $75,000 more. So that explains in a general way the difference of expenditures between the bill of last year and the bill which we report this year. The growth of the city would naturally demand an increasing expenditure each year.

Mr. NORRIS. Will the gentleman permit?

Mr. GILLETT of Massachusetts. Certainly.

Mr. NORRIS. I am not particular about the gentleman answering it now, but will the gentleman before he finishes his remarks explain the action of the committee in regard to the different hospitals? I notice in the report that you have cut out the appropriation for hospitals with the exception of the new one for which you provide. I am not at all criticising the committee, but I would like to understand why the appropriations heretofore were made for these hospitals, and if it was good to make them, why the committee ceased to make these appropriations this year.

Mr. GILLETT of Massachusetts. Well, I will explain that now as well as any other time. The practice in the city in the past has been this: There are in the city a number, from eight to a dozen, good-sized hospitals which were started as benevolent, charitable institutions and which grew up without any support by Congress. Gradually persons who were interested in those hospitals found that they were in need, found, I suppose, as we always do, that it was difficult to raise money—especially difficult in a city like Washington, where so large a proportion of the residents are transient, they must necessarily have less civic pride and interest than in our ordinary cities—they found that it was difficult to raise money, and so they came to Congress for help and Congress yielded to their appeal began some years ago to appropriate lump sums for hospitals by name. The result of that would be that there was handed down right over to each hospital the amount which Congress appropriated to it and which they could spend as they pleased, and we never knew what return we got for it or how needy the patients were. I do not wish to reflect on the hospitals and I do not doubt they were run with the purest of purpose and that the money was well expended.

Mr. NORRIS. Now, were these appropriations provided by any law except the appropriation bill?

Mr. GILLETT of Massachusetts. No.

Mr. NORRIS. Then, as a matter of fact, the point of order would have been good against any of these items any time?

Mr. GILLETT of Massachusetts. Well, it's not necessary for me to admit that.

Mr. NORRIS. They would, if they were not in accordance——

Mr. GILLETT of Massachusetts. In accordance with existing law. We will not raise that question. It was done year by year, and we gave so much money to these hospitals. A few years ago it was suggested to Congress that it was not a wise way to do; that it would be better to appropriate, say, for a certain hospital $10,000, and say that money shall be given to the hospital not outright, but shall be given to the order of the board of charities of the District, and then let that board make a contract with the hospital that they shall take care of so many patients, or that they shall receive so much a patient, until that money was exhausted, so that we would be sure that the city was getting back from the hospitals its money's worth, and that we might know how many and just what poor people were being treated. And that has been the rule for some years.

Now, the board of charities came before us and said that "different hospitals charge different prices, some hospitals charging one price and some another, and some are doing much more charity work than others. There is nothing to compel a hospital to fix any specific price. They get a certain amount that is appropriated to them, and they can make what contract they please with us. Some may charge just what it costs them, some may charge more, some less; but if you will give us, instead of appropriating for each hospital, a lump sum and allow us to appropriate it to which hospital we please, then we can distribute it, and we can say to each hospital: 'How much will you take care of the patients for? How much does it cost you to take care of them?' and then the hospitals will, as it were, be bidding against each other." And in that way they could distribute the money more fairly and get a better return for the city than if Congress simply voted this fixed sum to each hospital.

It impressed us that if the board of charities was intelligent and honest and fair they could do better in that way than if we appropriated so much to each hospital, and the committee said: "We will give them a year's trial; we will give the board of charities outright a sum of money, less than we gave before, because they said they could save money by it and could get just as good returns. We will give them this lump sum and will see if they can accomplish what they promise, namely, that they can get better returns for the money than they are now getting."

Mr. KEIFER. Will the gentleman yield?

Mr. GILLETT of Massachusetts. Certainly.

Mr. KEIFER. I agree with the gentleman's suggestion. I understand that there is no appropriation in this bill specifically for the Home for Incurables. I want to know whether this board of charities out of that lump sum will have the right to apply any of it for the purpose of maintaining the Home for Incurables, which heretofore has had about $3,000 a year.

Mr. GILLETT of Massachusetts. I am not sure offhand whether that was one of the hospitals or not. My recollection is that it is not.

Mr. KEIFER. I would like to know why, then, there was no special appropriation for the Home for Incurables.

Mr. BURLESON. It was embraced in the number of hospitals.

Mr. KEIFER. If that is so——

Mr. BURLESON. It is. It was embraced in the number of hospitals that were not carried in the bill at this time.

Mr. KEIFER. The board of charities would make a specific appropriation in that distribution for the conduct of the Home for Incurables?

Mr. BURLESON. If they could reach a proper understanding with those who conduct it.

Mr. KEIFER. I understand. I think there has been allowed about $3,000, which is only a small part of what they expend.

Mr. GILLETT of Massachusetts. I had forgotten whether it was in the list or not.

Mr. NORRIS. I do not suppose the gentleman means to convey the idea that it is necessary to get these different hospitals bidding against each other in order to get an economical expenditure of the money?

Mr. GILLETT of Massachusetts. I do not mean to reflect, of course, on the hospitals at all.

Mr. NORRIS. The gentleman made the statement that the board of charities would get the hospitals to bid against each other.

Mr. GILLETT of Massachusetts. We thought it would equalize the sums that were paid per man to each hospital.

Mr. NORRIS. I think so. I think that would be a pretty good idea; but I want to offer the suggestion that it seemed to me that there was not any money ever spent anywhere that we could spend with a clearer conscience than any appropriations that we would make to most any of these hospitals, all of which, I understand, never turn away a sick person, regardless of his financial ability, but always give him care and attention and retain him until his case is disposed of, unless it should be some disease that they can not keep in that particular kind of a hospital. So it seems to me we ought to be as liberal as we can, without any reckless expenditure of money, in dealing with these hospitals, none of which, as I understand, are organized for the purpose of making money. None of them are making money, and all of them are in debt, and all doing charitable work, in which we all, and the country, ought to take a great deal of just pride. So that we ought to treat them liberally.

Mr. GILLETT of Massachusetts. I heartily agree with the gentleman. I think I was unhappy in my expression. What I meant was to equalize the cost in the different hospitals, and the work would probably be better done than it is now, and would allow the board of charities the same control as to what amount is expended on each patient. But by our appropriation we expect the same amount of work will be done as done now.

I wish to say, moreover, in addition to what I have said about these hospitals, that though they have gradually come to depend on the Government for the money, I do not mean by that to reflect upon the management of the hospitals. They are noble charities, and Washington has disinterested and generous men and women who work for them. I happen to know that last year the appropriation of one of them was cut down $5,000, and the good people interested in it went out and raised the money themselves and put it in the funds of the hospital. So that there is a charitable spirit in Washington, and these hospitals are an expression of it, and we do not wish to deny it or to reflect on them, but we thought this new plan a wiser business policy, and that we had better at least try it one year and see if it would produce the results promised from it.

I ought to mention one other phase——

Mr. SIMS. Before the gentleman does that, I notice an appropriation in the bill for the removal of garbage and ashes. Is the appropriation sufficient to do all that work?

Mr. GILLETT of Massachusetts. We have raised that appropriation $65,000 over what it was last year. So we hope it will be sufficient.

Mr. SIMS. I just want to state to the gentleman in my own experience I have had to pay personally private persons for the removal of these very items.

Mr. GILLETT of Massachusetts. That is one of the places in the bill we have largely increased the appropriation.

Mr. SIMS. Does the gentleman know whether there has been any effort to get any pay for this garbage or not?

Mr. GILLETT of Massachusetts. We were told that there had been an effort, but it has not succeeded so far.

Mr. SIMS. I would like to ask the gentleman if he does not think that if the city owned an incinerating plant and a fertilizing plant that they could get all this garbage removed free and make a profit in addition?

Mr. GILLETT of Massachusetts. I do not know enough about that to express an opinion.

Mr. SIMS. If given a sufficient length of time in the way of contract, I am confident they could get it done.

Mr. GILLETT of Massachusetts. Now, there are a few other matters in the bill I should refer to. The clause about the Anacostia bridge is plainly subject to a point of order. It is suggested by us as practically a request for unanimous consent, because it seemed to us imperatively necessary now, and we hoped everyone would accede to it. The new Anacostia bridge was authorized a couple of years ago by the District Committee——

Mr. DAVIS of Minnesota. By the Appropriations Committee. I made the point of order against it.

the committee. I thought the District Committee authorized it. On the other side of the bridge, a short way over, the highway crosses the tracks of the Baltimore and Ohio Railroad. It was expected at that time they were going to abandon that track, which is a small branch track, but the new industry being launched near there, I understand, has changed the purpose of the railroad, and this branch is going to continue. Therefore it was suggested to the committee that it was indispensable that a change of grade should be made, so that it should no longer be a grade crossing.

Of course, that ought to be done before the bridge was completed. Therefore we have put into this bill a clause changing the grade of the highway and Baltimore and Ohio tracks just beyond the bridge, and provided also, which we thought was fair, that the Baltimore and Ohio should pay the expense of changing the grade. That, of course, is subject to the point of order.

We found, too, that this highway bridge had been built more wide and more expensively, in order that a street car line might use it, and we thought it but fair that the car company should pay some portion of the incurred cost, and we have provided that it should pay $32,500, or one-tenth of the cost.

That, of course, is also subject to a point of order, and is simply suggested for the unanimous consent of the committee. We have also a provision that street railway companies shall sprinkle their tracks in the streets wherever the Commissioners order, because you all know that in summer the dust that rises from the passage of a street car goes far to make the street unendurable; and it is no more than fair, particularly as they said it would not be any very great additional expense to put on a few tank cars, that they should provide them.

We have also provided that the price of lighting the streets shall be reduced from $20 to $15 for plain gas lamps, from $25 to $20 for mantle burners, and from $85 to $80 for electric lamps.

One other provision that I wish to allude to, and then will yield the floor, is the appropriation of $100,000 for the inauguration of water meters in private residences. It appeared before us that our present water supply has nearly reached the limit of consumption and that in some days last year the demand was greater than the supply, so that we must either increase the supply or reduce the demand, and it seemed to us after investigation that much the cheaper and better way was to reduce the use of the water.

Mr. SIMS. How many years will you be in putting in the meter system?

Mr. GILLETT of Massachusetts. We appropriate $100,000 this year.

Mr. SIMS. What time is given in the bill for a complete system of meters to go in?

Mr. GILLETT of Massachusetts. The only provision is for $100,000 worth to go in this year.

Mr. GILLETT of Massachusetts. It was before I was on

Mr. SIMS. I want to ask the gentleman if he does not think that by the time these meters are installed the increased growth of the city will demand an increased water supply and that we will still be unable to provide it?

Mr. GILLETT of Massachusetts. I do not think that, Mr. Chairman, because the facts show that in Washington the enormous amount of 220 gallons per capita is used, which is a very unusually large amount. Sixty gallons is considered a fair amount. We ought to save over half the present use. And although the growth of the city will gradually use up even our present supply, and of course some time we will be compelled to have a larger supply, yet the longer we can postpone it the more economical for the city.

Mr. SIMS. But the expense of putting in these meters will all be lost when you do have a new water supply.

Mr. GILLETT of Massachusetts. Oh, no; not at all. When we get our new water supply we will still use the meters. It seems to me the meter system is the proper, scientific system to check waste, and we will want it just as much when we get our new system as we want it now, to check the extravagant use of water.

Mr. SIMS. Will not the meter system tend to the reduction of the use of water for sanitary purposes among the poorer classes?

Mr. GILLETT of Massachusetts. I do not think so. It will be so cheap that a man will not limit the necessary use of it. Where we suppose the waste comes very largely is that in Washington, the houses not being built for cold weather, a large portion of the population let the spigots run all through the cold weather and then in summer they let them run to keep the water cool.

Mr. DAVIS of Minnesota. Would not the gentleman think it advisable that his committee should recommend that the expense of putting in the meters should be borne by the property owners rather than by the Government? And is not that the usual way in cities throughout the United States?

Mr. GILLETT of Massachusetts. I do not think it is usual. We concluded that this was the best way for us to do—to put them in—and then, of course, the water service will ultimately pay for them. It will come back from the users of the water ultimately, and it is only a question of each user paying it at the outset, or all the users contributing to all the meters.

Mr. DAVIS of Minnesota. My experience is that the property owners usually put in the meters themselves. Of course that would of necessity reduce the water tax. It requires quite a large advance on the part of poor people to put in a meter.

Mr. GILLETT of Massachusetts. That is a strong argument for our plan. By the method we propose the District will put them in and then get back the price.

Mr. DAVIS of Minnesota. What is the cost of a meter?

Mr. GILLETT of Massachusetts. From ten to twenty dollars apiece, I think. Of course, it amounts to the same thing in the long run. The consumers pay for it.

Mr. DAVIS of Minnesota. Without criticising the committee, it seems to me that it is always expected here that the Government is to advance the money all the time.

Mr. GILLETT of Massachusetts. The Government advances the money, but it comes back. It is all paid for out of the water, so that ultimately the users pay for the meter, but nobody has to put up the money at first. That was the argument that convinced us. I think the Government fares better in this case than in most of our appropriations.

Mr. SAMUEL W. SMITH. Has the gentleman named all the provisions in the bill subject to a point of order?

Mr. GILLETT of Massachusetts. No; there are a few more, but I think they are all in the report, printed in italics.

Mr. NORRIS. Will the gentleman permit me a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. NORRIS. Is not the effect of the meter proposition about this, that if you required the meters to be put in by the property owners instead of the Government putting them in, and, as you say, the user eventually paying for them, you would make the owner of the property pay for the meters, whereas in the end you make the renter pay for it in this way?

Mr. GILLETT of Massachusetts. Yes; that would be true where the owner does not occupy the building. Now, Mr. Chairman, I have been asked by the gentleman from Ohio [Mr. GROSVENOR] to yield to him for a moment.

Mr. GROSVENOR. Mr. Chairman, it may be proper, in view of the message of the President calling the attention of the House to an apparent defect in the criminal procedure of the courts of the United States, as developed in the case of the packers at Chicago, to suggest two propositions. First, that on yesterday, in the United States court being held at Kansas City, Judge Macpherson decided the exact question raised in the Packers' case at Chicago exactly the reverse of that decided by Judge Humphrey; and to call attention to the fact that the defendants in the latter case have now an issue upon which, if they see fit, they can go direct to the Supreme Court of the United States to test the question whether Judge Macpherson's opinion is the true one, or whether Judge Humphrey is right in his definition of the law and in his ruling upon the question made in the Chicago case.

No doubt the proper practice in the United States ought to be so that in all criminal procedure the prosecuting side, "the State," as we usually call it, may have a direct avenue to the highest court of the State by exception to the ruling of the judge against the State or the prosecution. Such is the law in Ohio, and it is constantly practiced. The judge of the court, for instance, sustains a demurrer to the indictment, or makes a ruling upon a question of evidence, or any other important question, and the prosecuting attorney simply excepts to the opinion, and the statute permits him to go to the highest court for affirmation or reversal of the decision below. Of course the defendant can not again be put on trial. But the practice furnishes a ready way to ascertain the real legal and proper decision and settles the law for the future.

So the proposition is a correct one, and it is a defect in our legislation that it does not appear on the statute book of the United States, but it is proper that the House of Representatives shall make known to the country that on yesterday, in compliance with the report of the Judiciary Committee of this House, a bill in all respects conforming to the suggestions of the Attorney-General and of the President, was duly passed under a suspension of the rules in this House, and is now before the Senate of the United States. It is to be hoped that it may soon become the law of the country, and furnish a speedy means of reaching true results in all our criminal trials and upon all our criminal pleadings.

Mr. GILLETT of Massachusetts. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8198—the District of Columbia appropriation bill—and had directed him to report that they had come to no resolution thereon.

THE SAN FRANCISCO DISASTER.

Mr. KAHN. Mr. Speaker, I have just received the following dispatch through the War Department:

Fifty-four blocks have been destroyed by fire. Four hundred bodies have been brought into the morgue. The town of Berkeley been demolished. Martial law has been declared. Palace Hotel on fire. Postal Telegraph Building, Examiner Building, Call Building have been destroyed. Dynamite is being used to check flames. At 1.30 p. m. a succession of slight shocks reported.

The condition in San Francisco is appalling, and in view of that fact I desire to ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to loan to the mayors of the cities of San Francisco, Berkeley, Oakland, Alameda, and such other cities on the Pacific coast as may have sustained damage, under such regulations and restrictions as he may deem proper, a sufficient number of tents to temporarily shelter such persons as may have been rendered homeless and have lost property by the earthquake of this date and attending conflagration, and to issue rations and supplies and render such other aid to such as are destitute and unable to provide for themselves.

Be it further resolved, That the Secretary of the Treasury and the Secretary of the Navy are also hereby directed to cooperate with the Secretary of War in extending relief and assistance to the stricken people herein referred to, to the extent of the use of the naval vessels, revenue cutters, and supplies under their control on the Pacific coast.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11976. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico;

H. R. 229. An act providing for the purchase of metal and the coinage of minor coins, and the distribution and redemption of said coins;

H. R. 17987. An act making an appropriation for the improvement of the mouth of the Columbia River; and

H. R. 13103. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes.

LEAVE OF ABSENCE.

Mr. SHERLEY, by unanimous consent, obtained leave of absence until May 9.

RESOLUTION OF SYMPATHY WITH CALIFORNIA.

Mr. GILL. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives, That the sympathy of the House is hereby extended to the people of the State of California in this the hour of their great disaster and suffering, caused by the extraordinary evolution of nature in that State, and that as an expression of our profound sympathy we do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

Then, in accordance with the foregoing resolution (at 4 o'clock and 42 minutes p. m.), the House adjourned until tomorrow, at 12 o'clock m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Brazos River, Texas—to the Committee on Rivers and Harbors and ordered to be printed, with accompanying illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TRIMBLE, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 11032) to prevent the adulteration of blue grass, orchard grass, and clover seed, reported the same with amendment, accompanied by a report (No. 3337); which said bill and report were referred to the House Calendar.

Mr. BIRDSALL, from the Committee on the Judiciary, to which was referred the bill of the House H. R. 16551, reported in lieu thereof a bill (H. R. 18330) transferring the counties of Jackson and Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa, accompanied by a report (No. 3343); which said bill and report were referred to the House Calendar.

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8410) to authorize the Charleston Light and Water Company to construct and maintain a dam across Goose Creek, in Berkley County, in the State of South Carolina, reported the same with amendment, accompanied by a report (No. 3345); which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15078) granting to the Ocean Shore Railway Company a right of way for railroad purposes across Pigeon Point Light-House Reservation, in San Mateo County, Cal., reported the same with amendment, accompanied by a report (No. 3348); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17387) granting an increase of pension to David F. Eakin, reported the same with amendment, accompanied by a report (No. 3301); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4965) granting an increase of pension to Samuel P. Holland, reported the same with amendment, accompanied by a report (No. 3302); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18054) granting an increase of pension to Stewart J. Donnelly, reported the same with amendment, accompanied by a report (No. 3303); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18019) granting an increase of pension to Milton A. Griffith, reported the same with amendment, accompanied by a report (No. 3304); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17480) granting an increase of pension to Charles P. Lord, reported the same with amendment, accompanied by a report (No. 3305); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to whicf was referred the bill of the House (H. R. 17747) granting an increase of pension to Abraham I. Canary, reported the same without amendment, accompanied by a report (No. 3306); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13991) granting an increase of pension to Wiley H. Dixon, reported the same with amendment, accompanied by a report (No. 3307); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13979) granting a pension to Emeline A. Stewart, reported the same with amendment, accompanied by a report (No. 3308); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14801) granting an increase of pension to Thomas Armstrong, reported the same with amendment, accompanied by a report (No. 3309); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17736) granting an increase of pension to Josephine B. Phelon, reported the same with amendment, accompanied by a report (No. 3310); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15869) granting an increase of pension to Wilson H. McCune, reported the same without amendment, accompanied by a report (No. 3311); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16044) granting an increase of pension to John C. Lindsey, reported the same with amendment, accompanied by a report (No. 3312); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15565) granting an increase of pension to Josias R. King, reported the same with amendment, accompanied by a report (No. 3313); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16783) granting an increase of pension to David W. Kirkpatrick, reported the same with amendment, accompanied by a report (No. 3314); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15692) granting a pension to Frank M. Dooley, reported the same with amendment, accompanied by a report (No 3315); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16295) granting an increase of pension to Lawrence Foley, reported the same with amendment, accompanied by a report (No. 3316); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16566) granting a pension to Whitman V. White, reported the same with amendment, accompanied by a report (No. 3317); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16284) granting an increase of pension to George Rogers, reported the same with amendment, accompanied by a report (No. 3318); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15152) granting an increase of pension to Mary T. Corns, reported the same with amendment, accompanied by a report (No. 3319); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10922) granting an increase of pension to John McDonald, reported the same with amendment, accompanied by a report (No. 3320); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11151) granting an increase of pension to John Sirmyer, reported the same with amendment, accompanied by a report (No. 3321); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11365) granting an increase of pension to Robert D. Williamson, reported the same with amendment, accompanied by a report (No. 3322); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12874) granting a pension to Ellen Dickens, reported the same with amendment, accompanied by a report (No. 3323); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9529) granting an increase of pension to William Gibson, reported the same with amendment, accompanied by a report (No. 3324); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16257) granting an increase of pension to Samuel Deems, reported the same

with amendment, accompanied by a report (No. 3325); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17678) granting an increase of pension to Alexander Moore, reported the same with amendment, accompanied by a report (No. 3326); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10319) granting an increase of pension to Harvey Deal, reported the same without amendment, accompanied by a report (No. 3327); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4363) granting an increase of pension to Thomas D. Campbell, reported the same with amendment, accompanied by a report (No. 3328); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5048) granting an increase of pension to William A. Failer, reported the same with amendment, accompanied by a report (No. 3329); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4625) granting a pension to Anderson J. Smith, reported the same with amendment, accompanied by a report (No. 3330); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5732) granting an increase of pension to Elias C. Kitchin, reported the same with amendment, accompanied by a report (No. 3331); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1946) granting an increase of pension to James A. Sproull, reported the same with amendment, accompanied by a report (No. 3332); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1768) granting an increase of pension to George W. Childers, reported the same with amendment, accompanied by a report (No. 3333); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1557) granting an increase of pension to Frank J. Oatley, reported the same with amendment, accompanied by a report (No. 3334); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 549) granting an increase of pension to Charles W. Starr, jr., reported the same with amendment, accompanied by a report (No. 3335); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9867) granting a pension to William Bieber, reported the same with amendment, accompanied by a report (No. 3336); which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 17957) for the relief of certain customs inspectors of the port of New York, reported the same with amendment, accompanied by a report No. 3338); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 2326) for the relief of J. W. Bauer and others, reported the same without amendment, accompanied by a report (No. 3339); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5560) for the relief of Matthew J. Davis, reported the same without amendment, accompanied by a report (No. 3340); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 4819) for the relief of M. A. Johnson, reported the same with amendment, accompanied by a report (No. 3341); which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 10553), reported in lieu thereof a resolution (H. Res. 406) referring to the Court of Claims the papers in the case of Eli Pettjohn, accompanied by a report (No. 3342); which said resolution and report were referred to the Private Calendar.

Mr. SMITH of Arizona, from the Committee on the Public Lands, to which was referred the bill of the House H. R. 11957, reported in lieu thereof a bill (H. R. 18333) granting to the town of Albuquerque a section of land for public purposes, accompanied by a report (No. 3347); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 16883) for the relief of Alva C. Peckham, reported the same adversely, accompanied by a report (No. 3344); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the Senate (S. 2056) to correct the military record of David Horner, reported the same adversely, accompanied by a report (No. 3346); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FASSETT: A bill (H. R. 18327) defining wine, sugared, compounded, and carbonated wines; for preventing adulteration, misbranding, and imitation of wines; for imposing a tax upon and regulating the manufacture of compounded wines; for regulating interstate traffic and foreign trade therein, and for other purposes—to the Committee on Ways and Means.

By Mr. FLOYD: A bill (H. R. 18328) to regulate the practice in certain civil and criminal cases in the western district of Arkansas—to the Committee on the Judiciary.

By Mr. BIRDSALL: A bill (H. R. 18329) providing for additional midshipmen at the Naval Academy—to the Committee on Naval Affairs.

Also, from the Committee on the Judiciary, a bill (H. R. 18330) transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa—to the House Calendar.

By Mr. ANDREWS: A bill (H. R. 18331) for the appointment of a commission to select a site for a national Indian sanitarium—to the Committee on Indian Affairs.

By Mr. KEIFER (by request): A bill (H. R. 18332) to establish a representative form of government in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GILL: A bill (H. R. 18335) to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the shellfish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland, and making an appropriation therefor—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOWLER: A bill (H. R. 18336) for the current deposit of public moneys—to the Committee on Banking and Currency.

By Mr. HIGGINS: A bill (H. R. 18337) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska—to the Committee on the Territories.

By Mr. CALDER: A joint resolution (H. J. Res. 139) to provide for the publication of the names of the heads of families returned at the First Census of the United States—to the Committee on the Census.

By Mr. GARDNER of New Jersey: A resolution (H. Res. 403) requesting certain information from the Secretary of Commerce and Labor—to the Committee on Interstate and Foreign Commerce.

Also, a resolution (H. Res. 404) requesting certain information from the Secretary of Commerce and Labor—to the Committee on Interstate and Foreign Commerce.

By Mr. CURRIER: A resolution (H. Res. 405) providing for the appointment of a clerk to the Committee on Patents—to the Committee on Accounts.

By Mr. WALDO, from the Committee on Claims: A resolution (H. Res. 406) referring to the Court of Claims the bill H. R. 10553—to the Private Calendar.

By Mr. HAYES: A resolution (H. Res. 408) calling upon the Secretary of Commerce and Labor for information as to the enforcement of the Chinese-exclusion act—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Arizona, from the Committee on the Public Lands: A bill (H. R. 18333) granting land to the city of Albuquerque for public purposes—to the Private Calendar.

By Mr. BENNETT of Kentucky: A bill (H. H. 18338) granting an increase of pension to Wylder Branum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18339) granting an increase of pension to Corinth Cooper—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 18340) granting a pension to Susan C. Sanford—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 18341) granting an increase of pension to Lora Milliken—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18342) granting an increase of pension to L. H. Nickel—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 18343) granting an increase of pension to John N. Oliver—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 18344) granting an increase of pensions to William Todd—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 18345) for the relief of the Walnut Grove Baptist Church, of Gibson County, Tenn.—to the Committee on War Claims.

By Mr. GILBERT of Kentucky: A bill (H. R. 18346) for the relief of the estate of Mingo Peters—to the Committee on War Claims.

Also, a bill (H. R. 18347) for the relief of the estate of John C. Russell—to the Committee on War Claims.

Also, a bill (H. R. 18348) for the relief of William P. Wade—to the Committee on War Claims.

By Mr. GILL: A bill (H. R. 18349) granting an increase of pension to Myers Uhlfelder—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 18350) for the relief of the heirs of Mary E. Neale—to the Committee on the District of Columbia.

By Mr. GUDGER: A bill (H. R. 18351) for relief of W. H. McFarland, of Tryon, N. C.—to the Committee on War Claims.

Also, a bill (H. R. 18352) granting an increase of pension to Andrew Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18353) granting an increase of pension to J. D. Herren—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18354) granting an increase of pension to Jesse A. Staton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18355) granting an increase of pension to Rachel A. Webster—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 18356) granting an increase of pension to W. A. Custer—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 18357) granting an increase of pension to William E. Starr—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 18358) granting an increase of pension to Daniel Knauss—to the Committee on Invalid Pensions.

Mr. LILLEY of Pennsylvania: A bill (H. R. 18359) granting a pension to Edwin R. Smith—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 18360) granting an increase of pension to Fanny G. Pomeroy—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 18361) granting a pension to Josephine Honor—to the Committee on Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 18362) granting a pension to Annie Holloway—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 18363) granting an increase of pension to Rudolph Bentz—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 18364) granting a pension to Katharine H. Williams—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 18365) granting a pension to Roberta R. Haverlick—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 18366) granting an increase of pension to Isaiah Jewell—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 18367) granting an increase of pension to John Wilkinson—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 18368) granting a pension to Elbridge G. F. Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18369) granting a pension to A. C. Hogan—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 18370) granting an increase of pension to Andrew McCredden—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 18371) granting an increase of pension to Thomas C. Green—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 18372) for the relief of W. W. Warren, administrator of the estate of Jackson Warren, deceased, of Canton, Madison County, Miss.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Petition of the Trades League of Philadelphia, against the Little and Gilbert bills granting immunity to trades organizations in disputes—to the Committee on the Judiciary.

Also, petition of S. B. Neff Lodge, No. 225, Brotherhood of Railway Trainmen, for the Howell naturalization bill (H. R. 15442)—to the Committee on Immigration and Naturalization.

Also petition of the National Board of Trade, for the merchant marine shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. BOWERS: Paper to accompany bill for relief of William Loggins, administrator of the estate of Tilman Loggins—to the Committee on War Claims.

By Mr. BURKE of Pennsylvania: Petition of the National Board of Trade, for the merchant marine shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Trades League of Philadelphia, against the Little and Gilbert bills relative to immunity to members of labor organizations in disputes—to the Committee on the Judiciary.

By Mr. BUTLER of Pennsylvania: Petition of Dewees & Bracken, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CHAPMAN: Petition of 36 citizens of Equality, Ill., against bill H. R. 7067—to the Committee on Indian Affairs.

By Mr. COOPER of Pennsylvania: Petition of the Trades League of Philadelphia, Pa., opposing the Little and Gilbert bills relative to granting immunity to labor organizations in case of disputes—to the Committee on the Judiciary.

Also, petition of Camp De La Lama, Army of the Philippines, No. 6, for medals for certain officers and soldiers serving in the Spanish war—to the Committee on Military Affairs.

By Mr. DAWSON: Petition of citizens of the District of Columbia, for relief from conditions incident to change of names of streets at Columbia Heights—to the Committee on the District of Columbia.

By Mr. DUNWELL: Petition of the Typothetæ of New York, against the anti-injunction bills—to the Committee on the Judiciary.

Also, petition of the Seventeenth Assembly District Republican Committee, for construction of battle ships at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of S. L. Glasgow, for bill H. R. 8989, creating in the War Department a volunteer retired list for officers of the civil war—to the Committee on Military Affairs.

Also, petition of the Woman's Health Protective Association of New York, for bills S. 50 and H. R. 4462, relative to child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Merchant Marine League of the United States and the Brotherhood of Boiler Makers and Iron-ship Builders, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. ESCH: Petition of the Lang Canning Company et al., objecting to section 7, page 21, of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Paper to accompany bill for relief of Capt. William Todd—to the Committee on Invalid Pensions.

By Mr. FRENCH: Petition of citizens of Nez Perces County, Idaho, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FULLER: Resolutions of the National Metal Trades Association, for passage of the Gallinger shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Rockport, Ill., for the Littlefield bill relative to commerce between the States as affecting the liquor traffic—to the Committee on the Judiciary.

Also, petition of the Sorosis Club of New York, for bills S. 50 and 2962 and H. R. 4462, relative to child labor and a children's

bureau in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GARRETT: Paper to accompany bill for relief of Walnut Grove Church, of Gibson County, Tenn.—to the Committee on War Claims.

By Mr. GRAHAM: Petition of the National Board of Trade, for the merchant-marine shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Trades League of Philadelphia, against the Little and Gilbert bills for immunity to labor organizations in disputes—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of the mayor and city council of Newport, R. I., for an increase in the United States artillery forces—to the Committee on Military Affairs.

By Mr. KINKAID: Petition of citizens of Chadron, Nebr., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LEVER: Paper to accompany bill for relief of Rose Haynes—to the Committee on Invalid Pensions.

By Mr. LILLEY: Paper to accompany bill for relief of Edwin R. Smith—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the New York Board of Trade and Transportation, for an appropriation to improve the Coney Island channel—to the Committee on Rivers and Harbors.

Also, petition of the Intermunicipal Research Commission, for bill H. R. 17511, relative to protection of the unemployed who seek work through employment agencies—to the Committee on the District of Columbia.

Also, petition of S. P. Onderdonk et al., for relief of the Indians in northern California and legislation for relief of the Indians of southern California—to the Committee on Indian Affairs.

Also, petition of Generals Raum, Crawford, and Birney, for bill S. 2162, to create a volunteer retired list of surviving generals of volunteers—to the Committee on Military Affairs.

By Mr. LOUD: Paper to accompany bill for relief of Josephine Honor—to the Committee on Invalid Pensions.

By Mr. MANN: Petition of women of Chicago, against conditions existing in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Rebecca A. Cole—to the Committee on Pensions.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of Thomas Washington—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Hezekiah James—to the Committee on Invalid Pensions.

Also, petition of J. M. H. Major et al., of Saline County, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Richard B. Rankin—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: Petition of citizens of Council Bluffs, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Methodist Episcopal Church of Woodbine, for an amendment to the Constitution abolishing polygamy—to the Committee on the Judiciary.

By Mr. SULZER: Petition of L. P. Onderdonk et al., for relief of the Indians of northern and southern California—to the Committee on Indian Affairs.

By Mr. TIRRELL: Petition of H. C. Hartwell et al., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WEEMS: Petition of Pride of Maynard Council, No. 17, Daughters of Liberty, of Maynard, Ohio, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *April 19, 1906.*

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

My soul thirsteth for God—for the living God. When shall I come and appear before God? O my God, my soul is cast down within me. Therefore will I remember Thee! Why art thou cast down, O my soul, and why art thou disquieted within me? Hope thou in God, for I shall yet praise Him who is the health of my countenance and my God.

Let us pray.

Father, we have thanked Thee for the blessings of the past; we have asked Thy help in every way in the duties of the day. Now we come to Thee in sorrow and in calamity to ask Thee to give us the same strength, the same blessedness, and to show that in all partial evil Thy universal good shall prevail. Tell us what this is, that Thou art the living God with us always. We are weak, but Thou art strong; we know nothing, but Thou knowest everything; we are in darkness, but Thou art in the light.

O Father, come to us as a father to his children. Be with those who are in the greatest sorrow and trial. Strengthen us all by Thy infinite strength, that we may know Thee and enter into Thy service and go about Thy business; that in joy or in sorrow, in gladness or in weakness, we may know that we are the living children of a living God. So, not in vain for us that Thou hast spoken to us, and though we do not see Thee with the eye, that Thou art willing to write Thy laws upon our hearts. Father, we ask it in Christ Jesus.

Our Father who art in Heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is done in Heaven. Give us this day our daily bread. Forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, Thine is the power, Thine is the glory, forever. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

RELIEF OF SUFFERERS IN CALIFORNIA.

Mr. PERKINS. Mr. President, out of the regular order of business I desire to introduce a joint resolution, and I ask unanimous consent for its immediate consideration.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The joint resolution (S. R. 48) authorizing the Secretary of War to use rations and quartermaster's supplies for the relief of destitute persons in the region devastated by earthquake and fire in the State of California, and making an appropriation to relieve the sufferers by said disaster, was read the first time by its title and the second time at length, as follows:

Whereas the most terrible disaster which has ever taken place on this continent has occurred in the State of California, in which one-half of the city of San Francisco has been practically destroyed by earthquake and fire, and many towns and cities along the coast have suffered from similar devastation; and

Whereas in all of the afflicted localities there has been wrought such ruin as has resulted in great loss of life and the serious injury of thousands of people; and

Whereas the destruction of dwelling houses has rendered homeless 100,000 of the inhabitants of San Francisco alone; and

Whereas there is most urgent need of means to bury the dead, care for the injured, and shelter and feed the homeless; and

Whereas the local administrations will for some time be unable to cope with the situation and extend such aid and assistance as is immediately necessary: Therefore, be it

Resolved, etc., That the sum of $500,000, or such part thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by and under the direction of the Secretary of War in the purchase and distribution of quartermaster's and commissary stores to such injured and destitute persons as may require assistance in the district devastated by earthquake and fire. And the Secretary of War is authorized to use the steamers and other boats and vessels belonging to or now employed by the Government upon San Francisco Bay or adjacent waters in the transportation and distribution of supplies furnished by the United States or individuals to and among such destitute and suffering people, and he may employ such other means of transportation as he may deem necessary to carry the purpose of this joint resolution into effect.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution just read?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. PERKINS. I ask that the joint resolution be immediately transmitted to the House.

The VICE-PRESIDENT. The joint resolution will be immediately transmitted, as requested by the Senator from California.

Mr. HALE. Has there come from the House a small deficiency bill providing for the sending home of the bodies of the officers and seamen who were killed on board the *Kearsarge*?

The VICE-PRESIDENT. The Chair understands that no such bill has come to the Senate.

Mr. HALE. Whenever it does come I desire to have it put on its passage without a reference.

The VICE-PRESIDENT. The request of the Senator from Maine will be noted.

FISHING IN ALASKAN WATERS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 267) to

prohibit aliens from fishing in the waters of Alaska, which was to strike out all after the enacting clause and to insert:

That it shall be unlawful for any person not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, and is a bona fide resident therein, or for any company, corporation, or association not organized or authorized to transact business under the laws of the United States or under the laws of any State, Territory, or district thereof, or for any person not a native of Alaska, to catch or kill, or attempt to catch or kill, except with rod, spear, or gaff, any fish of any kind or species whatsoever in any of the waters of Alaska under the jurisdiction of the United States: *Provided, however,* That nothing contained in this act shall prevent those lawfully taking fish in the said waters from selling the same, fresh or cured, in Alaska or in Alaskan waters, to any alien person, company, or vessel then being lawfully in said waters: *And provided further,* That nothing contained in this act shall prevent any person, firm, corporation, or association lawfully entitled to fish in the waters of Alaska from employing as laborers any aliens who can now be lawfully employed under the existing laws of the United States, either at stated wages or by piecework, or both, in connection with Alaskan fisheries, canneries, salteries, etc.

SEC. 2. That every person, company, corporation, or association found guilty of a violation of any provision of this act or of any regulation made thereunder shall, for each offense, be fined not less than $100 nor more than $500, which fine shall be a lien against any vessel or other property of the offending party or which was used in the commission of such unlawful act. Every vessel used or employed in violation of any provision of this act or of any regulation made thereunder shall be liable to a fine of not less than $100 nor more than $500, and may be seized and proceeded against by way of libel in any court having jurisdiction of the offense.

SEC. 3. That the violation of any provision of this act or of any regulation made thereunder may be prosecuted in any United States district court of Alaska, California, Oregon, or Washington.

SEC. 4. That the collector of customs of the district of Alaska is hereby authorized to search and seize every foreign vessel and arrest every person violating any provision of this act or any regulation made thereunder, and the Secretary of Commerce and Labor shall have power to authorize officers of the Navy and of the Revenue-Cutter Service and agents of the Department of Commerce and Labor to likewise make such searches, seizures and arrests. If any foreign vessel shall be found within the waters to which this act applies, having on board fresh or cured fish and apparatus or implement suitable for killing or taking fish, it shall be presumed that the vessel and apparatus were used in violation of this act until it is otherwise sufficiently proved. And every vessel, its tackle, apparatus, or implements so seized shall be given into the custody of the United States marshal of either of the districts mentioned in section 3 of this act, and shall be held by him subject to the proceedings provided for in section 2 of this act. The facts in connection with such seizure shall be at once reported to the United States district attorney for the district to which the vessel so seized shall be taken, whose duty it shall be to institute the proper proceedings.

SEC. 5. That the Secretary of Commerce and Labor shall have power to make rules and regulations not inconsistent with law to carry into effect the provisions of this act. And it shall be the duty of the Secretary of Commerce and Labor to enforce the provisions of this act and the rules and regulations made thereunder, and for that purpose he may employ, through the Secretary of the Treasury and the Secretary of the Navy, the vessels of the United States Revenue-Cutter Service and of the Navy: *Provided, however,* That nothing contained in this act shall be construed as affecting any existing treaty or convention between the United States and any foreign power.

Mr. FULTON. I move that the Senate concur in the amendment of the House.

Mr. NELSON. I wish the Senator would let it lie over for the day, so that I can examine it.

Mr. FULTON. Certainly. I have no objection to that course.

Mr. FULTON subsequently said: A few minutes ago there was laid before the Senate certain amendments of the House to Senate bill 267, and the Senator from Minnesota [Mr. NELSON] asked that it might go over. He has looked into the bill and finds no objection to the same. I ask now that my motion to concur in the amendments of the House be considered.

Mr. HOPKINS. I should like to ask the Senator from Oregon what are the amendments of the House?

Mr. ALDRICH. I think the amendment had better be printed. I do not like this manner of legislating, where some one consents to agreeing to an amendment without having it read or without any knowledge of it. I ask that it may be printed.

Mr. FULTON. The amendment has been read. But I have no objection to letting it go over.

Mr. ALDRICH. Let it be printed, so that we will know something about how to legislate on the subject.

Mr. HOPKINS. The reason why I asked the question was that the bill was originally reported from my committee.

Mr. FULTON. The amendment made by the House was designed to permit the employment of Chinese laborers in canneries. The bill is designed to exclude Japanese, although they are not named, but they have been going into Alaskan waters with their vessels and engaging in fishing there. It is designed to prevent that abuse.

Mr. HOPKINS. The Senator has no objection to the amendment going over until to-morrow morning?

Mr. FULTON. Certainly not.

The VICE-PRESIDENT. The amendment will be printed, as requested by the Senator from Rhode Island.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Michael C. Drennan *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Adelaide R. Shaw, widow of Samuel F. Shaw, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Antonio A. Lynch, Margaret Lynch, Charlotte L. Carmoody, Josephine L. Ridgeway, Jane L. Canby, children of Dominick Lynch, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Josiah D. Aiken *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Kate R. Emmerich and Parthenia E. Altemus, sisters of Charles F. Emmerich, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Samuel Cross *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary S. Clark, widow of Frank H. Clark, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of William G. Sprostan, brother of John G. Sprostan, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary S. Franklin, widow of Augustus S. Franklin, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Edward D. Marchant, son of Cornelius M. Marchant, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Marcus D. Hyde *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Louisa I. Laine, widow of Richard W. Laine, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Hannah M. Coon, widow (remarried) of Edward B. Brigham, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 14591. An act to authorize the construction of a bridge across the Cumberland River in or near the city of Clarksville, State of Tennessee;

H. R. 14592. An act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.; and

H. R. 17135. An act providing that the State of Montana be permitted to relinquish to the United States certain lands heretofore selected and select other lands from the public domain in lieu thereof.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 11565. An act granting a pension to Sarah A. Brinker;

H. R. 14184. An act to extend the irrigation act to the State of Texas;

H. R. 16133. An act to simplify the issue of enrollments and licenses of vessels of the United States;

H. R. 17757. An act extending to the subport of Spokane, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement; and

H. R. 18334. An act making an appropriation to supply a deficiency in the appropriation for bringing home remains of officers and men of the Navy and Marine Corps who die abroad.

The message further returned to the Senate, in compliance with its request, the bill (S. 4952) making an appropriation for the improvement of the mouth of the Columbia River.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 229. An act providing for the purchase of metal and the coinage of minor coins, and the distribution and redemption of said coins;

H. R. 11976. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico;

H. R. 13103. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes; and

H. R. 17987. An act making an appropriation for the improvement of the mouth of the Columbia River.

BRINGING HOME OF REMAINS OF OFFICERS AND MEN OF NAVY.

Mr. HALE. I ask that the bill making an appropriation to supply a deficiency be laid before the Senate.

The bill (H. R. 18334) making an appropriation to supply a deficiency in the appropriation for bringing home remains of officers and men of the Navy and Marine Corps who die abroad was read the first time by its title, and the second time at length, as follows:

That to supply a deficiency in the appropriation for "bringing home the remains of officers and men, Navy and Marine Corps, who die abroad," on account of the fiscal year 1906, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $4,000.

Mr. HALE. I do not think there is any need of a reference in this case. I ask that the bill be put upon its passage.

There being no objection, the bill was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Council of Jewish Women of New York City, N. Y., and a petition of the State Consumers' League of New York, praying for an investigation into the industrial conditions of women and children in the United States; which were referred to the Committee on Education and Labor.

Mr. BACON presented a petition from sundry citizens of Greensboro, Ga., praying for an investigation of the charges made and filed against the Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. PENROSE presented a petition of the T Square Club of Philadelphia, Pa., praying for the enactment of legislation to prohibit the pending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was ordered to lie on the table.

He also presented memorials of the congregation of Trinity Lutheran Church and of the Ministerial Association, of Milton, in the State of Pennsylvania, remonstrating against the enactment of legislation providing for extension of time in the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Sorosis Club, of Langhorne, Pa., praying for a scientific investigation into the industrial condition of the women of the country; which was referred to the Committee on Education and Labor.

Mr. WETMORE presented a petition of the Rhode Island Historical Society, of Providence, R. I., praying that an appropriation be made for the repair of the old frigate *Constitution* and its assignment to duty as a training ship; which was referred to the Committee on Naval Affairs.

Mr. MARTIN presented a petition of Local Union 1128, United Brotherhood of Carpenters and Joiners of America, of Roanoke, Va., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented sundry papers to accompany the bill (S. 4135) for the relief of the legal representatives of S. A. Buckner; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. McLAURIN, from the Committee on Public Lands, to whom was referred the bill (H. R. 10152) granting certain lands to the city of Biloxi, in Harrison County, Miss., for park and cemetery purposes, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 544) to provide for the erection of a public building in the city of Great Falls, Mont., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4956) to provide for the purchase of a site and the erection of a building thereon at Versailles, in the State of Kentucky, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on the Library; which was agreed to:

A bill (S. 5739) providing for the acceptance by the United States Government of the Old Flag House, tendered by the American Flag House and Betsy Ross Association; and

A bill (S. 5694) providing for the appointment of a national advisory board on civic art.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (H. R. 15513) to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 16954) providing for the reappraisement of certain suburban lots in the town site of Port Angeles, Wash., reported it with an amendment, and submitted a report thereon.

Mr. SIMMONS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1274) authorizing a public building at Washington, N. C., reported it with amendments, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Military Affairs, to whom was referred the bill (S. 2139) to remove the charge of desertion from the military record of Anton Ernst, reported it with an amendment, and submitted a report thereon.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (H. R. 14508) permitting the building of dams across the north and south branches of Rock River, adjacent to Vandruffs Island and Carrs Island, and across the cut-off between said islands, in Rock Island County, Ill., in aid of navigation and for the development of water power, reported it with an amendment.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3862) to correct the military record of Lora E. Reed, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4089) to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army, reported it with an amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5639) to provide for the erection of a public building at San Juan, P. R., reported it without amendment, and submitted a report thereon.

REMOVAL OF DERELICTS.

Mr. FRYE. I am directed by the Committee on Commerce to report back favorably without amendment the bill (S. 5683) to provide for the removal of derelicts and other floating dan-

gers to navigation, and I submit a report thereon. The committee instructed me to ask unanimous consent for the present consideration of the bill.

I wish to say just one word in relation to it. It has the approval of the Navy Department, the Treasury Department, and the Department of Commerce and Labor. A bill similar to it was reported from the Committee on Commerce in the last Congress and passed the Senate. It was reported favorably in the House, but no action was taken there. Also, a bill of the same kind was reported from the Committee on Naval Affairs and passed the Senate, but received no action in the House.

This bill was presented only ten days ago, and I presume that I have received a hundred resolutions and requests from boards of trade, chambers of commerce, boards of underwriters, and ship associations, from Maine to New Orleans, urging the immediate passage of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Treasury to have constructed a steam vessel specially fitted for and adapted to service at sea in bad weather, for the purpose of blowing up or otherwise destroying or towing into port wrecks, derelicts, and other floating dangers to navigation, the vessel to be operated and maintained by the Revenue-Cutter Service under such regulations as the Secretary of the Treasury may prescribe.

Section 2 appropriates $250,000, or so much thereof as may be necessary, to carry out the provisions of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FRYE. I ask that the report and the letter from the Secretary of the Treasury may be printed in the RECORD.

There being no objection, the report and letter were ordered to be printed in the RECORD, as follows:

The Committee on Commerce, to whom was referred the bill (S. 5863) to provide for the removal of derelicts and other floating dangers to navigation, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Treasury Department, as will appear by the appended letter of the Secretary, inclosing a draft of the bill and giving the reasons for its enactment.

The necessity for such legislation was pointed out by the Washington International Marine Conference of 1889. Efforts to secure an international agreement for the marking and destruction of these menaces to navigation have failed, and, naturally, because derelicts are chiefly American wooden schooners, lumber laden. Efforts to secure the removal or destruction of derelicts have been prosecuted in a desultory fashion, largely because jurisdiction has not been lodged in either of the three Departments of the Government which might well claim it, namely, the Treasury, Commerce and Labor, and Navy Departments.

In the Fifty-eighth Congress a bill was reported from this committee, appropriating $175,000 for the construction of a steam vessel to be used for this purpose, under the direction of the Department of Commerce and Labor, and authorizing the detail by the President, from time to time, of any public vessel for the removal or destruction of derelicts. That bill passed the Senate and was favorably reported to the House by its Committee on Interstate and Foreign Commerce, but failed to receive consideration in that body.

In the same Congress a bill was reported from the Committee on Naval Affairs, providing for the construction of a derelict destroyer at a cost not exceeding $300,000, to be operated under the direction of the Navy Department. This bill likewise passed the Senate and was referred in the House to the same Committee on Interstate and Foreign Commerce, where it lay without action.

The above-mentioned bills had the approval of the Departments of Commerce and Labor and the Navy, respectively; and the present measure, being recommended by the Treasury Department, it will be seen that three of the Executive Departments have approved of the construction of such a vessel as the bill contemplates, but, naturally perhaps, each has heretofore sought for itself the supervision of the work. It is not understood by this committee that the Department of Commerce and Labor now urges such a claim; and the Revenue-Cutter Service seems to be peculiarly adapted to this responsibility, having had large experience in the succoring of vessels in all kinds of weather.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 12, 1906.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce,
United States Senate.

SIR: I transmit herewith a bill to provide for the removal of derelicts and other floating dangers to navigation, with the request that you will introduce the same in the Senate of the United States, as I believe the measure is in accordance with the commercial interests of the country.

This bill provides for the construction of a steam vessel for the purpose of destroying or towing into port derelicts and other floating dangers to navigation, such vessel to be operated by the Revenue-Cutter Service, and to be specially fitted for this duty under all conditions of wind and sea.

It is a fact well recognized by those who are familiar with the navigation of vessels at sea that there is no greater danger to commerce than the presence of derelicts in the paths of navigation. These derelicts are chiefly wooden sailing vessels, laden with lumber, which have been abandoned at sea. They are practically unsinkable, and are a constant menace to all vessels passing in their vicinity. On the Atlantic coast of the United States they are carried, through the influence of the Gulf Stream, to the northward along the coast, directly in the track of the large coasting fleet, and finally are borne to the eastward in the paths of the trans-Atlantic liners, so that by the influence of this current the derelicts are constantly in waters where they constitute an ever-present danger to shipping. A derelict is a constant menace and obstruction to commerce until it is destroyed or is finally broken to pieces by the wind and sea.

The Pilot Chart for April, 1906, shows the existence on the Atlantic coast of the United States of ten derelicts and seven buoys adrift, all of danger to vessels that may encounter them while running at high speed at night or in thick weather.

The removal of these dangers is a duty that devolves naturally upon the Government, and can only be efficiently performed by a vessel specially fitted for and adapted to such service.

The proposed vessel will be always available to proceed promptly to the destruction of any floating wreck that may be reported. The nature of her construction, which will enable her to keep the sea at all times, and the provision that will be made for efficient towing will make her also an important factor in rendering aid to shipping in distress—a work in which the Revenue-Cutter Service is already engaged and with which it is entirely familiar.

The interests of commerce emphatically call for the removal of these floating obstructions in the paths of navigation, and I believe the passage of this bill in providing a vessel for this special purpose, under the control of the Revenue-Cutter Service, which is charged particularly with rendering aid to commerce, will be an important safeguard looking to the preservation of human life and property at sea.

The sum proposed to be appropriated, $250,000, should be sufficient for the construction and equipment of a vessel well adapted to this work.

Respectfully, L. M. SHAW, *Secretary.*

MISSISSIPPI RIVER DAM IN MINNESOTA.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5357) permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn., to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SHIPPING IN THE PHILIPPINES.

Mr. LODGE. From the Committee on the Philippines I report back favorably without amendment the bill (H. R. 18025) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes, and I am instructed by the committee to ask unanimous consent for the present consideration of the bill. It merely postpones the operation of the coastwise law.

The Secretary read the bill.

Mr. MALLORY. I should like to inquire if the bill permits enrolled vessels of the United States to engage in trade between our ports and Philippine ports. In other words, does it put the Philippine Islands within our domestic trade?

Mr. LODGE. No. The purpose of the act is to postpone the application of the coastwise law until April 11, 1909.

Mr. MALLORY. I understand that.

Mr. LODGE. That is all there is in the act which is new. The rest is a mere reenactment of existing law.

Mr. MALLORY. From the language of the act I am inclined to think that after 1909 domestic coastwise vessels will be enabled to go into that trade.

Mr. LODGE. Certainly, after April 11, 1909, on which date the Spanish treaty limitation expires, the trade will be confined to coastwise vessels of American registry.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PENROSE. I do not desire to obstruct the bill, but I should like to have an opportunity to look into it. I ask the Senator from Massachusetts to permit it to go over until tomorrow. I object to its consideration at this time.

The VICE-PRESIDENT. Under objection, the bill will lie over.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 5766) providing a method whereby persons may be admitted to become citizens of the Philippine Islands, and extending the naturalization laws of the United States to citizens of the Philippine Islands on the same conditions as are applicable to aliens; which was read twice by its title, and, together with the accompanying memoranda and letters from the War Department, which were ordered to be printed, referred to the Committee on the Philippines.

Mr. PENROSE introduced a bill (S. 5767) granting an increase of pension to Thomas D. Welch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 5768) for the relief of Mary E. Collier; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. KNOX introduced a bill (S. 5769) to declare the true intent and meaning of parts of the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. CARTER introduced a bill (S. 5770) to authorize the Secretary of the Interior to add to the segregation of coal and asphalt lands in the Choctaw and Chickasaw nations, Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5771) granting a pension to Mary E. Thompson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduce a bill (S. 5772) granting an increase of pension to Thomas M. Harris; which was read twice by its title, and referred to the Committee on Pensions.

REGULATION OF RAILROAD RATES.

Mr. KNOX submitted an amendment intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table, and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CARTER submitted an amendment proposing to appropriate $350 for the preparation of a table of contents and index to the final report of the Louisiana Purchase Exposition Commission, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Select Committee on Industrial Expositions, and ordered to be printed.

Mr. McCUMBER submitted the following amendments intended to be proposed by him to the Indian appropriation bill; which were ordered to lie on the table, and be printed:

An amendment relative to the sale for town-site purposes by any Indian allottee of any portion of the lands allotted to him;

An amendment authorizing the issuance of a fee-simple patent to Demas Eastman, a Santee Sioux allottee; and

An amendment authorizing the issuance of a patent in fee simple to the widow and heirs of Charley Adass for land in the Olympia land district, State of Washington.

Mr. CLARK of Wyoming submitted an amendment providing that section 15 of the act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," shall not take effect until the date of the dissolution of the tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table, and be printed.

Mr. GALLINGER submitted an amendment providing that the pay and allowances for civil engineers and assistant civil engineers shall be the same as are and may be provided by or in pursuance of law for naval constructors and assistant naval constructors, and also that the Chief of the Bureau of Yards and Docks shall be selected from the members of the Corps of Civil Engineers of the Navy having not less than seven years of active service, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

WITHDRAWAL OF PAPERS—ALFRED M'PHERRAN.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Alfred McPherran, accompanying Senate bill S. 527, Fifty-ninth Congress, first session, copies of the same to be left in the files, as provided by clause 2 of Rule XXX.

WITHDRAWAL OF PAPERS—FRANCES E. TAYLOR.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Frances E. Taylor, accompanying Senate bill S. 4853, Fifty-ninth Congress, first session, copies of the same to be left in the files, as provided by clause 2 of Rule XXX.

HOUSE BILLS REFERRED.

H. R. 14184. An act to extend the irrigation act to the State of Texas was read twice by its title, and referred to the Committee on Irrigation.

H. R. 17757. An act extending to the subport of Spokane, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, was read twice by its title, and referred to the Committee on Commerce.

H. R. 11565. An act granting a pension to Sarah A. Brinker was read twice by its title, and referred to the Committee on Pensions.

RELIEF OF SUFFERERS IN CALIFORNIA.

The joint resolution (H. J. Res. 140) providing relief to the sufferers in California was read twice by its title.

Mr. PERKINS. Inasmuch as the Senate has passed an appropriate joint resolution making an appropriation of a definite sum, I think this joint resolution may temporarily lie upon the table until we know the action to be taken by the House upon the Senate joint resolution.

The VICE-PRESIDENT. The joint resolution will lie on the table.

PRACTICE OF PHARMACY AND SALE OF POISONS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8997) regulating the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments, and agree to the conference asked by the House of Representatives, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to.

The VICE-PRESIDENT appointed Mr. GALLINGER, Mr. BURKETT, and Mr. MARTIN the conferees on the part of the Senate.

ENROLLMENTS AND LICENSES OF VESSELS.

The bill (H. R. 16133) to simplify the issue of enrollments and licenses of vessels of the United States was read the first time by its title.

Mr. FRYE. That bill is exactly the same in effect and in words as the one which passed the Senate a considerable time ago. I ask that it may be put upon its passage.

The bill was read the second time at length, as follows:

That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation is hereby authorized and directed from time to time to consolidate into one document in the case of any vessel of the United States of 20 net register tons or over, the form of enrollment prescribed by section 4319 of the Revised Statutes and the form of license prescribed by section 4321 of the Revised Statutes, and such consolidated form shall hereafter be issued to a vessel of the United States in lieu of the separate enrollment and license, now prescribed by law, and shall be deemed sufficient compliance with the requirements of laws relating to the subject.

SEC. 2. That section 4325 of the Revised Statutes is hereby amended to read:

"SEC. 4325. The license granted to any vessel shall be presented for renewal by endorsement to the collector of customs of the district in which the vessel then may be within three days after the expiration of the time for which it was granted, or, if she be absent at that time, within three days from her first arrival within a district. In case of change of build, ownership, district, trade, or arrival under temporary papers in the district where she belongs the license shall be surrendered. If the master shall fail to deliver the license he shall be liable to a penalty of $10, which shall not be mitigated."

SEC. 3. That this act shall not be construed to amend any law now in force concerning the compensation of officers of the customs for service connected with the enrollment and license of vessels.

SEC. 4. That this act shall take effect on and after January 1, 1907.

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. I enter a motion to reconsider the vote by which Senate bill 4886, a bill of a similar nature, was passed, and I move that the House be requested to return the bill to the Senate.

The VICE-PRESIDENT. The Senator from Maine enters a motion to reconsider the vote by which Senate bill 4886 was passed, and moves that the House be requested to return the bill to the Senate. Without objection, it will be so ordered.

COLUMBIA RIVER IMPROVEMENT.

The VICE-PRESIDENT laid before the Senate the bill (S. 4952) making an appropriation for the improvement of the mouth of the Columbia River, returned from the House of Representatives at the request of the Senate.

Mr. FULTON. I move to reconsider the vote by which the bill was passed and that it be indefinitely postponed.

The motion was agreed to.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Mr. MORGAN. I ask the Chair to lay before the Senate the action of the House of Representatives on Senate bill 4250, in reference to the Public Health and Marine-Hospital Service, etc.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service and to impose further duties thereon.

Mr. MORGAN. The House of Representatives has stricken out all of the Senate bill except the enacting clause, and has sent us a bill which is a substitute for that. I move that the Senate disagree to the amendment of the House of Representatives and ask for a conference with the House.

Mr. HALE. Mr. President, I should like that matter to lie on the table and be printed. It is not a case where the other body has amended and changed certain features, but has substituted an entirely new bill.

Mr. MORGAN. Yes; an entirely new bill.

Mr. HALE. I do not want the matter to go to conference until it has been printed and Senators can see what the new bill is.

Mr. MORGAN. Then I ask that the bill may be printed and laid on the table.

The VICE-PRESIDENT. The bill will be printed and laid on the table, in the absence of objection.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I ask that the unfinished business be laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. BAILEY. Mr. President, I rise to correct a statement which appears in the Washington Post of this morning. In its account of a conference held by Democratic Senators yesterday it says, among other things:

> The principal differences in the conference were precipitated by a speech made by Senator BAILEY, that his court feature provided for a limited review. Exception was taken by his colleague, Senator CULBERSON, who declared that it was a broad review, and from this point the discussion passed to the several pending amendments to prevent restraining orders being issued to interfere with rates established by the Interstate Commerce Commission.

Mr. President, of course I understand how inexcusable it would be for any Senator to abuse the patience and consume the time of the Senate in correcting the numerous and unavoidable mistakes which are made by even the most intelligent and conscientious reporters; but this seems to be rather an exceptional case, because as this paper is printed here at the seat of government, and as it is generally so careful and accurate, editors throughout the country might well be misled into accepting this statement as true, while in fact it does not bear a resemblance to the truth.

In the conference of yesterday I carefully avoided complicating the question of prohibiting preliminary injunction with any other question, and I did that so that we might have the sense of the Senators who had assembled there upon that separate and independent question. There are differences enough among Democratic Senators without misrepresenting and exaggerating them.

While I am on my feet, I desire to say a word, and only a word, about the court provision in the amendment which I had the honor to offer to the bill. When that entire amendment was at first submitted, the principal, and in fact I might say the only attack upon it was directed against the proviso which prohibited the courts from suspending the orders of the Commission by interlocutory or preliminary injunction. When that attack was made, and was answered, at least to the satisfaction of all Democratic Senators with three or four exceptions, then its critics began to assert that its court provision was altogether too broad.

How any man could have reached that conclusion I am unable to understand; and I am confident that any man who understands the English language can be made to see that it is the narrowest one which has been proposed, or even suggested, that would stand the test of a judicial scrutiny under the Constitution. Certainly I endeavored to make it as narrow as it could be made without making it unconstitutional, and if any Senator in this body will propose an amendment or a substitute that narrows it without invalidating it, I pledge him my support in his effort to have it adopted.

It is my opinion that the Commission is better qualified than any court to judge and to decide what are just and reasonable railroad rates, and in accordance with that opinion my purpose has been to commit as much power to the Commission and as little power to the court as is consistent with the requirement of the Constitution.

I think, Mr. President, this much ought to be said in answer, not only to this, but to many other misstatements which have been published about the proceedings of that conference.

Mr. TILLMAN. Mr. President, I want to correct another error which came into history in regard to the transaction of the conference, and I want to say further that there was no excuse for any of these errors, because half a dozen or more correspondents came into my committee room after the conference adjourned and I gave out an accurate and a more or less circumstantial statement of what had transpired.

The error to which I wish to allude and correct is that in some of the newspaper reports which I have seen it has been declared that the Senator from Maryland [Mr. RAYNER] took advantage of the temporary absence of the Senator from Texas [Mr. BAILEY] and moved to adjourn the caucus. That does the Senator from Maryland a grave injustice, because he is incapable of taking advantage of anybody. When the poll was had, which I took myself by going around and checking off the sentiment or the position of every Senator present, we had accomplished all that we had ever undertaken; and that was, to find out just how Senators stood on that proviso at the end of the amendment proposed by the Senator from Texas.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. TILLMAN. With pleasure.

Mr. ALDRICH. I wish to ask the Senator from South Carolina if he has any objection to putting in the RECORD the official report of this conference?

Mr. TILLMAN. The Senator from South Carolina will inform the Senator from Rhode Island that at the proper time, when a vote on that amendment comes before the Senate, that will go into the RECORD in the official proceedings.

Mr. ALDRICH. The Senator said he had informed a limited number of newspaper correspondents of what was done.

Mr. TILLMAN. Everybody who asked for it.

Mr. ALDRICH. I think, certainly, the Senate ought to be treated with an equal amount of sincerity, and that the Senator should state to the Senate just what occurred.

Mr. BAILEY. With the permission of the Senator from South Carolina [Mr. TILLMAN], I wish to say that the Senator from Rhode Island [Mr. ALDRICH] does not appear to need that enlightenment, because within the last week he volunteered to us the information that we could only have twenty-five votes on this side of the Chamber for this amendment, and he appears to have known what he was talking about.

Mr. ALDRICH. I think very likely he did, Mr. President, and I will state to the Senator that I believe my information on that subject was accurate, and I think the result will show it. But that is a little aside from what we now have in hand; which is to get this matter of what took place at this conference before the Senate and before the country in an authentic way.

Mr. TILLMAN. Why does the Senator from Rhode Island want it before the Senate?

Mr. ALDRICH. Because I should like to know what took place, as we have two Senators here disclaiming one report.

Mr. TILLMAN. I was disclaiming a newspaper statement, not a report.

Mr. ALDRICH. If there is any official report—the Senator has already said that he gave out to a certain number of newspaper correspondents a correct statement—I think we ought to have the benefit of that information.

Mr. BAILEY. I suggest to the Senator from South Carolina that this division among the Democrats is the first crumb of comfort the Senator from Rhode Island has had since this bill came before the Senate, and he ought not to be denied the full enjoyment of it.

Mr. ALDRICH. I think that is true. I have been in the Senate for quite a number of years, and there always have been on that side and on this such differences; but I think it is quite fair, so long as this disclaimer has taken place, that we should be advised of the accuracy as to the statement made through the newspapers.

Mr. BAILEY. The only trouble with the Senator from Rhode Island and his party associates is that they dare not go into caucus because, if they did, they would have to get a fireproof curtain to prevent a disaster if they should talk in such a caucus as they do in private conversation. [Laughter.]

Mr. ALDRICH. I think the fact that we have had no conference, and that conferences are not necessary, on this side, shows that the condition is not quite so radical and not quite so spectral as is suggested to me.

Mr. TILLMAN. The Senator from Rhode Island will know in full time how the Democrats in the Senate will vote on this question. He need not fret; he can possess his soul in patience;

but I think I can assure him that he will not be very well pleased at the outcome when the vote is taken. [Laughter.]

Mr. President, the matter to which I wanted to get the attention of the Senate does not refer to the rate bill, but refers to a brief colloquy which I had the day before yesterday with the Senator from Illinois [Mr. HOPKINS] in regard to the John R. Walsh bank failure in Chicago. It will be remembered that in the resolution which I had the honor to introduce among other subjects for investigation was the failure of the Walsh bank and the action of the associated banks of Chicago in assuming the liabilities of the Walsh bank, guaranteeing full payment of all the debts and taking charge of all the properties, including, as I have found out since, three railroads. The subject seemed to me one eminently proper for the Committee on Finance to examine into and to determine whether or no the law had been broken. In the colloquy I asked the Senator from Illinois whether or not the grand jury had indicted Mr. Walsh. He said most positively, "No," but he acted with some disingenuousness, if I may say it with due respect, because he did not go on to give the Senate the full benefit of his information. I have since discovered that while the Senator was entirely correct technically in stating that Walsh had not been indicted by the grand jury, this is the condition of affairs; and that is what I had in mind when I asked the question. In other words, Mr. Walsh has been arrested upon the report of bank examiners; he is out under bond; and in the meantime he has had five separate and distinct postponements of the inquiry instituted by the district attorney in reference to Walsh's criminality; and I wish to have read here the news service of the Chicago Record-Herald, which is not a "muck raker," showing what is considered to be correct information in the city of Chicago itself in reference to this Walsh banking business. I ask that the Secretary read the paragraph through which a blue pencil has been run.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

John R. Walsh, whose arrest on March 9 on the charge of violating the Federal banking laws while he was president of the Chicago National Bank caused a sensation in the financial world, was given a fifth postponement of his preliminary hearing yesterday morning before United States Commissioner Mark A. Foote. The case was continued to May 3. District Attorney Morrison stated that the continuance had been granted so that all the evidence might be presented to the next Federal grand jury, which will convene May 15, regardless of whether, in the meantime, any hearings were held before the commissioner.

The unusual delay in the case, the remarkable courtesies extended to Mr. Walsh in the Federal building, and the ready acquiescence of the Government officials in postponements of the hearing combined to lend color to the report that the ex-banker had powerful political influences behind him at Washington.

"PULL" WITH SENATORS?

His "pull," according to general understanding, reached to United States Senators and some of the most prominent officials in touch with the Department of Justice. It was even rumored on the street that Mr. Walsh never would be brought to trial on the charge that he had made a false report of the condition of his banks a few days prior to the crash.

The motion for a continuance was made yesterday by Assistant District Attorney Childs. Hitherto the requests for postponement have been made by Mr. Walsh's attorneys, and have met with no opposition from the Government. This time Mr. Childs, in explanation of his motion for a continuance, stated that Mr. Walsh's lawyers had filed a detailed answer to the charges in the complaint. The answer, or statement, is said to be a denial of the charge that the funds of the bank had been juggled, and a showing in support of the claim that all the memorandum notes involved in the failure of the Walsh banks were covered by valid securities.

INQUIRY TO BE SECRET.

The probability of witnesses disappearing before this statement from Walsh can be thoroughly examined was a topic of discussion yesterday among lawyers, after it had been announced by Mr. Childs that it would require several weeks of work by experts to determine its accuracy. This examination, which will be made in the district attorney's office behind closed doors, may determine the whole case, and even keep it out of the grand jury room, it is claimed by some of Walsh's friends.

* * * * * * *

RECORD OF CONTINUANCES.

Mr. Walsh's case is now in the hands of Mr. Morrison, as a matter of fact, although it seems to be before Commissioner Foote. The record of the case since the day of the banker's arrest is as follows:

March 10.—Continuance granted to March 19 on the argument of Walsh's lawyers that they had not had time to prepare for a hearing; no objection by the attorney for the Government.

March 19.—Continuance granted on the ground that Mr. Walsh's lawyer, W. T. Abbott, was out of the city on legal business.

March 27.—Attorney Abbott was granted another continuance after pleading that he had been out of the city and had not had time to prepare a defense; case set for April 6.

April 6.—Continuance asked on the ground that the defense was not ready for the hearing, and date set for April 16 without opposition on the part of the Government.

April 16.—Continuance granted on the motion of Assistant District Attorney Childs until May 3, with the stipulation that a further continuance of ten days might be granted at that time if the examination of the books was not completed on that date.

Mr. TILLMAN. Mr. President, I have here another clipping from the Chicago Daily News of April 17, in which appears, under the head of "Other Phases of the Situation," the following:

It was also reported to-day:

That the clearing-house banks faced a deficit, as predicted by financiers quoted in the Daily News February 13.

That the trunk lines contemplating purchase of the Walsh lines had pooled their interests to keep the bid on the Walsh roads to the lowest possible figure.

That a legal obstacle preventing the Lake Shore from bidding because the Indiana Southern parallels it tended to aid the alleged pool.

That stringency in the money market also made it difficult to secure bids.

The most sensational development of the day was the statement that the directors and stockholders of the bank might prove to be the owners of the railroads instead of Walsh personally, as had been supposed. It has not heretofore been hinted that the written defense contained such an assertion, which is equivalent to charges that the bank directors committed illegal acts. A bank may not own real estate under the statutes.

Farther down I find the following:

STATUS OF THE WALSH ASSETS.

The assets of John R. Walsh are entirely contingent upon what the railroads will bring. At first the bankers in charge of the assets asked $27,500,000 for the Indiana Southern, the Chicago and Southern, and the Illinois Southern. This price was reduced subsequently to $25,000,000. The railroads have made no bids up to date. At $25,000,000 it would be possible, it is figured, to pay off the obligations incurred with the clearing-house banks, give the stockholders in the Chicago National bank book value ($284 a share) for their holdings, and leave Walsh personally $1,000,000. At a valuation of $21,000,000 the clearing-house banks would get out whole, but nothing would be left to Walsh or the stockholders.

Here is rather an interesting subject:

PRACTICALLY ON HIS OWN BONDS.

It was discovered to-day that John R. Walsh is practically on his own bonds in the criminal charges preferred against him. The Illinois Surety Company, which he organized with Fred M. Blount, in which he is a director and in which Senator ALBERT J. HOPKINS is vice-president, went the financier's bail to the extent of $50,000. The company is known as the "bonding trust" in the Federal building, and is given the "inside track" on every possible occasion.

In another paper, the Chicago Examiner, I find the statement made that—

It is known by this newspaper that Senator CULLOM and JOSEPH CANNON, Speaker of the House of Representatives, have made repeated calls on the President of the United States in behalf of Mr. Walsh. Mr. Walsh's newspaper all along has essayed to represent the Federal Administration. Three years ago it switched from an alleged Democratic sheet to a howling apologist for the Republicans. The cause of this change was because Walsh sought then, as he seeks now, to control Government contracts for his Bedford quarries. In that he has succeeded splendidly. Few other quarrymen now have the courage to bid against him. They know it were futile to get a building's stone away from him.

It will be remembered that ALBERT J. HOPKINS, the junior Illinois Senator, was in Chicago on the day of the failure of the Chicago National Bank. He was among the first to make a friendly call on Walsh. Then came Secretary Shaw. He, too, visited the dethroned king of Monroe street. Subsequently Comptroller Ridgely was here. Then eminent Chicago financiers went to Washington. And they saw the President, too.

Now, these continued delays in preparing the case for the grand jury and the charge, that is more or less directly made, that there is an effort being put forth by political influences to have this man go scot-free, without facing a jury and going through a trial, just as District Attorney Jerome wanted to let this man Perkins—I believe it is, in New York, go without a trial—appears to be going on in Chicago. In other words, we have reached that pass in this country that if a man steals a ham or a pair of shoes he is hustled off immediately to the police court, tried the next morning, and sent to prison. But if a man owns five millions, why, they dodge around and notify him that they will be glad to call around with a warrant at his office at such time as may be convenient to see him about whether he shall go to court or not; and if he is worth twenty-five millions, or in possession of it, they practically do nothing.

I think it is time for the Committee on Finance to investigate some of these matters in Chicago, and if these are falsehoods, prove it. The country is interested in having the big thieves punished just as much as it is in having the little thieves punished. If a lawbreaker who is in the millionaire class has to be treated with such deference and consideration as this, while, as I said, a poor fellow puts on his stripes and goes to breaking stone, we ought to have the country know why it is done.

Mr. HOPKINS. Mr. President, I desire to call to the attention of the Senate the fact that the Senator from South Carolina [Mr. TILLMAN] does not controvert any statement that I made the other day respecting the condition of the so-called "Walsh bank," or the attitude of the Chicago banks through the clearing house, or the assets of the companies, or as to the question as to whether Mr. Walsh was indicted or not. Not one of my statements is controverted. The Senator has picked up now some statements from the newspapers and attempts a new attack upon me. My first answer to him is this: That I find that both he and the leader on the Democratic side this morning have challenged the attention of the Senate and the country to the fact that these reports in the newspapers are absolutely unreliable, and that they want the Senate to understand that those statements must not be taken so far as they are concerned. Now,

that line of argument will apply equally when you come to a question that affects the interests of the city of Chicago or the great banking interests there, or the two Senators from that State.

I am unable, Mr. President, to understand the motive that can prompt the Senator from South Carolina, morning after morning here, like a modern Don Quixote, to get astride his steed and bring some question into the Senate that has no relation to the legislation before this body or before Congress for the simple purpose of exploiting himself, attracting the attention of the galleries, and getting a little attention through the newspapers of the country. I can not understand, Mr. President, why it is that a man living in the section that he does, representing the constituency that we know he represents, should so concern himself as to whether the law in the city of Chicago, in the State of Illinois, is obeyed. I intimated to him the other day that the 2,000,000 people living within the limits of that splendid city are quite capable of taking care of themselves, and when he spoke about the action of the clearing-house committee of the banks of Chicago I challenged his attention as to what provision of the law had been violated by that association of bankers. He was unable to reply. He simply had a hazy notion about something that he supposed would enable him to say something sensational upon this floor and again get applause from the galleries.

When I called his attention to the facts as to the character of the assets and that the associated banks were furnishing quick assets, he seemed to know as little about banking proceedings as he evidently did about law and legal procedure when he questioned me about the indictment of Mr. Walsh.

Now, I think it is about time, Mr. President, that the country should know something about who this modern reformer is, this man that is seeking to pillory every other locality as dishonest, and every other man before the public as a dishonest man and a violator of the law. I think it is about time that the Senate and the country should know something about him. Who is he, and where does he come from? He comes from the State of South Carolina—a State I find, Mr. President, with a white population of 557,000 and with a colored population of 782,000. It is known the country over that the Senator owes his seat in this body to the suppression of the colored vote in that State. It is known here, and it is known, I say, in every section of our common country, that the majority of the people of that State, by the manipulations of the Senator from South Carolina and the men who associate with him in that State, have been deprived of their rights, civil and political, that have been guaranteed to them under the Constitution of our common country.

Mr. President, the Senator himself, in a speech in this body on the 24th day of February, 1900, made this statement in the Senate:

> I know nothing about other States, but I acknowledge openly and boldly in the sight of God that we did our level best to keep every negro in our State from voting.

Does the Senator deny that he made that statement in the open Senate?

Mr. TILLMAN. Why should I deny it, when I put it in the RECORD and am ready to repeat it?

Mr. HOPKINS. Will the Senator talk about people violating the law of Illinois or the national banks there not living up to it, when he admits that he has helped to deny to the majority of the people of his State one of the most sacred rights of an American citizen—the privilege of going to the polls and voting and the privilege of selecting the men who shall represent them in the State legislature, in the various county offices, and in the Senate of the United States? Does anybody believe that if the seven hundred and some odd thousand colored men in the State of South Carolina had the political rights that are guaranteed to the colored men of Illinois and to all the people of every State, that the Senator would be here upon this floor denouncing Mr. Walsh, of Chicago, or the national banks of that city for their splendid financiering the other day? Does anybody believe that?

Now, I want to call his attention to some other things, Mr. President. A year or more ago he was making some speeches over the country. The question came up about some lynchings that were had in some of the Northern States, where colored men had been deprived in a most savage manner, not only of their liberty, but of their lives, where those colored men had been placed at the stake and burned. That is a blot upon the civilization of our country. Did the Senator then reprobate such conduct as that? Did he want to see the laws of our country obeyed? Did he insist that the courts should be the ones to determine the punishment which should be inflicted upon the violators of the law? Not at all. He advocated mob law. He advocated the taking of the lives of those people.

Now, inasmuch as he has quoted from the Chicago papers relating to this matter, I will quote——

Mr. TILLMAN. Mr. President——

Mr. HOPKINS. I will quote what is put in quotations here.

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Carolina?

Mr. TILLMAN. I will save the Senator the trouble, if he will give me leave, to repeat it here a hundred times.

The VICE-PRESIDENT. The Senator from Illinois declines to yield.

Mr. HOPKINS. The Senator from South Carolina can have his time. I quote from one of the Chicago papers he has been reading here this morning. This is the language quoted that the Senator used in speaking of some of the lynchings:

> That seems to be the only practical way until the amendment of the Constitution granting the negroes suffrage has been repealed. We have shot 'em and hanged 'em and burned 'em in South Carolina—

He bows his head to that. My God, Mr. President, think of a man in the Senate of the United States who can bow approval to the fact that a human being is placed at a stake and burned alive in the twentieth century of our civilization! Think of a man, Mr. President, think of a Senator who for a moment can give his approval to such barbarous and atrocious conduct as that, and, as is suggested to me, then talk about the law being enforced if there should be an infraction of the smallest kind against the national-bank law of the United States.

How is a little money of a national bank, Mr. President, to be compared with the life of an American citizen? How is the violation of the law by one national bank to be compared with a condition in any section of our common country where men, without any opportunity to show their innocence, are taken by a mob and placed upon a pile of fire and burned? That is one of the things to which the Senator here to-day gives his approval.

> We have shot 'em and hanged 'em and burned 'em in South Carolina until they almost know their proper place now, although the desire to vote, whether or not they know what they are voting for or against, frequently causes trouble.

Mr. President, I have said this much because I have grown tired of the Senator from South Carolina getting up morning after morning and insisting that people in this section of the country are violating the law, or that this class of American citizens are violating the law, and that he is the man above all men to whom it has been given to see that the law in all sections of our common country is obeyed. When all the people of South Carolina shall enjoy the rights and privileges granted to them under our Constitution, when we may say upon this floor that the courts are open to protect the rights of all, great and small, rich and poor, in South Carolina, as they are in Illinois, then I will listen with some patience to a criticism of me and my people and with the manner in which the law is administered in Chicago. But until that time, Mr. President, I protest against such a Senator as that claiming that the law is not properly and fully administered in the city in which I live.

Mr. TILLMAN. Mr. President, I have never been in court except as a spectator, but I have noticed that it is a common practice among old lawyers, when they have a very poor case, to raise Cain with the attorney on the other side. They indulge in all manner of abuse and inject other questions into the controversy.

I should like to ask the Senator, as he would not let me interrupt him a moment ago, if the statement that I just read from the Chicago paper is false? Is he the vice-president of the surety company which is on John R. Walsh's bond?

Mr. HOPKINS. Mr. President, what has that to do with the subject?

Mr. TILLMAN. Answer "yes" or "no," please.

Mr. HOPKINS. I might just as well ask as to whether the Senator sleeps with a nightcap. It would be just as pertinent.

Mr. TILLMAN. The Senator is dodging now. He is dodging and quibbling.

Mr. HOPKINS. I decline to answer a question that has no bearing upon this subject.

Mr. TILLMAN. Of course, I take that as a confession that the Senator is the vice-president of that surety company; and that is proof positive of the other allegations here that he is exerting his official power to endeavor to suppress the indictment and call off the myrmidons of the law in prosecuting Walsh for breaking the law.

Mr. CULLOM. Will the Senator allow me to interrupt him?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Illinois?

Mr. TILLMAN. Always. I have great respect for the Senator.

Mr. CULLOM. I think I heard read from one of those papers a statement that the Speaker of the House of Representatives, who happens to be an Illinoisan, and myself were frequently at the White House in behalf of Mr. Walsh since he has been arrested. I want to say to the Senator and to the country that I have not been to the President in behalf of Mr. Walsh at any time, I have never said a word to him on the subject, and have never seen Mr. Walsh since this happened.

Mr. TILLMAN. I expected as much, and was sorry that the Senator's name was in the paper; but I did not want to misquote it, and therefore I had to read it along with the statement in regard to the junior Senator from Illinois. Will he be equally frank now, and tell us whether he has been around anywhere trying to get this indictment stopped? [Laughter in the galleries.]

Mr. GALLINGER. I rise to a question of order, Mr. President.

The VICE-PRESIDENT. The Chair will inform the occupants of the galleries that under the rules of the Senate they must avoid all manifestations of approval or disapproval.

Mr. HOPKINS. I can be as explicit as my colleague [Mr. CULLOM]. I have seen nobody to use any influence in Mr. Walsh's behalf, and I have not seen Mr. Walsh since the day of the failure, or so-called failure, till this day. I have had no communication with him directly or indirectly, and have had nothing to do with it whatever. This statement simply emphasizes the absolutely unreliable character of the stuff that the Senator is morning after morning sending out to the people of the country by having it read at the Secretary's desk or reading it himself.

There is one other thing, while I am upon my feet, that I want to call to the attention of the Senate to show the character and fairness of this so-called "reformer," who is undertaking to take me to task for something that he alleges that I may have done. He has suggested that I am trying to evade the issue. I am doing nothing of the kind. I called attention to the fact that every statement that I made the other day has not been disputed by him or by anybody representing any of the newspapers of the city of Chicago.

Mr. TILLMAN. Mr. President——

Mr. HOPKINS. One moment, if the Senator will allow me. I want to show another thing while I am upon the floor. The Senator the other day asked me as to whether an indictment had been found against Mr. Walsh—this was the question: "Has Mr. Walsh been indicted by the grand jury for anything or not?" I stated that he had not. Now, the Senator this morning undertakes to say that I was not entirely frank in that, and to take me to task upon a question of that kind. Let us see what kind of fairness emanates from the Senator from South Carolina; let us see how he wants the RECORD to appear. I have here the stenographic notes, taken by the Reporter here, which were presented to the Senator. The question that was put to me was this: "Has Mr. Walsh been indicted by the grand jury for anything or not?" My answer was, "No, sir." When the Senator came to revise his remarks, he changed that question, and made it entirely different, so as to put me in exactly the position that he now seeks to put me in his argument this morning. He changed the word "for" to "or," and he eliminated the words "or not" and put in "like that;" so that the question as it appeared in the RECORD reads:

Has Mr. Walsh been indicted by the grand jury, or anything like that?

Evidently, Mr. President, preparing by the RECORD at some future time to show that I had not been entirely frank. Is that the kind of fairness that emanates from the Senator from South Carolina? Does he think that was dealing squarely and fairly with me, after the debate was over and the notes had been prepared containing that statement, to change the character of the question, without calling my attention to the answer, and putting me in the position of denying that an indictment had been found "or anything like that?"

Mr. TILLMAN. Now, will the Senator send the notes here and let me see how many interpolations he made?

Mr. HOPKINS. Yes, sir. I will send them to you, and you will find that every interpolation that I made was something that did not touch a question that the Senator had asked, and was simply to develop the thought that I had expressed in the debate here. He can read every one of them, if he wants to, and he will not find one that changes a sentiment or that puts him in a false attitude, as he undertook to put me.

Mr. TILLMAN. I submit to Senators whether or not the change I made made any substantial difference in the sense or in the character of the inquiry.

Mr. HOPKINS. Why did you make it, then?

Mr. TILLMAN. Because I wanted to make my thought clear, just as you tried to make your thoughts clear.

Mr. HOPKINS. No, sir; you tried to put me in a position so that my answer would seem to be an evasion. That is what you tried to do.

Mr. TILLMAN. I did nothing of the kind.

Mr. HOPKINS. That is the effect of it, Mr. President.

Mr. TILLMAN. The Senator is shying from spooks. There are enough actual rascalities here not to touch on any of these side issues.

Mr. HOPKINS. There are enough actual rascalities, aye, enough, Mr. President; there are enough crimes in South Carolina to take the entire time of the Senator——

Mr. TILLMAN. Whenever the Senator wants to discuss the race question, I am ready to meet him in Chicago or anywhere else; and it is not seemly, in my judgment, for him to try to drag in here a condition that has nothing whatever to do with this matter.

Mr. HOPKINS. I do not think it is seemly for the Senator to make an assault here on the banks of the city of Chicago, that every business man from the Atlantic to the Pacific will praise for their splendid conduct in financing the situation in that crisis.

Mr. TILLMAN. Those banks have broken the law, I think.

Mr. HOPKINS. The Senator admits upon this floor that he has broken the law.

Mr. TILLMAN. I have not done anything of the kind.

Mr. HOPKINS. You admit that you have kept the colored men in South Carolina from exercising the political rights that are guaranteed to them under the Constitution of our common country.

Mr. TILLMAN. Just as your party have refused to give to the Filipinos and these other colored people that you have annexed a recognition here under the Constitution. Hypocrisy is too much abroad in the land on that side in regard to the colored people for you to dare to get up here and speak that way about the South.

Mr. HOPKINS. But, Mr. President, the hypocrisy is in attempting to nullify the amendments of the Constitution of the United States and denying to a majority of the people of his State their political rights, and then to glory in burning them at the stake.

Mr. TILLMAN. I have never gloried in it. I have simply said—and I acknowledge that I said it—that whenever a white woman is ravished we sometimes burn the brutes who perpetrate such crimes; and if the white men of the North are too pusillanimous to protect their wives and daughters from such doings, God have mercy on them.

Mr. HOPKINS. I am speaking of the vote, Mr. President.

Mr. TILLMAN. Ah, yes.

Mr. HOPKINS. When he speaks of the people of the North, I want to say that the people of the North are law-abiding people, and if a crime is committed the criminal is punished and sent to the penitentiary or executed, as he ought to be in South Carolina.

Mr. TILLMAN. What about the Springfield, Ohio, occurrence the other week?

Mr. HOPKINS. The Senator from Ohio can speak for that.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. Yes.

Mr. FORAKER. There was something that occurred in Springfield, Ohio, that we all very much regret, but the machinery of the law was immediately put into operation to arrest every man who violated the law in connection with it, and the majesty of the law was vindicated. But what occurred at Springfield, Ohio, had its counterpart, I notice, at Springfield, Mo., the other day, and I rejoice in the fact that at the head of the government of the State of Missouri is a man in the person of Governor Folk, who did not hesitate to put into operation, in a most unqualified way, the machinery of the law to punish the perpetrators of those great crimes that were there committed. I wish the Senator could say so much as to violations of a similar character in his own State.

Mr. TILLMAN. If the conditions in Ohio were the same as they are with us with an absolute majority of 235,000 more negroes than there are white people in the State, if your civilization were in jeopardy and in danger of being obliterated, as the effort was made in the reconstruction days to obliterate ours, your people in Ohio would do just as bad or worse than we ever thought of doing.

Mr. FORAKER. I ought to add one other thing, that no Senator from the State of Missouri, or from any other State in this Union in which such crimes have been committed, has stood up here to justify or to defend any such crimes, except only the Senator from South Carolina.

Mr. TILLMAN. The Senator from South Carolina——

Mr. FORAKER. I want to say it to the country—for it will go to the country, because I think it is due to the Senators who represent the States of the South—that they have all alike, save only the Senator from South Carolina, stood here to denounce in the most unqualified terms such crimes as those.

I would not refer to this if the Senator did not compel me to do so by referring to my State and by referring to a circumstance that we greatly regret and as to which we have done all we could do to prevent and punish those responsible for it.

Mr. TILLMAN. Mr. President, I do not intend to let the Senator from Illinois get off that lightly. He can not run off behind Springfield, Ohio, to dodge the issue.

Mr. HOPKINS. The Senator from Illinois is not running from the Senator from South Carolina.

Mr. TILLMAN. I want to get back to the national bank business. I want to ask the Senator whether or not it is lawful for the associated banks to own these $27,000,000 worth of railroads?

Mr. HOPKINS. The question, Mr. President, I want to know is whether the Senator thinks it is lawful, as he says, "to shoot them"——

Mr. TILLMAN. Oh, pshaw!

Mr. HOPKINS. And hang them and burn them in South Carolina until they are afraid to go to the polls to vote.

Mr. ALDRICH. I rise to a question of order, Mr. President.

The VICE-PRESIDENT. The Senator will state his question of order.

Mr. ALDRICH. I suggest that there is no question pending before the Senate. The Senator from Wisconsin [Mr. LA FOLLETTE] has given notice of a speech which he is ready to deliver.

The VICE-PRESIDENT. The unfinished business is before the Senate. It was laid before the Senate at the request of the Senator from South Carolina [Mr. TILLMAN].

Mr. TILLMAN. And the Senator from South Carolina took the floor in his own right, not with anybody's consent, and the Senator from South Carolina will sit down when he gets ready, unless the Chair or the Senate orders him to.

Mr. ALDRICH. It seems to me that this discussion is not only technically not in order, but that it is entirely out of order, and that the Senator from Wisconsin ought to be permitted to proceed.

Mr. TILLMAN. I want to give the Senator from Wisconsin an opportunity to go on just as soon as I can, and I am willing to let the matter rest right now. I simply asked the Senator from Illinois whether it was lawful for these associated banks to own this twenty-seven million and a half dollars' worth of railroads and be hawking them about the markets trying to sell them in order to get back something which they had guaranteed to Walsh's creditors.

Mr. HOPKINS. If the Senator from South Carolina were familiar with business affairs as they are conducted all over the country, if he knew anything about the banking business, and he knew anything about the office of the clearing house, he never would ask that question. There is not a Senator upon this floor that knows anything about the office of a clearing house but that will say that that was an entirely legitimate act upon the part of the Chicago banks and that no law regarding the national banks has been violated. That is my answer to the Senator upon that.

Mr. TILLMAN. Why did you not make that answer first, instead of talking about the law in regard to negroes in South Carolina?

Mr. President, all I wanted to do was to have the Senator from Rhode Island [Mr. ALDRICH] and his committee, if it will, institute an examination to ascertain whether or not the national banking law has been violated; whether the transaction in regard to the clearing house assuming Walsh's debts and acting as receiver for his estate had in any way violated the law. That was all. But the Senator from Illinois got very angry and read me lecture yesterday and repeats it to-day; and when he can not meet the issue of the statements made in the Chicago newspapers he rushes off into a tirade against the suppression of the negro vote in the South and brings up some utterances of mine, in which I declared—and I repeat them here—that whenever a white woman is ravished in the country where there are nearly two negroes to one white woman, if we did not destroy the brute as soon as we got a chance our wives and daughters could not live there.

Mr. HOPKINS. Mr. President, it will not do for the Senator to get off on the sentiment of wife and daughter. He made the statement that I read to him, that they shot and burned negroes in the South to keep them from voting.

Mr. TILLMAN. The Senator is entirely off. I deny it absolutely. We never burned any negro for that purpose.

Mr. HOPKINS. You so state in the article that I read here.

Mr. TILLMAN. I did not use those words. I have never been chary about repeating what I have said right on this floor.

Mr. HOPKINS. Have you ever attempted to have white men punished for killing colored men who sought to exercise the political rights that you enjoy in South Carolina?

Mr. TILLMAN. Whenever a man has been shot down in South Carolina at the polls there has been some form of trial, the same as in Illinois.

Mr. HOPKINS. Yes; just the form, and that is all there was to it.

Mr. HALE. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Maine will please state it.

Mr. HALE. I hope the Chair will maintain order here, as prescribed by the rules. The Senate, I think, is very tired of this, not debate, but wrangling back and forth between two Senators. I ask the Chair to enforce the rule.

The VICE-PRESIDENT. The Senator's point of order is well taken. The Chair will see that hereafter Senators address the Chair and obtain the consent of the Chair before proceeding to address the Senate.

Mr. GALLINGER. Mr. President, in this connection I will ask that paragraph 1 of Rule XIX be read to the Senate.

The VICE-PRESIDENT. The Secretary will read paragraph 1 of Rule XIX.

Mr. GALLINGER. Then I trust it will be enforced.

The Secretary read as follows:

RULE XIX.

1. When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

Mr. LA FOLLETTE. Mr. President, it seems to me to be a pretty good time, after the reading of that rule, for me to address the Senate.

The VICE-PRESIDENT. The junior Senator from Wisconsin will proceed.

Mr. LA FOLLETTE addressed the Senate. After having spoken for two hours and a half,

Mr. TILLMAN. The Senator from Wisconsin has been speaking for a considerable time, and no doubt he is fatigued. Therefore I think it would be more pleasant to him to defer the completion of his speech until to-morrow. If that is agreeable, I should like to have the unfinished business laid aside for the remainder of the day without losing its place.

Mr. LA FOLLETTE. I am only partly through, Mr. President, and I should like to have the opportunity to go on to-morrow.

The VICE-PRESIDENT. The notice of the Senator from Wisconsin will be entered, and, in the absence of objection, the unfinished business will be temporarily laid aside.

[Mr. LA FOLLETTE'S speech will be published entire after it shall have been concluded.]

RELIEF OF SUFFERERS IN CALIFORNIA.

During the delivery of Mr. LA FOLLETTE'S speech.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the joint resolution (S. R. 48) authorizing the Secretary of War to issue rations and quartermaster's supplies for the relief of destitute persons in the region devastated by earthquake and fire in the State of California, and making an appropriation to relieve the sufferers by said disaster, with amendments in which it requested the concurrence of the Senate.

Mr. PERKINS. I ask the Chair to lay before the Senate the amendments of the House of Representatives to Senate joint resolution No. 48.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 48) authorizing the Secretary of War to use rations and quartermaster's supplies for the relief of destitute persons in the region devastated by earthquake and fire in the State of California, and making an appropriation to relieve the sufferers by said disaster; which were, to strike out all after the resolving clause and insert:

That the Secretary of War is hereby authorized and directed to procure, in open market or otherwise, subsistence and quartermaster's supplies in addition to such supplies belonging to the military establishment, and available, and issue the same to such destitute persons

as have been rendered homeless or are in needy circumstances as a result of the earthquake which occurred April 18 and the attending conflagration, and in executing this joint resolution the Secretary of War is directed to cooperate with the authorities of the State of California and the mayors of the cities of San Francisco, Berkeley, Oakland, Alameda, and such other cities on the Pacific coast as may have sustained damages.

Be it further resolved, That the Secretary of the Treasury, Secretary of the Navy, and Secretary of Commerce and Labor are hereby directed to cooperate with the Secretary of War in extending relief and assistance to stricken people herein referred to, to the extent of the use of the naval vessels, revenue cutters, and other vessels, and Government supplies under their control on the Pacific coast.

Be it further resolved, That to enable the Secretary of War to execute the provisions of this joint resolution there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, to be expended under the direction and in the discretion of the Secretary of War.

Strike out the preamble.

Amend the title so as to read: "A joint resolution for the relief of sufferers from earthquake and conflagration on the Pacific coast."

Mr. PERKINS. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

After Mr. LA FOLLETTE had yielded the floor,

RIGHT OF APPEAL IN CRIMINAL CASES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on the Judiciary, and ordered to be printed:

To the Senate and House of Representatives:

I submit herewith a letter of the Attorney-General, inclosing a statement of the proceedings by the United States against the individuals and corporations commonly known as the "beef packers," and commenting upon the decision of District Judge Humphrey. The result has been a miscarriage of justice. It clearly appears from the letter of the Attorney-General that no criticism whatever attaches to Commissioner Garfield. What he did was in strict accordance with the law and in pursuance of a duty imposed on him by Congress, which could not be avoided; and, of course, Congress in passing the Martin resolution could not possibly have foreseen the decision of Judge Humphrey.

But this interpretation by Judge Humphrey of the will of the Congress, as expressed in legislation, is such as to make that will absolutely abortive. Unfortunately there is grave doubt whether the Government has the right of appeal from this decision of the district judge. The case well illustrates the desirability of conferring upon the Government the same right of appeal in criminal cases, on questions of law, which the defendant now has, in all cases where the defendant had not been put in jeopardy by a trial upon the merits of the charge made against him. The laws of many of the States, and the law of the District of Columbia, recently enacted by the Congress, give the Government the right of appeal. A general law of the character indicated should certainly be enacted.

Furthermore, it is very desirable to enact a law declaring the true construction of the existing legislation, so far as it affects immunity. I can hardly believe that the ruling of Judge Humphrey will be followed by other judges; but if it should be followed, the result would be either completely to nullify very much, and possibly the major part, of the good to be obtained from the interstate-commerce law and from the law creating the Bureau of Corporations in the Department of Commerce and Labor; or else frequently to obstruct an appeal to the criminal laws by the Department of Justice. There seems to be no good reason why the Department of Justice, the Department of Commerce and Labor, and the Interstate Commerce Commission each should not, for the common good, proceed within its own powers without undue interference with the functions of the other. It is, of course, necessary, under the Constitution and the laws, that persons who give testimony or produce evidence as witnesses should receive immunity from prosecution. It has hitherto been supposed that the immunity conferred by existing laws was only upon persons who, being subpœnaed, had given testimony or produced evidence as witnesses relating to any offense with which they were, or might be, charged. But Judge Humphrey's decision is, in effect, that, if either the Commissioner of Corporations does his duty, or the Interstate Commerce Commission does its, by making the investigations which they by law are required to make, though they issue no subpœna and receive no testimony or evidence, within the proper meaning of those words, the very fact of the investigation may of itself operate to prevent the prosecution of any offender for any offense which has been developed in even the most indirect manner during the course of the investigation, or even for any offense which may have been detected by investigations conducted by the Department of Justice entirely independently of the labors of the Interstate Commerce Commission or of the Commissioner of Corporations—the only condition of immunity being that the offender should have given, or directed to be given, information which related to the subject out of which the offense has grown.

In offenses of this kind it is at the best hard enough to execute justice upon offenders. Our system of criminal jurisprudence has descended to us from a period when the danger was lest the accused should not have his rights adequately preserved, and it is admirably framed to meet this danger. But at present the danger is just the reverse—that is, the danger nowadays is not that the innocent man will be convicted of crime, but that the guilty man will go scot-free. This is especially the case where the crime is one of greed and cunning perpetrated by a man of great wealth in the course of those business operations where the code of conduct is at variance not merely with the code of humanity and morality, but with the code as established in the law of the land. It is much easier, but much less effective, to proceed against a corporation than to proceed against the individuals in that corporation who are themselves responsible for the wrongdoing. Very naturally outside persons, who have no knowledge of the facts and no responsibility for the success of the proceedings, are apt to clamor for action against the individuals. The Department of Justice has, most wisely, invariably refused thus to proceed against individuals, unless it was convinced both that they were in fact guilty and that there was at least a reasonable chance of establishing this fact of their guilt. These beef-packing cases offered one of the very few instances where there was not only the moral certainty that the accused men were guilty, but what seemed, and now seems, sufficient legal evidence of the fact.

But in obedience to the explicit order of the Congress the Commissioner of Corporations had investigated the beef-packing business. The counsel for the beef packers explicitly admitted that there was no claim that any promise of immunity had been given by Mr. Garfield, as shown by the following colloquy during the argument of the Attorney-General:

"Mr. MOODY. * * * I dismiss almost with a word the claim that Mr. Garfield promised immunity. Whether there is any evidence of such a promise or not I do not know and I do not care.

"Mr. MILLER (the counsel for the beef packers). There is no claim of it.

"Mr. MOODY. Then I was mistaken, and I will not even say that word."

But Judge Humphrey holds that if the Commissioner of Corporations (and therefore if the Interstate Commerce Commission) in the course of any investigations prescribed by Congress asks any questions of a person not called as a witness, or asks any questions of an officer of a corporation not called as a witness, with regard to the action of the corporation on a subject out of which prosecutions may subsequently arise, then the fact of such questions having been asked operates as a bar to the prosecution of that person or of that officer of the corporation for his own misdeeds. Such interpretation of the law comes measurably near making the law a farce; and I therefore recommend that the Congress pass a declaratory act stating its real intention.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 18, 1906.*

FIVE CIVILIZED TRIBES.

Mr. CLAPP. I understand the objection to it is withdrawn, and so I should like to call up House concurrent resolution No. 29, which passed the House last Monday. I ask unanimous consent for its present consideration.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES,
April 16, 1906.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H. R. 5976, "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," the Clerk be directed to restore to the bill the part proposed to be stricken out in the amendment of the Senate No. 26 and to insert the following: On page 9, line 3, after the word "retaining," the words "tribal educational officers, subject to dismissal by the Secretary of the Interior," and restore to the bill the part proposed to be stricken out in the amendment of the Senate No. 27, and to insert in said amendment the following: On page 11, line 8, after the word "five," the words "and all such taxes levied and collected after the 31st day of December, 1905, shall be refunded."

After the word "shall," on page 11, line 16, insert "willfully and fraudulently."

After the word "punished," on page 11, line 21, insert "by a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment."

In lieu of the matter proposed to be stricken out in the amendment of the Senate No. 41 insert in lieu thereof the following: "The Secretary of the Interior shall take possession of all buildings now or heretofore used for governmental, school, and other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe, and deposit the proceeds, less expenses incident to the appraisement and sale, in the Treasury of the United States to the credit of the respective tribes: *Provided.*"

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 48) for the relief of the sufferers from earthquake and conflagration on the Pacific coast; and it was thereupon signed by the Vice-President.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 20, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 19, 1906.

COLLECTOR OF CUSTOMS.

Frederick C. Harper, of Washington, to be collector of customs for the district of Puget Sound, in the State of Washington, to succeed Clarence W. Ide, whose term of office will expire by limitation June 12, 1906.

RECEIVER OF PUBLIC MONEYS.

Harry F. Nichols, of Ellensburg, Wash., to be receiver of public moneys at North Yakima, Wash., vice Miles Cannon, whose term will expire May 8, 1906.

ASSOCIATE JUSTICE.

Frank E. Gillette, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma. A reappointment, his term expiring May 12, 1906.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Capt. E. Eveleth Winslow, Corps of Engineers, to be major from April 2, 1906, vice Roessler, promoted.

First Lieut. Edward M. Adams, Corps of Engineers, to be captain from April 2, 1906, vice Winslow, promoted.

Second Lieut. John J. Kingman, Corps of Engineers, to be first lieutenant from April 2, 1906, vice Adams, promoted.

ASSISTANT SURGEON IN THE NAVY.

James P. Haynes, a citizen of Kentucky, to be an assistant surgeon in the Navy from the 16th day of April, 1906, to fill a vacancy existing in that grade on that date.

PROMOTION IN THE NAVY.

Boatswain Dennis J. O'Connell, to be a chief boatswain in the Navy from the 30th day of January, 1906, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

POSTMASTERS.

ARIZONA.

John L. Keister to be postmaster at Morenci, in the county of Graham and Territory of Arizona, in place of Harry S. Van Gorder, removed.

ARKANSAS.

Benjamin J. Rosewater to be postmaster at Eureka Springs, in the county of Carroll and State of Arkansas, in place of Benjamin J. Rosewater. Incumbent's commission expires June 4, 1906.

CALIFORNIA.

George B. Hayden to be postmaster at Upland, in the county of San Bernardino and State of California, in place of George B. Hayden. Incumbent's commission expired March 21, 1906.

M. R. Stansbury to be postmaster at Pacific Grove, in the county of Monterey and State of California, in place of Charles G. Chamberlain. Incumbent's commission expires May 13, 1906.

John N. Turrentine to be postmaster at Escondido, in the county of San Diego and State of California, in place of John N. Turrentine. Incumbent's commission expired March 18, 1906.

COLORADO.

Robert Wilkinson to be postmaster at Central City, in the county of Gilpin and State of Colorado, in place of James A. Gilmour. Incumbent's commission expired January 20, 1906.

GEORGIA.

Frederich D. Dismuke, jr., to be postmaster at Thomasville, in the county of Thomas and State of Georgia, in place of Fredrich D. Dismuke, jr. Incumbent's commission expired February 7, 1906.

ILLINOIS.

John H. Creager to be postmaster at West Chicago, in the county of Dupage and State of Illinois, in place of John H. Creager. Incumbent's commission expired January 10, 1906.

Francis M. Love to be postmaster at Lewistown, in the county of Fulton and State of Illinois, in place of Francis M. Love. Incumbent's commission expired March 26, 1906.

William P. Richards to be postmaster at Jerseyville, in the county of Jersey and State of Illinois, in place of Joseph W. Becker. Incumbent's commission expired April 1, 1906.

IOWA.

Charles C. Bender to be postmaster at Spencer, in the county of Clay and State of Iowa, in place of Charles C. Bender. Incumbent's commission expires June 24, 1906.

C. B. Dean to be postmaster at Wall Lake, in the county of Sac and State of Iowa, in place of John H. D. Gray, resigned.

R. A. Hasselquist to be postmaster at Chariton, in the county of Lucas and State of Iowa, in place of Laban F. Maple. Incumbent's commission expired March 15, 1906.

MAINE.

William O. Fuller, jr., to be postmaster at Rockland, in the county of Knox and State of Maine, in place of William O. Fuller, jr. Incumbent's commission expires May 9, 1906.

William G. Hubbard to be postmaster at Wiscasset, in the county of Lincoln and State of Maine, in place of Isaac A. Macurda. Incumbent's commission expired March 24, 1906.

MASSACHUSETTS.

Louis S. Cox to be postmaster at Lawrence, in the county of Essex and State of Massachusetts, in place of Byron Truell. Incumbent's commission expires June 30, 1906.

Louis C. Hyde to be postmaster at Springfield, in the county of Hampden and State of Massachusetts, in place of Louis C. Hyde. Incumbent's commission expires June 30, 1906.

MICHIGAN.

Charles H. Boody to be postmaster at Hart, in the county of Oceana and State of Michigan, in place of Charles H. Boody. Incumbent's commission expired April 4, 1906.

Nannie Faucett to be postmaster at Laurium, in the county of Houghton and State of Michigan, in place of Robert C. Faucett, deceased.

Clinton L. Kester to be postmaster at Marcellus, in the county of Cass and State of Michigan, in place of Clinton L. Kester. Incumbent's commission expires June 6, 1906.

MINNESOTA.

Claude Atkinson to be postmaster at Hibbing, in the county of St. Louis and State of Minnesota, in place of Stephen R. Kirby. Incumbent's commission expires May 19, 1906.

Jacob Gish to be postmaster at Le Sueur, in the county of Le Sueur and State of Minnesota, in place of Michael W. Grimes. Incumbent's commission expires April 30, 1906.

James M. King to be postmaster at White Bear Lake, in the county of Ramsey and State of Minnesota, in place of James M. King. Incumbent's commission expires June 30, 1906.

MISSISSIPPI.

Jasper Warren Collins to be postmaster at Ellisville, in the county of Jones and State of Mississippi, in place of John H. Cook, resigned.

MISSOURI.

William P. Giessing to be postmaster at Desloge, in the county of St. Francois and State of Missouri, in place of William P. Giessing. Incumbent's commission expires May 8, 1906.

MONTANA.

James R. White to be postmaster at Kalispell, in the county of Flathead and State of Montana, in place of James R. White. Incumbent's commission expires April 26, 1906.

NEBRASKA.

C. K. Cooper to be postmaster at Humboldt, in the county of Richardson and State of Nebraska, in place of Orange L. Bantz. Incumbent's commission expires June 12, 1906.

NEW JERSEY.

Alexander C. Yard to be postmaster at Trenton, in the county of Mercer and State of New Jersey, in place of Alexander C. Yard. Incumbent's commission expires April 22, 1906.

NEW YORK.

Edwin P. Bouton to be postmaster at Trumansburg, in the county of Tompkins and State of New York, in place of Edwin P. Bouton. Incumbent's commission expires May 14, 1906.

John W. Bowron to be postmaster at Rouses Point, in the county of Clinton and State of New York, in place of Michael Halligan, deceased.

Frank B. Dodge to be postmaster at Mount Morris, in the county of Livingston and State of New York, in place of Frank B. Dodge. Incumbent's commission expires April 22, 1906.

NORTH DAKOTA.

Ellery C. Arnold to be postmaster at Larimore, in the county of Grand Forks and State of North Dakota, in place of Ellery C. Arnold. Incumbent's commission expires May 19, 1906.

OHIO.

George H. Clark to be postmaster at Canton, in the county of Stark and State of Ohio, in place of George B. Frease. Incumbent's commission expired February 13, 1906.

Edward L. Davis to be postmaster at Garrettsville, in the county of Portage and State of Ohio, in place of Cassius M. Crane. Incumbent's commission expired April 5, 1906.

OKLAHOMA.

Thomas F. Addington to be postmaster at Yukon, in the county of Canadian and Territory of Oklahoma, in place of Thomas F. Addington. Incumbent's commission expires June 10, 1906.

PENNSYLVANIA.

Allen P. Dickey to be postmaster at Waynesburg, in the county of Greene and State of Pennsylvania, in place of Allen P. Dickey. Incumbent's commission expires June 28, 1906.

David Russell to be postmaster at Renovo, in the county of Clinton and State of Pennsylvania, in place of Alexander Y. Jones, deceased.

TEXAS.

Thomas Breen to be postmaster at Mineola, in the county of Wood and State of Texas, in place of Thomas Breen. Incumbent's commission expires June 27, 1906.

Morriss Mills to be postmaster at Somerville, in the county of Burleson and State of Texas. Office became Presidential April 1, 1906.

Abram M. Morrison to be postmaster at Ennis, in the county of Ellis and State of Texas, in place of Abram M. Morrison. Incumbent's commission expires June 27, 1906.

George E. Sapp to be postmaster at Pecos, in the county of Reeves and State of Texas, in place of George E. Sapp. Incumbent's commission expires June 11, 1906.

Thomas D. Ward to be postmaster at Corpus Christi, in the county of Nueces and State of Texas, in place of Thomas D. Ward. Incumbent's commission expires June 27, 1906.

VIRGINIA.

Charles A. Lacy to be postmaster at Houston, in the county of Halifax and State of Virginia. Office became Presidential April 1, 1906.

WEST VIRGINIA.

Harrison A. Darnall to be postmaster at Buckhannon, in the county of Upshur and State of West Virginia, in place of Harrison A. Darnell. Incumbent's commission expired March 24, 1906.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 19, 1906.

W. A. Nichols to be receiver of public moneys at North Yakima, Wash.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 19, 1906.

COLLECTOR OF CUSTOMS.

Clarence G. Smithers, of Virginia, to be collector of customs for the district of Cherrystone, in the State of Virginia.

SURVEYOR OF CUSTOMS.

Perry M. Lytle, of Pennsylvania, to be surveyor of customs in the district of Philadelphia, in the State of Pennsylvania.

MARSHAL.

William H. Darrough, of Indian Territory, to be United States marshal for the northern district of Indian Territory.

APPOINTMENT IN THE ARMY.

Maj. Gen. Henry C. Corbin, adjutant-general, to be lieutenant-general from April 15, 1906.

PROMOTION IN THE ARMY.

Second Lieut. William G. Meade, Eleventh Cavalry, to be first lieutenant from March 31, 1906.

APPOINTMENTS IN THE NAVY.

To be civil engineers in the Navy, with the rank of lieutenant, from the 17th day of March, 1906:

James W. G. Walker.
Andrew C. Cunningham.
Harry H. Rousseau.
Fred Thompson.
Alfred C. Lewerenz.
Lyle F. Bellinger.
Reuben E. Bakenhus.
George A. McKay.
Ernest H. Brownell.
Ernest R. Gayler.
Paul L. Reed.
Frederick R. Harris.
Archibald L. Parsons.

PROMOTIONS IN THE MARINE CORPS.

Maj. Laurence H. Moses to be a major in the Marine Corps from the 6th day of March, 1904.

Maj. Wendell C. Neville to be a major in the Marine Corps from the 4th day of June, 1904.

Second Lieut. Davis B. Wills to be a first lieutenant in the Marine Corps from the 29th day of July, 1904.

Second Lieut. Edward S. Yates to be a first lieutenant in the Marine Corps from the 1st day of December, 1904.

Second Lieut. Harry O. Smith to be a first lieutenant in the Marine Corps from the 2d day of December, 1904.

Capt. Thomas C. Treadwell to be a major in the Marine Corps from the 9th day of December, 1904.

Second Lieut. Albert Hamilton to be a first lieutenant in the Marine Corps from the 9th day of December, 1904.

Capt. Dion Williams to be a major in the Marine Corps from the 28th day of February, 1905.

First Lieut. Harry R. Lay to be a captain in the Marine Corps from the 28th day of February, 1905.

Second Lieut. William P. Upshur to be a first lieutenant in the Marine Corps from the 28th day of February, 1905.

Second Lieut. Lovick P. Pinkston to be a first lieutenant in the Marine Corps from the 1st day of March, 1905.

Capt. Edward R. Lowndes to be a major in the Marine Corps from the 11th day of March, 1905.

First Lieut. Charles B. Taylor to be a captain in the Marine Corps from the 11th day of March, 1905.

Second Lieut. Arthur P. Crist to be a first lieutenant in the Marine Corps from the 11th day of March, 1905.

Capt. John T. Myers to be a major in the Marine Corps from the 1st day of April, 1905.

First Lieut. John W. Wadleigh to be a captain in the Marine Corps from the 1st day of April, 1905.

Second Lieut. Edward W. Banker to be a first lieutenant in the Marine Corps from the 1st day of April, 1905.

First Lieut. William R. Coyle to be a captain in the Marine Corps from the 1st day of August, 1905.

Second Lieut. William E. Parker to be a first lieutenant in the Marine Corps from the 1st day of August, 1905.

First Lieut. William C. Harllee to be a captain in the Marine Corps from the 30th day of August, 1905.

Second Lieut. William M. Small to be a first lieutenant in the Marine Corps from the 30th day of August, 1905.

Capt. Albertus W. Catlin to be a major in the Marine Corps.

First Lieut. Richard S. Hooker to be a captain in the Marine Corps from the 1st day of February, 1906.

Second Lieut. Maurice V. Campbell to be a first lieutenant in the Marine Corps from the 1st day of February, 1906.

Second Lieut. Epaminondas L. Bigler to be a first lieutenant in the Marine Corps from the 14th day of March, 1906.

POSTMASTERS.

CONNECTICUT.

Mary E. Bell to be postmaster at Portland, in the county of Middlesex and State of Connecticut.

ILLINOIS.

George W. Baber to be postmaster at Paris, in the county of Edgar and State of Illinois.

Chester B. Claybaugh to be postmaster at Toulon, in the county of Stark and State of Illinois.

George J. Price to be postmaster at Flora, in the county of Clay and State of Illinois.

Alonzo C. Sluss to be postmaster at Tuscola, in the county of Douglas and State of Illinois.

KANSAS.

George T. Boon to be postmaster at Chetopa, in the county of Labette and State of Kansas.

Ewing Herbert to be postmaster at Hiawatha, in the county of Brown and State of Kansas.

John A. Hartley to be postmaster at Cheney, in the county of Sedgwick and State of Kansas.

William A. Moriston to be postmaster at Bonner Springs, in the county of Wyandotte and State of Kansas.

KENTUCKY.

Asa Bodkin to be postmaster at Bardwell, in the county of Carlisle and State of Kentucky.

Berry T. Conway to be postmaster at Lebanon, in the county of Marion and State of Kentucky.

A. Downs to be postmaster at Murray, in the county of Calloway and State of Kentucky.

Frank M. Fisher to be postmaster at Paducah, in the county of McCracken and State of Kentucky.

William H. Harrison to be postmaster at Flemingsburg, in the county of Fleming and State of Kentucky.

Daniel D. Hurst to be postmaster at Jackson, in the county of Breathitt and State of Kentucky.

William T. West to be postmaster at Lancaster, in the county of Garrard and State of Kentucky.

MAINE.

Newton H. Fogg to be postmaster at Sanford, in the county of York and State of Maine.

Reuel W. Norton to be postmaster at Kennebunk Port, in the county of York and State of Maine.

Willis W. Wait to be postmaster at Dixfield, in the county of Oxford and State of Maine.

MARYLAND.

George M. Evans to be postmaster at Elkton, in the county of Cecil and State of Maryland.

MASSACHUSETTS.

Thomas A. Hills to be postmaster at Leominster, in the county of Worcester and State of Massachusetts.

MICHIGAN.

James Buckley to be postmaster at Petoskey, in the county of Emmet and State of Michigan.

MINNESOTA.

Peter J. Schwartz, to be postmaster at Shakopee, in the county of Scott and State of Minnesota.

MISSOURI.

John C. Rickey to be postmaster at Clarence, in the county of Shelby and State of Missouri.

MONTANA.

Thomas W. McKenzie to be postmaster at Havre, in the county of Chouteau and State of Montana.

NEBRASKA.

Howard C. Miller to be postmaster at Grand Island, in the county of Hall and State of Nebraska.

NEW HAMPSHIRE.

Simeon M. Estes to be postmaster at Meredith, in the county of Belknap and State of New Hampshire.

Eugene Lane to be postmaster at Suncook, in the county of Merrimack and State of New Hampshire.

NEW JERSEY.

George C. Reed to be postmaster at Park Ridge, in the county of Bergen and State of New Jersey.

PENNSYLVANIA.

Benjamin F. Magnin to be postmaster at Darby, in the county of Delaware and State of Pennsylvania.

VERMONT.

Frederick G. Ellison to be postmaster at Springfield, in the County of Windsor and State of Vermont.

VIRGINIA.

W. Griffin to be postmaster at Salem, in the county of Roanoke and State of Virginia.

WEST VIRGINIA.

Lester G. Toney to be postmaster at Northfork, in the county of McDowell and State of West Virginia.

WISCONSIN.

Warner S. Carr to be postmaster at Lake Nebagamon, in the county of Douglas and State of Wisconsin.

Arthur E. Dudley to be postmaster at Neillsville, in the county of Clark and State of Wisconsin.

A. C. Vanderwater Elston to be postmaster at Muscoda, in the county of Grant and State of Wisconsin.

WYOMING.

Otis Rife to be postmaster at Kemmerer, in the county of Uinta and State of Wyoming.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 19, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D., as follows:

Our Father in heaven, Thou grace divine, encircling all, help us with unshaken faith in Thine eternal love to interpret whatever comes to us in life as but a means to the proper end in the working out of Thy purposes. We thank Thee for that deep and tender sympathy which goes out to those who suffer affliction and sorrow, whether it be the community or the individual, and which binds us closer together as a people and as families in the ties of affection. Be with all, O God, who suffer everywhere and comfort them as Thou alone can, and help us to help each other, and so be with us all now in this great calamity and always in the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. M. R. PATTERSON of Tennessee, appeared at the bar of the House, and qualified by taking the oath of office.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on the Territories was discharged from the further consideration of the bill (S. 2948) to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes, and the same was referred to the Committee on the Judiciary.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. KAHN, indefinitely, on account of the disaster at San Francisco.

MOVEMENTS OF VESSELS IN ST. MARYS RIVER.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4925) to amend the act approved March 6, 1896, relating to the anchorage and movements of vessels in St. Marys River, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act approved March 6, 1896, entitled "An act relating to the anchorage and movements of vessels in St. Marys River" be, and hereby is, amended to read as follows:

"That the Secretary of Commerce and Labor be, and he hereby is, authorized and directed to adopt and prescribe suitable rules and regulations governing the movements and anchorage of vessels and rafts in St. Marys River from Point Iroquois, on Lake Superior, to Point Detour, on Lake Huron, and for the purpose of enforcing the observance of such regulations the Secretary of the Treasury is hereby authorized to detail one or more revenue cutters for duty under the direction of the Secretary of Commerce and Labor on said river."

SEC. 2. That section 3 of the act of March 6, 1896, aforesaid, be, and hereby is, amended to read as follows:

"SEC. 3. That in the event of the violation of any such regulations or rules of the Secretary of Commerce and Labor by the owners, master, or person in charge of such vessel, such owners, masters, or person in charge shall be liable to a penalty of $200: *Provided*, That the Secretary of Commerce and Labor may remit said fine on such terms as he may prescribe: *Provided also*, That nothing in this act shall be construed to amend or repeal the act entitled 'An act to regulate navigation on the Great Lakes and their connecting and tributary waters as far east as Montreal,' approved February 8, 1895."

With the following amendments:

Page 2, line 3, strike out the words "under the direction" and insert in lieu thereof the words "upon the request."

Line 12 strike out the word "of" and insert the words "not exceeding."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. STEVENS of Minnesota, a motion to reconsider the last vote was laid on the table.

AMENDMENT TO BANKRUPTCY ACT.

Mr. ESCH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4478) to amend section 64 of the bankruptcy act, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That clause 4 of subdivision B of section 64 of said act is hereby amended so as to read as follows:

"Fourth. Wages due to workmen, clerks, traveling or city salesmen, or servants which have been earned within three months before the date of commencement of proceedings, not to exceed $300 to each claimant."

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I desire to know something in regard to this bill. Does it make the wages due all employees, including traveling salesmen, preferred claims against the bankrupt's estate?

Mr. ESCH. It simply includes traveling and city salesmen among those people who are entitled to preference. This bill is unanimously reported by the Committee on the Judiciary, and was unanimously reported a year ago. It has the support of the entire Traveling Men's Association of the United States and of the Credit Men's Association.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield to me for a moment?

The SPEAKER. Does the gentleman yield?

Mr. ESCH. Yes.

Mr. BARTLETT. Mr. Speaker, it occurs to me that the bankruptcy act ought to be amended in many particulars, and I have not been able to catch from what the gentleman said or from the reading of the bill what the purport of it is. I think it ought to be amended in a great many particulars. The chief way that we ought to amend it is to wipe it off the statute books and repeal it altogether. If I had time I would draft a substitute amendment now to this bill, so as to repeal the bankruptcy law in toto. That is what I want to vote for. I do not think that I shall object to the consideration of this bill. I reserved the right to object to it in order to find out what it provides, and I would ask unanimous consent to have it read again, so that I can hear what are its provisions.

The SPEAKER. Without objection the Clerk will again report the bill.

There was no objection; and the Clerk again reported the bill.

Mr. BARTLETT. Now, Mr. Speaker, as I understand the

bill, if the bankruptcy law is to remain in force, I am in favor of the bill that the gentleman has called up. I think it is a wise provision which ought not to have been omitted from the original bill. I shall not object, but shall support it. I shall vote for it, because this is the only way we can relieve the bankruptcy law, as it now exists, from the present provisions, which exclude this class of creditors from having a preferred claim upon the bankrupt's estate, as they should have. I think wages due the city and traveling salesmen should have preference in distribution of a bankrupt's estate. More than that, I think this House ought to have an opportunity to vote upon the proposition to repeal the bankruptcy law, because, in my judgment and in the judgment of a great many people, it has answered the purpose for which it was enacted. I shall not object, but will gladly support the measure.

The SPEAKER. The Chair hears no objection. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. ESCH, a motion to reconsider the last vote was laid on the table.

NEBRASKA TERRITORIAL MILITIA.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent for the present consideration of the House bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 5018) to give a true military status to the Nebraska Territorial Militia.

Whereas the governor and lawfully constituted authorities of the Territory of Nebraska did, on the 11th day of August, in the year of 1864, ask for and authorize the enlistment of volunteers to defend "the frontier" against hostile Indians and the common enemy; and

Whereas by proclamation duly issued of that date said call for volunteers was, at the suggestion of the authorities at Washington, based on the fact that the Government of the United States was engaged in war with the so-called "Southern Confederacy," and did not have sufficient troops for the common defense of our frontier, and that for such reasons said call for volunteers on behalf of the Territory of Nebraska was issued; and

Whereas said military organization, known as the "First Nebraska Volunteer Militia," consisting of Companies A, B, C, and D, and a battery of artillery, was enrolled and duly enlisted to serve four months unless sooner discharged; and

Whereas said military organization did serve the General Government from August, 1864, until January, 1865, rendering military service where and when required upon our public frontier in Nebraska, Colorado, and Kansas under the direction and control of the military authority of the United States exclusively; and

Whereas said troops have never been officially recognized as regular volunteers of the United States of America of the war of the rebellion, but have been denied such recognition: Therefore,

Be it enacted, etc., That the military organization known as Companies A, B, C, and D, and the battery of artillery thereof of the First Nebraska Volunteer Militia be, and the same is hereby, recognized as a regular volunteer organization of the United States of the war of the rebellion, and that the officers and privates thereof, including the widows and dependent children of such soldiers, are entitled to all the benefits of the pension laws as other regular volunteer organizations of the war of the rebellion.

The committee amendment was read, as follows:

That all after the title of the bill be stricken out and the following inserted in lieu thereof:

"*Be it enacted, etc.*, That officers and enlisted men of military organizations which were furnished by any State or Territory under call made therefor by the President and the governor, and which rendered actual military service under the command of officers of the United States and in connection with the regular organized military forces of the United States, shall be entitled to certificates that they have rendered such service covering only the period that said organizations were in actual service; and that the Secretary of War be, and he is hereby, authorized and directed to issue certificates of such service, upon due application and satisfactory proof of identity, for all honorably discharged members of the said organizations: *Provided*, That no person shall receive any pay, pension, bounty, or other allowances by reason of the passage of this act."

Mr. PAYNE. Mr. Speaker, I do not think this bill ought to be considered in this way.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. The gentleman from New York objects.

Mr. WILLIAMS. I was going to reserve the right to object to ask some questions.

PRESENTATION OF BELL TO SITE AND RELIC SOCIETY, GERMANTOWN, PA.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution No. 7.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (S. R. 7) authorizing the Secretary of the Navy to present the bell of the late U. S. sloop of war Germantown to the Site and Relic Society, of Germantown, Pa.

Resolved, etc., That the Secretary of the Navy be, and he is hereby, authorized to present to the Site and Relic Society, of Germantown, Pa., the bell of the U. S. sloop of war Germantown, which vessel was destroyed by the United States authorities at the Norfolk Navy-Yard in 1861, and the bell of which was recovered about a year ago.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I would ask the attention of the gentleman from Pennsylvania.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I will be very glad to answer the gentleman's question if I could hear him.

Mr. WILLIAMS. I say I ask the attention of the gentleman from Pennsylvania, reserving the right to object, and would ask him to yield me about three minutes to make a statement.

Mr. BUTLER of Pennsylvania. I will be very glad to do it. Three minutes' time, did you say?

Mr. WILLIAMS. Yes. Mr. Speaker, in that three minutes yielded me I desire to say I shall not object to the consideration of this particular bill, but there are nearly two millions of people out in Oklahoma and the Indian Territory begging for admission into the sisterhood of States; that there are tens, perhaps hundreds, of thousands of white children in the Indian Territory without public school facilities——

Mr. PAYNE. Mr. Speaker, is there any question before the House?

Mr. WILLIAMS. I have time yielded me.

Mr. PAYNE. I ask if the gentleman is in order?

The SPEAKER. And yet the gentleman from Pennsylvania has no time to yield, except in the nature of unanimous consent.

Mr. PAYNE. Therefore how could he yield for a speech?

Mr. BUTLER of Pennsylvania. Mr. Speaker, I yielded so there might be no objection to the consideration of this resolution.

Mr. PAYNE. I do not see how the House should be compelled to listen to a speech.

Mr. WILLIAMS. I ask unanimous consent, if it is necessary, to finish this statement; it will not be over a minute or two.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to finish the statement he is making. Is there objection?

Mr. PAYNE. I object, Mr. Speaker, to all of these requests—to each and every one of them.

The SPEAKER. The gentleman from New York objects. Is there objection now to the request of the gentleman from Pennsylvania?

Mr. WILLIAMS. I do not object.

Mr. SMITH of Kentucky. Mr. Speaker, I shall have to object unless the gentleman from Mississippi can have two minutes.

The SPEAKER. The gentleman from Kentucky objects.

Mr. WILLIAMS. Oh, no; I ask the gentleman from Kentucky to withdraw his objection.

Mr. SMITH of Kentucky. I withdraw my objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

Mr. BUTLER of Pennsylvania. Mr. Speaker, a parliamentary inquiry. Was that the bill I asked to be considered which was just passed?

The SPEAKER. That is the bill the gentleman called up. The Chair does not know what the gentleman intended to do.

On motion of Mr. BUTLER of Pennsylvania, a motion to reconsider the last vote was laid on the table.

FORT BRADY MILITARY RESERVATION AT SAULT STE. MARIE, MICH.

Mr. YOUNG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That that portion of the military reservation known as Fort Brady, in the city (late village) of Sault Ste. Marie, in the State of Michigan, bounded on the north by that part of Water street adjacent to the Government park, on the east by Brady street, on the south by Portage avenue, and on the west by Bingham avenue, be, and the same is hereby, reserved from sale under the authority of the act of Congress authorizing the sale of Old Fort Brady, approved July 8, 1886, and that the same be set apart for a site for a public building at Sault Ste. Marie, Mich.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I now ask unanimous consent for two minutes within which to complete a statement that I began to make to the House.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I object.

Mr. WILLIAMS. Then, Mr. Speaker, I object to the consideration of the bill.

Mr. YOUNG. I hope the gentleman will reserve that.

RESERVATION AT HOT SPRINGS, ARK.

Mr. ROBINSON of Arkansas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8976) to change the line of the reservation at Hot Springs, Ark., and of Reserve avenue, which I send to the Clerk's desk.

Mr. PAYNE. Mr. Speaker, in view of the last objection, I demand the regular order.

DISTRICT APPROPRIATION BILL.

Mr. GILLETT of Massachusetts. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18198—the District of Columbia appropriation bill. And pending that motion, Mr. Speaker, I ask that the time for general debate be divided equally between the two sides, to be controlled for the minority by the gentleman from Texas [Mr. BURLESON] and for the majority by myself.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that general debate upon this bill be divided equally and one-half of it controlled by himself and one-half of it controlled by the gentleman from Texas [Mr. BURLESON]. Is there objection?

There was no objection.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18198—the District of Columbia appropriation bill—with Mr. DALZELL in the chair.

Mr. BURLESON. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I will now, whether the gentleman from New York [Mr. PAYNE] wills or not, complete the statement which I have started to make to the House.

Mr. PAYNE. Will the gentleman allow me to call attention to how easy it is to comply with the rules of the House?

Mr. WILLIAMS. Oh, the gentleman can call my attention to all sorts of improbable suggestions and impossible things.

Now, Mr. Chairman, hundreds of thousands—tens of thousands, at any rate—of children are deprived of public school facilities in the Indian Territory. Nearly a million of people are asking to be admitted into the sisterhood of States. The Senate of the United States has passed a bill admitting Oklahoma and Indian Territory as a State into the Union. A perfectly puerile procedure of conference is now going on. Upon last Saturday, when the conferees were to have met, they did not meet, and the excuse for not having met was that some of them were not there. Now, I desire to give notice to the House that there will be from this time on no business done by unanimous consent [applause], and that no business of any sort will be done by this House except under the rules, or a rule, until the conferees upon the statehood bill report to this House. [Applause.]

Mr. BURLESON. Mr. Chairman, in view of the very clear and comprehensive statement in reference to this bill made yesterday afternoon by the gentleman from Massachusetts [Mr. GILLETT], I feel that it is wholly unnecessary for me to make a detailed statement about it at this time. In fact, any attempt to do so would merely result in a repetition of many statements already so well made by the distinguished gentleman from Massachusetts. I desire, however, to again direct the attention of the committee to the fact that the bill carries an appropriation amounting approximately, in round numbers, to $9,131,000. This is about $573,000 less than was carried in the District appropriation bill for the fiscal year 1906. It is also $2,300,000 less than the estimates submitted to the committee by the District Commissioners.

In this connection I desire to further call the attention of the committee to the fact that, whereas we have appropriated much less than was called for in the estimates, yet I assure you that your committee has exercised the greatest care to see that no department of the municipality has been given a less sum than is necessary for the proper and efficient discharge of the duties imposed upon that particular department. For myself and for the committee I invite the most careful scrutiny of the provisions of this bill. I go further. The Appropriation Committee will welcome any fair criticism of this measure as a whole or in its details, with a view of improving it, for I assure you that the committee, in the preparation of this bill, had only a single purpose in view, and that was to bring before the House the best bill that it could prepare. And in this connection, gentlemen, I desire to congratulate the House—yes, I desire to congratulate the city and the Government upon the fact that we have the very able and distinguished gentleman from Massachusetts as the chairman of the subcommittee chargeable with the responsibility of this bill's preparation. He has brought to the consideration of the bill a zeal, an energy, an intelligence, and an honesty of purpose that have resulted, in my opinion, in one of the cleanest, fairest, and most evenly balanced District appropriation bills that has been brought before the Congress for many years. For this he is entitled to our highest commendation.

As I said, I do not care to make a detailed statement about the provisions of the bill, because to do so would only be to repeat what has been so well said by the distinguished gentleman from Massachusetts. But, Mr. Chairman, while the subcommittee was engaged in preparing the various items that constitute the measure, a few thoughts occurred to me, which I have jotted down and upon which I desire to submit some observations, though I candidly state to you that what I will say is not exactly pertinent to the subject-matter under consideration.

No other city in all the United States is governed as this city is. Here, for reasons unnecessary to give, but which are apparently satisfactory to them, the people have voluntarily surrendered the right of suffrage, or rather, to more accurately describe the situation, the people have acquiesced without opposition in their own disfranchisement.

The experience of Washington City during the period when universal suffrage obtained here, when her people enjoyed without limitation the right of self-government, has not been forgotten. In fact, the property owners, the taxpayers, have such a lively recollection of those halcyon days that one never hears from one of them a murmur of complaint that the city is now governed by a Board of Commissioners in whose selection they have absolutely no voice.

When one remembers Washington as she was governed or when one thinks of Philadelphia as she is now governed, or rather was, until recently, when her mayor, a reformed Republican, commenced giving the people a more honest administration of city affairs, he can not fail to be impressed, in fact, must admit, that there are some advantages in municipal government by a Board of Commissioners. When one thinks of the saturnalia of vice and crime, the universality of loot and graft, the continuous and uninterrupted practices of thieving and boodling to which the unfortunate people and taxpayers of the City of Brotherly Love were so long the victims, then, indeed, can one see the advantage of and begin to appreciate the form of government for a municipality which obtains in our capital city.

The time was that whenever the thought of municipal government was suggested there naturally arose in the mind visions of extravagance and graft, high taxes, and even increasing bonded indebtedness.

Under the system of government which obtains here, which has also been adopted (with its principal objectionable feature eliminated—the appointment of the Commissioners) by two of the leading cities of Texas, these conditions are to a remarkable degree reversed. Because of the successful government of these cities under this plan I unhesitatingly state that other municipalities might very materially profit by the adoption of the best features of this form of municipal government which has proven so advantageous to them. Whatever complaint may be directed against the government of this city—and I do not say there is not some basis for complaint—it can not be truthfully charged that the one great evil which has proven a curse to so many of our cities has any foothold here.

Mr. CAMPBELL of Kansas. Will the gentleman allow me to ask him a question?

Mr. BURLESON. With pleasure.

Mr. CAMPBELL of Kansas. Do I understand the gentleman from Texas to say that there are now cities in Texas governed on the same plan as the District of Columbia and the city of Washington?

Mr. BURLESON. In Texas we have two cities, the city of Galveston and the city of Houston, now governed by boards of commissioners. There the boards of commissioners are elected by the people; and the experience of these cities in Texas under this form of municipal government is what directed my attention to the advantages of this system, to which I am now endeavoring to direct the attention of the House.

Mr. CAMPBELL of Kansas. Has the method proven satisfactory to those cities?

Mr. BURLESON. It has resulted in the complete elimination of graft, if graft could be said to exist in a Democratic city. This system of municipal government in Texas resulted in the reduction of city taxes; it has resulted in the reduction of bonded indebtedness, and it has resulted in a more general improvement of streets and other improvements than was ever known before in the history of either of those cities.

Mr. CAMPBELL of Kansas. The very genial relations existing between the gentleman from Texas and myself prevent me from referring to any Democratic cities concerning which there has been something said about graft within the last two or three years.

Mr. BURLESON. I appreciate the great kindness and forbearance of the gentleman, and in further response to his query

I will state that only on the 3d day of this month the proper authorities of the largest city in Texas submitted the issue to the people—the qualified voters—whether they would abandon the present system of municipal government and adopt the commission form of governing the city, and at the election held for this purpose the people approved by a vote of over four to one, as I now recollect it, the commission form of government for the municipality.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. GAINES of Tennessee. For about twenty years, I think it is, we have had the same kind of government in Nashville, and I never heard of any graft. The people have ratified it time and again; they have changed the charter, but not the system. We do not have many holes in the streets in the heart of the city either.

Mr. BURLESON. I thank the gentleman for the benefit of that information. I am inclined to believe that government by a board of commissioners is the best form of municipal government ever devised, and am confident that before the lapse of twenty-five years the principal cities in the United States will substantially adopt this system or plan for their government.

Mr. DRISCOLL. Will the gentleman allow me a question?

Mr. BURLESON. I will yield to the gentleman for that purpose.

Mr. DRISCOLL. I have been interested in the gentleman's remarks on city government. Do I understand from the gentleman that these two cities in Texas are governed by commissioners elected by the people by a popular vote of the people?

Mr. BURLESON. Yes; in Texas cities because of our constitution the board of commissioners are all elected at the same time, and every two years. They should be elected at different times, one commissioner every year, and probably it would be best to elect three commissioners with a tenure of office for three years. Originally, or the first time the commission form of government for a municipality was adopted in Texas, was at Galveston, immediately after the great flood which devastated that city in 1900, and the law as it passed our legislature required that they should be appointed by the governor. The superior court of Texas held that the provision authorizing the appointment of the commissioners by the governor was unconstitutional because of the wording of our organic law, but the same men that the governor had appointed were after this decision elected by the people with practically no opposition.

Mr. DRISCOLL. Are they vested with the absolute and entire power of the government of the city?

Mr. BURLESON. With the full powers that are vested in a mayor and common council of the ordinary municipality.

Mr. LITTLEFIELD. And board of aldermen.

Mr. DRISCOLL. Is that any better form of government than where the mayor is elected by the people with absolute power? If it is, I would like to have the gentleman explain why a government by commissioners elected by a popular vote, who are subject to the influence of popular clamor, would be better than a government by a mayor who is also elected by popular vote.

Mr. LITTLEFIELD. The gentleman means whether a concentrated responsibility is better than a divided responsibility?

Mr. DRISCOLL. No; I believe in a concentrated responsibility and therefore concentrated power. I want to know why commissioners can do better than a mayor, where both are elected by the people and are subject to those influences which seem to count for much with officials who are looking for reelection at short intervals.

Mr. BURLESON. For the reason that there is a division of responsibility. One man might not be able to discharge all the duties imposed upon him in the conduct of affairs of the municipality, but when you distribute the responsibility among three or five persons or commissioners they can then properly discharge the various functions imposed upon them.

Mr. LITTLEFIELD. They act by majority?

Mr. BURLESON. Yes; in all matters of importance or in all matters except matters of routine.

Mr. DRISCOLL. Isn't it true that where you have four or five members with divided power and responsibility it tends to poorer government than where you have one vested with full power and held to strict accountability?

Mr. BURLESON. I do not think the experiment has ever been made in the government of a city by one commissioner. We have three in Washington, five in Houston, and three in Galveston.

Mr. FITZGERALD. Will the gentleman allow me a question?

Mr. BURLESON. Certainly.

Mr. FITZGERALD. Is there not a great difference between the government of these cities in Texas and the government here? For instance, in Texas these commissioners are responsible to the people who elect them, while in this city it is governed by a commission that is not responsible to the residents of the city, and is also governed to a large extent by Congress, that is largely indifferent to the wishes or the desires of the people of the community.

Mr. BURLESON. The gentleman is correct, but as I said, an objectionable feature of this form of municipal government is the appointment of the Commissioners. In Texas we have eliminated that objectionable feature, and there the commissioners are accountable only to the people. They are not supervised by any legislative body, as is the case here.

Mr. GAINES of Tennessee. That is what I was about to state about Nashville. We elect the mayor, who has some appointing power and we elect three commissioners, one for two years, one for four years, and one for six years. It has done wonders for Nashville. It is satisfactory to the people, and the responsibility is divided just enough, with three commissioners and with the city council elected and with the mayor elected.

Mr. DRISCOLL. I am very much interested in this question of municipal government, for the reason that several years ago I was appointed by the governor of our State one of five commissioners to draft a uniform charter for cities of the second class, including all the large municipalities except New York and Buffalo. We gave to the subject a large amount of time and study. We visited all the cities which the new charter was intended to cover, and listened to addresses on all phases of municipal government delivered by city officials and many public-spirited and well-informed citizens. It was the consensus of opinion of practically all the men who addressed our commission that the old charters then in force in nearly all those cities could be improved. According to those charters, boards of aldermen had large powers, executive as well as legislative. In some there were boards of fire commissioners, police commissioners, water commissioners, and commissioners of charity, and other boards discharging certain municipal functions, some of them intended to be bipartisan.

As a result of those hearings and our study of municipal government in this country and in Europe, we drafted a uniform charter, conferring upon the mayor very large powers and holding him responsible for results. It was our notion that where there are boards of three or five or a larger number of members there is a tendency to shift responsibility, whereas where a single individual is clothed with full power and held accountable for results the voters at the next election may know whom they should elect or defeat. The same plan, conferring power and responsibility, was carried out in the organization of the several departments of the cities, except as to the board of education, which was made to consist of several members.

This charter was afterwards adopted by the legislature of our State substantially as submitted by the commission, and is now the law for the government of those cities. It has not brought about all the reforms and good things hoped for it. Great power in the hands of an able and wise mayor produces very good results. But great power in the hands of a foolish or corrupt mayor is apt to result in very bad and very extravagant administration. In actual practice since the adoption of that uniform charter, with its large powers for good or ill, able and honest executives have given satisfactory government, while inefficient and dishonest executives have brought about results exactly the reverse.

According to the gentleman from Texas [Mr. BURLESON], the cities of Houston and Galveston, in his State, are governed by five and three commissioners, respectively, who are clothed with very large powers. Take the case of Houston, with five commissioners, and assuming that human nature is the same as it is in other States and cities and that those gentlemen are looking for reelection at the expiration of their several terms, it would seem that there would be a tendency to shirk or shift responsibility for doing things, which, although right, may at the time be unpopular with the masses of the electors.

Notwithstanding the gentleman's commendation of the city of Washington and his reference to the cities of Houston and Galveston, I am not convinced that a board of commissioners at the head of an ordinary city government would be apt to secure more economical or more efficient government than a single individual, especially if he is the right man.

It is generally conceded that municipal governments throughout the British Isles and the continent of Europe are far in advance of ours in most respects. Yet in those countries boards of commissioners, either elected or appointed, are not placed at the head of their city affairs. Generally very large powers are conferred on their mayors, or chief executive officers under what-

ever name, and by that method they are solving the very perplexing problem of modern city government more successfully than are we.

Mr. BURLESON. Mr. Chairman, responding further to the suggestion of the gentleman from New York [Mr. DRISCOLL], I will say that the commission should not be elected at the same time. If the commission consists of three, one should be elected each year, two of the commissioners being at all times beyond the reach of any clamor that might be directed toward controlling their action in any particular matter which might fasten the attention of the people.

Mr. DRISCOLL. How long were they elected for?

Mr. BURLESON. In Texas, as I have stated, for two years; but it would be a better plan to elect for three years, one to be elected each year. But to resume, whatever complaint may be directed against the government of this city—and I do not say there is not some basis for complaint—it can not truthfully be charged that the one great evil which has proven a curse to so many of our cities has any foothold here whatever.

It can be confidently asserted that the affairs of Washington, as administered by the Board of Commissioners, are entirely free of boodling and graft. There may be some unnecessary expenditures made in the conduct of city affairs, there may be some extravagance here, and for this the Commissioners are not always responsible, for frequently it is the fault of Congress; but boodling and grafting, which have so frequently resulted in the wicked waste of the public money in so many of our larger cities, is not to be found here.

Another matter brought to my attention during the preparation of this bill is the probable beneficial results from the ownership by a municipality of certain public utilities which, from their nature, are monopolies. The city of Washington and the Government own and operate the system or plant which furnishes the inhabitants of this city with their water.

The service is in every way satisfactory, and the people living here when the new filtration plant is completed will be furnished the best water accessible at a rate as low as it is reasonable for them to expect.

Mr. GAINES of Tennessee. Where will they get the water?

Mr. BURLESON. From the Great Falls of the Potomac River. The experience of the principal cities of Great Britain has conclusively demonstrated that it is to the general benefit, as well as the financial interest, of the people to own and operate certain public utilities.

The principal objection that has been urged in this country against municipal ownership and operation of these utilities has been that they could not be successfully managed or economically operated because of the resultant effect of the extravagance and corruption which follows the struggle of different factions or parties to control the city. I am free to admit that the dangers of graft in Philadelphia are so menacing that it would not be well to undertake municipal ownership in that city.

In New York and Chicago, under their present system of municipal government, with factions and parties engaged in a fierce struggle, at frequent intervals, to control, it would be nothing short of the sheerest nonsense to contend for one moment that it would be wise for those cities to take over the great and expensive transportation and lighting utilities now controlled and operated by private corporations, with the idea that the city could manage them with equal efficiency. On the contrary, Washington, under her present system of government, is the best situated city in the Republic to make an intelligent trial of municipal ownership, with a view of thoroughly testing the advantages and disadvantages of this much-discussed policy. In Washington, as I have pointed out, we are free of the very dangers which beset nearly all other cities, and which make a trial of municipal ownership with them wholly inexpedient. I merely offer the suggestion. Might it not be a wise thing to give serious thought to municipal control and operation of the gas and electric-light plants, the street railways, and the telephone service within this city?

To take them over at what it would actually cost to construct their physical properties—and of course nothing beyond this should be paid, for, as I understand it, no consideration has ever been paid the city or Government for their franchises—might and probably would enable the inhabitants of this city to have and enjoy cheaper and better lights, cheaper and better telephone service, and not only a very much cheaper street-railway service, but what is infinitely more desired and needed, a more convenient and efficient service.

I realize that the policy of municipal ownership, regardless of where or under what circumstances it may be undertaken, is not altogether free from objections, or, I might say, danger. To my mind one of the principal objections, if not dangers, following municipal ownership is the encouragement of the idea on the part of the people that they are to look to the Government for services and benefits which they should provide for themselves. I do not believe the Government should undertake any work that an individual could do or accomplish as well. The Government has its proper functions to perform, and should, in my opinon, be closely confined to the exercise of those functions.

I do not think it ever should obtrude itself into the affairs of the people when it can possibly be avoided. This may be rather an old-fashioned idea, but I can not forget that the Government has nothing to give, absolutely nothing, except that which it has already taken from the people. It is true that one of our great parties has persistently taught that it is the duty of the Government, by acts of legislation, to aid one class of our people in their business, even if it is at the expense of all other classes. Many intelligent and honest people believe that to be right, but I have never yet reached the point where I could appreciate the beauties of the doctrine of a protective tariff. It is true that under the operation of this system millions of dollars have been legislated out of the pockets of the great mass of the consuming public into the coffers of a favored few, and that great trusts and combinations have been brought into existence which now oppress the people and are driving many of them to the acceptance of policies socialistic in character in order to escape the ills they suffer, but I live in hope that an opportunity may be afforded at an early date to call a halt on this, to my mind, dangerous policy before we are thrust into the vortex of socialism itself in our efforts to find a remedy for the evil consequences of this vicious policy—a remedy which is no remedy at all, but simply a greater danger. To avoid this, I know, is the desire of every patriotic Republican as well as Democrat.

Another matter to which I now desire to ask your attention is a feature of the public school service which is provided in this bill, and in order that I may not be misunderstood I will state now that I am an advocate of and a firm believer in the public school system. I am a patron of the public schools, and am anxious to do all I can to promote their efficiency, and in this conection I will state that I share in the desire, which seems to be very general this session, that some measure will pass this body before it adjourns for the session which will provide an adequate compensation for the public school teachers. But this is not the matter to which I ask attention.

There are carried in this bill some items the wisdom of which I seriously doubt. Of course we all know that tuition in the public school in our home cities as well as here is absolutely free. Free tuition is what the term "public school" conveys to the minds of most of us. We go many steps beyond that in this city. Not only is tuition free here, but a beneficent Government furnishes free text-books, free pens and ink, free pencils and pads, and everything else of this character they use. More than this, as a part of the free school system here, we have a sewing school. I do not say that it is not a wise thing to conduct a sewing school as a part of the public school system, and it is not against this that I complain. Of course provision is made for a director or teacher for this sewing school, but at the same time a beneficent Government provides the thread and the needle and the cloth that is to be used by the pupils when they are engaged there in learning the art of sewing. More than this, as a part of the free school system here—and I do not say it is not the proper thing that it should constitute a part of it—we have a cooking school. Provision is made for a teacher, or director, for this cooking school, but at the same time the ever good Government provides the fruits and the vegetables, the meats, and condiments that the pupils attending this school experiment with in learning the art of cooking.

Furthermore, in this bill they now propose to take a further step. It is proposed to actually equip the playgrounds in connection with the public schools, to furnish the children the hot balls and the footballs and acting poles that they are to use in their games, leaving for the children to provide for themselves, or to have their parents furnish them, nothing, absolutely nothing, that the Government could furnish except food and raiment, and, I presume, that will follow in good time. Now, gentlemen, what I desire to invite your attention to is the all-important query, Where are the children, in so far as the public free school system is concerned, to learn the all-important lesson of self-reliance? Are we not, in this step which we are taking, and in some we have already taken, planting the seed in the minds of the youth of this country that is to germinate and grow, ultimately to blossom and finally to fructify into socialism full blown? Will not these classes of youths who are now being brought up by this system finally come to believe

that they can look to the Government for anything and everything, and that they are to depend upon themselves for nothing?

Our forefathers were not brought up under this system, and no one can say that they have not made brighter the pages of history by reason of the fact that they were not so brought up. Their chief characteristic was self-reliance. They learned this lesson not only at home, but they learned it in the schools, which they frequently provided for themselves. They never knew the meaning of free text-books. In this day and generation if a musical instrument is needed for these schools they appeal to a beneficent government for it. In days gone by school entertainments were given—other means were adopted whereby the children and the teachers relied upon themselves to provide these things that they thought were necessary, and especially was this done if what was needed was required for their pleasure. Now that practice has been brought to an end. They look to the Government for everything that the Government will consent to furnish them. Now, I submit to you the query: If Washington is made the model city of the United States with reference to her public schools, as she should be, and also in all other matters—if other cities of our country, following the example here set, should adopt this policy of doing everything for the children and expect the children to do nothing for themselves, what effect will it ultimately have upon the character of the American people? Will those who come after us have the same spirit of self-reliance which characterized our ancestors, and which, in my opinion, was the one trait that enabled them to succeed where weaklings and dependents would surely have failed? [Loud applause.]

Mr. DRISCOLL. May I ask a question before the gentleman resumes his seat?

Mr. BURLESON. Certainly.

Mr. DRISCOLL. I have had that matter of municipal government in my mind, and I would like to ask how long the system of governing those two cities in Texas by commissioners has been in vogue? How many years?

Mr. BURLESON. It has been in vogue in Galveston since the date of the disastrous storm, which I think was in September, 1900, and it has proven eminently satisfactory. And it was because of the success of the system as demonstrated in Galveston that it was finally adopted at Houston. The great success in the conduct of city affairs since the adoption of the system by Houston recently induced the city of Dallas to adopt the plan. The next legislature will be asked to so amend her charter as to provide for her government by a board of commissioners.

Mr. DRISCOLL. Does your modern election law, putting a tax on the right to vote, help it out?

Mr. BURLESON. We have no tax upon the right to vote. We have a capitation tax, a law which requires every elector, in order to qualify himself to vote, to pay it at a fixed time, this tax to go toward the support of the free schools in our State.

Mr. DRISCOLL. And does it tend to carry out the idea of government by the commissioners and make it more economical and possibly more honest.

Mr. BURLESON. I think our election laws carefully safeguard the purity of the ballot, and I have no doubt that the constitutional amendment requiring the capitation tax has raised the standard of our suffragists, and of course this results in more honest elections, and honest elections conduce to honest and economical government.

Mr. LONGWORTH. How much is your poll tax?

Mr. BURLESON. One dollar and seventy-five cents, I think.

Mr. DRISCOLL. It is $2.75 in those cities, is it not?

Mr. BURLESON. Probably so; I am not certain that the city levies a poll tax.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

S. R. 48. Joint resolution authorizing the Secretary of War to use rations and quartermaster's supplies for the relief of destitute persons in the region devastated by earthquake and fire in the State of California, and making an appropriation to relieve the sufferers by said disaster.

FRANKLIN MEMORIAL.

The SPEAKER. Without objection, the Chair will substitute the name of Representative STAFFORD, of Wisconsin, as a member of the Franklin Memorial Committee on the part of the House, in lieu of the name of Representative STEVENS, of Minnesota, who declines the service.

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. GILLETT of Massachusetts. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MADDEN] such time as he desires.

Mr. MADDEN. Mr. Chairman, the only excuse that I have for making any talk at all in connection with this bill during the general debate is that perhaps what I may have to say will furnish a source of information on many subjects relative to the conduct of the local government which may be wanted by gentlemen, Members of this House, in their own neighborhoods. And whether I am right in the judgment I have formed will remain to be determined by those who may be seeking information on the question of local government.

This city is different from any other on the American continent, and therefore in some respects must be treated on a different basis.

Many people wonder why the Federal Government is called upon to pay one-half the expense incurred in the maintenance of the government of the District of Columbia. But when it is understood that the Federal Government owns more than one-half of the property within the District, and that this property is not subject to local taxation, and when it is further understood that the expense incident to the management of the city on account of its being the capital of the nation would be a burden which the local taxpayers could not well afford to bear, one can readily see why the burden of maintenance of the local government should be equally divided.

Mr. SIMS rose.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MADDEN] yield to the gentleman from Tennessee?

Mr. MADDEN. Certainly.

Mr. SIMS. I wanted to ask the gentleman this question: You say that one-half of the property in the District——

Mr. MADDEN. One-half of the area.

Mr. SIMS. The gentleman does not mean within the District, but within the city?

Mr. MADDEN. One-half within the city.

Mr. DAVIS of Minnesota. I would like to ascertain from the gentleman where he gets those figures to the effect that one-half of the area is owned by the United States?

Mr. MADDEN. I get the figures from a very careful study of the District, or rather that part of the District within the city limits, and figuring out just what is embraced within the public parks and within the circles, streets, and the squares, and that occupied by public reservations, and all that.

Mr. DAVIS of Minnesota. I would like to ask the gentleman if he includes in that the surface of the streets?

Mr. MADDEN. Certainly.

Mr. DAVIS of Minnesota. You include in that the surface of the streets?

Mr. MADDEN. Certainly, for the title to the streets is in the Federal Government.

Mr. DAVIS of Minnesota. I would like to ask the gentleman further if he thinks that is a benefit to the United States, to own the naked fee to the streets?

Mr. MADDEN. It should be, because while the streets are necessary for the travel of the people at large and for the people of the city particularly, they are at the disposal of the Government for the purpose of providing means of transportation, and thereby facilitating the transportation of the people, and at the same time yielding a revenue to the District.

Mr. DAVIS of Minnesota. To whom is the ownership of the streets the greatest benefit—the Government or the residents of the District of Columbia?

Mr. MADDEN. The ownership of the streets, generally speaking, is beneficial to the people of the world. They are not given to the exclusive use of any people of any community, of any city, or of any country, and the citizen, no matter from whence he hails, is entitled to the same rights as the citizen residing upon the streets.

Mr. DAVIS of Minnesota. Is not that so with reference to every city of the United States?

Mr. MADDEN. Oh, yes.

Mr. DAVIS of Minnesota. Is it not true with reference to every city of the United States that the streets are dedicated to the public use and the inhabitants of the city more particularly?

Mr. MADDEN. Oh, no; they are for the use of the people of the world—for the use of anybody who wants to use them.

Mr. DAVIS of Minnesota. Is it not true that the streets of the city as they are improved along the private property, that that improvement and the expense of it is usually maintained, if not in whole, at least a large proportion, by the property owner?

Mr. MADDEN. In most cities of this country I think the practice is to levy special assessments on the abutting property for the first improvement of the streets.

Mr. DAVIS of Minnesota. Is that so in this city?

Mr. MADDEN. No. The Government and the District together pay for the entire improvement.

Mr. DAVIS of Minnesota. And the private owner does not pay anything, does he?

Mr. MADDEN. The private owner pays nothing direct, but he pays his taxes into the general fund. Now, I think that is susceptible of an explanation, and unless explained it may be susceptible of a misconception. First, if a man owns a lot on a street not yet improved, on which he has paid taxes for twenty or twenty-five years into the general fund for the improvement of streets in other divisions of the city, a fair assumption is that when the time comes for the improvement of his property that he has paid infinitely more for the street improvement than he would have been compelled to pay if he were to get it by special assessment.

Mr. DAVIS of Minnesota. I understand the gentleman to say that private property pays no part of the improvement of the streets, and never did?

Mr. MADDEN. I say that now, but I have explained at the same time that while they pay no part of it direct, they do pay continuously into the general fund, from which fund the cost of all street improvements is paid.

Mr. DAVIS of Minnesota. The general taxes pay for running the city.

Mr. MADDEN. For running the city and improving the streets and for doing everything that pertains to the municipality.

Mr. DAVIS of Minnesota. Which is about 15 mills on the dollar, I understand.

Mr. MADDEN. Yes; about that; less than that; 10 mills.

Mr. DAVIS of Minnesota. And it is the cheapest municipality of any city in the United States.

Mr. MADDEN. I think you are right.

Mr. DAVIS of Minnesota. And when the Government appropriates the money to macadamize or asphalt a street and put down the sidewalks or construct sewers, you do not think the private ownership ought to pay one dollar, do you, because they have previously paid a mill and a half on the dollar to run the police, schools, and ought to be exempt?

Mr. MADDEN. I do not think you understand my position in this case. My position is that if you have paid for twenty years into a fund out of which the street is improved on which I own a lot, that you have paid enough money into that fund during the twenty years to have more than paid for the improvement which you get when it comes your turn to participate in the benefits secured from improvements in front of your property.

Mr. DAVIS of Minnesota. That is the case with Chicago and other cities.

Mr. MADDEN. No; it is quite a different case in Chicago. In Chicago, unfortunately, the owner of the property is obliged, under the laws of Illinois, to pay the first cost of the first improvement and to pay the second cost of the second improvement and to pay the hundredth cost of the hundredth improvement, if that becomes necessary. The city itself, under the laws, pays no part of any improvement on any street within the city. It is not paid out of the general taxes, as it is here.

Mr. DAVIS of Minnesota. Does not the gentleman think they ought to remodel the tax system of Chicago?

Mr. MADDEN. We would like to.

Mr. JOHNSON. I think the gentleman stated that the Government of the United States owned more than one-half of the real estate of the District, including the streets and parks?

Mr. MADDEN. Yes.

Mr. JOHNSON. What proportion of the value does the United States own? That would be a fair basis.

Mr. MADDEN. I would not undertake to say that, because that would be a question to be answered by some expert with larger experience as to the values here than I have.

Mr. GILLETT of Massachusetts. I think the assessors make it that the Government owns a little more than half, at their valuation.

Mr. MADDEN. But I have the figures here showing the policy pursued in the assessment of property, the value, the area, and all that, which I think will be useful to Members.

Mr. SIMS. I regret to interrupt the gentleman, but I want to ask him a question.

Mr. MADDEN. It does not interrupt me.

Mr. SIMS. The gentleman seems to be prepared to give information. I notice that Commissioner Macfarland refers to the fact that the streets are owned by the Government, as one of the reasons why the Government should pay half the burdens of the city. I want to ask the gentleman if it is not a fact that street areas are an untaxed asset everywhere—that they produce no revenue?

Mr. MADDEN. Oh, certainly, but in most cases where streets are opened up at any time the title does not go to the municipality. The title still remains in the owner of the abutting property, so that in case the street should ever be closed, the property would revert back to the owner of the abutting property.

Mr. FITZGERALD. I think there is a difference of method in different cities. In some cities the municipality acquires an easement. In other cities it acquires the fee. That is the practice in the District of Columbia; but the practical result, when the municipality comes to pay for what it takes, whether it acquires an easement in the property for street purposes, or whether it acquires the fee of the property with the easement in the abutting property to use the acquired property of the streets, the municipality pays the same in either case.

Mr. MADDEN. In the long run, yes.

Mr. SIMS. Here is what I want to bring out, right in that connection: The argument, then, that the Government should share the burden of the city, based upon the fact of street and park ownership, has no real foundation in justice. What does the gentleman think of that?

Mr. MADDEN. My point is that, inasmuch as the Federal Government property is not taxable at all, and inasmuch as the city of Washington is the seat of government of the United States, and as the representatives of foreign governments live here and have their legations here, necessarily the character of improvements is much more expensive than they would be ordinarily where nothing was expected except to meet the needs of the people of the municipality itself.

Mr. FITZGERALD. But does not the owner of property in the District get an enhanced value to his property by reason of the location here of the Federal Government and the residences of the foreign ambassadors and the character of municipal government that must necessarily be maintained here?

Mr. MADDEN. I think quite likely that is true at the present time, but I was going to show just the difficulties they were obliged to overcome.

Mr. JOHNSON. Before the gentleman goes to another branch of the discussion, he states that the Government of the United States owns the fee in the streets?

Mr. MADDEN. Yes.

Mr. JOHNSON. As a matter of fact and as a matter of practice, does not the District of Columbia get the benefit of the franchise tax that is collected from the railroads for using those streets?

Mr. MADDEN. Yes; that is true.

Mr. DAVIS of Minnesota. Now, the gentleman has figured into the area of the property that the Government owns—the public parks, upon which a vast amount of money is expended. Is it not true that the more beautiful the public parks are made the more they enhance the value of the private property surrounding them?

Mr. MADDEN. Oh, undoubtedly.

Mr. DAVIS of Minnesota. And is it not true, as a matter of fact, that no matter how beautiful the parks of a city are they are of not one dollar's benefit to the Government?

Mr. MADDEN. I can not agree to that.

Mr. DAVIS of Minnesota. Except as a matter of sentiment.

Mr. MADDEN. The whole thing, then, must be a question of sentiment. Early in the history of the world the people of Athens controlled the greatest commercial city in the world, but when they became rich and powerful they began to conceive the idea that beauty was the thing that was needed to attract the people of the world, who were in search of pleasure and beauty. Commercialism is not the only attractive thing, and here in the nation's capital it should be secondary to beauty.

Mr. DAVIS of Minnesota. And as the great poet says, "Where wealth accumulates, men decay."

Mr. MADDEN. I haven't reached that state of progress yet which enables me to understand the gentleman's question.

Mr. DAVIS of Minnesota. Is it not true that the real estate owners are anxious that the Government should purchase outlying property and build up parks in order to enhance the value of their property, and as soon as that is done they cry that the Government has withdrawn so much taxable property from the city that they ought to continue to pay one-half of the expenses?

Mr. MADDEN. Yes; there is a constant and systematic effort to induce the Government to buy properties. I have no doubt of that.

Mr. DAVIS of Minnesota. And then they raise the cry that

the Government owns so much property that they ought to pay one-half of the expenses.

Mr. MADDEN. It seems to me that there is controversy between two contending forces that have a desire to establish a permanent aristocracy in certain sections of the city to which unfortunate individuals like us are not to be admitted.

Mr. SIMS. I want to bid the gentleman good-by with one more question.

Mr. MADDEN. I will yield to the gentleman.

Mr. SIMS. The complaint seems to be that because the Government owns the streets that it thereby deprives the city of an asset out of which it could realize something.

Mr. MADDEN. Oh, I do not agree to that.

Mr. SIMS. And I agree with the gentleman from Illinois that we ought to help maintain the large streets, but whenever it is stated that the Government owns one-half of the property and that the ownership in the streets is a taxable asset, I can not agree to that.

Mr. MADDEN. Now, Mr. Chairman, what I want to get at is this: When Washington secured the land now embraced within the District for the location of a site for the nation's capital, one-half of the entire area was given by the then owners without compensation.

It was with great difficulty that the public improvements needed to accommodate the business of the Federal Government were made.

Lack of funds compelled the Government to borrow from the States of Maryland and Virginia on the credit of the Commissioners of the District $200,000, and land was sold to raise an additional sum with which to meet the obligations incurred for that purpose.

During the early history of the District the Federal Government bore no part of the expense of the maintenance of the local government or of the improvements, except to add to its buildings from time to time and make such improvements as were absolutely necessary in and around its reservations.

The improvement of the streets and the maintenance of the municipal service was charged to the cities of Washington, Georgetown, and Alexandria, and to the county.

In 1846 Alexandria withdrew and induced Virginia to take back what it had given, thus forcing those who remained to bear the whole charge of maintenance.

The Federal Government at that time was poor, and it was not certain that the capital was going to remain here. Efforts were constantly being made to get it moved, and it was not until 1865 that talk of removing the capital was suspended.

In 1835 there was a report made to the Senate by one of its committees calling attention to the neglect of the national capital by the Federal Government, and recommending that it should pay one-half of the expense incurred in its maintenance.

No action was taken on the report, or at least no results followed.

It was not until 1871 that Congress authorized a board of public works and a Territorial form of government for the improvement of streets and avenues.

That was done at the expense of the people who lived here, although Congress assumed one-half of the bonded debt and later guaranteed the bonds.

The vast cost of the development and improvement of the streets and avenues impressed Congress, and for the first time showed what a gigantic task it was, and those in power agreed that it would not be just to continue to force the local citizens to create a city, such as the nation's capital ought to be, unaided.

In 1878 the law under which the present system of maintenance was enacted, and since then one-half of the expense incurred for all public improvements has been paid by the Federal Government and the other one-half by the people of the District.

The city is now conducted by a Board of three Commissioners, appointed by the President.

Their jurisdiction extends over the entire 70 square miles of territory. Their functions in many respects are those of mayors, commissioners of public works, heads of departments, members of city councils, county commissioners, and governors of States.

The District contains a population of about 325,000, 64,000 of whom live outside the city of Washington in fifteen or twenty towns and villages.

In taking into account the expense of maintaining the District, it would not be fair to compare it with any other city, for here is located the seat of government of the country, calling for many extraordinary expenses not usually required in an ordinary city.

The maintenance of the militia is required under the organic law of the District, which is a function usually performed by the State in other Commonwealths.

The care of the indigent sick and poor is a burden imposed upon counties in other sections of the country.

The care of the insane and the expense incident thereto, while chargeable against the District, is a State function elsewhere, while the local improvements here are upon a much broader scale than those usually made by other municipalities, so that in making comparisons of the expense incurred for the maintenance of the District government it must be borne in mind that we are appropriating not only for the city, but for the county and the State as well.

A general résumé of the methods of taxation in the District is contained in the addenda to the report of the assessors of the District of Columbia for the year ended June 30, 1902, marked "Exhibit A," et seq.

No property except that of the United States, the District of Columbia, and the property owned by foreign governments for legation purposes is exempt from assessments for improvements.

The method of levying assessments for water mains and sewers will be found in Public Document No. 140, marked "Exhibit B."

An act of Congress approved April 28, 1904, describes the method of imposing and collecting personal taxes of various kinds and is more fully described in public document No. 247, marked "Exhibit C." Public Document No. 88 describes the method of levying taxes for the opening of minor streets and alleys, and is marked "Exhibit D."

The act of Congress approved July 1, 1902, provides that real property in the District of Columbia shall be assessed at not less than two-thirds of the true value.

One and one-half per cent per annum on both personal and real property is the basis upon which the tax is levied.

For the fiscal year beginning July 1, 1905, and ending June 30, 1906, the total assessed valuation of real estate in the District of Columbia subject to taxation was $239,461,985, divided as follows:

City	$189,728,863
County	49,733,122

The tax of 1½ per cent on this basis is for the city $2,845,932.95, and for the county $745,996.83, or a total of $3,591,929.78.

For the fiscal year beginning July 1, 1904, and ending June 30, 1905, the total assessed valuation of real estate in the District of Columbia subject to taxation was $217,608,296, that for the city being $176,864,785 and for the county $40,743,511, and the tax, based on 1½ per cent per annum, on that valuation for the city amounted to $2,652,971.78 and for the county $611,152.66, or a total of $3,264,124.44.

To secure the total valuation of real property in the District of Columbia, that exempt from taxation should be added to the above figures.

These valuations are to be found in Senate Document No. 181, Fifty-eighth Congress, second session, marked "Exhibit E," being "Schedule of nontaxable real estate in the District of Columbia compiled from the records of the office of the assessor of the District of Columbia."

The total assessed valuation of the personal property for the fiscal year beginning July 1, 1905, and ending June 30, 1906, is $26,575,819.66, the personal tax amounting for the year in question to $666,247.20.

It will be observed that this is more than 1½ per cent of the basis of the assessed valuation, the reason being that while tangible personal property is assessed at 1½ per cent, the receipts of various kinds of corporations are assessed at other rates.

Special assessments are levied for the purpose of reimbursing the municipality for all or a part of the moneys expended for municipal improvements—i. e., paving alleys, laying sidewalks, setting curb, laying water mains, constructing sewers, making connections with sewers and water mains, etc., as shown in Exhibit A.

During the year 1905 assessments were levied for special improvements for the amount of $181,044.70. The amount levied for the fiscal year ended June 30, 1906, can not be ascertained.

The cost of cleaning paved streets by hand averages $4.15 per mile.

The cost of cleaning paved streets by machine averages $3.75 per mile.

This cost is based on the average width of the street as 38 feet between the curb lines.

The amount expended for cleaning streets by hand for the fiscal year 1905 was $80,108.24, for machine cleaning $54,361.18.

The paved streets are cleaned by hand daily, and on an average of three times a week by machine.

The unpaved streets are cleaned about once in ten days.

The area of paved streets cleaned by hand per day is equivalent to 76.2 miles, and the area cleaned by machine averages 583 miles per day in winter and 71.8 per day in summer.

The unpaved streets are cleaned by contract, the amount expended for that purpose being $64 per day, the total cost for the fiscal year 1905 being $15,892.99.

The city maintains a police force of 1 major and superintendent, $4,000; 1 captain and assistant superintendent, $1,800; 4 captains, each, $1,500; 11 lieutenants, each, $1,320; 40 sergeants, each, $1,140; 265 privates of class 2, each, $1,080; 370 privates of class 1, each, $900.

The work of the department in detail, the area covered, and the population served is best described in the report of the superintendent, marked "Exhibit F."

The District of Columbia has a total indebtedness of $14,291,280.14, and consists of $11,408,000 District of Columbia 3.65 per cent registered bonds and $643,350 of District of Columbia 3.65 per cent coupon bonds. The unfunded debt is $2,240,030, being for advances made by the United States pursuant to law from appropriations chargeable to the revenues of the District of Columbia in excess of the revenues thereof to June 30, 1905.

The funded debt of the District was incurred under prior forms of government and matures in 1924.

The unfunded debt arose from extraordinary expenditures for projects of public improvements authorized by appropriations made by Congress, such as the sewage-disposal system, the filtration plant, site and construction of the municipal building, elimination of grade crossings in connection with the construction of the new Union Station, the Connecticut Avenue Bridge across Rock Creek, the Highway Bridge across the Potomac River and approaches, the bridge across Anacostia River, the Sixteenth Street Bridge across Piney Branch, and the purchase of site for a municipal hospital.

The total appropriations which have been made on account of the permanent public improvements above indicated aggregate $14,396,925, to meet which temporary advances from the Treasury of the United States have been made to the District of Columbia to enable it to meet the amount it was required to pay in excess of the ordinary revenues of the District, upon which the District pays the Federal Government interest at the rate of 2 per cent per annum.

It is provided in the act approved March 3, 1905, and other acts that the unfunded debt of the District must be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia within five years, beginning July 1, 1906.

The city has 419 miles of paved streets; 136.06 miles being sheet asphalt, 24.75 asphalt block, 0.92 vitrified block, 25.99 granite, 9.68 cobblestone, and 121.58 macadam.

Experience has shown that sheet asphalt requires no considerable repairs until after the tenth year of its life and that the ordinary life of such pavements is about eighteen years, although much of this class of pavement lasts thirty years before resurfacing is necessary.

Much necessarily depends upon the traffic, and very heavily traveled pavements and a pavement that receives practically no travel at all go to pieces quite rapidly.

Asphalt block has a life of practically fifteen years without repairs, and many of the streets of the city paved with asphalt blocks were paved twenty years ago and are still in good condition.

Granite block has the longest life and requires little or no repairs, if subject only to the average use, but is not desirable for anything but heavily traveled streets.

Macadam streets are principally used outside the city limits, and require more constant attention and more extensive repairs, but they meet every purpose required in the outlying sections of the city.

The cost for laying asphalt pavements in the city during the past year was $1.46 per square yard. During the year 1905 it was $1.57 per square yard. This includes the construction of a 6-inch concrete base, 1½ inches binder course, and 1½ inches top course after compression.

The cost per linear foot for curb, which is of granite, averages about $1.05.

The city requires a guaranty of five years from the contractor who puts down asphalt pavements; that is to say, he is required to keep it in repair during that time.

At present there are 2,200,000 square yards of asphalt pavement not under guaranty; the guarantee period having expired.

The amount for patching asphalt pavements averages about $60,000 per annum and costs, when the whole area is taken into consideration, about 7.2 cents per square yard.

The amount spent in resurfacing sheet asphalt pavements is about $100,000 per year, giving a resurfaced area of about 60,000 square yards.

If this cost is spread over the total area not under guaranty, it gives an average cost of square yard on the total yardage of about 4.5 cents per square yard.

The total cost of repairs (patching and resurfacing) distributed over the entire yardage of sheet asphalt pavements will therefore average 7.2 cents per square yard.

The total revenues collected from the saloons within the District is $459,032.90. The charge being $800 per annum for barrooms and $300 per annum for wholesale liquor license.

The aggregate amount received from insurance license is $81,021.77, and from licenses of all other kinds $107,629.83, making a total of $188,651.60.

The city pays for street lighting $295,400 per annum. The price heretofore paid for flat-flame burners for street lighting was $20 per lamp. Fifteen dollars is considered a high price for this service, and the committee reduced the compensation to that figure.

Mr. SAMUEL W. SMITH. What are the prices in other cities of similar size to that of the city of Washington?

Mr. MADDEN. Why, the ordinary price is about one-half of the price they sell the gas to the private consumer for. Here the open-flame burner, which is mentioned in this statement of mine, burns 5 feet of gas per hour. They burn on an average 4,000 hours per annum. Four thousand multiplied by five gives us 20,000 feet of gas. That means a dollar per thousand to the city, whereas it ought not to be more than half that, but the committee has recommended a reduction from $20 to $15 as a starter for a reform.

There are 6,507 of these lamps, which, at $5 each, makes a saving to the people of the District of $32,535.

There are 952 Welsbach lamps, for which the city was paying $25 per light, and the committee believed that $20 was all that should be paid for that kind of service, and therefore has reduced the figures.

There are 989 arc lights, for which the city was paying $85 per lamp, and that has been reduced to $80, thus making a saving on the street lighting in the aggregate of $42,240.

The strange thing to me is that where the Welsbach light is furnished an outside company has bid on the lighting. This company has no gas, but is obliged to buy it from the company which owns the gas plant, whereas I am of the opinion that the company which is granted the privilege of manufacturing and furnishing gas to the municipality ought to be obliged to furnish gas direct to the municipality in any form which it may be required, and at reasonable prices.

The flat-flame burners, which consume 5 feet of gas per hour, are used on an average four thousand hours per annum. This would make 20,000 feet of gas burned in each lamp per annum, thus indicating that the gas company charges the District $1 per thousand.

Now, $1 per 1,000 feet of gas to the municipality is an outrageous price. One bill only is needed to be made out to the municipality once a month, whereas to receive the same amount of revenue from the private consumer the gas company would be obliged to make out 40,000. The cost of the printing of the bills would amount to something, and the clerical force required to make them out and keep the records would amount to something more; but aside from all that, the Government that breathes the breath of life into the corporation, that gives it the power to manufacture and furnish the commodity, that enables its stockholders to grow rich from the profits which it earns, ought, it would seem to me, to indicate to some one the necessity of requiring some concession from the gas company to the municipality from which the gas company secures its privileges.

My own judgment is that not more than half of this price should be charged for the street lighting, although the price fixed by the committee amounts to 75 cents.

The new methods of manufacturing gas admit of its production for a much less price than was possible when the gas company was first organized, and the price paid now by private consumers should be reduced, in my judgment, to at least 85 cents.

One of the strange things hard to understand is that up to the present time no attempt has been made to compel the street-railway companies of the District to sprinkle that part of the street occupied by their tracks.

The inconvenience caused to the public on account of the dust made by the operation of the cars would seem to call for some radical change in the method of operating, and your committee has recommended that all the street-car companies be obliged in the future to operate sprinkling cars to relieve the unpleasant conditions heretofore existing.

Ah, but I have heard some gentlemen say that this is an onerous burden placed upon the street-car companies, that are already overtaxed, that they pay 4 per cent on their gross receipts

into the coffers of the treasury of the District, and I want to say in reply to that this: That the street-car companies pay the 4 per cent I am willing to admit, and that thus far it has reached to about $72,000 per annum, including the tax on their real estate. They are capitalized for $12,000,000. They pay dividends of 6 per cent on this twelve millions of capitalization. This 6 per cent amounts to $720,000 a year. The value of the franchise which yields this enormous profit is the right to use the streets owned by the Government. If the personal property of the street-railway company were taxed on the same basis as the personal property of the individual whose furniture is taxed—at 1½ per cent on the par value of the $12,000,000—this company would be paying at least $180,000 a year instead of $72,000 a year.

Congress has appropriated $325,000 for the construction of a bridge over the Potomac River. This bridge is to be used by the Anacostia Street Railway Company, and because of that it was required to be built 18 feet wider than would otherwise be necessary.

I figure out, in my own unsophisticated way, that the street-car company occupies 20 per cent of this bridge, and that the bridge was built infinitely heavier because of the necessity for its use by the street-car company than it would have to be built otherwise, but no recommendation, mark you, was made by the Commissioners to the Committee on Appropriations for the collection of any part of the cost of the construction of this bridge from the street-railway company, and it was only because of the indefatigable efforts to dig up information that the committee was able to ascertain at all that some portion of the cost of this bridge should be paid by the street-railway company.

After a careful examination of the president of the railway company he admitted that his company should pay a portion of the expense. His suggestion was that $12,000 would be the fair proportion of the street railway company, but it requires no great stretch of imagination to understand that this would be neither just to the taxpayers of the District nor to the people at large and your committee thought that $32,500, or 10 per cent of the cost, would be the just proportion of the railroad company toward the cost of the construction of this bridge.

This recommendation is, of course, subject to a point of order, but I hope that no Member of the House will allow his personal feelings about which committee should take jurisdiction over the question to impel him to make a point of order, because there can be no doubt that the recommendation is made in the interest of the people of the country and of the people of the District.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman from Illinois yield to a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MADDEN. Oh, most assuredly.

Mr. CAMPBELL of Kansas. Is it true that the Committee on Appropriations has discovered that there is no way of legislating for the District of Columbia except in appropriation bills?

Mr. MADDEN. No; the gentleman did not understand me, I presume.

Mr. CAMPBELL of Kansas. I think I understood the gentleman.

Mr. MADDEN. I said there was no way in which the information which impelled the recommendation made in this bill for the collection of $32,500 could have been discovered except by the investigation made on account of the necessity of appropriations; that such information could not have come to any other committee, because the other committees would not have been called upon to investigate the need for the expenditure. I have no reflection whatever to make upon the rights or ability of other committees to do the things that are assigned to them to do, and I only give this as an explanation of why we make the recommendation.

Mr. CAMPBELL of Kansas. Does the gentleman from Illinois contend that the committee to which bills are properly referred that have for their object the enactment of laws for the government of the District of Columbia could not have sent for the same persons and have secured the same information that the Committee on Appropriations has secured?

Mr. MADDEN. Oh, yes; but there would be no incentive for any committee to send for these persons.

Mr. CAMPBELL of Kansas. That is mere speculation.

Mr. MADDEN. No; it is not mere speculation. It is a fact incontrovertible, and I will show the gentleman that it is a fact, and that he can not successfully deny it.

The District Commissioners come before the Committee on Appropriations. They indicate a wish for the expenditure of a given sum of money. The committee immediately undertakes to inquire why the demand is made, and they begin to investigate for themselves why this money is needed, and they compel the Commissioners and all who have information to disgorge the information for their use, and finally because of the desire and the necessity for the money in all these instances many things that should be done by the Commissioners of the District are uncovered which would never otherwise be uncovered.

Mr. SAMUEL W. SMITH. Can I ask you a question?

Mr. MADDEN. Yes, sir.

Mr. SAMUEL W. SMITH. Now that the Appropriations Committee has uncovered and found out what you state, is it not proper that a bill should be introduced and referred to the proper legislative committee, so that this matter may be enacted into legislation?

Mr. MADDEN. So far as I am personally concerned, I have no interest except the accomplishment of the result, which ought to be done, and whether it is accomplished through one channel or another makes no difference to me whatever.

Mr. FITZGERALD. Mr. Chairman, let me suggest to the gentleman from Illinois that this bridge was authorized, if I recollect correctly, in 1903, and there has never been a suggestion from anybody until now——

Mr. MADDEN. That is right.

Mr. FITZGERALD (continuing). From any committee or any person that part of the cost of this bridge should be borne by anybody except the District and the Federal Government.

Mr. MADDEN. Yes; this is the first time.

Mr. SAMUEL W. SMITH. I was going to say, now you have discovered this information, is it not probable the Commissioners of the District would suggest some legislation to cover the situation which you mention?

Mr. MADDEN. I want to say, in reply to the question of the gentleman, that the Commissioners of the District would not give up information or suggest that it was necessary for anybody to pay any part of these expenses, and you could not extract it from them with a corkscrew; neither have they ever made any suggestion about any economy in any line during all the weeks that we had them before us. You ask them where they can economize and they always say they are short of help; that they need more places. Why, I was importuned by a man to vote to create a place which he said was promised him long in advance of the submission of the estimates by the Commissioners.

Mr. FITZGERALD. I think, in justice to the Commissioners, the gentleman should state that it was not with their knowledge.

Mr. MADDEN. Oh, they said it was not farmed out, but they did not need it, that was evident.

Mr. CAMPBELL of Kansas. Will the gentleman state here that the Commissioners asked for this place knowing that it was wholly unnecessary?

Mr. MADDEN. We discovered that it was wholly unnecessary. I do not know what they thought.

Mr. CAMPBELL of Kansas. Well, I assume that the Commissioners held to a contrary opinion or they would not have asked for it.

Mr. MADDEN. Well, if you can find in any line of the 965 pages of testimony taken before the District Appropriation Committee where any Commissioner by word, deed, or thought suggested a line of economy anywhere in the District government, I would like to have you point it out.

Mr. SAMUEL W. SMITH. Just a moment. When they asked you for the money to pay these people, did they not tell you what the places were which they sought to have created?

Mr. MADDEN. Yes, sir; and what they wanted them to do; but they were not able to satisfy us in a great many cases that they needed them, and in a great many cases where they did not ask them they have not been able to satisfy us that they ought to have them. Now there is another question about the Anacostia Bridge, which seems to be creating considerable interest.

The investigation showed that the building of the approaches to this bridge, to avoid a grade crossing over the Baltimore and Ohio Railway Company's tracks would necessitate condemnation proceedings in order to secure additional property; that the approach had to be made much longer than originally contemplated; that no provision had been made by the Commissioners that any part of this additional expense be borne by the Baltimore and Ohio Railway Company.

Now, I understand, though I do not know for certain, that when the act for the elimination of grade crossings was passed, that it was understood that the tracks owned by the Baltimore and Ohio Railroad Company were to be taken up, but since then a steel company has organized a plant to which these tracks run, and it is thought that the Baltimore and Ohio Railroad Company wishes to maintain the tracks where they are.

Investigation shows that this additional cost will amount to $54,000, and a provision is therefore included in the bill to compel the Baltimore and Ohio Railroad Company to pay such additional cost and to oblige it to maintain the viaduct over its tracks in the future.

The tracks at grade created a dangerous crossing. It compelled the increase in the cost of constructing the approach to the bridge. The approach was necessarily built higher than it otherwise would have been, very much longer than it would have to be, and a bridge must be built over the tracks. We have to condemn property to do this, and this cost, all told, is $54,000 more than it would be if the Baltimore and Ohio tracks were not there. And so the committee recommends a provision by which the municipality can collect this $54,000 from the Baltimore and Ohio Railroad Company, and that, too, is subject to a point of order.

That everything should be done to make Washington the most beautiful city in the Union all will agree, but while doing this every precaution should be taken against unnecessary extravagance.

The people of the nation are justly proud of their capital city. Their Representatives are impressed with the importance of maintaining it as a model city and improving it in every way possible.

Nothing should be left undone to make it the most beautiful city in the world, but due regard should always be had for conservatism in the expenditure of the people's money.

No sinecure should be created; no man should be employed who does not render a dollar's worth of work for a dollar of compensation.

The Commissioners of the District are men of unquestioned integrity, but I am firmly of the opinion that at least one Commissioner of the three should be selected to represent the interests of the nation at large, so that he may be independent of local influence and free to express an opinion representative of the economies which it is believed can be recommended in many respects in the government of the District.

Mr. SAMUEL W. SMITH. Is not one of the three Commissioners selected along the lines you suggest?

Mr. MADDEN. No, sir; he is selected to represent the Army.

Mr. SAMUEL W. SMITH. We have no Army here.

Mr. MADDEN. I want a man selected to represent the common, everyday people of the country, one who will represent the 50 per cent of taxation paid by you and me, and all the rest of the people. [Applause.]

The exhibits referred to are as follows:

EXHIBIT A.

OFFICE OF THE ASSESSOR, DISTRICT OF COLUMBIA,
November 17, 1902.

METHODS OF TAXATION IN THE DISTRICT OF COLUMBIA.

ASSESSMENT OFFICIALS.

Assessments of both real and personal property are made by the assessor and a board of five (act of July 1, 1902, and 28 Stat., 282) assistant assessors, three of said board being designated by the assessor to act as the assessors of real estate and as the excise board and the two other members of said board designated by the assessor to compose the board of personal tax appraisers. All five members of said board of assistant assessors, together with the assessor, chairman, constitute the board of equalization and review of real estate assessments and also the board of personal tax appeals. The assessor, however, acts as chairman ex officio of the several boards aforesaid. The assessor and the members of the board of assistant assessors may not be removed except for inefficiency, neglect of duty, or malfeasance in office. The members of the board of assistant assessors are required to perform such other official duties as the assessor may from time to time direct. (Act of July 1, 1902.)

The salary of the assessor is $3,500 per annum, and that of each of the members of the board of assistant assessors $3,000 per annum (28 Stat., 282, and act of July 1, 1902). The assessor is required to furnish bond in the sum of $10,000 (30 Stat., 666), and each member of the board must, before entering upon his duties, take an oath to diligently, faithfully, and impartially perform the duties imposed upon him. (28 Stat., 282.)

ASSSESMENT OF REAL PROPERTY.

Real estate is assessed triennially (28 Stat., 282) at not less than two-thirds of its true value (act of July 1, 1902) by the board of three assistant assessors (28 Stat., 282). This assessment must be completed on or before the first Monday of January in each third year and return of the same made to the assessor, together with all maps, field books, surveys, plats, and all notes and memoranda concerning said assessment. The assessment must be made by said assessors from actual view and from the best sources of information obtainable.

The assessment then passes to the board of equalization and review, composed of the assessor, chairman, and five (act of July 1, 1902, and 28 Stat., 282) assistant assessors. This board convenes on the first Monday of January (28 Stat., 282), and continues in session until review of the assessment is completed, which must be, as nearly as practicable, by the first Monday of June in each third year. Public notice of the time and place of such meeting must be given by publication for two successive days in two daily newspapers in the District of Columbia. The members of the said board are authorized to administer oaths or affirmations, to summon, through the officers of the Metropolitan police force, any person to appear before said board to testify touching matters pertaining to the assessment, such witnesses being allowed the same fees as paid in civil actions before the supreme court of the District of Columbia.

Any person summoned and examined, as aforesaid, and knowingly making false oath or affirmation, is considered guilty of perjury, and upon conviction thereof may be punished according to laws for punishment of perjury (28 Stat., 285).

Any three members of said board shall constitute a quorum for business, and in the absence of the assessor a temporary chairman may be selected. It is the duty of the board of equalization and review to hear appeals from property owners and to fairly and impartially equalize, as a basis for taxation, the values placed upon real property by the board of assistant assessors. In reaching their determination they may raise the valuations of such tracts or lots as, in their opinion, may have been returned below their value and reduce the valuations of such as they may believe to have been returned above their value to such sums as, in their opinion, may be the value thereof. Upon completion of the duties of the board of equalization and review the assessment must be approved by the Commissioners of the District of Columbia, after which approval it becomes the basis of taxation for the ensuing three years (28 Stat., 284).

Annually, on or about the 1st of July, the board of assistant assessors is required to make a list of all real property which shall have become subject to taxation, and which is not then on the tax list, and to fix the valuation thereof according to the rules prescribed for assessing real estate. They are also required to make a return of all new structures erected or roofed, and additions to, or improvements of, old structures of over $500 in value, which shall not have been theretofore assessed, specifying the tract or lot on which each of such structures shall have been erected and the value of such structure, and they shall add such valuation to the assessment made of such tract or lot. When improvements on any tract or lot become damaged or destroyed, the board is required to reduce the assessment on such property to the extent of such damage.

Appeals from these yearly assessments are heard by the board of equalization and review between the first and third Mondays of July of each year.

If the board of assistant assessors shall ascertain that any real property has been omitted from assessment for any previous year or years, or has been so assessed that the assessment was void, they must at once reassess such property for each year of such omission and report the same, through the assessor, to the collector of taxes, who is required to at once proceed to collect the taxes so in arrears as other taxes are collected. However, no property which has escaped taxation is liable for a period of more than three years prior to assessment, except in the case of property involved in litigation.

Whenever a subdivision of any real property is made and recorded with the surveyor of the District the board of assistant assessors must reassess the property so subdivided, and the tax on such reassessment is due and payable at the semiannual payment of taxes next ensuing. (28 Stat., 284 and 285.)

RATE OF TAXATION.

The rate of taxation is uniformly, throughout the District of Columbia, 1½ per cent. (Act of July 1, 1902.)

BOOKS OF ASSESSMENT.

The books of assessment are prepared by the assessor before the 1st day of November in each year, and upon completion thereof the assessor is required to make a statement showing the total amount of the assessment of both real and personal property and the total amount of taxes to be collected under said assessments; which statement must be receipted by the collector of taxes, in triplicate, and said collector is held responsible, under his bond, for all such taxes, except such as he may not be able to collect after fully complying with the requirements of law. The original receipt of said assessment and taxes must be forwarded by the assessor to the First Comptroller of the Treasury, the duplicate to the auditor of the District of Columbia, and the triplicate is to be retained by the collector. (27 Stat., 13.)

All real property must be assessed in the name of the owner or trustee or trustees of the owner thereof. All undivided real property of a deceased person may be assessed in the name of such deceased person until the same is divided according to law, or otherwise passed into the possession of some other person or persons, and all real property the ownership of which is unknown shall be assessed "Owner unknown." (28 Stat., 282.)

TAX BILLS.

All general tax bills must be prepared under the direction of the assessor. (27 Stat., 13.) By order of the Commissioners, all special assessment and water-main tax bills are also prepared under his supervision.

DATE OF PAYMENT OF TAXES.

Taxes on realty are levied by fiscal years, and are payable one-half in November, at the option of the owner, no penalty accruing for failure to pay said half until the whole tax becomes due in the following May. For failure to pay before the 1st of June, 1 per cent per month penalty is charged. (Act of February 14, 1902.)

PUBLIC INSPECTION OF RECORDS.

The assessor is required to have the records of his office open to the inspection of the public, free of charge, at such time or times as the public interest will permit. (Act of July 1, 1902.)

EXEMPTIONS.

The act of Congress approved March 3, 1877, made the following provisions as to exemptions from taxation:

"That the property exempt from taxation under this act shall be the following and no other, namely: First, the Corcoran art building, free public library buildings, churches, the Soldiers' Home, and grounds actually occupied by such buildings; secondly, houses for the reformation of offenders, almshouses, buildings belonging to institutions of purely public charity conducted without charge to inmates, profit, or income; cemeteries dedicated and used solely for burial purposes and without private income or profit; but if any portion of any such building, house, grounds, or cemeteries so in terms excepted is larger than is absolutely required and actually used for its legitimate purpose and none other, or is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed against the owner of said building or grounds." (19 Stat., 399.)

This has been modified by the act of July 1, 1902, which provides:

"That hereafter property used for educational purposes, that is not used for private gain, shall be exempt from taxation, and all other

property used for educational purposes shall be assessed and taxed as other property is assessed and taxed."

And also:

"And hereafter no property except that of the United States or the District of Columbia shall be exempt from assessments for improvements."

SALES FOR DELINQUENT TAXES.

The assessor is required to annually prepare a list of taxes on real property in arrears on the 1st day of July. The Commissioners must fix a date of sale and publish the list with notice of sale in a pamphlet, of which not less than 2,000 copies must be printed for distribution to taxpayers applying therefor. The Commissioners must also give notice, by advertisement twice a week for three successive weeks, beginning on the third Monday of February of each year, in three daily newspapers published in the District, that the pamphlet has been printed and that a copy thereof will be given to any taxpayer applying therefor at the office of the collector of taxes. In said pamphlet a description of property sufficient to identify the same is considered a proper description. The expenses of advertising and printing of pamphlet are paid by a charge of 50 cents for each lot or piece of property advertised.

If the taxes due, together with penalties and costs, shall not have been paid prior to date of sale, the property must be sold by the collector of taxes, under the direction of the Commissioners, at public auction, in the collector's office, said sale commencing at least three weeks after first publication of said notice, and continuing each day (Sundays and holidays excepted) until all said delinquent property is sold.

The collector must require from every purchaser a deposit sufficient, in his judgment, to guarantee a full and final settlement for such purchase. Every purchaser other than the District of Columbia shall pay the full amount of his bid, including surplus, if any, to the collector within five days after last day of sale, and if such payment is not made within time specified deposit of person so failing to pay shall be forfeited to the District of Columbia and collector shall issue certificate of sale for such property to the next highest bidder; and if the latter shall not pay the amount of his bid within two days thereafter, the sales upon which the bids were made shall be set aside by the Commissioners and the property shall be considered as having been bid in in the name of the District of Columbia.

In case no other person bids, or bids are insufficient to cover amount of taxes due, together with penalties and costs, the collector shall bid the amount due, together with penalties and costs, and purchase it for the District; but property so bid in for the District of Columbia is not thereafter exempt from taxation. Failure on the part of the District to enforce the liens thus acquired does not release property from any tax that may be due the District.

Immediately after close of sale, upon payment of purchase money, the collector must issue to all purchasers certificates of sale, and if the property is not redeemed from said sale within two years from last day thereof, by payment to the collector, for the use of the holder of the certificate, the amount for which property was sold, exclusive of surplus, and 12 per cent per annum thereon, a deed must be given by the Commissioners to the holder of the certificate, which deed is admitted to be prima facie evidence of a fee-simple title. No deed, however, can be issued until all taxes and assessments due on the property are paid, including taxes for which the District purchased property at tax sale. Nor must said deeds be executed if it shall be discovered that sales were for any cause invalid and ineffectual to pass title to property sold, in which case the Commissioners must cancel the sale and refund the purchase money with 6 per cent per annum interest, together with the surplus, if any.

If any conveyance made by the Commissioners of property sold for taxes shall be set aside by the court, the party in whose favor the decree is rendered must pay to the party holding the conveyance the amount paid for such taxes and conveyances, with interest at 6 per cent per annum. When any tax sale is for any reason set aside or canceled, the property embraced in said sale may be readvertised and sold at the tax sale next ensuing.

Minors and other persons under legal disability are allowed one year after attaining age or after removal of such disability to redeem property sold or bid off by the collector of taxes, by payment of the amount of purchase money, with 8 per cent per annum interest, together with all taxes and assessments that have been paid thereon by the purchaser between the date of sale and date of redemption, with 8 per cent per annum interest on the amount of such taxes and assessments.

Property sold as aforesaid is redeemable from said sale at any time within two years after last day of sale by payment to the collector of taxes, for the use of the holder of the certificate, the sum mentioned therein, exclusive of surplus, with interest thereon at 12 per cent per annum after date of such certificate. Any surplus remaining after collection of tax, penalty, etc., must be deposited by the collector to the credit of the surplus fund, to be paid to owner or owners of property in the same manner as other payments made by the District, but if any property sold as aforesaid is redeemed from sale within the time allowed, the surplus collected at time of sale must be paid to holder of certificate.

The collector is required, within twenty days (exclusive of Sundays and holidays) after last day of sale, to file with the recorder of deeds a written report stating property sold other than that sold to the District of Columbia, to whom it was assessed, taxes due, to whom sold, amount paid, date of sale, cost of sale, and surplus, if any.

If property bid in for the District of Columbia shall not have been redeemed within two years from last day of sale, by payment of taxes, penalties, and costs due at time of sale, and 8 per cent per annum thereon, the Commissioners may sell said property at public or private sale, and issue to the purchaser a deed, which shall have the same force and effect as the deed provided for property sold at regular annual sale.

The collector of taxes may, at any time before expiration of time allowed for redemption of property bid in for District of Columbia, issue certificates of taxes to any person applying therefor, and if property is not redeemed within two years from date of said certificate, by payment of the face of the certificate, exclusive of surplus and 12 per cent per annum thereon, the Commissioners shall issue a deed to the holder of the certificate, which deed shall have the same force and effect as deeds given for property sold at regular annual tax sale. Deeds, however, shall not be issued, either in case of property bid in for the District which has not been redeemed within two years or property bid in for the District upon which certificates of sale are issued within redemption period, unless all taxes and assessments due on the property are paid, nor if the sale to the District was for any cause invalid or ineffectual to give title to the property. (Act of July 1, 1902.)

The assessor is required to prepare and keep in his office, for public inspection, a list of all real estate sold for nonpayment of general or special taxes or assessments, said list to show the date of sale, for what taxes sold, in whose name assessed at time of sale, amount of sale, when and to whom conveyed, if heeded, or if redeemed from sale, the date of redemption. (27 Stat., 37.)

COLLECTION AND DEPOSIT OF REVENUES.

It is the duty of the collector of taxes for the District of Columbia to collect all revenues of the District and deposit the amount collected daily with the Treasurer of the United States, and he is held responsible under his bond for all taxes except such as he may not be able to collect after fully complying with the requirements of law. (20 Stat., 461; 27 Stat., 13.)

Section 2 of the District appropriation law of March 3, 1883, prescribes—

"That hereafter all moneys appropriated for the expenses of the government of the District of Columbia, together with all revenues of the District of Columbia, from taxes or otherwise, shall be deposited in the Treasury of the United States, as required by the provisions of section 4 of an act approved June 11, 1878." (22 Stat., 470.)

CERTIFIED STATEMENTS OF TAXES.

The assessor is required to furnish certified statements, over his hand and official seal, of all taxes and assessments, general and special, that may be due and unpaid at the time of making said certificates. For each certificate a fee of 50 cents must be paid to the collector of taxes.

When such certificate is issued, it is a bar to the collection from any subsequent purchaser of any tax or assessment omitted from, and which may be a lien upon the real estate mentioned in, said certificate; but such omission does not affect the liability of the person who owned the property at the time such tax was assessed. (27 Stat., 37.)

TEMPORARY REDUCTION OF INTEREST ON ARREARS OF TAXES.

If arrears of taxes for years prior to 1900 are paid before December 31, 1902, 6 per cent per annum interest is charged instead of usual penalties and interest. (Act of February 15, 1902.)

REASSESSMENTS.

The Commissioners of the District of Columbia are authorized and directed, in cases where general taxes or assessments for local improvements are quashed, set aside, or declared void by the supreme court of the District of Columbia by reason of imperfect or erroneous description of the property against which same was levied, by reason of such tax or assessment not having been authenticated by proper officer, by reason of a defective return of service of notice, or for any technical reason other than the right of the public authorities to levy the tax or assessment, to reassess the property in question, with power to collect such reassessment. Said reassessment, however, must be made within ninety days after judgment or decree of court quashing or setting aside such taxes or assessments. Any amount theretofore paid on the assessment which has been declared void shall be credited upon the reassessment. (29 Stat., 98, and 30 Stat., 721.)

DESIGNATIONS OF PARCELS OF LAND.

Act of March 3, 1899, prescribed a system for numbering each lot, part of lot, or parcel of land in the District of Columbia. The object of this act was to procure uniformity in this respect and to prevent duplications in numbers.

TRANSCRIPTS OF DEEDS, WILLS, ETC.

Act of March 3, 1899, section 3, is as follows:

"That the Commissioners of the District of Columbia shall cause to be made a daily transcript and entry on the records of said assessor of the designations of lots or parcels of land in said District appearing in instruments of conveyance received for record in the office of the recorder of deeds and the designations of lots or parcels of land in said District transferred by probated wills; and the person or persons whom the Commissioners of said District may designate for the purpose of making such transcripts shall for this purpose at all times, during office hours, have full access to the records of the recorder of deeds and the register of wills of said District." * * *

Special assessments.

ASSESSMENT AND PERMIT WORK.

The Commissioners of the District of Columbia are authorized (28 Stat., 247 and 248), whenever in their judgment the same is necessary for the public health, safety, or comfort, or when application is made therefor, accompanied by a deposit equal to one-half the estimated cost of the work, to improve and repair alleys and sidewalks, and to construct (see Exhibit B for law of assessment for service sewers) sidewalks of such form and materials as they may determine, and to pay the total cost of said work from appropriations for assessment and permit work.

No property except that of the United States or the District of Columbia, and property owned by foreign governments for legation purposes shall be exempt from assessments for improvements. March 3, 1903 (32 Stats., 961).

Notice must be given by advertisement, twice a week for two weeks, in two newspapers published in the city of Washington, of any such assessment work proposed to be done, designating the location and kind of work, specifying the kind of materials to be used, the estimated cost, and fixing a time and place when and where property owners about to be assessed may appear and present objections thereto and for hearing thereof. One-half of the total cost of such improvements, including expenses of assessment, must be charged against and become a lien upon abutting property, and assessment therefor must be levied pro rata according to the linear frontage of such property.

Notices of the levying of such assessments must be served upon each lot owner, if he or she be a resident of the District and his or her residence known; and if he or she be a nonresident of the District, or his or her residence unknown, such notice must be served upon his or her agent or tenant, as the case may be; and if there be no agent or tenant known to the Commissioners, then they shall give notice of such assessment by advertisement, twice a week for two weeks, in some newspaper published in the District. Service of such notice where owner or his or her tenant or agent resides in the District must be either personal or by leaving the same with some person of suitable age, at the residence or place of business of such agent, owner, or tenant, and return of such service must be made in writing and filed in the office of the Commissioners. The costs of publication of notice and service of notices are paid out of the appropriation for assessment and permit work.

One-half of the cost of such work must be paid to the collector of taxes as follows: One-third within sixty days after service of notice of assessment, without interest; one-third within one year, and the remainder within two years from date of service of notice, interest be-

ing charged at 8 per cent per annum from date of service of notice on amounts unpaid at expiration of sixty days after service of notice of assessment.

Any property upon which such assessment and accrued interest thereon, or any part thereof, remains unpaid at expiration of two years from date of service of notice of assessment shall be subject to sale therefor under the same conditions and penalties imposed for nonpayment of general taxes. If any property, assessed as heretofore explained, shall become liable to sale for any other assessment or tax whatever, then the assessments levied as hereinbefore explained become immediately due and payable, and the property against which they are levied may be sold therefor, together with the accrued interest thereon and the costs of advertising to date of such sale.

Property owners who request improvements under the permit system must deposit, in advance, with the collector of taxes, an amount equal to one-half the estimated cost of such improvements, and in such cases it is not necessary to give notices, as hereinbefore stated.

All moneys received by the collector of taxes for work done upon request of property owners must be deposited by him in the United States Treasury to the credit of the permit fund.

Upon completion of the work done, as aforesaid, at request of property owners, the Commissioners must repay to the then current appropriation for assessment and permit work, out of the permit fund, a sum equivalent to one-half the cost of the work, and shall return to the depositors from the said fund, when application is made therefor, any surplus that may remain over and above one-half the cost of the work. (28 Stat., 247 and 248.)

HOUSE CONNECTIONS.

The cost of service connections with water mains and sewers is assessed against the lots for which said connections are made, and collected in same manner and upon same conditions as to notice as provided for assessment work. (28 Stat., 248.)

OPENING, WIDENING, ETC., OF MINOR STREETS AND ALLEYS.

[See Exhibit D.]

EXTENSIONS OF STREETS AND AVENUES.

In the case of extensions of streets and avenues the Commissioners are authorized to petition the supreme court of the District of Columbia for the condemnation of land necessary for such extension, said court appointing a jury for that purpose, and the jury making return of benefits and damages to abutting property. (Act of March 3, 1899.) Assessments are then levied for benefits to abutting property, such assessments being payable in five equal annual installments, with interest at 4 per cent per annum after sixty days from confirmation of verdict of jury; but in cases of awards for damages only that part of said award is paid by the District as may be in excess of assessment for benefits, and there is credited on assessment for benefits the amount of any award for damages not in excess of said assessment. (Act of July 1, 1902.)

If the aggregate amount of benefits to be assessed as determined by the jury is less than one-half of the amount of award for damages, the Commissioners may, in their discretion, reject the award and assessment, and all proceedings thereunder shall in that event be null and void. (Act of June 6, 1900.)

ASSESSMENTS FOR WATER MAINS.

[See Exhibit B for law on this subject in lieu of portion canceled.]

All moneys received on account of laying of water mains and all other moneys received on account of the water department must be deposited to the credit of the water fund, to be used exclusively for the support of the water department. (L. A., June 23, 1873.)

EXEMPTION FROM ASSESSMENT FOR IMPROVEMENTS.

The only property exempt from assessment for improvements is that of the United States and the District of Columbia. (Act of July 1, 1902.)

ASSESSMENTS FOR REMOVING OR SECURING DANGEROUS STRUCTURES.

The costs of removing or securing, by the District of Columbia, dangerous structures, upon refusal of neglect of owners to perform such work after due notice, must be assessed against the land upon which structure or structures stand or stood, and unless such assessment is paid within ninety days from service of notice the same shall bear interest at rate of 10 per cent per annum from date of assessment until paid and shall be collected as general taxes are collected. (30 Stat., 123.)

ASSESSMENTS FOR INCLOSING DANGEROUS WELLS, ETC.

The cost of fencing or otherwise inclosing, by the District of Columbia, lots upon which exist uncovered wells or other dangerous holes or excavations, after neglect or refusal of owner to perform such work upon due notice, shall be assessed as a tax against the property on which such nuisances exist, the tax so assessed to bear interest at rate of 10 per cent per annum and to be carried on regular tax rolls and collected in manner provided for collection of other taxes. (30 Stat., 924.)

ASSESSMENTS FOR REMOVAL OF WEEDS.

The expense of removal, by the District of Columbia, of weeds of 4 inches or more in height from unoccupied land in the city of Washington or its more densely populated suburbs, upon failure or neglect of owner to perform such work, shall be assessed against the property on which such weeds were located, and said assessments shall bear interest at rate of 10 per cent per annum until paid, shall be carried on regular tax rolls of the District, and paid in manner provided for collection of general taxes. (30 Stat., 959.)

ASSESSMENTS FOR DRAINING LOTS.

In case owner or owners of lots, after due notice, fail or neglect to connect such lots with water mains and sewers, as required by law, the Commissioners shall cause such connections to be made, the expense to be paid out of the emergency fund, such expense, with necessary costs of advertising, to be assessed as a tax against such lots, which tax shall be carried on regular tax rolls and be collected in manner provided for collection of other taxes. (29 Stat., 126.)

The Commissioners are also authorized to make such connections upon any street or avenue about to be paved or otherwise improved before any such pavement or other permanent works are put down, the costs of such connections to be assessed as explained above. (20 Stat., 107; 28 Stat., 144; 29 Stat., 126.)

SPECIAL POLICEMEN AT STREET-RAILWAY CROSSINGS.

The Commissioners are authorized and required to station special policemen at such street-railway crossings and intersections in the city of Washington as they may deem necessary, the expense of such services to be paid pro rata by the respective railway companies. (30 Stat., 489.)

ASSESSMENTS FOR CLEANING OF OFFENSIVE CESSPOOLS.

For cleaning offensive cesspools, by the District of Columbia, in cases where owners or other responsible parties fail or neglect to perform such work, after due notice, the Commissioners are authorized to assess the cost thereof as a tax against the property benefited, which tax shall be carried on the regular tax roll and collected in the manner provided for collection of other taxes. (30 Stat., 233.)

LIGHTING TRACKS OF STEAM RAILWAY COMPANIES.

All railway companies using engines propelled by steam must pay the District of Columbia for the lighting of the streets, avenues, lands, and grounds through which their tracks may be laid. In case of default of such payment, actions at law may be maintained by the District of Columbia against said railway companies. (22 Stat., 466.)

COSTS OF ERECTION OF FIRE ESCAPES.

If the owners, proprietors, lessees, or trustees of buildings used as factories, manufactories, tenement houses, seminaries, colleges, academies, hospitals, or asylums fail to provide such buildings with fire escapes, standpipes, ladders, lights, and alarm gongs, as required by law, after due notice from the Commissioners, such fire escapes, etc., must be erected by the Commissioners, and the costs thereof assessed as a tax against the building on which they are erected and the ground upon which the same stands, and the Commissioners shall issue tax-lien certificates against such buildings and grounds for the amount of such assessment, bearing interest at the rate of 10 per cent per annum, which certificates may be turned over by the Commissioners to the contractor for performing the work. (28 Stat., 810.)

ASSESSMENTS FOR REMOVING SNOW, ICE, DIRT, ETC.

In case the owner or tenant of any house, lot, building, or land shall neglect to cause to be removed snow, ice, sand, dirt, gravel, etc., from paved sidewalks adjacent to said property, as required by law, the Commissioners shall cause removal of same, the costs of which shall be assessed as a tax against the property to which the sidewalks in question belong, and the said tax, so assessed, shall be carried on the regular tax roll and collected in manner provided for collection of other taxes. (28 Stat., 809.)

ASSESSMENTS FOR PAVING STREETS ADJACENT TO STREET-RAILWAY TRACKS.

When any street or avenue through which a street railway runs shall be paved, such railway companies shall bear all of the expense for that portion of the work lying between the exterior rails of the tracks of such roads and for a distance of 2 feet from and exterior to such tracks, on each side thereof, and of keeping the same in repair; and when street railways cross any street or avenue the pavement between the tracks of such railway shall, at the expense of the company owning the tracks, be made to conform to the pavement used upon such street or avenue. If any street-railway company shall neglect or refuse to perform the work required, said pavement shall be laid by the District of Columbia and the costs collected from such company by issuing certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of 10 per cent per annum until paid, and which, until paid, shall remain a lien upon the property on or against which they are issued, together with the franchise of said company; and if such certificates are not paid within one year the Commissioners may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first advertised daily for one week in some newspaper published in the city of Washington, and to be at public auction, to the highest bidder. (20 Stat., 106.)

Taxation of personal property.

The board of personal tax appraisers consists of the assessor, chairman, and the two members of the board of assistant assessors detailed to that duty as hereinbefore explained. (Act of July 1, 1902, and 28 Stat., 282.)

The assessor is required to annually cause to be prepared a printed blank schedule of all tangible personal property and of general merchandise, stock in trade, owned or held in trust, or otherwise, subject to taxation, and of the classes of corporations and companies to be assessed, together with the rate of tax prescribed, to which shall be appended an affidavit in blank, setting forth that the return presents a full and true statement of all such personal property, taxable capital, or other basis of assessment, or either, as the case may be.

When said schedule is ready for delivery, notice thereof must be given by the assessor by advertisement for three successive secular days in one or more of the daily newspapers published in the District of Columbia, and a copy of said schedule must be delivered to any citizen applying therefor at the office of the assessor. These schedules must be filled out and sworn to, and returned to the office of the assessor within thirty days after the last publication of advertisement. The members of the board of personal tax appraisers are authorized to administer, without charge, oaths for this purpose. For failure to make return within specified time, 20 per cent of assessed valuation of personal property is added.

Upon the filing of these returns, the two members of the board of assistant assessors designated by the assessor to assess personal property must, under the direction and supervision of the assessor, assess personal property. If the board of personal tax appraisers is not satisfied as to the correctness of any return of personal property, they may reject the same, and said board, or any one of the members thereof, may, from the best information he or they can procure, by making such an examination of the personal property as may be practicable, assess the same in such amount as may to him or them seem just, and notice of the rejection of the return shall be given to the party interested by leaving the same at the address given in said return.

In all cases, however, there is the right of appeal to the board of personal-tax appeals, hereinafter referred to, within fifteen days after delivery of said notice of rejection. Any person making a false affidavit as to taxation of personal property is deemed guilty of perjury, and, upon conviction, is subject to the penalties provided for that offense.

If the personal-tax appraisers fail to complete any of the duties required by law to be performed by them within the time specified, the taxation based upon the same is not, by reason thereof, invalid, but the appraisers must proceed with all reasonable diligence to complete such duties, and their acts are valid as if performed within the time provided therefor.

If at any time within any current year property subject to taxation shall be discovered to have been omitted from assessment the board of personal-tax appraisers shall immediately assess the same for the then

current year, giving notice in writing to the persons or corporation so assessed, who shall have the right of appeal within ten days from date of said notice.

BOARD OF PERSONAL-TAX APPEALS.

The board of five (act of July 1, 1902, and 28 Statutes, 282) assistant assessors, with the assessor as chairman, compose a board of personal-tax appeals, which must convene, in a place to be provided therefor by the assessor, on the first Monday in February of each year, and continue in session to and including the second Monday in March of each year (33 Stat., 563), public notice of the time and place of such meeting having been given by advertisement for two consecutive secular days in two daily newspapers published in the District of Columbia. It is the duty of this board, between the day of convening and December 15 of each year, to hear all appeals made by any person or persons against the assessments made by the board of personal-tax appraisers, and to impartially equalize the valuation of said personal property as the basis for assessment.

Any four members of said board shall constitute a quorum for business, and in the absence of the assessor a temporary chairman may be chosen. The board is empowered to diminish or increase such assessments as they may believe to have been returned at other than their true value to such amount as in their opinion may be the value thereof, and the action of the board in such cases is final.

DISTRAINT AND SALE.

When the taxes on personal property due and payable in each year shall not be paid on or before the 1st of June, the collector of taxes or his deputy may distrain sufficient goods and chattels found within the District of Columbia and belonging to the person charged with such tax to pay the taxes remaining due, together with the penalty thereon, and the costs that may accrue; and for want of such goods and chattels said collector of taxes may levy upon and sell at auction the estate and interest of such person in any parcel of land in said District; and in the case of the levy on any estate or interest in land the proceedings subsequent to sale thereof are the same as provided by law in the case of sales for arrears of taxes against real estate; and in case of distraint of personal property or the levy upon real estate, as aforesaid, the collector of taxes must immediately proceed to advertise the same by public notice, to be posted in the office of said collector, and by advertisement three times within one week, in one or more of the daily newspapers published in said District, stating the time when and the place where such property will be sold, the last publication to be at least six days before the date of sale, and if the said taxes and penalty thereon, and the costs and expenses which shall have accrued thereon, shall not be paid before the day fixed for such sale, which must not be less than ten days after said levy or taking of said property, the collector must proceed to sell at public auction in his office to the highest bidder such property, or so much thereof as may be needed to pay such taxes, penalties, and accrued costs and expenses of such distraint and sale. Said collector must report in detail in writing every distraint and sale of personal property to the Commissioners of the District of Columbia, or their successors in office, and his accounts in respect to every such distraint or sale must forthwith be submitted to the auditor of the District of Columbia and be audited by him. Any surplus resulting from such sale over and above such taxes, costs, and expenses must be paid into the Treasury, and upon being claimed by the owner or owners of the goods and chattels aforesaid must be paid to him or them upon the certificate of the collector of taxes stating in full the amount of such excess.

"That hereafter when the collector of taxes shall distrain any goods and chattels in order to enforce payment of taxes levied under the aforesaid act, approved July 1, 1902, the goods and chattels so seized shall be kept in a safe and convenient place until the day of the sale thereof; and the sale of said goods and chattels shall be at public auction, at such place as the collector of taxes may designate: *Provided, however*, That no such goods and chattels shall be sold upon any bid not sufficient to meet the amount of tax, penalty, and costs; but in case the highest bid therefor is not sufficient to meet the amount of tax, penalty, and costs thereon, said property thereupon shall be bid off by the said collector of taxes in the name of and by the District of Columbia, and the Commissioners of the District of Columbia may sell the same at private sale to satisfy the tax, penalty, and cost thereafter without further notice." (33 Stat., 564.)

RATE OF TAXATION ON PERSONAL PROPERTY.

On all tangible personal property assessed at a fair cash value (over and above the exemptions provided), including vessels, ships, boats, tools, implements, horses and other animals, carriages, wagons, and other vehicles, there must be paid 1½ per cent on the assessed value thereof.

"Dealers in general merchandise of every description shall pay to the collector of taxes of the District of Columbia 1½ per cent on the average stock in trade for the preceding year.

"After the passage of this act it shall be unlawful for any person or persons entering the District of Columbia subsequent to June 30 in each year and establishing a place of business for the sale of goods, wares, or merchandise, either at private sale or auction, or engaging in the business of common carrier by vessels, ships, or boats, to conduct such business until a sworn statement of the value of such stock, vessels, ships, and boats has been filed with the assessor of the District of Columbia, who shall thereupon render a bill for the unexpired portion of the fiscal year at the same rate as other personal taxes are levied: *Provided*, That this shall not apply to vessels, ships, or boats if it shall be made to appear by affidavit that any vessel, ship, or boat has been assessed for taxation and the taxes paid elsewhere.

"The assessor is hereby authorized to reassess said stock whenever, in his judgment, it has been undervalued. The goods, wares, and merchandise of any person or persons who shall fail to pay the tax required by this paragraph within three days after beginning business shall be subject to distraint, and it shall be the duty of the assessor to place bills therefor in the hands of the collector of taxes, who shall seize sufficient of the goods of the delinquent to satisfy said tax: *Provided*, That said owner shall have the right of redemption within thirty days on payment of said tax, to which shall be added a penalty of 1 per cent, together with the costs of seizure. The collector shall sell such goods as are not redeemed at public auction, after advertisement for the three days preceding said sale." (33 Stat., 563.)

Hotel companies and the proprietors of hotels are required to pay 1½ per cent on the assessed value of their furniture.

Each national bank, as the trustee for its stockholders, through its president or cashier, and all other incorporated banks and trust companies in the District of Columbia, through their presidents or cashiers, and all gas, electric lighting, and telephone companies, through their proper officers, must make affidavit to the board of personal-tax appraisers on or before the 1st day of August each year as to the amount of its or their gross earnings for the preceding year ending the 30th day of June, and must pay per annum on such gross earnings as follows: Each national bank and all other incorporated banks and trust companies, respectively, 6 per cent; each gas company, 5 per cent; each electric lighting and telephone company, 4 per cent. And in addition thereto the real estate owned by each national or other incorporated bank and each trust, gas, electric lighting, and telephone company in the District of Columbia is taxed as other real estate in said District. Street railroad companies pay 4 per cent per annum on their gross receipts and other taxes, which shall be construed to mean that all street railroad companies shall pay 4 per cent per annum on their gross receipts within the District of Columbia and other taxes as provided by existing law. (33 Stats., 564.) Insurance companies pay 1½ per cent on premium receipts.

All companies, incorporated or otherwise, who guarantee the fidelity of any individual or individuals, such as bonding companies, and all companies who furnish abstracts of titles to real property, or who insure real estate titles, shall pay to the collector of taxes of the District of Columbia 1½ per cent of their gross receipts in the District of Columbia. (Ibid.)

Savings banks having no capital stock and paying interest to their depositors must, through their president or cashier, make affidavit to the board of personal-tax appraisers on or before the 1st day of August in each year as to the amount of their surplus and undivided profits and pay a sum equal to 1½ per cent on the amount of their surplus and undivided profits on the 30th day of June preceding. That hereafter, beginning with the fiscal year commencing July 1, 1904, incorporated savings banks paying interest to their depositors shall, through their president, or cashier, make report under oath to the board of personal-tax appraisers on or before the 1st day of August in each year as to the amount of their gross earnings, less the amount paid as interest to their depositors for the preceding year ending June 30, and shall pay thereon to the collector of taxes of the District of Columbia 4 per cent per annum. (Ibid.)

The capital stock of all corporations other than those herein provided for, organized in the District of Columbia or under the laws of any of the States or Territories of the United States, chiefly for the purpose of, and transacting business within, the District of Columbia, except those exempted by the laws relating to the District of Columbia, is appraised in bulk at its fair cash value by the board of personal-tax appraisers, and the corporation issuing the same is liable for the tax thereon according to such value, and must pay a sum equal to 1½ per cent on the assessed valuation thereof; but from the assessed valuation of such capital stock is first deducted the value of any and all real estate owned by such corporation in said District, which real estate is separately taxed against said corporation: *Provided*, That nothing in this paragraph contained shall be construed to include business companies which, by reason of or in addition to incorporation, receive no special franchise or privilege; but all such corporations shall be rated, assessed, and taxed as individuals conducting business in similar lines are rated, assessed, and taxed. (Ibid.)

Building associations in the District of Columbia shall pay to the collector of taxes of the District of Columbia 2 per cent per annum on their entire gross earnings for the preceding year ending June 30. (Ibid.)

All taxes levied under the foregoing provisions of this law are due, payable, and collectible in May of each year, and are subject to the same penalties for nonpayment thereof as the general tax on real estate, until distraint or sale.

Private banks or bankers, not incorporated, pay a tax of $500 per annum. General brokers pay a tax of $250 per annum. The Washington Stock Exchange pays $500 per annum in lieu of tax on members thereof for business done on said exchange. Any broker who is a member of a regularly organized stock exchange located outside of the District of Columbia, and transacting a brokerage business therein, pays $100 per annum. If any person or firm shall have paid the tax provided for banks and bankers, such person or firm can not again be taxed as a broker or brokers. Note brokers pay a tax of $100 per annum. Exceptions are made of cooperative associations whose business is restricted to the members of such association.

The taxes for private banks and bankers, general brokers, and note brokers date from the 1st day of July in each year and expire on the 30th day of June following. Said taxes date from the first day of the month in which the liability begins, and payment must be made for a proportionate amount.

EXEMPTIONS.

The following personal property is exempt from taxation:

The personal property of all library, benevolent, charitable, and scientific institutions incorporated under the laws of the United States or of the District of Columbia and not conducted for private gain.

Libraries, schoolbooks, wearing apparel, and all family portraits. (Ibid.)

Household and other belongings, not held for sale, to the value of $1,000, owned by the occupant of any dwelling house or other place of abode, in which such household and other belongings may be located.

PENALTY FOR VIOLATION OF LAW.

Any person violating any of the provisions of the personal-tax law is liable to a penalty of not exceeding $500 for each offense, such penalty to be imposed upon conviction in the police court of the District as other fines and penalties are imposed, and in default of payment of such penalty the person or persons so convicted shall be imprisoned, in the discretion of the court, not exceeding six months. (Act approved July 1, 1902.)

LICENSES.

All licenses are issued by the assessor, over his hand and official seal. No person is permitted to carry on any business, trade, profession, or calling, for which a license is imposed, without having first obtained such license. Applications for licenses must be made to the assessor, and no license can be granted until payment for the same shall have been made. Each license must specify the name of the person to whom issued, the business, trade, profession, calling, etc., for which it is granted, and the location at which such business is to be carried on. Licenses may be assigned or transferred upon application, under the terms and conditions applicable to the original grant-

ing of the same, and the assessor must issue a certificate of such transfer upon the payment of a fee of 50 cents. When more than one business, trade, profession, calling, etc., for which a license is prescribed, shall be carried on by the same person, a license must be obtained for each such business, etc. Licenses are good only for the location designated thereon, and no license can be issued for more than one place of business without payment of separate tax for each. All licenses date from the 1st of November and expire on the 31st of October following, except those specially designated in the following list. Licenses issued at any time after beginning of license year date from first day of month of issue and end the last day of license year, payment being made for proportionate amount of license tax. In cases where license is less than $5 per annum they terminate one year from first day of month of issue. No one holding a license is permitted to allow any other person charged with a separate license to operate under his license. All licenses must be conspicuously posted on premises of the licensee, and be accessible at all times for inspection by police officers or others authorized in that respect. Licensees having no located place of business must exhibit their licenses when requested to do so by proper authorities.

Applications for licenses for hotels and theaters must have written approval of inspector of buildings and chief of fire department. Any license issued to proprietor of a theater or other public place of amusement may be terminated by the Commissioners whenever it shall appear to them that after due notice the person holding such license shall have failed to comply with such regulations as may be prescribed by the Commissioners for the public decency. (Act of March 1, 1901.)

Proprietors of hotels can not obtain a license for less than $30 per annum.

An act to prevent fraudulent transactions on the part of commission merchants, approved March 21, 1892, is made applicable to auctioneers, their agents, and employees.

Drivers of licensed passenger vehicles, while transacting such business, must wear upon their breasts a badge numbered to correspond with license of his vehicle, such badge being furnished by District of Columbia upon payment of fee of 50 cents.

In addition to license for proprietors of livery stables, they must obtain licenses for any vehicles owned by them occupying public stands.

The Commissioners must approve applications for licenses for vehicles for transportation of passengers operated over a definite route.

For entertainments given in church premises or private residences, where the proceeds are for church or charitable purposes and no rental is charged, no license is required.

Applications for licenses for shooting galleries must be accompanied with certificate from inspector of buildings, that suitable precautions have been taken for public safety, and with written authority from majority of occupants and residents on the same side of the square in which proposed gallery is to be located, and also on confronting side of the square fronting opposite to the same. The chief of police is authorized to prescribe the caliber, firearms, and kind of cartridges to be used.

The Commissioners have discretion to refuse licenses for merry-go-rounds, flying horses, etc.

Applications for licenses for massage establishments, mediums, clairvoyants, soothsayers, fortune tellers, and palmists must have the approval of the chief of police.

Hucksters are furnished with badges corresponding to number of license, which must be worn while transacting business, in addition to a corresponding number which must be attached to their vehicles. Hucksters' licenses need not be procured by persons bringing and selling at the several markets produce of their own raising.

The fire marshal must approve applications for licenses for buildings for storage of inflammable materials.

Persons violating any of the provisions of the license law, upon conviction thereof in the police court of the District of Columbia, are punishable by a fine of not more than $500 for each offense, and in default of payment, by imprisonment not exceeding thirty days, in the discretion of the court. (Act approved July 1, 1902.)

Following is a list of rates of licenses prescribed by act approved July 1, 1902:

List of rates of licenses.

Business.	When due.	Rate.	Remarks.
Agricultural exhibits	Nov. 1	$100	Per annum.
		10	Per week.
		5	Each subsequent week.
		3	Per day.
Amusements not otherwise provided for.	....do...	100	Per annum.
		10	Per week.
		5	Each subsequent week.
		3	Per day.
Apothecaries	....do...	6	Per annum.
Art exhibits	....do...	100	Do.
		10	Per week.
		5	Each subsequent week.
		3	Per day.
Athletic grounds	.....	20	Per week.
		5	Per day.
Auctioneers	Nov. 1	100	Per annum.
Automatic machines. (See Slot machines.)			
Automobiles, autovehicles, etc	July 1	9	Do.
Automobile establishments	Nov. 1	25	License for 10 vehicles or less per annum.
		2	Each additional vehicle.
Balls	.....	3	Per night.
Bankers, private (not incorporated).	July 1	500	Per annum.
Barrooms	Nov. 1	800	Do.
Baseball grounds	.....	20	Per week.
		5	Per day.
Baths	Nov. 1	25	Turkish, Russian, or medicated, per annum.
Bill posters	....do...	20	Per annum.
Billiard rooms	....do...	12	Per annum for each billiard, bagatelle, jenny lind, or pool table, shuffleboard, or other legitimate game table.
Boarding houses (public)	....do...	1	Per annum for each room.

List of rates of licenses—Continued.

Business.	When due.	Rate.	Remarks.
Bowling alleys. Hereafter proprietors of bowling alleys in the District of Columbia shall pay to the collector of taxes of said District an annual license tax of $12 for each alley. (33 stat., 565.)			
Boxing schools	Nov. 1	$12	Per annum.
Brewers	....do...	250	Do.
Brewers' agents	....do...	250	Do.
Brokers, real estate	....do...	50	Do.
Brokers, railroad ticket	....do...	25	Do.
Brokers, general	July 1	250	Do.
Brokers, general (members of stock exchange).	....do...	100	Do.
Brokers, note	....do...	100	Do.
Building contractors	Nov. 1	25	Do.
Carnivals	....do...	100	Do.
		10	Per week.
		5	Each subsequent week.
		3	Per day.
Carriages for hire	July 1	6	Drawn by one animal, per annum.
		9	More than one animal, per annum.
		9	By other motive power, per annum.
Carriage and wagon making establishments.	Nov. 1	25	Per annum.
Cattle dealers	....do...	15	Do.
Cattle exhibits	....do...	100	Do.
		10	Per week.
		5	Each subsequent week.
		3	Per day.
Cigar dealers	....do...	12	Per annum.
Circuses	.....	200	Per day.
Claim agents	Nov. 1	25	Per annum.
Clairvoyants	....do...	25	Do.
Commission merchants	....do...	40	Do.
Concerts	.....	3	Per night.
Confectionery establishments	Nov. 1	12	Per annum.
Contractors of all kinds	....do...	25	Do.
Cook shops	....do...	18	Do.
Dairy lunches	....do...	18	Do.
Dealers in markets	....do...	5	Do.
Distillers or rectifiers	....do...	250	Do.
Druggists	....do...	6	Do.
Eating houses	....do...	18	Do.
Electromobiles	July 1	9	Do.
Employment offices	Nov. 1	10	Do.
Entertainments	.....	3	Per night.
Entertainment halls	Nov. 1	100	Per annum.
		10	Per week.
		5	Each subsequent week.
		3	Per day.
Exhibition halls	....do...	100	Per annum.
		10	Per week.
		5	Each subsequent week.
		3	Per day.
Exhibits—agricultural, art, cattle, floral, food, freaks, industrial, mechanical, museums, poultry, side shows, etc.	....do...	100	Per annum.
		10	Per week.
		5	Each subsequent week.
		3	Per day.
Fairs	....do...	100	Per annum.
		10	Per week.
		5	Each subsequent week.
		3	Per day.
Fencing schools	....do...	12	Per annum.
Florists	....do...	15	Do.
Flying horses. (See Merry-go-rounds.)			
Football grounds	.....	20	Per week.
		5	Per day.
Fortune tellers	Nov. 1	25	Per annum.
Fuel hucksters	....do...	5	Do.
General brokers	July 1	250	Do.
General brokers (members of stock exchange).	....do...	100	Do.
Golf grounds	.....	20	Per week.
		5	Per day.
Gymnasiums	Nov. 1	12	Per annum.
Hacks. (See Carriages.)			
Hand laundries	....do...	10	Do.
Hotels	....do...	1	Per annum for each room for the accommodation of guests.
Hucksters	Apr. 1	12	Per annum for each vehicle.
Ice-cream parlors	Nov. 1	18	Per annum.
Improvement and land companies. (See land and improvement companies.)			
Inflammable oils	....do...	10	Per annum for storing quantity exceeding 5 barrels.
Information bureaus	....do...	10	Per annum.
Intelligence offices	....do...	10	Do.
Investment associations	....do...	100	Do.
Land and improvement companies.	....do...	50	Do.
Laundries	....do...	20	Steam or other power, per annum.
		10	Per annum, operated by hand.
Lawn fêtes. (See Picnics.)			
Lecture halls	....do...	100	Per annum.
		10	Per week.
		5	Each subsequent week.
		3	Per day.

List of rates of licenses—Continued.

Business.	When due.	Rate.	Remarks.
Livery stables	Nov. 1	$25	Per annum for 10 stalls.
		2	Each additional stall.
Liquor dealers, retail	....do...	800	Per annum.
Liquor dealers, wholesale	....do...	300	That hereafter it shall be unlawful for the licensee, owner, proprietor, or any employee of a licensee, owner, or proprietor of any barroom, or any other establishment in the District of Columbia in which intoxicating liquors of any kind are sold, to sell, give, or dispense in any manner intoxicating liquors of any kind to any person under the age of 21 years. "Any person knowingly violating the provisions of this paragraph shall be amenable to a fine of $25 or imprisonment for thirty days, or both, in the discretion of the court; and in addition to such penalty the license for the place in which such intoxicating liquors were sold to a minor shall be revoked." (33 Stat., 565.)
Liquors, brewers or manufacturers of.	....do...	250	Per annum.
Market dealers of all kinds	....do...	5	Do.
Massage establishments	....do...	25	Do.
Maturity associations	....do...	100	Do.
Medicated baths. (See Baths.)			
Mediums	....do...	25	Do.
Merry-go-rounds		12	Per week.
		10	Each subsequent week.
		3	Per day.
Note brokers	July 1	100	Per annum.
Omnibuses	....do...	6	Per annum, one animal.
		9	Per annum, more than one animal.
Oyster houses	Nov. 1	18	Per annum.
Palmists	....do...	25	Do.
Passenger transportation lines	....do...	6	Per annum for each vehicle not exceeding 10 passengers.
		12	Exceeding 10 passengers.
Pawnbrokers	....do...	100	Per annum.
Peddlers	Apr. 1	25	Do.
Picnic grounds	Nov. 1	100	Do.
		10	Per week.
		5	Each subsequent week.
		3	Per day.
Polo grounds		20	Per week.
		5	Per day.
Pool rooms	Nov. 1	12	Per annum.
Private banks or bankers (not incorporated).	July 1	500	Do.
Produce dealers	Apr. 1	12	Per annum for each vehicle.
Race tracks		20	Per week.
		5	Per day.
Real estate brokers. (See Brokers, real estate.)			
Rectifiers. (See Distillers.)			
Restaurants	Nov. 1	18	Per annum.
Russian baths. (See Baths.)			
Secondhand dealers of all kinds	....do...	40	Do.
"Seeing Washington cars." (See Passenger transportation lines.)			
Shooting galleries	....do...	12	Do.
Skating rinks	....do...	100	Do.
		10	Per week.
		5	Each subsequent week.
		3	Per day.
Slot machines	....do...	2	Per annum, each machine.
		50	Per annum, unlimited number.
Soothsayers	....do...	25	Per annum.
Stock exchange, Washington	July 1	500	Do.
Theaters	Nov. 1	100	Do.
		20	Per week.
		10	Less than one week.
Ticket brokers, railroad. (See Brokers, ticket.)			
Tournaments. (See Race tracks.)			
Turkish baths. (See Baths.)			
Undertakers	....do...	25	Per annum.
Vehicles for hire	July 1	6	Per annum, one animal.
		9	More than one.
		9	Horseless or motor.
Victualers	Nov. 1	18	Per annum.
Wagon-making establishments. (See Carriage-making establishments.)			
Washington Stock Exchange	July 1	500	Do.

Steam engineers' licenses are of three grades—first, second, and third—the fee for each being $3. Examination before board of engineers is required. Licenses are good until revoked or changed to higher grade. (Act of February 28, 1887, 24 Stat., 427.)

Dealers in deadly and dangerous weapons are required to file bonds of $1,000 each, but no fee is charged. (27 Stat., 117.)

The fee for transferring a license is 50 cents. (Act of July 1, 1902.)

EXHIBIT B.

An act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes.

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, whenever in their judgment the same may be necessary for the public safety, health, comfort, or convenience, to construct water mains and service sewers in any street, avenue, road, or alley in the District of Columbia; and the assessor of said District shall levy assessments for the same against abutting property in the amount and manner hereinafter prescribed.

SEC. 2. That for laying or constructing water mains in the District of Columbia assessments shall be levied at the rate of $1.25 per linear front foot against all lots or land abutting upon that part of the street, avenue, road, or alley in which a water main shall be laid, and that for laying or constructing service sewers in the District of Columbia assessments shall be levied at the rate of $1 per linear front foot against all lots or land abutting upon that part of the street, avenue, road, or alley in which a sewer shall be laid: *Provided*, That assessments for water mains and service sewers in the case of lots or parcels of land not more than 100 feet in depth shall be levied upon the fronts or rears of such lots or parcels of land, and not upon both the fronts and rears of such lots or parcels of land; but lots or parcels of land more than 100 feet in depth, except corner lots, shall be assessed upon both their fronts and rears when water mains or service sewers are laid abutting the same: *Provided*, That corner lots shall be assessed for water mains and service sewers only on their short fronts with a depth of not exceeding 100 feet; any excess of the other front over 100 feet shall be subject to assessment, as hereinbefore provided: *Provided*, That the areas of all lots or parcels of land which have been assessed for water mains by the square foot under any previous act of Congress, or of the late legislative assembly of the District of Columbia, shall not be again assessed for water mains: *Provided*, That assessments for water mains or service sewers shall not be levied under this act against lots or parcels of land not more than 100 feet in depth which have theretofore been assessed by their linear front feet by authority of any act of Congress or of the late corporation of Georgetown, and in any assessment or reassessment levied under the provisions of this act credit shall be allowed for any amount which may have been heretofore paid upon any water main or service sewer assessment levied against the same portion of the area of any lot or parcel of land: *Provided further*, That when the Commissioners of the District of Columbia shall deem it advantageous to lay water mains or service sewers on each side of any street, avenue, road, or alley assessments shall be levied at the rate, within the time and in the manner in this section provided for, against the lots abutting the side of the street, avenue, road, or alley in which the water main or service sewer is laid.

SEC. 3. That the assessor of the District of Columbia shall give notices as herein provided of the levying of assessments for water mains and service sewers. Assessments shall be levied within sixty days after the completion of the main or service sewer, and the owner or owners affected by such assessments shall be notified that the same have been levied by a notice which shall be served upon the owner of the lot or parcel of land if he or she be a resident of the District of Columbia, and his or her residence be known. If the owner be a nonresident or his or her residence be unknown, the notice shall be served on his or her agent or tenant. The service of such notice, where the owner or his or her agent or tenant resides in the District of Columbia, shall be personal or by leaving the same with some person of suitable age, either a member of his family or in his employ, at the residence or place of business of such owner, agent, or tenant; and return of such service, stating the manner thereof, shall be made in writing under oath and filed in the office of the assessor of the District of Columbia. If there be no agent or tenant known to said assessor, and the owner or owners be not residents of the District of Columbia, or if the owner be a resident of the District of Columbia and can not be found therein, and no person of suitable age as aforesaid can be found at his or her residence or place of business, notice shall be given by advertisement once a week for three successive weeks in some daily newspaper published in said District, and in said publication of said notice each several piece of property shall be described in a separate paragraph, and the cost of such advertisement shall be added to the amount of said assessment and collected in the same manner that said assessment is collected.

SEC. 4. That assessments for water mains and service sewers shall be payable in three equal installments, the first of which shall be due and payable without interest within thirty days from date of service of notice or of the last publication of notice, as the case may be, the second within one year, and the third within two years from the date of assessment, and interest at the rate of 6 per cent per annum shall be charged on all amounts which shall remain unpaid at the expiration of thirty days from the date of service of notice or last publication, as the case may be; but the owner of the property assessed may, at his option, at any time after the levying of such assessment, pay the same in full; and the discount heretofore allowed for payment of assessments for water mains within thirty days from date of service of notice of assessments shall not be allowed hereafter: *Provided*, That if any installment of any assessment for water main or service sewer levied under the provisions of this act shall not be paid when due and payable the property against which said assessment was levied may be sold for said delinquent installment at the next ensuing annual tax sale in the same manner and under the same conditions as property sold for delinquent general taxes, if said installment shall not have been paid prior to said sale.

SEC. 5. That property in the county of Washington, not subdivided into blocks or lots, or both, shall not be assessed for water mains or service sewers until subdivided: *Provided*, That where houses are built on any unsubdivided land and connection is made with a water main or service sewer, assessment shall be made as herein provided for in the case of subdivided property by assessing a frontage of 50 feet on each side of said connection with a depth of 100 feet, except that no double assessment shall be levied; said assessment to be levied within sixty days after said connection is made; and if such unsubdivided land is thereafter subdivided into blocks or lots, such lots shall be assessed as herein provided as to subdivided lands, but the 50 feet on each side of said connection, with a depth of 100 feet, shall not be again assessed: *Provided further*, That hereafter assessments at the rate and in the manner herein

provided for shall be levied against each lot or parcel of land abutting any water main or service sewer in all subdivisions of land, within sixty days after the recording of such subdivision in the office of the surveyor of the District of Columbia, except in cases where said lots or parcels of land have been previously assessed for the same main or service sewer.

SEC. 6. That in all cases where water mains have heretofore been laid and assessments therefor against abutting lots or land not levied pending the introduction of water into such lots or land, under the provisions of an act of Congress approved July 8, 1898, such assessments shall be levied under the provisions of this act.

SEC. 7. That the assessor of the District of Columbia is hereby authorized and directed in cases where water-main assessments, or assessments for service sewers, may be quashed, canceled, set aside, or declared void by the supreme court of the District of Columbia, or may otherwise be canceled or set aside, by reason of an imperfect or erroneous description of the lot or parcel of ground against which the same shall have been levied, by reason of such tax or assessment not having been authenticated by the proper officer or by reason of a defective return of service of notice, or for any technical reason other than the right of the authorities of the District of Columbia to levy assessment or lay the main or service sewer in respect of which assessment was levied, to relevy such assessment at the rate and in the manner provided for in this act: *Provided*, That such reassessment shall be made within sixty days from date of such cancellation.

SEC. 8. That all sums received by the collector of taxes under the provisions of this act on account of assessments levied for the construction of service sewers shall be credited to the appropriation under which the sewer was constructed for the fiscal year in which such sums shall be received.

SEC. 9. That a service sewer within the meaning of the provisions of this act shall be a sewer with which connection may be directly made for the purpose of providing sewerage facilities to abutting property, and such sewers shall be so indicated on the records of the sewer division of the engineer department of the District of Columbia.

SEC. 10. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, April 22, 1904.

EXHIBIT C.

An act to amend the law relating to taxation in the District of Columbia.

Be it enacted, etc., That, beginning with the fiscal year commencing July 1, 1904, the board of personal tax appeals of the District of Columbia shall convene on the first Monday in February of each year, and continue in session to and including the second Monday in March of each year, instead of convening on the 15th day of November and continuing in session until the 15th day of December in each year, as now provided by law.

SEC. 2. That the act of Congress approved July 1, 1902, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," is hereby amended as follows:

Strike out paragraph 3 of section 6 and insert in lieu thereof the following:

"Dealers in general merchandise of every description shall pay to the collector of taxes of the District of Columbia 1½ per cent on the average stock in trade for the preceding year.

"After the passage of this act it shall be unlawful for any person or persons entering the District of Columbia subsequent to June 30 in each year and establishing a place of business for the sale of goods, wares, or merchandise, either at private sale or at auction, or engaging in the business of common carrier by vessels, ships, or boats, to conduct such business until a sworn statement of the value of such stock, vessels, ships, and boats has been filed with the assessor of the District of Columbia, who shall thereupon render a bill for the unexpired portion of the fiscal year at the same rate as other personal taxes are levied: *Provided*, That this shall not apply to vessels, ships, or boats if it shall be made to appear by affidavit that any vessel, ship, or boat has been assessed for taxation and the taxes paid elsewhere.

"The assessor is hereby authorized to reassess said stock whenever in his judgment it has been undervalued. The goods, wares, and merchandise of any person or persons who shall fail to pay the tax required by this paragraph within three days after beginning business shall be subject to distraint, and it shall be the duty of the assessor to place bills therefor in the hands of the collector of taxes, who shall seize sufficient of the goods of the delinquent to satisfy said tax: *Provided*, That said owner shall have the right of redemption within thirty days on payment of said tax, to which shall be added a penalty of 1 per cent, together with the costs of seizure. The collector shall sell such goods as are not redeemed at public auction after advertisement for the three days preceding said sale."

That that part of the proviso in paragraph 5, section 6, relating to street railroads "shall be construed to mean that all street railroad companies shall pay 4 per cent per annum on their gross receipts within the District of Columbia and other taxes as provided by existing law."

Strike out paragraph 6 of section 6 and substitute following therefor:

"All companies, incorporated or otherwise, who guarantee the fidelity of any individual or individuals, such as bonding companies, and all companies who furnish abstracts of titles to real property, or who insure real estate titles, shall pay to the collector of taxes of the District of Columbia 1½ per cent of their gross receipts in the District of Columbia."

In section 6, at the end of paragraph 7, add—

"That hereafter, beginning with the fiscal year commencing July 1, 1904, incorporated savings banks paying interest to their depositors shall, through their president or cashier, make report under oath to the board of personal tax appraisers on or before the 1st day of August of each year as to the amount of their gross earnings, less the amount paid as interest to their depositors for the preceding year ending June 30, and shall pay thereon to the collector of taxes of the District of Columbia 4 per cent per annum."

In section 6 the proviso of paragraph 8 is hereby amended so as to read as follows:

"*Provided*, That nothing in this paragraph contained shall be construed to include business companies which, by reason of or in addition to incorporation, receive no special franchise or privilege; but all such corporations shall be rated, assessed, and taxed as individuals conducting business in similar lines are rated, assessed, and taxed."

Section 6, paragraph 9, is hereby amended so as to read as follows:

"Building associations in the District of Columbia shall pay to the collector of taxes of the District of Columbia 2 per cent per annum on their entire gross earnings for the preceding year ending June 30."

In section 6 the second portion of paragraph 10 is hereby amended so as to read as follows:

"Second. Libraries, schoolbooks, wearing apparel, and all family portraits."

In section 6, at the end of paragraph 12, add—

"That hereafter when the collector of taxes shall distrain any goods and chattels in order to enforce payment of taxes levied under the aforesaid act approved July 1, 1902, the goods and chattels so seized shall be kept in a safe and convenient place until the day of the sale thereof; and the sale of said goods and chattels shall be at public auction, at such place as the collector of taxes may designate: *Provided, however*, That no such goods and chattels shall be sold upon any bid not sufficient to meet the amount of tax, penalty, and costs; but in case the highest bid therefor is not sufficient to meet the amount of tax, penalty, and costs thereon, said property thereupon shall be bid off by the said collector of taxes in the name of and by the District of Columbia, and the Commissioners of the District of Columbia may sell the same at private sale to satisfy the tax, penalty, and cost thereafter without further notice."

In section 7, paragraph 38, at the end thereof, add—

"That hereafter it shall be unlawful for the licensee, owner, proprietor, or any employee of a licensee, owner, or proprietor of any barroom, or any other establishment in the District of Columbia in which intoxicating liquors of any kind or sold, to sell, give, or dispense in any manner intoxicating liquors of any kind to any person under the age of 21 years.

"Any person knowingly violating the provisions of this paragraph shall be amenable to a fine of $25 or imprisonment for thirty days, or both, in the discretion of the court; and in addition to such penalty the license for the place in which such intoxicating liquors were sold to a minor shall be revoked."

Section 7, paragraph 45, is hereby amended by adding thereto the following:

"That hereafter proprietors of bowling alleys in the District of Columbia shall pay to the collector of taxes of said District an annual license tax of $12 for each alley."

SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, April 28, 1904.

EXHIBIT D.

An act to amend chapter 55 of an act entitled "An act to establish a code of law for the District of Columbia."

Be it enacted, etc., That chapter 55 of the act of Congress entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, be, and the same is hereby, amended by striking out sections 1608, 1609, 1610, 1611, 1612, and 1613, and inserting in lieu thereof the following:

"SEC. 1608. That the Commissioners of the District of Columbia be, and they are hereby, authorized to open, extend, widen, or straighten alleys and minor streets in the District of Columbia under the following conditions, namely: First, upon the petition of the owners of more than one-half of the real estate in the square or block in which such alley or minor street is sought to be opened, extended, widened, or straightened, accompanied by a plat showing the opening, extension, widening, or straightening proposed; second, when the Commissioners deem that the public interests require such opening, extension, widening, or straightening; third, when the health officer of said District certifies to the necessity for the same on the grounds of public health: *Provided*, That a minor street shall be of a width of not less than 40 feet nor more than 60 feet and shall run through a square or block from one street to another.

"SEC. 1608a. That if in the opening, extension, widening, or straightening of an alley or minor street, or in the extension or widening of public streets or highways, an alley or part of an alley may have been, or may hereafter be, in the judgment of the said Commissioners, rendered useless or unnecessary, said Commissioners are authorized to close the same. That if the alley to be closed is an original alley, they may sell the land contained therein for cash at a price not less than the assessed value of contiguous lots. That if the alley is not an original alley, the title thereto shall revert to the owners of the land abutting thereon, but all such land shall be subject to the assessment for benefits hereinafter referred to.

"SEC. 1608b. That the said Commissioners are authorized to accept the dedication of an alley or alleys and in connection therewith to close any existing alley or alleys in the square or block in which such dedication is made upon the application of the owners of all the property abutting on such existing alley or alleys. That if the alley proposed to be closed is an original alley, the party or parties making the dedication and the parties applying for the closing of the alley or alleys shall present with such application a mutual agreement in writing and under seal, in duplicate, as to the future ownership of the land contained in the alley or alleys to be closed, together with two plats showing the alley or alleys divided into parcels, with the name of the future owner marked on each parcel, in accordance with such agreement. That copies of the order of the Commissioners accepting the dedication and closing the original or subdivisional alley, together with the said agreements and plats in the case of an original alley, shall be forwarded by said Commissioners to the surveyor and recorder of deeds of the District of Columbia for record, and thereafter the title to the land in such subdivisional alley shall revert to the owners of the land abutting thereon, and the title to the land in the original alley shall vest in the parties whose names appear on said plat in accordance with said agreement.

"SEC. 1608c. That the Commissioners are authorized to close any alley or part of alley the width of which is less than 10 feet upon the application in writing of the owners of all the abutting property. If the title to such closed alley is in the United States, the land shall be sold, as provided in section 1608a hereof; and if the title is not in the United States, the land shall revert as provided in said section.

"SEC. 1608d. That whenever the title in fee simple to an entire square is vested in one person or tenants in common or partners, and such owner or owners desire to improve said square by the erection thereon of a building covering not less than two-thirds of the area thereof, or to use said square for the purpose of some business enterprise, the Commissioners are authorized, in their discretion, to order any alley or alleys in such square to be closed, and a copy of said order shall be filed with the surveyor and recorder of deeds of said District for record.

"SEC. 1608e. That whenever it becomes necessary to open, widen, extend, or straighten alleys or minor streets by condemnation the said Commissioners shall institute condemnation proceedings in the

supreme court of the District of Columbia, sitting as a district court, by a petition in rem particularly describing the land to be taken, which petition shall be accompanied by duplicate plats to be prepared by the surveyor of said District, showing the courses and boundaries of the alley or minor street proposed to be opened, widened, extended, or straightened, the number of square feet to be taken from each lot or part of lot in the square or block, showing the existing alleys or minor street in said square or block, and such other information as may be necessary for the purposes of such condemnation. Upon the filing of such petition, one copy of the plat, indorsed with the docket number of the case, shall be returned by the clerk of said court to the said surveyor for record in his office.

"SEC. 1608f. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and, in addition to such public notice, said court, whenever in its judgment it is practicable to do so, shall cause a copy of said notice to be served by the United States marshal for the District of Columbia, or his deputies, upon such owners of the fee of the land to be condemned as may be found by said marshal or his deputies within the District of Columbia.

"SEC. 1608g. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of five judicious, disinterested men, not related to any person interested in the proceedings and not in the service or employment of the District of Columbia or of the United States, to be summoned by the said marshal, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the opening, extension, widening, or straightening of said alley or minor street and the condemnation of lands for the purposes thereof, and assess the benefits resulting therefrom as hereinafter provided. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections, and to excuse any juror or cause any vacancy in the jury, when impaneled, to be filled; and after said jury shall have been organized and shall have viewed the premises, said jury shall proceed to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any interest in the proceedings for the opening, extension, widening, or straightening of said alley or minor street; but all such hearings shall be in the presence of the court and under its supervision and direction. When the hearing is concluded the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount found to be due and payable as damages sustained by reason of the said opening, extension, widening, or straightening under the provisions hereof, and of the pieces or parcels of land benefited by such opening, extension, widening, or straightening, and the amount of the assessment for such benefits against the same.

"SEC. 1608h. That if a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from such opening, extension, widening, or straightening, but such benefits shall be considered in determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

"SEC. 1608i. That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set aside and vacate the same, in whole or in part, when satisfied that it is unjust or unreasonable, and in such event a new jury in the case, having the qualifications hereinbefore mentioned, shall be summoned, who shall proceed to assess the damages or benefits, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That the exceptions or objections to the verdict and award shall be filed within thirty days after the return of such verdict and award: *And provided further*, That if the court is satisfied that part of the verdict or award should be set aside or vacated, then and in that event, at the election of the said Commissioners, the court shall set aside and vacate the entire verdict or award and a new jury shall be summoned in the case as aforesaid. The verdict of a new jury summoned in accordance with the provisions of this section shall be final, and if the amount of damages assessed by any new jury summoned as aforesaid shall not be greater, or if the assessment of benefits shall not be less, than the amount assessed by the jury first summoned, according as the objection to the verdict may have been to the assessment of damages or benefits, the cost of the new jury shall be assessed against the property of the party or parties objecting, but if the party or parties should prevail by the verdict of the new jury, either in increasing his or their damages, or in diminishing the assessment for benefits, then, and in that event, the costs of the new jury shall be paid by the District of Columbia, and if the Commissioners of the District of Columbia do not elect that the entire verdict shall be set aside, and the same be set aside or vacated in part, the residue of the verdict and award shall not be affected thereby.

"SEC. 1608j. That said jury shall assess as benefits accruing by reason of said opening, extension, widening, or straightening an amount equal to the amount of damages as ascertained by them as hereinbefore provided, including $5 per day for the marshal and $5 per day for each juror for the services of each when actually employed, and all other expenses of such proceedings upon each lot or part of lot or parcel of land in the square or block in which such alley or minor street is to be opened, extended, widened, or straightened, and upon each lot, part of lot, or parcel of ground in the squares or blocks confronting the square in which such alley or minor street is to be opened, extended, widened, or straightened, which will be benefited by such opening, extension, widening, or straightening, in the proportion that said jury may find said lots, parts of lots, or parcels of land will be benefited.

"SEC. 1608k. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said lands by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, upon the warrants of the Commissioners of said District, out of any funds available therefor: *Provided*, That in all cases of payments the accounting officers shall take into account the assessment for benefits and the award for damages, and shall pay only such part of said award in respect of any lot as may be in excess of the assessment for benefits against the part of such lot not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment.

"SEC. 1608l. That when confirmed by the court the several assessments herein provided to be made shall severally be a lien upon the land assessed and shall be collected as special-improvement taxes in the District of Columbia, and shall be payable in four equal annual installments, with interest at the rate of 4 per cent per annum from and after sixty days after the date of confirmation until paid. That said court may allow amendments in form or substance in any description of property proposed to be taken, or of property assessed for benefits, whenever such amendments will not interfere with the substantial rights of the parties interested, and any such amendment may be made after as well as before the order or judgment confirming the verdict or award aforesaid.

"SEC. 1609. That each juror shall receive as compensation the sum of $5 per day for his services during the time he shall be actually engaged in such services under the provisions hereof.

"SEC. 1610. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assessment or assessments of benefits or damages herein provided for, nor any other proceeding at law or in equity by such party against the confirmation of such assessment or assessments, shall delay or prevent the payment of award to others in respect to the property condemned, nor delay or prevent the taking of any of said property sought to be condemned, nor the opening, extension, widening, or straightening of such alley or minor street: *Provided, however*, That upon the final determination of said appeal or other proceeding at law or in equity, the amount found to be due and payable as damages sustained by reason of the opening, extension, widening, or straightening of said alley or minor street under the provisions hereof shall be paid as hereinbefore provided.

"SEC. 1611. That all money derived from the sale of land in which the United States is interested, under the provisions of this act, shall be paid into the Treasury of the United States by the Commissioners of the District of Columbia to the credit of the United States.

"SEC. 1612. That in all cases where plats are required to be made under the provisions of this act, or where the said Commissioners shall deem it necessary that they shall be made in order to more effectually carry out any provision hereof, such plats shall be made by the surveyor of the District of Columbia, who shall require the person or persons desiring the same to deposit in advance a sum to defray the cost of preparing the same; any amount of such deposit remaining after the cost of such plats has been paid shall be refunded to the party so depositing: *Provided*, That plats ordered by the said Commissioners shall be prepared by said surveyor free of cost.

"SEC. 1613. That the validity of any condemnation proceeding under the act of Congress entitled "An act to provide for the opening of alleys in the District of Columbia," approved July 22, 1892, or under the act of Congress entitled "An act to open, widen, and extend alleys in the District of Columbia," approved August 24, 1894, or under the sections of the Code of Law for the District of Columbia hereby repealed, shall not be affected by the want of proper notice to any proprietor of land in the square, except as to such proprietor; and if it shall appear to the satisfaction of the Commissioners of the District of Columbia that any such proprietor was not notified as required by said acts the said Commissioners may proceed under this act to condemn the land affected by the want of such notice."

Approved, February 23, 1905.

EXHIBIT E.

District of Columbia property exempt in Washington City, general assessment 1902–3.

Square.	Lot.	Front feet.	Square feet.	Rate.	Ground.	Improvements.	Name assessed.
1	Part of 17	North 27 feet	2,430	$0.30	$729		School site.
	do	South 27 feet	3,894	.20	767		Do.
	18		7,668	.20	1,534		Do.
	Part of 19	North 30 feet	4,260	.20	852		Do.
44	Part of 8	North 25 feet	2,125	.25	531		
	Sub. 35		1,360	.40	544		
	Sub. 36		1,360	.35	476		
	Sub. 37		1,360	.35	476	$18,000	Toner School.
	Sub. 38		1,360	.35	476		
	Sub. 39		1,360	.35	476		
	Sub. 40		1,785	.30	536		
50	4		4,950	.75	3,713		
	5		4,087	.90	3,678	30,000	Weightman School.
	6		4,675	.65	3,039		
72	Part of 12	South 44 feet on avenue	3,906	1.30	5,078	6,000	Truck B.
73	22		5,291	.75	3,968		Alfred Jones and others, trustees colored schools, Stevens School.
	23		5,899	.75	4,424	50,000	Sayles J. Bowen and others, trustees colored schools, Stevens School.

District of Columbia property exempt in Washington City, general assessment 1902-3—Continued.

Square.	Lot.	Front feet.	Square feet.	Rate.	Ground.	Improvements.	Name assessed.
	24		5,291	$0.75	$3,968		Sayles J. Bowen and others, trustees colored schools, Stevens School.
73	Part of 13	North 23.40 feet	3,018	1.10	3,320		
78	14		4,254	1.20	5,081		
	15		2,485	1.35	3,352		
	16		1,968	1.50	2,952		
	17		2,685	1.35	3,625	$18,000	Western Market house.
	18		4,610	1.25	5,763		
	19		5,729	1.10	6,302		
	20		5,162	1.00	5,162		
	21		5,162	1.00	5,162		
	22		5,729	1.00	5,729	10,000	Third precinct police station.
	10		9,200	.60	5,520		
80	Part of 11	East 30.50 feet	3,926	.60	2,355		
	Sub. 17		2,558	.60	1,535	50,000	Grant School.
	Sub. 18		2,583	.60	1,595		
	4		9,202	.35	3,221	20,000	Briggs School.
83	Part of 11	West 30 feet	1,500	2.45	3,675	1,000	Old Union engine house (school).
141	Sub. 126		2,292	1.25	2,865		
155	Sub. 127		2,292	1.25	2,865		
	Sub. 128		2,292	1.25	2,865	30,000	Adams School.
	Sub. 129		2,292	1.25	2,865		
	Sub. 130		2,292	1.25	2,865		
	Sub. 34		16,125	1.25	20,156	30,000	Institution for Education of Colored Youth.
156	18		11,384	1.50	17,076	35,000	Force School, land owned by the United States, but the property is controlled by the District of Columbia.
158	19		10,444	1.80	18,799		Do.
	Part of 2	West 5 feet	725	.80	580		
175	3		9,039	.80	7,279	19,000	Pump house.
	4		9,099	.80	7,279	800	Do.
	10		7,761	.65	5,045		
	11		9,099	.60	5,459		
176	Sub. 19		2,420	.85	2,057	8,000	Engine house No. 9.
	Sub. 20		2,420	.85	2,057		
177	Part of 9	Back ground	862	1.10	948		
182	Part of 6	West 33.92 feet	3,528	1.70	5,998		William Syphax and others, trustees colored schools, District of Columbia.
	7		4,998	1.90	9,496	40,000	William Syphax and others, trustees colored schools, District of Columbia (Sumner School).
	Part of 8	South 18.17 feet	1,473	1.90	2,799		William Syphax and others, trustees colored schools, District of Columbia.
	Sub. 24		3,322	.80	2,658		Sayles J. Bowen and others, trustees colored schools, District of Columbia.
	Sub. 25		3,225	.85	2,741		Do.
	Sub. 26		3,127	.85	2,658		Do.
	Sub. 27		3,030	.90	2,727	20,000	Sayles J. Bowen and others, trustees colored schools, District of Columbia (Magruder School).
	Sub. 28		2,932	.90	2,639		Sayles J. Bowen and others, trustees colored schools, District of Columbia.
	Sub. 29		2,835	1.10	3,119		Do.
	Sub. 30		1,983	1.60	3,173		William Syphax and others, trustees colored schools, District of Columbia.
184	Sub. 4		3,166	2.65	8,390	6,500	Engine house No. 1.
	Part of sub. 5	East 37 feet	45	2.50	113		
209	Sub. 30		5,000	1.69	8,000	18,000	Berret School.
228	Sub. 3		2,904	1.15	3,340		
	Sub. 4		2,691	1.15	3,095	9,000	Engine house No. 2.
235	Sub. 30		2,860	.70	2,002		
	Sub. 31		2,860	.70	2,002		
	Sub. 32		2,860	.70	2,002	30,000	Harrison School.
	Sub. 33		2,990	.70	2,093		
238	Part of 7	East 7 feet	840	.85	714		
	Sub. 56		2,040	.85	1,734		
	Sub. 57		2,040	.85	1,734		
	Sub. 58		2,040	.85	1,734		
	Sub. 59		2,040	.85	1,734	35,000	Dennison School.
	Sub. 60		2,040	.85	1,734		
	Sub. 61		2,040	.85	1,734		
	Sub. 62		2,025	.85	1,738		
	Sub. 63	On alley	920	.25	230		
	Sub. 64	do	923	.25	231		
	Sub. 65	do	960	.25	240		
	Sub. 66	do	960	.25	240		
	Sub. 67	do	960	.25	240		
	Sub. 68	do	960	.25	240		
	Sub. 69	do	960	.25	240		
	Sub. 70	do	960	.25	240		
	Sub. 71	do	960	.25	240		
	Sub. 72	do	960	.25	240		
255	1		2,417	6.00	12,502		Site for new District building.
	2		3,510	6.00	21,060		Site of new District building.
	3		4,603	6.00	27,618		Do.
	4		3,510	6.00	21,060		Do.
	5		2,417	6.00	12,502		Do.
	6		3,280	6.00	19,680		Do.
	7		3,281	6.00	19,686		Do.
	8		2,416	6.00	14,496		Do.
	9		3,510	6.00	21,060		Do.
	10		4,603	6.00	27,618		Do.
	11		3,509	6.00	21,054		Do.
	12		2,416	6.00	14,496		Do.
	13		3,280	6.00	19,680		Do.
	14		3,280	6.00	19,680		Do.
266	Sub. 3		3,296	.30	989		
	Sub. 4		3,296	.30	989		
	Sub. 5		3,296	.30	989	30,000	Bradley School.
	Sub. 6		3,301	.30	990		
276	Part of sub. 107	North one-half alley	800	.40	320		
	Sub. 108	Alley	1,600	.40	640		
	Sub. 109	do	1,600	.40	640		
	Sub. 110	do	1,600	.40	640		
	Sub. 111	do	1,600	.40	640		
	Sub. 112	do	1,600	1.05	1,680		
	Sub. 113		1,600	1.05	1,680		
	Sub. 114		1,600	1.05	1,680	25,000	Garrison School.
	Sub. 115		1,600	1.05	1,680		
	Part of sub. 116	North half	800	1.05	840		

District of Columbia property exempt in Washington City, general assessment 1902-3—Continued.

Square.	Lot.	Front feet.	Square feet.	Rate.	Ground.	Improvements.	Name assessed.
284	Part of sub. 24	28.83 feet, Twelfth street	3,229	$1.45	$4,682	$8,000	Thomson School.
285	Sub. 14		3,747	2.50	9,368	75,000	Franklin School.
	Sub. 15		3,733	1.50	5,600		
	Sub. 16		3,733	1.50	5,600		
	Sub. 17		3,733	1.50	5,600		
293	Part of 18	South half	2,333	1.80	4,199	12,000	First precinct police station.
	Part of 19	North half	2,333	1.80	4,199		
327	Sub. 10		1,937	.25	484		Potomac School.
	Sub. 11		1,950	.25	488	4,500	
	Sub. 12		1,950	.25	488		
359	Sub. 44		28,480	.80	22,784	75,000	Garnett School.
361	Sub. 18		1,840	.50	920		
	Sub. 19		1,840	.50	920	12,000	Eighth precinct police station.
	Sub. 20		1,840	.50	920		
	Sub. 110		1,860	.70	1,302		
	Sub. 111		1,840	.70	1,270		
	Sub. 112		1,767	.70	1,237		
	Sub. 113		1,721	.70	1,205		
	Sub. 114		1,676	.70	1,173		
	Sub. 115		1,630	.70	1,141	30,000	Phelps School.
363	Sub. 16		1,900	.95	1,805		
	Sub. 17		1,900	.95	1,805	8,000	Engine house No. 7.
375	Sub. 108		1,278	2.25	2,876		
	Sub. 109		1,278	2.25	2,876		
	Sub. 110		1,226	2.25	2,759		
	Sub. 111		1,183	2.25	2,662	45,000	Webster School.
	Sub. 112		1,183	2.25	2,662		
	Sub. 113		1,125	2.25	2,531		
	Sub. 114		1,145	2.25	2,576		
North of 396	1		8,457	1.05	8,880		Site for Business High School.
	2		7,927	1.30	10,305	3,500	Do.
	3		5,960	1.05	6,258		Do.
	4		6,953	1.15	7,996		Do.
	5		6,953	.95	6,605	300	Do.
412	Sub. 12		1,813	.45	816		
	Sub. 13		2,074	.65	1,348		Trustees colored schools.
	Sub. 14		1,959	.45	882	18,000	Trustees colored schools (Anthony Bowen School).
	Sub. 15		1,959	.45	882		Trustees colored schools.
	Sub. 16		1,947	.45	876		Do.
431	Part of 5	North 19.50 feet	2,034	2.25	4,577		
	Part of 6	South half	2,661	2.25	5,987	7,000	Engine house No. 14.
444	Sub. 18		2,205	1.05	2,315		
	Sub. 19		2,205	1.05	2,315		
	Sub. 20		2,205	1.05	2,315	85,000	Manual Training School.
	Sub. 21		2,205	1.05	2,315		
	Sub. 22		2,205	1.05	2,315		
	Sub. 23		2,205	1.05	2,315		
	Sub. 24		2,205	1.05	2,315		
	Sub. 25		2,205	1.05	2,315		
	Sub. 26		4,409	1.35	5,952		
446	Sub. 2		2,700	.70	1,890		
	Sub. 3		2,700	.70	1,890		
	Sub. 4		2,700	.70	1,890		
	Sub. 5		2,700	.70	1,890		
	Sub. 6		2,700	.70	1,890		
	Sub. 7		2,700	.70	1,890		
	Sub. 8		2,700	.70	1,890	60,000	Central High School.
	Sub. 9		2,700	.70	1,890		
	Sub. 10		2,700	.70	1,890		
	Sub. 11		2,400	.70	1,680		
	Sub. 12		2,400	1.45	3,480		
	Sub. 13		2,400	1.15	2,760		
	Sub. 14		2,400	1.15	2,760		
	Sub. 15		2,400	1.15	2,760		
	Sub. 16		2,400	1.15	2,760		
	Sub. 17		2,400	1.15	2,760		
	Sub. 18		2,400	1.15	2,760		
	Sub. 19		2,400	1.15	2,760		
	Sub. 20		2,400	1.15	2,760		
	Sub. 21		2,400	1.15	2,760		
	Sub. 22		2,400	1.15	2,760		
	Sub. 23		2,400	1.15	2,760	30,000	Polk School.
	Sub. 24		2,400	1.15	2,760		
	Sub. 25		2,400	1.15	2,760		
	Sub. 26		2,400	1.40	3,360		
	Sub. 27		2,700	.70	1,890		
	Sub. 28		2,700	.70	1,890		
	Sub. 29		2,700	.70	1,890		
	Sub. 30		2,700	.70	1,890		
	Sub. 31		2,700	.70	1,890		
	Sub. 32		2,700	.70	1,890	35,000	Henry School.
	Sub. 33		2,700	.70	1,890		
	Sub. 34		2,700	.70	1,890		
	Sub. 35		2,700	.70	1,890		
	Sub. 36		2,700	.70	1,890		
471	Sub. 3		2,200	.30	660		
	Sub. 4		2,200	.30	660		
	Sub. 5		2,200	.30	660	20,000	Ambush School.
	Sub. 6		2,200	.30	660		
	Sub. 7		2,200	.30	660		
481	Part of 11	South 31 feet	2,895	.65	1,882	1,500	Second precinct police station.
	12		5,468	.65	3,554	11,000	Do.
South of 482	All		6,443	1.75	11,284	15,000	Abbott School.
489	3		4,602	2.80	13,054	10,000	Police court building.
	Part of 4	South 20.54 feet	1,277	2.50	3,193	2,000	Do.
494	8		19,950	.35	6,983		
	9		19,987	.45	8,994	45,000	Jefferson School.
	10		23,351	.30	7,005		
	Part of 12	East 31.08 feet	6,500	.30	1,950	5,000	Engine house No. 4.
495	Sub. 59		2,859	.65	1,854		
	Sub. 60		2,100	.55	1,155		
	Sub. 61		2,100	.55	1,155	25,000	Amidon School.
	Sub. 62		2,100	.55	1,155		
	Sub. 72		2,199	.35	770	10,600	Fourth precinct police station.
	Sub. 73		2,199	.35	770		
502	67		3,750	.30	1,125		
	68		3,750	.30	1,125		

District of Columbia property exempt in Washington City, general assessment 1902-3—Continued.

Square.	Lot.	Front feet.	Square feet.	Rate.	Ground.	Improvements.	Name assessed.
502	69		3,750	$0.30	$1,125	$20,000	Greenleaf School.
	70		3,750	.30	1,125		
509	76		1,425	.55	784		
	77		1,425	.55	784		
	78		1,425	.55	784		
	79		1,425	.55	784		
	80		1,425	.55	784		
	81		1,425	.55	784		
	82		1,425	.55	784		
	83		1,425	.55	784		
	84		1,425	.55	784		
	85		1,425	.55	784	25,000	Morse School.
	86		1,425	.55	784		
	87		2,643	.55	1,454		
511	Sub. 10		2,880	.40	1,152		A. Jones and others, trustees colored schools.
	Sub. 11		2,880	.40	1,152	15,000	A. Jones and others, trustees colored schools (John F. Cook School).
	Sub. 12		2,880	.40	1,152		A. Jones and others, trustees colored schools.
517	Part of 7	30 feet on avenue	2,085	1.40	2,919	5,000	Engine house No. 6.
520	11		5,104	.70	3,573		
	12		4,549	.70	3,184	15,000	Banneker School.
Res. 7	Sub. 2		31,622	5.00	158,110		Washington Market.
	Sub. 3		42,857	6.50	278,571		Do.
541	5		6,057	.25	1,509		
	Sub. 73		2,039	.25	519		
	Sub. 74		2,038	.25	510		
	Sub. 75		2,038	.25	510	25,000	Smallwood School.
	Sub. 76		2,033	.25	510		
542	1		3,525	.25	1,234		
	2		3,725	.30	1,118		
	3		5,125	.25	1,281		
	4		5,125	.25	1,281	25,000	Sayles J. Bowen School.
	5		5,065	.25	1,266		
	Part of 25	South 8.50 feet	850	.25	213		
	23		4,200	.25	1,050		
	21		7,312	.35	2,559		
553	22		7,695	.35	2,693		
	23		7,695	.35	2,693	80,000	Manual Training School (colored).
	24		7,695	.35	2,693		
554	Part of 13	North 46.67 feet	5,459	.45	2,457		
	14		7,799	.45	3,510	20,000	Twining School.
	Part of 15	South 46.67 feet	5,459	.45	2,457		
555	Sub. 67		2,215	1.05	2,326	6,000	Truck D.
	Sub. 68		2,215	1.05	2,326		
557	13		8,197	.60	4,918		
	14		8,197	.60	4,918	50,000	Colored High School.
	15		8,197	.60	4,918		
	Part of 20	South 40 feet	3,200	.45	1,440		
	Part of 20	North 16.62 feet and background.	2,245	.45	1,010		
	21		6,400	.70	4,480	15,000	Douglass School.
	24		8,196	.25	2,049	100	
	Part of 25	West 40 feet	5,464	.25	1,366	600	
	Part of 25	East 20 feet	2,732	.25	683		
	Sub. 81		86	.40	34		
562	18		4,500	.70	3,150		
	19		4,500	.70	3,150	28,000	Seaton School.
	20		4,500	.70	3,150		
	21		4,500	.70	3,150		
	Part of 22	West 5 feet	750	.70	525		
573	Sub. 26		2,000	.30	600		
	Sub. 27		2,000	.30	600		
	Sub. 28		2,000	.30	600		
	Sub. 29		2,000	.30	600		
	Sub. 30		2,000	.30	600	20,000	Bell School.
	Sub. 31		2,000	.30	600		
	Sub. 32		2,000	.30	600		
	Sub. 33		1,920	.30	576		
East of 590	All		9,088	.35	3,181	20,000	Daniel Breed and others, trustees (colored schools, District of Columbia)—Randall School.
615	Sub. 2		2,000	.35	700		
	Sub. 3		2,000	.35	700		
	Sub. 4		2,000	.35	700		
	Sub. 5		2,000	.35	700	25,000	(School.)
	Sub. 6		2,000	.35	700		
	Sub. 7		2,000	.35	700		
	Sub. 8		2,000	.35	700		
	Sub. 9		2,000	.35	700		
	Sub. 10		2,000	.35	700		
	Sub. 11		2,000	.35	700		
	Sub. 12		2,000	.35	700		
	Sub. 13		2,000	.35	700		
	Sub. 14		2,000	.35	700	30,000	Slater School.
	Sub. 15		2,000	.35	700		
	Sub. 16		2,000	.35	700		
621	Part of 1	North 41.58 feet	4,366	.60	2,620		
	13		10,500	.55	5,775	25,000	Jones School.
	24		8,122	.40	3,249	25,000	Blake School.
	68		2,573	.40	1,149		
625	Sub. 17		2,900	1.00	2,900		
	Sub. 18		2,593	1.00	2,593		
	Sub. 19		7,271	1.00	7,271	30,000	Gales School.
630	Sub. 54		6,627	.55	3,645	8,000	Sixth precinct police station.
633	Sub. 51		1,923	.55	1,058		
	Sub. 52		1,935	.55	1,064		
	Sub. 53		1,935	.55	1,064		
	Sub. 67		1,800	.55	990		
	Sub. 68		1,800	.55	990		
	Sub. 69		1,800	.55	990		
	Sub. 70		1,789	.55	984	20,000	Arthur School.
	Sub. 71		1,736	.55	955		
	Sub. 72		1,680	.55	924		
	Sub. 73		1,624	.55	893		
	Sub. 74		1,568	.55	862		
653	6		9,590	.05	480	25,000	Syphax School.
	7		9,590	.05	480		

District of Columbia property exempt in Washington City, general assessment 1902-3—Continued.

Square.	Lot.	Front feet.	Square feet.	Rate.	Ground.	Improvements.	Name assessed.
688	1		14,775	$1.10	$16,253	$14,000	Engine house No. 3, assessed to the United States, but controlled by the District of Columbia.
	Part of 11	Background	6,087	.15	913		Do.
685	Part of 7	North 31.67 feet	3,412	1.15	3,924	5,000	Truck A.
762	4		6,000	.70	4,200		Sayles J. Bowen, trustee colored schools.
	5		5,600	1.20	6,720	20,000	William Syphax and others, trustees colored schools, Lincoln School.
765	Sub. 23		1,900	.40	760		
	Sub. 24		1,900	.40	760		
	Sub. 25		1,900	.40	760		
	Sub. 26		1,900	.40	760		
	Sub. 27		1,900	.40	760		
	Sub. 28		1,900	.40	760		
	Sub. 29		1,539	.55	846	20,000	Dent School.
778	13		4,125	.60	2,475	30,000	Logan School.
	14		5,000	.40	2,000		
792	5		6,400	.75	4,800	25,000	Brent School.
	Part of 6	South 20 feet	2,100	.55	1,155		
	Part of 6	North 75.67 feet	6,651	.90	5,986		
696	Part of 5	Background	6,149	.20	1,230		
	Sub. 42		14,377	.35	5,032	25,000	Giddings School.
801	13		6,375	.12	765	7,000	McCormick School.
	14		7,200	.12	864		
812	14		5,753	.40	2,302		
	15		5,995	.40	2,398	20,000	Carberry School.
814	10		4,543	.95	4,316		
	11		3,885	1.25	4,856	27,000	Peabody School.
	12		4,602	.75	3,452		
	Part of sub. D	East half	1,599	.95	1,511		
823	15		5,464	.25	1,366	25,000	Lenox School.
	16		5,464	.25	1,366		
830	Part of sub. 16	West 4.47 feet	443	.20	89		
	Sub. 17		1,872	.20	374		
	Sub. 18		1,871	.20	374		
	Sub. 19		1,871	.20	374		
	Sub. 20		1,871	.20	374		
	Sub. 21		1,980	.30	594	15,000	Hayes School.
	Sub. 22		1,620	.20	324		
	Part of sub. 23	South 9.80 feet	971	.20	194		
838	Sub. 26		2,102	.80	1,682		
	Sub. 43		1,875	.80	1,500		
	Sub. 44		1,875	.80	1,500	18,000	Hilton School.
	Sub. 45		1,875	.80	1,500		
	Sub. 46		1,875	.80	1,500		
845	3		4,800	.70	3,360	6,000	Fifth precinct police station.
858	Sub. H		3,293	.15	494		
	Sub. I		3,120	.15	468		
	Sub. K		3,120	.15	468		
	Sub. L		3,120	.15	468	20,000	Blair School.
	Sub. M		3,120	.15	468		
	Sub. N		3,120	.15	468		
	Sub. O		3,120	.15	468		
860	Sub. 91		2,087	.50	1,044		
	Sub. 92		1,800	.35	630		
	Sub. 93		1,800	.35	630		
	Sub. 94		1,800	.35	630		
	Sub. 95		1,800	.35	630		
	Sub. 96		1,800	.35	630		
	Sub. 97		1,800	.35	630		
	Sub. 98		1,800	.35	630		
	Sub. 99		1,800	.35	630		
	Sub. 100		1,800	.35	630		
872	1		5,012	.75	3,759		
	2		6,708	.55	3,689		
	3		6,930	.60	4,159		
	4		6,396	.65	4,157		
	Part of 5	East 11.13 feet	1,534	.65	997		
	Part of 9	Background	395	.15	59		
	Part of 10	East 40.06 feet	6,170	.70	4,250		
	11		8,882	.70	6,217	17,100	Engine house No. 8.
	12		7,234	.90	6,511		
	13		12,969	.90	11,672		
	14		7,091	.40	2,836	20,000	Eastern Market.
	15		5,500	.55	3,025		
877	Part of 1	East 37 feet	1,788	.60	1,073	1,200	Manual Training (Blair).
	Part of 34	South 18.33 feet	1,375	.45	619		
891	Part of sub. 19	North half	1,150	.25	288		
	Sub. 20		2,300	.25	575		
	Sub. 21		2,300	.25	575		
	Sub. 22		2,300	.25	575	25,000	Taylor School.
	Sub. 23		2,300	.25	575		
	Sub. 24		2,300	.25	575		
901	1		4,180	.90	3,762		
	2		4,930	.70	3,451	50,000	Wallach School.
	3		6,397	.70	4,478		
	4		8,475	.80	6,780		
	5		6,217	.60	3,730		
	6		5,599	.60	3,359		
	7		5,599	.60	3,359		
	8		5,673	.60	3,404	50,000	Eastern High School.
	9		4,666	.75	3,500		
	10		5,885	.45	2,648		
	11		5,885	.45	2,648		
	12		4,996	.70	3,476	30,000	Towers School.
	13		5,667	.45	2,550		
	14		5,599	.45	2,520		
	15		5,599	.45	2,520		
	16		6,217	.45	2,798		
	17		5,206	.60	3,124		
925	Part of 6	North 30 feet	2,400	.55	1,320		
South of 928	All		3,250	.45	1,463	700	School (Anacostia).
936	Sub. 32		1,897	.30	569		
	Sub. 33		1,897	.30	569	10,000	Ninth precinct police station.
	Sub. 34		1,897	.30	569		
938	7		6,282	.35	2,199		
	8		4,702	.40	1,881		
	9		4,340	.45	1,953	25,000	Edmonds School.
	10		5,916	.20	1,183		

District of Columbia property exempt in Washington City, general assessment 1902-3—Continued.

Square.	Lot.	Front feet.	Square feet.	Rate.	Ground.	Improvements.	Name assessed.
960	Part of 10	North 36 feet	3,059	$0.25	$765		
	11		4,350	.40	1,740	$18,000	Madison School.
	Part of 12	West 30.71 feet	2,571	.25	643		
974	Sub. 19		5,774	.35	2,028		
	Sub. 20		5,794	.35	2,029	25,000	Tyler School.
985	1		3,981	.30	1,194	22,000	Lovejoy School.
	2		4,973	.20	995		
	18		5,056	.20	1,011		
995	19		4,058	.35	1,420		
	20		3,718	.40	1,487	30,000	Cranch School.
	Part of 21	North 38 feet	3,068	.35	1,074		
1010	Part of 1	West 10 feet	1,000	.30	300		
	2		10,000	.30	3,000	20,000	Maury School.
	Part of 17	South 14 feet and alley	1,540	.10	154		
	Part of 18	57.83 feet, alley	6,252	.10	625		
1028	Part of 17	East 20 feet	2,000	.35	700		
	Part of 18	North 100 feet	8,000	.35	2,800	20,000	Pierce School.
	Sub. 37		1,800	.35	630		
	Sub. 38		1,800	.35	630	10,000	Engine house No. 10.
	Sub. 39		1,885	.35	660		
1042	Part of 8	West 13.92 feet	2,566	.15	355		
	9		9,109	.15	1,366		
	10		9,109	.15	1,366	20,000	Buchanan School.
1061	Part of 18	West 51 feet	4,416	.13	574		
	Part of 18	East 5 feet	380	.13	49		
	19		3,975	.20	795	18,000	Payne School.
	Part of 20	53 feet on Fifteenth street.	4,125	.15	619		
	Part of 20	Background	630	.15	95		
1098	16		11,883	.04	475		William Syphax and others, trustees colored schools District of Columbia.
	17		11,883	.04	475		Do.
1185	Part of 42	45 feet on Grace street and 60.50 feet on Thirty-third street.	2,723	.35	953		Old fish market.
1186	Part of 42	40 feet on M street and 248 feet on Market Space.	9,920	.60	5,952	15,000	Market, Georgetown.
1200	Part of 47	45.67 feet next 44 feet and west 3.50 feet.	4,275	1.10	4,703	5,000	Engine house No. 5.
	Part of 48	South 31 feet	2,480	.45	1,116	2,000	
	Part of 49	North 13.50 feet	940	.45	423		
1214	Part of 14	East 30 feet	3,000	.20	720		
	Part of 14	North 44 feet	1,320	.65	858		
	Part of 15	Background	2,400	.10	240		
	17		6,720	.30	2,016	20,000	Corcoran School.
1215	Part of 27	Background	2,564	.10	253		
	Part of 28	do	5,128	.10	513		
	Part of 29	East 91.58 feet	5,128	.45	2,308	20,000	Phillips School.
	Part of 30	West 3.42 feet	193	.45	87		
	Part of 31	Background	193	.10	19		
	Part of 32	do	96	.10	10		
1220	Part of 26	West 45 feet	4,455	.40	1,782		
	Part of 27	East 50.35 feet	4,985	.40	1,994	20,000	Wormley School.
	Part of 75	Background	2,800	.20	560		
	Part of 76	do	1,000	.20	200		
1222	Part of 47	West 54.50 feet and south 93 feet on Thirty-sixth.	5,068	.40	2,027	2,000	Threlkeld School.
1244	Part of 130	West 20.50 feet	3,116	.30	935		
	131		10,640	.30	3,192	40,000	Curtis School.
	Part of 132	East half	5,320	.30	1,596		
	Part of 132	West half	5,320	.30	1,596		
	Part of 153	East 13 feet	1,950	.30	585		
	154		10,500	.30	3,150	20,000	Addison School.
1255	Part of 180	East 37 feet	4,625	.35	1,619	3,000	Pump house.
	Part of 181	West 27 feet	4,050	.30	1,215		
	Part of 181	East 43 feet	6,450	.30	1,935	15,000	Seventh precinct police station.
	Part of 182	West 28 feet	4,200	.30	1,260		
1264	87		5,640	.10	564		Public school.
1277	Part of 21	Background	2,500	.06	150		
	24		5,000	.20	1,000	12,000	Truck E.
1279	Part of 208	North 192 feet	7,296	.35	2,554	1,500	High (street) School,
1282	Sub. 14		17,825	.35	6,239	20,000	Jackson School.
1293	Sub. 1		2,500	.50	1,250		
	Part of 2	West 70 feet	12,600	.10	1,260		
	Sub. 3		2,500	.45	1,125		
	Sub. 4		2,500	.40	1,000		
	Sub. 5		2,500	.40	1,000		
	Sub. 6		2,500	.40	1,000		
	Sub. 7		2,500	.40	1,000		
	Sub. 8		3,440	.10	344		
	Sub. 9		7,200	.10	720		
	Sub. 10		7,200	.10	720		
	Sub. 11		7,200	.10	720		
	Sub. 12		7,200	.10	720		
	Sub. 13		8,400	.10	840		
	Part	268.67 feet, T street	48,359	.10	4,836	60,000	Western High School.
1297	Part of sub. B	South 100 feet	18,204	.12	2,184	15,000	Fillmore School.
1299	259		182,028	.04	7,281		
	260		128,898	.05	6,445	35,000	Poorhouse and Industrial School.

District of Columbia property exempt in Washington County, general assessment 1902-3.

Plat.	Location.	Lot.	Front feet.	Acres.	Square feet.	Rate.	Ground.	Improvements.	Name assessed.
2	Burleath, block 132	Sub. 1			9,255	$0.05	$463		District of Columbia.
		Sub. 3			3,085	.05	154		Do.
		Sub. 4			3,370	.05	169	$500	Do.
		Sub. 5			2,800	.05	140		Do.
	Conduit road			0.25	10,890	.03	327	500	On United States land (school).
	Wisconsin avenue				1,600	.05	80		District of Columbia (powder house).
	Tunlaw road			1	43,560	.02	871		District of Columbia (school).
	Whitehaven, C. and H.:								
	Block 1	23			10,002	.02	200		District of Columbia.
	Block 1	24			10,284	.02	206		Do.
	Block 1	25			14,344	.02	287		Do.

District of Columbia property exempt in Washington County, general assessment 1902-3—Continued.

Plat.	Location.	Lot.	Front feet.	Acres.	Square feet.	Rate.	Ground.	Improvements.	Name assessed.
2	Whitehaven, C. and H.—Con.								
	Block 1	26			8,852	$0.02	$177		District of Columbia.
	Block 1	27			7,518	.02	150		Do.
	Block 1	28			7,647	.02	153		Do.
	Block 1	29			7,775	.02	156		Do.
	Block 1	30			7,903	.02	158		Do.
	Block 1	Part of 31	25		4,928	.02	99		Do.
	Block 1	Part of 32	25		5,039	.02	101		Do.
	Block 1	Part of 33	25		5,147	.02	103		Do.
	Block 1	Part of 34	25		5,250	.02	105	$4,000	District of Columbia (school).
	Block 1	Part of 35	25		5,359	.02	107		District of Columbia.
	Block 1	Part of 36	26.74		7,546	.02	151		Do.
3	Chain Bridge road			0.50	21,780	.02	436	300	District of Columbia (school).
4	Wisconsin avenue			1	43,560	.05	2,178	11,000	District of Columbia (Tennallytown School).
	Murdock's	Part of 3		.10	4,747	5.00	50		District of Columbia.
	Grasslands and Dumblain, block 10.	Part		.10	4,601	.10	460	9,500	District of Columbia engine house (chemical No. 3).
5	Grant road			1	43,560	.03	1,307	800	District of Columbia (school).
	Near Grant road	Part of 14	North, 227.50 feet	.55	24,226	.02	485		District of Columbia.
		Part of 15	do	.52	22,472	.02	449		Do.
	Connecticut avenue			.91	39,640	.05	1,982	5,000	District of Columbia (school).
	Wisconsin avenue			.10	4,747	.03	142		
	Giles Dyer estate	5		1	43,560	.03	1,307	55,000	District of Columbia (reservoir).
	do	6		1	43,560	.03	1,307		Do.
	Reno:								
	Block 8	29			2,500	.03	75		District of Columbia.
		30			2,500	.03	75		Do.
		31			2,500	.03	75		Do.
		32			2,500	.03	75		Do.
	Block 13	14½			1,280	.04	51		Do.
		27½			1,867	.04	75		Do.
7	Military road			$0.50	21,780	.01	218	200	Do.
8	High street extended			8		1,000.00	8,000	19,000	Industrial Home School.
9	Todd and Brown:								
	Block 3	6			7,500	.15	1,125		Contagious hospital site.
		7			7,500	.15	1,125		Do.
		22			7,500	.15	1,125		Do.
		23			7,500	.15	1,125		Do.
	Block 6	3			7,500	.15	1,125	18,000	District of Columbia (school).
		4			7,500	.15	1,125		District of Columbia.
	Block 7	18			7,500	.15	1,125		Do.
		19			7,500	.15	1,125	16,000	District of Columbia (Bruce School).
		20			7,500	.15	1,125		District of Columbia.
		21			7,500	.15	1,125		Do.
	Block 10	Part of 20	East half		3,750	.15	563		Do.
		21			7,500	.15	1,125	13,000	District of Columbia (police station).
	Columbia Heights:								
	Block 22	12			7,813	.30	2,344	18,000	District of Columbia (Hubbard School).
		13			7,813	.30	2,344		District of Columbia.
		Part of 14	West 20 feet		3,125	.30	938		Do.
	Block 36	Part of 13	North 35.11 feet		6,238	.50	3,119	8,000	District of Columbia (engine house No. 11).
	Block 37	12			9,770	.45	4,397	10,700	District of Columbia (truck F).
	S. P. Brown's sub., block 3	5			25,530	.25	6,383	17,000	District of Columbia (school).
	Meridian Hill:								
	Block 10	23			7,500	.15	1,125	20,000	District of Columbia (Wilson School).
		24			7,500	.15	1,125		District of Columbia.
	Block 12	Part of 3	Background		466	.15	70		Do.
		Part of 4	do		525	.15	79		Do.
		Part of 5	do		1,205	.15	181		Do.
		Part of 6	do		1,030	.15	155		Do.
		Part of 7	do		70	.15	11		Do.
		Part of 8	do		368	.15	55		Do.
	Washington Heights, block 8	12			7,374	.50	3,687		Do.
		Sub. 64			1,599	.45	720		Do.
		Sub. 65			2,585	.45	1,163		Do.
		Sub. 66			2,320	.45	1,044	25,000	District of Columbia (Morgan School).
		Sub. 67			2,320	.45	1,044		District of Columbia.
		Sub. 68			2,320	.45	1,044		Do.
		Sub. 69			2,320	.45	1,044		Do.
		Sub. 70			2,320	.45	1,044		Do.
10	Piney Branch road			.18	7,948	.02	159		Do.
				2.61		900.00	2,349		District of Columbia (embraced in middle reservoir).
				6.40		900.00	5,760	235,000	Do.
11	Brightwood avenue			.27	11,761	.06	706	8,000	District of Columbia (chemical engine house No. 2).
				15.82		1,000.00	15,820	100	District of Columbia (hospital site).
				16.71		1,000.00	16,710		Do.
12	Brightwood avenue			.42	18,234	.05	912	18,000	District of Columbia (Brightwood School).
	Rock Creek Ford road			.50	21,780	.01	218	200	District of Columbia (school).
	Military road			1	43,560	.03	1,307	2,500	Do.
13	Blair road			.50	21,780	.02	150	300	Do.
	Brightwood avenue			.70	30,492	.03	915	11,500	Do.
	Chillum Castle				13,806	.02	276		District of Columbia.
	Manor, block 7	1			8,368	.02	167	6,000	District of Columbia (school).
		2			6,977	.02	140		District of Columbia.
		3			8,085	.02	162		Do.
		4			9,194	.02	184		Do.
		5			7,500	.02	150		Do.
		6							
14	Petworth:								
	Block 1	All			8,403	.15	1,260		District of Columbia (public reservation).
	Block 3	do			689	.15	103		Do.
	Block 26	Sub. 18			5,270	.10	527		District of Columbia.
		Sub. 19			5,270	.10	527		Do.
		Sub. 20			5,270	.10	527		Do.
		Part of sub. 21	East 15 feet		2,325	.10	233		Do.
	Block 33	All			2,060	.15	309		District of Columbia (public reservation).
	Block 46	do			1,996	.02	40		Do.
	Block 60	do			1,996	.02	40		Do.
	Block 65	do			1,996	.03	60		Do.

District of Columbia property exempt in Washington County, general assessment 1902-3—Continued.

Plat.	Location.	Lot.	Front feet.	Acres.	Square feet.	Rate.	Ground	Improvements.	Name assessed.
	Petworth—Continued.								
14	Block 71	Lot			2,251	$0.04	$90		District of Columbia (public reservation).
	Block 76	do			2,000	.08	160		Do.
	Block 82	do			1,996	.08	160		Do.
	Block 95	do			2,510	.03	75		Do.
	Block 111	do			1,741	.10	174		Do.
15	Lincoln avenue			0.03	1,354	1,500.00	45		District of Columbia.
	Bloomingdale, block 11	1			5,000	.35	1,750	$9,000	District of Columbia (engine house No. 12).
	Le Droit Park addition:								
	Block 25	Part of 23	West 12.65 feet, Trumbull street; 16.07 feet next east 2 feet, Albany street.		1,292	.05	65		District of Columbia.
		Part of 24	East 3.36 feet, Trumbull street.		76	.05	4		Do.
	Block 27	All			67,735	.10	6,774		Do.
	Block 32	11			2,245	.20	449		Do.
		12			2,281	.20	456		Do.
		13			2,315	.20	463		Do.
		14			2,353	.20	471		Do.
		15			2,388	.20	478		Do.
		16			2,453	.20	491		Do.
		20			2,023	.15	303		Do.
		21			2,000	.15	300		Do.
		22			2,000	.15	300		Do.
		23			2,000	.15	300		Do.
		24			2,000	.15	300		Do.
		25			2,000	.15	300		Do.
	Dock 34	Part of 5	16.07 feet next east 1.07		2,008	.05	100		Do.
		Part of 6	Background		950	.05	47		Do.
	Howard University:								
	Block 3	Part of 8	60 feet next south 151.25 feet.		9,075	.35	3,176	10,000	District of Columbia (school).
		Part of 9	60 feet		9,075	.35	3,176		District of Columbia.
	Block 16[a]							600,000	Pumping station.
		22			7,500	.15	1,125		District of Columbia.
		23			7,500	.15	1,125		Do.
		24			7,500	.15	1,125		Do.
16	Rock Creek Church road			1	43,560	.03	1,307	1,000	District of Columbia (school).
18	Queen's Chapel road			1	46,522	.02	930	6,800	District of Columbia (Langdon School).
	Cuckhild's Delight	Part of sub. 6		1	43,731	.02	875	2,000	District of Columbia (school).
	Granby	Part of 40		.63	27,241	.01	272	500	Do.
19	West Eckington, block 8	21			2,700	.35	945	18,000	District of Columbia (Eckington School).
		22			1,800	.30	540		District of Columbia.
		23			1,800	.30	540		Do.
		24			1,800	.30	540		Do.
		25			1,800	.30	540		Do.
		26			1,800	.30	540		Do.
		27			1,800	.30	540		Do.
	Keating's	2			10,706	.15	1,606	32,000	District of Columbia (Emory School).
		3			10,311	.20	2,062	1,000	District of Columbia.
	Brookland:								
	Block 13	9			7,500	.10	750	18,000	District of Columbia (school).
		10			7,500	.08	600		District of Columbia.
		11			7,500	.08	600		Do.
	Block 22	18			7,500	.06	450	8,500	District of Columbia (chemical company No. 4).
	Ivy City, block 6	41			3,600	.02	72		District of Columbia (colored school).
		42			3,600	.02	72	1,500	Do.
20	Columbia Pike			.75	32,670	.04	1,307	4,000	District of Columbia (Hamilton School).
	Trinidad, block 4	17			9,000	.20	1,800	2,000	District of Columbia (Wheatley School).
		18			7,500	.10	750		District of Columbia.
		19			7,500	.10	750		Do.
		20			7,500	.10	750		Do.
	Rosedale, block 28	Sub. 36			4,009	.25	1,002		Do.
		Sub. 37			2,400	.20	480		Do.
		Sub. 38			2,400	.20	480		Do.
		Sub. 39			2,400	.20	480	18,000	District of Columbia (Webb School).
		Sub. 40			2,400	.20	480		District of Columbia.
		Sub. 41			2,400	.20	480		Do.
		Sub. 42			2,400	.20	480		Do.
22	Anacostia road			1	43,560	.02	871	4,000	District of Columbia (Bennings School).
	Kenilworth addition, block 5	61			2,144	.03	64		District of Columbia.
		62			3,000	.03	90		
		63			3,000	.03	90	18,000	District of Columbia (school).
		64			3,000	.03	90		District of Columbia.
		65			3,000	.03	90		Do.
		66			2,257	.03	68		Do.
		67			2,199	.03	66		Do.
		68			2,230	.03	67		Do.
23	Burrville, section 3, block 5	46			2,500	.01	25		Do.
		47			2,500	.01	25		Do.
		48			2,500	.01	25		
		49			2,500	.01	25		Do.
		50			2,500	.01	25	1,500	District of Columbia (school).
		51			2,500	.01	25		District of Columbia.
24	Anacostia road			1	43,560	.01	436	800	District of Columbia (school).
	Benning road			.50	21,780	.02	436	2,000	Do.
25	Bowen road			.50	21,780	.03	653	2,000	Do.
26	Anacostia road—Eighteenth street extended.			.23	10,000	.03	301	3,000	District of Columbia (pumping station).
	Hamilton road			1	43,560	.02	871	3,500	District of Columbia (school).
				3.05	133,005	.01	1,330		District of Columbia (Good Hope School).
	Twining City, block 4	47			3,750	.02	75		District of Columbia.
		48			3,750	.02	75		Do.
		49			3,750	.02	75	18,000	District of Columbia (Orr School).
		50			3,750	.02	75		District of Columbia.
		51			3,558	.02	71		Do.

[a] Lands assessed in the name of the United States.

District of Columbia property exempt in Washington County, general assessment 1902-3—Continued.

Plat.	Location.	Lot.	Front feet.	Acres.	Square feet.	Rate.	Ground	Improvements.	Name assessed.
26	Barry farm: Block 7	Part of 1	South 141.82 feet		24,686	$0.02	$494	$3,000	District of Columbia (school).
		Part of 2	North 41.58 feet, Nichols avenue.		7,301	.025	183		Do.
	Block 9	1			43,560	.04	1,742	25,000	Do.
	Uniontown	187			3,120	.09	281		District of Columbia.
		188			3,120	.09	281		Do.
		189			3,120	.09	281		Do.
		190			3,120	.09	281	20,000	District of Columbia (Van Buren School).
		191			3,120	.09	281		District of Columbia.
		206			3,120	.08	250		Do.
		207			3,120	.08	250		Do.
		208			3,120	.08	250	6,000	District of Columbia (Van Buren School Annex).
		209			3,120	.08	250		District of Columbia.
		210			3,120	.08	250		Do.
		Part of 218	East 11 feet		1,430	.08	114		Do.
		219			3,120	.12	374	7,000	District of Columbia (engine house No. 15).
27	Nichols avenue			2.47	107,593	.03	3,228	12,000	District of Columbia (school).
	Randle Park, block 1	2			7,500	.04	300	15,000	District of Columbia (chemical engine house No. 5).
30	Bellevue	1		28.46		70.00	1,992		District of Columbia.
		4		32.48		70.00	2,274	400	Do.
		Part of 5		25.44		125.00		3,180	Do.
		Part of 7		30.10		70.00	2,107		Do.
		8		55.65		80.00	4,452	300	Do.
		9		49.92		70.00	3,494		Do.
		Part of 10		34.20		80.00	2,736		Do.
		11		1		70.00	70		Do.

EXHIBIT F.

FEBRUARY 19, 1906.

Hon. HENRY L. WEST,
Commissioner, District of Columbia.

SIR: Referring to the expense of maintaining the Metropolitan police force of the District of Columbia, in response to your direction for report, I respectfully beg leave to state that the police jurisdiction embraces the entire territory of the District, about 70 square miles in extent, and including 700 linear miles of streets and alleys and —— linear miles of roads. The territory includes the cities of Washington and Georgetown and numerous towns and villages, all well populated, the density of population gradually decreasing in the direction of the boundary lines or contiguous States of Maryland and Virginia, and the police distribution is made to conform to the requirements of the population and valuable improvements contained therein.

For the fiscal year 1904, the expenses of the department, including clerks, messengers, drivers, fuel, contingent and miscellaneous expenses, and rent of police headquarters and substation house, were	$812,245
For sake of comparison with the larger cities it is fair to deduct rental of buildings, for on a general proposition most of the municipalities own their police houses. This decrease would be	2,880
Leaving as the expense	810,365

Washington and Georgetown contain a population of 259,100, the county or suburban section of the District of Columbia a population of 64,223. Thus it will be observed that there is a large population outside of the cities of Washington and Georgetown requiring police protection. In addition to the citizens and their families included in this population may be found such valuable properties as the American University, Soldiers' Home, Government Hospital for the Insane, Naval Observatory, Methodist University, Episcopal University, and the various street railway improvements and parks.

The roads leading to the various towns, villages, and institutions are patronized not only by our own people, but by distinguished officials and visitors whose welfare must be guarded. There are in addition several bridge approaches which must be looked after, as they furnish means of escape for disorderly and criminal characters to outside jurisdictions.

The most emphatic argument in favor of considering the whole District of Columbia in connection with the expense for police service is shown by the following list of towns and villages with population, the roads and avenues leading to and from the same being necessarily largely patronized:

List of towns and villages, with population.

Name of town.	White.	Colored.	Total.
Anacostia	3,349	140	3,489
Hillsdale	131	2,315	2,446
Twining City	481	20	501
Congress Heights	746	3	749
East Washington Park	60		60
Good Hope	118	18	136
Garfield	23	592	615
Giesboro	160	18	178
Shepard's	44	16	60
United States Government Hospital for the Insane	2,401	503	2,904
Tennallytown	987	393	1,380
Cleveland Park	282	59	341
American University Park	64	1	65
Wesley Heights	17		17
County:			
Eighth precinct	7,032	4,172	11,204
Ninth precinct	1,576	141	1,717
Kendall Green	219	47	266
Trinidad	1,470	661	2,131
Benning	452	263	715

List of towns and villages, with population—Continued.

Name of town.	White.	Colored.	Total.
Kenilworth	206	122	328
Beanwood	33	284	317
Burrville	4	195	199
Central Heights	49	2	51
Fairmont		12	12
Glendale	9	42	51
Lincoln		120	120
Central Avenue	10	2	12
Chesapeake Junction		48	48
Ivy City	116	286	402
Montello	62	41	103
Winthrop	79	9	88
Langdon	548	5	553
Cottage Place	59		59
Reform School	172	190	362
Avalon Heights	137		137
Greenvail	87	12	99
Blair	13	14	27
Kalorama	331	63	394
Tuttles	168	32	200
Washington Heights	561	129	690
Littles	297	50	347
Clifbourne	246	49	295
Com. subdivision	800	118	918
Columbia College	564	36	600
University Park	348	34	382
Columbia College, South	845	44	889
Sherman subdivision	245	24	269
Mount Pleasant	1,455	122	1,577
Ingleside	194	38	232
Dennison subdivision	199	10	209
Meridian Hill	469	1,202	1,671
Lanier Heights	329	45	374
Columbia Heights	2,938	308	3,246
Holmead Manor	946	67	1,013
Purner's	125	4	129
Todd & Brown's	1,649	830	2,479
Wright & Dole	411	595	1,006
Petworth	430	12	442
Gass's subdivision	231	3	234
Whitney Close	119	1	120
Bellevue	399	59	458
Schuetzen Park	6		6
Howard University	186	661	847
Barbour & Moore	873	10	883
Dobbins's subdivision	212	1	213
Filtration Plant	78	15	93
Prospect Hill and Glenwood	15		15
Trinity College	113	7	120
United States Soldiers' Home	985	50	1,035
Woodburn Station	39	58	97
Stotts Station	96	22	118
Lamond Station	94	55	149
Takoma	304	78	382
Brightwood Park	656	31	687
Brightwood subdivision	407	101	508
North Columbia Heights	102	28	130
Eckington	322	28	350
Edgewood	233	4	237
Metropolis	84	4	88
West Brookland	102	1	103
South Brookland	466	82	548
Sherwoods	139		139
Brookland	753	75	828
University Heights	252	4	256
Rock Creek Park	13		13

The population of the roads intervening between these places is 5,972.

It is quite evident that the police force has extensive life and property interests outside of the city of Washington to supervise and protect, aside from the people and traffic which is constantly carried on with the surrounding population and interests.

The river must be patrolled 7 miles below the city proper, 3 miles front and the Anacostia Branch, in all about 12 miles, which necessitates an expenditure as follows: One lieutenant, foot privates, boat, miscellaneous expenses—$13,140.

Within the city of Washington are located those important and distinguished official interests which are to be found in no other American city, the homes and official quarters of the President, Cabinet officers, Supreme Court, Senators, Representatives, and foreign legations.

It can not be questioned but that every freedom from annoyance should be afforded these persons and their residences. Experience warrants that special precautions be taken by the police to insure them against embarrassment or molestation; this in the absence of any other provision having been made. Aside from their official stations they are our distinguished citizens and residents.

Not writing as an alarmist, but that you may more fully appreciate the situation, the offices and homes of some of these prominent people are known to have been intruded upon and assaults have been committed by irresponsible persons with whom the police must deal. When the records show that 605 individuals said to have been suffering from mental impairments have been investigated by the police in the past year, 406 of whom were admitted to the Government Hospital for the Insane, some idea of the responsibility and delicacy of the situation may be had.

Proceeding, therefore, on the basis that the entire District of Columbia should be considered in comparing the police expense, and that unusual and superior intelligence is required of the agents within the city of Washington, which does not enter into conditions elsewhere, and, bearing in mind the further social conditions which do not prevail in northern cities, the expense in detail and its distribution will be considered.

In the District outside of Washington, which includes nine of the towns first mentioned and the Government Hospital for the Insane, with a population of 11,591 persons, the police detail is as follows: Two sergeants (mounted), seven privates (mounted), fourteen foot privates, two desk sergeants, two drivers, one laborer (two reliefs in twenty-four hours, or about nine men on duty at one time, and reserve duty)—$28,080.

In the District outside of Washington, which includes four more of the towns previously enumerated, two bridges and Rock Creek Park, reservoir, National Park, with a population of 5,198, police detail is as follows: Two sergeants (mounted), twelve mounted privates, fourteen foot privates, one desk sergeant, one laborer (three reliefs in twenty-four hours, or about nine men on duty at one time, and reserve duty)—$33,900.

In the District outside of Washington, which includes twenty towns and subdivisions previously enumerated, with railways, etc., and a population of 8,198, the police detail is as follows: Two sergeants (mounted), ten mounted privates, nine foot privates (three reliefs in twenty-four hours, or about seven men on duty at one time, and reserve duty)—$24,780.

In the District outside of Washington, which includes forty-nine towns and subdivisions previously mentioned, and a population of 27,693, the police detail is as follows: One lieutenant, three sergeants, forty-five foot privates, two sergeants (mounted), twelve mounted privates, two desk sergeants, two drivers, two laborers (three reliefs in twenty-four hours, or about seventeen men on duty at one time, three men detailed in the city and reserve duty)—$68,120.

The details made by order of the Commissioners to the police court, workhouse, health office, District building, etc., further diminishes the amount of cost. In their stead baliffs and watchmen should be employed—$25,320.

To the above should be added miscellaneous expenses—probably $12,000.

The many regulations promulgated by the Commissioners under the authority of Congress, which do not prevail elsewhere, require an active, constant, and intelligent work on the part of the force, and which accounts for the large number of arrests. The last year there were 32,016 cases of arrest, most of which were for misdemeanors or petty offenses, and the same percentage would hold good for 1904.

1904.

City.	Area.	Cost.	Arrests, 1902.	Additional force wanted.	Cost per square mile.
	Sq. miles				
District of Columbia	70	$810,365	29,543	50	$11,576
St. Louis	62	1,948,864	25,524	----	31,111
Boston	43	1,758,420	34,732	200	43,219
Baltimore	31	1,059,046	31,423	100	34,162
Buffalo	42	787,613	18,716	----	18,780
Pittsburg	28	620,000	----	100	22,142
Newark	18	509,644	6,626	100	28,313

1905.

City.	Area.	Population.	Cost.	Cost per square mile.	Arrests, 1902.
	Sq. miles				
District of Columbia	70	323,000	$812,170	$11,602	29,543
Cincinnati	42	400,000	807,856	14,473	12,749
Detroit	29	350,000	627,255	21,698	8,978
Milwaukee	22	312,000	382,356	16,971	5,066
Jersey City	12	235,000	437,000	36,416	----

There are 373 private watchmen employed on the inside of Government buildings—State, War, and Navy, Interior, and other Departments—who change watch. But twenty-five of these perform outside duty, those at the Smithsonian Institution and Agricultural Department, where they have large grounds, and over all of which the police exercise jurisdiction, including the parks. The exterior of all Government property is supervised by the Metropolitan police. Watchmen are employed in the large office buildings of the Government, as they are in all large buildings in the principal cities of the country.

If the cases of arrest are in anywise considered to indicate the work required of the force in the District, it is by far the least expensive in the country.

Very respectfully,

RICHARD SYLVESTER,
Major and Superintendent.

HEADQUARTERS OF THE METROPOLITAN POLICE DEPARTMENT,
Washington, March 6, 1906.

Hon. HENRY L. WEST,
Commissioner, District of Columbia.

SIR: The police force of the District of Columbia consists of 692 officers and privates, divided according to the following table:

	Major and superintendent.	Captain and assistant superintendent.	Captains.	Lieutenants.	Sergeants.	Privates.	Total.	Privates.					
								Sick.	With leave.	Suspended.	Detailed.	Post duty.	Patrol duty.
Headquarters	1	1	4	1	----	20	27	----	----	----	----	----	----
Precincts:													
First	----	----	----	1	4	66	71	3	6	----	11	12	34
Second	----	----	----	1	3	57	61	4	2	----	9	3	39
Third	----	----	----	1	3	67	71	2	2	----	9	3	51
Fourth	----	----	----	1	4	55	60	1	3	1	11	8	31
Fifth	----	----	----	1	5	74	80	1	2	----	13	4	54
Sixth	----	----	----	1	4	61	66	1	5	----	15	7	33
Seventh	----	----	----	1	6	63	70	5	5	----	9	13	31
Eighth	----	----	----	1	2	49	52	3	2	1	5	4	34
Ninth	----	----	----	1	4	63	68	1	4	----	9	12	37
Tenth	----	----	----	1	5	59	65	1	2	----	4	16	35
Vacancy	----	----	----	----	----	[a]1	[a]1	----	----	----	----	----	----
Total	1	1	4	11	40	635	692	22	33	2	95	82	380

[a] Including twenty detectives and not including twenty-two station clerks or desk sergeants.

The officers and privates are paid as follows:

1 major and superintendent		$4,000
1 captain and assistant superintendent		1,800
4 captains	each	1,500
11 lieutenants	do	1,320
40 sergeants	do	1,140
265 privates of class 2	do	1,080
370 privates of class 1	do	990

Very respectfully,

RICHARD SYLVESTER,
Major and Superintendent.

EXHIBIT G.

Debt of the District of Columbia.

DEBT.

As shown by detailed statement marked "A," the funded debt of the District of Columbia on June 30, 1905, as shown by the report of the Treasurer of the United States as ex-officio commissioner of the sinking fund, and verified by the books kept in this office, was	$12,051,350.00
The unfunded actual indebtedness due to the United States on June 30, 1905, as set forth in detail in statement "C," and also shown by the statement of the revenue account of the District of Columbia by the Auditor for the State and other Departments, and by the auditor of the District, made pursuant to law, was	2,240,030.14
Total debt of the District of Columbia, funded and unfunded, on June 30, 1905	14,291,380.14

STATEMENT A.—*Funded debt, District of Columbia.*

District of Columbia, account of bonded indebtedness	$12,051,350.00
District of Columbia registered 3.65 per cent $1,000 bonds	528,000.00
District of Columbia registered 3.65 per cent $5,000 bonds	10,880,000.00
District of Columbia 3.65 per cent coupon bonds, $50 and $500 bonds	643,350.00
Total	12,051,350.00

Unsigned bonds.

District of Columbia 3.65 per cent coupon bonds, $50 each	$450.00
District of Columbia 3.65 per cent coupon bonds, $500 each	41,000.00

STATEMENT C.—*Account of the District of Columbia with the Treasury of the United States for advances from appropriations payable wholly and in part from its revenues, with interest thereon, and receipts from all sources (other than trust and special funds), deposited in the Treasury of the United States, for the fiscal year ended June 30, 1905.*

	Detail.	Total.	Grand total.
BALANCES.			
Amount due the United States from the District of Columbia on account of advances under the acts of Feb. 11, 1901, and July 1, 1902, in excess of revenues to meet appropriations chargeable to the District of Columbia for the fiscal years that follow:			
Fiscal year 1901	$220,182.57		
Fiscal year 1902	1,539,055.77		
	1,759,238.34		
Interest computed for the fiscal year 1903, at 2 per cent per annum, as required by the act of July 1, 1902, on the above $1,759,238.34, the actual indebtedness of the District of Columbia July 1, 1902, for advances made by the United States on account of appropriations charged to said District in excess of the revenues thereof	35,184.76		
	1,794,423.10		
Surplus of receipts over advances for the fiscal year 1903	140,905.59		
Amount due the United States from the District of Columbia July 1, 1903, on account of advances to that date, in excess of the revenues, to meet the proportionate part of appropriations charged to the District of Columbia	1,653,517.51		
Interest computed for the fiscal year 1904, at 2 per cent per annum, as required by the act of March 3, 1903, on the above $1,653,517.51, the actual indebtedness of the District of Columbia July 1, 1903, for advances made by the United States on account of appropriations charged to the revenues of said District in excess of the revenues thereof	33,070.35		
	1,686,587.86		
Surplus of receipts over advances for the fiscal year 1904	336,926.17		
Amount due the United States from the District of Columbia July 1, 1904, on account of advances to that date in excess of the revenues to meet the proportionate part of appropriations charged to the District of Columbia		$1,349,661.69	
ADVANCES.			
Total amount advanced by the United States on account of appropriations payable wholly and in part from the revenues of the District of Columbia during the fiscal year ended June 30, 1905, on account of:			
Requisitions on the Treasurer of the United States	11,696,231.69		
Transfers between District of Columbia appropriations: Settlement transfers debiting District of Columbia appropriations	45,436.76		
Transfers to District of Columbia trust and special funds: Settlement transfers debiting District of Columbia appropriations	38,263.41		
Transfers to United States appropriations: Settlement transfers debiting District of Columbia appropriations	256,131.05		
Direct settlements made by the United States Treasury Department: Debiting District of Columbia appropriations	34,855.13		
Total advances and charges made by transfers and settlements on account of District of Columbia appropriations during the fiscal year 1905	12,070,918.04		

STATEMENT C.—*Account of the District of Columbia with the Treasury of the United States, etc.*—Continued.

	Detail.	Total.	Grand total.
ADVANCES—continued.			
Proportion of the above advances and charges to District of Columbia appropriations during the fiscal year 1905, charged to the revenues of the District of Columbia, as follows:			
Requisitions on the Treasurer of the United States	$5,907,309.95		
Transfers between District of Columbia appropriations: Settlement transfers debiting District of Columbia appropriations	22,718.38		
Transfers to District of Columbia trust and special funds: Settlement transfers debiting District of Columbia appropriations	19,131.70		
Transfers to United States appropriations: Settlement transfers debiting District of Columbia appropriations	128,065.53		
Direct settlements by the United States Treasury: Debiting District of Columbia appropriations	17,427.56		
Total proportion of advances and charges made on account of the District of Columbia appropriations during the fiscal year 1905, charged to the revenues of the District of Columbia		$6,094,653.12	
Interest computed for the fiscal year 1905, at 2 per cent per annum, as required by the act of April 27, 1904, on $1,349,661.69, the actual indebtedness of the District of Columbia July 1, 1904, for advances made by the United States on account of appropriations charged to the revenues of said District in excess of the revenues thereof		26,993.23	
Total to June 30, 1905, charged to the revenues of the District of Columbia			$7,471,308.04
RECEIPTS.			
Revenues collected by the collector of taxes of the District of Columbia and by him deposited in the Treasury of the United States, as verified by his daily reports audited in this office		4,842,064.35	
Receipts from sundry sources forming part of the revenues of the District of Columbia, deposited directly in the Treasury of the United States:			
By the recorder of deeds, surplus fees	3,037.64		
By the register of wills, surplus fees	.95		
One-half of proceeds derived from sales of old material by the warden of the jail	87.54		
One-half of proceeds of sale of old material by the recorder of deeds	45.31		
One-half of proceeds derived from sale of old material by the Girls' Reform School, District of Columbia	3.95		
One-half of amount of cash which remained to the official credit of the treasurer of the Washington Hospital for Foundlings, arising from the difference between audited claims and checks issued thereon	.28		
Amount of surplus deposit to the credit of the police relief fund, District of Columbia, derived from police court fines, in excess of the amount required to pay policemen's pensions for the fiscal year 1905	40.00		
One-half of proceeds derived from sale of farm products and work of shops at Reform School, District of Columbia	2,364.52		
Total revenues from sundry sources		5,580.19	
Total revenues deposited during the fiscal year 1905 to the credit of the general fund of the District of Columbia		4,847,644.54	
Total repayments to District of Columbia appropriations during the fiscal year 1905	658,358.49		

STATEMENT C.—*Account of the District of Columbia with the Treasury of the United States, etc.*—Continued.

	Detail.	Total.	Grand total.
RECEIPTS—continued.			
Transfers between District of Columbia appropriations: Settlement transfers crediting District of Columbia appropriations	$45,436.78		
Transfers from District of Columbia trust and special funds: Settlement transfers crediting District of Columbia appropriations	34,339.80		
Total repayments and credit transfers made on account of District of Columbia appropriations during the fiscal year 1905	738,135.05		
Proportion of the above repayments and settlement transfers during the fiscal year 1905 credited to the District of Columbia on account of:			
Repayments to appropriations	340,443.15		
Transfers between District of Columbia appropriations: Settlement transfers crediting District of Columbia appropriations	22,741.19		
Transfers from District of Columbia trust and special funds: Settlement transfers crediting District of Columbia appropriations	17,199.72		
Total proportion of repayments and settlement transfers credited to the District of Columbia during the fiscal year 1905		$380,384.06	
Advances made on account of the appropriation for buildings, Freedmen's Hospital, District of Columbia, the proportion of which heretofore charged to the revenues of the District is, under the provisions of the sundry civil act approved Mar. 3, 1905, to be credited to said revenues:			
Total advances made on account of the appropriation for buildings, Freedmen's Hospital, District of Columbia	6,948.60		
Less amount of repayment to said appropriation	450.00		
Net amount of advances from the appropriation for buildings, Freedmen's Hospital, District of Columbia	6,498.60		
Proportion of the above net advances from the appropriation buildings, Freedmen's Hospital, District of Columbia, credited to the District of Columbia		3,249.30	
Aggregate of revenues and credits to the District of Columbia during the fiscal year 1905			$5,231,277.90
Actual deficiency in the receipts from revenues of the District of Columbia and its proportionate share of repayments and sundry credits to meet the advances made by the United States Treasury on account of the proportionate part of appropriations charged to said District during the fiscal year ended June 30, 1905			2,240,030.14

Mr. CLARK of Florida. Mr. Chairman, in all communities one of the objects of most tender consideration and solicitude is the maintenance and care of those of our fellow-citizens who unfortunately have become bereft of their reason. In all of the States and Territories institutions have been established and are maintained at great expense for the care of these unfortunates. The United States Government as a government maintains two—and, I belive, two only—of these institutions. One is located in the Indian Territory and the other is located in the District of Columbia.

I have taken the floor for the purpose of calling attention to the one located in the District of Columbia, known as St. Elizabeth's Hospital for the Insane. I think, Mr. Chairman, from facts in my possession it is time that the Congress of the United States knew something of the management, the control, and the conduct of this institution. At every session of Congress large sums of money are appropriated for its maintenance, great sums are annually expended for the care of its inmates. It is peculiarly an institution within the direct control of the Congress. During the month of February past there appeared in the Washington newspapers comments upon the management of this institution. These publications were of such a character that, as a Representative of this body, I felt that it was incumbent upon Congress to investigate that institution and ascertain, at least, whether or no the charges preferred against it were true. On the 18th day of February, 1906, there appeared in the Washington Times an article referring to this institution, which article I send to the Clerk's desk and desire to have read as a part of my remarks.

The Clerk read as follows:

MEDICO-LEGAL SOCIETY PUSHING CAMPAIGN FOR PROPER CARE OF CRIMINAL INSANE—COMMITTEE REPORTS ON ALLEGED CONDITIONS AT ST. ELIZABETH'S—BILL BEFORE CONGRESS—RADICAL CHANGES ARE URGED BY THOSE INTERESTED IN MOVEMENT.

The Medico-Legal Society of the District is waging in Congress a campaign to secure the release of the criminal insane from the Government Hospital for the Insane in this city. The society looks upon the present system as a great wrong to the District and it has high hope that its efforts will meet with success at the present session.

Under the present law three classes of persons are committed to St. Elizabeth's—the indigent insane of the District of Columbia, insane soldiers and sailors of the United States Army and Navy, and the criminal insane of the whole country, who enter the plea of insanity in a Federal court and have it sustained.

PRECEPTS OF BILL.

The bill introduced in Congress last week directs the Attorney-General to transfer the criminal insane now at St. Elizabeth's to State institutions, especially provided for the custody of the criminal insane, and in the future to send such persons directly to such institutions. The bill further provides the Attorney-General shall report to Congress the cost of building a pavilion for the criminal insane within the Federal prison at Atlanta.

The first provision of the bill is designed to give immediate relief; the second suggests a permanent solution of the whole problem.

Dr. Charles M. Emmons, who is taking a deep interest in the movement, says it is in the interest of the insane not criminal, whose misfortunes compel their confinement at St. Elizabeth's. He regards it as wholly unjust in action and wrong in principle.

COMMITTEE REPORT.

Doctor Emmons believes, moreover, that if the criminal insane were confined in a penitentiary, as, he says, they should be, the number of pleas of insanity would be very considerably reduced.

The criminal who knows a plea of insanity will not keep him out of prison—and a real prison—is not so likely to make it.

Dr. Charles M. Emmons and Attorney Richard P. Evans have just submitted their report to the society, and it was given out last night.

The committee disavowed any intention to reflect upon the integrity or ability of Dr. William A. White, the superintendent of the institution, who is an alienist of national reputation.

SOME COMPLAINTS MADE.

In speaking of the discipline at St. Elizabeth's Hospital, the committee says:

"It would appear from complaints and statements made to us that strait-jackets, handcuffs, etc., are in frequent use; that the 'feeding tube' has been upon occasions thrust through the nostril down the throat as a method of punishment and discipline, as well as of alleged necessity; that 'wringing out' by wet towels and 'toweling' with dry towels placed about the patient's neck and twisted from behind until the patient falls over semiconscious (sometimes with soap in the mouth) is not an uncommon practice; that the 'saddle' has been used at times, a contrivance upon which refractory patients are said to be placed in a reclining position, fastened hand, foot, and neck, and so that no movement is possible except to roll the eyes around a circumscribed area of the ceiling, and thus left for hours.

"Kicking and cuffing by attendants for failure to obey orders or do work properly, or for 'taking an extra spoonful of beans' at table, etc., is alleged. An incident is told of an attendant, disturbed at night by a somnambulistic patient, striking him in the mouth and knocking him down, and carrying his own hand in a bandage for several days in consequence; and of another attendant breaking a patient's leg in disciplining him.

MAKE PATIENTS FEAR.

"There are different ways of training a horse—but one attendant made the statement that he was instructed to make patients fear him, as he would a horse, etc., and he commenced doing so, his first day on, by knocking a patient down and choking him, after which 'he had no trouble with that one.'

"Many other like occurrences are reported, but these are more than sufficient, if true, to present a vivid contrast to the methods of gentleness and sympathy carried out in other institutions.

"The committee has no thought or idea that these practices, if they exist, are known to or permitted by the superintendent, but he is a very busy man, and has to leave all details of care and treatment to his subordinates. He personally told a member of the committee that the administrative details of improvements, expenditure of $1,500,000 during past years in new buildings, alterations of heating and lighting plant, landscape gardening, etc., his duties in connection with other hospital plans, calls as an expert alienist to distant points, his literary labors, financial responsibilities, etc., kept him working over hours and left no time for him to give personal medical attention to the patients in the hospital; and in all of the court cases in which the superintendent has testified he stated that he had no personal knowledge of the patients until brought to his attention by the court proceedings.

"The superintendent of the Government Hospital for the Insane and the United States attorney for the District of Columbia hold that the officials of the Soldiers' Homes have unlimited military authority over all who enter said Homes (although these officials are merely civilians and the National Home an incorporated institution); that said officials have delegated to them the authority of the Rules and Articles of War over the inmates of said Homes, and have the right and power to commit them to an insane asylum, at their pleasure, without due process or law, for an indefinite period (frequently for life), and their jurisdiction continues without limitation of term; that these honorably discharged soldiers and sailors have no right to an inquisition into their

sanity by due process of law, and that the courts have no jurisdiction over them because they are not civilians.

LAW IN THE CASE.

"A majority of the judges of the supreme court of the District of Columbia have taken a contrary view of the law, namely, Chief Justice Clabaugh and Justices Anderson, Wright, and Gould.

"Justice Barnard held with them in the Shaffer case, but recently he reversed himself in the case of Jesse Owsley, wherein he held the commitment legal and denied a motion for inquisition by a jury into the sanity of the ex-soldier.

"As stated in the report of Superintendent White, the cases of Alexander N. Willis and James L. Shaffer were decided adversely to the Government by Justices Wright and Barnard, and they were released and discharged, and the district attorney took appeals in both cases to the court of appeals. The records were printed and cases set for hearing at the January term, but on the first day of the term the District attorney, by order of the Attorney-General, dismissed his appeals in both cases.

"The inferences naturally follow that * * * said commitments are unconstitutional; that such honorably discharged soldiers and sailors are American citizens and entitled to due process of law where their liberty is concerned, and that they are not subject to unlimited authority and power of civilian officials, acting under alleged delegated military powers of the Rules and Articles of War, independent of the constitutional rights of the citizen and of the judiciary.

"The Willis case is no doubt exceptional; this is a brief of its history. An old man, but vigorous of body and intellect, prevailed upon to deed valuable property to a relative, with usual promises of support, etc. Drugged in New York, taken thence, unconscious, 1,000 miles to the Soldiers' Home, Milwaukee, Wis.; from there by the lettre de cachet route to St. Elizabeth; there regarded as insane, and his very statement of the facts taken as absolute proof of 'persecutory mania;' punished in the hospital for attempt to secure legal assistance for his release; his pension of $12 per month used by the hospital; his pension of $50 per month, for life, as an old employee of Arnold, Constable & Co., commuted and released by said relative for a cash payment, made to said relative, for $250; penniless and friendless, his prospect for escape from life imprisonment among the insane exceedingly small.

"But a warm-hearted, energetic woman believed his story and enlisted counsel in his behalf; for months an investigation carried on and story proven true; habeas corpus proceedings instituted and his commitment held unconstitutional and illegal by Justice Wright, who stated on the bench 'that one might as well argue that a policeman could be authorized to arrest a citizen, charge him with murder, pronounce him guilty, and hang him to a lamp post;' remanded for six days to give opportunity for the superintendent to have inquisition by due process of law into his sanity, and discharged from custody and from the hospital because of failure of the superintendent to institute such proceedings. Willis was a sane man held for nearly two years, discharged without one dollar of money and without decent clothing.

THE SHAFFER CASE.

"In the Shaffer case, it appears he was too religious to suit the taste of an official in the hospital ward at the Soldiers' Home, who commanded him to stop praying with the sick inmates whom he visited; his refusal occasioned his lettre de cachet to St. Elizabeth; there he showed no signs of insanity, but his requests for discharge were refused and his release by habeas corpus resisted. He is now at home in the Pennsylvania mountains leading a useful life and respected and beloved by his friends and relatives. He also escaped what promised to be a life term, as his case was said to be 'incurable' by the 'expert' in charge. He was assisted to his home by the board of charities. A $20 bill, sent him by a nephew to aid in securing his freedom, in a letter to St. Elizabeth, never reached him.

"These are exceptional cases, of course, but there appear to be others with similar ear marks.

"But how about those who remain—sane or insane?

"Crowded out of the better accommodations by the 'pay patients,' and District 'indigents'—many of whom appear to be wives and feeble relatives of nontaxpaying Government employees—these old soldiers and sailors, for whom the best things of the hospital were intended when it was established, must be content with inferior quarters and vastly inferior food.

THE ALLEGED BULL PEN.

"Most of them, some 500, are confined in what they have christened the 'bull pen,' officially known as 'Atkin's Hall,' under the care and supervision of a very young physician, of about six months' practice previous to his connection with the institution.

"The 'bull pen' is a triangular inclosure of about 3 acres, of which about one-half is occupied by buildings. It is surrounded by brick walls and high paling fences, through which the inmates can be seen tramping wearily back and forth like caged animals, or sitting listlessly awaiting the bell for meals. Some have been there for a decade or over. No occupation, nothing to divert or stimulate their minds, subject to being disciplined for infraction of rules which (although held to be insane), they are required to understand, remember, and obey.

"Forbidden the right to consult counsel, or to be examined by outside physicians; ragged, wretched, and forlorn; with no hope for release prior to the day when 'taps' for them shall sound, and, feet foremost, they may be borne to the dissecting room for the pathologist to carve and pickle and lecture over their still warm though lifeless remains.

"One old soldier stated 'that he was treated as well as any old dog shut up in a back yard, with water to drink and a tough chunk to gnaw on; if he did not attempt to dig out, or jump the fence, or howl at the moon, he was left alone and kept out of trouble; that he never got medicine unless he asked for it when constipated.'"

The following named have been elected officers of the Medico-Legal Society to serve for the ensuing year:

President, Robert Reyburn, M. D.; vice-president, W. D. Hughes, M. D.; secretary, Charles M. Emmons, M. D.; treasurer, C. B. Robinson, D. V. S.; attorney, Richard P. Evans; associate attorney, James E. Padgett.

Mr. CLARK of Florida. Mr. Chairman, that article and others induced me to introduce in this House on the 13th day of February last a bill which provided for the separation of the criminal insane from those who are not criminal. That bill upon its introduction went to the Committee on the Judiciary and has remained there every since. I ask permission to insert in the RECORD, without having it read, a copy of that bill. I desire also, Mr. Chairman, to insert in the RECORD, without consuming the time necessary to read them, an article from the Washington Times, under date of February 19, 1906, an article from the Washington Post, and an article from the Evening Star of the same date.

Mr. GROSVENOR. Mr. Chairman, I understood the gentleman to say that he was going to put in the RECORD certain newspaper articles.

Mr. CLARK of Florida. I have asked permission to insert them in the RECORD without having them read.

Mr. GROSVENOR. I object to that. I desire to have them read.

Mr. CLARK of Florida. I hope the gentleman will not object, because it will consume every bit of my time if I have those articles read.

Mr. GROSVENOR. Does the gentleman from Florida think that it is wise to assail a public institution by anonymous, irresponsible newspaper articles, without even giving the House an opportunity to know what they are?

Mr. CLARK of Florida. I do not agree with the gentleman that the Washington Post, the Washington Times, and the Washington Star are either anonymous or irresponsible.

Mr. GROSVENOR. They are certainly anonymous, because they are not editorial articles, as I understand it.

Mr. CLARK of Florida. They are articles appearing in the news columns, for which they vouch, and for which they are responsible. An action of libel would lie if they did not tell the truth.

Mr. GROSVENOR. Does the gentleman always assume to be true everything that he sees in the newspapers?

Mr. CLARK of Florida. No more than I do what I hear politicians assert at various times.

Mr. GROSVENOR. I suppose the gentleman, not being a politician, of course is not a good judge of what politicians say!

Mr. CLARK of Florida. I think I am a pretty fair judge of politicians. The gentleman has objected. I do not want him to take up all my time, making a speech about it.

Mr. GROSVENOR. I withdraw my objection. We will see what these articles are.

The CHAIRMAN. If there be no objection, the request of the gentleman from Florida will be granted.

There was no objection.

The bill and newspaper articles referred to are as follows:

A bill to remove criminal insane from the Government Hospital for the Insane in the District of Columbia, and for other purposes.

Be it enacted, etc., That from and after the approval of this act no person charged with offense against the United States who shall set up and allege insanity, or become and be insane pending trial therefor, and no person who shall have been convicted of any offense in a court of the United States, and who shall, while imprisoned under such conviction in any prison or penitentiary of any State or Territory, or of the United States, become and be insane, shall be committed in or transferred to the Government Hospital for the Insane in the District of Columbia.

SEC. 2. That within sixty days from and after the approval of this act all such persons named in the preceding section charged with crime and subject to be indicted and tried therefor, or convicted of crime and undergoing sentence therefor, who shall be inmates of and confined in the said Government Hospital for the Insane in the District of Columbia under any transfer or commitment by any authority whatsoever, shall be removed therefrom and transferred to an insane asylum in any State or Territory where there are accommodations for the separate care, custody, and treatment of the criminal insane, to be selected and designated by the Attorney-General of the United States.

SEC. 3. That upon application of the Attorney-General of the United States the Secretary of the Interior be, and he hereby is, authorized and directed to remove and transfer the said insane persons under criminal charge or conviction, as aforesaid, from the Government Hospital for the Insane in the District of Columbia to any insane asylum in any State or Territory that shall be designated by the Attorney-General for their commitment and custody.

SEC. 4. That the Attorney-General of the United States is hereby authorized and directed, in his discretion, to contract with any State or Territory insane or lunatic asylum for the care, custody, and treatment of such insane persons, while remaining so insane and until their removal or discharge, in such amounts as he may deem just and reasonable.

SEC. 5. That the Attorney-General of the United States is hereby authorized and directed to ascertain and report to the Congress the cost of erection and maintenance of a separate pavilion for the care, custody, and treatment of said insane persons, convicted of or charged with offenses against the United States, at the United States penitentiary at Atlanta, in the State of Georgia, or elsewhere outside of the District of Columbia.

SEC. 6. That the necessary money required to effect the purpose of this act is hereby appropriated out of the Treasury of the United States, out of any money not otherwise appropriated by existing law.

SEC. 7. That all law and parts of law inconsistent with the provisions of this act are hereby repealed.

[Washington Times, February 19, 1906.]

DOCTOR WHITE DENIES ABUSE OF INSANE—DECLARES ST. ELIZABETH INMATES WELL TREATED—SAYS HE HAS NOT SEEN ANY BRUTALITY IN FOURTEEN YEARS.

Smarting deeply under the charges made in the report by a committee of the Medico-Legal Society of the District, as published exclusively in yesterday's Times, that inmates of the St. Elizabeth's Asylum were

made to suffer indignities and abuses by the physicians and attendants there. Dr. William A. White, superintendent of the institution, emphatically declares that such is not the case in that institution, and furthermore would not be tolerated if they were known to exist.

PATIENTS OFTEN ASSAULT DOCTORS.

"If the truth be known," declared Doctor White to-day, "more physicians in insane asylums and hospitals are assaulted by patients than patients are ever assaulted by physicians. I have been fourteen years connected with institutions of this kind and during this time have never known of a case of brutality to a patient by a physician in charge, but have known many cases in which physicians have been assaulted by crazed patients."

Doctor White also denies the statement made in the Medico-Legal Society's report to the effect that warm bodies were ever dissected or that insane criminals are housed indiscriminately with other inmates of the asylum.

CRIMINALS KEPT SEPARATE.

"These two statements," declared Doctor White, "are without foundation. As to our housing insane criminals among other inmates, I will state emphatically that such is not the case. We have a separate building for the criminal insane, provided some years ago by act of Congress, and in no other building are these patients put."

"Such reports as these," added Doctor White, "work incalculable harm, in that they reflect badly on an institution which, far from intending harm to patients, works untold relief and good to a community. Instead of establishing confidence in the authorities of this institution, as we are striving to do, it spreads alarm among people who have friends or relatives, the belief entering their minds that patients are subjected to harsh treatment. Furthermore, we maintain no secrecy here, as has been stated, but, on the other hand, our methods are open to investigation by anyone who cares to visit the institution."

INVESTIGATION PROBABLE.

Further than this, Doctor White declined to be quoted, stating that he would leave this to the action of the board of visitors of the asylum, which would, he said, in all probability make a thorough investigation of the charges.

With this purpose in view, the board of visitors, composed of Dr. F. N. Gunnell, ex-Surgeon-General United States Navy; William A. Maury; Mrs. A. M. Gangewer; Surgeon-General Walter Wyman, of the Public Health and Marine-Hospital Service; Brig. Gen. John Moore; S. H. Kauffmann; Rev. Teunis S. Hamlin; Dr. G. L. Magruder, and Mrs. Gardiner Hubbard, will meet in the office of the Spanish Treaty Claims Commission to discuss their probable action with reference to the alleged harsh methods in vogue at the asylum.

[Washington Post, February 19, 1906.]

INSANE ASYLUM ABUSES.

Strait-jackets and handcuffs are in frequent use.

The "feeding tube" has been upon occasions thrust through the nostril down the throat as a method of discipline as well as of alleged necessity.

"Wringing out" by wet towels and "toweling" with dry towels placed upon the prisoner's neck and twisted from behind until the patient falls over semiconscious (sometimes with soap in the mouth) is not an uncommon practice.

The "saddle" has been used at times, a contrivance upon which refractory patients are said to be placed in a reclining position, fastened hand, foot, and neck, so that no movement is possible except to roll the eyes around a circumscribed area of the ceiling, and thus left for hours.

Kicking and cuffing by attendants for failure to obey orders, or do work properly, or for "taking an extra spoonful of beans" at table is alleged.

An incident is told of an attendant, disturbed at night by a somnambulistic patient, striking him on the mouth and knocking him down, and carrying his own hand in a bandage for several days in consequence, and of another attendant breaking a patient's leg in disciplining him.

A like proportion of autopsies—114 out of 236 deaths—occurring in our city hospitals would necessitate a large staff of deputy coroners, especially if dissections were commenced "within three hours after death, while the body is still warm, "as has been authoritatively stated is done at St. Elizabeth.

The dead seem to be excellently well cared for with newest scientific appliances by the medical staff and "internes."

But how about the living insane?

WHAT THE COMMITTEE RECOMMENDS.

The committee recommends that the Medico-Legal Society take action with the view of securing legislation to effect the following objects:

First. That the insane criminals and those charged with crime be transferred elsewhere for custody and treatment, and that further commitments of the criminal insane in St. Elizabeth be prohibited.

Second. That the patients in St. Elizabeth shall have the personal service and attention of an experienced and expert alienist as a medical director, who shall not be charged with administrative details of buildings, finances, etc.

Third. That an effective system of inspection of conditions and methods prevailing in the Government Hospital for the Insane in this District (and all other similar institutions), and for an auditing of the expenditures and accounts thereof, by officials independent of and unconnected with said hospital, be provided.

Fourth. That provision be made for an inquisition by a jury into sanity of all ex-soldiers, sailors, and marines transferred from National Soldiers' Homes to St. Elizabeth after thirty days from and after their commitment therein, upon request, in writing, of such patient or of his friends or attorney, filed with the clerk of the supreme court of the District of Columbia, and within five days after the filing of such request.

Fifth. That no distinction of accommodations and food shall be permitted among the male patients in St. Elizabeth, civil or military, and that their food shall be in every respect equal to that enjoyed by the attendants.

Sixth. That a hospital be established under separate control for reception and treatment of cases of inebriety and the drug habit before commitment to St. Elizabeth, and that no commitments of patients suffering from such causes shall be for a longer continuous period than six months.

Seventh. That an institution for the care and education of feeble-minded children of the District of Columbia, now sent elsewhere at great expense, be established in this District.

Eighth. That the pension money of all ex-soldiers, sailors, and marines be not chargeable for any board or maintenance on account of their treatment and confinement in St. Elizabeth, but that such pension shall be held for their benefit in the same manner as now held by the Soldiers' Homes.

Ninth. That no fees or commissions shall be allowed or paid out of any pension money to any committee or guardian of any pensioner while he shall remain an inmate of said hospital for any alleged services rendered as such committee or guardian, nor any fees be paid to physicians or others connected with said hospital for testifying on question of such pensioner's sanity.

Tenth. That the maximum per capita cost of maintenance of a District patient in St. Elizabeth shall not exceed $190 per annum, so long as the total number of patients in the hospital shall be in excess of 1,500.

Eleventh. That the confinement of persons against their will in said hospital, who have only some harmless hobby, fad, or fancy not dangerous to themselves or others, and who are able to care for their own persons, shall be prohibited.

Twelfth. That measures be effected for the separation of the patients into classes on the cottage or colony plan, and to the adoption of the best and most advanced methods of care and treatment of the insane in St. Elizabeth; that patients suffering from tuberculosis be colonized on part of the farm lands of the hospital and given benefit of open-air methods of treatment.

Respectfully submitted.

CHARLES M. EMMONS, M. D., *Secretary*,
RICHARD P. EVANS, *Attorney*,
Committee.

[Washington Star, February 19, 1906.]

BOARD TAKES ACTION—RECOGNITION OF CHARGES AGAINST ST. ELIZABETH'S MANAGEMENT—HOSPITAL FOR THE INSANE—SERIOUS ALLEGATIONS BY THE MEDICO-LEGAL SOCIETY OF WASHINGTON—NUMBER OF RECOMMENDATIONS—GROSS ABUSE CHARGED, WHICH THE COMMITTEE IN ITS REPORT SAYS SHOULD BE REMEDIED.

A meeting of the official board of visitors to the Government Hospital for the Insane is being held this afternoon to consider serious charges that have been made against that institution by a committee of the Medico-Legal Society, composed of Dr. Charles M. Emmons and Richard P. Evans, an attorney.

Owing to the unavoidable detention of two of the members of the board, it was more than an hour late in getting together, the time originally set being 2 o'clock.

The meeting is being held in the rooms of the Spanish Treaty Claims Commission on H street, near the Cosmos Club house. The call for the assembling of the board was issued this forenoon by Dr. William A. White, superintendent of the hospital, who is also secretary of the board of visitors.

The visitors are appointed by the President and are supposed to represent the different elements comprising the inmates of the institution. Thus the board has as members Dr. F. M. Gunnell, surgeon-general of the Navy (retired), representing the sailor inmates; Gen. John Moore, surgeon-general of the Army (retired), representing the soldier inmates; Gen. Walter Wyman, surgeon-general of the Marine-Hospital Service, representing the merchant sailors; Dr. G. L. Magruder, a lay physician; Mr. S. H. Kauffmann, representing the indigent insane of the District of Columbia; Judge W. A. Maury, of the Spanish Treaty Claims Commission, who is the legal member of the board; Rev. Tennis S. Hamlin, Mrs. A. M. Gangewer, and Mrs. Gardiner G. Hubbard.

WHAT THE BOARD WILL CONSIDER.

The main duties of the board are to investigate allegations made against the hospital; to make official visits to the institution every month; to audit the accounts of Doctor White, and to hold meetings twice every year.

At the meeting in progress to-day the board will take up all the charges made by the Medico-Legal Society, which embrace allegations that strait-jackets, handcuffs, etc., are in frequent use; that the "feeding tube" has been upon occasions thrust through the nostril down the throat as a method of punishment and discipline as well as of alleged necessity. Many other like occurrences are reported. The committee say it has no idea that these practices, if they exist, are known or permitted by the superintendent, but he has to leave all details of care and treatment to his subordinates. The committee state that all criminals under charge or sentence should be transferred elsewhere, and that the conditions surrounding many of the ex-soldiers and sailors confined in St. Elizabeth's reflects no credit upon either the hospital authorities or the Government.

Reference is made to the "bull pen," where, it is said, some 500 are confined, the management of which the committee condemns. As to medical treatment these old soldiers receive, the report says there appears to be no information obtainable from the reports, judging from those examined under authority of court.

The committee refers to the report of the superintendent of the hospital regarding autopsies, and makes this comment:

"A like proportion of autopsies (114 out of 236 deaths) occurring in our city hospitals would necessitate a large staff of deputy coroners, especially if dissections were commenced 'within three hours after death, while the body was still warm,' as has been authoritatively stated is done at St. Elizabeth's."

STATEMENT BY DOCTOR WHITE.

When Doctor White was seen by a Star reporter to-day he said he would not attempt to make specific denial of the several allegations, as the entire matter would be thoroughly gone over by the board of visitors at its meeting this afternoon. Doctor White said the investigators of the Medico-Legal Society wanted to examine certain records and patients. Permission to do this was refused them, Doctor White added, because the records of certain of the patients are in no sense public records. For instance, there are many persons whose mothers, fathers, wives, and other relatives are patients at the institution, and they would not like to have their sad and unfortunate condition exploited in any manner whatever.

"There are more than 3,000 patients in the Government Hospital for the Insane," said Doctor White, "and I can say without fear of contradiction that there are fewer cases of disorder and maltreatment in this community of the insane than there is in the average town of an equal number of sane persons. The unpardonable sin in this institution is the ill treatment of patients by attendants or other employees.

Any employee, even though he be a member of my official staff, who maltreats one of the unfortunates under his care or condones such an offense will be instantly dismissed by me."

Doctor White said considerably more injuries, and frequently serious ones, were inflicted on attendants by the insane patients than vice versa. He had several times procured the arrest of attendants for striking or otherwise injuring the insane under their charge, and their dismissal from the institution was, of course, a foregone conclusion.

HAS NEVER TOLERATED ABUSE.

"I will not tolerate the abuse of the unfortunate people under my care," said Doctor White emphatically, "and I have never done so. When such cases are brought to my attention I act decisively. But I can not be expected to know of every detail of all these buildings and their thousands of inmates. I must trust some of these to my assistants. As it is, I am governor, pooh-bah, mayor, financier, and everything else here.

"The committee of the Medico-Legal Society has recommended that the executive management of the institution should be separated from the professional department," said the reporter.

"The proposed separation of the alienist from the administrative branch," replied Doctor White, "would simply be impracticable. It has been tried elsewhere and has proved to be a failure. Its trial is in the nature of ancient history. It is necessary to have an alienist in charge of the administration of such an establishment as this in order to determine what is needed, both as to materials and measures. You would not place a paper hanger in charge of a machine shop, would you?"

HIS CONSCIENCE CLEAR.

The superintendent declared that the charges that have been made against the institution do not disturb him, as his conscience is clear as to its management, so far as he is concerned. He said abuse has become one of the perquisites of the office, which a noted French writer has referred to as martyrdom. It is Doctor White's opinion that an institution such as the Government Hospital for the Insane should enjoy the fullest confidence of the public, otherwise its confidence is weakened. It appears to him, he said, that the Medico-Legal Society is striving to destroy this confidence.

ALLEGED BULL PEN.

Referring to the allegations made against the so-called "bull pen," Doctor White said it was simply an inclosure in which provisional liberty was given to those of the patients who can not be trusted in the open grounds of the hospital, because they might wander away, climb over the walls, get run over on the railroad tracks, or injure themselves by falling with attacks of epileptic fits.

"There are no high and gloomy walls about the so-called 'bull pen,' as has been stated, but the buildings occupied by the epileptics and others who can not be trusted in the open are surrounded by ornamental paling fences not more than 5 feet high, and in the inclosure are fountains, flowers, settees, etc.

"It is a question of allowing the unfortunates I have described to have daily walks and fresh air in this inclosure or else keep them confined indoors. The criminal insane are not confined with these in the misnamed 'bull pen,' but are segregated in the building known as 'Howard Hall,' where they are kept in confinement."

In conclusion Doctor White said he would welcome the investigation, as he declared he had nothing to fear.

COMMISSIONER MACFARLAND'S COMMENT.

In commenting this morning on the report made by the Medico-Legal Society on the Government Hospital for the Insane, Commissioner Macfarland said:

"The Commissioners, of course, have nothing to do with the administration of the Government Hospital for the Insane, which is under the supervision of the Interior Department and of a board of visitors appointed by the National Government. Our relation to the institution is confined to sending indigent District patients there under the act of Congress, and at a certain per capita charged. However, our board of charities has been considering for some time, at my instance, the question as to whether it would not be better to have a separate institution for the District insane, and also provision for epileptics and the feebleminded of, and similar classes not now adequately provided for, and also the question as to the cost of caring for our patients at the Government Hospital for the Insane. No conclusion has yet been reached. The question of the manner of commitment of District patients is under consideration in the committees of Congress."

DECLINES TO TALK.

United States District Attorney Daniel W. Baker to-day declined to make any statement in reference to the disclosures respecting the alleged improper condition of affairs at the Government Hospital for the Insane. Mr. Baker said that he knew nothing about the matter except from published accounts.

SUMMARY OF THE CHARGES.

After disclaiming any intention of reflecting on the ability of Dr. William A. White, the superintendent of the Government Hospital for the Insane, as an alienist or on his personal integrity, the committee makes allegations of which the following is a summary:

That strait-jackets and handcuffs are frequently used on patients; that a contrivance called a saddle, upon which patients are bound hand, foot, and neck, in a reclining position, and in such position that they are unable to move, is frequently used, in which condition patients are frequently left for several hours at a time; that tubes have been frequently thrust from the nostrils into the mouth of patients, and they have been fed in this way, both, it was said, as a matter of necessity and for purpose of discipline; that it is not an uncommon practice to fasten towels, both wet and dry, about the neck of a patient and to twist them from behind until the patient falls in a semiconscious condition; that soap is often placed in the mouth of patients; that kicking and cuffing of the inmates are not at all uncommon, and that it is done for very minor offenses, an incident being that an attendant knocked a patient down, and injuring his own hand in consequence, for the reason, alleged, that the patient disturbed his sleep. Another attendant, it is charged, broke the leg of a patient in an effort to discipline him.

THE RECOMMENDATIONS.

"The committee recommends that the Medico-Legal Society take action with the view of securing legislation to effect the following objects:

"First. That the insane criminals and those charged with crime be transferred elsewhere for custody and treatment, and that further commitments of the criminal insane in St. Elizabeth be prohibited.

"Second. That the patients in St. Elizabeth shall have the personal service and attention of an experienced and expert alienist as a medical director, who shall not be charged with administrative details of buildings, finances, etc.

"Third. That an effective system of inspection of conditions and methods prevailing in the Government Hospital for the Insane in this District (and all other similar institutions) and for an auditing of the expenditures and accounts thereof, by officials independent of and unconnected with said hospital, be provided.

"Fourth. That provision be made for an inquisition by a jury into sanity of all ex soldiers, sailors, and marines transferred from Soldiers' Homes to St. Elizabeth after thirty days from and after their commitment therein, upon request, in writing, of such patient or of his friends or attorney, filed with the clerk of the supreme court of the District of Columbia, and within five days after the filing of such request.

"Fifth. That no distinction of accommodations and food shall be permitted among the male patients in St. Elizabeth, civil or military, and that their food shall be in every respect equal to that enjoyed by the attendants.

"Sixth. That a hospital be established under separate control for reception and treatment of cases of inebriety and the drug habit before commitment to St. Elizabeth; and that no commitments of patients suffering from such causes shall be for a longer continuous period than six months.

"Seventh. That an institution for the care and education of feebleminded children of the District of Columbia, now sent elsewhere at great expense, be established in this District.

REGARDING PENSION MONEY.

"Eighth. That the pension money of all ex soldiers, sailors, and marines be not chargeable for any board or maintenance on account of their treatment and confinement in St. Elizabeth, but that such pension shall be held for their benefit in the same manner as now held by the Soldiers' Homes.

"Ninth. That no fees or commissions shall be allowed or paid out of any pension money to any committee or guardian of any pensioner while he shall remain an inmate of said hospital for any alleged services rendered as such committee or guardian; nor any fees be paid to physicians or others connected with said hospital for testifying on question of such pensioner's sanity.

"Tenth. That the maximum per capita cost of maintenance of a District patient in St. Elizabeth shall not exceed $190 per annum, so long as the total number of patients in the hospital shall be in excess of 1,500.

"Eleventh. That the confinement of persons against their will in said hospital, who have only some harmless hobby, fad, or fancy, not dangerous to themselves or others, and who are able to care for their own persons, shall be prohibited.

"Twelfth. That measures be effected for the separation of the patients into classes, on the cottage or colony plan, and to the adoption of the best and most advanced methods of care and treatment of the insane in St. Elizabeth. That patients suffering from tuberculosis be colonized on part of the farm lands of the hospital and given benefit of open-air methods of treatment.

"Respectfully submitted.

"CHARLES M. EMMONS, M. D., *Secretary.*
"RICHARD P. EVANS, *Attorney,*
"*Committee.*"

[Washington Times, February 20, 1906.]

WE COURT INQUIRY OF ST. ELIZABETH'S: DOCTOR MAGRUDER—BOARD OF VISITORS PLANS PUBLIC INVESTIGATION OF CHARGES—PATIENTS WELL TREATED—USE OF HANDCUFFS AND STRAIT-JACKETS VIGOROUSLY DENIED.

"A wide investigation into the charges of cruelty to patients at St. Elizabeth's Asylum made by the Medico-Legal Society will be at once started by the board of visitors of the institution."

Dr. G. Lloyd Magruder, a member of the board of visitors, made this statement following a meeting of the board:

INVESTIGATION IS COURTED.

"Not only do we court a most thorough sifting of the charges," declared Doctor Magruder, "but we shall insist upon the appearance and testimony of the persons who have been responsible for them. The investigation will be open to the public, and the board will welcome the appearance of anyone who can put us into possession of existing abuses at St. Elizabeth's.

"This investigation will be conducted on lines similar to that of some two years ago, when certain irresponsible charges were made regarding the alleged unwholesome character of the beef served to patients. These charges created a considerable stir at the time, but when sifted to the bottom by the board were found to be without truth.

"The board of visitors pays frequent visits to the institution and, without exception, have always found every detail there in perfect condition. The asylum may be regarded as a model one, and one in which the managers take great pride. As to Doctor White, the board considers him one of the most capable alienists engaged in the care of the insane to-day. His long association in this work and his successful handling of nearly 3,000 patients bears out this statement perfectly.

DENIES USE OF HANDCUFFS.

"The assertion that strait-jackets and handcuffs are in constant use is, I believe, without any semblance of truth. Two years ago the board issued a general order forbidding the use of any undue restraint in connection with handling patients, and since then I have reason to know the order has been faithfully observed.

"Another statement which deserves condemnation is that vicious criminal insane are confined with those only mildly affected. This charge is without foundation. If it were so, it would be cruel and unjust, and public disapproval would put a stop to the practice at once. The fact is that the asylum is equipped with a substantial building set apart for the criminal insane alone. When the time comes that the present building is inadequate, another will be asked for."

Doctor Magruder followed this statement by saying that it seemed somewhat unusual that charges of such a serious nature as those brought by the Medico-Legal Society against the asylum management were not first brought to the attention of President Roosevelt and Secretary Hitchcock instead of being made public through the press.

Doctor Gunnell, president of the board, stated also that a thorough investigation of the charges would be insisted upon. He declared that the board of visitors wished for nothing more than to know the truth.

INQUIRY WILL BE THOROUGH.

"Charges of this nature," he said, "although not infrequent at such institutions, where the management has to deal with constant com-

plaints, are most serious and will be thoroughly investigated, no matter whom they affect."

Dr. William White, superintendent in charge of the asylum, said he would be guided by the board's action. He had nothing to fear on the score of abuses to patients, he declared, and would welcome an investigation into the causes for the recent charges.

The work of the board of visitors will probably be protracted, and Secretary of the Interior Hitchcock may not be informed of their findings until some time next month. The grand jury may, in the meantime, have an investigation. It is not thought, however, that the board will be disposed to regard seriously the changes suggested by the Medico-Legal Society, particularly with reference to a separation of the criminal insane, in view of the fact that they are already separated.

[Washington Post, February 21, 1906.]

DOUBT ITS EFFICIENCY—INVESTIGATION BY ASYLUM BOARD IS QUESTIONED—NATURALLY WOULD FEEL TIMID—RICHARD P. EVANS, OF MEDICO-LEGAL SOCIETY COMMITTEE, THINKS CONGRESS OR SECRETARY OF INTERIOR SHOULD APPOINT BODY TO PROBE CHARGES—DOCTOR EMMONS CRITICISES METHODS OF TREATMENT.

The board of visitors of St. Elizabeth's Insane Asylum is not the body to investigate the charges of cruelty and mismanagement set forth by the committee of the Medico-Legal Society, according to Richard P. Evans and Dr. Charles M. Emmons, of that committee.

"This board is responsible for everything that goes wrong, and naturally would feel timid about probing too closely," said Mr. Evans. "Doctor White, the superintendent of the hospital, is secretary of the board. Doctor Hamlin, a member of the board, secured commitments for certain patients at the institution and he probably has a temerity about investigating.

"In my opinion, the board of visitors should suggest that a committee of Congress, or a committee acting under the direction of the Secretary of the Interior, should investigate the conditions at the insane asylum.

FIND THINGS IN GOOD SHAPE.

"The board makes monthly visits to the asylum and always finds things in tiptop shape. The members go there at a certain hour, and, I am told, that just before they arrive there is a great amount of scrubbing and house cleaning. They look through the buildings, enjoy a luncheon in the superintendent's office, and—how should they know anything about the hazing of defenseless imbeciles by the attendants? This cruelty is not done publicly.

"I have the greatest respect for Doctor White, and believe he is capable, but I don't think he knows anything about raising pigs and running farms. I think he has much knowledge as to the treatment of insane patients, and am sure that if more of it were used there would be greater benefits. His report shows that a great deal of building improvement has been done, but it does not show what new methods have been adopted for the treatment of the insane. Doctor White says the so-called 'bull pen' is a breathing spot for patients. There are several hundred acres of ground at the institution, and the patients should be given larger breathing space than an acre and a half, where from 300 to 500 are crowded together."

MOST EXPENSIVE INSTITUTION.

To the committee's report, which is being printed and will be transmitted to the board of visitors, the Secretary of the Interior, and others interested, has been appended a statement showing that St. Elizabeth's Insane Asylum is the most expensive of eighty-odd large institutions in the United States, and that the methods of treating the patients are harsher. The institution on Blackwells Island, New York, where there are a thousand more patients, is conducted on more economical plans, says Doctor Emmons.

Reports of superintendents of other insane asylums, says Mr. Evans, show that they have many new and effective methods of treating patients. "Patients are kept apart as much as possible," he said, "because insanity has a tendency to spread. The indigent and feebleminded are not kept with the criminal insane. Female attendants have been employed to care for the most violent patients. A cross word or an unkind look, it has been shown, serves to undo much that has been accomplished with a person who is insane.

SELDOM SEEN BY PATIENTS.

"Doctor White, of course, does not know of the hazing of his patients, because the victims are afraid to tell him, and the cruel attendants certainly are not going to do so. I am told he is rarely seen by the patients, as he goes through the wards so seldom that many do not know him when they see him. His predecessor could be looked for any hour in the day or night, coming from some side door, stairway, basement, or any unexpected place, and he generally knew what was going on.

"Attendants of insane patients have a great deal to contend with, I know, and as they are only mortal, they are sometimes to be excused for giving vent to their torment; but poor, irresponsible insane persons should not be compelled to suffer. Only the rules prohibiting cruelty to patients stand between the attendants and the patients, and I am told there have been many vile assaults, which, of course, will never come to light. Conditions should be changed so as to remedy this untoward situation."

Mr. TAWNEY. Mr. Chairman, I desire to ask the gentleman who is entitled to the floor if he will not yield to me to move that the committee rise for the purpose of considering the resolution that came from the Senate a few moments ago for the relief of the people of San Francisco and the Pacific coast?

Mr. CLARK of Florida. With pleasure.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had under consideration the bill H. R. 18198—the District of Columbia appropriation bill—and had come to no resolution thereon.

THE SAN FRANCISCO DISASTER.

Mr. TAWNEY. Mr. Speaker, I call up the joint resolution that came a few moments ago from the Senate in relation to the relief of the sufferers of California, and move, first, to strike out the preamble to the resolution, and then will offer the following as a substitute for the entire resolution of the Senate.

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent at this time to take up the Senate joint resolution indicated for the purpose of considering an amendment. Is there objection?

There was no objection.

The SPEAKER. Without objection, the Clerk will omit the reading of the Senate resolution and report the amendment by way of a substitute.

Mr. GAINES of Tennessee. Mr. Speaker, just a moment. I do not know what amount the Senate amendment provides. I suggest that at least it be read or that somebody state its provisions.

Mr. TAWNEY. I can state in a moment what the Senate resolution provides. The Senate resolution recites the terrible catastrophe——

Mr. GAINES of Tennessee. I understand that; but what is the provision of the resolution?

Mr. TAWNEY. The resolution authorizes the Secretary of War to expend $500,000, or appropriates $500,000, to be expended by the Secretary of War in rendering aid and assistance to the people on the Pacific coast who have been afflicted by this terrible calamity.

Mr. GAINES of Tennessee. Now, how much is provided for in the resolution you propose?

Mr. TAWNEY. The resolution of the Senate, in the first place, is not as broad as the resolution which we passed here last evening.

Mr. GAINES of Tennessee. Does it contain any more money?

Mr. TAWNEY. It contains less money, in fact. We placed all resources of the Government under the control of three Secretaries on the Pacific coast, and made them available for this relief. Now we propose to increase the appropriation carried by the Senate resolution—five hundred thousand—to a million dollars, to be expended by the Secretary of War, in his discretion. The substitute resolution which I offer also requires the Secretary of the Treasury, the Secretary of the Navy, and the Secretary of Commerce and Labor to cooperate with the Secretary of War in rendering assistance to the people of that locality who have been damaged by reason of this earthquake and fire.

Mr. GAINES of Tennessee. Why I made the inquiry was just simply to find out how much money we are giving.

Mr. TAWNEY. We appropriate by this substitute resolution for the immediate relief of the people of San Francisco and neighboring cities a million dollars to be expended by the Secretary of War, under his direction and in his discretion, and in addition to that it requires the cooperation of three other distinct branches of the Government in rendering assistance to these people. The Commissioner of Fish and Fisheries was in the committee room a few moments ago, and informed me that if authority were given the *Albatross*, a large vessel, which is now within 7 miles of San Francisco, can be utilized immediately, and so can some of the vessels of the Navy and vessels of the Revenue-Cutter Service. Under the Senate resolution none of these would be available. It is for the purpose of enlarging the scope of the relief by giving authority to a greater number of the Departments of the Government to act with the Secretary of War and to increase the appropriation that we propose this substitute for the Senate resolution.

Mr. SULZER. Mr. Speaker, in the presence of this tragic calamity this is a time for speedy action and not speeches. We ought to pass the resolution for succor and relief right away. If anything is going to be done for the aid of these unfortunate people it ought to be done now, and quickly done.

The SPEAKER. Is there objection to dispensing with the reading of the Senate resolution, and reading the proposed amendment in the nature of a substitute? [After a pause.] The Chair hears none.

The Clerk read as follows:

Joint resolution authorizing the Secretary of War to issue rations and quartermaster's supplies for the relief of destitute persons in the region devastated by earthquake and fire in the State of California, and making appropriation to relieve the sufferers by said disaster.

Amend by striking out the preamble and striking out all after the resolving clause and inserting the following:

"That the Secretary of War is hereby authorized and directed to procure, in open market or otherwise, subsistence and quartermaster's supplies, in addition to such supplies belonging to the military establishment and available, and issue the same to such destitute persons who have been rendered homeless or are in needy circumstances as a result of the earthquake which occurred April 18, and the pending conflagration, and in executing this joint resolution the Secretary of War is directed to cooperate with the authorities of the State of California and the mayors of the cities of San Francisco, Berkeley, Oakland, Alameda, and such other cities on the Pacific coast as may have sustained damage.

"*Be it further resolved*, That the Secretary of the Treasury, the Secretary of the Navy, and Secretary of Commerce and Labor are hereby directed to cooperate with the Secretary of War in extending relief and assistance to these stricken people herein referred to, to the extent of the use of the naval vessels, revenue cutters, and other vessels, and Government supplies under their control on the Pacific coast.

"*Be it further resolved*, That to enable the Secretary of War to execute the provisions of this joint resolution there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $1,000,000, to be expended under the direction and under the discretion of the Secretary of War."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The joint resolution as amended was ordered to a third reading.

The amendment striking out the preamble was agreed to.

The joint resolution was read the third time, and passed.

Mr. TAWNEY. I move to amend the title by striking out the title of the Senate joint resolution and inserting the following:

Joint resolution for the relief of sufferers from earthquake and conflagration on the Pacific coast.

The amendment to the title was agreed to.

On motion of Mr. TAWNEY, a motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

On motion of Mr. TAWNEY, the House again resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill, with Mr. DALZELL in the chair.

Mr. CLARK of Florida. I am very much obliged. Now, Mr. Chairman, after these articles appeared in these three newspapers, which I consider to be responsible, I introduced in this House a resolution on February 21, one and two days after these articles appeared, asking for the appointment of a congressional committee to investigate these charges. That resolution went to the Committee on Rules where it has quietly slept ever since. Now, Mr. Chairman, it occurs to me that when charges of this nature against the management of a public institution are made, it is not only the privilege, but the solemn sworn duty of Congress to investigate. Here we are appropriating thousands of dollars, aye, sir, up into the millions, to care for this institution, and appropriating the money properly; because if there is any class of our fellow-citizens upon the earth deserving our very best care, deserving of our every consideration, deserving of our most tender solicitude, it is this class who, unfortunately, have lost their reason.

In this asylum are three classes of people, the indigent insane of the District of Columbia, the insane soldiers and sailors of the United States, and the insane criminals from all over this country who raise and establish the plea of insanity in a Federal court. But, Mr. Chairman, although that resolution was introduced two months ago, it has quietly slept; and the Committee on Rules, the oligarchy of the American House of Representatives, has allowed it to sleep and has never taken one step to let the American people know whether these charges, involving the sacred honor of the American people, are true or not. They have allowed it to sleep there in the face of the fact that the charges have been made all over this country, and in the face of the further fact that they have been furnished with copies of ten sworn affidavits testifying to the truth of the charges. The committee was furnished with these ten copies of affidavits and advised that the originals would be forthcoming at any time when the committee might desire to have them.

The resolution is as follows:

Whereas the newspapers of the city of Washington have been filled for several days past with accounts of mismanagement and brutality at the St. Elizabeth Government Hospital for the Insane, located in the city of Washington; and

Whereas the Medico-Legal Society of the city of Washington has, through a duly appointed committee, published to the world a story of outrageous mismanagement of the affairs of said institution, and has also detailed to the public a story of brutalities perpetrated in said institution upon the helpless inmates; and

Whereas the American people are entitled to know the truth with regard to these charges: Therefore, be it

Resolved, First. That the Speaker of this House of Representatives be, and he is hereby, directed to appoint from the membership of this body a committee of five with full power, and whose duty it shall be to make a full and complete examination of all the facts relating to the said charges, and report their findings and conclusions to this House.

Second. That the said special committee is fully empowered to send for persons and papers, to summon and compel the attendance of witnesses, to administer oaths, to take testimony and reduce the same to writing, and to employ such clerical and stenographical help as may be necessary.

Mr. Richard P. Evans, a member of the Washington bar, of good standing in his profession, and the attorney for the Medico-Legal Society, on the 12th day of the present month addressed a communication to the Committee on Rules, inclosing ten affidavits, each detailing acts of extreme cruelty and gross mismanagement at this institution. The communication of Mr. Evans and the affidavits, together with one or two more, I herewith submit:

1403 NEW YORK AVENUE NW.,
Washington, D. C., April 12, 1906.

Honorable CHAIRMAN AND MEMBERS
OF THE COMMITTEE ON RULES,
House of Representatives.

GENTLEMEN: In support of resolution No. 277, calling for an investigation by a committee of the House into the management of the Government Hospital for the Insane, introduced by Mr. CLARK of Florida February 21, 1906, and referred to your committee, I have the honor to file herewith copies of certain affidavits—ten in number—together with other papers and a copy of the report of the Medico-Legal Society of this city, the publication of which occasioned the introduction of said resolution.

I have other similar affidavits and statements now in my possession, and further corroborative testimony to same state of facts will be available at the proper time.

The allegations of abusive and brutal methods and of neglect and mismanagement contained in said affidavits are such as to demand an immediate, thorough, and impartial investigation in the interests of humanity, economy, and public confidence.

It is true that a bill (H. R. 15643) was introduced by a member of your committee, Mr. GROSVENOR, proposing to confer judicial powers upon the board of visitors of the Government Hospital for the Insane for the apparent purpose of this investigation, and that said bill was enacted by the House, with numerous amendments, on March 12, 1906, but that act now rests in a Senate committee, where the said board of visitors are endeavoring to have said amendments stricken out.

But the ladies and gentlemen composing said board of visitors hold offices of honor and confidence, with duties of efficient supervision of the affairs and management of said hospital, and the superintendent of the hospital is secretary of said board, and they are each individually responsible for all abuses of any duration, existence of faulty methods, and lack of efficient and economical administration of the hospital.

Consequently the secretary and each member of the board of visitors have a personal interest in the outcome of any inquiry into alleged abuses permitted or mismanagement occurring under their administration and supervision, and their verdict would necessarily reflect credit or discredit upon their own official acts.

As a matter of fact, no legislation was needed to empower the board of visitors of St. Elizabeth to investigate the affairs of that institution. Every book, paper, and record there has been subject to its inspection, and every official and employee at its beck and call; each individual patient and inmate could have been privately examined at any time by any member of the board; every meal could have been partaken of, every ward inspected without notice any hour of the day or night; every contract and expenditure inquired into. If sworn statements were desired, the board of visitors could have had special examiners of the Interior Department assigned to take testimony of employees and inmates, under oath. What the members of said board of visitors failed to do previous to the publication of the Medico-Legal Society report, they could have been doing every minute of the time since; but their efforts have apparently been misdirected to attempted investigation of the Medico-Legal Society; and I am informed that special examiners of the Interior Department have been secretly engaged in the endeavor to secure from former clients, in different States, some statements upon which to attempt to secure my disbarment from practice.

The superintendent, I am informed, has gathered up the straitjackets, etc., and deposited them in a room on "center," and has since said publication investigated the laundry upon charges filed some time prior thereto, and considerable improvement in conditions and attention is reported; but, so far as known, the board of visitors have remained quiescent.

At all events, the confidence of the public would be more pronounced in an investigation conducted by a committee of the House of Representatives, as provided in said resolution; such an investigation would be more thorough and productive of more beneficial and permanent results to the soldiers and sailors, and other inmates of St. Elizabeth (present and future), and of the citizens of this District than could be expected from an inquiry conducted by the board of visitors, hampered by personal feelings and prejudices and former friend by intimacy and confidential relations with officials of the hospital whose interests would be involved.

A careful consideration of the inclosures will disclose other important matters for inquiry and amendment, in addition to the main one of methods of discipline and restraint complained of. The present procedure of commitment of inmates of the National Soldiers' Homes, and disposition of their pension and other funds, and the antiquated and inadequate methods of finance and supervision—not materially changed since institution of the hospital in 1855, when growth to present proportions and responsibilities was not anticipated—seem to require remedial legislation.

Soliciting appropriate action by your committee, I am, with great respect,

Your obedient servant,
RICHARD P. EVANS,
Attorney at Law.

This affidavit was not filed with the Committee on Rules:

DISTRICT OF COLUMBIA, *ss:*

Before me, a notary public, in and for the District of Columbia, personally appeared Joseph A. Kinsey, well known to me to be reputable and entitled to credit, who, being first duly sworn according to law, on oath states:

That he is the same Joseph A. Kinsey who was an inmate of the Government Hospital for the Insane from about the 18th day of March, 1904, until on or about the 30th day of September, 1904; that he went there of his own free will for medical treatment, but what "treatment" he himself received, and he saw others receive, was such that he would in preference jump into the Potomac River rather than undergo such another experience. Chokings, blows, kicks, tying in bed, and threats, poor food and worse tobacco, inattention, and abuse was the daily experience of affiant and other patients on Gray Ash Ward. While on Oak Ward, then a hospital ward, he received kind treatment from the nurses, Miss McLaughlin and Miss Perry. They were good and sympathetic, and affiant and all other patients under their care and attention appreciated it very gratefully.

Affiant was choked by strangle hold around neck by Attendants Moffit, Tennyson, and Thrift; he was attacked by a patient while attendants were elsewhere, and had several ribs fractured on both sides; previous to that Tennyson kicked him in the ribs; affiant has

seen said Tennyson, who is a big man, weighing over 200 pounds, jump on a patient's stomach with his knees; saw a patient on Oak Ward punched in stomach and wrung out (strangled) by an attendant; affiant was seldom without one or two black eyes, and they were not uncommon among other patients; on account of his appearance affiant's wife was frequently denied seeing him when she would call. A patient named Dodge was treated very badly; he afterwards died in the hospital, but from what cause affiant does not know; affiant has been told that said Dodge had a beautiful pair of black eyes when his wife received the body from St. Elizabeth.

Affiant noticed that patients who toadied to the attendants, did their work for them, and gave them no trouble, got along very nicely; but others, who required attention of the attendants, and were a little troublesome, were treated brutally; for instance, if a demented patient would want to walk he would be frequently grabbed, choked, and slammed in a chair, or thrown in a room; or a patient might wander from his particular ward hall into the reception hall, and he would be rushed by the attendants back into his hall with great violence, sometimes being thrown headlong on the floor; it was no place for the insane who needed attention, for they were treated like dogs by the attendants, who, for the most part, were lazy, heartless, and worthless. Patients were afraid to make complaints, for their goose would be cooked by the attendants if they did. Affiant was several times tied in bed without any reason; was willing to lie there; on one occasion he nearly strangled himself endeavoring to get loose. It is not a pleasant sensation to be tied down and left there, and feel your limbs getting numb, and no one pay any attention to you; that was affiant's and other patients' experience. There was no need for the rough and brutal treatment affiant experienced and frequently saw; kindness and patience upon part of the attendants would have left no occasion for it whatever; but no sane man would put up with such abuse without resenting it, and what could be expected of a man a little or a good deal off his head? They would be irritated into resistence, and then struck, choked, kicked, and otherwise punished. Doctor White never came through except on Sunday mornings, and then he would have other doctors with him and just go through formally.

Affiant has been working at his trade as a tailor ever since he left St. Elizabeth, and is so working now. That his residence is 468 K street SW.

JOSEPH A. KINSEY.

Subscribed and sworn to before me this 22d day of March, 1906.

[SEAL.] BEN C. MCQUAY,
Notary Public, District of Columbia.

STATE OF OHIO,
County of Montgomery:

Personally appeared before me, in the county and State aforesaid, James L. Shaffer, aged 61 years, well known to me to be reputable and entitled to credit, who, being first duly sworn according to law, deposes and says: That he is the identical James L. Shaffer who was committed to the Government Hospital for the Insane upon an order signed by M. T. McMahon, president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, dated December 31, 1904, and held in said hospital for the insane until August 1, 1905, when he was discharged therefrom upon order of court in a habeas corpus proceeding; that during his confinement in said hospital he was not insane, but of good understanding, and that he fully comprehended all the circumstances and events coming under his observation during said period; that while in what is called "Atkins Hall"—or what the old soldiers there call the "bull pen"—he witnessed many acts of harsh and brutal treatment of the patients by the attendants; that he saw attendants choke patients into almost insensibility, grab them and throw them down on the hard floor, and kick and strike them; that he saw an attendant named Skinner assault an ex-soldier patient named Mike McKaskey at the dining table because he took a spoonful or so too many beans; this patient was not bright, but an inoffensive man; the attendant came up behind him and slapped him right and left on the cheeks, struck him in the side with his fists, and then grabbed him by the throat and pulled him over backwards, and dragged him out of the dining room into a side room, where, affiant was informed and believes, he beat him shamefully. There was an old man known as "Old Isaac" in Garfield basement; the attendants used to nag and make fun of him until they would get him in a rage, then abuse and misuse him; affiant saw an attendant named Groves standing over "Old Isaac" in a water-closet, kicking and stamping him, the old man screaming meanwhile.

These assaults were common, everyday occurrences, happening almost anywhere; they are against the rules and the doctors are supposed not to know of them, but they must certainly know and simply ignore and wink at them.

The surroundings were harsh and unpleasant, especially to anyone of a sensitive and decent nature; cursing and swearing by the attendants at the patients was common practice; food was of poor quality and poorly cooked. There was no "medical treatment" that he saw except physic or something of that kind was given when asked for by the patient. Eight or ten men were frequently compelled to bathe in one tub of water, which was obnoxious to affiant. There was nothing for affiant to do but sit around in the shade, watch the doctors and others play ball, etc.; nothing to employ the time in a beneficial way. So far as affiant saw, the superintendent, Doctor White, gave very little, if any, attention to the patients.

JAMES L. SHAFFER.

Subscribed and sworn to before me this 27th day of March, 1906, and corrections made by me.

[SEAL.] W. H. HOSKOT,
Deputy Clerk of the Court of Common Pleas, Montgomery County, Ohio.

DISTRICT OF COLUMBIA, *ss:*

Before me, a notary public in and for said District, personally appeared Spencer Herbert, of said District, well known to me to be reputable and entitled to credit, who, being first duly sworn according to law, on oath states that for the two years next preceding about the 25th day of September, 1905, he was employed as a laundryman in the laundry building at St. Elizabeth; that he laundered a good many strait-jackets, which were made of heavy canvas such as he has seen boat sails made of, with heavy brass eyelets up the back to lace up like a woman's corset; that in August or September, 1905, he remembers distinctly that an attendant from Allison Building called for five or six strait-jackets, which he took with him; that affiant understood at the time that most of the consumptives were put in the Allison Building. During the summer of 1905 affiant saw patients in Howard Hall with strait-jackets on and also strapped in beds, and he also saw them with strait-jackets on in the Home Building No. 1. He saw two patients with strait-jackets there at one time; that affiant knows of one case of a negro, then in East Lodge, whenever he was taken out in the grounds for exercise had his hands fastened with leather handcuffs; that affiant saw an attendant in annex 1 (a hospital ward) hit a negro patient in the head with his keys, and it caused a lump about the size of an egg to rise upon his head; that when the doctor came through thirty minutes afterwards he saw the lump and inquired the cause of it, and the attendant told him that the patient was struck with a mopstick by another patient; affiant has seen attendants on a number of occasions wring patients out with towels in Dawes 2, in White Ash, and P Building; that in P Building he saw two attendants "wring" out a negro with a towel some time about the month of July, 1905, for about a half hour, from 7.30 to 8 o'clock p. m.; they would twist the towel about his neck until he would become unconscious, then wait until he would begin to recover consciousness, and then would wring him out again until his tongue would hang out; he was afterwards put in the strong room, this was to subdue him; affiant has seen patients in the laundry repeatedly struck by employees because they would not work fast enough; there was one patient named Bede who almost every day affiant saw kicked and struck alternately by employees; that on one occasion he saw an employee named Sidney run around with Bede on his shoulder and then drop him on the hard concrete floor; he remembers a patient named John Sheedy as being very much overworked and frequently struck by employees—it was really a sin the way these men were overworked and imposed upon; that a large part of the time the patients there were soaking wet from water and perspiration; that he has seen a female attendant beat a negro woman with her fists, this was during the summer of 1905; that affiant frequently heard the foreman of the laundry use profane language at the patients and others, and has frequently seen the said foreman, Manche, drunk while in the hospital grounds; that there were about seventeen male patients employed in the laundry most of the time while he was there and they worked harder than the regular employees, who, for the most part, acted as overseers and let the patients do most of the work. There were about twenty-five female patients in the laundry, about six male employees, and some forty girls. There were two girls kept to do the doctors' laundry, and one girl and a patient to do the special work for the bosses and officials; the servants of the doctors got their clothes laundered there.

The food was very poor and badly cooked; eggs were served about once a week, but were for the most part bad; the patients and employees in the laundry ate at the same table and had the same food and affiant has frequently left the table because of the odor of the bad eggs when broken.

That the machinery in the laundry was more than sufficient for the work before the purchase of new machinery last summer, which had not been used when affiant left, which he did because of the bad food and poor pay he was receiving.

That his residence is 916 Third street SE., in this city.

SPENCER HERBERT.

Subscribed and sworn to before me this 31st day of March, A. D. 1906.

[SEAL.] JOHN H. KING, *Notary Public.*

A true copy.

R. P. EVANS, *Attorney.*

DISTRICT OF COLUMBIA, *ss:*

Personally appeared before me, a notary public in and for said District, Patrick O'Connor, aged 38 years, a resident of said District now and for twenty years last past, who, being duly sworn according to law, on oath says: That he has been employed in the Government Hospital for the Insane (St. Elizabeth) for about thirteen years—about five years as a fireman in the boiler house, about one year in the general kitchen, and about seven years on the wards as an attendant; that he has also been employed as a daily hand for some eight months prior to about the 1st day of January, 1906; that he was an attendant in Howard Hall for about five years, and witnessed many acts of brutality of the attendants to the patients; that he saw patients choked and struck and kicked by the attendants, ribs broken, heads cut open, eyes blackened, and the patients otherwise bruised and injured by being violently thrown down on the floor and jumped on with the attendants' knees. Wet towels were thrown about their necks and twisted until they would fall unconscious. These things were of daily occurrence. Shaving and bath days were the worst, the patients objecting being brutally choked and punished. Sometimes as many as six patients would be bathed in the same tub of water. That false reports would be made of these injuries by the head attendants, ascribing them to accident or attacks of other patients. He has seen patients so hurt by the attendants dragged down in the cellar and kept there until after the doctor had passed through. Patients were strapped, tied down, put in bed saddles, etc., at the whim of the attendants frequently, not to be troubled with them or to "get even with them" for complaining, or something of that sort. Of course, they would report that the patient was violent or dangerous.

There was some bad cases among the criminals, but in affiant's opinion this violent and brutal treatment was unnecessary, and, in fact, did great harm to the patients' mental condition in many instances.

There was no separation of the different classes of the insane—the mild cases mixed with the violent. The courtyard in center of Howard Hall was only airing place they had, and it was awful there in hot weather. A number of the criminal insane were worked outside among the other insane patients. Old soldiers were taken from other buildings to Howard Hall for punishment for infraction of rules or displeasing the doctors.

When the board of visitors would go through patients who wanted to speak to them and complain of their treatment were kept back by the guards. This was under Doctor Richardson's administration, but the board of visitors were practically the same as now. In West Lodge and West Lodge 2 the treatment of the patients was practically the same. Wringing out with wet towels was common. In White Ash ward he recollects twelve patients "strapped" at one time in straw beds, all in a line. Strait-jackets were frequently in use. In affiant's opinion this was largely for the convenience of the attendants, to save them trouble of watching and attending to them. On board visiting days the patients that were bruised or ragged and unclean looking were hustled out of sight; down to the woods, or anywhere out of sight. The best looking among the patients were kept on exhibition for the board of visitors.

While acting as fireman he saw the patients worked very hard hauling coal and ashes. In affiant's opinion they were overworked.

In affiant's opinion, if there were more attendants and they had less hours of work, much of the rough treatment of the patients would be done away with.

That his observation and information makes him believe conditions are no better now under Doctor White than formerly, unless very recently improved.

That in last December, a little before Christmas, he saw an attendant or keeper go to a patient who was singing, or rather "crooning," tell him to shut up, and then put his arm around his neck and cut his wind off and dropped him on the ground, where he lay some time before he got up. That during his last service there affiant filed a written complaint with Doctor White about a foreman, Adams Foremour, who sent affiant to his own house to do work there—putting down carpet, move furniture—while he was on duty for the hospital and being so paid; and also for sending affiant four or five times out of the hospital grounds, during his working hours, for whisky, which he drank in the grounds; said foreman also sent Dan Connors and Ed Brooks out of the grounds after whisky; that affiant took the letter to Doctor White, and also explained the matter fully to him after he read the letter, but nothing was ever done with the foreman. That affiant informed Special Officer Clark that Government shoes and clothing were being sold by said foreman's brother to the workmen, and several discharges were made in consequence, but the said shoes and clothing were not taken back, and no one was prosecuted.

Affiant further states that on one occasion he washed the blood stains out of a wrapper or gown on the body of a colored woman after it had been dissected at the rest, and the body was still warm; he washed off the blood and put the body on a slab and placed the body in a cooling compartment. Doctor Blackburn was then in charge.

PATRICK O'CONNOR.

Subscribed and sworn to before me this 26th day of March, 1906.
[SEAL.] JOHN H. KING,
Notary Public.

A true copy.

R. P. EVANS, *Attorney.*

DISTRICT OF COLUMBIA, *ss:*

Personally appeared before me Thornton O. Pyles, residing in Washington, D. C., who, being first duly sworn, deposes and says that for about two years and a half next preceding May 30, 1904, he was employed as an attendant and nurse at the Government Hospital for the Insane (St. Elizabeth), being about one year under the present superintendent, Dr. William A. White; that he was previously a graduate of the Nurses' Training School at Norristown, Pa., and has a diploma; that he served as a nurse nearly four years in the Norristown State Insane Asylum, of Norristown, Pa.; that on account of his actively advocating better treatment and food and clothing for the inmates he was discharged about 30th day of May, 1904, his resignation having been requested twenty days previously for having taken active interest in bettering conditions among patients and employees and writing articles for newspapers; that he has in his possession a petition or protest, which was signed by a number of the attendants and employees under Doctor White, setting forth serious grounds of complaint, which he will produce when called upon; that while acting as head attendant under Doctor White on "Garfield first" there was a scarcity of help, which he complained of, as accidents happened for that reason, and the help was poor and inexperienced in many cases; that his ward adjoined "Gray Ash," and that joined "Oak ward;" that in both of these wards he saw in frequent use the "bed saddle," straight jackets, and handcuffs, with heavy straps attached, and the feeding tube used in a rough manner, frequently without vaseline on it—merely dipped in pan of water; that he has seen towels thrown around patients' necks and twisted until their wind was cut off; that these appliances were used because of scarcity and inefficiency of help. The "bed saddle" referred to was an arrangement by which patient is laid on his back, his feet strapped to foot of the bed, his hands to sides of the bed, body fastened immovable, and the only motion possible being a movement of the head. That the food furnished was not as good in variety or preparation as he has seen and eaten in two almshouses, in one of which he has been employed and the other he frequently visited; and food was much better at Dixmont State Hospital, Pennsylvania. Many times there was a very insufficient amount of food sent to the patients in his ward, and he had frequently made complaint and procured more food, but other attendants preferred to let their patients go hungry than go to any trouble about it. That he has seen a great deal of teasing the patients and of rough usage and abuse on part of the young class of attendants. That there were a good many patients in Howard Hall who were not criminals. That the superintendent, Doctor White, would seldom visit these wards, and when he did do so would pass through hurriedly and would not stop to talk with or pay any attention to the patients.

That during the entire period of his service he only recollects the board of visitors going through the above-named wards two or three times. On "board days" notice would come around to clean up, and everything would be put in shipshape for the visitors.

That it was a common occurrence to hustle patients from Garfield first and second, White Ash, Dawes first, and Dawes second, who were poorly clad and not very presentable, out of the wards to the secluded part of the woods out of sight of the board of visitors; that there were a good many ex-soldiers among them. On board days the food was much better than at other times, but on the average it was very poor and poorly cooked. That at time of his discharge he was active in a union of the hospital attendants, which had occasioned an investigation by the board of visitors, and which resulted in a whitewash and affiant's discharge; that affiant was not called upon to testify, and was gotten rid of; and he is informed that the finest piece of corned beef procurable in market was exhibited before the board of visitors as a sample of that furnished the patients, and they accepted the same without further inquiry; that affiant made frequent complaints to Doctor White about the food and treatment of the patients; that the diet of different wards varies about as much as that of the Raleigh Hotel and a 3-cent lunch room.

THORNTON O. PYLES.

Subscribed and sworn to before me this 10th day of March, 1906.
[SEAL.] JOHN H. KING,
Notary Public, District of Columbia.

DISTRICT OF COLUMBIA, *ss:*

Personally appeared before me, a notary public in and for the District of Columbia, Mrs. Margaret Lochte, aged 37 years, who, being first duly sworn according to law, upon her oath states: That she was committed to the Government Hospital for the Insane (St. Elizabeth) in June, 1905; that she was never in court, but was adjudged insane in her absence; that she was discharged from said hospital on March 13, 1906, instant, upon sworn certificate of the superintendent, Dr. William A. White, that she was of sound mind.

Affiant further states that she saw frequent acts of ill-usage of patients by attendants while in said hospital; that she saw an attendant catch a Miss Ferber by the hair and drag her into a room; that she has seen a patient struck in the face and her eye blackened; that Miss Ferber was taken roughly from the table before she had finished her meal and locked up in a side room for no apparent good reason; that affiant has been "toweled" twice with wet towels thrown over her head and face and twisted or "wrung out" under her chin; that affiant was struck in the face with a stick by an attendant, whom she can identify, and one of her eyes injured so that Doctor Hough noticed it afterwards, and asked her the cause of it, and she told him, and the doctor told the attendant not to do so again, and had some private words with her that affiant did not overhear. That affiant is a Catholic, and a number of times asked for a priest, but no priest came, and she was told that the priest only visited the hospital once a year; that she was thus deprived of such consolation.

That affiant was unnecessarily fed with a feeding tube thrust down her throat when she was willing and able to eat; the nurse or attendant had told the doctor that affiant would not eat, and he ordered the feeding tube, and it was used on her, although she protested, and told the doctor that she was willing to eat, and asked him to try her. The food was coarse; she was compelled to wear woolen stockings and felt slippers in August; letters she wrote were not mailed, and she was annoyed and worried in other ways; that Doctor White never spoke to her, but when she left the hospital Doctor Clark asked her if she could forget everything that happened there. Affiant left hospital on parole about September 17, 1905; was finally discharged as above stated.

Mrs. MARGARET LOCHTE.

Subscribed and sworn to before me this 15th day of March, 1906; and I certify that the affiant, Mrs. Margaret Lochte, is well known to me as reputable and entitled to credit.
[SEAL.] P. VIERBUCHEN,
Notary Public, District of Columbia.

DISTRICT OF COLUMBIA, *ss:*

Personally appeared before me, a notary public in and for the District of Columbia, Nannie H. Griffin, who, being duly sworn, deposes and says that she is 30 years of age and resides in the District of Columbia; that her mother, Mrs. Cecelia J. Griffin, has been an inmate of St. Elizabeth since April 14, 1904; that affiant and her sister, Jennie H. Griffin, have made daily visits to their mother ever since her admission there; that they both saw her mother the day after her admission in Elm ward, center building, in a separate room; she had only her night dress on, and bare feet, with window open and cold air blowing in; that she had not been accustomed to such exposure; she was then walking about the room; for three weeks after that the doctor refused to let them see their mother, stating "it would be detrimental to her for them to see her;" that finally they absolutely insisted upon seeing her, and found her with three ribs broken, her throat and nose bruised and blackened, one side of her face badly swollen, and she had what they call a "rest sheet" on her; this "rest sheet" is made of heavy canvas, solid in front with heavy brass eyelet holes at the back, the eyelets being heavier than an ordinary finger ring; it is laced up the back like a corset with heavy cord and confines the arms; this was placed on next to the naked flesh, and she still has the marks of this "rest sheet" across her back; it extended to her knees and they were skinned and bruised from rubbing against it; this was early in May, 1904; her mother was then 65 years of age. Affiant could obtain no information as to how her mother's injuries were received. Doctor Clark stated the ribs were broken before she came there, but this was not true, and affiant has certificates of two physicians to disprove it.

That her mother cried and begged affiant and her sister to have the "rest sheet" removed, which they insisted upon having done, and they found the flesh all bruised and discolored from the eyelet rings and lacing. That they have never put that "rest sheet" on her mother since, but affiant has frequently seen it upon other patients. (That it seems impossible for a patient to release herself from the "rest sheet," but it is stated that a Mrs. Powers did so in a room when she was locked in and left to herself, and that she took out the lacing and hanged herself with it in January, 1905.) When the "rest sheet" was taken off affiant found her mother's ribs bandaged and plastered, and then, for first time, knew that her ribs were broken. Since then, on the 17th of January, 1906, her mother had her right hip fractured by falling on the polished slippery floor in the dormitory (tower No. 1), as affiant is informed, and is now suffering with the same. That there are about twenty-six patients in that ward, nearly all of them bed patients, and there is usually one nurse or attendant who has also at night to go upstairs to about fifteen or twenty patients there; of course she can not be in both places at once. Since her mother's leg was fractured there has been an additional nurse in care of her, and when that nurse leaves for supper, or other reason, it takes the regular ward nurse from the other patients. That patients are frequently tied in bed with "restraining sheets" twisted and fastened across the body so as to hold them in bed. All of this is due, in affiant's opinion, to lack of sufficient nurses and attendants. Many of these patients should be dressed and placed in chairs or permitted to walk about, but this would require the care of more nurses and attendants. These nurses or attendants have some fourteen hours or more service, and it is a hard task for them to give what attention they do.

About a month ago I found one of the patients had wriggled partly out of the restraining sheet and was hanging by the neck from the bed, strangling; her name was Doctor ———, a female physician; affiant screamed for help and the nurse heard her (in the dining room) and came to her assistance, and they released the patient and saved her from strangling. Affiant and her sister remain quite late at night, and are well acquainted with conditions; the food is very poor, heat badly regulated, and patients very poorly attended to, all due, in affiant's opinion, to poor management.

NANNIE H. GRIFFIN.

Subscribed and sworn to before me this 1st day of March, 1906.
[SEAL.] EDWARD F. RIGGS,
Notary Public.

DISTRICT OF COLUMBIA, *ss:*

Personally appeared before me, a notary public in and for the District of Columbia, Mervin A. Daddysman, well known to me to be reputable and entitled to credit, who being first duly sworn according to law, deposes and says:

That he was admitted to St. Elizabeth in February, 1905, and was

released in July, 1905; that he was first placed in sick ward and remained there about two weeks, and received fair treatment from the female nurses there; that he was removed from there to "Sycamore," where, about a week after his transfer, he was seized by the throat by an attendant and choked, causing him to bite his tongue badly; that the attendant (whose name was George Wedon, affiant believes) told affiant to move his chair in which he was sitting, and as affiant started to do so—but not quickly enough to suit the attendant—the said attendant sprang upon him and choked him, cursing him at the same time. He then endeavored to take French leave, but was overtaken and brought back to the hospital, and placed in Gray Ash ward; here he saw daily abuse of patients; a favorite method of punishment was to put towels around patients' necks and twist them—"wring them out." It was called; this was a daily occurrence; an attendant named Fred and another whose name affiant does not know, were specially active in this toweling. A head attendant named Hogan was very abusive to the patients; said Hogan, on one occasion, told affiant to carry a large bundle of laundry to the laundry building; affiant was reading a paper and did not know he was addressing affiant, and said Hogan and said attendant Fred struck affiant in the jaw, beat him, kicked him in back and ribs and over kidneys, injured affiant's hand, and blacked his eyes. After being thoroughly beaten, affiant was compelled to take the laundry down to the building, and afterwards affiant was confined to bed for three days (without any medical attendance whatever) in consequence of said beating. Affiant's mother saw his swollen hand and blacked eyes, but affiant did not tell her the cause of it until after his release from the hospital, being afraid to do so. Affiant further states that he has seen other patients beaten in the same way he was and with as little reason; that he has seen them dragged from the table by the throat because they tried to get more food; frequently he did not get enough to eat, and what there was to eat was poor and badly cooked for the most part; that Hogan attempted to apologize for his attack upon affiant some time afterwards.

That he has seen several patients bathe in same tub of water; they ordered affiant to bathe in water after others, but affiant refused to do so; the patients generally appeared to be in constant state of apprehension and fear of the attendants.

That affiant had no medical attention, and the doctor rarely spoke to him, and gave little attention to any of them.

That affiant frequently asked to be allowed to work around, but this was refused; that he is now employed at his trade.

MERVIN A. DADDYSMAN.

Subscribed and sworn to before me this 8th day of March, 1906.

[SEAL.] JOHN H. KING,
Notary Public.

DISTRICT OF COLUMBIA, *ss:*

I, S. Dawes Shuster, state that I was taken to St. Elizabeth on about 18th of June, 1904; was declared insane by jury about June 27, 1904; was certified by superintendent as sane and decreed by court as sane and restored to civil rights January 5, 1906; that I was released on parole in November, 1905, I believe, through efforts of sister. Was sent there for neurasthenia; had been taking medicine for nervousness, etc. That I was in a very nervous, prostrated condition when sent to hospital and during my confinement there; I had been used to refined associations and good table and pleasant surroundings. In my sick and nervous condition I was peculiarly affected by rough and coarse manners and treatment. Cursing and rough commands to me and others from morning to night was the rule; all wards appeared to be about the same; not a word of sympathy or kindness from the attendants, but was kindly spoken to and treated by a nurse, Miss Martin, in B. B. building. I tried to treat the attendants in a gentlemanly way, but the attendants would "God damn me" and threaten to strike me, and on one occasion had it not been for a sailor in the ward (who afterwards said he would knock the attendant's head off if he struck me), I am sure I would have been assaulted by one of the attendants; he and his brother—who, I understand, has been discharged for some cause—were brutal, coarse, insulting, and abusive all the time; they kept me in a constant condition of fear and nervous apprehension. On one occasion I was sick and weak and a little slow in getting out of bed and said attendant caught me by the leg and dragged me partly out; I begged him to let me alone, but he said there was nothing the matter with me but "damned laziness" and I had to get out. While on "Oak ward" I saw said attendant's brother seize a patient by the throat and smash him up against the wall; they had told him to sit down, but he would get up and walk up and down, and this assault was to make him mind and keep quiet, I presume; also saw a patient grabbed at table by throat and legs by two attendants and dragged away; I did not see patient do anything out of the way and don't know reason for the assault. On one occasion an attendant in B. B. building heard a patient making exclamations, and he asked me. "What in hell was the matter with that man?" I told him that the patient had some hallucination of some one mistreating him; the attendant said, "Damn him, he'll have to cut that out;" he then entered the patient's room (his name was Ford) and closed the door—all but a crack, through which I heard a strangling, choking noise, as if the patient was being throttled; I told the supervisor, but he laughed me off and told me I ought to complain to the doctor. It was useless and dangerous to make complaints, as open threats were made as to what would be done with patients who complained. The food was unfit even for day laborers and awful for invalids; if it had been properly cooked it perhaps might have been passable.

I seldom saw an egg on table; we had oat meal without milk, except a few drops; frequently no milk at all; chicken was unknown, except occasionally a stew or for special diet, and this was on a hospital ward. The bathing was positively indecent to a man of any decency of habit or feeling.

There should be more attendants and a better class of men, and inspection at irregular times day and night by competent inspectors, in my opinion.

A gold collar button and a small penknife which were taken from me when I entered were not returned, and my requests for them have been "bluffed off."

S. D. SHUSTER.

Subscribed and sworn to before me this 10th day of March, 1906.

[SEAL.] CHARLES S. MUIR,
Notary Public, District of Columbia.

DISTRICT OF COLUMBIA, *ss:*

Before me, a notary public in and for the District of Columbia, personally appeared George W. Bastin, of Congress Heights, D. C., who, being first duly sworn, deposes and says:

That he has been an inmate of the Government Hospital for the Insane (St. Elizabeth) as a patient and employee; that he was first admitted as a patient in September, 1888, and was a patient until about April, 1893, when he was employed as a barber, shaving and hair cutting the patients regularly, and after finishing their work he would shave and cut the hair of the attendants and employees; that he served as such barber until October 5, 1897, when he was discharged as an employee and left the institution. He was receiving $30 per month salary from the hospital for attending its patients, and regular charges from the employees for serving them. He shaved one of the physicians regularly.

That he was readmitted to the institution about December 1, 1903, as a patient, and remained there until about June 9, 1905, when he was discharged as cured; during this last-named period he also shaved himself and employees, but got no pay from the Government. His trouble was caused by constipation and obstruction of the bowels, but he was not insane, and had full powers of observation and knowledge of the hospital hapenings during his entire location there. That he is an honorably discharged soldier—Regular Army service—and a pensioner at $17 per month. That during his last term in said hospital, under the present superintendent, Doctor White, he saw no improvement in methods of treatment or discipline, excepting, perhaps, the introduction of hot baths, which he could get about two weeks after he would ask for the same. The food, if any different, is worse than under Doctor Godding's administration. The preparation and cooking of it is largely done by inexperienced help, and even when in the raw it is passably good, it is made almost uneatable when served.

His observation of the visits of the board of visitors and of the superintendent showed them to be merely formal, and not such inspection as would serve any good purpose. Everything was cleaned up, and the rough-looking, poorly dressed male patients, soldiers, and civilians hustled to the woods out of sight in all kinds of weather; this he has seen frequently done on visiting days. The ladies on the committee would pass their kid-glove fingers over the cups and plates to see that they were clean, but he never knew them to pass through and inspect the food on the tables when the boys were eating, after it was cooked. In affiant's opinion the visits of the board of visitors only occasioned a weekly cleaning up and a little better food on their days of visiting in the wards they visited.

As to treatment and discipline, affiant states that it was in general rough and brutal; cursing and blows were of frequent occurrence under Godding and White. During his last term there, under Doctor White, he has witnessed frequent cases of ill treatment; in particular he mentions the conduct of one Jones, a student and night nurse, known as "Doctor Jones," who, on a number of occasions would get irritated because the patients would make a noise, or otherwise interfere with his reading and studying, and would jump up, curse, and swear at them, throw them down, kick them, and jump with his knees on their stomach, and threaten to kill them if they did not keep quiet. It was a common thing for some of the attendants to crack patients on the neck with their key straps; he has seen towels placed about patients' necks and twisted until they would be almost strangled. The bathing was simply dirty, between half a dozen and a dozen patients being frequently compelled to bath in the same water.

Affiant has seen canvass suits, strait-jackets, and straps used on patients, and while there during his first confinement affiant was subjected to the same restraints. Has seen feeding tubes used through nostril unnecessarily, in his opinion.

In the general dining room, at Atkins Hall and connecting buildings, the food was very poor; meat so tough affiant frequently could not chew it; very seldom any milk for oatmeal or any other purpose; no decent tea or coffee, and weak, greasy soups; very seldom any sugar; no poultry or eggs except on Easter or other holidays. On Thanksgiving, 1904, old Captain Waters, being irritated because roast pork was served instead of the expected roast turkey dinner, called out after Doctor White, "Teddy in the White House eating meat and honey; White in the Ted House stealing turkey money." For this the captain's parole was taken away, and he was put in the bull pen and was there when affiant left. Affiant further states that, in his opinion, if they had more attendants and shorter hours conditions would be very much better.

GEORGE W. BASTIN.

Subscribed and sworn to before me this 5th day of March, 1906. Marginal note added before swearing.

[SEAL.] CHAS. S. MUIR,
Notary Public, District of Columbia.

DISTRICT OF COLUMBIA, *ss:*

Personally appeared before me, a notary public in and for the District of Columbia, Thomas L. McMurray, well known to me to be reputable and entitled to credit, who, being first duly sworn according to law, deposes and says: That I was employed at St. Elizabeth as a laundry hand from September 22, 1901, until January 22, 1906, when I was discharged.

That during the last year of my employment I noted the following cases of abuse:

That a patient by the name of Obedie was kicked and cuffed time and time again by Millard Sidnor and Harry Satterfield; that cursing was common; that the patients in the wash house are overworked; that this was borne out by the action of one of the doctors in taking patient by the name of Hopper out of wash room.

That during the year 1904–5 I was told by J. V. Burroughs that he saw Satterfield have Joe Marlin, a patient, down beating him. E. L. Maenche, the foreman of the laundry, caught Satterfield in the act; said Maenche caught Satterfield beating and choking Alfonso Rollin, a patient. I saw this act myself. Maenche did not discharge or report Satterfield, who is still working there. This same Satterfield also abused, by kicking and striking, Mike Liston and William Crimmins, both patients. This I saw personally. On the 24th day of last January, 1906, J. V. Burroughs against E. L. Maenche preferred charges, setting up that Maenche knew of these abuses and made no report of same among the counts in the charges against the foreman of the laundry, which were, drunk while on duty and in hospital grounds, allowing the abuse of patients, etc. No suspension from duty or anything was done about this matter by Doctor White.

That last year $10,000 was spent in new laundry addition and machinery; that the machines they purchased they have had no use for them, and probably never will have. The food that the patients and employees get is bad, poorly cooked, and badly served; that twice a year, Thanksgiving Day and Christmas, the doctors come to the kitchen to look at the food.

THOS. L. MCMURRAY.

Sworn to and subscribed before me this 8th day of March, 1906.

[SEAL.] JOHN H. KING, *Notary Public.*

That affiant has very frequently seen strait-jackets sent to laundry for washing.

T. L. MCMURRAY.

The originals of these affidavits I have here, sworn to by the people who make them, and under the solemn sanctity of their oaths they say that these charges are absolutely true; yet the Committee on Rules declines to report; yet the Committee on Rules takes no steps; yet the Committee on Rules, by their action, say if these things are true we do not propose to permit the House of Representatives to interfere.

Well, Mr. Chairman, after this resolution was introduced the gentleman from Ohio, my distinguished friend General GROSVENOR, introduced a bill. His bill was for an investigation. I want permission, Mr. Chairman, also to put that bill in the RECORD. It provided that the board of visitors of this institution should make an investigation. It armed them with the powers of a court. It gave them not only power to have witnesses subpœnaed, to administer oaths, to examine them, but it gave them the power to punish for contempt; it clothed them with every power possessed by any court of record in this land.

When that bill came up for action on the motion of the gentleman from Ohio for consideration I offered certain amendments to it, all of which were accepted except the last, and to that he raised no objection. These amendments were intended to, and did have the effect of, giving the persons who made charges against the management of this institution a "square deal" in the hearing. The bill of the gentleman from Ohio put them absolutely in the power of the board of visitors; put them absolutely at their mercy; put them where, if a witness or a complainant appeared before them, these men could, if they saw fit, send them to jail for refusing to answer improper questions.

These amendments changed that and made the bill a fair one, as far as any bill could possibly be made fair which provided for any body of men to examine themselves. I hold, Mr. Chairman, that if irregularities exist in that institution, if mismanagement is there, if wrong has invaded its secret precincts and taken up its domicile within its walls, then the board of visitors are responsible for it. Yet here is a bill proposing to give the people who are under charge, the people whose conduct is called in question, the power to investigate and pass upon their own shortcomings or wrongdoing. It gives them the power, further—the extraordinary power—of dealing harshly by process of contempt with those who dare to make the charge. The bill as originally presented reads as follows:

A bill to authorize the board of visitors of the Government Hospital for the Insane to summon and examine witnesses under oath, and making it a misdemeanor for any such witness to refuse to attend or testify or produce books and papers when summoned.

Be it enacted, etc., That the board of visitors of the Government Hospital for the Insane shall, as a part of the supervision now required of them by law, have power to make such public investigations from time to time as shall, in their judgment, be necessary for the ascertainment and correction of abuses and for the general well-being of the patients and the efficient and economical administration of the hospital in all its branches; and to that end the board of visitors are hereby empowered to summon witnesses and examine them under oath, such oath to be administered by the secretary of the board or any member thereof; and any witness who shall knowingly and willfully swear falsely as to any matter involved in any such investigation shall be deemed guilty of perjury, as defined by section 5392 of the Revised Statutes of the United States, and on conviction thereof shall be punished as prescribed by said section; and any witness who shall refuse to attend any such investigation in obedience to a summons signed by the secretary of the board of visitors, or any member thereof, or who, being in attendance, shall refuse to testify or to produce any books or papers relating to any matter under investigation shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $500 or by imprisonment for not more than sixty days, or by both; and the fees and allowances of such witnesses shall be the same as are allowed witnesses attending on the supreme court of the District of Columbia, and when certified to by the president or other member of the board shall be paid by the superintendent as part of the general expenses of the hospital and credited as such in his accounts at the Treasury.

SEC. 2. That whenever a witness summoned as aforesaid refuses to attend or testify or produce books or papers it shall be the duty of the board of visitors to certify such refusal to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action, and if an indictment be found he shall prosecute the same with expedition.

But after these amendments were adopted, Mr. Chairman, the bill went to the Senate. What took place then? According to a clipping in one of the Washington papers, which I have here, but I will not take the time of the House to read, but ask leave to print in the RECORD, the board of visitors of this institution addressed a letter to the Senate committee to whom the bill had been referred, protesting against the adoption of the House amendments. They insisted upon the passage of the bill as it was originally introduced, arming them with all this extraordinary power. The clipping is from the Washington Star of March 22, 1906, and is as follows:

HOSPITAL FOR INSANE—INVESTIGATION DISCUSSED BY BOARD OF VISITORS.

The proposed investigation of the Government Hospital for the Insane, on charges recently made by the Medico-Legal Society of the District of Columbia, was revived at a meeting of the board of visitors of that institution yesterday afternoon. Surg. Gen. F. M. Gunnell, of the Navy, retired, presided. Attention was called to the resolution adopted by the House of Representatives empowering the board to conduct the investigation and to summon witnesses, etc.

It was the sense of the board that the resolution in its present form was inoperative and would defeat the very object for which it was formulated—a thorough investigation into the affairs of the hospital and the methods employed there. It was explained that the resolution as at first presented in the House would have accomplished the desired object, but that it had been "loaded down with amendments, which would destroy its force and purpose."

One of the amendments is said to practically give the witness under examination the right to decide what questions are competent or irrelevant, and to decline to answer such questions until a decision as to their competency or irrelevancy is passed upon by a justice of the District supreme court. Another provides for the holding of the investigation in this city, and another that the investigating board shall summon from any place all the witnesses that may be called for by either side of the controversy.

The board, at its meeting yesterday, formulated a protest against these amendments, and it has been forwarded to the District Committee of the Senate, by which the resolution for the investigation by the board of visitors is being considered. It is the hope of the members of the board that the "unnecessary and killing" amendments will be eliminated from the resolution by the Senate and the resolution passed in its original shape.

Now, Mr. Chairman, from these interviews, which I shall have published in the RECORD, it will appear that this board of visitors were not proper persons to make an examination for another reason—because they had prejudged the case. In their interviews—in their statements which were published—they deny these charges; they hoot and scout the idea that any such thing could exist.

Mr. SULZER. Will the gentleman let me ask him a question?

Mr. CLARK of Florida. Certainly.

Mr. SULZER. I am with the gentleman in regard to this insane asylum. My information regarding its mismanagement and conduct by the officials over there and the inhuman and barbarous treatment of the patients, and scandals, is a disgrace to the Government. This institution should be investigated, and investigated by a nonpartisan, impartial committee of this House. I want to ask the gentleman from Florida why it is that the committee refused to report his resolution which has been pending before the committee for a long time?

Mr. CLARK of Florida. I have just stated, Mr. Chairman, that the resolution had been before the committee for two months, and that ten affidavits, or copies of them, had gone to the committee. Why the Committee on Rules does not report I can not tell the gentleman. I have not the slightest idea on earth. There is no reason why they should not. There does not exist a single scintilla of a reason why the Committee on Rules should not report the resolution. They may have some good reason, and, if so, I would like for one member of that committee to give it to the House and the country.

Mr. GAINES of Tennessee. Will the gentleman allow me?

Mr. CLARK of Florida. Certainly.

Mr. GAINES of Tennessee. The gentleman seems to have read a good deal from the newspapers; have not the people in charge of the institution made any reply through the newspapers?

Mr. CLARK of Florida. Yes; and I will publish them, too. The articles refered to are as follows:

[Washington Post, February 24, 1906.]

ASYLUM PROBE TO-DAY—BOARD OF VISITORS TO BEGIN THOROUGH INVESTIGATION—DEMAND IMMEDIATE INQUIRY—MEMBERS DECLARE THERE IS NO IMPROPRIETY IN PROSECUTING AN INVESTIGATION OF THE CHARGES OF GROSS MISMANAGEMENT BEFORE CONGRESS HAS AN OPPORTUNITY TO LOOK INTO THE CONDITIONS.

Impropriety on the part of the board of visitors of St. Elizabeth's Hospital in prosecuting an investigation of charges of mismanagement in that institution pending an investigation by the House, as suggested by Richard P. Evans, attorney for the Medico-Legal Society, is not conceded by Dr. F. M. Gunnell, president of the board of visitors.

The fact that the Medico-Legal Society has declared its intention to refrain from presenting any evidence to the board of visitors in support of its charges of gross mismanagement will not serve to postpone the investigation, declares Doctor Gunnell.

"The board of visitors will meet to-morrow at 10 o'clock in the administration building," said Doctor Gunnell, "prepared to hear all complaints against the management of the hospital.

"There is no one so much interested in proving the truth or falsity of the charges made against the hospital by the Medico-Legal Society as the board of visitors.

"The action of the Medico-Legal Society in asking for a Congressional investigation, carrying with it an imputation that the investigation to be made by the board of visitors would result in a whitewashing report, will not deter the board from probing into the charges made by that society or those emanating from any other source.

HITCHCOCK URGES INQUIRY.

"The determination of the board to conduct a searching investigation was communicated to Secretary Hitchcock, who expressed the opinion that it was its duty to make an immediate investigation.

"Even though the charges made by the Medico-Legal Society were such as to be easily controvertible by the board, yet they are so serious that it is deemed imperative a public investigation should be made, to be followed by a report analyzing each specific charge."

A copy of the correspondence passed between the board of visitors

and the Medico-Legal Society since the publication of the sensational charges against the hospital follows:

GOVERNMENT HOSPITAL FOR THE INSANE,
Washington, D. C., February 21, 1906.

RICHARD P. EVANS,
1101 New York Avenue, Washington, D. C.

DEAR SIR: The president of the board of visitors of the hospital directs me to inform you that there will be a meeting of the board held in the administration building at 10 a. m. Saturday, the 24th instant.

You are requested to be present at that time to give evidence touching certain statements which have recently appeared in the public press over your signature.

Very respectfully, WILLIAM A. WHITE, *Secretary.*

MR. EVANS'S REPLY.

The reply to this letter was as follows:

WASHINGTON, D. C., *February 23, 1906.*

WILLIAM A. WHITE, M. D.,
Secretary Board of Visitors,
Government Hospital for the Insane.

DEAR SIR: Replying to your two letters of the 21st instant, addressed to Dr. Charles M. Emmons and myself, requesting our appearance before your board of visitors at the administration building on Saturday, 24th instant, at 10 a. m., to give evidence relative to subject-matter of our report as a committee of the Medico-Legal Society of the District of Columbia (Incorporated), I have to state, as attorney for the society, that, exclusive of other reasons, we would not be justified in participating in any inquiry by your board pending action upon the resolution now under consideration providing for such investigation by a committee of the House of Representatives. This would be forestalling the action of Congress.

In this connection I beg leave to ask whether the board of visitors has considered the apparent impropriety of conducting this investigation, in the course of which the secretary and other members of the board will be called upon to testify and in the result of which each member has a deep personal interest. Your board in arriving at a decision would necessarily have to pass judgment upon its own testimony and upon its own past official acts. The delicacy of the situation would be pronounced.

Under separate cover I mail you copies of the committee's report, which will be presented to the Secretary of the Interior to-day.

Very respectfully,

RICHARD P. EVANS, *Attorney.*

REFUSES TO MAKE COMMENT.

In discussing the communication of Mr. Evans, questioning the propriety of the board of visitors proceeding with the investigation under existing circumstances, Doctor Gunnell stated that he did not care to comment on the motives actuating the Medico-Legal Society.

"I will say, however," he said, "that any investigation conducted by Congress would undoubtedly be in conjunction with the board of visitors. Information secured by the board will at all times be at the disposal of the House committee deputed to conduct the investigation."

The charges made by the Medico-Legal Society were freely discussed by Doctor Gunnell. Referring to the accusations that patients are maltreated and are subjected to physical violence by the keepers, Doctor Gunnell stated that he could not credit the existence of such a condition.

"To strike a patient," he said, "is considered an unpardonable sin, and has always been followed by the immediate discharge of the offending attendant. Doctor White has gone even further than merely discharging the attendant. He has turned such hospital employees over to the police and prosecuted them on charges of assault and battery.

"In the investigation to be conducted by the board of visitors the hospital employees will be called in one by one and not only questioned as to their personal conduct, but will be required to answer such questions: 'Did you ever see an attendant strike a patient?' If so, 'Did you report it to the proper authorities?' 'To whom did you make the report and when?'

TRUTH WILL BE SOUGHT.

"In its investigation the board will shield no one, and the truth, no matter who is injured thereby, will be sought and embodied in its report."

In the printed copy of the report of the special committee of the Medico-Legal Society on "Care and Treatment of the Insane" an addendum is included presenting in part the following facts regarding the care of the insane in various asylums:

"In the Illinois Asylum for the Incurable Insane narcotics are never administered on the wards by day or by night. All such medicines are beyond the reach of inmate or attendant. Mechanical restraint has been absolutely abolished. There is no cell, cell room, barred or grated window. Methodical care and classification have made restraint unnecessary even in the most violent cases.

"The substitution of female for male attendants on male wards has gone on until 500 of male insane are cared for exclusively by women.

ELIMINATES ALL ABUSE.

"The elimination of all possible abuse alone makes the introduction of female attendants on male wards invaluable.

"From biennial reports of superintendent of the Arizona Asylum for the Insane: 'A kind word, a pleasant smile, an assuirng touch will almost invariably quiet the most excitable patient, convincing him that he has nothing to fear and no harm is intended him.'

"In the report of the Topeka (Kans.) State Hospital it is stated: 'The old methods of force and intimidation have been superseded by kindness, tact, and intelligence.'

"Doctor Drewry, of the Central State Hospital of Virginia, says in his report: 'For eight or ten years past there has not been a single patient in the hospital subjected to the cruelty of any form of physical restraint whatever.'

"The board of managers of the State Hospital of Missouri, No. 2, at St. Joseph, in their last biennial report declare: 'Idleness in hospitals for insane is as prone to evil and bad results as idleness among the sane.'

"Dr. H. B. Meredith, superintendent of the State Hospital for the Insane at Danville, Pa., expressed himself as follows: 'The care of insane criminals should have no part in the treatment of the noncriminal. The vicious by heredity or education, who have likewise become insane, form the worst type of degeneracy. To compel everyday association with this class tends to inflict irreparable injury upon those who have led correct lives, though unfortunately alienated.'

COST HIGHEST HERE.

"An examination of the per capita tables of seventy-nine insane asylums, which includes those in almost every State in the Union, shows that the Government Hospital for the Insane in the District of Columbia heads the list as to the cost of management; that it stands No. 27 in the column of recoveries and No. 5 as having the highest death rate.

"It appears also from this table of comparison that the institutions having a small number of inmates cost the State a greater per capita than those of large population. For instance, Dannemora State Asylum, New York, costs the State $202.80 per capita, and has only 260 patients, while Wards Island Asylum, in the same State, with 4,366 patients, costs the State but $167.71.

"We note that the average per capita cost for the twelve insane asylums of New York shows it to be $190. The average per capita cost for the five insane asylums of the State of Ohio is $101.04. The three Virginia insane asylums average $104 per capita, and when we consider that this State has the same climate and markets as our local institution at St. Elizabeth we see no reason for the per capita cost of $220 as against $104 for the State Asylum of Virginia.

"In the face of these comparisons the per capita cost of the Government Hospital for the Insane should never exceed $200 per capita. Anything in excess of this amount is needless.

"It appears that many of the State institutions include all expenditures in figuring their per capita cost. If this were the case with St. Elizabeth, the per capita cost would exceed $300."

[Washington Times, February 24, 1906.]

ASYLUM HEARING OFF TO WEDNESDAY—ST. ELIZABETH'S BOARD IN NEED OF WITNESSES—WISHES POWER TO SUBPŒNA—ADJOURNS TO LEARN IF IT CAN NOT FORCE MEDICO-LEGAL SOCIETY MEMBERS TO TESTIFY.

The investigation of the charges made by the Medico-Legal Society of the District against the administration and conduct of affairs at the Government Hospital for the Insane, which began at the hospital this morning, opened with an executive session and ended in the adoption of the following resolution:

"The board of visitors, having met this morning and having found that those who have published in the newspapers charges against this hospital have declined their invitation to appear before the board and give testimony in substantiation of these charges: Therefore,

"*Resolved*, That the board do now adjourn until 2 o'clock p. m. Wednesday, the 28th instant, in order to ascertain whether or not the board has power to compel the attendance of witnesses and to administer judicial oaths; and if it should be found that such power does not now reside in this board to take steps necessary to clothe the board with such power, in the interest of a full judicial inquiry into the charges lodged against this hospital and into its condition and administration."

UNANIMOUSLY ADOPTED.

Despite the reported announcement of the board's chairman, Dr. F. M. Grinnell, that it would proceed with the investigation under any circumstances, the actual investigation was not even begun. This failure was caused by the refusal of the Medico-Legal Society, by its officers, to appear and give testimony. The resolutions were adopted by a unanimous vote, and were offered by the Rev. Dr. Teunis S. Hamlin.

The refusal of the Medico-Legal Society to apear and give evidence was contained in a letter from its law officer, Richard P. Evans, to Dr. William A. White, superintendent of the hospital and secretary of the board of visitors. The letter was printed in the Times yesterday. This stand of the society necessitated a complete change of plans on the part of the board and was evidently the subject of much careful consideration at this morning's session.

NOT ALL PRESENT.

The members of the board present were Dr. F. M. Gunnell, president; Gen. John Moore, Gen. Walter Wyman, the Rev. Teunis S. Hamlin, William A. Maury, Mrs. A. M. Gangewer, and Mrs. Gardiner Hubbard. One of the absentees, S. H. Kauffman, is ill at his residence, and was unable on this account to be present.

A squad of newspaper reporters descended upon the administration building of the hospital at 10 o'clock, the hour announced for the investigation to begin. They were made very welcome, and given every facility to gaze out of the windows of the room in which the "investigation" was to have been held. There they meditated and cooled their heels in patience, and meantime the meeting of the board was in progress in the office of Doctor White. It continued in session nearly two hours.

At 11.45 the members of the board, accompanied by Doctor White, filed into the board room, where the reporters, representing the anxious public, were in waiting.

"MEETING" ACTUALLY BEGINS.

Doctor Gunnell called the meeting to order, and asked for the minutes of the last meeting. Doctor White offered to produce them if it were necessary, but it was decided finally that a summary would answer the purpose. The minutes were summarized by the chairman to the following cogent, precise, and remarkable effect:

"The board met and adjourned."

This weighty preliminary being disposed of, Doctor Hamlin then read the resolutions he offered, using for the purpose a typewritten manuscript.

The resolution adopted, the meeting stood adjourned, and carbon copies of the board's action were distributed to the reporters.

In the closed session it was decided that application for opinions as to the board's power should be made to the Attorney-General and the Secretary of the Interior. Until these are furnished, nothing further will be done.

[Washington Post, February 25, 1906.]

DEMANDS THE PROOF—ASYLUM BOARD WOULD COMPEL WITNESSES TO TESTIFY—INQUIRES ABOUT ITS POWERS—RESOLUTION IS ADOPTED WHICH SEEKS TO FORCE THE MEMBERS OF THE MEDICO-LEGAL SOCIETY TO APPEAR, AND UNDER OATH TELL WHAT THEY KNOW ABOUT ALLEGED MISMANAGEMENT—WILLING TO APPEAR.

The board of visitors of St. Elizabeth, the Government Hospital for the Insane, yesterday decided to attempt to force the members of the Medico-Legal Society of Washington to testify before it as to the charges of gross mismanagement made.

The board was in executive session for two hours, and this was the only conclusion reached. The stand taken by the board is that inas-

much as the charges made by the society are the only matter before it nothing can be done if the men who made the charges refuse to testify, unless the board has the power to summon them as witnesses and to administer oaths.

The resolution adopted follows:

"The board of visitors having met this morning and having found that those who have published in the newspapers charges against this hospital have declined their invitation to appear before the board to give testimony in substantiation of these charges: Therefore, be it

WOULD KNOW ITS POWERS.

"*Resolved*, That the board do now adjourn until 2 o'clock Wednesday, February 28, in order to ascertain whether or not the board has power to compel the attendance of witnesses and to administer judicial oaths; and if it should be found that such power does not now reside in this board, to take necessary steps to clothe the board with such power in the interest of a full judicial inquiry into the charges lodged against this hospital, and into its condition and administration."

Rev. Teunis S. Hamlin introduced the resolution, which was unanimously adopted, the following members being present and voting for it: Surg. Gen. F. M. Gunnell, United States Navy; Surg. Gen. John Moore, United States Army; Surg. Gen. Walter Wyman, United States Marine-Hospital Service; former Assistant Attorney William A. Maury, Rev. Teunis S. Hamlin, Mrs. Gardiner Hubbard, and Mrs. A. M. Gangewer.

Members discussing the postponement of the investigation until Wednesday say that in the interim the legal branch of the Department of the Interior will be consulted as to the power of the board to summon witnesses.

Those interested in the charges are making inquiry into the personnel of the Medico-Legal Society, which made the sensational charges a week ago. To those charges were appended the names of three men—Dr. C. M. Emmons, Dr. Robert Reyburn, and R. P. Evans, attorney.

SOCIETY IS INCORPORATED.

Parties most affected by the charges have sought to learn the membership of the organization, but claim they have been unsuccessful. Attorney R. P. Evans, of the Medico-Legal Society, stated that there were reasons why the list of members of the organization should not be published. He cited the fact that the organization was incorporated and that the list of incorporators refuted the accusation that the membership was limited to three men. The incorporation and the present list of officers show the following men as active in the work of the society:

Dr. Robert Reyburn, president; Dr. William D. Hughes, vice-president; Dr. C. M. Emmons, secretary; Dr. C. B. Robinson, treasurer; R. P. Evans, attorney, and James E. Padgett, associate attorney.

The articles of incorporation state that the object of the society is the enactment of such legislation as will promote the interests of the citizens of the District of Columbia, the discussion of all civic affairs of a medical or legal character, and the encouragement of a closer social affiliation among reputable professional men of the city.

"On Monday," said Mr. Evans, "we hope to get a report of a resolution now before the House for a Congressional investigation of the affairs of the asylum. We hope for this investigation, because we hold that the board of visitors, having the responsibility for any unsatisfactory conditions existing, would not naturally apply the probe as would outside investigators.

WILLING TO APPEAR.

"If Congress does not see fit to investigate, then we are willing to appear before the board, but conditionally. We will willingly appear if we are granted the privilege of calling witnesses to substantiate the charges we have made. We want the privilege of bringing out our side of the case and of putting even doctors and officers of the institution on the stand. Should we call an attendant, we want it understood that he is not to lose his position because of testimony he should give that would be damaging to the institution."

Upon these points there are likely to arise differences as to the manner in which the investigation will be conducted, and the probability is that its manner will be entirely changed when the issue comes.

When the matter is referred to the Interior Department for opinions as to the legal phases and the powers of the board of visitors, it is probable that the matter may be taken entirely out of the hands of the board and turned over to the investigating board of the Department, which has the service of skilled men and authority to summon witnesses and administer oaths.

Mr. GAINES of Tennessee. What do they say about it—deny everything?

Mr. CLARK of Florida. Yes.

Mr. SULZER. Oh, hardly that, I will say to the gentleman from Tennessee. I read one of their so-called denials the other day, and it was to the effect that they were investigating themselves and at some future time would make a report.

Mr. CLARK of Florida. Now, Mr. Chairman, I want to call attention to one or two of these affidavits, and I want to ask permission to put these ten affidavits that were sent to the Committee on Rules in the RECORD as a part of my remarks, and also two additional affidavits, which I have. I will not have the time to read them all. I hope the House will permit me to do that. Here is an affidavit which I desire to read, and I hope gentlemen will listen to this particular one. It is as follows:

STATE OF WISCONSIN,
County of Milwaukee, ss:

Personally appeared before me, a notary public in and for the county and State aforesaid, Daniel Oscar Hoffman, well known to me to be reputable and entitled to credit, who, being first duly sworn according to law, deposes and says: I am the identical Oscar Hoffman who, on or about March 3, 1903, was seized at my home, 1513 Thirtieth street NW., Washington, D. C., by policemen without a warrant, confined in a filthy cell at a police station for six or eight hours, and then, without opportunity to consult counsel or my friends, I was taken forcibly to St. Elizabeth Insane Asylum, Washington, D. C., and there kept as being an insane person, and abominably treated. A day or so after, I was handed a paper of some sort, a writ, which an attendant took away from me and tore up, and I was never taken before a court for a hearing as to my sanity.

I remained in St. Elizabeth until about Christmas, 1903, when I was permitted by the hospital authorities to go home to spend Christmas, and I never went back. Shortly afterwards I visited Europe and spent some time in Berlin and Dresden. My experiences in St. Elizabeth were, briefly, as follows: Upon my arrival they took me to "center," and there I was scrubbed down with scrub brush, such as is used in scrubbing floors; my request for an attorney and examination into my mental condition was ignored. I was kept there one night, and then taken to the Toner Building in the morning, where I was under charge of a Doctor Logie. One of my first experiences there was being hit in back of neck by an attendant and knocked down, for what reason I know not, as at the time I was only trying to get out of the way of a patient who ran at me. Neither before nor since my confinement in St. Elizabeth have I ever used opium, morphine, or similar drugs in any form, but my flesh looked like a pepper box from hypodermic injections when I left there; other drugs were administered; I was cursed and damned, struck and choked, kicked in stomach and testicles, smashed in face, and the swelling caused an ulcer, and I was strapped down and four sound teeth taken out—to find the ulcerated one, I suppose. I grew somewhat restive under this treatment and was sat in the "saddle." The "saddle" was a contrivance of straps stretched across the bed in somewhat the outlined form. "A" is, I suppose, the part from which it received its name, as from it all the straps emanate. Upon one's introduction to the bed of torture it looked very much like the outline. The straps, after the patient was placed in the saddle, were secured around the side and head and front bars of the bed and brought tight over and around.

This is a delightful contrivance, where I was strapped and bound, hands, feet, legs, and neck, so that I could not move a muscle, and could only roll my eyes or head around, while in a reclining position; here I was left alone a whole day, without water or food, and no one paid any attention to my cries. It is a mercy of God that kept me from going raving mad. Dante's Inferno does not describe the torture I endured; the agony was indescribable; this was to subdue the spirits of the patients; it was frequently used upon others. The patients were frequently "wrung out," by throwing wet towels around the neck and twisting the ends from behind or before until they would become almost unconscious from slow strangulation. I underwent this experience several times; once in particular to the point of unconsciousness for several minutes. I saw young men—boys—choked by "wringing out" until they would fall senseless, frothing at the mouth. The attendants were for the most part ignorant, vulgar, cruel, and vicious. They were cursing and damning all the time, and upon slightest pretext would strike and kick me and others, "wring" us out, etc., although there were a few, in my experience, with good, Christian hearts.

I was struck on the side of head with broomstick by one of the attendant, and have a disfigured ear as the result of those blows; my nostril is distended, and my throat and voice injured by unnecessary use of the feeding tube, when I was willing and anxious to eat and drink. It was forced up my nostril and down my throat, and, to make it worse, they would frequently not grease it, but put it in dry. This feeding tube was a standing threat, and was frequently used, without reason or necessity, to discipline the patients. Drugs were administered to patients for the amusement of watching their funny actions while under their effects. The attendants had free access to the drugs. If any patient woke up in the night he was drugged to make him sleep. A watchman would go around every hour or so with flashing light; would wake some up; reported not asleep—more drugs. It was a common practice to tie the patients in bed with "restraining sheets," and keep them so for hours—sometimes all night. I was so tied down in bed a whole night by an open window, and caught cold and the inflammatory rheumatism in consequence. During my incarceration I had typhoid fever, when I was kept in restraining sheets. From typhoid my weight fell to 90 pounds, according to report. Wonderful that I should survive my treatment during and after such emaciation, when it is remembered my normal weight is from 170 to 180 stripped. My weight upon entrance was below par, about 140 stripped, I believe. Some one of the patients informed my mother of how I was being maltreated, and she complained to Doctor White, the superintendent. He had me brought before Doctor Logie and others, and asked me if I had any complaints to make; but I knew better than to complain, for if sent back to the ward I knew it would be unhealthy for me, so I refused to say anything, as Mr. Blimar was in earshot. They used the douche for treatment, throwing such a stream of cold water against me and other delicate patients that it would knock us down. Torture, tyranny, and abuse kept me and others in a constant condition of fear and apprehension.

I wish to say a word for the criminal insane. Constant imprisonment, and only a little courtyard in center of their building for their airing. I heard frequent cries of pain from there. They are human beings and should have humane treatment.

D. O. N. HOFFMANN.

Subscribed and sworn to before me this 2d day of March, 1906.
[SEAL.] H. SCHLOMOVITZ,
Notary Public.

Mr. Chairman, as I say, I shall not take up the time of the House—I have not the time at my disposal—to read these affidavits. They are similar in character to the one that I have read. These affidavits are made by attendants, ex-attendants, and ex-patients. It will not do to say that they can not be believed because they are not now in the employ of the institution or that they are not now in the care of the institution. You can not get at the facts in any institution like this by any person other than those who are in a position to know the facts, and no person is in a position to know those facts except the inmates of the institution. Why, on state occasions, when the board of visitors go to make their annual visit, everything is in order for their reception, everything has been cleaned and prepared and made ready for the board of visitors, and doubtless they never see anything that is wrong or that indicates cruelty or mismanagement. Here are these people, a round dozen of them, whose affidavits I shall ask permission to put in the RECORD, and they detail a story of brutality, a story of mismanagement, that should bring the blush of shame to the cheek of every citizen of America. Here, within the very shadow of the Dome of the Capitol; here, in the very center of our boasted

American civilization, these people are treated like common brutes, worse than the dogs that roam your streets or bay in your back yards. I say, in the face of this, will the Committee on Rules, autocratic power that it is, continue to deny to this House the right to investigate this institution of the Government, this institution that ought to be the pride of every Member of this Congress, that ought to be near and dear to the heart of every citizen of America? I ask again, Will the Committee on Rules, accustomed to the exercise of autocratic power, accustomed to the denial of the right of the people to be heard, accustomed to throttling the voice of the people's representatives here on this floor—will the Committee on Rules, in the face of all these horrible facts as detailed in these affidavits, deny to this House the right to have the affairs of this sacred institution investigated? [Applause.] My God, Mr. Chairman, surely they will not carry their power to that length. Surely this is where they will call a halt and say that the representatives of the people shall have the privilege to investigate this institution and let the people know the truth.

In addition to all these charges of cruelty and mismanagement there is another charge which I have here, if gentlemen care to examine the court records of this District. Old soldiers and sailors are incarcerated there. I have before me the record of a case which shows this state of facts: Last year the superintendent of this asylum went into court by a petition asking for an investigation into the sanity of a soldier incarcerated there. That man had been there since 1883, the supposition being that when a man is incarcerated his insanity has been determined. Yet he had been there since 1883, with no determination, apparently, of this question, and last year the superintendent went into the court and asked for an investigation into the matter of his sanity. This old soldier had coming to him from the General Government $224 in arrears of pension. The attorney for the superintendent, who filed the petition, received as fees out of this old man's pittance of $224 the sum of $25. His law partner was appointed by the court as the committee in lunacy, and he received out of this money 10 per cent, or twenty-two dollars and something. Two physicians examined him as to his sanity, one of them being a physician in the asylum, who was paid a salary by the Government, and each got $10 for investigating and giving the certificate as to this man's sanity, and then with the court costs and other charges it cost this old soldier $80.10 to collect $224 due him by the Government of the United States. Insane, nearing the place where he would take passage for the other shore, faithful to his country, upon her pension rolls in recognition of his gallant services, tottering on to the grave, and his reason gone, in this humane institution that we have built for the care and maintenance of such as he—these people pounced upon him and took from him $80.10 out of $224, when it ought not to have cost him a cent. There ought to be some arrangement made by which it would be impossible for court costs and attorneys' fees to devour the small sums allowed by the Government to make easier the pathway of the old soldier as he journeys to his long home.

And I am told, Mr. Chairman, upon good authority, that this very same firm of lawyers average fifty to sixty of just such cases every year. An old soldier is in there; they find that he has got some back pension money coming to him; a petition is filed, and these enormous fees are taken out of his little pittance, he without reason and unable to complain. So you have, Mr. Chairman, charges of gross and most inhuman treatment; you have charges of pilfering the little pittance provided by a generous Government for the old soldier; you have these charges made emanating from respectable quarters, and yet we appeal in vain for an opportunity to test the truth of the charges made. Mr. Chairman, I want to say one word further as to the source of these charges. When I saw these newspaper accounts I investigated the people behind the charges. I found, Mr. Chairman, that they were made primarily by what was known as the "Medico-Legal Society." I found the president of that society is Dr. Robert Reyburn, a citizen of this city for more than fifty years, a man of large property interests, a man who is prominent in his profession and among his people, and who was one of the attending surgeons, if not the chief one, when the lamented Garfield was stricken with the assassin's bullet. I found that the attorney for the society was Mr. Richard P. Evans, an attorney at law in good standing, who has lived here for twenty-five years. I found that the secretary of the society was Dr. Charles M. Emmons, a physician in good standing in his profession, who has lived here all his life. These are the sources from which the charges emanated. These are the people who preferred them. These are the people who say they are ready to prove them. Mr. Chairman, I want to say that the man with the "muck rake" is not so dangerous to our republican Government as is the man with the whitewash brush. [Applause.] He is the more dangerous of the two; he is the more despicable of the two. The man with the whitewash brush, ready at all times to smear over the muck and to hide it from the public, to conceal it from the public gaze, is infinitely worse than the man with the "muck rake" who would expose it to the public view in order that affairs might be remedied. I am putting these facts before this House, Mr. Chairman, to appeal to this Congress to at least investigate this institution. If the charges are not true, no harm can be done. If they are true, then in God's name let us wipe out of place every official in any manner responsible for these things [applause], and at least have clean and humane officials in charge of our unfortunate fellow-beings who, owing to the decrees of Providence, can not help themselves. Mr. Chairman, I desire now to ask consent to put these newspaper articles in the RECORD and also to put into the RECORD these ten affidavits and the two others which have not been sent to the Committee on Rules, and I thank the House for its very close attention, trusting that my remarks may ultimately result in good to this institution.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRUMPACKER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 8997) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. BURKETT, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4886) to simplify the issue of enrollments and licenses of vessels of the United States.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16133. An act to simplify the issue of enrollments and licenses of vessels of the United States; and

H. R. 18334. An act making an appropriation to supply a deficiency in the appropriation for bringing home remains of officers and men of the Navy and Marine Corps who die abroad.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5533. An act to appoint an additional judge for the southern district of New York;

S. 5489. An act to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Miami, in said district; and

S. 5297. An act providing for the erection of an addition to the post-office building at Washington, D. C.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. BURLESON. Mr. Chairman, I yield ten minutes, or more, if he desires—I believe he said ten minutes—to the gentleman from Ohio [Mr. GROSVENOR].

The CHAIRMAN. The gentleman from Ohio is recognized for ten minutes.

Mr. GROSVENOR. Mr. Chairman, it is possible the comments that I desire to make upon the highly impassioned speech of the gentleman from Florida may occupy more than ten minutes of time. For myself, as a member of the Committee on Rules, I never heard until the statement was made here to-day that the gentleman from Florida had introduced any resolution in regard to the subject-matter about which he has been speaking, and since his very violent attack upon the Committee on Rules I have investigated the whole subject so far as the action or nonaction of the Committee on Rules is concerned and will show to the gentleman from Florida and to the House how easy it is for a man who does not understand what he is trying to do to fail to do anything, and then of course he feels disappointed and disgusted and insulted and outraged by the failure of somebody else to do something that he thinks they ought to do and which they were never invited to do. I suppose that the Members of the House, most of them, understand the processes by which a proceeding of this kind is usually carried on, and I want to make a statement of the exact facts so far as the Committee on Rules is concerned. Some time in February the gen-

tleman from Florida introduced a resolution suggesting and providing for a special committee to investigate the asylum over here. At that time, bear in mind, so far as any official knowledge was concerned, there was no information or suggestion to the Committee on Rules that there was any complaint against the asylum. Of course there were newspaper articles, but the Committee on Rules has not been in the habit of appointing an investigating committee every time there is a charge in a newspaper against somebody.

As I have said, the resolution was sent to the committee. I did not know it was there, nor did the other members of the committee. It took the usual course, and lay in the hands of the secretary of the committee waiting for such action as is usually a requisite to putting the matter into some kind of activity. And until to-day not one word has made its appearance, not a sound has come from the gentleman from Florida [Mr. CLARK] asking any action by the committee. A few days ago—the exact date is not ascertainable, because the action was non-official—a bundle of papers was handed to the clerk of the Committee on Rules. The first time I ever heard of that fact I heard here to-day by the gentleman's impassioned attack upon the committee, and I have inquired of the other two members—Republican members—of the committee, and they both say they never heard of these affidavits or any other paper in connection with the transaction. When I come to examine the papers I find there is nothing before the committee to-day upon which any committee would act under any circumstances whatever. There is a lot of papers purporting to be copies, but not an original paper, not a substantial allegation of any fact, but a lot of copies in the hands of the secretary, and that is all there is of it. Now, then, who is to blame? If the gentleman from Florida had come to the Committee on Rules, if he had understood the processes that he was invoking, he would have come to that committee and asked their consideration of his resolution. But he has not seen fit to do that, so far as I am informed.

Mr. CLARK of Florida. Will the gentleman permit me to ask him a question?

Mr. GROSVENOR. Certainly.

Mr. CLARK of Florida. I want to ask the gentleman from Ohio if it is not true that those ten copies of affidavits, which he says were dumped in there, have not a letter attached to them from an attorney of standing in this city, Mr. Richard P. Evans, and does not he in that letter say to you that he is ready at any time to produce the originals and urge action upon the report?

Mr. GROSVENOR. Does the Committee on Rules feel obligated, when some attorney wants to be heard, to thereupon put the processes in motion? That is more absurd than anything else the gentleman has suggested. But that fact was not known. If the gentleman had come to the Committee on Rules and said, "I have these affidavits, and I desire action," he would have had it, and he would have had it instantly. He would have been deprived of nothing whatever except the glory, whatever there was in it, of this fearful raid he has been making upon the Committee on Rules of this House.

I do not know who Mr. Evans is, and I never heard of him until within the last thirty minutes. I did not know there was such a man on God's footstool, nor did any member of the Committee on Rules know it, or ever hear of him, or ever hear that he had written a letter. The whole thing is simply a miscarriage because of the gentleman's failure to understand the processes by which this action could have been taken. The clerk of the committee has acted with absolute propriety. He is the custodian of the papers, that is all. And whenever the Committee on Rules had been invoked by the gentleman from Florida to take action the papers would have been produced at once and action would have been had.

Mr. RUCKER rose.

The CHAIRMAN. Will the gentleman from Ohio yield to the gentleman from Missouri?

Mr. GROSVENOR. Certainly.

Mr. RUCKER. As I understand, the gentleman has explained thus far why the Committee on Rules has not up to this time taken action—namely, that it had no knowledge of the serious character of these charges?

Mr. GROSVENOR. I have not said that.

Mr. RUCKER. That is the purport, as I understand it.

Mr. GROSVENOR. Not at all. It is not the purport, either.

Mr. RUCKER. Then let me ask the gentleman this: Having now heard from the declarations of the gentlemen on the floor, will you, as a member of the committee, take this matter up in the committee and report to the House?

Mr. GROSVENOR. I will not take it up; no. But I will——

Mr. RUCKER. May I ask the gentleman if the committee will take it up?

Mr. GROSVENOR. If the gentleman will come before the committee, the committee will act with absolute promptness.

Mr. RUCKER. If the gentleman from Florida [Mr. CLARK] comes before the committee?

Mr. GROSVENOR. And satisfies the committee that there is anything in these charges, then there will be no difficulty about action.

Mr. CLARK of Florida. If the committee will give me notice when they are going to meet, I will be there.

Mr. GROSVENOR. The gentleman can always find the Committee on Rules. There is never any trouble about that.

Now, Mr. Chairman, you see what has come of all this. The country has been lashed into a fury, when the whole of it is absolutely stolid ignorance of the processes by which action might have been had. The gentleman asked the Committee on Rules to take some affidavits, uncertified to by anybody as being competent, and act upon them. The committee certainly will not do that; the committee ought not to be asked to do that. If the gentleman's proposed action should be taken, why did he copy the originals and carry these copies and place them in the hands of the clerk of the committee?

I do not know that would have sufficed; but if the committee was to act in his absence—and that seems to be the burden of his cry, that we did not act in his absence—if he did not profess that, did he ever come and seek any action? He never has exhibited one of those affidavits to anybody connected with the committee. He simply sent what purports to be on their face copies of certain statements. Of course, there were charges made in the fall, early in the session, against this organization over here, and for one I sought to put in motion an investigation, and the gentleman from Florida put amendments into a bill which I had in hand, and the bill was passed with his amendment. Now, whatever became of that bill I do not know; I do not know whether the Senate shelved it or did not shelve it. I do not know anything about that. But I had heard as a current rumor, in the air, that some action had been taken by the board of managers, and there was little or nothing in the charges that had been made, and so I dropped following up that bill, and know nothing whatever about any attempt to investigate their action by the House of Representatives.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. Does the gentleman desire any further time?

Mr. GROSVENOR. No; that is all.

Mr. BURLESON. I yield ten minutes to the gentleman from New York.

Mr. SULZER. Mr. Chairman, the gentleman from Ohio is begging this whole question regarding an investigation by the House of Representatives of the mismanagement of St. Elizabeth's Insane Asylum. His defense of the officials of that institution, to say the least, is disingenuous, and his reasons, as a member of the Committee on Rules, for not reporting the resolution for an investigation are hardly worth serious attention. This matter can not be whistled down the wind.

The charges and the statements made by the gentleman from Florida are not new and are not without substantial foundation in fact. They have been made over and over again by reputable citizens of the District of Columbia, in the newspapers of this city, and by several Members on the floor of this House; and the members of the Committee on Rules must have knowledge of these matters, and they should have taken action in the premises long ago by reporting this resolution for a rigid and impartial investigation without waiting for the introducer of the resolution or Members of the House to appear before the committee and beg the committee to do something.

Considering these grave charges, I say the delay in this matter on the part of the Committee on Rules is indefensible, and explanations only make the matter look worse. We know the practice of the Committee on Rules. Whenever it wants to do anything, it promptly does it, and does it in the most arbitrary and expeditious way; and whenever it does not want to do anything, nine-tenths of all the Members of this House can go to the Speaker's room day in and day out and plead and plead and use all their influence with every member of the committee and it is as impossible to get the Committee on Rules, if the committee does not want to do it, to do what a great majority of the Members of the House are anxious to have done as it is for the members of that committee to be translated. [Laughter and applause.]

Mr. Chairman, a short time ago I made a speech on the floor of this House regarding the alleged cruelties and inhumanities that are going on, and have been going on for a long time, in St. Elizabeth's Insane Asylum. I knew then, and I know now, whereof I speak. I said then, and I say now, that these grave charges should be investigated by a committee of the House

of Representatives. I have in my possession copies of the same affidavits to which the gentleman from Florida has referred, and one of which he read to the House; and I have other information regarding the terrible stories which come to us about the inhuman and the barbarous treatment of the poor afflicted insane patients in that institution. These affidavits were prepared by Richard P. Evans, esq., attorney for the Medico-Legal Society of the District of Columbia. Mr. Evans is a well-known and prominent lawyer of the District of Columbia, and the Medico-Legal Society is one of the most reputable societies of its kind in this country.

These terrible accusations come to us from sincere, disinterested, and reputable citizens, and they will not down, and they can not be smothered or suppressed. If the statements are true, or only partially true, the condition of affairs in this asylum is a disgrace to the country; if they are false, a great injustice is being done to the officials of this institution, and the wrong should be remedied as soon as possible. The citizens of this city want an impartial investigation to get at the facts, and all the facts, and the only way that the people will ever know the truth, and the whole truth, and nothing but the truth is by a rigid investigation of this whole asylum administration by a nonpartisan Congressional committee. [Applause.]

The witnesses who make these frightful charges want to be heard, and they should be heard. The people demand this investigation, and it must come. The House of Representatives must do its duty, and do it now. The people expect us to act quickly in this matter and find out the truth. We should have an impartial investigation. Let in the light of publicity and get at all the facts.

If these charges of cruelty to the unfortunate patients in this asylum are true, the officials who are guilty of the barbarities should be criminally prosecuted. We demand the truth. We want publicity in this matter—no star-chamber proceedings, no whitewashing, no favoritism.

The gentleman from Ohio has ridiculed these charges, and in a facetious way has asked: "Where are the original affidavits?" I will answer the gentleman from Ohio, and say to him that Mr. Evans, the attorney for the Medico-Legal Society of the District of Columbia, informed me that the original affidavits were in a safe-deposit vault in this city, and if the gentleman wants to see the originals I suggest that he send for Mr. Evans, and I have no doubt Mr. Evans will produce the originals and show them to the gentleman from Ohio and give him other data and further information regarding the charges of graft and mismanagement and cruelties in St. Elizabeth's. The Medico-Legal Society of this District, I have no doubt, will produce all the proof necessary to convince the gentleman from Ohio that the conditions existing in St. Elizabeth's are a disgrace to the enlightened civilization of the twentieth century.

This Medico-Legal Society is composed of some of the most reputable and best-known physicians in this city, and they are familiar with the horrible conditions in St. Elizabeth's. These doctors and other reputable citizens have begged Congress for an investigation, and what answer did this House give to their appeal? It turned them away with a soft answer and said: "Go back to your homes; don't get excited; content your souls in peace; don't worry about the inhuman treatment of these poor lunatics over in St. Elizabeth's. We are looking after the matter, and we will let the officials of the institution investigate themselves, and when they bring in their report you can rest assured that these frightful charges of cruelty will be disproved and dissipated like mist before the rising sun." And I am informed the officials of the institution, taking their cue from the leaders in this House, are now investigating themselves. What a farce! What a spectacle is presented by these officials, charged with these barbarities, these cruelties, these inhumanities!

What a farce, I say, is presented to the people of the District of Columbia and to the country when the House of Representatives allows the very men charged with these offenses to investigate themselves and bring in a report whitewashing themselves. It is, indeed, to laugh. What a spectacle is presented when the Committee on Rules and the Committee on the District of Columbia refuse to give the members of the Medico-Legal Society and the reputable citizens of the District of Columbia an opportunity to prove their case and are told, as they are turned away: "Nothing can be done at present. We can not do anything for you. There will be no investigation by an impartial committee on the part of the House of Representatives. We know these officials out at St. Elizabeth. We do not believe these frightful accusations of cruelty and barbarism and inhumanity to the unfortunate insane. We have the most implicit confidence in the officials of the institution.

"We, or some of us, have been out there and looked over the whole situation. We have been wined and dined by the superintendent. We know what is going on, what he is doing, and we think he is all right, and everything else is all right; but in order to satisfy you and satisfy the people of the country, we are going to let these officials investigate themselves, and when their report comes in we have no doubt it will be a complete refutation of all these horrible stories." Wait for this whitewashing report. That will settle the matter. What a farce it all is. The country has had an exhibition of officials investigating themselves, and the difference between officials charged with mismanagement and other offenses investigating themselves and being investigated by an impartial committee. We know the whitewashing results of officials investigating themselves, and we know the sad and melancholy results of officials being investigated by impartial investigating committees. This investigation can not be suppressed by a wave of the hand.

Mr. GROSVENOR. Who does the gentleman say has been over to that asylum and been wined and dined?

Mr. SULZER. Members of this House.

Mr. GROSVENOR. What Members of this House?

Mr. SULZER. I do not know their names, but they are Members of this House. I read it in the newspapers. I can easily ascertain the names if the gentleman is insistent.

Mr. GROSVENOR. How do you know they were Members of this House?

Mr. SULZER. Because the papers said so.

Mr. GROSVENOR. Well, there was a certain paper once said that a certain——

Mr. SULZER. Never mind what a certain paper once said. My recollection is they were members of the Committee on the District of Columbia, and they were over there very recently and treated sumptuously, and it was reported in all the newspapers.

Mr. GROSVENOR. What has that got to do with this question?

Mr. SULZER. The gentleman asked the question.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BURLESON. How much further time does the gentleman from New York desire?

Mr. SULZER. Five or ten minutes more.

Mr. BURLESON. I yield to the gentleman ten minutes.

Mr. SULZER. Mr. Chairman, let me say to the gentleman from Ohio that it may or may not have a great deal to do with this question. We will find it out later on. But why does not the Committee on Rules take action on this resolution? That, after all, is the real question now before us. This Committee on Rules is a sort of a self-constituted affair; a one-man committee, with more power than all the other committees in the House.

I was asked my opinion about it the other day for a great Republican newspaper, the New York Tribune, and I promptly said, with all due respect to the gentleman from Pennsylvania [Mr. DALZELL] who now occupies the chair, and with all due respect to my friend from Ohio [Mr. GROSVENOR], who has endeavored to defend these officials and justify the nonaction of the committee—both members of this Committee on Rules—I said very frankly—and every Member here knows I was telling the truth—that the Committee on Rules was composed of one man, the Speaker of the House of Representatives. [Applause on the Democratic side.] That whatever he wanted the committee to do the committee would promptly do, and whatever he did not want that committee to do the committee would surely not do.

Now, I do not think that this resolution of investigation should have been referred to the Committee on Rules. It belongs to the Committee on the District of Columbia. The Committee on the District of Columbia has this institution practically in charge, and there are a great many things in connection with it, outside of these cruelties, outside of this hocus-pocus business, by which the attorney for the institution goes into court and secures a writ de lunatico inquirendo, and the judge appoints his partner as the commissioner to take testimony as to the person's insanity, and one of the doctors of the institution is called, and another doctor who is, I am informed, a relative of the attorney, is called to examine the unfortunate patient and testify to the insanity; and between them they always find that the man is insane, and if he has any money they get the major portion of it for fees and services.

I have been told of cases where men have been sent to this asylum who were perfectly sane and rational, and lived there for years. Not soldiers nor sailors, but others. And it has been charged in some cases that people with money and other valuables in their possession were committed, and when they came out they could not get back a dollar, and in the opinion of some

of these unlucky inmates it would be a good thing for the Committee on the District of Columbia to write over the gateway to the entrance to that insane asylum "Leave valuable goods behind, all ye who enter here." [Laughter.]

Recently I was told of a case where a poor woman from the District, a woman who was not insane, was sent to this institution, and she was fed by force through her nose, in a very cruel and inhuman way, without any reason or justification. The woman lives here in the District, and if this investigation is allowed I have no doubt this woman will be glad of an opportunity to appear and testify to the outrageous, the cruel, the inhuman, and the barbarous way she was treated.

Mr. Chairman, all experience, I think, teaches us that too much care can not be exercised over officials having the care and custody and treatment of the unfortunate insane. Years ago, I was a member of a legislative committee that investigated the conditions and treatment of the insane in the county institutions of the State of New York. In nearly every one of those county institutions—and I say it with great regret—the insane patients were treated cruelly and with a great deal of inhumanity, and a great many things were done which never should be allowed.

The consequence was that the report of this committee, when it came into the legislature, created suc a decided change in public opinion that the legislature promptly passed an act for the State care of the insane, and all these county insane patients were transferred to State institutions, and to-day, as the result of that law, all insane people in the State of New York are now sent to State asylums, where they are treated in the modern, up-to-date, scientific way—and with kindness, not cruelty—with humanity, not barbarism—and the result is——.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BURLESON. Mr. Chairman, I will yield to the gentleman from New York five minutes more.

Mr. SULZER. Mr. Chairman, I shall not detain the House but a few minutes longer. I hold in my hand a statement, which has been prepared by the attorney for the Medico-Legal Society, in regard to the expenditures for the farm at St. Elizabeth's and the value of the farm products. In the report of the board of visitors and the superintendent for the year 1905, relating to farm operations at St. Elizabeth's, they give, on pages 12 and 13, a table of the products of the farm, garden, hennery, and dairy, and place the value of the same at about $33,000. From all other sources $9,000, making about $42,000. The expenses of maintaining this farm are about $73,000 a year, leaving a deficiency from this one experiment of over $30,000.

I have no doubt, and others have no doubt who have looked into this matter, that, as far as the appropriations go to maintain the farm, the appropriations are accurate, but so far as the value of the products of the farm is concerned, it is entirely too high. As a matter of fact, there is a greater deficiency than $30,000 yearly in this one item.

Let us take, by way of comparison, the superintendent's report of the Central State Insane Hospital of Virginia, where they have a farm of about 500 acres, about the same size as this farm at St. Elizabeth's, and that farm shows a profit down in Virginia of over $4,000 a year. I desire to print in the RECORD, in connection with my remarks, this statement regarding the discrepancy so far as this farm business is concerned.

This is a matter, Mr. Chairman, that should be looked into in the interest of economy. I think, as I said here a week or so ago, and repeat it now, that this is not a question that ought to be treated in an offhand way. This is not a question that ought to be treated as if the gentleman from Florida should continually be knocking at the door of the Committee on Rules. This is a great question of humanity, afflicted and unfortunate humanity. I say that any man, official or keeper or citizen, I care not who he is, that will illtreat a poor, unfortunate lunatic is a contemptible scoundrel, destitute of a spark of true humanity. Prison bars are none too good for the wretch. Let us have this investigation, and find out if there are any inhuman wretches in St. Elizabeth's. Nothing more and nothing less will satisfy the people.

Mr. Chairman, I ask unanimous consent to extend my remarks by printing this statement in the RECORD.

Mr. GROSVENOR. What is it the gentleman asks to print?

Mr. SULZER. It is a statement signed by the attorney of the Medico-Legal Society, Richard P. Evans, regarding the amount of money annually appropriated for the farm at St. Elizabeth's, and the amount of money, according to the report of the superintendent, that is realized from the value of the farm products.

Mr. GROSVENOR. If we are going into an investigation of this institution, would the gentleman regard that as evidence?

Mr. SULZER. I would not; but the facts can be proved.

Mr. GROSVENOR. What has the gentleman got to show that it is correct?

Mr. SULZER. The report of the superintendent, which shows exactly how much money is appropriated for this farm and how much is derived from it.

Mr. GROSVENOR. We know what that is without that statement.

Mr. SULZER. Very well; so much the better. Then this statement of the officials of that institution as to how much money is annually appropriated for this farm and how much is derived from the products of the farm will do no harm to anyone if printed in the RECORD. It shows a deficiency of about $30,000. I shall put it in the RECORD to show the deficiency.

Mr. GROSVENOR. And yet the gentleman says he would not consider it as evidence.

Mr. SULZER. I would not, if I were trying a case. I am not putting it in the RECORD as evidence, I am putting it in the RECORD to show exactly how much money is appropriated every year for the farm at the asylum and how much money, according to the statement of the officials, is derived from the products of the farm.

Mr. GROSVENOR. And the gentleman wants people to infer that they ought to make good the difference between the appropriation and the value of the proceeds?

Mr. SULZER. I do not want anybody to infer anything of the kind. I am putting this data in the RECORD because in other States where there are farms connected with these insane institutions the farms pay for themselves, but in this institution there is a deficiency of over $30,000 a year.

Mr. GROSVENOR. That involves several factors; it involves the kind and condition and quality of the soil.

Mr. SULZER. It involves the question of intelligent and honest management.

Mr. GROSVENOR. Does the gentleman think that the Maryland soil of red clay will produce much of anything in the way of agriculture?

Mr. SULZER. Oh, yes; I have seen the Maryland soil produce good crops season after season.

Mr. GROSVENOR. The kind of soil that there is out there at St. Elizabeth's?

Mr. SULZER. I don't pretend to be as familiar with soil as the gentleman from Ohio, but my idea is that the soil of Virginia and Maryland and here in the District is very much the same.

Mr. GROSVENOR. Oh, well, the gentleman is mistaken about that.

Mr. SULZER. No, I am not; nor about other things going on at St. Elizabeth's.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

The matter referred to is as follows:

ST. ELIZABETH.

Farm products and expenditures, 1905.

The report of the board of visitors and superintendent for the year 1905, relating to the farming operations at St. Elizabeth, gives the following information and apparent results:

On pages 12 and 13 appear a list of table and farm products from the farm and garden, which include dairy, hennery, etc., but which does not state the cash values of the same. From best information, figuring on a basis midway between wholesale and retail prices, so far as obtained, it appears that the following is a liberal estimate of value of the products to the hospital:

VALUE OF PRODUCTS.

Table products from farm, garden, dairy, hennery, etc	$33,893.00
Feed products (hay, fodder, ensilage, etc.—1,128 tons)	9,425.00
Total estimated value of products	43,318.00

EXPENDITURES (P. 30 OF REPORT).

Expended on farm (garden and stable)	$27,287.01
Expended on wages (farm and garden, hauling, etc.)	46,529.08
Total expended	73,816.09
Deficiency in value of products to balance	30,498.09

NOTE.—The report of Dr. William F. Drewry, superintendent of the Central State Hospital of Virginia (Petersburg), for 1905 shows a profit of $4,358.79 from a 500-acre farm (same size).

Comment might be made upon the fact that while the report (p. 11) shows an average of about 225 head of stock (cows, horses, and mules on farm), and that 1,128 tons of hay, fodder, etc., was raised, there was also expended (p. 30) $12,204 for feed and $8,866.71 for hay and straw—a cash expenditure of $21,070.71; this amount added to the value of the feed products—$9,425—makes a total cost of $30,495.71 for feed and bedding of 225 head of stock, an average of $135.58 per head per annum, or $11.29 per month. The average cost for horse feed in the city appears to be about $90 per annum, or $7.50 per month, with no assistance from pasturage. At this average cost of $11.29 per month at St. Elizabeth is included about 160 cows, whose feed cost is considerably less than that of horses.

To the "stable" cost should be added the expenses of several electric vehicles, kept for the accommodation of the officials of the insti-

tution, one of which is said to have cost $2,500. The repairing of these autos is said to make quite an item of expense.

It appears that some fifteen hands are regularly employed on farm, garden, etc., at an average of $20 per month and "found."

A number of the assistant physicians and others, it is stated, have their families, nurses, etc., with fine suites of rooms and separate tables. The report of the board of visitors does not appear to indicate whether these families are entertained at the hospital expense or otherwise provided for. There may be an unnoticed provision of law authorizing such entertainment and support.

The report of the board of visitors requests further appropriations for new cow stable, piggery, etc. (p. 29), amounting to $51,080; new entrance and gate house, $8,600; new iron fence, $14,900; new assembly hall, $90,000; a total of $164,580; also other sums for improvements. These are undoubtedly all worthy of consideration, but it is questionable whether they should take precedence of provision for more nurses and attendants, at less hours of labor and increased compensation, looking to better care and treatment of the patients, to whom considerable additions seems to be anticipated (p. 26).

There does appear opportunity for large economy in some lines of administrative detail, and application of the saving to better conditions for the attendants and employees and the insane patients.

RICHARD P. EVANS,
Attorney at Law.

Mr. BURLESON. Mr. Chairman, I yield thirty minutes to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON of Arkansas. Mr. Chairman, I have no doubt that that very distinguished committee which controls the proceedings of this body, the Committe on Rules, will be surprised to see rising from among the hosts of Baal, if they choose to call us such, a champion, however feeble and inefficient; but I want to say on behalf of that committee that it is just as consistent, just as liberal, in matters of legislation as the party which it represents will permit it to be, and that it is the most brilliantly and at times humorously inconsistent body of men that ever got together on the face of this earth. I wish now to divert the attention of this body from the consideration of the pauper and criminally insane (the committee having just heard the speeches of the gentleman from Florida [Mr. CLARK] and the gentleman from Ohio [Mr. GROSVENOR] on the management of St. Elizabeth's Asylum) to a consideration of the criminally neglectful and unmindful—the Republican party in the Fifty-eighth and Fifty-ninth Congresses.

Recently a farmer member of a Southern State legislature, after continuously attending the sessions of that honorable body and listening in silence to the expressions of wisdom and patriotism of his associates, arose to address the assembly on a subject of great interest to him. His colleagues refused to listen, and the speaker indifferently failed to preserve order. The member grew indignant and said:

Mr. Speaker, for two months I have sat here silently and listened patiently to whirlwinds of eloquence and tornadoes of oratory from others, and now I'll be d—d if I don't want you fellows to give attention while I talk some myself.

A sense of propriety and a knowledge of the futility of much speaking here has prevented me from often imposing my views on this House, but I respectfully ask the attention of this assembly while I briefly discuss—

THE FAILURE OF THE REPUBLICAN PARTY TO REDEEM ITS PLEDGES MADE TO THE PUBLIC.

For many years it has been the boast of Republicans that the party to which they belonged was an aggressive, active organization, not a mere party of negation. It has been repeatedly asserted here that the Republican party is peculiarly fitted by experience to govern the affairs of this great nation; that its leaders are men of such preeminent wisdom and learning as to inspire public confidence. Every blessing which the providence of God has bestowed upon our country has been declared the direct result of your party policies, Mr. Chairman, and of its Administrations, while the misfortunes that have come in the course of our country's progress you have magnanimously attributed to the wickedness and foolishness of the Democratic party. If in the past you have governed liberally and well, my sense of patriotism would not permit me knowingly to withhold the credit which may be due you as a party. For, let us hope, the welfare of the public and the glory of the Republic is, and must ever be, paramount to the fame of individuals and the renown of organizations. It is not my purpose now to attempt a review of the many mistakes which the Republican party has made during the past save to show from the record made in the Fifty-eighth and Fifty-ninth Congresses that this machine, intrusted with the control of every branch of the Government, has failed and now refuses to do what it has repeatedly promised, and what it unquestionably has the power to accomplish if it chooses.

On every matter involving questions of great importance your attitude, gentlemen of the majority, has been that of weakness, indetermination, vacillation. Although pledged to many reforms in the public interest,

NOT A SINGLE EFFECTIVE MEASURE OF GENERAL IMPORTANCE

has been enacted during the Fifty-eighth Congress and that period of the present Congress which has passed. The majority seems not to have addressed itself to the subject "how to do it," but rather to the inquiry "how to seem to do it and yet leave everything important unfinished." In all the political history of the country this record for incompetence can not be excelled.

The machine in this body is all-powerful. It can make and unmake, do and undo. Under the rules prevailing here consideration can not be had of any measure without the approval of the Committee on Rules or the consent of the very amiable and able gentleman who, fortunately for the country, wields the gavel so impartially—at times. Legislation of vital importance dies in the committee rooms or goes to sleep forever on the Calendars. I am perfectly aware of the futility of these oft-repeated attacks upon the rules. I know that the responsibility is upon the majority for legislation enacted or defeated here. But in all earnestness, considering the Congress as a whole, what has been accomplished of general and great importance to the country either in this Congress or the last? If we are fortunate and good, we secure recognition for unanimous consent for the consideration of local bills and measures of trivial importance, but no important bill is ever discussed here until a few gentlemen have determined whether it shall pass and in what form. Then, with a show of magnanimity, the House is given several hours, or perhaps several days, in which to debate it, and with assinine humility we assume the ponderous task of discussing a measure when its fate is predetermined and universally known among us, when we all understand that neither the wisdom of Solomon nor the eloquence of Demosthenes, nor both combined, could affect the final result.

There was a time when this Chamber was the great forum of national debate and political controversy, when the champions of contending factions and parties met here and fought out great questions confronting the Government. These battles, fought hand to hand and face to face in the open, promoted the intelligence and welfare of the country at large and intrenched the membership of this body in the affections of all American citizens. Now our proceedings present the anomaly of never permitting debate over real controversies. The real issues here are determined behind closed doors, in committee rooms, or at secret conferences, where, to say the least, the public interest is subsidiary to considerations of political expediency. The live question before the majority now is not "how to do anything," but "how not to do it," and yet make believe that you have.

Far to the west, in the glow that gilds the broad expanse of beautiful prairies, lie the domains of Oklahoma and Indian Territory.

YOU PROMISED TO GIVE THEM STATEHOOD.

Did you not? Why have you not done so? [Applause on the Democratic side.]

Every Member of this body and almost every member of the Senate agrees that these two Territories should be admitted to the Union as a State. Nobody objects to it; everyone wants it. In population, in commercial enterprise and activity, in every material respect, they meet the full standard of statehood. Year after year they have knocked at the doors of Congress and asked admission to the Union. The citizens of these Territories have earned in the good, old-fashioned way the right to a place among the States. They have converted the plains into fertile fields and founded prosperous cities. They have maintained order and attained social refinement under great disadvantages. The right of Oklahoma and Indian Territory to admission, their fitness to become a State, in no wise depend upon Arizona and New Mexico. Why couple a proposition that all indorse with one that many oppose? Why make the admission of Oklahoma and Indian Territory dependent upon the admission of Arizona and New Mexico? For political and sectional purposes, without right or reason, you have withheld statehood from Oklahoma because Arizona does not want to be united with New Mexico. Why not keep your pledge and admit Oklahoma and Indian Territory now? The people there feel that they are entitled to this consideration. You promised it to them. They are not responsible for the attitude of Arizona toward New Mexico. Can it be, Mr. Speaker, that your party will persistently attempt to coerce the consciences of gentlemen here and in the Senate by refusing to do what you and everyone else knows to be right in order to compel some one to do wrong?

A few moments ago the distinguished gentleman from Ohio [Mr. GROSVENOR] criticised the gentleman from Florida [Mr. CLARK] for not coming before the Committee on Rules and asking action on his resolution to investigate St. Elizabeth's Asylum. Strangely consistent in its inconsistency, that committee should remember that for months and years citizens of the Territories of Oklahoma and the Indian Territory have been coming before that committee and begging them to bring in a rule to let us make one new State at least in this Republic,

and they have refused to do it. The result is the same, whether you will or not and whatever one does. There is an iron band bound around the proceedings of this committee, and no matter how much ability a Member here may possess, no matter how much conscience he may have to serve his country, he can not do anything unless he gets the eye of the very able gentleman who cracks the whip above the backs of the majority of this House. [Applause on the Democratic side.]

What power, I ask, has disregarded public opinion, overridden official conscience, and denied statehood to Oklahoma and Indian Territory? Will any gentleman answer? Why not, I repeat, admit Oklahoma and Indian Territory and fight it out over Arizona and New Mexico? Is that not the fair course to pursue? Is it not the rational course?

Mr. Speaker, I can see but one possible reason for longer denying statehood to Oklahoma and Indian Territory. So long as a Territorial government is maintained there, Federal officers will have to be appointed to administer the government, and some one will dictate or suggest those appointments. But considerations of this nature can not influence Representatives in Congress or Senators! Besides, Mr. Speaker, your supply of available Rough Riders, I am informed, is about exhausted!

Seriously, no one can justify a longer delay in this matter. It is an injustice to the citizenship of two great Territories who look to this Congress for statehood. Have they not the right to expect that you will keep your promise.

Not only has the majority failed, so far, to keep its pledge as to statehood, but it has met with signal and

HOPELESS FAILURE IN THE DEFEAT OF THE PHILIPPINE TARIFF BILL.

The President and the Secretary of War, who assumes to act as foster father to all the Filipinos, treated this measure as of great importance. They kept pressing the matter until finally a bill was reported which the majority leader, the gentleman from New York [Mr. PAYNE] supported with zeal, as did the gentleman from Mississippi [Mr. WILLIAMS]. The latter, with other Democrats, favored the measure, I think, because they regarded it as a recognition of the Democratic doctrine on the subject, and a substantial "step in the right direction." The gentleman from New York supported the measure, I think, because it would not, in his opinion, lessen the price to the consumer, but would probably cheapen the cost of raw material to the manufacturer. In any event, the measure was brought into the House under a rule that made amendment impossible, after its provisions had been agreed on in the committee, and it was thein passed with a flourish of trumphets, after a "long and interesting debate." But what pitfalls line the pathway of seeming triumph! Loving hands bore it tenderly to the other end of this Capitol and committed it to the keeping of its enemies, who pumped its frail form full of dope, and in the monotony of a never-ending debate on the rate bill, rocked it to sleep—eternal sleep; while the President, in bitter disappointment, leaned his head on the delicate shoulder of the Secretary of War, and wept aloud at the failure of his plans because of his party's refusal to do his bidding.

Yet might not the result have been foreseen? The most inconsistent of individuals sometimes esteems the quality of consistency in others above all other virtues. For many years you have had a "white elephant" on hand in the form of the Philippine Islands. You have never had the courage, as a party, to tell the world, to inform the people of the United States, whether you intend to retain these islands permanently, grant them independence, or to announce what policy you will pursue in regard to them. Manifestly, if they are to become or remain a part or possession of the United States, you ought to remove all tariff restraints on trade with them. On the other hand, if you intend to give them independence, you would perhaps be under no such obligation. The defeat of the Philippine tariff bill is the natural result of your inconsistency, as a party, on the Philippine question. Yet all the while you are expending vast sums for military purposes and kindred objects in various portions of the archipelago, thus tying them closer and closer to the United States. For my part I believe that these islands have already cost the United States more blood and more money than they can ever yield. Speaking for myself, I would not give one drop of the blood of a brave American boy meeting his death on the spear of a Filipino savage, as thousands of them have done and many will yet do—I would not give one cry of anguish from the heart of his mother as they brought back dead her boy and laid him at her feet, for the whole archipelago! It's a sorry business, this governing oriental savages. Tell the people what you are going to do about it. Let them know what you believe should be done. Understand this: So long as there is a boy there, wearing the uniform of my country and following its flag, my voice and my vote will be heard and cast in supplying him with all the necessities of life! [Applause on the Democratic side.]

Not only has the Republican party broken its pledge on statehood and suffered an ignominious defeat of the Philippine tariff bill, but it has persistently failed and refused to revise the tariff. In the beginning of his Administration the President announced his purpose to consummate the policy inaugurated by President McKinley. It was decreed that the old order of things had passed away; that schedules must be adjusted to meet the ever-changing conditions of this country and our relations in trade matters with foreign countries. During the first two sessions of the Fifty-eighth Congress we grew familiar with the term "tariff revision" on that side of the House, although it was frequently coupled with the limitation, "tariff revision by the friends of the tariff." From a Republican leader in Iowa—stalwart, if insurgent—came the cry, "Reciprocity and tariff reform!" And the call was heard and echoed back from New England. The President's views on the matter were well and generally known. The press discussed his attitude, and declared that it was his purpose to force consideration of tariff revision on Congress. "Ah, then and there was hurrying to and fro!" Day and night messengers sped from this Hall to the White House. Frequent conferences were held. The result we all know. For the time being, in order to secure the enactment of what the President deemed more necessary legislation in railroad rate regulation, for the sake of unity and in a spirit of harmony, tariff revision was displaced. Not a word on the subject in the President's message to this Congress. Nearly five months of the present session have passed. Already we have piled up in the Senate enough work to keep that slow-going body busy until the middle of June.

Shall we look for a message from the President recommending tariff revision just before this session closes, or will he wait until after the November election? We all know that such legislation will not be seriously considered now. But out in the country districts of many gentlemen who sit on that side of the Chamber is gathering a storm of wrath which will break in fury above their heads and make impossible their reelection next November if some word of promise be not held out by the Administration that the tariff shall be reformed. I understand perfectly well that the greater number of the majority in this House does not favor tariff revision. They subscribe to the doctrine "stand pat." "Let well enough alone." But the American people believe in progress. They have observed the strained relations existing between China and the United States on account of trade relations and other conditions. They have heard the threats of Germany and Russia and other European powers to retaliate against us for alleged wrongs imposed by existing schedules. Still Republicans here worship the Dingley rates as if they were of divine origin, and speak of Providence as a junior partner with the Republican party in bestowing mercy and blessings on the American people.

EXTRA SESSION TO BE CALLED FOR TARIFF REVISION NEXT YEAR.

The New York Press of the 18th (yesterday) contained a long article in its first column, sent out from this city, in which it is asserted that the President has decided to call an extra session of Congress soon after March 4 to consider tariff revision. If this statement is well founded, it is apparent that this promise is to be used as an inducement to Republicans who favor and deem necessary tariff revision to continue their support of that organization. When the November election has been held and the strength of revisionists has been definitely ascertained, we will see what will happen.

No substantial revision of the tariff will be made by the Republican party. Its leaders here are opposed to such action. It would be impossible to pass through this body a measure of this kind over their opposition. But the promise to revise the tariff may again serve its purpose. It may help the majority to fight its battles in the coming election. Is there a gentleman here who professes faith in the purpose of the Republican party to materially revise the tariff? It is but another promise made to be broken. I publish the article referred to in the New York Press:

EXTRA SESSION WILL BE CALLED FOR TARIFF REVISION NEXT YEAR—ROOSEVELT GIVES INTEREST TO FALL ELECTIONS BY MAPPING OUT WORK TO BE UNDERTAKEN SOON AFTER MARCH 4—INHERITANCE TAX PUTS FORAKER IN OPPOSITION—PRESIDENT PREPARING NEW NATIONAL PLATFORM FOR REPUBLICAN PARTY IN 1908 TO INCLUDE WIDER FEDERAL CONTROL OF CORPORATIONS DOING AN INTERSTATE BUSINESS.

[From the regular correspondent of the Press.]

WASHINGTON, *April 17, 1906.*

What is perceived to be the outline of a new national platform for the Republican party is being formulated by President Roosevelt and his Administration advisers. It had been the President's intention to refrain from discussing his new policies until after the enactment of traffic rate regulation, fearful that if public attention were diverted

from concentration on this mandatory legislation the effort to obtain a remedial law would suffer and perhaps fail. Confident now, however, that this cause is won and that all remaining to be done is to frame the rate bill in the exact phraseology in which it will be enacted, the President and his advisers are looking ahead and planning for further successes.

Expressions of prominent individuals who have talked with the President recently indicate the chief planks which the doughty Roosevelt is striving to hew into proper form for presentation and indorsement. It is known, of course, that he intends to enlarge legislation for the Government regulation of all corporations carrying on interstate business. His plan relative to a suggested income or inheritance tax is yet in embryo, as also are several other ideas which he is cogitating. Tariff revisionists, however, who have talked with the President confidentially, are emphatic in their statement that the President is again squinting toward revision, and has a plan under serious consideration, if not already decided on, in this connection.

EXTRA SESSION TO CUT TARIFF.

They say he has given assurances that while he agrees with the stand-pat advocates that the tariff issue should not be brought into this year's Congress campaign, to divide Republican strength, after a new Republican Congress is elected, which he believes is assured with proper management of the campaign, and after the present Congress shall expire on March 4, next, he will call an extra session, to which he will recommend thorough consideration of the tariff schedules before the national campaign opens. While it is understood the extra session will be called for tariff revision especially, other questions may be suggested to Congress at that time. There seems to be no doubt that the men who ask for tariff revision have obtained a distinct pledge from the President. He has promised an extra session, and has indicated that the stand-pat doctrine must be modified.

To the party at large nothing which has come from the White House recently can be of more vital interest than the statement that the President favors tariff revision next year. Revisionists stick to this statement, and say that is the only assurance which will keep them quiet on the tariff question in the coming campaign. They have agreed, it is said, to work in harmony with the Republican Congress committee on the campaign, and this committee in turn is represented as desiring to work in cooperation with the American Protective Tariff League in the distribution of tariff literature and other Republican doctrine. Evidences accumulate, however, that there will be many a sharp contest over the nominations for Congress in districts where it is asserted sentiment of tariff revision exists.

ARDENT REVISION CAMPAIGN.

Revisionists everywhere are seeking to gain as many nominations as possible for their advocates, so that when the extra session of the new Congress is called next year they will have a better representation than at present. It is ventured by stand-pat believers that the programme as outlined by the President and his advisers, if correctly stated above, is fraught with great danger, and also suggests the companion character to the "man with the muck rake"—"Mr. Facing Bothways."

They point out that if the Republican party is for the maintenance of the Dingley protective tariff law there should be no quibbling or bargaining with revisionists. On the other hand, they say if the sentiment of the party is for tariff revision it should begin immediately, without procrastination or any attempt to deceive the people.

Whether Mr. Roosevelt shall be renominated as a candidate for the Presidency again or not it is evident to all politicians that he has undertaken to write and prepare his party's platform for 1908. There are many misgivings as to the result. It is suggested by prominent, experienced politicians that the best time to write the national platform would be when the national convention of the party assembles two years hence. One of the first contests over party issues and policies will come in the Ohio State convention.

Senator FORAKER to-day wired his opposition to the proposed inheritance and income tax of his party's national leader. Ohio also is strongly for protection.

With its pledge on statehood unfulfilled, its Philippine tariff bill dead in the Senate, its promise to revise the tariff shelved, this party which boasts of past triumphs only has further demonstrated its unfitness to govern by

LACK OF EXECUTIVE ABILITY AND MISMANAGEMENT IN THE AFFAIRS OF THE PANAMA CANAL.

This is an enterprise of such vast importance to the commerce and military power of the United States that all Democrats and Republicans should unite in sincere efforts to speedily consummate it. After four hundred years of interrupted but repeated enterprises on the part of various nations to construct the canal, the world was made to think, when our Government undertook the task of constructing the canal, that within a few years it would be open to the commerce. Never were the American people more universally in favor of any project. Never were they more united in a hearty wish to see any purpose accomplished. It must be admitted that the task is a great one, and that it presents scientific difficulties not readily discerned by the unskilled, that climatic conditions and labor troubles there have added to the embarrassments naturally incident to so great an undertaking; but if the Administration had been trying not to build the canal it could not have succeeded better. Millions of dollars expended and no definite conclusion yet reached as to the kind of canal to be constructed.

The Commission that reported, recommending the Panama route as the most practical, said that one year would be required for preparation, and five years, certainly not more than ten, for completion. Two years have elapsed since the ratification of the treaty, and still the work of preparation goes on. Little actual work has been done. Everything seems to be in confusion. It is evident that some changes must be made in the administration of affairs on the Isthmus. It was unfair in the beginning to impose the task of overseeing this work upon the President. His duties are certainly numerous and burdensome enough already. But, in my humble judgment, until some master spirit be chosen and intrusted with the responsibility in the construction of this canal, the work will never be completed. If it requires three years to decide upon whether the canal shall be a sea-level or a lock and dam canal, it will probably require fifty years to complete it. By good management, I believe, it will take fifteen years to open up this canal to commerce. This is, of course, but a rough estimate. These delays that have occurred have been calculated to discredit the undertaking in the mind of the public. There are many railroads in this country, having interests which might be detrimentally affected by the construction of the Panama Canal, which desire to beget distrust in the public mind and cause the project to be abandoned. But this canal must be built. Built as quickly and as cheaply as possibly, but whether it costs much or little, whether it takes a decade or a quarter of a century, it must be completed. The public interest demands it.

The expenditure of vast sums will be legitimately required. Democrats will cooperate with Republicans in suppressing extravagant and useless appropriations. The sum required to complete this great work will exceed, I fear, by many million dollars the greatest amount now estimated. With the citizenship of the entire country indorsing and supporting the enterprise, with both parties united in an earnest effort to open to the commerce of all the world this great canal, may we not hope that a quickening of the officials in charge will cause a prompt fulfillment of our promise to provide this great waterway between North and South America?

Determined, it seems, to maintain throughout the Congress its record for inefficiency, the Republican party has not only violated its pledge to give statehood to Oklahoma and Indian Territory, Arizona and New Mexico, suffered helpless defeat of the Philippine tariff, refused to revise the general tariff schedules, mismanaged the construction of the Panama Canal, and wasted millions of dollars of public treasure, but, with singular consistency for incompetence,

THE ADMINISTRATION HAS FAILED TO PASS ITS PET MEASURE, THE RATE BILL.

The paramount issue before the Fifty-eighth Congress was the so-called "rate bill." After much consideration this body passed the Townsend-Esch bill, which was understood to embody the principles indorsed by the President, and sent the measure over to the Senate, where it was promptly and with all due ceremony buried beneath mountains of "unlimited debate."

In the early days of the present session we were told that an effective measure extending the power of the Interstate Commerce Commission, and authorizing that body to fix rates under certain conditions to remain in force until declared to be unjust or unreasonable by a court of competent jurisdiction upon final hearing, would find easy passage through the Congress. Accordingly we submitted to a rule which forbade amendments, and with our usual credulity believed all we were told. Notwithstanding the bill has been before the Senate for many months, that great body is slowly crucifying it between "limited and unlimited court review" on the one hand, and "jurisdiction and judicial power" on the other. The country anxiously awaits the issue. What its determination will be no tongue can tell. "Prophets may prophesy and captives pray;" autocracy mocks at them all and, surrounded by its instruments of power, bids defiance to public weal or will.

The Constitution, designed to be a bulwark of liberty behind which an oppressed people might entrench and defend themselves against the aggressions of tyrannical power, is invoked by learned and able lawyers throughout the country and elsewhere representing the railroads to defeat this legislation.

Sir, I do not claim to be a constitutional lawyer in the sense of the term as now commonly applied. I hope I may be pardoned for suggesting that gentlemen truly eminent and devoted to their profession do not need to assert their devotion to the principles of our national Constitution which they have sworn to support. If to be a "constitutional lawyer" means that one must espouse unjust causes and apply hair-splitting distinctions to the detriment of the public, I confess I do not desire the appellation. But if to be a constitutional lawyer means a lawyer diligent and studious in his profession, who professes and has, in fact, firm and unshaken confidence in the fundamental principles of his Government and the great instrument expressing them; who believes that the public, yielding a part of its sovereignty to a corporation, does not so divest itself of power as to become unable to direct and control its creatures and prevent injustice and abuse; if to be a constitutional lawyer means one who, possessing an enduring faith in the per-

petuity of republican government, the patriotism of American citizenship, would not invoke technicalities to defeat the ends and aims of justice, then, sir, I might humbly hope to claim that proud distinction. With rare diplomacy and admirable skill, with magic words and witch-like methods, the greatest legal talent in this country has been bought by transportation corporations with a view of finding some defect in the statute we may enact and in the end defeating the purposes of our deliberations. It behooves us to be careful; yet we must also be aggressive.

The public has suffered long and patiently at the hands of its own creatures. It now demands redress of wrongs, remedies that will prove effective and complete. The railroads have made the singular mistake of conceiving that it is really no part of the public's business what they charge, or how, for transportation. They have disregarded the primary consideration that they, by public grace, are exercising public functions and must be fair and impartial in their operations. Willful and often repeated violations of law, committed in a spirit of open or covert defiance, has brought about the necessity and demand for this legislation. The public will not be deceived. No makeshift, no ineffective compromise can or ought to be accepted. The battle is now on. The citizens of this country are enlisted heart and soul. Are we in earnest? Do we mean to stand for the right as our consciences command, or shall we avert the continuance of the conflict by accepting an amendment to the House bill which will give substantial victory to the railroads? The contest is already long drawn out. It remains to be seen whether this House will yield to the Senate when the Senate is wrong, or whether it will stand firm for the rights of the people, whom we assume to represent.

In the Senate, gentlemen of the majority, your leaders have styled rate regulation legislation as Democratic in principle. In order to avoid responsibility for results they have manifested a willingness to yield the glory of a promised victory to their political antagonists. For my part, heartily indorsing and approving those declarations in favor of this legislation contained in the national platforms of my party, I am willing to bear my share of the responsibility attaching to this legislation. My only fear is that cunning and intrigue will work so effectively against the cause of the people in this matter that in the end we will "give them a stone for bread, and a serpent for fish." [Applause on Democratic side.]

There are yet other important particulars in which the party in power has disappointed the country. With the Dingley rates still in force, you have so lavishly and extravagantly expended the public moneys that an appropriation for public buildings has been held back.

I sincerely hope that it will be found practical and consistent to pass a reasonable omnibus buildings bill at the present session, and thus evidence to the country the readiness and willingness of the Government to conserve the general welfare. Have we millions for fortifying island possessions and not a dollar for adding to the comfort of our own citizens in building suitable court-houses and post-office buildings?

Moreover, gentlemen of the majority, you profess to be the friend and champion of organized labor. Have you not totally *failed and refused to recognize the demands of organized labor throughout the Fifty-eighth Congress and up till the present?*

What legislation of general importance have you passed or tried to enact in the interest of labor? On this subject, as on many others, you have either intentionally refused to comply with any petition of organized labor, or you have been so hopelessly divided that you dared not undertake to consider and discuss important issues relating to this subject. Dozens of bills indorsed by labor organizations and vital in importance you have denied consideration. And yet, is not labor entitled to its fair reward? Does its strength not support all our institutions? What has it not done for the progress and betterment of mankind? In the language of another:

> Who can adequately describe the triumphs of labor urged on by the potent spell of profit? It has extorted the secrets of the universe and trained its myriad powers into forms of use and beauty. From the bosom of the old creation it has developed anew the creation of industry and of art. It has been its delight and its task to overcome obstacles. Mountains have been leveled and valleys have been exalted before it. It has broken the rocky soil into the fertile glade, crowned the hilltops with verdure, and bound round the feet of ocean ridges of golden corn. Up from the sunless and hoary deeps it drags its spotless marbles and rears its palaces of pomp. It marches steadily on over the swelling flood and through the mountain clefts. It fans its way through the winds of ocean, tramples them in its course, surges and mingles them with flakes of fire. Civilization follows in its pathway. It achieves grander victories, weaves more durable trophies than the conqueror. His name becomes tainted and his monuments crumble, but labor converts his red battlefields into gardens and erects monuments significant of better things. It rides in a chariot driven by the wind. It writes with the lightning. It sits crowned as a queen in a thousand cities and sends up its roar of triumph from a million wheels. It glistens in the glossy fabric of the loom, rings and sparkles in the steely hammer. It glories in shapes of beauty and speaks in words of power. It makes the sinewy arm invincible with might, the poor man's heart rich with content, and crowns the swarthy, sweaty brow with dignity, with honor, and with peace.

[Applause on Democratic side.]

It appears from the record the Republican party has made that it has added to its many other violated pledges the crime of continued disregard of the appeals and entreaties of those who toil. What, I repeat, has it accomplished?

The Administration has been unfortunate in its prosecutions under the antitrust law. In the great Northern Securities suit it was the means of enriching those who had violated the law. It failed to prosecute these violations of law.

It undertook to prosecute the packers for repeated offenses against the antitrust statutes. The court held them immune from prosecution because an agent of the Government in the discharge of his duties had obtained information which was voluntarily furnished by the packers or their agents. Certainly the Administration is not to blame for this decision. It is merely unfortunate. The able and efficient Attorney-General was mortified at the decision, and the President indorsed his opinion of the case. His message to this body on yesterday leaves no mind uncertain as to what are his views on this subject. Among other things, he said:

> In offenses of this kind it is at the best hard enough to execute justice upon offenders. Our system of criminal jurisprudence has descended to us from a period when the danger was lest the accused should not have his rights adequately preserved, and it is admirably framed to meet this danger. But at present the danger is just the reverse—that is, the danger nowadays is not that the innocent man will be convicted of crime, but that the guilty man will go scot-free. This is especially the case where the crime is one of greed and cunning perpetrated by a man of great wealth in the course of those business operations where the code of conduct is at variance not merely with the code of humanity and morality, but with the code as established in the law of the land. It is much easier, but much less effective, to proceed against a corporation than to proceed against the individuals in that corporation who are themselves responsible for the wrongdoing. Very naturally outside persons, who have no knowledge of the facts and no responsibility for the success of the proceedings, are apt to clamor for action against the individuals. The Department of Justice has, most wisely, invariably refused thus to proceed against individuals, unless it was convinced both that they were in fact guilty and that there was at least a reasonable chance of establishing this fact of their guilt. These beef-packing cases offered one of the very few instances where there was not only the moral certainty that the accused men were guilty, but what seemed, and now seems, sufficient legal evidence of the fact.
>
> But in obedience to the explicit order of the Congress the Commissioner of Corporations had investigated the beef-packing business. The counsel for the beef packers explicitly admitted that there was no claim that any promise of immunity had been given by Mr. Garfield, as shown by the following colloquy during the argument of the Attorney-General:
>
> "Mr. MOODY. * * * I dismiss almost with a word the claim that Mr. Garfield promised immunity. Whether there is any evidence of such a promise or not I do not know and I do not care.
>
> "Mr. MILLER (the counsel for the beef packers). There is no claim of it.
>
> "Mr. MOODY. Then I was mistaken, and I will not even say that word."
>
> But Judge Humphrey holds that if the Commissioner of Corporations (and therefore if the Interstate Commerce Commission) in the course of any investigations prescribed by Congress asks any questions of a person not called as a witness, or asks any questions of an officer of a corporation not called as a witness, with regard to the action of the corporation on a subject out of which prosecutions may subsequently arise, then the fact of such questions having been asked operates as a bar to the prosecution of that person or of that officer of the corporation for his own misdeeds. Such interpretation of the law comes measureably near making the law a farce; and I therefore recommend that the Congress pass a declaratory act stating its real intention.

Your party, Mr. Chairman, by every test has been found wanting. It has become a negative organization, torn and distracted by factions, and is either unwilling or afraid to carry out its policies. Many solemn pledges it has openly violated. It has failed to keep its most sacred obligations. It yet has the opportunity to keep faith with the country. The hour has arrived when Republicans must make good their promises to enact important legislation or suffer overwhelming defeat next November. Our people, without regard to party lines, are patriotic. They love the institutions founded by our fathers. They are devoted to the principles of government which make them free. This is a common ground on which we all may meet. Confessing my own ignorance, but professing sincere faith in the courage, the allegiance to conscience of my associates in this Chamber, I look forward to an early day when the public may realize their hopes in the fulfillment of the promises made to them; when Oklahoma and Indian Territory shall be crowned with the full glory of statehood; when justice shall be meted out to the Philippines; when every thief shall be scourged from the temple; when the railroads shall be made to recognize the equal rights of all the citizens who created them; when tariff schedules shall be so readjusted as to meet every reasonable demand for revenue, but not repel and antagonize foreign governments with whom we trade; when toil shall have full recom-

pense, and honesty its just reward. [Prolonged applause on the Democratic side.]

ENROLLED JOINT RESOLUTION SIGNED.

The committee informally rose; and Mr. WANGER having taken the chair as Speaker pro tempore, the announcement of the Speaker's signature to enrolled joint resolution of the following title was received:

S. R. 48. Joint resolution for the relief of sufferers from earthquake and conflagration on the Pacific coast.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. GAINES of Tennessee. Mr. Chairman, during the long session of the Fifty-eighth Congress, approaching as we were our last Presidential and Congressional election, the distinguished leader of the majority, the gentleman from New York [Mr. PAYNE], said, in this House, in substance, that he was "too smart to meddle with the tariff approaching an election," although the Democrats were then, as now, urging the Republicans to reform the tariff. A few days ago the same gentleman, speaking for his party, again gave in substance the same excuse for deferring tariff legislation, and close behind him the distinguished Speaker of this House, in a published letter, took the same position and said, in effect, if not literally, that if the people wanted tariff reform they could elect a Democratic House.

I was not aware that any tariff was made to perpetuate any party in power. I have always understood that our Constitution and our laws were made for the benefit of our people—our forefathers and their posterity.

By the very words of the Constitution the fathers declared that sacred instrument was, in part, ordained to "establish justice, insure domestic tranquillity, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." But nowhere do I read that the Constitution or our tariff laws say they were framed to continue in power either the Republican or the Democratic or any other party. But it seems in this day of frenzied finance and of frenzied party duty that a different construction is placed upon the Constitution and our tariff laws by the Republican party.

The present tariff was enacted in 1897. Later its rates were raised because of the Spanish war under the usual promise that this Spanish war tax would be "temporary," but in the main it has remained permanent. This tariff is, then, nine years old. It has existed and remained fixed amidst rapid changes in economic, public, and private conditions. Always oppressive, it has grown so burdensome and its offspring, the trusts, have become so gigantic and dangerous, that the people demand "justice," they demand "domestic tranquillity," they demand that the "blessings of liberty" be secured to "ourselves and our posterity," but the Republicans "stand pat," although they indirectly confess that the tariff should be reformed if they could find a time not before but after some Congressional election. When will that time come?

Was the Dingley tariff fixed by and to be perpetuated for the benefit of those who control elections? If so, can not the same parties again control the election? Were the managers of the election the people? Maybe so; it seems not. If the tariff is to be reformed by its friends, surely the Republican party is the friend of the present tariff, but its stand-pat policy demonstrates the Republican party is also the enemy of the people, for they demand tariff reform. The Republicans not only enacted the present tariff, but stand by it to the present moment, and by their acts, if not words, say it shall not be reformed before an election and they neglect to reform it after an election. When, then, can it be reformed? The Speaker says, "Elect a Democratic House."

Mr. Chairman, it is not my purpose to make to-day any new suggestions on tariff reform. My object is the very opposite—that is, I propose to uncover some of the old suggestions and thereby remind the Republicans that their stand-pat policy is new and that they are making and not repeating history; to remind them, if you please, that the stand-pat party of to-day is not the Republican party of Lincoln, who in a speech delivered at Pittsburg February 15, 1861, in discussing the tariff in part said:

> Every varying circumstance will require frequent modifications as to the amount (of tariff) needed and the sources of supply. So far there is little difference of opinion among the people. * * * We should do neither more nor less than we gave the people reason to believe we would when they gave us their votes.

Mr. Lincoln was not a stand-patter, as these, his words, indicate, and the many tariff acts he approved, the very titles of which, often literally, stated that they were to be "temporary," while repeatedly Mr. Morrill, who had these bills in charge in the House, stated they were war tariffs, were "temporary," and were levied for revenue purposes to better prosecute our unfortunate civil war.

TARIFF ACTS APPROVED BY LINCOLN.

The tariff act of July 14, 1862, was entitled "An act increasing *temporarily* the duties on imports, and for other purposes."

The act of April 29, 1864, was entitled "Joint resolution to increase, *temporarily*, the duties on imports."

The act of June 30, 1864, was entitled "An act to increase duties on imports, and for other purposes." The title to this act, not using the word "temporarily," Mr. Morrill, in urging its passage, felt called on to say:

> This is intended as a war measure, a *temporary* measure, and we must give it our support *as such*.

The very first tariff act approved by President Lincoln—the law of August 5, 1861—was entitled "An act to provide increased revenues from imports, pay interest on the public debt, and for other purposes."

NO "PROTECTION" HERE.

Mr. Blaine says, in his Twenty Years in Congress, that the people had become so satisfied with the happy results of the revenue-tariff policy, inaugurated by the Democrats in 1846, that not one of the three great political parties in the campaign of 1856, in their platforms, even "winked" at the tariff question; and after speaking of the prosperous low-tariff era—from 1846 to 1860, and the first nomination of Mr. Lincoln, in 1860—he alludes thus to the tariff plank framed by that convention:

> The convention therefore avoided the use of the word "protection," and was contented with the moderate declaration that "sound public policy" requires such an adjustment of imports as will encourage the development of the industrial interest of the whole country.

It is then very clear that Mr. Lincoln was not a stand-patter, and that he did not believe in prohibitory tariffs, in time of peace particularly.

I shall make it clear that Mr. Garfield was not a stand-patter. That he was a tariff reformer and urged, with force and effect, a reduction of our war tariffs enacted because of the needs of the civil war. He repeatedly stated, as I shall show, that he believed in a tariff which permitted fair foreign competition to prevent monopoly, and said "I am for a protection which leads to ultimate free trade."

With as little comment as possible, I shall proceed to show, from Republican authority in the main, that we can not have free trade in this country as long as we levy a tariff to meet the necessary expenses and obligations of the Federal Government. I shall show that the old leaders of the Republican party commended the revenue tariff of 1846, enacted by the Democrats, but that they, yielding to the wishes of the people, and to stop a dangerous amount of revenues from accumulating in the Treasury, voted for the very low tariff of 1857—the lowest since 1812—and that these Republican leaders, with manly frankness, confessed in this House and elsewhere that from 1846 to 1860 there was an era of general prosperity.

I shall further show that Republican leaders, some living to-day, have spoken and voted for laws placing the "monopolized article" on the free list, not only to free the article monopolized but to restore to the oppressed people their right of absolute free trade within and throughout the several States. In recent years the Republicans have defeated all such propositions offered by Democrats.

In 1867 Mr. Sherman, who was often thereafter honored by his party, said:

> It is therefore simply absurd to talk about free trade, and to talk about a protective tariff is unnecessary, because the wit of man could not possibly frame a tariff that would produce $140,000,000 in gold without protecting our domestic industries.

It was about this time that some of the considerate Republicans were trying to reduce our civil war tariffs. In 1867 our customs revenue was $176,417,810, and our total imports were valued at $378,158,683. So Mr. Sherman saw that under these circumstances there was room for tariff reform and still give protection to our domestic industries. The last report of Secretary Shaw states this:

> The revenues of the Government from all sources (by warrant) for the fiscal year ending June 30, 1905 were:
> From "customs," $261,798,856.91, and our total "receipts" from all sources last year were $697,101,269.95.

So you can see there is room here for tariff reform along the lines suggested by Mr. Sherman.

In 1883 Mr. Samuel J. Randall, a protection Democrat, from Pennsylvania, uttered these words:

> In my judgment the question of free trade will not arise practically in this country during our lives, if ever, so long as we have to raise revenues by duties on imports; and therefore the discussion of that principle is an absolute waste of time. After our public debt is paid in full, our expenditures can hardly be much below $200,000,000, and if this is levied in a businesslike way and in an intelligent manner

it will afford adequate protection to our industrial interests in the United States.

Secretary Shaw, in his last report, states that "the outstanding principal of the public debt of the United States, June 30, 1905, was $2,274,615,063.84," and that our total expenditures (not "public debt," mind you, but "expenditures") during the last fiscal year were $720,105,498.55, "showing," says he, "a deficit of $23,204,228.60," under the highest tariff, I may add, we ever had.

Surely at this day and time neither Mr. Sherman nor Mr. Randall would be stand-patters in the face of such burdens as these, and surely there is here shown plenty of room to levy a tariff that would avoid actual free trade, as well as the evils of protection, "the mother of trusts." Surely there is room for tariff reform at the present day along the lines suggested by Mr. Randall or Mr. Sherman.

I now ask the committee to let me read much in little. On March 24, 1870 (Appendix Globe, p. 192), will be found the tariff-reform speech delivered in this House by Mr. ALLISON, now Senator, a leading and much-respected Republican. After stating our obligations to be, "annual interest, $125,000,000; sinking fund required, $25,000,000," Mr. ALLISON said:

So that good faith requires at least $150,000,000 from imports.

Nevertheless, he demanded a reduction of the tariff, and proceeded, and in part argued, as follows:

The practical question is, How shall these duties be proportioned among the various articles imported so as to take out of the pockets of the people the least possible sum over and above the actual amount placed in the Treasury, meanwhile discriminating in favor of articles of necessary consumption, and against articles of voluntary consumption, commonly denominated luxuries?

Impost duties thus levied, with an annual importation of about $450,000,000 in value, will certainly require an average rate of duty sufficient to give our producers of manufactured products greatly the advantage over the manufacturers of similar products in foreign countries.

In brief, Mr. ALLISON, in 1870, argued that to raise from customs $150,000,000 would give our manufacturers "greatly the advantage over" the manufacturers of similar products in foreign countries. Mr. ALLISON continued his great speech in the following language:

It is claimed that the high rates of our present tariff are necessary because the revenue to be obtained therefrom is essential to the Government, and that if we reduce the rates at all the effect will be the depression of all the industrial interests of the country.

The tariff of 1846, although confessedly and professedly a tariff for revenue, was, so far as regards all the great interests of the country, as perfect a tariff as any that we have ever had. If any interest was depressed under the tariff of 1846, it was the iron interest.

I do not believe that this interest, as compared with other interests, had sufficient advantage under that tariff; yet when we compare the growth of the country from 1840 to 1850 with the growth of the country from 1850 to 1860, the latter decade being entirely under the tariff of 1846 or the amended and greatly reduced tariff of 1857, we find that the increase in our wealth between 1850 and 1860 was equivalent to 126 per cent, while it was only 64 per cent between 1840 and 1850, four years of which decade were under the tariff of 1842, known as a high protective tariff, but the average rate of which was about 70 per cent below the existing rate, or 27 per cent under the tariff of 1842, as against 44 per cent upon all importations under the present tariff. Our industries were generally prosperous in 1860, with the exception, possibly, of the iron industry.

This was the statement of Mr. Morrill, of Vermont, on this floor during the discussions of the tariff in 1864.

With regard to the condition of the steel industry in 1860, the steel manufacturers in 1866, memorializing Congress for increase of duties on steel, stated that "it was reserved to Pittsburg to bring about the first substantial and enduring success in the year 1860; and, encouraged by our example, numerous establishments have sprung into existence, as already indicated in this paper."

This shows that under the revenue tariff of 1857, which imposed only an ad valorem duty of 12 per cent on steel, a substantial success was achieved in the steel manufacture in 1860. I have read the language of the memorial.

Mr. Blaine, in his Twenty Years in Congress, in part thus speaks of the revenue tariff of 1846:

Moreover, the tariff of 1846 was yielding abundant revenue, and the business of the country was in a flourishing condition at the time his administration was organized. Money became very abundant after the year 1849; large enterprises were undertaken, speculation was prevalent, and for a considerable period the prosperity of the country was general and apparently genuine.

As a further evidence that the people were wedded to the principles of a revenue only tariff, even of the lowest of all our "tariffs (act 1857) since 1812," I quote now from Senator Henry Wilson, of Massachusetts, afterwards Vice-President, who, in speaking of the act of 1857, in 1861 said:

It is very easy for a gentleman of the Northwest to rise on this floor and talk about protection to Pennsylvania and New England and to say that his people have no protection; but, sir, standing here to-day, I express it as my deliberate judgment that there are not half a dozen States—and I doubt whether there be among them all one—so little interested in changing the tariff as the State of Massachusetts. I say further, as the representative of that State, I know that in voting for this bill I am voting against the wishes of a large portion of the people of my State, who believe the present tariff better for us than your proposed tariff; and I vote, too, against my own deliberate judgment, for I had rather stand on the tariff of 1857 than take this bill.

Several SENATORS. Then, why vote for it?

Mr. WILSON. I vote for it to increase the revenues of the Government. * * * I want no man to vote for this bill in order to protect the interests of Massachusetts; for the tariff of 1857, precisely and exactly as it stands upon your statute books to-day, so far as the productive industry of the Commonwealth of Massachusetts is concerned, in all its various departments, amounting to $350,000,000 annually, is the best tariff ever put upon the statute books of this country. That is my judgment; and by passing this bill we shall gain nothing as a State. I shall vote for the bill, but I vote for it to raise revenue; I vote for it as a revenue measure.

It is true that we had a panic in 1857, and the stand-patters insist, therefore, that we should not reduce the tariff at the present day. But I insist that we have had panics also under protective tariffs. Examples—panics of 1873 and 1893.

Representative JOHN J. GARDNER (Republican), in a hearing before the Industrial Commission, 1901, put the usual Republican question to Edward Atkinson, to wit:

Q. You have studied this question in all its lines, and particularly historical. Is it or is it not historically true that ever since we have been maintaining a tariff that when the tariff was highest our manufacturers were most busy and our country most prosperous, and that the periods when our tariffs were lowest marked—by coincidence, if you please—the periods of idleness and depression in this country?

Mr. ATKINSON. My direct experience and personal knowledge begins in 1842 and goes down through the tariff of 1846, which, being a horizontal tariff, *putting up* the duties on wool while it put down the duties on goods, had a very disastrous effect. It was attributed to free-trade, but it was really due to the *advance* in duties on wool.

I then come down to the tariff of 1857, the lowest ever known in this country, with the largest free list. The period from 1857 to the beginning of the civil war saw the most steady and constant development of the textile manufacturers of this country that I have ever known. I do not think there has been any such historic coincidence as you suggest.

Q. As a matter of history, was not the year 1857 the year of the great panic, from which we never recovered until the outbreak of the war?

Mr. ATKINSON. It was the year of the great bank panic, in which two of the commission houses to which my goods were consigned suspended payment. That lasted but a few months and was purely a *financial* panic. It did not interfere with the progress of arts and industries, *and in 1858 great prosperity had returned.*

We were building the Lewiston mills and the Indian Orchard mills, and I was familiar with the whole business. From that time until the beginning of the war we saw the most steady progressive condition of prosperity in the textile art that I have ever known.

In 1870 Mr. Garfield repeated in this House his utterances on tariff reform made in 1866, in which he said:

I stand now where I have always stood since I have been a Member of this House. I take the liberty of quoting from the Congressional Globe of 1866 the following remarks, which I then made on the subject of the tariff:

"We have seen that one extreme school of economists would place the price of all manufactured articles in the hands of foreign producers by rendering it impossible for our manufacturers to compete with them, while the other extreme school, by making it impossible for the foreigner to sell his competing wares in our markets, would give the people no immediate check upon the prices which our manufacturers might fix for their products.

"I disagree with both these extremes.

"I hold that a properly adjusted competition between home and foreign products is the best gauge by which to regulate the international trade. Duties should be so high that our manufacturers can fairly compete with the foreign products, *but not so high as to enable them to drive out the foreign article, enjoy the monopoly of the trade, and regulate the prices as they please.* This is my doctrine of protection.

"If Congress pursues this line of policy steadily, we shall, year by year, approach more nearly to the basis of free trade, because we shall be more nearly able to compete with other nations on equal terms.

"I am for a protection which leads to ultimate free trade.

I repeat that afterwards, in 1880, the Republican party made Mr. Garfield President of the United States. Now, gentlemen, let me go a step further. I will show you in a few words from statements of Mr. Henry O. Havemeyer, president of the sugar trust, to the Industrial Commission, what these high tariffs do. He said:

The mother of all trusts is the customs-tariff bill. The existing bill and the preceding one have been the occasion of the formation of all the large trusts, with very few exceptions, inasmuch as they provide for an inordinate protection to all the interests of the country, sugar refining excepted.

In fact, the tariff bill clutches the people by the throat, and then the governors and the attorney-generals of the several States take action, not against the *cause*, but against the machinery which the people employ to rifle the public's pockets.

In support of this statement I again remind you that under the revenue-only tariff of 1846 we had no trusts and no multimillionaires, but had an overflowing Treasury and general prosperity for our forefathers and their posterity.

Mr. Garfield (June 14, 1878, Forty-fifth Congress, Appendix, p. 293) demanded tariff reform, and evidently feared the uprising of these "captains of industry" to oppress the people. He said:

What is that point of equilibrium? In my judgment it is this: A rate so high that foreign producers can not flood our markets and break down our home manufacturers, but not so high as to keep them altogether out. Enabling our manufacturers to combine and raise the prices not so high as to stimulate an unnatural and unhealthy growth of manufacturers.

In other words, I would have the duty so adjusted that every great American industry can fairly live and make fair profits; and yet so low that if our manufacturers attempted to put up prices unreasonably the competition from abroad would come in and bring down prices to a fair rate.

Such a tariff, I believe, will be supported by the majority of the Americans. We are not barred from having such a tariff in our present law. In some respects we have departed from that standard. Wherever it does, we should amend it, and by so doing we shall secure stability and prosperity.

FREE LISTING THE MONOPOLIZED ARTICLE.

I now take a step further and will show that great Republican leaders have insisted on placing the monopolized article on the free list to free the article and give the tariff-taxed people an open chance to procure substance to maintain their homes and families and at prices as reasonable, *as low as they should be, under the circumstances.*

October 15, 1899, Mr. Sherman said:

The primary object of a protective tariff is to invite the fullest competition of individuals and corporations in domestic production. If the individuals or corporations combine to advance the price of a domestic product to prevent free result of open and fair competition, I would without a moment's hesitation—

Mark that, gentlemen—

I would without a moment's hesitation reduce the duties on foreign goods competing with them, in order to break down the combination. Whenever this competition is evaded or avoided by combination of individuals or manufacturers, the duty should be reduced and foreign competition promptly invited.

And on March 21, 1890, Mr. Sherman said:

If the combination is aided by our tariff laws they should be promptly changed, and if necessary equal competition with all the world should be invited in the monopolized article.

Thus spoke the late Governor Mount (Republican), of Indiana, in 1899:

I am against trusts. Remove the protection from the article controlled by trusts, thereby permitting open competition, and see how quickly these trusts will come to their senses.

Again, Senator Washburn (Republican), of Minnesota, in 1899, said:

The Republican party has got to disconnect itself from trusts, and wherever they find the trust is depending for its exorbitant profits largely on protective duties it will be the duty of Republican Congressmen and Senators to remove the duties at once. This should be done with the duty on steel rails and tin plate.

Repeatedly have the Republicans in these latter years defeated Democratic propositions in this House to free list the monopolized article. You will not dispute that.

On June 6, 1870, by vote—ayes 112, noes 78, not voting 40 (Globe, vol. 43, p. 4101)—the House passed the following resolution:

Resolved, That the Committee on Ways and Means is hereby instructed, at the earliest moment practicable, to report a bill to this House to abolish the tariff on coal, so as to secure that important article of fuel to the people free from all taxes.

Among those voting "aye" were Messrs. ALLISON and CULLOM, now Senators; the late Senator Hawley; John A. Logan, afterwards Senator and the nominee of his party for Vice-President; B. F. Butler, afterwards governor of Massachusetts; Mr. Dawes, and others—all Republicans.

But this is not all of the record of the Republican party before it wandered away from the path of political rectitude, I may charitably say. I go a step further.

Mr. HALE, now Senator, while a Member of this House, in 1871, denounced the salt monopoly, protected by our tariff, as he said, by 18 cents a hundred pounds and 24 cents in sacks, and then said:

The best Turks Island salt can be purchased at the place produced at 9 and 10 cents per bushel. I believe there is no one question about which the reflection of millions of people day by day is so decided as it is in declaring that there should be no tax upon this article of salt. I have been asked to amend the bill introduced by me, so as to cut down the duty 50 per cent. I do not consent to that. I believe this article should be put upon the free list; that the monopoly which has obtained heretofore for the Onondaga Salt Works—as great and complete as any monopoly ever planted by the Tudors in England's most despotic times—ought to cease.

He said, to break down this monopoly, salt ought to be placed upon the "free list."

Again, a little later, May 18, 1872, Mr. Garfield took the same position. He said:

American salt for two years past has been sold in Toronto, Canada, at a dollar less per barrel than on the New York side of the lake. That is—

He said—

we produced it, shipped it across, paying whatever portage, freights, and transportation were required, and then sold to our Canadian neighbors at a dollar per barrel less than it was sold to people on our shores. Certainly gentlemen will not want a duty continued that enables that thing to be done.

Again, gentlemen, Senator ALLISON, on March 25——

Mr. HILL of Connecticut. Will the gentleman pardon me for a minute?

Mr. GAINES of Tennessee. Yes.

Mr. HILL of Connecticut. I was out in Michigan a few years, a good many years after the date of the statements read by the gentleman, and I found salt selling there at 75 cents a barrel, and the barrel costing 25 cents. What was the occasion of that?

Mr. GAINES of Tennessee. If you will turn back, my dear and distinguished friend, you will find that in the State of New York in 1855 the railroads of that State charged $1.95 per mile per passenger, and now the rate all over the country is down to about 2 cents per mile, and you have voted in this Congress to regulate railroads in order to make the charge even less than that when, *under the circumstances*, that rate of 2 cents a mile is shown in a suit to be *unreasonable*. The average freight rate in New York in 1855 per mile was $2.02. It is now less in the country at large than 8 cents.

The gentleman knows the cause of low rates and prices is improved machinery, improved artisans, better educated labor. In the main, these things combined have wrought this change. It is not a question of whether or not a thing is cheaper now than it was when you were a boy or a soldier. That is not the question. The crucial question is: Is the product or toll as *cheap under the circumstances as it should be?* And I say that when our manufacturers sell products to foreigners cheaper than they do to your home folks, which they boldly admit, they are doing for our people at home a great injustice. I want to say to my distinguished friend from Connecticut [Mr. HILL] that if he will read the speeches of Henry Clay, as I dare say he has—for I have never heard anything good that he has not read—or if he will read some of the leading speeches of some of the great founders of his party, he will find there an expressed or implied promise made to the American people that, "If you will bear this protective tariff tax for a while, we, your manufacturers, will make and sell you the cheapest and best products in the world." But the manufacturers have not kept their promise. They have not kept the faith. They sell, and admit they do, the foreigner cheaper than they sell the same article to our own people.

In speaking about salt, Mr. Allison, March 25, 1870, said:

I only wish to add that I believe the duty upon that article is unnecessarily burdensome to the consumer and ought not to remain, even upon the theory of the protectionists themselves. A duty of 18 to 24 cents per hundred pounds is imposed on salt. This heavy duty was imposed to compensate for the internal tax of 6 cents per 100 pounds. This internal tax was one of the first repealed, and yet this heavy duty remains. In the name of protection we are told that if a reduction is made the effect will be to destroy the industry of the salt manufacturer.

Mr. Allison then showed that the salt industry had prospered in 1858 under a low tariff and made a favorable comparison of the salt business of that year with the same business in 1868 and 1869, and then said:

It is an indisputable fact that in most instances the price is enhanced to the full extent of the duty. The duty in 1869 was from 18 to 24 cents. In 1858 it was 15 per cent.

Mr. MAHON. In the Fifty-third Congress the Democrats passed the Wilson bill. How did you get along?

Mr. GAINES of Tennessee. I did not catch the gentleman's question.

Mr. MAHON. I say that you followed Garfield and Sherman, and all these people, in the Fifty-third Congress, and passed the Wilson bill. How did you get along?

Mr. GAINES of Tennessee. I will tell you. If the Republicans had not enacted the McKinley tariff bill, which produced a deficit in the Treasury and broke down the credit of the Government and compelled President Cleveland to issue bonds, and a Pennsylvania judge had not outraged his high office and destroyed the income tax, included in the Wilson Act, that law would have gotten along all right.

Mr. MAHON. I wanted to know what did it.

Mr. GAINES of Tennessee. That is certainly my judgment; that is the way I think about it. And I want to say about the Wilson Act that was not a purely revenue act; it was a step in the right direction. It was a Democratic act that I did not in all its parts indorse, but I did indorse the income-tax proposition, and I hope the President will get the members of his party to be as good Democrats as he has proven of late to be about a great many matters, and we will have before long some kind of a justifiable tax on incomes and inherited property.

Mr. MAHON. If we put the Democrats in power for four years there will be no income.

Mr. GAINES of Tennessee. I am satisfied that if there occurs any "income" anywhere at any time, the Republicans will be sure to claim it. [Laughter.]

In 1880, Mr. Gear, late Senator from Iowa, demanded that the tariff be reduced to destroy the monopoly in Bessemer steel rails, saying that a proper reduction would remove the monopoly. He said:

The manufacturers of this class of rails in the United States are controlled by a combination of not exceeding, I think, ten firms. This combination is protected by high and specific tariff, which prevents the

importation of foreign rails to any extent, thereby increasing the cost of the rails to the country.

He further said that the existing tariff put immense profits into the pockets of the monopoly, composed of but few persons, at the expense indirectly not only of the farmers of Iowa, but the whole West.

Mr. Chairman, in 1880 the tariff, ad valorem, on steel rails was $28 per ton. The home price of rails was $67.50, foreign price $23.12; difference, $32.22. (Industrial Com. Rept., Vol. XIII, p. 625.)

Let me recur for a moment or two to what Seantor Gear said in 1880. He said steel rails were in the hands of a few manufacturers, and wanted the tariff reduced, that railroads in the West might purchase and build railroads cheaper, for the betterment of the farmer.

On May 11, 1901, Mr. Schwab, of the Carnegie steel concern, before the Industrial Commission, said this:

Q. Is it a fact generally proved of all exporters in this country that they do sell at lower prices in foreign markets than they do in the home markets?—A. That is true, perfectly true.

Q. Would you say that when business is in a normal condition the export prices are regularly somewhat lower than home prices?—A. Oh, yes; always.

Q. Suppose you take the case of steel rails. Could you give about the difference between the export and domestic price?—A. I would have to make a guess; I do not know exactly. The export price is about $23 a ton.

Q. And the price here?—A. Was $26 and $28.

Q. At the same time?—A. At the same time.

The Republicans and the manufacturers may think that it is right, a proper "trick" in trade, to oppress our people, who have been tariff taxed for a half century to build up manufactories under the promise that the tariff would be temporary and that soon they would sell to our people the cheapest and best goods in the world, and yet to-day they sell the cheapest and best goods in the world to only foreign markets; but I think it is an outrage and an abuse that the American people should not stand, and I do not believe they will, when they are advised of these facts.

Mr. Havemeyer, before the Industrial Commission, said this:

Without the tariff I doubt if we should have dared to take the risk of forming the trust. It could have been done; but I certainly should not have risked all I had, which was then embarked in the sugar business, in a trust unless the business had been protected as it was by the tariff.

* * * * * * *

Steel rails were exported at the time the steel schedule was under discussion. They were being sent to England and Scotland. They can be produced for $15 a ton; they are worth $24 a ton. Now, the reason they are worth $24 a ton is because the people, under the tariff, are mulcted for the difference. I am not talking about things that are ancient history; I am talking about things that exist. I am not talking as to whether 100 per cent was necessary or not. I am talking about the effect of the tariff to-day, which is the mother of these trusts which are mulcting the people, and there is not a line of it free from this abuse to-day.

But, gentlemen, Mr. Schwab in his testimony made a statement that I bring home to you to-day, seriously as I can, as honestly as I know how, and I ask you to give particular attention to his words:

Q. Do you think that men of limited capital can start in business and become large owners as readily now, under this system, as they did formerly?

Mr. SCHWAB. I do not quite understand that.

Q. Has a person or a company with limited capital the same opportunity to start in business and become large proprietors or owners under the consolidated system as there was formerly?

Mr. SCHWAB. Well, if you put the question that way, I think the man with exceptional ability to-day has a better opportunity of becoming a large owner or a large director in one of these great companies than ever before. *If you say the man with capital at the start—small capital at the start—I doubt it.* (Vol. 13, Rep. Ind. Com., p. 459.)

What natural chance, if you please, has the poor boy, honest, industrious, and intelligent, to make a "start in the world," under these circumstances, and maintain his self-respect and independence? What chance has he to start at the ground and remain a free man, with these immense corporations and dangerous fortunes to crush him out, or prevent him from even starting in in the race of life? This is a serious question, I submit in all candor, and is a condition which is undermining the manhood of our citizens and is not slowly attacking the very corner stone of our Republic. Here is a condition that we should not permit to exist under any law.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Can the gentleman from Texas yield me a little more time?

Mr. BURLESON. I have promised to yield to the gentleman from Wisconsin [Mr. WEISSE], who wishes to speak to-night.

Mr. GAINES of Tennessee. I understood the gentleman to say I could have a little more time.

Mr. BURLESON. I yield one hour to the gentleman from Wisconsin [Mr. WEISSE].

Mr. WEISSE. Mr. Chairman, while it has been the policy of the Government from the first to protect leather and its manufactures by a tariff, hides have been admitted free the greater part of the time. The first tariff on hides, which also included skins, was enacted in 1842, when a duty of 5 per cent was placed on them. This was reduced to 4 per cent in 1857 and raised again in March, 1861. In December, 1861, it was made 10 per cent at which figure it remained until 1873. In the tariff bill enacted that year hides and skins were placed upon the free list, remaining so until the enactment of the Dingley tariff bill in 1897, which puts a duty of 15 per cent ad valorem on hides. It is claimed that the western Senators, believing that this duty would be for the protection and benefit of the cattle raisers in their sections, favored and supported the law. No doubt they did, but in doing so they probably expected that there would be a duty of 15 per cent on all hides, as the bill provided. But this clause was inserted in a shrewd and cunning way, engineered undoubtedly by the packers, who knew full well that hides are classified by the trade as follows: Small, unborn calfskins, called "slunks;" those weighing from 2 to 7 pounds, "deacons;" those weighing from 7 to 15 pounds, "calf," and those from 15 to 25 pounds, "kips." After the bill had become a law, the custom-house appraisers passed upon this classification and ruled that all skins under 25 pounds were not hides, within the meaning of the act, including calf, goat, horse, and hog skins, and all other skins used for tanning purposes, and should be admitted free of duty, and that only hides weighing 25 pounds and upward were dutiable. I will read you the ruling of the Board of Appraisers:

[Circular No. 173.]

CLASSIFICATION OF CALFSKINS AND HIDES.

TREASURY DEPARTMENT, *September 23, 1898.*

To collectors and other officers of the customs:

In G. A. 4052 the Board of General Appraisers held that raw calfskins are not dutiable as "hides of cattle" under paragraph 437 of the tariff act of July 24, 1897, but are free of duty under the provisions in paragraph 664 for "skins of all kinds, raw (except sheepskins with the wool on)." They found as a fact that "the term 'hides' in trade covers skins of the larger animals weighing 25 pounds and over, while the term used in trade to describe the skin of a calf is 'a calfskin' weighing 25 pounds or under, and that the dividing line between dried skins and dried hides is 12 pounds—that is to say, dried hides weigh 12 pounds and over, while dried calfskins weigh 12 pounds and under."

While the Department concurred in the decision that calfskins were not dutiable as cattle hides, it desired to have the question of the line of demarcation as to weights between skins and hides further considered, and therefore instructed custom officers to make up another case to submit to the Board of General Appraisers for their determination, with a view of having the matter reviewed by the courts if deemed advisable. After a further hearing the Board found as a fact, in G. A. 4215, "that commercially the dividing line between raw cowhides and calfskins in weight is 25 pounds, the term 'calfskins' including all so-called 'hides' or 'skins' which weigh less than 25 pounds. When dry the dividing line is 12 pounds, and all weighing 12 pounds being commercially known as 'skins' and all weighing 12 pounds or over as 'hides.'"

In order that this question might be further reviewed, the Department directed an appeal from this decision to the circuit court, and on the recommendation of the conference of local appraisers recently held in New York adopted a table of weights, which are promulgated in circular 165, of August 27, 1898, to be followed by customs officers in classifying skins and hides.

At the request of tanners and shoe manufacturers the Department has further considered the subject and carefully reviewed the testimony taken by the Board of General Appraisers, which was substantially unanimous in fixing 25 pounds as the dividing line between hides and skins in a green, or wet, condition and 12 pounds when dry. The counsel for the Treasury Department in cases before the Board of General Appraisers reports that he thinks no trade testimony can be obtained to controvert the dividing line as decided by the Board.

The Department concludes, therefore, to accept 25 pounds in weight as the dividing line between calfskins and hides when green salted and 12 pounds as the dividing line between dry hides and skins. You will be governed accordingly, and hereafter assess duty as hides on such skins weighing 25 pounds or over and 12 pounds or over, respectively.

Circular No. 165 is hereby revoked.

W. B. HOWELL, *Assistant Secretary.*

After this ruling it was reported to me by a Chicago hide dealer that calfskins did not decline in our home market, but did advance in foreign markets, showing that the duty of 15 per cent only compelled the foreigner to sell his calfskins 15 per cent cheaper than ours and did not raise the value of the American product. Hides sold in 1892 as low as $0.04½, in 1905 as high as $0.13¾, down to $0.12 in January, and are to-day selling at $0.13. Calfskins that come in free of duty sold as low as $0.06¼ in 1892 and as high as $0.16¾ in 1905, and to-day are selling at $0.15. Why did the calfskins, which are on the free list, advance? Was it the Dingley tariff?

Then, for the first time, did the western Senators who had supported this duty discover that they had been handed a gold brick, as under this ruling 80 to 90 per cent of the hides sold by the farmers are imported free of duty, and, notwithstanding the continued claims and contentions of the leaders and spellbinders of the opposition that that party stands for and advocates the protection of the infant industries of the country, it is a plain and uncontrovertible fact that the duty on hides provided for in the Dingley bill affords no advantage or protec-

tion to the infant industry of the hide and leather producer, as this industry in the hands of the farmers and cattle raisers may properly be called. On the other hand, the only protection or advantage acquired through the 15 per cent duty is enjoyed fully and only by the packers, the kings and dictators of the hide business, to the detriment of the farmers, cattle raisers, and also to the tanners and exporters of manufactured leather goods and to the laborers and all users of leather, including every industry in the United States.

According to the census reports of 1900, there were taken off by the packers 6,281,952 hides, at a value of $33,925,911, and we imported $19,408,217 worth on which duty was paid, and the tanners used about $77,000,000 worth. We also probably used of the 10 to 12 pound dry hides, called "skins," which come in free of duty, several million dollars' worth. The farmer take-off was from two million to two and a half million hides, at an average price of about $4 apiece, or 8 cents per pound, according to the tables herein annexed.

Our friends say that the duty adds to the price of beef on the hoof, which I am willing to admit to a certain extent. It may add a little. I find that we exported in 1904, according to the official figures I now have before me, 593,409 head of cattle, at a total value of $42,256,291, which was at an average of about $72 per head, and on account of the 15 per cent duty on hides we certainly must have sold these cattle for less money than we would have received had the hides been admitted free of duty, in order to make up for the increased cost in bringing the hides back to this country. The hides of these cattle were worth no less than $6,000,000 in Chicago, as the price averaged during the year about 12 to 16½ cents per pound, and would have meant a loss to the shippers of at least from $900,000 to $1,000,000, on account of the 15 per cent duty to import these hides, less the difference in freight rates against the farmer. This more than equals the profit that the farmer would make, if he got it all, on the hides marketed direct by him in this country.

I will insert a table showing our exports and imports of hides for a term of years, which will be interesting in considering this matter.

In 1904 there was imported $52,000,000 worth of hides. On $10,000,000 worth, or about one-fifth of which, duty was paid. This would give the Government a revenue of about $1,500,000.

In 1905 we imported $64,763,146 worth of hides, and exported hides valued at $3,246,887 in 1904. Of the amount imported, duty was collected on $14,949,518 worth. But by exporting an amount of leather claimed to have been made from imported hides equal to the amount of hides upon which duty was paid to the Government a rebate of 99 per cent of the 15 per cent can, under this provision of the bill, be recovered. At the end of the year we may be in debt to the United States Leather Company. In fact, according to the last statement of the company, a copy of which I herewith insert, they report $590,000 received as cash rebates or drawbacks. The duty on imported hides which they are compelled to pay will be returned to them in the shape of rebates upon exported leather claimed to have been made from imported hides. And the Government derives no revenue whatever from this protection or graft of the large packers.

In 1895 we exported 45,364,349 pounds of sole leather, valued at $6,919,272, against 36,830,717 pounds in 1904, valued at $6,978,497, which plainly shows that there was a decrease of 20 per cent in the amount of sole leather made from South American imported hides. This means a loss to the American laborer and tanner, as these hides, on account of the difference of the 15 per cent duty, went to foreign countries to be tanned. It takes about a year to tan this class of stock, and on account of the additional investment, including interest and insurance, amounts to more than the profit made out of the leather. Whereas all leather made out of free hides has increased over 50 per cent, as there was exported in 1895 $6,435,590, and there was exported in 1904 $16,189,996, which plainly shows that if we had free hides the heavy leather industry, as stated before, would increase in the same proportion, as we have better advantages here, with our forests of bark, than they have in any foreign country, and it is only to the detriment of the tanners and laborers. The Government derives no revenue, as we exported more heavy leather than we imported heavy hides.

The Dingley tariff can not benefit the farmer to any great extent, because the prices of his crops depend upon export demand and price. For instance, the duty of 25 cents a bushel on potatoes does not make the price, as last year, in my State, in Waushara County, potatoes sold for 6 cents a bushel to a starch factory, there being no shipping market. After hauling them 10 to 15 miles, a great many of them were thrown on the land to rot, after being carried all winter, and dug and hauled into the cellars at a cost probably of no less than 10 cents a bushel.

In 1900, according to the Census Reports, the total value of all farm products, including forest products, amounted to $4,717,069,973, and the total valuation of all farm property, including buildings, was $20,439,901,164. The average rate of interest was 7.07 per cent. Figuring this on his investment, which he is entitled to, as it is only an average rate of interest, would give him a net income, after deducting the interest, of $3,286,276,891. I find, according to the reports also, that there were engaged in agricultural pursuits 10,381,765 workers. This would give them an average annual earning of $316 each, and after paying taxes, repairs, and other incidental charges, which I would estimate, for the sake of argument, at from $10 to $100 per year, it would give them an average income far less than the manufacturing laborers receive. It is estimated that there are 28,500,000 people on farms, and this would give a net income of from $80 to $115 to each person on the farm—an amount below the cost of feeding the soldiers in the United States Army, to say nothing about buying their clothes and the other products of labor needed by them. All this in such a prosperous country as ours, where about 35 per cent of the people are on farms; where the railroad, interest charges, and taxes exceed the value of the products of the farm. How much do they consume of the products?

The expenditures of the National Government, less pensions, were, in 1882, $111,292,693; in 1890, $136,356,739.80; in 1900, $448,850,287; in 1904, $583,425,680. The estimate for 1906 is about $740,000,000. This no doubt causes prosperity for those connected with the system. I bring these facts out to show the dissatisfaction of the people with the conditions existing under the distribution of the products of the farm and labor.

If the Dingley tariff is so great a benefit, and causes prosperity, why did the farms in New York State decline about 12 per cent from 1880, and lands in Ohio from 1880 to 1900 decline 8 per cent, where the large increase in manufacturing in these States should add to the value of the farms? There were about the same number of acres in farms in Ohio, but 29,500 more farms in 1900 than in 1880, and in New York about 14,000 less farms, with about 1,000,000 less in acreage. If the decline under this system in these States is not due to the Republican policies, but to natural conditions, then why should you claim the increase in the farms of Nebraska, Kansas, and Wisconsin? If this system of graft, and protection, and tariff robbery is good for the farmer, it must include the farmer in New York as well as the farmer in Kansas and Nebraska. You have been preaching that they have all been prosperous during the last years under the Dingley bill, but you can not produce the figures to show it.

The gentleman from Minnesota has stated on the floor that the reason our forefathers landed in New England was because they got seasick and couldn't go any further. But they landed, and they are now making us in the West certainly sick by continually asking us to contribute to the tariff, railroad, Wall street graft, under this system, and to the prosperity of the increased officeholders who sit in chairs and do nothing, and for the maintenance of which we pay the taxes. Is it constitutional?

I endeavored to obtain from the Treasury Department the net revenue received by the Government from this duty on hides, but was informed by the Secretary that it would not be furnished, as no account of it was kept.

Whatever benefits the farmer derives from the 15 per cent duty on hides he more than loses on the cattle he exports and the leather he uses. The price probably would be as high if hides were on the free list, as supply and demand the world over regulates the price, the same as it does in calfskins, and would put the American tanner in competition with the world to obtain his raw material as cheap as his foreign competitor. There is also a difference to him, and to his disadvantage, in the leather goods he uses, such as heavy shoes, in which the leather, at the least calculation, according to the statement hereto appended, costs about $1, and there is a difference on these, as they are almost all coarse leather, of at least 10 to 12 cents per pair, notwithstanding the statement that on the average of shoes it is from 2 to 6 cents, heavy plow boots, in which the leather that pays duty costs about $1.50, making a difference of about 20 cents on a pair of boots. In every set of harness that the farmer buys it makes a difference to him of at least $1.50 to $2.50. On every set of horse collars that he buys it makes a difference of from 40 cents to $1. It also makes a large difference on his buggy tops, buggy cushions, the belting he uses on his farm machinery, his furniture, his grip and traveling suit case, of which very few are used, however, by the farmer; on all of these articles, and in addition numerous others he uses, are made from hides upon which is levied the 15 per cent duty, and which he pays as a bounty

direct to the packers. On the other hand, you will find that he uses the leather from hides, or, as classified by the customs appraisers, "skins," etc., which come in free, on his hatband, razor strop, maybe his suspenders, on his pocketbook, and the tops of his Sunday shoes, as well as the kid gloves he may wear, as the heavy gloves that he uses every day while at work in the field are made from hides that pay a duty; and he may use hides for his preserves, as most of the preserves are made out of gelatine, which is made out of hide scrap trimmings, on which there is no duty. Therefore he pays directly a bounty to the packer on about four times as much leather as he produces hides. He pays this, not to the Government as a revenue, but as a bounty to the packers.

This duty on hides gives the foreign leather manufacturer an opportunity to come over to this country and buy leather at 10 to 12 per cent less than our manufacturers, as the law provides, as stated before, that where leather made from imported hides is exported 99 per cent of the 15 per cent duty collected upon the hides when they come in should be paid back to the tanner who exports the leather, and therefore, of course, all exported heavy leather is claimed, for the purpose of collecting the drawbacks, to be made out of imported hides, and the Government derives no revenue from this tariff on hides. The foreign manufacturer buys at from 10 to 12 per cent less than our home manufacturer of leather goods, and can sell his product in foreign markets so much lower in competition with our manufacturer, and we, in this case, actually pay a bounty to the foreign buyer of leather, who manufactures the same over there into boots, shoes, harnesses, and belts. Under these circumstances the foreign farmer and manufacturer are given an opportunity to buy their shoes, harnesses, and belts for less than our farmer and manufacturer, and this discrimination against the farmer and manufacturer of the United States is made possible and paid for directly by the United States Government. The United States shoe manufacturer can not avail himself of the rebate, because his shoes are made from so many different small pieces of leather that it is impossible for him to go to the custom-house and state exactly in an affidivit, under oath, just what parts are made from imported hides and what parts from domestic hides. The foreign manufacturer, therefore, has an advantage of about 12 per cent on the manufactured goods over the American manufacturer. Even though the American manufacturer could prove to the satisfaction of the custom officials that certain parts of his shoes were made from imported hides, and thereby be entitled to the rebate, there would be no money in the Treasury to pay these rebates, because it would be exhausted by the exportation of heavy leather. The existing law, however, provides that under the circumstances mentioned he could collect the rebate if there was any money left.

Finally, and I think the facts above cited prove it, this 15 per cent duty goes entirely into the hands of the packers, to the detriment of the shoe manufacturers and tanners, as well as to the detriment of all manufacturing establishments that have to pay this additional price for their leather goods, and it gives the foreigner a chance to buy his material, as stated before, at much less than our own people. According to the census of 1900, it makes a difference in the sales of hides by the farmer. But one out of every ten sells one hide during the year that pays a duty. If he gets 60 cents more for the hide he sells, he is able to get 15 per cent more than the foreigners are getting for their hides, and the only advantage for the farmer would be, if he did this, to get a small additional price for his cattle. My men at home recently sorted several carloads of hides that came from the South, picked up in original lots, and less than 10 per cent of the total lot of dry hides contained hides that would have been subject to the duty, and these were all taken off by the farmer.

How does this duty help the laboring people who constitute the bone and sinew of the Republic? There is no argument in the contention that they are protected, as the following facts will show: The laborers working in the packing houses in 1890, according to the census reports, averaged $550 in wages per year. In 1900, under this great prosperity cry of a subsidized press, they are only getting $500, or a cut of 10 per cent. It certainly costs them more to live at the present time than it did then. Besides the reduction in wages, the cost of living and taxes have increased, and the laboring men now receive still less of that which they produce than they did in 1890 or 1893.

Neither do the laborers in tanneries receive any benefit from this duty on hides, nor can you call it a protection to the laborers, as I find that in 1890 there were employed in that industry 42,392 laborers, earning on an average $501 per year, and in 1900 there were 52,109 laborers at an average annual wage of about $433. Wisconsin produces about one-tenth of the leather produced in the country, and employs 5,262 laborers at an average of about $432. The decline was caused no doubt by this general prosperity and advance in wages that they tell about in the newspapers and on the floor at different times. This could no doubt be analyzed and explained from a lawyer standpoint, and I understand there are 249 lawyers in this House; but it would be pretty hard for a business man to get up and say they are better off now, when they were getting on an average $70 less than they were in 1890. It would also be hard for anyone to get up here and state that they are able to consume as much of the farmer's products, which have increased in value, according to reliable reports, from 1 per cent to 300 per cent since 1890.

In 1890 there were employed in the shoe manufactories of the United States 133,690 people, at an average annual wage of $464, and in 1900, that great and prosperous year, there were employed 142,922, and received an annual wage of $414, or $50 per year less than in 1890, or about 9 per cent less. With the cost of living increasing, as it did, through the tariff and the trusts, the wages of laborers in shoe manufactories were reduced so that the shoe manufacturers could compete with foreign manufacturers who buy their leather 10 to 12 per cent cheaper in the American market than do our home manufacturers.

In the coal mines of Pennsylvania the miners receive, according to the report of the Coal Strike Commission, 1902, and the Pennsylvania Coal Company, on an average of $307 per year for mining coal, mostly all of them being men. This means that after paying a rent of $85 to $120, and fuel bill, they have less than $200 to support a family of five, clothe and feed them, or an average of 55 cents a day for the five, or 11 cents a day for each person, which is 3⅔ cents per meal, not enough to buy milk for the infant. If it were all used for food, which is impossible, as shoes and clothing must be bought, how much of the farm products or the products of their fellow-laborers can they buy? Are they prosperous? This was in 1902. You say they were; they voted that way. How can you represent these people if this is prosperity?

Take the earnings of the average tannery laborer, which were $433 per year, according to the reports of the last census. The census shows that there are only a few, if any, boys and girls, and about all able-bodied men in the tanneries. No doubt 80 per cent of them are married men, living in large cities, where they are unable to rent a house for less than $120 per year, where their fuel and lights cost them not less than $40 per year, and the chances are they live a distance from the manufacturing plant, and are compelled to use the street cars, which will cost them $30 annually. These are fixed charges that are absolutely necessary, and may be varied in one way or another a little, but not a great deal for the sake of argument, leaving him $263 with which to buy clothing and food and the products of the soil that are not completely controlled by the corporations, and also pay the protective tariff. Where the average family consists of five persons, at a low estimate, and I know a great many have ten, it would give them about 70 cents per day, for every day in the year to live on, which would mean 13 cents apiece, figuring on five persons in the family, for every day. If they are to buy eatables for the table, it would bring them down to 4½ cents per meal, and this does not include clothing.

I find, according to the reports of the Army, that they allow 23 cents a day for the commissary department; in other words, they allow 23 cents a day, or about 8 cents per meal, to a man for his eatables, which are all bought in large quantities at the very lowest price.

In my home county, where we have an asylum for the incurable insane, and have several hundred acres of land connected with it, the average cost of maintenance is $2.31 per week, or about 33 cents per day per person, which is two and one-half times as much as the average laborer has to support his children, and the same holds true of the men fed in the United States Army. Now, this cost of $2.31 per week, or 34 cents per day, of maintenance of each individual in said asylum does not allow anything for rent and other incidental charges, and also gives them the free use of 200 acres of land on which they are able to raise, without any outside help, a great deal of the produce they consume. This goes to show that the average laborer is unable to earn, under this system, by working ten hours per day, enough to supply him with the necessities of life, to say nothing of the luxuries, through this unequal distribution of what he produces, whereby some of the highly protected tariff trusts and other combinations are able to rob him of his products.

As stated before, the shoe manufacturing laborers receive no benefit by reason of this duty, as they are hardly living at the wages they are now receiving; and, in this connection, I wish

to refer at this time to a statement appearing on page 1312 of the CONGRESSIONAL RECORD, inserted by the great and noble general from Ohio, no doubt for the purpose of stopping revision talk by the western Congressmen, which shows the wages paid in certain shoe manufactories and certain leather manufactories, and which statement, in part, is as follows:

Milwaukee—A prosperous year—Increases recorded in every line—Manufacturers and wholesalers jubilant.

Well, there is jubilance. "Number of business houses, 33." Nothing about the laborers being jubilant. Well, let us see. According to the table they may be the other way. It then goes on with these words: "Leather establishments, 13; employment, 3,800 people; wages, $926,780; product, $20,000,000. Boots and shoes, 20 establishments; employment of labor, 5,000; wages, $1,489,643; product, $9,876,489."

Now, this statement shows that the 3,800 leather workers average in wages $244 per year. This is no doubt Ohio stand-pat Republican prosperity for the laboring man. What does it mean? I know that if a person wants any kind of board at all in Milwaukee it will cost $3.50 per week, and the washing of his clothes will cost 50 cents per week. Board and washing of their clothes are, as we all know, absolute necessities of existence. Neither the boarding-house keeper nor the wash woman would be able to make more than a living at these rates, which amount to $4 per week, or $208 per year to the average laborer. Now, according to this table, the laborer earns $244 per year. He would, therefore, have left $36 at the end of the year to pay for his clothing, boots and shoes, tobacco, and what else he may consume. Now, in case he should live a mile or two from the factory, which is entirely possible, and has to take the street car every morning to his work, and return at night, working on an average three hundred days a year, it would cost him 8 cents a day, or $24 per year. He would then have $12 left to pay for his boots, shoes, and clothing, and other articles he may consume during the year. This may be Republican prosperity, but it is doubtful if this laborer would be able to buy more than one pair of the shoes that he produces during the year, and the table shows that he would be able to produce from seven to eight hundred pair. How many men would it take to produce the total output of shoes of this country; and, under these conditions, how much of the farm products, in the line of clothing and the necessities of life other than the food, could they consume? If this laborer was a married man, with one or two babes in his family, what means would he have to resort to in order to keep them alive and prevent death by privation or starvation? It is such conditions as these that breed anarchy and lawlessness in the land, where about 80 per cent of the laboring people die in debt and less than one-tenth own their homes. How can you represent these people when you will not admit their condition?

If this table is true, could the conditions be any worse than in the Philippines, where we hear about the people working for 8 and 10 cents a day, and where they can live for 2 and 3 cents a day, and die free of debt? According to this statement, they are actually better off than the people living in this country. There is no doubt that the American laborer, according to tables furnished time and time again, receives less for the amount he produces than any other laborer in the world, and by taking the statement referred to and following it out in detail we have a fair sample of what his condition is in this land of plenty. I doubt the truth of this statement, but it certainly must have been made by some one connected with the manufacturing establishments, for the purpose of showing to the shoe and leather manufactory wage-earners in the East that they are far better off than in the West, and to keep them from coming out into our country, where they can live for much less than they can in the East; where they can enjoy the free and fresh air and water in a climate where the death rate for children under 5 years of age is only 168 per 1,000, as compared with that of the high-protected corporation cities of the East, where it runs up, as at Fall River, Mass., to 403 in 1,000—cities which have upon them the curse of tariff graft and railroad graft, creating conditions which compel children from 5 to 16 years of age to go to work in order to exist.

In 1900, in the city of Fall River, Mass., there were employed in the factories 32,780 people, at an average wage of $358 per year, where the leading industry is the manufacturing of cotton goods, on which the tariff collected amounts to more than the cost of the goods bought in foreign markets. Who does this duty protect? The people who use this class of goods to wear, no doubt, from buying them in larger quantities, as it certainly can not protect the laborer.

You will find that wages are generally lower in high protected industries than in unprotected ones, as in the building trades.

In the manufacture of woolen goods the average wage in 1890 was $350, as well as $350 in 1900 where the tariff has been increased.

There were employed 5,314,439 wage-earners in the manufacturing establishments, according to the census of 1900. They received $2,327,295,545 in wages, or an average of about $440 per laborer, or about $5 per year less than they did in 1890, which shows that the Dingley bill did not raise laboring wages. Also, living has increased, according to the statement of Carroll D. Wright and others, from 25 to 45 per cent, and wages, on the whole, according to these figures, have decreased. Dividends on railroad stocks have increased from 80 to 120 per cent, and no doubt they are in favor of the system.

We employed in the leather trade, according to the last census, 233,496 hands, and paid them in wages $107,978,195, or less than it cost to maintain the United States Army, to say nothing about the Navy, and they produced $529,311,269 worth of goods. The cost of labor in the tannery, on sole leather, is from 5 per cent to 7 per cent of the total cost of production, and the cost of labor in the production of other leathers in the tannery will run from 9 per cent to 15 per cent, showing that a duty of from 20 to 45 per cent on these different goods is not necessary to protect the American laborer or manufacturer, provided you give him free raw material, low taxation, and reasonable railroad rates.

The duty is of no benefit to the tanning industry, as it has been on the decline. I find, according to the last census reports, that in 1880 there were 5,628 tanneries; in 1890, 1,787, and in 1900 1,306, or a decrease of 30 per cent in the last ten years, and less than one-fourth of what there were in 1880. This is easy to account for on account of the discrimination of the railroads in shipments of carload and less than carload lots, as no small tanner can exist under the present classification and difference in rates, of which I wish to submit some figures by way of illustration. I find that the rate on dry hides from Butte, Mont., to Chicago, on carload lots is $1.80, and on less than carload lots is $3.10. The rate from New York to Chicago on less than carload lots is 70 cents, and from Calcutta, India, to Chicago, $1.75, which goes to show that it isn't the 15 per cent duty alone that makes the price of hides, but the difference in freight rates of carload and less than carload lots charged the shipper, and the foreigner is protected by the railroads against the tariff. It compels the small shipper and butcher in the western country to sell his hides to the agents of the packers and trusts, who can wait until their accumulations amount to a carload before sending them to market.

The duty does not benefit the tanner, according to the appended statement, taken from the tanning corporations. These combinations produced about $45,000,000 worth of leather in 1900, but were unable to control the hide and leather market. There has recently been a reorganization of several of these companies into the Central Leather trust of which the Armours and Valentines are considered by the trade large holders, which reorganization was made necessary by the poor management, as shown by the statements of these companies.

In considering this subject it would be well for the gentlemen from Pennsylvania to look out for the leather industries of this State, as Pennsylvania ranks first in the Union in the production of leather (Pennsylvania produced in 1900 $55,615,009 worth of leather and employed 14,000 hands); also the gentlemen from Massachusetts, which State ranked second in this industry and produced in 1900 $26,067,714 worth of leather, by 7,010 employees; and the gentlemen from New York, which State with a production of $23,205,991 worth of leather, by 6,530 laborers, closely followed Massachusetts.

My colleagues from Wisconsin should bear in mind the leather industry of the Badger State, which ranks fourth, with a production in 1900 of $20,074,373 worth of leather, the product of 5,262 wageearners, which is three times as much as our exports to the Philippine Islands, for the protection of which trade there is required 119 officers, 5,096 men—the Philippine Scouts—and about $20,000,000 Navy investment. I would like to ask them if they are in favor of removing the tariff on hides and leather on a basis of the difference in cost of production? In 1890 there was in Massachusetts 1,057 shoe manufactories, employing 67,374 laborers. In 1900 there was 640 shoe manufactories, employing 58,645 laborers, the ages of some of whom, according to the census reports, were under 5 years. No doubt this decrease in Massachusetts was Republican prosperity for the shoe manufacturer, and the Republicans must appeal to them to continue this great prosperity. If the same proportion of factories, under this Republican prosperity howl, continue to go out of business as did in the last ten years, it will only take fifteen years to exterminate all the shoe factories in Massachusetts. If these manufacturers who are suffering under this high-tariff tax on hides, and the laborers connected with them, will go to the polls this fall and vote their convic-

tions, no doubt they will be able to elect Democratic Members of Congress, who will, with our Members, revise the tariff.

The New York Post, in a recent issue, says:

The Central Leather Company, sometimes called the "leather trust," will, according to the statement of A. Augustus Healy, vice-president, cooperate with the National Shoe Manufacturer's Association in a movement for free hides. The manufacturers are ungrateful wretches, not content with the generosity of the protectionists who offer free goat skins, and they shamefully demand free hides also. They want what they want, even if they take the bread out of the mouth of the hungry Armour Packing Company. They offer the feeble pretext that the tariff on raw materials seriously cripples their business. So much the worse for their business. The Dingley tariff bill is a sacred institution. To pull out one stone may bring down the whole edifice. A manufacturer who asks for free raw material is therefore no patriot. The Central Leather Company is as shockingly selfish as the manufactures. "It is to our interests," says Mr. Healy in an interview, "that prices for raw material shall remain low."

I also find that by reason of this duty there was a great loss suffered by our oak-leather tanners, who had a large export trade built up in fine grades or oak sole, union crop, and Texas sole leather; also for our rough leather, and butts, used for belting and harness leather. All these grades require a fine texture of leather, and are made from domestic green salted hides, which are generally considered the best hides in the world, because they are well taken off and free from all blemishes. No rebate or bounty being allowed by our Government on leather made from domestic hides, this valuable foreign business was almost entirely destroyed, because the foreigner can buy his hides for from 10 to 15 per cent less, and buy oak bark and tanning material, and produce this class of leather much cheaper than we can.

All oak tanneries located in Pennsylvania, Maryland, Virginia, and other oak-bark regions of the South and West suffered severely, also many of the tanneries in Louisville, Cincinnati, and Milwaukee, which made that class of leather a specialty to supply the foreign market. They were compelled to give up this trade at a great loss. This state of affairs also existed along the Canadian frontier, and it has been reported that some American tanners were compelled to move over into Canada in order to hold their foreign business, and tanning industries in that country have steadily increased. This militated against the American workman, and is a clear case of where protection doesn't protect. The present duty on hides is a positive injury to our trade, which, according to statistics, is the seventh ranking industry in the country in the amount of capital invested, and ranks tenth in the amount of wages paid.

It will thus be seen that a tariff ostensibly designed to protect labor becomes, in its practical operation, an injury to every one in the United States employed in the manufacture of shoes and other articles made wholly or in part of leather.

The conclusions to be drawn from the tables which I hereto annex are that the domestic supply of hides is inadequate and that large quantities of foreign raw material are absolutely necessary to continue in successful operation the shoe manufactories and tanneries of the United States and to provide employment for American labor.

The demand for free hides is not a sectional issue. The trend of shoe manufacturing and tanning is westward, and the most vigorous opposition to the hide duty comes from the States of the Middle West. The hemlock bark of Michigan and Wisconsin, the oak bark of the Southern States, and the immense forests of Oregon and California have caused a westward movement of tanning and shoe manufacturing to those States. In view of the development of trade with China and the Philippines, there would be much promise of a large extension of the export trade in shoes and leather from the Pacific coast if our ports could be open to the free entry of hides.

There is no civilized country on the face of the earth that produces hides enough to supply the demand and consumption of leather. Therefore, we must look to barbarous or semi-civilized countries for our supply of hides, such as South America and other countries. The supply of hides in this country comes from all over the world. No doubt we are tanning a great many from the European countries which they are buying from foreign markets, and which, were it not for the duty, would have originally been shipped here. Different kinds of hides in different parts of the world make different kinds of leather. We use for our sole leather the branded hides taken off in the western part of our country, and the Texas hides make the very best of sole leather, selling for a cent to 2 cents a pound more than any other hides, and they would sell for more if the people would protect themselves against the bad brands on them, and the grubs and ticks. In South America land is so cheap, and the herds of cattle so large, in proportion to the population, that hundreds of cattle are killed for their hides. The tanners and shoe manufacturers of the United States want these hides to come in free in order to afford labor to American workmen who will convert them into leather and shoes for the export trade.

The hide duty benefits the packer, the last one that needs it, according to good Republican authority, oft quoted in the newspapers and on the floor, as is shown by the following extract from a letter from Blaine to McKinley, dated April 10, 1890:

It is a great mistake to take hides from the free list, where they have been for so many years. It will benefit the farmer by adding 5 to 8 per cent to the price of his children's shoes. It will yield a profit to the packer only, the last man that needs it. The movement is injudicious from beginning to end, in every form and phase. Pray stop it before it sees light. Such movements as this for protection will protect the Republican party into a speedy retirement.

And in this connection I wish to give you, at this time, a few figures in regard to Swift & Co. The surplus on hand at the end of the year was $9,996,005 above the capital stock of $35,000,000, which represents a profit of over 25 per cent on the capital stock, not taking into consideration the investments they have in concerns to which they furnish the raw material, selling it to them for much less, so reported, than they will sell it to an outsider, and they intend to increase their capital stock another $15,000,000 this coming year.

When I was home in November, a farmer brought a hide to the tannery, for which I paid him $10.80. He had two quarters of beef with him and sold them in the village at 4 and 5 cents per pound, and told me that the two quarters of beef and the hide brought him more money than the butcher would pay for it. I asked the butcher if he could not afford to pay more for such cattle on the hoof. He told me no, that if he shipped it to Chicago there would not be over $2 profit on it, which would merely pay the expenses of taking it down there, and the risk attached to it, and he would come out whole if he had good luck. At the same time an agent of one of the large packing companies came up there to sell us stearine, a product of the packers, and I asked him what price he got for about this class of meat, and he told me about 6½ to 7½ cents, dressed. While here at Washington, I had the opportunity to go to the market for my own information and ask the price of meat, and I discovered that they were charging from 6 to 30 cents a pound for the different cuts. And still the Government report shows that the packers are doing business at almost a loss, and it surprises me that they don't ask for the 15 per cent duty to be continued on hides in order to keep them operating.

I annex prices showing the range of the price of steers in the Chicago market from 1885 and tables showing the price of beef and corn, which show that at no time in the history of the country have the feeders of heavy steers—a great many of whom are located in the district represented by the gentleman from Iowa—received as little for their cattle, in proportion to the cost of production, as at the present time, most of them being produced by feeding corn. Even during the extreme low prices during the "panic year," so called, of 1893, corn was selling for from $0.33½ to $0.44 per bushel, and it sold in 1894, which was a Democratic year with this terrible panic on that the gentlemen speak about, as high as $0.60½, and in the same year native steers, weighing from fifteen to nineteen hundred pounds, sold for $5.35 per hundred. In 1897 corn sold at $0.18½ to $0.31, and in 1900, the year in which he claims the farmers were so prosperous, the same class of steers sold for $5.55 and corn for from $0.30½ to $0.45½. Was it the Dingley tariff of $3.75 per head on cattle, or 27½ per cent ad valorem, that made these prices and protects them so they receive these prices for their cattle now? I will append a table showing the price of "canner" cows, of which he knows that we in Wisconsin, Iowa, and other Northwestern States ship a great many to market, and see how the figures in this great and prosperous Republican period compare with the figures in the Democratic years, based upon the prices for grain and other products, showing what it costs them, and he will easily see, after he studies these tables a minute, that the farmers in this country are getting no protection for this class of farm products, but are paying more taxes. The United States expenditures in 1895 were $433,178,426; in 1905 about $725,000,000. No doubt all were properous connected with this expenditure, which increased 90 per cent and the population about 10 to 15 per cent.

Hon. Ben Butterworth said, May 14, 1890:

The manufacturers and trusts get the protection and profits of the tariff; the farmer gets the husk and the humbug.

I would include in this, with the farmers, the tanners, shoe manufacturers, and laborers.

Low duties worked so well for fifty or sixty years that no party advised protection. This period was, as James G. Blaine called it, "the most prosperous in our history." The civil war was responsible for the return to the curse of protection, and it is the war's worse heritage.

Mr. Charles M. Schwab, the president of the billion-dollar steel trust, told the Industrial Commission in May, 1901, that

all kinds of manufactured goods were always sold much lower for export than in the home market.

"Protection will make any nation that adopts it a nation of thieves." (Richard Cobden.)

"The truth is always the strongest argument." (Sophocles.)

"It may not be sentimental, but it is true that we have grown greater by staying at home and attending to our own business," said Senator JOHN C. SPOONER in 1898.

We may go further into this system and state that it is injurious to the manufacturers, laborers, and farmers of the country, as they produce everything and consume about 98 per cent of the products that are consumed by the people of this country; but through the iniquitous workings of this system less than 2 per cent of the people of this country are able to monopolize and come into possession of what the other 98 per cent produce. The presidents of three of the large life insurance companies, by withdrawing $50,000,000 of their money from the New York banks and putting it in safe-deposit vaults, could at once cause a panic such as this country never had in its history, and no law to-day could stop them from doing this. Homer, in English history, once said that no one man possessed power over another without abusing it.

You will find that we imported $17,000,000 more hides and skins last year than ever before. Again, I find, on looking over the Government reports, that there was, December 1, 1904, 17,572,464 milch cows in the United States, and on January 1, 1906, 19,793,866, an increase of about 15 per cent, caused on account of the high price of dairy products and the good crops of hay and other fodder that we have had for the last couple of years. There were very few shipped out, on account of the low prices of canner cows in Chicago during the year, which ranged from $1 to $2.75 per hundred, and at times were so low that the hides would bring as much as the packer paid for the whole animal. We ask, then, what has the hide to do with the price of cattle on the hoof, and how much profit is there on the meat when sold as embalmed beef to our Army and to our public at from 7 to 12 cents per pound when it costs the packer practically nothing?

We had of milch cows and other cattle over a year old January 1, 1905, 61,241,907. On January 1, 1906, we had 66,861,522, or an increase of 5,619,615 of cattle over a year old, or about what the packers killed in 1900. Now, what does this mean to the tanner and to the farmer and to the supply of hides?

First, if we have a good grass year this coming season, a heavy decline in butter and cheese will take place, unless we find a foreign market for our surplus or the wages of our laboring men are increased so they can consume more of these products (which, no doubt, will not happen), as, under the present condition of wages, they can't use much creamery butter made in my country at from 20 to 40 cents per pound retail, or cheese at 15 to 20 cents a pound, and if the farmers can't get somewhere near the present prices for these products they can't produce them at a profit and will not produce them; and hence a large run of canner cows into the Chicago market at a low price and a large supply of hides.

Should we have a dry season, they will be compelled to sell these cows for what they will bring. No one can tell what this will be, but I venture to state that it will be from 75 cents to $1.25 per hundred, or they will get for the cattle a price at about which the packer could sell the hide for to-day, with the 15 per cent duty, out of which he robs the tanner. The reason that he can get more for the hide than the farmer is because he skins and cures them, and handles them better in every way, and pays more attention to getting them in the best possible shape for market. It is claimed that the farmers of this country lose from 25 to 35 per cent of the value of the hides by negligent and careless handling and taking off, but are willing to ask Congress for a 15 per cent duty to cover them on the waste, and forget the fact that they don't get a profit and pay for it to the packer in the consumption of leather, as they consume more leather that pays duty than they produce hides that sell with the duty on.

Now, with these conditions existing, should we have a dry summer, the farmers won't have grass enough for these cattle, or should we have a large crop of grass and a heavy yield of dairy products, they will be lower. Either event will cause a good many farmers in my county, one of the greatest dairy sections in the United States, to reduce their herds of cattle, and force a large supply of hides, regardless of what the packers or the leather trust can do, until the low prices of leather will increase the use of that commodity, in different articles, to take care of this surplus which we are bound to get in a year or two, as it takes that long to put leather on the market out of the hide.

This will not be due to the 15 per cent duty, or because the Republicans have increased the expenditures of this country from $433,178,426 in 1895 to $720,105,498 in 1905, or about 80 per cent. In the Army and Navy the expenditures were $83,106,439 in 1895 and $222,864,803 in 1904, or an increase of about 170 per cent, which certainly did not benefit the manufacturing industries. Your expenditures for the last eight years, under this prosperous Administration for officeholders and everybody connected with the system, and with the high-protected industries, who no doubt furnish campaign funds to keep the voters greased and educated to protect the system under this boss rule, have been as follows: For the four years from 1898 to 1901, inclusive, $2,444,141,682; for the four years from 1902 to 1905, inclusive, $2,679,552,397, and you have increased the interest-bearing indebtedness from $716,202,060 in 1895 to $895,157,440 in 1904.

And in considering this question I find that you not only ask the tanners to pay a bonus to the packer trust, but also a bonus of 5 cents per pound to the borax trust, from the revenue on which the Government derives little or no revenue. I find, according to the census reports, that there was sold about $2,000,000 worth of borax, the manufacturers of which paid less than $114,000 for labor. They charged the American tanner 7¼ cents per pound for borax, where the foreigner is able to buy it at about 2½ cents. We collected $36,000 from the duty on borax last year, a small amount compared with what the tanners are robbed of through the high tariff. Who pays the tax and who gets the benefit? The present price of our borax in England is obtained from Mr. Ernest L. Fleming, a manufacturer and importer and exporter of borax, of Wareham, England, who says:

The duty of 5 cents per pound enables the borax trust to charge 7¼ cents here, while selling freely at 2½ cents in England.

We are compelled to pay the tariff, not only on this raw material, but on acids, of which we used $2,500,000 worth, and the duty on which is from 25 to 100 per cent ad valorem. On ammonia and other carbonates three-tenths of a cent per pound; on blackings of all kinds, 25 per cent; on bleaching and chloride of lime, one-fifth of 1 cent per pound; on coal tar and dyes, 20 per cent; on extracts, dyewood, of which we used $700,000 worth, and sumac, of which we used $434,447 in 1900, five-eighths of 1 cent per pound; on olive oil, 50 cents per gallon, and fish oil 8 cents per gallon, to protect the trust and Standard Oil Company, as they need the money; on barytes, $2.50 per ton; on blacks, 25 per cent ad valorem; on chromes, 4½ cents per pound; on lead, 2¾ cents per pound; on bichromate and chromate, 3 cents per pound; on nitrate of saltpeter, one-half cent per pound; on fire bricks, 35 per cent ad valorem; on cement, 20 per cent ad valorem; on fire glass, $3; on glass used for windows and tables, 40 per cent; on marble in block, which is also used for tables, 65 per cent; on grindstone, 75 cents per ton; on steel beams, 1 cent per pound; on pillar iron, 25 per cent; on all different iron products, table knives, and other steel used in tools for working leather, 50 per cent; on tacks and brads, 1½ cents per pound; on timber and other lumber, a great deal of which we are compelled to use from foreign countries, $2 per thousand; tallow and stearine, three-fourths of 1 cent per pound, so the packer can sell the foreigner cheaper than at home; on paper, of which we use a great deal for wrapping up the leather, 1 cent per pound; coal, 20 cents, on which we pay not only a duty, but also a bonus to the trust, and the coal bill represents as much as 25 per cent of the labor employed. The tanner is protected, so he has free air, water, smoke, odor, and ashes, and skins for his raw product.

We are protected against all leather products, as enumerated in the bill, with a duty of from 20 to 40 per cent on all manufactures of leather, of which we import a very small amount, and the class that we do import being only the finest leather, and can only be used by the city trade, and does not enter into the consumption of the farmer and country trade at all. This makes no difference to the tanners of this country, and a great many of them have put themselves on record as being in favor of having this tariff on leather removed if the duty on hides was also removed. With this duty removed the tanning and leather industry, which is about the tenth ranking industry of the country, according to the census reports of 1900, and which is steadily on the decline, would be one of the greatest and foremost industries in the United States. We would be, within a few years, supplying all the leather consumed in the world, and would be using, no doubt, the bark that now comes off the log in the northern woods and is often burned up as waste, as there is no market for it on account of the surplus.

I hope that this Congress will see fit to remove these heavy burdens placed upon the leather manufacturers of this country. We are patriotic American citizens. We do not ask for the protection of the Stars and Stripes for nothing, and are willing to pay our share toward the maintenance of the Government; but we demand a system of equal taxation and honest competition,

as we believe in that good old Jeffersonian doctrine of "equal rights to all and special privileges to none," and we don't believe the packers should be allowed to rob us consumers of leather of 15 per cent on all hides purchased from them, by reason of the duty.

Is it constitutional to destroy our property this way—all done by the Ways and Means Committee, who devise *ways* to tax you and adopt some *means*, through the subsidized press, to educate you that you don't pay the tax?

The Government receives no revenue from this at all. If we paid it direct to the Government, we would not protest so hard, but we do now, and openly, protest against this unjust system of taking our property, according to law, when we have no chance to defend our rights. Is it constitutional? I hope that all tanners and leather manufacturers who are being robbed by this system will go to the polls next November and protest against it, as I can not see a single thing in the whole system whereby the Dingley tariff bill or any other tariff bill ever created a dollar's worth of property. It has certainly taken it from some and given it to others, as the matter goes, and as I have endeavored to make plain in this speech. It is only a case of robbing one for the benefit of the other, and the only difference between this system of robbery and the old method in vogue in the early days in the West of holding a man up at the muzzle of a gun and demanding his property is that they now go and pass legislation and take one's property according to laws so passed by the bosses. And we protest against this unjust and unequal system of taxation, and, as stated before, we are not here asking for the support and protection of the American flag for nothing, but demand a "square deal" and freedom from boss rule.

I believe we are in favor of an income tax, notwithstanding that it was declared unconstitutional by the Supreme Court by a decision of five judges against four. By appointing two more judges to the bench of the same opinion as the four, it would no doubt be constitutional. Now, I ask to be informed—and I know there are many good, able lawyers over on the other side—if it is constitutional to charge a man who smokes a 5-cent cigar the same tax as a man who uses a 50-cent cigar, or a man who buys a gallon of whisky at $1.50 the same as a man who buys a gallon of whisky at $10? Is this constitutional? It is only a sample of this unjust system of taxation by which you raise all your revenues, the burden of which is carried by the poor man, who never enters court to contest this, because he never has money enough to hire a lawyer to do so.

By an income tax and the repeal of the tariff graft conditions would be remedied. Everyone should pay according to his income, and there is no oppressing any single individual by the present unjust system of taxation, which even goes so far as to drive them out of business. In February, 1903, according to the Boston Commercial Bulletin, a Republican for protection paper, 311 out of 375 boot and shoe manufacturers of New England declared in favor of giving up the tariff on shoes if hides were free, and of the New England tanners, 29 likewise declared in favor of relinquishing the duty on leather if hides were free, while only 11 opposed such action, because protection is a curse to the whole leather industry. According to the profits of the tanners in 1905, they probably didn't make to exceed from five to ten million dollars, and if they paid an income tax of 2 per cent on this, they would pay from $100,000 to $200,000, or at least $3,500,000 less than the packer trust is robbing them of to-day, and which, in the last eight years, has cost $30,000,000, or one-sixth what tanners have invested now, and could not sell their plants for $85,000,000, through the 15 per cent duty on hides. With the duty removed, they would have the free markets of the world to operate in, as competition is the life of trade, and free competition, low taxes, and low expenditure are what we are looking for, as with this we can control the leather markets of the world.

It is useless to state here at this time the manufacturer's position in this great strife for wealth, as less than 5 per cent of them are successful, and why? It is very easily explained, and I will endeavor to explain it in a few words, but could go into it in detail much further if necessary.

The average manufacturer begins business with a small amount of capital. He builds up a factory, which, when completed, is a monument to the city or village and a beehive for the people of that particular locality in which to secure a living, as he can not get more than a living out of it personally himself, and if he dies the plant still exists. He is then confronted with the proposition of securing raw material to operate his plant. This, ninety-nine times out of a hundred, requires more capital than he has. He goes to the bank, puts up his buildings and all his material as collateral for funds to run the business, thereby having only an equity interest in them, so to speak. He then starts in to manufacturing, and is forced to carry insurance on his buildings to cover the money he has borrowed and protect his equity, if he has any left. He is also forced to take out a line of life insurance, thus giving the McCurdys and others an opportunity to rob him, to protect his wife and family, as all of his property, in the event of his death, will go to his creditors, and ninety-five times out of a hundred will not pay the indebtedness. He then begins operations with these charges of interest and premium fixed upon him. Then he is put on the assessment roll by the city or village assessors and assessed and taxed for city, county, State, school, and all other home improvements at a valuation often far more than the property will sell for at any time, except to a trust, which is able to water the stock, no telling how much, and squeeze the public, if they control the production. He must then supply work for his laborers, who are dependent upon this industry for a living.

He is now ready to begin business, and is compelled to sell his product in the open market, and although he must pay cash for his raw material and pay cash for his labor and operating expenses, he must trust largely to the faithfulness of his laborers and the honesty of his customers for the payment of his goods. I have known of cases where we have shipped from our plant in Wisconsin a consignment of goods worth over $100, on which the profit was not over $2, to a man in California who was a total stranger to us, relying simply on the accuracy of the commercial reports as to his credit. If he wanted to be the least dishonest, he could refuse to accept the goods, and in order to adjust the matter he would have to have them returned to us at our expense, and we would have lost $2.50 on the transaction, as the freight charges would equal that amount.

We are compelled to help pay the railroads interest and dividends of about $800,000,000 per year, not including additional improvements and officers' salaries, on an actual investment claimed by some of the very best authorities not to exceed $6,000,000,000, of which $2,000,000,000 has been donated in land grants, leaving a net investment of $4,000,000,000, after the water is squeezed out, and this property is now capitalized and listed at about $14,000,000,000. It would suit the manufacturers of this country if a railroad rate was made by four commissioners appointed by the Government and four appointed by the railroads, who could get together and fix up an equal and just rate, fair to the shippers, as well as giving the railroads a reasonable return on the actual money invested, and not pay three or four prices on the watered stock. But this would be unconstitutional. Rather have the property of the manufacturers destroyed and call it constitutional.

In 1890 the total amount of capital invested in the manufacturing industries of the United States was $6,525,000,000. In 1900 it was $9,831,486,000. The increase in the capital invested in ten years was not as great as the expenditures in the last five years of the United States Government under this Republican prosperity.

I sat here in 1904 and listened to the great speeches made in regard to prosperity, and what the Republican party had done for the country through this high-protective Dingley bill. It is always necessary for a business man to take an inventory of all matters, and find out how he stands, as everything that we do is done for a commercial purpose, the same as the Government, for you can't show me a particle of legislation that doesn't almost always involve a money consideration of some kind. So it is a commercial proposition with the financial and political bosses all the time. I find that the failures in 1893 were not as many as they were, in proportion, in 1873, and I also find that the failures in the first quarter of 1904, in proportion to the wealth, were much greater than the failures in the first quarter of 1893, so-called "deplorable and panic year," but it was given out to the people in a different way through the subsidized press, to make them believe they were better off as to the conditions.

I find that the failures from 1872 to 1876, Republican years, aggregated $775,855,000, when we had a population of 50,155,789, and in 1880 the aggregate wealth given by the Census Bureau was $42,642,000,000, or the failures in proportion to the wealth were 1.8 per cent; per capita, $15.50, or 80 per cent more than in 1893 to 1897, in those so-called "panic years" of the Democratic Administration, when the total failures amounted to $934,364,629. The population was 76,303,387 in 1900; valuation, $94,300,000,000. Percentage of failures to valuation was 1 per cent. Per capita was $12.50, or about 80 per cent less than in 1873. Which panic was the greater? It can easily be stated by anyone who can figure. I also find that the failures in the year 1873 aggregated $228,499,990; wealth, census of 1870, $30,068,518,000. Failures in proportion to wealth about

0.76 per cent, which was 50 per cent greater than in 1893, so-called "panic year," when the failures were $346,779,889, and the wealth in 1890 was $65,037,091,000; proportion of failures to wealth, about one-half of 1 per cent. I find that the failures for the first quarter of 1904 were 3,344 in number, and the amount was $48,067,721. The wealth in 1900 was $94,300,000,000, and the proportion of failures to wealth was one-half of 1 per cent. This goes to show that the failures were greater, in proportion to wealth, than in the first quarter of 1893. And still they declare upon this floor about the great prosperity of the country. No doubt all manufacturers were very prosperous, with the total failures of the year amounting to 12,000 or 13,000. During the last eight years of this so-called "Republican prosperity" there have been 92,433 failures, or about 8 per cent of all the firms engaged in business, and a great many of them were undoubtedly caused by the unequal distribution of wealth, and being taxed to keep up the trusts and special favored industries which are allowed to rob them through the protective tariff and other legislation.

Now, I wish to state that I am part owner in a tannery established by my father in 1867, and we pride ourselves on being successful. I have been active in business ever since 1880—and am one of the eleven manufacturers in this body—having been taken out of school at that time to work in the tannery. I have lived and worked, slept and dined all my lifetime with the laborer, and I think I am more familiar with his conditions than most men upon this floor, and I am absolutely frank in regard to my statement of his conditions. I trust him on all matters quicker than I would the insurance presidents, some bankers, and other high financiers who were talked about so much in the 1896 campaign, a great many of whom are to-day, by reason of their violations of public trust and other crimes, confined in penitentiaries throughout the land, and especially one in our State, who was once president of the National Bankers' Association, and who is now serving time in a United States prison for fleecing his associates out of $2,000,000, and who was sentenced by one of his former personal friends, Judge Quarles, ex-Senator from Wisconsin. If I were to leave my home to-morrow morning I would gladly leave my tannery in the hands of my laborers, knowing that upon my return the plant would be there and still running, that every citizen, as well as my men, would be interested in seeing that it was carried on successfully, as we all, jointly, receive our living through it, and our success is due to our ability to go out and compete, with the small margin of profit that there is in the business at times, in the open market of this country. We jointly have the use of it to exchange our products with the farmer and the manufacturers for those of their products that we need, but some of which we are compelled to buy from these high-protected trust concerns, and at times it is hard to make both ends meet. How different it would be if it were left in the hands of these high financiers and trust promoters of Wall street—and there are as many honest manufacturers and shippers in New York as there are in any part of the world. If they could make more money out of it for themselves by closing it down, they would do so at once, and after robbing the men of their homes and their property would let them starve or walk to some other city to find work. One trust promoter, when organizing and attempting to persuade us to join him, told me that the trust would have the advantage of having more plants than they could operate, which would enable them to shut them down in different towns, thereby destroying the value of the laborer's property, and they could then come back later on and buy it for little or nothing, operate the plant, and in this way make considerable money. For a man who has been brought up with his laborers, knows them all by name, and would be willing at any time to sit down and keep their company or stand up and defend their rights, what inducement would this be to join one of these soulless corporations where they do not intend to know their men by name, but let them go by number or tag; where the laborer never sees the owner, and where a man's life is figured on the commercial basis? It was reported by the president of one of our great railways that improvements to guard the life of the laborers were never made until the death rate got so high that there was more money in making the improvements than in paying death claims, as the life of the average laborer killed in the performance of his duty is figured, in most of the States, at $5,000. I do not know what the price of slaves was in the early days, but if reports are correct their lives were valued much higher by their owners than the life of the laborer is valued by the average corporation to-day.

I have been fair and honest in these statements, made from a business standpoint in every way, and I want you to enact legislation so that the man who produces the wealth can enjoy the fruits of his labor.

The gentleman from Massachusetts says he is for tariff revision on a basis of the difference in cost of production. So am I, but I ask him if he intends to again vote for the rule established at this session of Congress, for which he has voted several times, I believe. If he does, how can he vote for tariff revision? Will he go home and tell his people that he voted for the rules and was compelled to stand with his party, of whom the bosses, of which there are practically but three, will always see that he will never have an opportunity to vote for revision of the tariff on anything as long as the party receives large campaign contributions? Is it not a fact that a man always serves his paymaster first and others second? So with the bosses. They must first serve the favored high-protected industries and railroads who contributed large campaign funds and whose names the Democrats on the committee have endeavored to secure, but up to the present time have not succeeded, and will not, as none of them invest money for any other purpose than to make money, and after the campaign seek special privileges, which are never denied them. Ask them for a donation for the poor and suffering in Japan, Russia, or India, and see how much they will contribute, but consider how much, during the famine in India, was contributed by the farm and laboring people of this country. There was no money for the trusts in such contributions and they did not interfere with the business of the trusts in taxing other people.

I warn you to grant the people the relief they are entitled to. In case you do not, you do not deserve the support of any man who is not connected with this system and controlled by the bosses. I hope that the people of this country will demand a vote on all important questions, and especially on all questions that appertain to the distribution of wealth, and I assure you that if you will grant it, you will not have the special privileges in existence longer than the time it takes to finish counting their ballots. If this is a country where the majority rules, I ask you to give the majority a chance. But I deny that the majority rules under this system. Not even a majority of the Members of Congress rules in this House under the present system, as has been so ably stated by my friends and fellow-Members here within the last few months, who could not be recognized by the Speaker at any time, and I hope that every Member who is returned to the next Congress will be absolutely and unqualifiedly opposed to, and vote against, this rule, which must be defeated in order to maintain our representative form of government.

APPENDIX A.

EXHIBIT A.

LEATHER SCHEDULE IN THE DINGLEY TARIFF BILL.

437. Hides of cattle, raw or uncured, whether dry, salted, or pickled, 15 per cent ad valorem: *Provided*, That upon all leather exported, made from imported hides, there shall be allowed a drawback equal to the amount of duty paid on such hides, to be paid under such regulations as the Secretary of the Treasury may prescribe.

438. Band of belting leather, sole leather, dressed upper, and all other leather, calfskins tanned or tanned and dressed, kangaroo, sheep, and goat skins (including lamb and kid skins), dressed and finished, chamois and other skins, and bookbinders calfskins, all the foregoing not specially provided for in this act, 20 per cent ad valorem; skins for morocco, tanned but unfinished, 10 per cent ad valorem; patent, japanned, varnished, or enameled leather, weighing not over 10 pounds per dozen hides or skins, 30 cents per pound and 20 per cent ad valorem; if weighing over 10 pounds and not over 25 pounds per dozen, 30 cents per pound and 10 per cent ad valorem; if weighing over 25 pounds per dozen, 20 cents per pound and 10 per cent ad valorem; pianoforte leather and pianoforte action leather, 35 per cent ad valorem; leather shoe laces, finished or unfinished, 50 cents per gross pairs and 20 per cent ad valorem; boots and shoes made of leather, 25 per cent ad valorem: *Provided*, That leather cut into shoe uppers or vamps or other forms, suitable for conversion into manufactured articles, shall be classified as manufactures of leather and pay duty accordingly.

GLOVES.

439. Gloves made wholly or in part of leather, whether wholly or partly manufactured, shall pay duty at the following rates, the lengths stated in each case being the extreme length when stretched to their full extent, namely:

440. Women's or children's "glace" finish, Schmaschen (of sheep origin), not over 14 inches in length, $1.75 per dozen pairs; over 14 inches and not over 17 inches in length, $2.25 per dozen pairs; over 17 inches in length, $2.75 per dozen pairs; men's "glace" finish, Schmaschen (sheep), $3 per dozen pairs.

441. Women's or children's "glace" finish, lamb or sheep, not over 14 inches in length, $2.50 per dozen pairs; over 14 and not over 17 inches in length, $3.50 per dozen pairs; over 17 inches in length, $4.50 per dozen pairs; men's "glace" finish, lamb or sheep, $4 per dozen pairs.

442. Women's or children's "glace" finish, goat, kid, or other leather than of sheep origin, not over 14 inches in length, $3 per dozen pairs; over 14 and not over 17 inches in length, $3.75 per dozen pairs; over 17 inches in length, $4.75 per dozen pairs; men's "glace" finish, kid, goat, or other leather than of sheep origin, $4 per dozen pairs.

443. Women's or children's, of sheep origin, with exterior grain surface removed, by whatever name known, not over 17 inches in length, $2.50 per dozen pairs; over 17 inches in length, $3.50 per dozen pairs;

men's, of sheep origin, with exterior surface removed, by whatever name known, $4 per dozen pairs.

444. Women's or children's kid, goat, or other leather than of sheep origin, with exterior grain surface removed, by whatever name known, not over 14 inches in length, $3 per dozen pairs; over 14 and not over 17 inches in length, $3.75 per dozen pairs; over 17 inches in length, $4.75 per dozen pairs; men's goat, kid, or other leather than of sheep origin, with exterior grain surface removed, by whatever name known, $4 per dozen pairs.

445. In addition to the foregoing rates, there shall be paid the following cumulative duties: On all leather gloves when lined, $1 per dozen pairs; on all piqué or prix seam gloves, 40 cents per dozen pairs; on all gloves stitched or embroidered with more than three single strands or cords, 40 cents per dozen pairs.

446. Glove tranks, with or without the usual accompanying pieces, shall pay 75 per cent of the duty provided for the gloves in the fabrication of which they are suitable.

447. Harness, saddles, and saddlery, or parts of either, in sets or in parts, finished or unfinished, 45 per cent ad valorem.

EXHIBIT B.

THE DINGLEY TARIFF CUSTOM RATES UNDER ACT OF 1897.

Alcohol, amylic, or fusel oil, ¾ cent per pound.
Barley, bushel of 48 pounds, 30 cents per bushel.
Beads, 35 per cent ad valorem.
Beef, mutton, and pork, 2 cents per pound.
Beer, porter, and ale, 20 to 40 cents per gallon.
Bindings, cotton and flax, 45 per cent ad valorem.
Bindings, wool, 50 cents per pound and 60 per cent ad valorem.
Blankets, 22 to 23 cents per pound and 30 to 35 per cent ad valorem.
Books, charts, maps, 25 per cent ad valorem.
Bronze, manufactures of, 45 per cent ad valorem.
Brushes, 40 per cent ad valorem.
Butter, and substitutes for cheese, 6 cents per pound.
Button, sleeve and collar, gilt, 50 per cent ad valorem.
Canvas for sails, 45 per cent ad valorem.
Carpets, 22 to 60 cents per square yard and 40 per cent ad valorem.
Cattle (over 1 year old), 27½ per cent ad valorem.
Cigars and cigarettes, $4.50 per pound and 25 per cent ad valorem.
Clocks, 40 per cent ad valorem.
Clothing, ready-made, 50 to 60 per cent ad valorem.
Coal, bituminous, 67 cents per ton.
Confectionery, all sugar (if more than 15 cents per pound), 50 per cent ad valorem.
Copper, manufactures of, 45 per cent ad valorem.
Cotton gloves and handkerchiefs, 45 to 55 per cent ad valorem.
Cotton hosiery, 50 cents to $2 per dozen pairs and 15 per cent ad valorem.
Cotton shirts and drawers, 60 cents to $2.25 per dozen and 15 to 50 per cent ad valorem.
Cotton plushes, unbleached, 9 cents per square yard and 25 per cent ad valorem.
Cotton curtains and cotton webbing, 50 and 45 per cent ad valorem.
Cutlery, 16 to 20 cents each, plus 15 to 45 per cent.
Diamonds, 10 cents and 60 per cent ad valorem.
Drugs, not crude, ¼ cent per pound and 10 per cent ad valorem.
Dyewoods, extract of, ⅞ cent per pound.
Earthenware, 25 to 60 per cent ad valorem.
Eggs, 5 cents per dozen.
Extracts, meat, 35 cents per pound.
Fish, smoked, dried, ½ cent per pound.
Flannels, 22 to 23 cents per pound, 30 to 35 per cent ad valorem.
Flax, manufactures of, 45 per cent ad valorem.
Flowers, artificial, 50 per cent ad valorem.
Fruits, 1 cent per pound, 25 cents per bushel, 35 per cent ad valorem.
Fur, manufactures of, 35 per cent ad valorem.
Furniture, wood, 35 per cent ad valorem.
Glassware, plate, silvered, and bottles, 60 per cent ad valorem, 8 to 11 cents per square foot, 1 cent per pound.
Glucose, 1½ cents per pound.
Glue, value not over 7 cents per pound, 2½ cents per pound.
Gold, manufactures of, not jewelry, 45 per cent ad valorem.
Hair, 10 to 35 per cent ad valorem.
Hams and bacon, 5 cents per pound.
Hay, $4 per ton.
Hemp cordage, 2 cents per pound.
Hides, 15 per cent ad valorem.
Honey, 20 cents per gallon.
Hoops, iron or steel, baling, 5 to 10 cents per pound.
Hops, 12 cents per pound.
Horn, manufactures of, 30 per cent ad valorem.
Horses, mules, $30 per head.
India rubber, manufactures of, vulcanized, 30 and 35 per cent ad valorem.
Instruments, metal and musical, 45 per cent ad valorem.
Iron, manufactures of, screws, tinned plates, 45 per cent ad valorem, 12 cents per pound, 1½ cents per pound.
Jewelry, 60 per cent ad valorem.
Lard, 2 cents per pound.
Lead, pigs, bars, type metal, 2½ cents, 1½ cents per pound.
Leather manufactures, 35 per cent ad valorem.
Linen manufactures, wearing apparel, 45 to 60 per cent ad valorem.
Macaroni, 1½ cents per pound.
Malt, barley, 45 cents per bushel.
Matches, friction, boxed, 8 cents per gross.
Matting, cocoa and rattan, 6 cents per square yard.
Molasses, 3 to 6 cents per gallon.
Nails, cut, horseshoe, 6 to 10 cents, 2½ cents per pound.
Oilcloth, value over 25 cents, 8 to 20 cents per square yard.
Oil, olive, whale, and seal, foreign, 40 to 50 cents, 8 cents per gallon.
Onions, 40 cents per bushel.
Opium, 40 per cent ad valorem and $1 per pound.
Paintings and marble statuary, engravings, 20 to 25 per cent ad valorem.
Paper manufactures, 35 per cent ad valorem.
Pepper, cayenne, unground, 2½ cents per pound.
Perfumery, alcoholic, 60 cents per pound and 45 per cent ad valorem.
Photograph albums, slides, 33 per cent, 25 per cent ad valorem.
Pickles, 40 per cent ad valorem.
Pins, metallic, 35 per cent ad valorem.
Pipes of clay, common, 15 cents per gross.
Poultry, dressed, 5 cents per pound.
Pulp wood for paper makers, 1 to 12 cents per pound.
Quicksilver, 72 cents per pound.
Railroad ties, cedar, 20 per cent ad valorem.
Rugs, oriental, 10 cents per square foot plus 40 per cent.
Salt, 8 to 12 cents per 100 pounds.
Sauces, 40 per cent ad valorem.
Sausages (except bologna), 25 per cent ad valorem.
Silk, in skeins, laces, wearing apparel, 35 per cent, 60 per cent ad valorem.
Skins, tanned and dressed, 20 per cent ad valorem.
Slates, manufactures of, 20 per cent ad valorem.
Smokers' articles, except clay and meerschaum pipes, 60 per cent ad valorem.
Soap, castile, toilet, perfumed, 1¼ cents, 15 cents per pound.
Spirits, except bay rum, $2.25 per gallon.
Straw manufactures, 30 per cent ad valorem.
Sugar (raw, 96°), 1.68 cents per pound.
Sugars (refined), 1.95 cents per pound.
Tin plates, 1⅛ cents per pound.
Tobacco, 35 cents to $2.50 per pound.
Umbrellas, silk or alpaca, 50 per cent ad valorem.
Vegetables, natural, preserved, 25 per cent, 40 per cent ad valorem.
Velvets, silk, $1.50 per pound and 15 per cent ad valorem.
Watches, and parts of, 40 per cent ad valorem.
Wheat, bushel of 60 pounds, 25 cents per bushel.
Willow, for basket makers, manufactures of, 20 per cent, 40 per cent ad valorem.
Wines, 50 cents per gallon.
Wines, champagne, $2 to $8 per dozen.
Wool, 7 to 11 cents per pound.
Worsted yarns, 27⅓ to 38½ cents plus 40 per cent.
Woolen or worsted clothing, 44 cents per pound and 60 per cent ad valorem.

APPENDIX B.

[From the Shoe and Leather Reporter of January 18, 1906.]

DUTIES ON HIDES, SOLE LEATHER, AND SHOES—EXPRESSION OF OPINION FROM SHOE MANUFACTURERS REGARDING THE REMOVAL IN WHOLE OR IN PART OF THE DUTIES AFFECTING THE RAW MATERIAL AND FINISHED PRODUCT.

Early in December the Shoe and Leather Reporter sent a copy of the following letter and questions to the leading shoe manufacturers of the United States:

GENTLEMEN: We would respectfully call your attention to the inclosed letter from Mr. Charles H. Jones, president of Commonwealth Shoe and Leather Company, Boston, which appeared in the Shoe and Leather Reporter of December 7, and believe that you will be interested in reading his views on a subject of vital importance to the shoe and leather trade. In order to ascertain the present views of the shoe manufacturers of the United States on the hide and sole leather duties we ask the following questions. An expression of opinion is desired from every manufacturer, and we request the favor of an early reply.

Are you in favor of the repeal of the 15 per cent duty on hides and the 20 per cent duty on sole leather?

If you answer yes, are you willing to offer in exchange for these benefits to the shoe manufacturer the whole or any part of the 25 per cent duty on shoes?

As a result of the canvass 231 replies were received, as follows:

In reply to the first question:

Yes	199
No	4
Yes on hides, but only partial reduction sole leather	9
Noncommittal, and those not using leather in shoe making	19

In reply to the second question:

Yes—remove the whole duty if necessary	140
No	20
A part of the duty, ranging from 10 to 15 per cent	38
Noncommittal	33

Of these replies 96 were from New England shoe manufacturers and the remainder from those in the other States.

Quite a number commented on the topic, and believing that their views will be of interest we publish some of the comments herewith:

Snedicor & Hathaway, Detroit, Mich.: "Our idea would be, first get hides free, after that sole leather, and then take duty off shoes."

The Haynes-Webb Shoe Manufacturing Company, Denver, Colo.: "We certainly believe that the duty on hides, especially, should be abandoned. We would like to see a new bill put in effect."

Fargo Shoe Manufacturing Company, Belding, Mich.: "Am satisfied with condition that is best for the majority, only so it is settled and not brought up every little while to keep everyone guessing."

Andrews & Co., Everett, Mass.: "We have made no answer to the second question. The 'benefits' are all for the public and not the manufacturer."

Wichert & Gardiner, Brooklyn, N. Y.: "We have your circular letter of the 8th instant, relative to the repeal of duties, but are disinclined to express a lengthy opinion on this matter, as we have not gone sufficiently deep into its details. Our position would naturally incline us to favor a repeal of the 15 per cent on hides and 20 per cent duty on sole leather, believing that these measures would not be of very great disadvantage to those concerned in this line of business.

"With regard to the offering in exchange a surrender of the whole or any part of the 25 per cent duty on shoes, we should hesitate to express an opinion on a matter of so grave an import until some of the figures connected with it, and also some of the facts, were before us, on which a competent opinion might be based.

"It seems to us from the very fact that the United Shoe Machinery Company is placing its newest types of shoe machines in large quantities in all parts of the civilized world, that this fact, taken into consideration with the low price of labor prevalent in foreign countries, might be a good reason why the duty on shoes should remain undisturbed."

John A. Frye Shoe Company, Marlboro, Mass.: "We do not believe a reduction or repeal of the duty would benefit us at all, and so long as all shoe manufacturers are running to their fullest capacity with good profits, as they evidently are at the present time, we are in favor of 'letting the tariff alone.'"

The Pingree Company, Detroit, Mich.: "We are bending our energies to getting hides on the free list, and feel that at this time it is unwise to take up the question of free sole leather or free shoes, both of which would entail considerable inquiry. We do not feel competent to answer

your questions concerning this without more information than we have at hand."

M. F. Hammond, Pleasantville, N. Y.: "With cheap material we can make a fair profit; with high material we stand a chance to get part of it back, but a very small proportion. The condition of the shoe trade to-day could hardly be worse, so far as the manufacturers are concerned."

The Comfort Slipper Company, New York: "A reduction of duty on slippers, especially on cloth and felt slippers, which are classified under shoes, will practically ruin our business, no matter how cheap sole leather may be. Therefore, if the reduction of duty can only be reached by a reduction of duty on shoes, we must be against it."

Jerolemon-Oliver Company, Rochester, N. Y.: "I should not be in favor of taking the duty off shoes coming to this country."

Hanan & Son, Brooklyn, N. Y.: "If the duty of 15 per cent on hides is removed, and the duty on sole leather reduced to 10 per cent, and duty for shoes reduced to 10 per cent, I believe it would meet with all the requirements and necessities of the situation."

The Rich Shoe Company, Milwaukee, Wis.: "We favor most emphatically the repeal of the 15 per cent duty on hides, which, in our opinion, is nothing more nor less than an arbitrary tax on the American boot and shoe manufacturer and is a protection only to the meat packer and incidentally to the foreign boot and shoe manufacturer, who receives a drawback on American-made leather of imported hides.

"We would further say that, while we favor the removal of the 20 per cent duty on sole leather, we would not object, as a fair compromise with the tanner, to return to the McKinley 10 per cent duty on sole leather instead of demanding the repeal of the entire present duty of 20 per cent.

"In consideration of the above we would be willing to take our chances to compete with the world in the sale of shoes without any protective duty whatever. We believe that with the exception of a small proportion of fancy slippers, etc., in which a good deal of hand work is utilized, the American manufacturer, in spite of higher labor, can produce goods of superior fit and style that would give the American goods such preference as to command the trade of the world; at least so it appears to us at the present time."

Pontiac Shoe Manufacturing Company, Pontiac, Ill.: "We believe it would be a good thing for the people to have free hides. We are a part of the people."

William Eastwood & Son Company, Rochester, N. Y.: "We are in favor of the repeal of the duty on hide and sole leather, and, in further response to your inquiry, would state that we are in favor of such a revision of the duty on shoes as can be consistently made without jeopardizing the interests of shoemakers in a general way—say to such an extent as the proposed repeal of the duty on hide and sole leather would enter into the cost of shoes."

Glesecke-D'Oench-Hays Shoe Company, Jefferson City, Mo.: "If our industries are to be encouraged, it seems to us that the Government would better not add additional burdens in the shape of revenue taxation on raw material. This is surely no encouragement to manufacturing enterprises. Our own Government handicaps us in our efforts to establish export trade by giving foreigners the opportunity to buy American leather cheaper than citizens of this country can purchase it. This, of course, is due to the rebate which the Government grants on export leather. This means the encouraging of one industry at the expense of another."

Neenah Shoe Company, Neenah, Wis.: "If the 25 per cent duty on shoes, or any portion of that duty, would prevent the removal of the duty on hides, we would say, Remove all of the duty from shoes, as we need not at present fear competition from foreign countries in the manufacture of shoes. The removal of the duty on hides we believe to be essential, and should not have been placed there in 1897."

Isaac Ferris, jr., Company, Camden, N. J.: "I fully concur in the opinion expressed by Charles H. Jones in Shoe and Leather Reporter."

Tappan Shoe Manufacturing Company, Lynn: "Shoes need no protection. Foreign shoes could not be given away in this country. They are ill shaped and not fitted for the trade in this country. Besides, shoes can not be produced in any country as cheaply as here."

The D. M. Jones Shoe Manufacturing Company, Columbus, Ohio: "Yes, we are in favor of the repeal of all duties pertaining to the leather industry, and are willing to do what we can to that end."

Florsheim & Co., Chicago: "We are unqualifiedly in favor of the immediate repeal of the 15 per cent duty on hides, and also the 20 per cent duty on sole leather.

"It is a fact patent to almost all people identified with the shoe or leather industries that the repeal of the duty on hides without the repeal of the duty on sole leather would be more or less ineffective. It is absolutely essential that both the duty on hides and the duty on sole leather should be repealed in order to conserve the future of the shoe, leather, and harness business of the United States.

"In exchange we would be more than pleased to see the entire 25 per cent duty on shoes taken off. We require no protection as far as shoes are concerned. There should be none. It is a mere makeshift and sop. It does no good.

"We should have lower tariffs and more reciprocity, particularly with Canadian and South American republics."

Noyes-Norman Shoe Company, St. Joseph, Mo.: "If hides and leather should go much higher, would favor free list for hides, leather, and shoes. If a steady leather market now continues on about present basis, would be opposed to revision; shoes, leather, and hides are high enough; not much too high."

Racine Shoe Manufacturing Company, Racine, Wis.: "We believe the repeal of duty on hides is almost unanimous with shoe manufacturers. As to the duty on shoes, our trade is growing, with every country under the sun in open competition, and it does not seem that a duty on shoes is necessary."

Roberts, Johnson & Rand Shoe Company, St. Louis, Mo.: "The repeal of the duty on hides will help. It is just as important that the duty on leather be also repealed."

Craddock-Terry Company, Lynchburg, Va.: "We heartily concur in Mr. Jones's forceful views on this subject."

Werthelmer-Swarts Company, St. Louis, Mo.: "We favor the repeal of the duty on hides and sole leather. Lowering the cost of making of shoes, competition will take care of prices."

Churchill & Alden Company, Campello: "Am anxious to have the duty taken off." (This firm replied "yes" to both questions.)

M. D. Wells Company, Chicago, Ill.: "If we can have free hides, would be willing to allow shoes to come free of duty."

A. B. Noyes & Co., Georgetown, Mass.: "If we have free raw material, we will risk all competition."

J. S. Zulick & Co., Orwigsburg, Pa.: "Haven't studied the question carefully, but Mr. Jones's views on the subject seem right and are plausible."

F. M. Hodgdon, Haverhill, Mass.: "It would seem that possibly in the far-distant future a duty of 10 per cent might be an advantage to equalize difference in cost of labor on shoes, but believe the probability is to the contrary."

Friedman Brothers Shoe Company, St. Louis, Mo.: "The duty off hides and sole leather will benefit everyone. The duty on shoes very few at present, and with the advantage of free hides the American manufacturer can meet any conditions that may arise through foreign competition."

H. R. Ford & Co., Lynn, Mass.: "We are heartily in favor of repealing the duty on hides and sole leather, and are willing to have the whole duty on shoes taken off, as we do not fear competition on cheap shoes. We know that the manufacturers of this country can hold their own in this line."

J. G. Hynds Shoe Manufacturing Company, Nashville, Tenn.: "The shoe duty does not help us any, and we do not believe it helps any other shoe manufacturer in the United States.

"The hide duty enables the beef trust, Big 4, to dictate prices on hides in the United States. Abolish the hide tariff and the beef and hide monopoly will not be enabled to 'hold up' tanners as they now do."

THE PROBLEM OF FUTURE PRICES.

As the old year draws to a close and will soon sink into history and as the new year looms on the horizon, thoughtful men in our trade are mingling with their holiday rejoicing serious conjectures as to what may be in store for the leather and leather-consuming industry. Every one, from the hide dealer to the consumer of shoes, harness, etc., realizes that 1905 was a year of advancing prices.

WILL PRICES DECLINE OR ADVANCE?

The past is an open book that all may read, but the future is a blank page. Will prices stick or will they decline? These are pertinent questions, but a more sensational interrogation presses for an answer—will the advance continue and will present prices look small and cheap a year hence?

It is difficult to set aside self-interest and consider trade movements dispassionately, but it would seem necessary at this time seriously to decide whether the higher prices already established resulted from natural causes that will continue operative or whether the advance movement has reached its apex. If the disruption in leather values logically resulted from world-wide conditions, why should it not continue?

NO AX TO GRIND.

Hide and Leather has no interest except to hold the mirror up to a great industry and faithfully to reflect things as they are. We do not venture to predict, but we do call attention to world-wide conditions that are likely to affect future prices. For two years Hide and Leather has been printing articles demonstrating that the per capita consumption of beef is not keeping pace with the per capita consumption of leather, with the result that hides and skins under the operation of the law of supply and demand are increasing in cost in all the markets of the world.

MORE SHEEP, LESS BEEF.

With a view to further substantiating or disproving this postulate we have interviewed M. F. Horine, official statistician of the Union Stock Yards and Transit Company, Chicago. He tells us that his company does not expect any considerable increase in the cattle supply, for the reason that the demand for beeves on the hoof and the prices paid do not furnish any incentive to stock raisers to increase their herds. Mr. Horine gives a variety of reasons why the cattle and beef industries are not expanding proportionately with the population of the country. He deplores the widespread daily newspaper attacks upon the so-called "beef trust," and says that these, together with the stories abut embalmed beef printed during the Spanish-American war, prejudiced the American public against dressed beef. In this connection he adduces the fact that receipts and slaughter of sheep have increased in much greater degree than those of cattle. In 1888 receipts of cattle at the great stock yards of Chicago, Kansas City, Omaha, and St. Louis were 4,477,470 head. In 1904 the entry at these centers amounted to 7,274,110. Receipts of sheep at the four points in 1888 were 2,307,050 head, and in 1904, 8,050,900 head. From these figures it will be seen that receipts of cattle have not quite doubled in sixteen years, while receipts of sheep have almost quadrupled.

NO BEEF FOR BREAKFAST.

The introduction of cereal breakfast foods has probably not been sufficiently considered as a factor in revolutionizing the food supply of the American people. There are said to be sixty-two manufacturers of cereal foods at Battle Creek, Mich., alone. It is only necessary to visit any one of the thousands of small grocery stores and glance at the shelves to form some idea of the tremendous consumption of prepared cereals.

EFFECT OF IRRIGATION AND REFRIGERATION.

Irrigation has become an important factor in the food supply. Thousands of acres that formerly were used for cattle feeding are now yielding cereals and table vegetables. The refrigerator car has made possible the transportation of perishable articles from long distances, and the cold-storage plant enables dealers to hold such merchandise for sale, so that eggs, poultry, fish, fruit, and fresh vegetables are obtainable by the American people practically during every month of the year. All these circumstances tend to lessen the per capita consumption of beef, and this reduces the supply of hides and skins available for making leather.

MORE LEATHER, BUT LESS RAW MATERIAL.

Coincident with this limitation of raw material is the greatly expanding consumption of leather. In recent years leather has come into great favor for upholstering fine furniture, as well as for mural decorations. A tanner of leather for automobiles recently told us that the sales of his company were just fifteen times greater than one year ago. Foot gear has been made for so many years at such reasonable prices that the per capita consumption of leather has increased by reason of the fact that nearly everyone possesses a number of pairs of shoes. There are shoes for every vocation and sport, and fashionable ladies have foot gear to match every gown.

CHEAP BEEF—DEAR HIDES.

Hides and skins are in less supply and greater demand in all the markets of the world, a condition that is faithfully reflected in the markets. The increasing demand for hides and the decreasing demand

for beef are reflected in the selling prices of hides and cattle on the hoof. During 1893 native steer hides ranged from 5½ to 9 cents in price, while the steers themselves brought from $5.25 to $6.50 per hundred pounds. To-day we find beeves on the hoof bringing about the same prices as twelve years ago, while the hides are closely sold up at 16 cents. Years ago hides sold for little more and sometimes for even less than beef, but to-day steers that sell for 5½ cents per pound on the hoof yield hides that easily bring 16 cents per pound.

It must be admitted that the increasing cost of leather has a substantial basis in conditions affecting the quantity of raw material available. As we said at the outset, the question for every thoughtful man in the trade to endeavor to answer for himself is, Will the upheaval in prices during 1905 continue in the same or greater degree during 1906?

APPENDIX C.

BRITISH POLITICIANS ON AMERICAN SHOE TRADE—EFFECTS OF OUR TARIFF AS SEEN THROUGH ENGLISH SPECTACLES.

[From the Shoe and Leather Reporter.]

As I have said, opinions on the tariff question are much divided, even among manufacturers; as far as the operatives are concerned, however, I fancy the vote will go solid for free trade at the election. British shoemakers have always been advocates of liberal principles, and it seems most unlikely they will be won over by any arguments in favor of protection. Speaking at a small army-shoemaking center called Raunds recently, F. A. Channing, the late member for the division, dealt extensively with the aspect of American shoe trade and its position under a protective tariff. The speech appears to me to be so directly interesting to your readers that I am tempted to give rather copious extracts from it. Mr. Channing prefaced his remarks by observing that he had only recently returned from a tour of the United States, which included an inspection of the shoe industry of Massachusetts—"the Northamptonshire of the United States." He said this district was exactly in the same position, and had been for the past ten years, in which Mr. Chamberlain wanted to place the whole of this country. He went on to say Massachusetts resembled England in the sense that the greater portion of its food and raw material came from outside. She had been placed under a complete scientific tariff protecting every industry in the country. They had had ten years of protection, and what was the result? The whole of the workmen and nine-tenths of the manufacturers of that State engaged in the shoe industry were eagerly demanding a complete and absolute withdrawal of the system. The feeling was of the strongest possible kind against protection, because it was felt its burdens were far greater than any advantage the duty gave them. Mr. Channing went on to say that whilst he was in the State an election was in progress, and that turned on the question which of the two parties—Republicans and Democrats—were the most in earnest in getting rid of protection from that highly protected State. Until the Dingley tariff was adopted the boot and shoe industry was going up by leaps and bounds. The increase was 80 or 90 per cent in the ten years before the tariff, but now the growth of the industry was almost suspended and the number of employees and the amount of wages had decreased. They got the advantage of 25 per cent duty, yet they had to pay an enormous duty on coal, although they could otherwise have coal for very little by sea from Canada. They were prevented from getting steel and timber at terms reasonable enough for the construction of factories and machinery, and the raw materials, hides, or finished leather, were subject to a heavy duty, which largely increased the cost of production.

TRUSTS FROM A BRITISH STANDPOINT.

This champion of the British shoemakers was particularly caustic in his observations on American trade combinations. Alluding to the beef trust he said it had bribed the legislators to impose a duty of 15 per cent on raw hides, and were thus enabled to impose a blackmail of £2,000,000 on every industry of which leather was the raw material. Passing to the leather trust, he said that no sooner did it become powerful than the beef trust bought them up. The leather trust had a duty of 20 per cent on all leather imported into the United States, and got a rebate of 90 per cent on the raw hide, which they converted into leather and exported to England. The result was that English manufacturers, with their happy system of free trade, got the American leather 15, 20, to 25 per cent cheaper than the American manufacturers could get their leather, which was manufactured in America. At the conclusion of his speech to these British army shoemakers, Mr. Channing said these precious tariffs handicapped the American manufacturers and gave the English command of the markets of the world. "They need not be afraid," he added, "that these poor American manufacturers were going to slip out of the toils and compete with them in the near future, for no toad under the harrow was half so badly off as the American shoe industry under the combined forces of the gigantic trusts which used protection as their weapons."

I give the above opinions for what they are worth; they are, however, from two representative men, and show that American shoes and leather are playing an important part in shaping the destiny of British economic policy. Mr. Channing may be "playing to the gallery," as we say in England, but his opinions are given with a frankness which leaves no doubt as to his opinions. Whether his probably superficial inspection of American industrial conditions was sufficient to make him an authority on the effects of protected leather it is difficult to say, and I leave American readers to form their own opinions.

APPENDIX D.

LEATHER TRUSTS.

The United States Leather Company, a corporation formed under the laws of New Jersey, February 25, 1893, acquired the properties of a large number of companies and firms engaged in the manufacture of leather. The property consists of real estate, tanneries, bark lands, hides, bark, etc.; stock, par $100; authorized, common, $64,000,000; preferred, $64,000,000; issued, common, $62,882,300; preferred, $62,282,300; total, $125,164,600.

The preferred stock is 8 per cent, cumulative. Stock is transferred at the office of the company, New York. Registrar, Central Trust Company, New York.

The amount of stock originally authorized was $60,000,000 each of preferred and common. In July, 1895, an increase of $4,000,000 in each class was authorized to provide for purchase of bark lands, etc.

During 1895 6 per cent was paid on preferred, and in 1896 1 per cent. In 1897 4 per cent was paid on preferred, and in 1898 4¾ per cent. In April, 1898, dividend was increased from 1 to 1¼ per cent. In 1895 5 per cent was paid on the preferred. In 1900, 1901, 1902, 1903, and 1904 6 per cent was paid. The dividend paid January, 1905, was 1½ per cent, being also on the 6 per cent annual basis. The amount of dividends overdue on the preferred January 1, 1904, was about 41 per cent. Dividends on the preferred are paid quarterly, in January (1), April, July, and October. (See below regarding details of the reorganization plan dated December 17, 1904.)

On December 17, 1904, a committee—P. Anderson Valentine, chairman; Edward C. Hoyt, A. Augustus Healy, W. G. Garritt, Eugene Horton, Samuel P. Davidge, Lewis H. Lapham, Frederic P. Olcott, Alvin W. Krech, and George Foster Peabody—submitted a plan of reorganization. It provided for a new company to acquire the assets of the old one, or to control it through a majority of the stock, the new company to have $45,000,000 twenty-year 5 per cent bonds, $40,000,000 7 per cent, cumulative, preferred stock, and $40,000,000 common stock.

Under the plan, holders of the old preferred were to exchange it for 50 per cent in new preferred, 50 per cent in new bonds, and 25½ per cent in new common, and the old common stock was to be exchanged for the new in the proportion of one share of new for three of the old common stock. The old 6 per cent debentures were left undisturbed. The capitalization of the new company would be as follows, if all holders of the stock accepted the plan: Five per cent bonds, $31,141,150; new preferred, $31,141,150; new common, $14,636,340, the latter including $6,200,000 of stock to be given to new interests in the company for cooperation and for all services and expenses in carrying out the plan.

The depositary of the committee was the Central Trust Company, New York, and deposits of the old stock were to be made over before February 15, 1905, the plan having been declared operative.

FUNDED DEBT.

Debentures, 6 per cent, due May, 1913, May and November, $5,280,000.

The issue of debentures was to provide the company with working capital. The bonds are subject to redemption by a sinking fund of 4 per cent annually, and bonds can be drawn for it at 110. There were, on December 31, 1904, $600,000 of the bonds in the company's treasury.

Report for the year ending December 31, 1902, gave profits $4,702,384. In 1903, profits, $4,784,998.

Balance sheet December 3, 1904.

ASSETS.

Cash	$2,420,667
Due by customers	5,737,802
Bills receivable	519,117
Doubtful debtors, valued at	10,735
Sundry other debtors and book accounts	141,906
Hides and leather on hand and in process of tanning	9,814,944
Drawbacks due	559,485
Bark at tanneries	2,262,860
Sundry personal property	595,987
Advances to other companies	343,696
Tannery plants and lands	6,636,060
Stocks of other companies	50,515,442
Bonds of Central Pennsylvania Lumber Company	9,655,000
Bonds of Susquehanna and New York Railroad Company	879,883
Railroad mortgage	100,000
Treasury stock	100,000
Unexpired insurance policies	56,570
Good will, account, etc	62,832,300
Total	152,672,468

LIABILITIES.

Accrued interest	$26,254
Current accounts	285,261
Bills payable	2,100,000
Exchange not due	1,098,297
Bonds	5,880,000
Less in treasury	600,000
	5,280,000
Reserve for fire insurance	517,685
Preferred stock	62,282,300
Common stock	62,882,300
Surplus January 1, 1905	18,200,011

American Hide and Leather Company, a corporation formed under the laws of New Jersey in August, 1899. The company acquired the plants and business of twenty-two different establishments engaged in the manufacture and sale of upper leathers, particulars of which are given in the manual for 1901.

The establishments acquired represented 75 per cent of the business in upper leather in the United States. In each case the properties acquired were taken in fee clear of all incumbrances. The aggregate annual net earnings of the separate concerns before consolidation were $1,585,748. Stock, par, $100; authorized, common, $17,500,000; preferred, $17,500,000. Issued, common, $11,274,100; preferred, $12,548,300; total, $23,822,400.

The stock preferred is 7 per cent, cumulative, and has a preference as to assets. At the beginning of 1905 the accumulated unpaid dividends amounted to about 35 per cent.

Transfer agents, North American Trust Company, New York; Colonial Trust Company, New York.

The first dividend on the preferred stock was 1 per cent, paid February 15, 1905. It was understood that this was a quarterly dividend, and that the stock had been placed on a 4 per cent basis.

FUNDED DEBT.

First mortgage, 6 per cent, due September, 1919, March and September, $7,837,000.

The first mortgage is for $10,000,000. Of the bonds outstanding, $2,445,000 were accepted by vendors of the property acquired by the company in payment for same, $3,200,000 were disposed of privately, and $2,800,000 were sold in January, 1900, by public subscription. Of the bonds held in the treasury, $1,000,000 only can be issued for the acquisition of new properties, which shall become subject to the mortgage. The trustee of the mortgage is the Colonial Trust Company, New York, interest being paid at that institution. There is a sinking fund of $172,500 per annum. Bonds may be bought for the sinking fund at not over 115, but are not subject to compulsory retirement. On June 30, 1903, there were $494,000 bonds in the sinking fund.

In the year ending June 29, 1901, the surplus over charges was $377,139. In the year ending June 30, 1902, the total profits were

$1,411,511; interest and deductions for depreciation, etc., $1,004,634; balance, $406,877. In 1902–3 profits were $886,114; interest, deductions, etc, $965,748; balance, deficit, $79,634. In 1903–4, profits, $1,204,601; deductions, $913,329; balance, surplus, $291,272. Total surplus, June 30, 1904, $838,155.

APPENDIX E.

TABLES SHOWING AVERAGE ANNUAL PRICES OF STAPLE PRODUCTS IN ST. LOUIS, MILWAUKEE, AND CINCINNATI FOR ABOUT TWENTY YEARS.

TABLE A.—*Quotations of No. 2 corn, No. 2 oats, and native steers at St. Louis for twenty years.*

[Furnished by George H. Morgan, secretary of the St. Louis Merchants' Exchange.]

Year.	No. 2 corn, per bushel.	No. 2 oats, per bushel.	Native steers, per 100 pounds.
	Cents.	*Cents.*	
1905	41½ to 58½	25½ to 34½	$5.25 to $7.10
1904	42½ to 57	30½ to 44	4.90 to 6.65
1903	38½ to 55	32½ to 54	5.00 to 6.00
1902	40½ to 69½	26½ to 59	5.15 to 8.75
1901	37½ to 70	26 to 50	4.75 to 8.25
1900	30½ to 42½	21 to 30	4.00 to 6.50
1899	29½ to 38½	20 to 26½	4.00 to 6.10
1898	25½ to 33½	22 to 33½	3.90 to 5.65
1897	19½ to 29½	16½ to 23½	3.25 to 5.25
1896	18 to 27½	15 to 21	3.00 to 5.10
1895	23½ to 53	16½ to 31	2.90 to 6.25
1894	31½ to 56	27½ to 45	3.60 to 5.80
1893	31½ to 41½	23 to 33	3.75 to 6.00
1892	34½ to 50½	28 to 34½	3.70 to 6.10
1891	47 to 73	27 to 56	3.50 to 6.30
1890	24½ to 54	19½ to 45	3.00 to 6.50
1889	25½ to 33½	17⅞ to 25¼	2.00 to 4.85
1888	30½ to 56	21 to 37½	2.10 to 6.10
1887	33½ to 49½	25½ to 32½	2.75 to 5.00
1886	30½ to 40½	25 to 31	2.85 to 5.65

TABLE B.—*Yearly range of leading grades of cash prices of corn and oats in the Milwaukee market for the past twenty years.*

Year.	Corn, No. 3.	Oats, No. 3 white.
	Cents.	*Cents.*
1905	40 to 59½	26 to 43½
1904	40 to 58½	28½ to 45
1903	39 to 55	31½ to 42
1902	43 to 67	29 to 61
1901	34½ to 65½	25 to 48½
1900	30½ to 45½	22½ to 28½
1899	29½ to 36	21½ to 31
1898	24 to 38	20½ to 33½
1897	18½ to 31½	16 to 25½
1896	20 to 30	14 to 21½
1895	24½ to 55	17½ to 33
1894	32½ to 60½	27 to 52
1893	33½ to 44½	24 to 36½
1892	34½ to 53½	27½ to 37
1891	36 to 75	27½ to 60
1890	26 to 55	a 21½ to 48½
1889	28 to 37½	a 20 to 30
1888	30 to 58½	27 to 39
1887		27½ to 34
1886	34 to 46	a 25½ to 37
1885	33 to 53	a 24½ to 39

a No. 2 white.

TABLE C.—*Average annual prices of staple products at Cincinnati, Ohio.*

[From the report of the Cincinnati Chamber of Commerce, 1904.]

Year.	Cattle, gross, per 100 pounds.	Sheep, gross, per 100 pounds.	Hogs, gross, per 100 pounds.	Pork, barrels, each.	Ohio River salt, per barrel.	Leaf tobacco, per 100 pounds.	Cotton middling, per 100 pounds.	Tallow, per 100 pounds.	Hides, per 100 pounds.	Leather, per 100 pounds.	Wool, per 100 pounds.
1884–85	$3.53	$3.99	$4.44	$0.82	$1.00	$9.50	$10.42	$6.18	$9.22	$29.87	$28.52
1885–86	3.24	4.13	3.82	.83	.97	8.00	9.17	4.82	9.70	29.46	30.07
1886–87	2.98	4.10	4.28	.81	.87	10.80	9.72	4.22	9.17	30.78	31.10
1887–88	3.04	4.58	5.18	.78	.94	15.00	9.83	4.56	7.98	29.25	27.37
1888–89	2.84	4.46	5.15	.85	.93	10.25	10.24	5.12	7.00	29.49	29.55
1889–90	2.90	4.84	3.74	.83	.90	9.25	11.04	4.52	6.77	27.82	30.15
1890–91	3.28	4.83	3.64	.79	.93	9.00	9.25	4.90	5.75	27.70	29.67
1891–92	3.17	4.79	3.90	.70	.92	9.75	7.60	4.67	4.66	26.87	25.87
1892–93	3.22	4.86	5.05	.71	.92	10.00	7.73	4.65	4.44	26.31	25.50
1893–94	3.61	4.20	6.90	.76	.89	11.85	8.38	5.56	4.00	23.84	25.70
1894–95	3.85	3.10	5.10	.79	.84	10.05	6.93	5.15	3.66	22.44	19.60
1895–96	3.85	3.30	4.35	.78	.84	9.40	7.04	4.67	6.02	26.60	18.53
1896–97	3.40	3.15	3.50	.81	.75	6.95	7.57	3.75	5.52	23.96	17.81
1897–98	3.54	3.78	3.30	.80	.75	8.05	6.96	3.59	7.73	25.92	24.45
1898–99	3.70	3.87	3.85	.80	.77	9.10	5.69	3.90	8.71	25.96	24.95
1899–1900	3.85	3.77	4.65	.71	.82	7.95	6.30	4.71	8.57	27.27	21.85
1900–1901	4.00	3.72	5.10	.70	1.04	8.52	9.38	5.13	7.90	29.11	25.64
1901–2	3.78	3.34	5.95	.78	1.03	7.90	8.38	5.56	7.63	30.14	23.35
1902–3	4.10	3.80	6.80	.92	.80	8.10	8.65	6.75	7.70	30.50	23.50
1903–4	3.50	3.80	6.05	.99	.83	8.35	10.95	5.05	7.00	28.10	25.50
1904–5	3.40	3.70	5.25	1.03	.90	10.05	11.60	4.80	8.25	30.10	30.00

TABLE D.—*Average annual prices of staple products at Cincinnati, Ohio.*

[From the report of the Cincinnati Chamber of Commerce, 1904.]

Year.	Butter, dairy, per pound.	Butter, creamery, per pound.	Butterine, per pound.	Cheese, factory, per pound.	Eggs, selected, per dozen.	Potatoes, standard, per bushel.	Apples, green, per barrel.	Apples, dried, per 100 pounds.	Peaches, dried, per 100 pounds.	Sugar, barrels, per 100 pounds.	Molasses, New Orleans, per gallon.
	Cts.	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*					*Cts.*
1884–85	16.45	25.34	14.56	9.24	16.59	50	$2.15	$3.31	$7.29	$7.00	48.70
1885–86	14.12	20.07	11.93	9.41	13.58	48	1.25	2.40	3.20	7.16	43.03
1886–87	18.82	24.52	14.50	11.19	14.60	53	2.59	3.99	5.58	6.51	42.31
1887–88	17.49	23.99	15.19	10.39	15.84	88	2.20	6.03	6.97	7.49	41.50
1888–89	14.66	22.01	16.29	9.69	13.50	40	1.54	3.01	2.82	8.49	41.21
1889–90	13.50	20.81	15.50	9.00	13.54	52	2.52	3.72	3.11	7.59	40.59
1890–91	14.98	22.89	16.23	9.60	16.30	97	3.49	9.07	8.16	6.12	34.60
1891–92	16.53	23.92	17.25	10.17	15.77	45	2.14	3.40	2.74	4.89	34.31
1892	17.03	24.27	18.09	10.00	15.66	55	2.50	3.35	3.10	5.04	31.73
1893	19.00	25.00	16.90	10.18	16.30	74	2.90	5.04	4.88	5.64	33.27
1894	12.88	18.92	14.97	9.75	12.41	66	3.30	5.55	5.65	5.06	32.11
1895	10.54	17.13	14.25	9.00	13.79	49	2.02	4.52	7.40	5.03	28.97
1896	8.60	14.50	12.50	8.85	10.75	28	1.80	2.25	6.25	4.73	31.86
1897	9.65	15.45	12.80	9.05	10.79	48	1.97	2.64	7.13	5.29	26.13
1898	11.03	16.46	13.75	8.68	12.14	57	2.75	4.31	8.05	5.74	31.82
1899	12.56	18.60	14.08	10.66	13.55	49	2.59	4.81	10.22	5.57	32.00
1900	13.99	19.90	16.02	10.98	13.43	43	2.54	3.44	8.85	6.15	38.46
1901	11.97	19.36	13.25	10.28	14.98	62	2.73	3.31	8.18	5.82	34.25
1902	15.52	21.83	16.80	11.60	18.00	62	2.90	4.20	8.96	5.22	33.46
1903	13.65	20.95	13.80	11.40	17.80	59	2.40	4.50	7.00	5.53	32.62
1904	11.40	20.70	13.00	9.40	19.60	78	2.30	4.45	7.85	5.80	32.66

TABLE E.—*Yearly range and average prices of grain, in cents, at Cincinnati, Ohio.*

[From the report of the Cincinnati Chamber of Commerce, 1904.]

Year.	Wheat.		Corn.		Oats.		Rye.		Barley.
	Range.	Average.	Range.	Average.	Range.	Average.	Range.	Average.	Average.
1903	52 – 75	64	35½–51	44	20 –36	32	48 –68	55	64
1904	48 – 60	54	32½–59½	45	29½–54	35	41½–56	52	60
1905	53 – 90	66	24½–56	41	19 –34½	27	40 –75	53	56½
1896	55 – 97	72	18½–33	27	15½–23	20	26½–44	38	36
1897	70 –100	89	20 –33	26	16½–25	21	33 –52	41	39
1898	64 –145	86	27½–41	34	21½–34½	27	40 –80	51	47
1899	68 – 77	72	29 –40	36	21½–31½	27	56 –68	62	52
1900	70 – 89	75	34 –47	41	21 –28	25	51½–67	59	53
1901	64 – 90	77	30 –74½	52	25 –50½	34	45 –73	60	64
1902	68 – 92	80	44 –69	61	27 –57	41	51 –71½	58	64
1903	74½– 92	81	40 –54½	47	31½–43½	37	54 –63	58	62
1904	92½–125	108	45½–59	51	31 –44½	38	61 –87	77	62

TABLE F.—*Average price of live hogs, winter seasons, at Cincinnati, Ohio.*

[From the report of the Cincinnati Chamber of Commerce, 1905.]

1888–89	$5.15
1889–90	3.75
1890–91	3.65
1891–92	3.90
1892–93	6.60
1893–94	5.35
1894–95	4.35
1895–96	3.80
1896–97	3.35
1897–98	3.60
1898–99	$3.55
1899–1900	4.40
1900–1901	5.05
1901–2	6.00
1902–3	6.50
1903–4	4.90
1904–5	4.80

TABLE G.—*Average annual prices of staple products at Cincinnati, Ohio.*

[From the report of the Cincinnati Chamber of Commerce, 1905.]

Year.	Clover seed, per 100 pounds.	Timothy seed, per bushel.	Flax seed, per bushel.	Hay, timothy, per ton.	Bran, per ton.	Middlings, fine, per ton.	Middlings, coarse, per ton.	Coal, afloat, Pittsburg, per bushel.	Coal, afloat, Kanawha, per bushel.	Coal, delivered, Pittsburg, per ton.	Coal, delivered, Kanawha, per ton.	Coal, anthracite, per ton.
								Cts.	*Cts.*			
1884–85	$8.02	$1.41	$1.31	$12.81	$12.96	$16.18	$14.49	8.04	7.43	$3.03	$2.98	$7.05
1885–86	9.27	1.83	1.06	12.16	11.76	14.84	13.26	6.58	6.24	2.79	2.68	6.62
1886–87	7.05	1.87	.97	11.17	12.85	14.62	13.21	9.55	7.26	3.06	3.01	6.78
1887–88	6.77	2.44	1.14	14.79	15.66	17.71	16.56	10.01	9.75	3.68	3.68	7.63
1888–89	7.78	1.50	1.25	12.74	12.07	13.86	12.66	6.71	6.10	2.76	2.68	7.00
1889–90	5.64	1.30	1.26	10.56	11.16	12.76	11.49	6.78	6.37	2.69	2.69	6.46
1890–91	6.88	1.30	1.18	10.58	16.64	19.57	18.27	7.28	6.75	2.84	2.84	6.36
1891–92	8.43	1.27	.92	11.25	14.25	16.20	15.55	7.63	7.09	2.87	2.87	6.41
1892	9.70	1.47	.95	11.10	13.67	15.11	13.94	7.49	.....	2.88	2.88	6.79
1893	10.67	1.68	1.05	12.55	13.35	14.76	13.18	7.58	7.20	3.07	2.94	7.23
1894	8.80	2.10	1.16	10.95	13.15	14.10	13.40	6.34	6.68	2.53	2.55	6.35
1895	7.64	2.07	1.08	12.70	13.25	14.60	13.30	6.00	5.42	2.51	2.49	6.16

TABLE G.—*Average annual prices of staple products, etc.*—Continued.

Year.	Clover seed, per 100 pounds.	Timothy seed, per bushel.	Flax seed, per bushel.	Hay, timothy, per ton.	Bran, per ton.	Middlings, fine, per ton.	Middlings, coarse, per ton.	Coal, afloat, Pittsburg, per bushel.	Coal, afloat, Kanawha, per bushel.	Coal, delivered, Pittsburg, per ton.	Coal, delivered, Kanawha, per ton.	Coal, anthracite, per ton.
								Cts.	Cts.			
1896	$6.74	$1.39	$0.80	$12.20	$8.90	$9.50	$9.00	5.73	5.28	$2.34	$2.34	$6.44
1897	5.82	1.20	.73	9.80	9.55	10.55	10.10	5.70	4.91	2.25	2.26	6.42
1898	5.08	1.11	.87	8.67	11.92	12.52	13.23	5.66	4.89	2.23	2.27	6.20
1899	5.48	1.05	.94	10.10	12.70	13.75	13.20	5.30	5.58	2.64	2.63	6.50
1900	7.75	1.37	1.19	13.95	14.60	15.90	15.35	7.50	7.48	2.03	3.05	6.90
1901	9.27	2.21	1.31	13.60	16.75	18.15	17.45	7.50	7.15	2.82	2.78	6.70
1902	7.92	2.20	1.30	13.35	17.35	19.50	18.60	7.92	7.86	3.25	3.25	9.00
1903	9.66	1.45	1.08	15.40	17.00	19.00	18.00	9.25	9.25	3.66	3.66	8.00
1904	9.75	1.25	1.00	13.00	18.65	21.20	19.60	8.50	8.50	3.20	3.20	7.30

EXHIBIT H.

[The figures given below were taken from the Statistical Abstract for 1904.]

In 1891 the average farm value of hogs was $4.15. January 1, 1893, under Democratic rule, was $6.41, and January, 1894, was $5.98, two Democratic years, against January 1, 1904, of $6.15, and January 1, 1905, $5.99, in these prosperous years. How much more are the farmers' hogs worth than they were before, and how much did the tariff add to their value, when the price of corn had increased wonderfully?

How much better off is the farmer selling a bushel of timothy seed that he was able to get for in 1893 an average price of $3.85 and in 1894 $4.80, in 1895 $4.84, in 1896 $3.04, against $2.88 last year, under these prosperous times?

How much better off are the farmers who owned, according to the agricultural report, January 1, 1893, 35,954,196 head of cattle other than milch cows, at a value of $547,882,204, an average of $15.25, than the farmers who owned January 1, 1905, 43,669,443 head of cattle other than milch cows, valued at $661,571,308, an average of $15.15?

How much better off are the farmers who in 1893 had 16,424,087 milch cows, at a value of $357,299,785, or an average of $22 per head, against 16,292,360 in 1900, at a value of $514,812,106, which averaged about $31.50, and against the farmers that had in 1905 17,572,464 head, at a value of $482,272,203, or an average of $27.50?

The price of sheep, of which there was 47,273,553 in 1893, valued at $125,909,000, an average of $2.70, against 41,883,065 in 1900, valued at $122,665,913, an average of about $2.90, and in 1905, the most prosperous year, 45,174,423, valued at $127,331,850, an average of about $2.80.

In 1893 we had 16,206,202 horses, worth $992,225,185, an average of $62 per head, and in 1900, a prosperous year, had 13,537,524, valued at $603,969,442, an average of $45, and in 1905 we had 17,057,702, at an average of about $70. Was it Republican prosperity that made the price $45 in 1900 and $62 in 1893, and $70 in 1905, or was it due to the wars all over the world that created an extra demand for them, that they sold for an average price of $80.72 in 1906, or was it because the horses are better, as most of them are sold for working on the farms, no doubt?

TABLE No. 1.—EXTREME PRICES OF BEEF STEERS.—*Monthly range of prices at Chicago for 1,200 to 1,800 pound native beef cattle during 1904, with yearly prices.*

[From Yearbook of Live Stock Figures, published by Chicago Daily Drovers' Journal, February, 1905.]

	Steers, 1,200 to 1,350 pounds, average.	Steers, 1,350 to 1,500 pounds, average.	Steers, 1,500 to 1,800 pounds, average.
Month.			
January	$3.65 to $5.85	$4.10 to $5.75	$4.55 to $5.90
February	3.50 to 5.90	3.80 to 6.00	4.35 to 6.00
March	3.65 to 5.80	4.10 to 6.00	4.50 to 5.80
April	3.80 to 5.60	4.25 to 5.70	4.45 to 5.80
May	3.90 to 5.90	4.25 to 5.90	4.60 to 5.90
June	4.50 to 6.65	5.20 to 6.65	5.60 to 6.70
July	4.40 to 6.65	5.00 to 6.55	5.40 to 6.50
August	3.80 to 6.40	4.25 to 6.40	4.75 to 6.40
September	3.65 to 6.35	4.25 to 6.55	4.90 to 6.50
October	3.50 to 7.00	4.10 to 6.90	5.10 to 7.00
November	3.50 to 7.10	4.00 to 7.25	4.70 to 7.30
December	3.35 to 12.25[a]	4.00 to 9.00[a]	4.40 to 10.50[a]
Year.			
1904	3.35 to 12.25	3.80 to 9.00	4.35 to 10.50
1903	3.35 to 6.80	3.75 to 7.50	4.10 to 7.55
1902	3.60 to 9.00	4.00 to 9.00	4.25 to 14.50
1901	3.60 to 8.75	4.30 to 12.00	4.80 to 9.30
1900	3.90 to 8.50	4.30 to 11.00	4.70 to 15.50
1899	4.00 to 7.30	4.30 to 8.25	4.60 to 8.25
1898	3.80 to 5.90	3.90 to 6.15	4.10 to 6.25
1897	3.35 to 5.60	3.65 to 6.00	4.00 to 6.00
1896	2.90 to 5.85	3.20 to 6.50	3.40 to 6.25
1895	2.90 to 6.25	3.20 to 6.40	3.60 to 6.60
1894	2.90 to 6.40	3.10 to 6.40	3.50 to 6.00
1893	2.90 to 5.80	3.10 to 6.05	4.00 to 6.75
1892	2.85 to 5.85	3.25 to 6.35	3.75 to 7.00
1891	2.70 to 6.20	3.00 to 6.50	4.00 to 7.15
1890	2.75 to 5.10	3.25 to 5.00	3.75 to 6.40
1889	2.60 to 4.70	2.85 to 5.40	3.40 to 6.10
1888	2.75 to 6.40	3.30 to 6.75	4.00 to 7.00
1887	2.60 to 6.25	3.20 to 6.25	3.60 to 6.50
1886	3.00 to 5.80	3.50 to 6.10	4.25 to 6.50
1885	3.50 to 6.10	3.90 to 6.00	4.75 to 6.80
1884	4.10 to 7.00	4.50 to 7.25	5.35 to 8.00
1883	4.10 to 7.00	4.80 to 7.12½	5.35 to 7.25
1882	4.25 to 9.00	4.70 to 9.00	5.40 to 9.30
1881	3.80 to 7.00	4.10 to 7.20	5.20 to 8.00
1880	4.50 to 5.50	4.30 to 6.00	5.00 to 7.00
1879	3.20 to 5.00	3.90 to 6.50	4.00 to 6.00
1878	3.00 to 4.70	3.50 to 5.00	4.00 to 5.50

[a] International show cattle. Highest on open market, $7.65.

TABLE No. 2.—AVERAGE PRICES OF NATIVE BEEF CATTLE.—*Monthly average prices for 1,200 to 1,500 pound native beef cattle at Chicago for seven years.*

Month.	1904.	1903.	1902.	1901.	1900.	1899.	1898.
January	$4.90	$4.90	$6.20	$5.10	$5.40	$5.35	$4.70
February	4.75	4.75	6.05	5.10	4.95	5.20	4.80
March	4.85	4.80	6.20	5.15	5.00	5.10	4.70
April	4.80	5.00	6.80	5.35	5.10	5.05	4.60
May	5.00	4.85	7.00	5.40	5.20	5.20	4.55
June	5.95	5.00	7.45	5.70	5.30	5.25	4.60
July	5.60	5.00	7.90	5.35	5.35	5.50	4.95
August	5.20	5.10	7.85	5.30	5.55	5.80	5.10
September	5.35	5.15	7.45	5.75	5.50	5.90	5.10
October	5.60	4.90	7.10	5.70	5.40	5.85	5.10
November	5.05	4.70	5.80	5.70	5.35	5.80	5.00
December	4.75	4.80	5.30	5.90	5.20	5.95	5.05
Yearly average	5.10	4.90	6.75	5.45	5.30	5.50	4.85

TABLE No. 3.—EXTREME PRICES OF BEEF STEERS.—*Monthly range of prices at Chicago for 900 to 1,200 pound native beef cattle and distillery-fed steers during 1904, with yearly comparisons for ten years.*

	Steers, 1,050 to 1,200 pounds average.	Steers, 900 to 1,050 pounds average.	Distillery-fed steers.
Months.			
January	$3.15 to $5.75	$3.00 to $5.75	
February	3.20 to 5.50	3.00 to 5.35	
March	3.25 to 5.60	3.00 to 5.40	$3.65 to $4.50
April	3.35 to 5.65	3.10 to 5.15	
May	3.60 to 5.70	3.35 to 5.50	
June	4.00 to 6.40	3.80 to 6.25	4.25 to 5.65
July	3.95 to 6.40	3.80 to 6.10	4.75 to 6.30
August	3.35 to 6.30	3.00 to 6.25	5.00 to 6.25
September	3.00 to 6.15	2.85 to 6.05	5.15 to 5.99
October	2.75 to 6.60	2.40 to 6.35	4.65 to 5.85
November	2.60 to 6.75	2.40 to 6.25	4.50 to 5.30
December	a2.80 to 8.00	a2.50 to 8.00	4.75 to 5.10
Yearly range.			4.80 to 4.90
1904	2.60 to 8.00	2.40 to 8.00	3.65 to 6.30
1903	3.00 to 8.35	2.90 to 6.05	3.50 to 5.70
1902	3.15 to 8.60	2.90 to 8.15	3.80 to 8.20
1901	3.30 to 9.50	3.30 to 8.70	3.90 to 6.25
1900	3.50 to 7.30	3.25 to 6.50	3.50 to 5.65
1899	3.85 to 6.75	3.75 to 6.50	3.80 to 6.25
1898	3.70 to 5.85	3.60 to 5.60	3.75 to 5.50
1897	3.35 to 5.60	3.25 to 5.25	3.70 to 4.90
1896	2.90 to 5.75	2.90 to 4.90	3.50 to 4.40
1895	2.75 to 6.20	2.70 to 5.85	4.25 to 5.75
1894	2.70 to 6.00	2.70 to 5.50	3.45 to 4.75

[a] International show cattle.

TABLE No. 4.—AVERAGE PRICES OF NATIVE BEEF CATTLE.—*Monthly average prices of native beef cattle at Chicago during 1904, with the yearly average for ten years.*

	1,500 to 1,900 pounds.	1,350 to 1,500 pounds.	1,200 to 1,350 pounds.	1,050 to 1,200 pounds.	900 to 1,050 pounds.	900 to 1,900 pounds.
Month.						
January	$5.30	$5.10	$4.65	$4.40	$4.15	$4.65
February	5.25	4.95	4.50	4.10	3.85	4.50
March	5.30	5.05	4.60	4.25	3.90	4.60
April	5.15	4.95	4.60	4.30	4.05	4.65
May	5.35	5.15	4.85	4.65	4.30	4.85
June	6.25	6.10	5.80	5.35	4.95	5.60
July	6.10	5.85	5.40	5.05	4.60	5.40
August	5.85	5.35	5.05	4.55	4.15	5.10
September	5.95	5.50	5.20	4.50	4.25	5.10
October	6.25	5.90	5.30	4.50	4.05	5.20
November	6.10	5.40	4.70	4.10	3.75	4.95
December	5.60	5.00	4.50	3.70	3.40	4.40
Year.						
1904	5.70	5.45	4.95	4.45	4.10	4.95
1903	5.20	5.05	4.80	4.45	4.15	4.80
1902	7.25	6.80	6.25	5.65	5.05	6.20
1901	5.95	5.65	5.25	4.85	4.50	5.25
1900	5.55	5.40	5.15	4.90	4.70	5.15
1899	5.75	5.55	5.25	4.95	4.70	5.30
1898	5.05	4.85	4.65	4.45	4.30	4.65
1897	4.95	4.70	4.45	4.25	4.10	4.50
1896	4.40	4.30	4.05	3.90	3.70	4.05
1895	5.20	4.85	4.40	4.10	3.95	4.50
1894	4.75	4.55	4.20	3.95	3.75	4.25
1893	5.35	4.75	4.40	4.10	3.85	4.45

TABLE No. 5.—TEXAS CATTLE RECEIPTS.—*Monthly receipts of Texas cattle at Chicago for 1904, with comparisons.*

Month.	1904	1903.	1902.	1901.	1900.
January	500	413	3,600	14,175	19,150
February	1,673	6,684	8,919	9,208	14,200
March	1,902	2,809	4,031	8,517	18,400
April	492	2,702	3,473	5,423	7,100
May	1,870	4,478	7,640	2,316	6,000
June	25,135	22,299	26,076	12,510	11,300
July	16,705	35,398	37,695	26,075	20,850
August	14,375	22,130	23,714	17,600	32,127
September	9,983	29,411	25,900	25,105	23,324
October	3,210	17,428	22,575	26,510	25,410
November	900	4,622	13,246	6,780	9,178
December	200	2,000	8,400	7,000	7,500
Total	76,945	150,374	190,269	161,219	134,726

TABLE No. 6.—TEXAS CATTLE PRICES.—*Monthly prices at Chicago for Texas steers, cows, heifers, and bulls for 1904, with yearly comparisons for twelve years.*

	Steers.	Bulk of sales.	Cows and bulls.
Month.			
February	$3.10 to $4.65	$3.40 to $4.00	$2.60 to $3.55
March	3.20 to 5.00	4.20 to 4.90	3.00 to 3.60
April	4.25 to 4.80	4.40 to 4.75	3.20 to 4.20
May	3.65 to 5.10	4.10 to 4.75	2.75 to 3.50
June	3.00 to 5.95	4.00 to 5.50	2.25 to 4.00
July	2.90 to 5.35	4.00 to 5.00	1.75 to 4.00
August	2.75 to 4.85	3.25 to 4.25	2.00 to 3.40
September	3.00 to 3.50	3.40 to 3.50	
October	3.75 to 3.45	3.10 to 3.45	
December	4.30 to 4.65	4.30 to 4.65	
Yearly range.			
1904	2.75 to 5.95	3.25 to 5.50	1.75 to 4.20
1903	2.40 to 5.10	3.25 to 4.60	1.50 to 4.15
1902	2.55 to 7.65	3.25 to 6.50	1.85 to 6.35
1901	2.85 to 5.60	3.25 to 5.30	1.50 to 4.85
1900	3.10 to 5.90	3.40 to 5.00	2.35 to 4.45
1899	3.00 to 3.75	3.50 to 5.00	2.10 to 4.65
1898	3.15 to 5.40	3.40 to 4.75	2.00 to 4.55
1897	2.75 to 4.80	3.00 to 4.50	1.75 to 4.25
1896	2.10 to 5.50	2.75 to 4.25	1.25 to 3.65
1895	1.90 to 5.15	2.75 to 4.20	1.40 to 5.15
1894	1.50 to 4.50	2.60 to 4.00	1.00 to 3.80
1893	1.60 to 6.00	3.00 to 4.25	1.25 to 4.30

TABLE No. 7.—AVERAGE PRICES OF TEXAS CATTLE.—*Monthly average prices for straight Texas steers at Chicago for seven years.*

[From the same source.]

Month.	1904.	1903.	1902.	1901.	1900.	1899.	1898.
January	.....	$4.30	$4.85	$4.35	$4.50	$4.45	$4.20
February	$3.65	3.95	5.10	4.15	4.30	4.20	4.15
March	4.50	4.10	5.40	4.45	4.30	4.50	4.25
April	4.55	4.55	5.70	4.75	4.65	4.50	4.20
May	4.50	4.10	5.65	4.65	4.65	4.70	4.15
June	4.80	3.95	5.65	4.65	4.40	4.70	4.20
July	4.50	4.10	5.00	4.10	4.25	4.60	4.45
August	3.75	4.00	4.30	4.15	3.95	4.20	4.00
September	3.45	3.65	3.85	3.80	3.85	4.00	3.60
October	3.20	3.30	3.75	3.45	3.65	3.75	3.65
November	.....	3.25	3.50	3.55	3.95	3.85	3.75
December	4.40	3.85	4.50	4.55	3.90	4.30	3.80
Average	4.10	3.95	4.80	4.20	4.20	4.35	4.05

TABLE No. 8.—TOP PRICES OF TEXAS CATTLE.—*Monthly top prices for straight Texas cattle (steers) at Chicago for seven years.*

Month.	1904.	1903.	1902.	1901.	1900.	1899.	1898.
January	.....	$4.75	$6.25	$4.85	$5.90	$5.25	$4.65
February	$3.65	4.35	6.00	5.05	5.15	5.05	4.65
March	5.00	4.65	6.65	4.95	5.40	6.00	5.40
April	4.80	5.10	6.50	5.40	5.40	5.35	4.55
May	5.10	4.80	6.85	4.90	5.05	5.00	4.65
June	5.95	4.75	7.65	5.60	5.35	5.15	4.75
July	5.25	5.10	6.60	5.20	5.40	5.65	5.00
August	4.85	5.00	5.62	5.25	4.90	5.35	4.50
September	3.50	4.70	4.25	4.70	4.85	5.15	4.00
October	3.45	4.25	5.45	4.10	4.50	4.65	4.25
November	.....	3.65	4.00	4.75	5.00	6.75	4.30
December	4.65	4.00	5.00	5.20	5.90	5.50	5.00
Top	5.95	5.10	7.65	5.60	5.90	6.75	5.40

A load of show Texas fed in Ohio sold in December, 1901, at $12, the highest Texas-bred cattle on record.

TABLE No. 9.—TEXAS CATTLE AND FED WESTERNS.—*Monthly average prices for straight Texas, native-fed Texas steers, and native corn-fed western steers for 1904, with yearly averages.*

	Straight Texas steers.	Texas bulls, cows, and heifers.	Native corn-fed Texas steers.	Native corn-fed westerns.
Month.				
January	.....	.....	$4.40	$4.90
February	$3.65	$2.95	4.30	4.75
March	4.50	3.30	4.65	4.90
April	4.55	3.65	4.70	4.90
May	4.50	3.25	4.90	5.10
June	4.80	2.70	5.45	6.05
July	4.50	2.95	5.30	5.85
August	3.75	2.80	4.95	5.35
September	3.45	.....	4.80	5.35
October	3.20	.....	4.50	5.50
November	.....	.....	4.45	5.10
December	4.40	.....	4.50	4.85
Yearly average.				
1904	$4.10	$3.10	$4.75	$5.20
1903	3.95	2.95	4.70	4.95
1902	4.80	3.35	6.20	6.60
1901	4.20	3.10	5.05	5.55
1900	4.20	3.30	4.75	5.30
1899	4.35	3.25	4.90	5.35

TABLE No. 10.—TOP PRICES FOR WESTERN CATTLE.—*Top prices for grass western range cattle at Chicago for seven years.*

Month.	1904.	1903.	1902.	1901.	1900.	1899.	1898.
July	$5.00	$4.60	$6.90	.....	$5.00	.....	.....
August	4.75	4.75	7.15	$5.05	5.35	$5.40	$4.90
September	5.10	5.00	7.25	5.55	5.35	5.40	4.75
October	5.65	5.65	7.40	5.75	5.05	5.30	5.00
November	5.40	4.50	6.50	5.45	5.00	5.70	4.55
December	5.00	3.85	5.20	5.00	.....	4.75	4.25
Top	5.65	5.05	7.40	5.75	5.35	5.70	5.00

TABLE No. 11.—AVERAGE PRICES FOR WESTERN CATTLE.—*Monthly average prices for grass western steers at Chicago for seven years.*

Month.	1904.	1903.	1902.	1901.	1900.	1899.	1898.
July	.....	$3.90	$5.80	.....	$4.45	.....	.....
August	$3.80	3.85	5.55	$4.60	4.40	$4.65	$4.30
September	3.85	3.70	4.85	4.55	4.40	4.60	4.30
October	3.50	3.55	4.80	4.55	4.25	4.55	4.25
November	3.50	3.40	4.55	4.45	4.25	4.60	4.00
December	3.80	3.50	4.25	.....	.....	4.50	4.00
Average	3.65	3.65	4.95	4.55	4.35	4.60	4.20

TABLE No. 12.—CATTLE RECEIPTS CLASSIFIED.

During 1904 Chicago received 2,882,185 head of so-called "native" cattle, being the second largest run of natives on record. Receipts of straight Texas during 1904 were the smallest in over twenty-five years, while western range receipts were over 90,000 larger than in 1903.

Classified receipts of cattle at Chicago for the last eighteen years were as follows:

Year.	Natives.	Texas.	Westerns.	All kinds.
1904	2,882,185	77,000	300,000	3,259,185
1903	3,072,386	150,300	209,800	3,432,486
1902	2,441,960	190,239	309,300	2,941,559
1901	2,729,499	161,419	140,478	3,031,396
1900	2,387,330	194,726	147,000	2,729,046
1899	2,159,524	171,282	173,700	2,514,446
1898	2,154,943	130,408	195,546	2,480,897
1897	2,118,696	202,697	233,531	2,554,924
1896	2,065,279	323,422	271,775	2,660,476
1895	1,798,389	359,643	430,526	2,588,558
1894	2,215,465	384,469	374,429	2,974,363
1893	2,148,887	670,009	314,420	3,133,406
1892	2,583,516	717,153	271,127	3,571,796
1891	2,190,829	689,187	370,343	3,250,359
1890	2,597,733	657,053	229,494	3,484,280
1889	2,246,128	616,757	160,396	3,023,281
1888	1,709,864	547,185	287,494	2,611,543
1887	1,635,235	485,528	261,275	2,282,038
1886	1,404,530	320,830	238,520	1,963,900

TABLE No. 13.—AVERAGE PRICES FOR HOGS.—*Monthly and average prices for all grades of hogs and pigs at Chicago during 1904, with comparisons.*

	Mixed.	Heavy.	Light.	All grades.	Pigs.
Month.					
January	$4.85	$4.95	$4.80	$4.90	$4.30
February	5.15	5.25	4.95	5.15	4.45
March	5.40	5.50	5.25	5.35	4.75
April	5.10	5.15	5.05	5.10	4.55
May	4.65	4.75	4.60	4.65	4.25
June	5.05	5.05	5.05	5.05	4.65
July	5.40	5.35	5.45	5.40	5.20
August	5.30	5.25	5.45	5.30	5.30
September	5.75	5.70	5.85	5.75	5.40
October	5.45	5.35	5.40	5.40	5.00
November	4.80	4.80	4.70	4.80	4.40
December	4.50	4.55	4.45	4.50	4.10
Yearly average.					
1904	5.15	5.15	5.10	5.15	4.70
1903	6.00	6.00	5.95	6.00	5.70
1902	6.80	6.95	6.70	6.85	5.90
1901	5.85	5.90	5.80	5.85	4.95
1900	5.05	5.05	5.05	5.05	4.50
1899	4.05	4.05	4.05	4.05	3.75
1898	3.85	3.85	3.80	3.85	3.45
1897	3.70	3.65	3.75	3.70	3.40
1896	3.50	3.40	3.60	3.50	3.40
1895	4.30	4.35	4.30	4.30	3.90
1894	5.00	5.05	5.05	5.05	4.25
1893	6.60	6.55	6.60	6.60	6.05

TABLE No. 14.—WESTERN SHEEP AND EXPORT STOCK.—*Monthly prices at Chicago for western sheep and export sheep and yearlings during 1904, with yearly comparisons.*

	Western sheep.	Bulk of westerns.	Export sheep and yearlings.
Month.			
January	$2.25 to $4.75	$3.75 to $4.50	$3.85 to $4.75
February	2.40 to 4.75	3.95 to 4.60	4.25 to 4.75
March	2.75 to 5.45	4.40 to 5.15	4.70 to 5.45
April	3.50 to 5.80	5.00 to 5.75	5.00 to 5.75
May	2.75 to 5.80	5.00 to 5.60	5.00 to 5.80
June	2.25 to 5.50	4.25 to 5.20	5.25 to 5.50

TABLE No. 14.—WESTERN SHEEP AND EXPORT STOCK.—*Monthly prices at Chicago for western sheep and export sheep, etc.*—Continued.

	Western sheep.	Bulk of westerns.	Export sheep and yearlings.
Month.			
July	$2.00 to 4.65	$3.50 to 4.40	$3.75 to 5.25
August	2.00 to 4.25	3.35 to 4.00	3.80 to 4.50
September	2.00 to 4.35	3.00 to 4.10	4.00 to 4.50
October	2.00 to 4.75	3.15 to 4.35	3.90 to 4.75
November	2.00 to 4.85	3.60 to 4.60	4.10 to 5.00
December	3.00 to 5.60	4.20 to 5.00	4.35 to 5.60
Yearly range.			
1904	2.00 to 5.80	3.50 to 5.20	3.75 to 5.80
1903	1.25 to 7.00	3.00 to 5.50	3.15 to 6.50
1902	1.25 to 6.30	3.00 to 6.25	3.40 to 6.25
1901	1.25 to 5.25	3.00 to 5.00	3.25 to 5.25
1900	2.50 to 6.50	3.40 to 6.30	3.75 to 6.00
1899	2.40 to 5.55	3.35 to 5.50	3.85 to 5.25
1898	2.75 to 5.25	3.50 to 5.00	
1897	2.15 to 5.35	3.00 to 5.00	
1896	1.15 to 4.30	2.40 to 3.85	
1895	1.35 to 5.55	2.00 to 4.75	
1894	1.10 to 5.40	1.75 to 4.50	
1893	1.25 to 6.40	2.50 to 5.25	

APPENDIX F.

TABLE A.—*Range of prices of No. 1 buffs and calfskins since 1892 in Milwaukee.*

Year.	No. 1 buffs.				No. 1 calfskins.			
	High.		Low.		High.		Low.	
	Price.	Month.	Price.	Month.	Price.	Month.	Price.	Month.
	Cents.		*Cents.*		*Cents.*		*Cents.*	
1892	5½	Jan	4½	Sept	9½	Dec	7½	June.
1893	5	Mar	3½	Nov	10½	Mar	6½	Aug.
1894	6	Dec	3½	June	9½	Dec	7	Apr.
1895	9½	July	5½	Feb	14½	July	8	Dec.
1896	9½	Oct	5½	Aug	11½	Nov	7½	Apr.
1897	10	Sept	7½	May	14	Nov	9½	May.
1898	10½	June	9	Apr	13½	Feb	11½	Apr.
1899	11½	Dec	9½	Apr	13½	Dec	12	June.
1900	11	Jan	8½	Aug	13½	Jan	9½	Aug.
1901	9½	Oct	7½	Apr	12½	Oct	11½	Mar.
1902	9½	Sept	7½	Mar	12½	Dec	11	July.
1903	9½	June	8	Nov	13	Dec	11½	June.
1904	10½	Nov	8½	Feb	14½	Dec	13	Apr.
1905	13½	Nov	10	Mar	16	Nov	14½	June.

This table plainly shows that calfskins, which are upon the free list, advanced and declined at different times, depending solely upon the supply and demand and not the tariff.

TABLE B.—*Green hide prices since 1854 in St. Louis, Mo.*

Year.	Highest.	Lowest.	Year.	Highest.	Lowest.
	Cents.	*Cents.*		*Cents.*	*Cents.*
1854	6½	4½	1880	10	6½
1855	6½	4½	1881	9½	8½
1856	8	6	1882	9½	8½
1857	11	4	1883	8½	7
1858	7½	4½	1884	9½	8½
1859	8½	6	1885	9½	7½
1860	7	6	1886	9½	8½
1861	6	2½	1887	8	6½
1862	7½	4½	1888	7¼	6½
1863	9½	7	1889	6	4½
1864	11½	8	1890	8	4½
1865	9	5	1891	6½	4½
1866	10½	6½	1892	4½	3½
1867	12	8	1893	4½	2½
1868	12	10	1894	5½	3½
1869	12	9	1895	9	5
1870	10	7½	1896	8½	4½
1871	10	9	1897	9½	7½
1872	11	10	1898	9½	8
1873	11½	7	1899	10½	8½
1874	9½	8½	1900	9	7½
1875	9½	7	1901	8½	6½
1876	9½	6	1902	8½	7½
1877	9½	7½	1903	8	7½
1878	8½	5½	1904	9½	7½
1879	10½	6½	1905	13½	9½

TABLE C.—*Prices of hides at Chicago with comparisons of previous years.*

CHICAGO PACKER HIDES, 1905.

Date.	Heavy native steers.	Butt branded steers.	Heavy Texas steers.	Light Texas steers.	Heavy Colorado steers.	Heavy native cows.	Light native cows.	Branded cows.	Native bulls.	Branded bulls.	Average price.
Jan	$13.80	$12.50	$13.81	$12.87	$12.37	$12.03	$11.75	$11.05	$10.50	$9.25	$11.993
Feb	13.49	12.47	13.81	12.93	12.27	11.81	11.65	11.75	10.50	9.25	11.933
Mar	13.00	12.41	13.96	13.10	12.32	11.62	11.62	11.92	10.37	9.37	11.969

TABLE C.—*Prices of hides at Chicago with comparisons of previous years*—Continued.

Date.	Heavy native steers.	Butt branded steers.	Heavy Texas steers.	Light Texas steers.	Heavy Colorado steers.	Heavy native cows.	Light native cows.	Branded cows.	Native bulls.	Branded bulls.	Average price.
Apr	$13.11	$12.65	$14.75	$13.76	$12.62	$12.00	$12.06	$12.12	$10.37	$9.50	$12.382
May	13.45	13.25	15.11	14.25	13.16	12.37	12.50	12.50	10.37	9.62	12.658
June	13.42	13.08	14.63	14.15	13.12	12.55	12.55	12.65	10.25	9.46	12.566
July	14.13	13.11	14.50	13.12	13.10	13.20	13.17	12.96	10.37	9.56	12.712
Aug	15.25	13.65	14.73	14.37	13.59	14.15	14.00	13.50	10.82	9.95	13.401
Sept	15.19	13.75	14.30	14.47	13.54	14.24	14.09	13.50	11.25	10.00	13.433
Oct	15.34	13.75	14.41	14.50	13.50	14.50	14.41	13.50	11.25	10.04	13.520
Nov	15.66	13.91	14.57	14.60	13.65	14.69	14.62	13.65	11.65	10.50	13.759
Dec	15.77	14.00	14.75	14.75	13.75	14.75	14.75	13.75	11.70	10.67	13.884
Average:											
1905	14.30	13.21	14.44	13.91	13.08	13.16	13.10	12.74	10.77	9.76	12.87
1904	11.66	10.89	12.65	11.67	10.81	10.60	10.52	10.28	9.10	8.15	10.633
1903	11.69	10.57	12.64	11.19	10.54	10.07	9.64	9.19	9.61	7.69	10.283
1902	13.38	12.35	14.41	12.42	12.10	11.12	10.12	10.01	10.50	9.10	11.569
1901	12.37	11.46	12.88	11.53	11.21	10.66	10.07	9.87	10.19	8.54	10.858
1900	11.94	11.04	11.99	11.09	10.49	10.62	10.44	10.18	9.93	8.42	10.664
1899	12.34	11.44	12.07	11.55	10.70	11.27	10.40	10.90	10.04	8.50	11.021
1898	11.50	10.08	10.74	10.43	9.24	10.84	11.02	9.72	9.56	7.32	10.065
1897	9.96	9.14	9.33	8.94	8.28	9.35	9.74	8.74	8.27	6.30	8.810
1896	8.14	7.25	7.44	6.94	6.45	7.51	7.53	6.66	6.63	5.25	6.980
1895	10.20	8.97	9.48	8.60	8.39	8.76	8.52	8.00	7.41	6.42	8.475
1894	6.38	5.73	6.39	5.41	5.31	4.95	4.67	4.53	4.38	3.81	5.155
1893	7.31	6.28	6.45	5.49	5.59	5.21	4.74	4.71	5.20	4.07	5.556
1892	8.79	7.40	7.46	6.50	6.36	5.94	5.38	5.17	5.87	4.31	6.318

CHICAGO COUNTRY HIDES, 1905.

Date.	No. 1 heavy steers.	Branded steers, flat.	No. 1 heavy cows.	Branded cows, flat.	No. 1 buffs.	No. 1 extremes.	No. 2 buffs.	Bulls, flat.	No. 1 calfskins.	No. 1 kips.	Average price.
Jan	$11.50	$11.18	$10.37	$10.01	$10.22	$10.32	$9.31	$8.50	$14.33	$11.82	$10.756
Feb	11.17	11.50	10.37	10.14	10.15	10.35	9.20	8.50	14.43	11.36	10.717
Mar	11.35	11.08	10.36	9.71	10.35	10.50	9.44	8.50	14.55	11.39	10.718
Apr	11.37	11.25	10.50	9.92	10.52	10.60	9.64	8.53	14.70	10.89	10.792
May	11.42	11.42	10.94	10.25	11.00	10.94	9.95	8.78	14.66	10.96	11.032
June	11.60	11.58	11.35	10.56	11.31	11.44	10.34	9.06	14.17	11.22	11.353
July	12.25	11.58	12.33	10.62	12.33	12.53	11.39	9.25	14.44	12.00	11.873
Aug	13.07	12.10	12.96	11.26	12.96	13.25	12.07	9.57	14.86	13.22	12.532
Sept	13.50	12.42	13.25	11.87	13.25	13.75	12.38	9.84	15.19	14.40	12.955
Oct	13.94	12.45	13.42	11.95	13.38	13.98	12.58	10.31	15.19	14.67	13.187
Nov	14.25	12.78	13.65	12.28	13.65	14.25	12.78	10.67	15.85	14.88	13.504
Dec	14.21	13.05	13.55	12.56	13.40	13.75	12.52	11.12	15.71	14.20	13.405
Average:											
1905	12.47	11.86	11.92	10.93	11.88	12.14	10.96	9.39	14.84	12.58	11.887
1904	10.03	9.42	9.47	8.42	9.45	9.75	8.49	7.87	13.37	11.08	9.734
1903	9.71	8.82	8.66	7.85	8.59	8.87	7.63	7.75	12.05	10.16	9.009
1902	10.99	9.45	9.41	8.55	8.74	8.83	7.78	8.73	11.89	9.67	9.401
1901	10.50	8.84	9.25	8.56	8.73	8.77	7.73	8.43	11.93	9.36	9.220
Average:											
1900	10.29	8.75	9.30	8.73	9.11	9.52	8.26	8.05	11.91	10.16	9.449
1899	10.79	9.69	10.13	9.55	10.08	10.43	9.58	8.71	12.84	10.95	10.276
1898	10.25	8.85	9.90	8.85	9.94	10.49	9.43	8.46	12.49	11.20	9.986
1897	9.00	7.77	8.65	7.88	8.86	9.55	8.35	7.45	12.08	10.50	9.009
1896	7.20	6.16	6.86	6.21	6.85	7.43	6.36	5.83	9.10	7.96	6.996
1895	8.79	8.07	7.97	7.26	7.86	8.07	7.36	6.51	11.23	8.93	8.256
1894	5.30	4.89	4.41	4.02	4.21	4.76	3.73	3.89	7.84	6.12	4.917
1893	6.09	4.82	4.57	3.91	4.26	4.49	3.65	4.37	8.35	6.21	5.022
1892	7.61	5.64	5.30	4.49	4.86	6.28	4.28	5.05	8.15	6.60	5.764

TABLE D.—*Antwerp prices of South American salted ox hides.*

Year.	Price.	Year.	Price.
	Cents.		*Cents.*
1905	14½	1895	13½
1904	14½	1894	10½
1903	14	1893	10
1902	13½	1892	9½
1901	12½	1891	10½
1900	13	1890	11½
1899	12½	1889	11
1898	12½	1888	10½
1897	11½	1887	13½
1896	11	1886	12½

The price of hides is, after all, the best index of supply and demand. It will be observed that South American hides were dearer in 1905 and 1904 than at any time in twenty years. It should be interesting and instructive to readers of Hide and Leather to discover that conditions affecting the supply and cost of hides are substantially the same in South America as in our own country.

THE SUPPLY OF PACKER HIDES.

The actual slaughter of cattle at five leading western packing points for 1905 shows an increase of 295,090 head from 1904, but a decrease of 127,772 head from 1903. This table gives the detailed figures:

Slaughter of cattle at five points for three years.

	1905.	1904.	1903.
Chicago	2,002,273	1,939,152	2,163,031
Kansas City	1,244,775	1,012,665	1,033,384
Omaha	681,757	642,277	766,870
St. Joseph	367,916	406,467	404,937
St. Louis	765,162	766,232	821,433
Total	5,061,883	4,766,793	5,189,655

It is evident from this showing that the supply of packer hides is not keeping pace with the increased consumption of leather caused by the increased population and prosperity of the country.

APPENDIX G.

EXHIBIT A.

[Letters from harness manufacturers showing quantity and value of leather used in heavy harness.]

ST. LOUIS, *January 18, 1906.*

Mr. CHARLES H. WEISSE,
Washington, D. C.

DEAR SIR: Your kind favor of 15th to hand. In response to same we give you herewith weight of the leather used on the heavy farm-team harnesses. Weight of same would be from 35 to 45 pounds, according to the grade. The value of the leather would be 45 cents per pound for cut stock, based on to-day's prices of harness leather. In order to make one dozen heavy full-leather horse collars it would take from 85 to 90 feet of collar leather, which is worth to-day 19 cents per foot.

Trust information is satisfactory. If anything further is required, we shall be pleased to furnish same, and remain,

Yours, very truly, ——— ———.

ST. PAUL, MINN., *January 19, 1906.*

Hon. CHARLES H. WEISSE,
Washington, D. C.

DEAR SIR: Replying to your communication of the 15th would state the amount of leather used in a heavy team harness ranges, according to the style and dimensions, from 35 to 60 pounds. Think the average for this section is about 45 pounds per set, for two horses, and costs (cut stock), not counting labor for cutting, if average good stock is used, $22.50 at the present price of leather. The labor on an average-priced team harness, by hand, about $6.50 per set. A good ordinary team horse collar has 85 feet of leather, which is worth $17. Labor, from $5.50 to $6.50 per dozen.

It seems to the writer, when we consider according to the best statistics at hand, there is a world shortage on hides, and especially when the price of cattle is not at all based on the value of the hide, which is considered a by-product only and really benefits only the large packers, who control both the hide and leather market to-day, the tariff ought to come off. There is no considerable number of people benefited by high-priced hides, as the percentage of country hides taken off is very small indeed compared to a few years ago before the time when large packers inaugurated their present system of furnishing dressed beef to all the small markets throughout the country, thereby cutting off the local killing by the small butchers. The heavy increased demands for different kinds of leathers has during the past two years made it very difficult for manufacturers to secure sufficient quantity of certain kinds of leather to supply their needs. Tanners outside of what is ordinarily called the trust claim that they are unable to secure hides at a price sufficient to run their tanneries at a full capacity.

Very truly, yours, ——— ———.

CHICAGO, *January 17, 1906.*

Hon. CHARLES H. WEISSE,
House of Representatives, Washington, D. C.

DEAR SIR: In reply to yours 15th instant, the cost of leather in producing heavy farm team harness is from $10 to $20 per set, the labor from $3 to $6 per set. For heavy full-leather horse collars, cost of leather is from $15 to $20 per dozen, and labor from $4 to $10 per dozen.

This information is not definite, but there is considerable difference as to both cost of materials and labor depending upon the grade and heft of the harnesses and collars.

Very truly, yours, ——— ———.

KANSAS CITY, MO., *January 19, 1906.*

Hon. CHARLES H. WEISSE,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to yours of the 15th, will say that in a single set of heavy farm team harness there is about 40 pounds of leather, at about a valuation of 45 cents per pound. In a dozen full-leather horse collars there is about 100 feet of collar leather, at 21 cents per foot.

Trusting this will be satisfactory, we remain,

Yours, very truly, ——— ———.

EXHIBIT B.

[Letters from manufacturers of plow shoes and plow boots, showing quantity of leather used and its value per pair.]

MILWAUKEE, WIS., U. S. A., *January 20, 1906.*

Mr. CHARLES H. WEISSE,
Sheboygan Falls, Wis.

DEAR SIR: We have your favor of the 15th instant, inquiring as to the amount of leather used in producing heavy grain-leather plow shoe and boot.

It takes fully 2¼ feet to cut a regular height (6 inches) plow shoe, and for the lowest plow boot we make, which is 14 inches, it takes fully 4¼ feet of leather. The leather we are using now costs 19 cents a foot.

Yours, truly, ——— ———.

CHICAGO, *January 18, 1906.*

Mr. CHARLES H. WEISSE,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to yours of the 15th, figures such as you ask for necessarily will vary in different institutions, according to the size of the last, height of shoe, and quality. Those we give below are the ones in use in our establishment, and apply to standard height, last, and quality made for workingmen.

Six and one-half to 7 ounce western oil grain is used, for which we are asked 18½ cents per foot, with the usual discount. It requires about 2¼ feet per pair; about quarter of a foot for the gusset, or tongue, which is cut out of 7-cent leather. The strap on leather is usually got out of scrap which falls from the cutting of the sides. On shoes made plain, without any trimmings, the above constitute all the leather in the upper.

In sole leather it is hard to give any idea of the amount, for different stocks are used for outsoles, slip soles, counter, and heels, and the total weight in the shoe can only be arrived at by footing up the estimates for these different parts and dividing by the average cost of the leather. In this way we arrive at about 2¼ pounds. As to cost, there is considerable variation, according to the quality of the leather used. An outsole cut from leather tanned from South American dry hides, at 24½ cents per pound, to-day's market, would cost about 24 cents per pair on our dies; inner soles, about 7½ cents; slip sole, 6½ cents; the counter, at 7½ cents; the heel and top lift, 10 cents; total of 56 cents. If domestic-slaughter sole leather is used, about 2½ cents shoud be added to the allowance for the outsole.

The amount of stock used in boots varies according to the height. We have made boots which take only 5¼ feet per pair, and from that up to 6. These would be cut from 7½-ounce oil grain sides, which are to-day quoted at 20 cents per foot, with the usual discount. This brings the cost of the upper from $1.05 to $1.20. To the sole-leather estimates about 12 to 15 per cent should be added on account of the heavier weight required for boots.

Trusting that this information will be satisfactory, and ready to serve you further,

Yours, truly, ——— ———.

APPENDIX H.

EXHIBIT A.

[Telegrams showing weights of western hides.]

MINNEAPOLIS, MINN., *January 17, 1906.*

CHARLES H. WEISSE,
House of Representatives, Washington, D. C.:

Three thousand October hides shipped by one dealer average 50 pounds, including all selections 25 pounds and up. ——— ———.

CHICAGO, ILL., *January 15, 1906.*

Hon. CHARLES H. WEISSE,
Washington, D. C.

DEAR SIR: Shipments of hides received from small packer in Montana to-day. After sorted 25 pounds and up, the hides, 1,055 green salted, averaged 56½ pounds.

Yours, truly, ——— ———.

KANSAS CITY, MO., *January 16, 1906.*

Hon. CHARLES H. WEISSE,
Washington, D. C.

DEAR SIR: The hides sold in Kansas City during the month of October and September, this year, 25 pounds and up, averaged 48 to 50 pounds.

Yours, truly, ——— ———.

DAYTON, OHIO, *January 16, 1906.*

Hon. CHARLES H. WEISSE.

DEAR SIR: Our hide collections in September, 1905, averaged 52 pounds for 25 and upward. Indianapolis collections averaged about the same. ——— ———.

EXHIBIT B.

[Letters quoting freight rates of the Chicago, Milwaukee and St. Paul Railway on green and dry hides.]

CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY,
Chicago, January 20, 1906.

Confirming my telephone message of this date, following are present rates from Denver, Colo., to Chicago, Ill.:

Hides, green:	
L. C. L., per 100 pounds	$1.25
C. L., per 100 pounds	.70
Hides, dry:	
L. C. L., per 100 pounds	2.05
C. L., per 100 pounds	.95

CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY,
Chicago, January 20, 1906.

Confirming my telephone message of this date, following are present rates from Butte, Mont., to Chicago, Ill.:

Hides, green:	
L. C. L., per 100 pounds	$2.10
C. L., per 100 pounds	1.15⅞
Hides, dry:	
L. C. L., per 100 pounds	3.10
C. L., per 100 pounds	1.80

CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY,
Chicago, January 20, 1906.

Confirming my telephone message of this date, following are present rates from Salt Lake City, Utah, to Chicago, Ill.:

Hides, green:	
L. C. L., per 100 pounds	$2.20
C. L., per 100 pounds	1.38
Hides, dry:	
L. C. L., per 100 pounds	3.30
C. L., per 100 pounds	1.57

EXHIBIT C.

[Letters showing ocean freight rates on green and dry hides, loose and baled.]

NEW YORK, *January 22, 1906.*

Hon. CHARLES H. WEISSE,
Washington, D. C.

DEAR SIR: In reply to your esteemed favor of the 20th instant we beg to quote you the following freights:

Dry hides from Mexico, loose, 20 cents each and 5 per cent primage.

Dry hides from Mexico, when baled up, three-fourths cent per pound plus 5 per cent.

W. S. hides from Mexico, three-eighths cent per pound plus 5 per cent.

Dry hides from Central America, in bales, 1¼ cents per pound net.

Dry hides from South American ports, 12½ cents each plus 5 per cent, and light-house dues 86 cents per ton, wharfage 12 cents per ton. These are export entry charges.

If we can get you any further information, please command us.

Yours, truly,

_____ _____.

NEW YORK, *January 23, 1906.*

Hon. CHARLES H. WEISSE,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to your previous inquiry about freight rates, we give you below the following quotations, which we received this morning, and which we hope will be of service to you:

From Calcutta: Buffalo hides, 60s. per 14 hundredweight; goatskins, 70s. per 14 hundredweight.

_____ _____.

NOTE.—Sixty shillings equal $14.75; 70s. equal $17.20.

NEW YORK, *January 17, 1906.*

Hon. CHARLES H. WEISSE,
Congress, Washington, D. C.

DEAR SIR: Referring to our communication regarding the freight rates, our freight agent gets us the following:

London to New York, goatskin hides, 15s. plus 10 per cent for 2,240 pounds (on deck).

New York to Milwaukee, goatskin hides, 30 cents per 100 pounds, minimum 30,000 pounds; less than carload, 35 cents per 100 pounds.

London to New York, dry hides, loose, 27.6s. plus 10 per cent; in bales, 22.6s. plus 10 per cent.

New York to Milwaukee, dry hides, loose, 50 cents per 100 pounds; in bales, 35 cents per 100 pounds; minimum, 20,000 pounds.

If we can be of any service to you here, please command us.

We are importing dry Batavia cowhides, very spready, about 8 pounds average, which we have sold very extensively in your neighborhood, and we expect some in next month, and can offer you about 1,000 of them, subject to previous sale, at 36 cents per pound.

If you are interested in them, kindly advise us.

Hongkong-New York rates are not obtainable here, but we estimate 25 per cent for green salted.

Yours, truly,

_____ _____.

[According to the above letter of January 17, the rate on green salted hides from London to New York is 15s. plus 10 per cent for 2,240 pounds (on deck), which is about 33 cents per hundred, or 68 cents per hundred to Milwaukee in less than carload lots, against a rate of $2.10 for less than carload lots from Butte, on green salted hides to Chicago, and a rate of $2.20 on less than carload lots on green salted hides from Salt Lake City, making a difference in the stock about the same as the difference in the tariff, or, according to the average country hide prices since the duty has been on, making a difference in the value of hides from there about the same as the duty, and the man from Butte, Mont., doesn't receive any more for his hides if he ships them to Chicago than the man from London, England, who ships to Chicago, which is the greatest hide market in the world. How does the 15 per cent duty protect the man in Butte, and isn't it the railroads that fix the price?]

APPENDIX I.

A comparison of the world's cattle statistics—Tabulation of official returns.

[Alfred Seymour Jones in the London (England) Leather Trades Review. Reprinted in Hide and Leather, issue of January 27, 1906.]

WHY HIDES ARE DEARER.

"I am inclined to say that the increase in cattle has not kept pace with the constantly increasing demand for leather brought about by increase in population, new industries, factories, and wealth." (Alfred Seymour Jones, English leather trade authority.)

Much has been said and written to explain the cause of, or causes for, the advance in the values of hides during recent times. Among the causes advanced the following have been especially urged: That the birth rate of cattle has not kept pace with the birth rate of human beings. That when a country becomes a manufacturing area it does so at the expense of the depletion of the head of cattle. That rinderpest and drought have caused serious losses. That more people to-day buy leather than formerly. That war, during recent years, has, at least in two countries, accounted for large declines in local herds.

In order to ascertain whether these causes are good we must take the official returns for all those countries which at present furnish them, and at the same time compare in a relative sense the demands of the population for leather.

In all cases I give the maximum head first, then the minimum, and when necessary the latest returns. The figures are extracted from official returns during the past twenty-five years. The comments following each are my own.

THE UNITED KINGDOM.

1905	11,674,026
1882	9,832,417

The progress of increase has been steady for over twenty-five years, and the total head has never been so large as it is to-day.

It is interesting to note, and to remember, when comparing the figures for the United States, that the British board of agriculture say, "The live imports of cattle for 1904 numbered nearly 550,000 head, or 27,000 more than for 1903. The increase came from the United States, whence 100,000 more cattle were received than in 1903, equal to 72 per cent."

We will now turn our attention to the four leading continental countries.

Russia in Europe, including Poland and Caucasia.

RUSSIA.

1900	32,913,228
1883	23,628,031
1903	32,791,700
1904 (estimated)	30,858,410

POLAND.

1888	3,013,392
1903	2,887,400
1904 (estimated)	2,349,524

CAUCASIA.

1903	3,625,600
1900	3,515,590
1904 (estimated)	2,892,841

The official Russian returns for 1904 show a decline, and from my knowledge of that country I should put the reduction down to the unsatisfactory political situation which has existed there for some years past, but with the establishment of good government the total head of cattle should be largely augmented. The country is especially suited to the rearing of cattle.

GERMANY.

1900 (latest)	18,939,692
1873	15,776,702

I have gone back thirty years in the case of Germany to ascertain if there is any justification for the plea that "when a country has become a manufacturing area it does so to the depletion of the head of cattle."

I think no one will deny that the Fatherland, since the war of 1870, which brought her unity, has become a large manufacturing country. Yet from 1873 up to date, each year shows a steady and progressive increase in her cattle.

FRANCE.

1902	14,928,550
1885	13,104,970
1903	14,103,090

The increase has been continuous up to 1902.

AUSTRIA.

1900 (last)	9,506,626
1869	7,425,212

HUNGARY.

1895 (last)	6,783,365
1870	5,279,193

In the instance of Austria I had to go as far back as 1869 to find the minimum. It is regrettable that both countries afford no later dates than those given, but each country shows a remarkable and steady increase.

In referring to the above countries, the British board of agriculture says: "So far as the head of the five leading European countries are concerned, viz, Russia in Europe, Germany, United Kingdom, France, and Austria, there would appear to have been a general advance in numbers. The combined heads are greater by nearly 22 per cent than they were some thirty years ago. If the older figures may be trusted, the percentage of rise in Austria was the greatest, or something like 28 per cent, as against 20 per cent in France and Germany and 13 per cent in our own country."

UNITED STATES OF NORTH AMERICA.

1900	67,822,336
1870	23,820,608
1905	61,241,907

"The heads of the United States have, according to the official data, shown no growth whatever since this country began," say the British board of agriculture.

It will perhaps be of interest if I give the statistics since 1870:

1870	23,820,608
1880	29,675,533
1890	57,648,792
1900	67,822,336

The above are census figures. The census of 1900 included spring calves, a procedure, it is explained, adopted in only a few instances in the enumerations of 1890, 1880, and 1870.

1902	61,424,599
1903	61,764,433
1904	61,049,315
1905	61,241,907

It appears to me that had the annual census been taken on 1900 basis there would have been no falling off, but a fairly steady total during the past five years.

CANADIAN DOMINION.

1901 (last)	5,576,451
1891	4,120,586

The data collected at the census for the following provinces do not agree with those published by the provincial governments, consequently are not comparable with above:

ONTARIO.

1904	2,776,104
1881	1,702,167

The increase has been constant annually.

MANITOBA.

1903	310,577
1902	282,343
1904	306,943

NORTHWEST TERRITORY.

1901 (last)	591,739
1891	231,827

NEW BRUNSWICK.

1901 (last)	227,196
1891	204,692

NEWFOUNDLAND.

1901 (last)	32,767
1891	23,828

NOVA SCOTIA.

1891	324,772
1901 (last)	316,174

PRINCE EDWARD ISLAND.

1901 (last)	112,779
1881	90,722

QUEBEC.

1901 (last)	1,365,829
1891	969,312

With the exception of two provinces, Canada as a whole has steadily, year by year, increased her store of cattle.

AUSTRALIAN COMMONWEALTH.

NEW SOUTH WALES.

1895	2,150,057
1902	1,741,226
1903	1,880,578

This State every three years reaches 2,000,000 head, and in subsequent two years loses ground. Drought possibly has something to do with it.

VICTORIA.

1891	1,782,881
1881	1,286,267
1901	1,602,384

Census taken every ten years.

QUEENSLAND.

1895	6,822,401
1903 (last)	2,481,717

This State has reduced her head of cattle steadily since 1895, and appears to be going out as a live-stock producer.

SOUTH AUSTRALIA, EXCLUDING NORTHERN TERRITORY.

1891	359,938
1903	213,343
1904	244,610

This State has been declining in head of cattle for some years, falling below 300,000 in 1897.

WESTERN AUSTRALIA.

1903 (last)	497,617
1887	93,544

This State shows an annual increase since 1887.

TASMANIA.

1904 (last)	185,938
1890	150,004

This State shows a steady annual increase.

NEW ZEALAND.

1904	1,736,850
1898	1,203,024

Here, too, the increase has been year by year.

It can scarcely be maintained that the vast area of Australia, 1,902,447,000 acres; New Zealand, 67,041,000 acres, are cattle-raising countries; yet, excepting Queensland, the total head of cattle has been fairly maintained in spite of the drought, etc.

CAPE OF GOOD HOPE.

1896	2,303,582
1899 (last)	1,077,044

The returns of 1899 do not include Vryburg division of Bechuanaland. Since 1899 war has undoubtedly diminished the head of cattle, but it is anticipated that when enumeration is resumed the figures of 1896 will be approached.

NATAL.

1903 (last)	626,727
1898	278,558

This colony shows a continuous increase since 1898.

RHODESIA.

1905	114,592
1903	94,544

A new colony with great promise.

TRANSVAAL.

1903	200,000
1902	50,000

These are official estimates.

URUGUAY.

1900	6,827,428
1894	5,205,272
1901	6,326,601

Returns show a fairly continuous advance up to 1900.

ARGENTINA.

1888	21,961,657
1895 (last)	21,701,526

Unfortunately this important cattle-raising state provides no regular or recent statistics, but we may reasonably expect a further decline, because as agriculture increases it is the invariable rule for live stock to make way for the plow.

ALGERIA.

1891	1,233,051
1898	1,004,175
1901	1,035,104

MEXICO.

1902	5,142,457

JAPAN.

1901 (last)	1,282,341
1890	1,044,976

It is doubtful whether Japan, in spite of her 94,499,000 acres, will ever be a serious cattle-raising country. The area of the pasture land is limited, and the prevalence of bamboo grass a constant source of danger to live stock; nor is she likely, in my opinion, for many years yet, to become, outside of her army and navy requirements, a large user of leather.

SIBERIA AND STEPPES.

1903	4,946,800
1900	4,154,450
1904	4,483,585

Latter is an official estimate.

SERVIA.

1900 (last)	942,087
1890	819,251

Increase continuous.

SPAIN.

1891	2,217,659

ROUMANIA.

1900 (last)	2,588,526
1897	2,138,315

Increase erratic.

BULGARIA.

1893	1,767,974

Including 342,193 buffalo.

ITALY.

1890	5,000,000
1875	3,489,125
1882	4,783,232

1890 estimated by authorities.

SWITZERLAND.

1901 (last)	1,340,375
1876	1,035,856

Steady annual increase.

SWEDEN.

1901	2,594,359
1880	2,227,757
1903	2,586,204

Increase fairly steady.

NORWAY.

1875	1,016,617
1900 (last)	950,201

Steady decrease.

HOLLAND.

1903 (last)	1,667,100
1894	1,504,300

Increase annually.

BELGIUM.

1903 (last)	1,720,150
1866	1,242,445

Increase slow, but steady throughout.

INDIAN EMPIRE.

India plays no small part in influencing hide values. The number of bovine animals is so large that I give the totals for the past five years of enumeration returns:

1899	87,069,789
1900	87,737,930
1901	87,288,933
1902	85,295,210
1903	85,135,600

In comparing these figures we must bear in mind that in 1899 Sind was not included, and in 1902 and 1903 the largest province of Bengal was not included. Had it been enumerated I think it would have been found that India shows little or no decline in numbers.

CEYLON.

1901	1,476,747
1902	1,347,827
1904	1,421,533

CONCLUDING SUMMARY.

The foregoing official returns, though not up to date, will furnish us with some indication of the position of the cattle herds of the major portion of the world. It omits such important countries as China, Korea, Manchuria, Malay States, Africa (general), and many South American states. A careful study of the figures will show that the herds have been fairly maintained, if not increased, in many important instances, and that when a country becomes a manufacturing area the tendency is to increase the herds. If that is true, what are the causes for the apparent scarcity? I am inclined to say that the increase in herds has not kept pace with the constantly increasing demand for leather brought about by increase in population, new industries, factories, and wealth.

This increased demand has been met somewhat in the past by the splitting machine, which made a hide or skin go from two to four times as far as formerly, but even that limit has been passed. The introduction of electricity was heralded as the abolitionist of leather belting, yet more belting is being made to-day in leather, textile, and rubber than ever, and electric works have become large users of leather. In boots and shoes we have become extravagant. Our forefathers were not content if a boot did not last a few years; it had to be soled and heeled until the upper was done. Where are the boot repairing shops, the cobbler, to-day? Clogs in Lancashire and Yorkshire are giving place to boots. On the Continent sabots no longer find favor. Increased facilities of locomotion—electric cars, motor cars, palatial steamers, etc., all make for increased consumption of leather, even to alteration in style of footwear.

We have, in my opinion, to recognize that the social and mechanical revolution during the past two decades accounts for a very large share of the increased demand.

The wars in South Africa and Manchuria must have depleted the world's accumulation of leather, and while raging brought grist to the suppliers, but war always leaves evil effects on commerce which time alone can repair.

In conclusion, the foregoing statistics do not in all cases bring us up to date, but looking at the various countries in the light of their history and over the events of the past few years, especially where we have no returns, I think that we may reasonably sum up the situation: "The herds of the world have increased in proportion to demand in a declining ratio."

APPENDIX K.

TABLE A.—*Imports of cattle.*

Year.	Free, for breeding.		Dutiable.	
	Number.	Value.	Number.	Value.
1895	14,956	$99,114	134,825	$966,749
1896	734	15,091	217,092	1,494,765
1897	204	24,360	328,773	2,565,497
1898	577	76,631	291,012	2,896,562
1899	624	95,353	199,128	2,225,009
1900	1,045	202,615	179,961	2,055,079
1901	1,249	273,728	144,773	1,657,705
1902	1,928	375,096	94,009	1,283,626
1903	1,481	225,875	64,084	935,673
1904	684	79,986	15,372	230,751

TABLE B.—*Exports of cattle.*
[From Agricultural Year Book, 1904.]

Year.	Number.	Value.	Average price.
1892	394,607	$35,099,095.00	$88.95
1893	237,094	26,032,428.00	90.68
1894	359,278	33,461,922.00	93.14
1895	331,722	30,603,796.00	92.26
1896	372,461	34,500,672.00	92.79
1897	392,190	36,357,451.00	92.70
1898	439,255	37,827,500.00	86.12
1899	389,490	30,516,833.00	78.35
1900	397,286	30,635,153.00	77.11
1901	459,218	37,566,980.00	81.81
1902	392,884	29,902,212.00	76.11
1903	402,178	29,848,936.00	74.22
1904	593,409	42,256,291.00	71.21

The tariff of 27½ per cent added to the price of these cattle, no doubt, according to the man from Iowa's idea, in the home market, and the duty of 15 per cent on hides added to the price of these cattle when the hides are sold in the foreign market and must pay 15 per cent duty to get back in the United States. Won't the hide be worth less the duty and freight in the foreign market; and then don't the cattle sell for less here than they would if hides came back here free, we being the largest tanning country in the world, and use them? Or was it because we imported 328,773 head in 1897 and only 15,372 in 1904 that caused these large exports and the difference in price of $21.50 lower in 1904?

TABLE C.—*Imports of hides and skins.*

Year.	Pounds.	Value.	Dutiable.
1905	240,071,391	$64,763,146	$14,949,518
1904	274,733,467	52,006,070	10,989,035
1903	319,094,698	58,031,613	16,159,902
1902	326,169,103	58,006,618	17,474,039
1901	280,809,837	48,220,013	14,647,413
1900	345,924,778	57,935,698	19,408,217
1899	267,030,750	41,988,043	13,621,946
1898	245,774,616	36,068,932	13,624,989
1897	206,100,844	27,863,026	Free.
1896	210,398,011	30,520,177	Free.
1895	226,575,745	26,122,942	Free.
1894	.....	16,784,152	Free.
1893	.....	28,247,896	Free.
1892	.....	26,850,218	.....
1891	.....	27,930,759	.....

In 1898 we tanned 126,243,595 pounds of imported hides, with the duty on. In 1904 we tanned 85,370,168, or a decrease of over 50 per cent of hides that we pay a duty on, which shows that in the tanning business this class of stock has been decreasing because we can't get the raw material free. In 1898 we tanned hides that come in free, or so-called "skins," to the extent of 54,607,534 pounds, and in 1904 103,024,752 pounds, an increase of almost 100 per cent, showing plainly that when we have the raw material free we can compete with the world in producing leather, and if we have free hides will tan sufficient leather to supply the needs of the whole world, employing American capital and American labor.

TABLE D.—*Export of hides.*

Year.	Pounds.	Value.
1904	32,727,643	$3,246,887
1903	12,859,949	1,224,409
1902	9,372,947	905,504
1901	11,161,749	1,064,952
1900	7,486,256	804,674
1899	10,140,840	929,117
1898	11,536,073	1,015,032
1897	31,119,166	2,398,530
1896	39,545,324	3,858,946
1895	36,002,859	2,310,323

Export of hides is caused by the use of different grades of hides for different purposes, as, in order to make the different grades of shoes, they must have leather made out of different kinds of hides to produce the shoe at the lowest possible price.

TABLE E.—*Imports of all kinds of leather and kid gloves and all other manufactures of leather.*

Year.	Leather.	Kid gloves, etc.
1905	$12,952,519	$6,571,344
1904	4,909,231	6,190,984
1903	5,173,566	6,120,601
1902	5,021,846	6,295,939
1901	5,701,193	6,185,819
1900	6,519,172	6,073,024
1899	5,237,707	5,878,940
1898	5,625,145	5,788,980
1897	6,337,664	6,945,597
1896	6,098,095	7,362,137
1895	6,863,343	6,959,695

Imports of leather consist mostly of fine kid, manufactured kid shoes, and fancy gloves, and fine English rein and saddle leather, which is mostly used for the fine trade in the large cities, and costs a great deal more than the American goods, and could not be produced in America on account of the difference in tanning and currying. Enameled leather, which we have never been able to make successfully on account of our tanning, Germany and France having the quality of bark that is necessary to make these goods which we can not secure except by going over there and buying it from them.

TABLE F.—*Exports of leather and manufactures of leather.*

1905	$37,936,745
1904	33,980,615
1903	31,617,389
1902	29,798,322
1901	27,923,653
1900	27,293,010
1899	23,466,985
1898	21,113,610
1897	19,161,446
1896	20,242,756
1895	15,615,407
1894	14,283,492
1893	11,912,154
1892	12,084,781
1891	13,278,847

Exports of leather increased about 90 per cent in the four years from 1893 to 1896, so-called "dull and panic years," and from 1897 to 1905, such prosperous years, only increased about 95 per cent, showing plainly that when hides were on the free list the exports of manufactures of leather increased more rapidly.

TABLE G.—*Statistics of boot and shoe manufacture in the United States.*
[From the Census Report of 1900.]

	Year.	Establishments.	Capital.	Wage-earners.
United States	1900	1,600	$101,795,233	142,922
	1890	2,082	95,282,311	133,660
California	1900	30	1,257,746	994
	1890	56	1,740,175	2,280
Connecticut	1900	15	789,618	779
	1890	20	683,100	995
Illinois	1900	55	5,351,482	5,553
	1890	56	3,781,476	3,932
Kentucky	1900	7	254,382	207
	1890	11	280,166	296
Louisiana	1900	12	289,345	397
	1890	17	293,244	786
Maine	1900	48	5,148,278	6,432
	1890	53	4,804,946	6,382
Maryland	1900	19	499,609	896
	1890	28	863,965	1,182
Massachusetts	1900	640	37,577,630	58,645
	1890	1,057	44,567,702	67,374
Michigan	1900	13	1,135,961	1,117
	1890	12	972,534	1,309
New Hampshire	1900	67	8,123,481	12,007
	1890	64	3,956,774	7,922
New Jersey	1900	84	3,153,255	4,421
	1890	109	2,811,098	5,162
New York	1900	223	11,989,239	15,706
	1890	257	11,950,891	15,361
Ohio	1900	81	7,549,142	12,718
	1890	63	3,176,318	5,743
Pennsylvania	1900	146	6,860,480	9,144
	1890	158	5,394,799	7,616
Wisconsin	1900	40	2,473,626	2,567
	1890	32	2,621,606	2,666

TABLE H.—*Exports of boots and shoes.*

Year.	Pairs.	Value.
1905	5,315,699	$8,057,607
1904	4,642,531	7,258,940
1903	4,197,566	6,695,017
1902	3,963,766	6,182,098
1901	3,434,041	5,525,290
1900	3,016,720	4,726,656
1899	1,934,277	2,711,385
1898	1,307,031	1,816,578
1897	1,224,484	1,708,224
1896	1,036,255	1,436,666
1895	822,412	1,010,228
1894	647,318	777,354
1893	493,027	590,754
1892	745,112	914,974
1891	551,735	651,343

Boots and shoes, from 1893 to 1896, increased about 100 per cent, and from 1901 to 1904 increased only about 30 per cent, showing that the percentage of gain was much larger when we had free hides than when we had the duty on.

THREE HUNDRED AND SEVENTY-NINE DOLLARS A YEAR IS WHAT ILLINOIS MINERS GET—BUREAU OF LABOR STATISTICS REPORT SHOWS THIS WAS AVERAGE PAY FOR 1905—199 WERE KILLED AND 535 INJURED AT WORK—WHILE THE OPERATORS CRY "OVERPRODUCTION," THEY ARE OPENING NEW MINES.

[By W. C. Roberts.]

SPRINGFIELD, *April 8, 1906.*

The bureau of labor statistics demonstrates in glaring figures why the Illinois miners are seeking an advance in wages. The 53,336 employees who work underground in the mines earned an average of only $379 last year. They received an average of only one hundred and seventy-five days' work. They earned an aggregate of $20,214,344.

The value at the mouths of the pits of the coal they mined was $38,689,514. What the operator received for his coal in the different markets to which it was shipped is not given. The figures are taken from reports made by the operators and the amount for which the coal was sold omitted by them.

Another feature of the report that establishes the danger of the miners' employment is that 199 were killed, or 1 to every 186,851 tons of coal mined, and 535 were injured. Children left fatherless number 231. This was before the shot-firers law was enacted. Since the law went into effect there have been fewer violent deaths. The operators do not like the law, because the miners in their new agreement demand that the operators pay the shot firers. The miners claim that it is the duty of the operators to make employment in mines as safe as possible, and therefore they should pay the shot firers, who, the legislature believed, were necessary for that purpose.

WHAT THE REPORT SHOWS.

Advance sheets of the coal report of 1905 have been furnished by Secretary David Ross. The following table gives many interesting facts regarding the miners:

Table showing mining statistics for 1905 and 1904.

	1905.	1904.
Number of counties producing coal	56	54
Number of mines and openings of all kinds	990	932
New mines or old mines reopened during the year	168	106
Mines closed or abandoned since last report	110	109
Total output of all mines in tons of 2,000 pounds	37,183,374	37,077,891
Number of shipping or commercial mines	397	380
Total output of shipping mines ..... tons	35,956,543	35,779,517
Number of mines in local trade only	593	352
Output of local mines ..... tons	1,226,831	1,298,580
Total tons of mine-run coal	9,248,558	10,627,904
Total tons of lump coal	16,819,321	16,888,010
Total tons of egg coal	1,716,219	1,014,700
Total tons of nut coal	2,036,152	1,602,380
Total tons of pea coal	6,247,511	5,751,570
Total tons of slack coal	1,115,613	1 193,334
Total tons shipped	31,667,073	31,778,260
Tons supplied to locomotives at the mines	1,178,237	1,223,099
Tons sold to local trade	2,600,808	2,521,612
Tons consumed or wasted at the plant	1,737,256	1,554,926
Average days of active operation for shipping mines	198	213
Average days of active operation for all mines	175	197
Average value per ton, all grades, at the mines	$1.041	$1.10
Average value per ton of mine-run coal at mines	$1.062	$1.03
Average value per ton of lump coal at the mines	$1.291	$1.37
Average value per ton of egg coal at the mines	$1.237	$1.39
Average value per ton of nut coal at the mines	$0.865	$1.0494
Average value per ton of pea or screenings coal at the mines	$0.48	$0.5613
Average value per ton of slack coal at the mines	$0.301	$0.5336
Aggregate home value of total product	$38,689,858	$40,774,223
Number of mines in which mining machines are used	78	66
Number of mining machines in use	784	609
Number of tons undercut by machines	8,202,066	7,400,345
Number of tons mined by hand	28,981,308	26,677,554
Average number of miners employed during the year	41,202	37,987
Average number of other employees underground	10,694	9,812
Average number of boys employed underground	1,540	1,562
Average number of employees above-ground	5,794	5,413
Total employees	59,230	54,774
Number of men at work underground	53,436	49,361
Number of men on surface	5,794	5,413
Average price paid per gross ton for hand mining, shipping mines	$0.5782	$0.5933
Average price paid per gross ton for machine mining	$0.4432	$0.4659
Number of kegs of powder used for blasting coal	938,500	923,418
Number of kegs of powder used for other purposes	4,158	3,717
Number of men accidentally killed	199	157
Number killed inside of the mines	197	148
Number killed outside of the mines	2	9
Number of wives made widows	102	87
Number of children left fatherless	231	239
Number of men injured so as to lose a month or more of time	535	507
Number of gross tons mined to each life lost	86,851	230,165
Number of employees to each life lost	298	349
Number of deaths per 1,000 employed	3.4	2.87
Number of gross tons mined to each man injured	69,502	73,132
Number of employees to each man injured	111	108

NEW MINES BEING OPENED.

Many new mines are being opened in Illinois, notwithstanding the operators say that too much coal is being mined. At the Indianapolis convention the operators declared they could not pay an advance because of overproduction. Now they are discrediting their own claims by preparing to increase the production when they sign up with the miners after getting rid of the vast quantities of coal they stored in anticipation of a strike.

While the miners lived last year upon an average of $379, they increased this during the months of February and March. They were given all the work they could do. But they received no more per ton. They simply mined more coal. But for the next sixty days they are not likely to have any employment and the average for this year will be as low as that of the last.

Mining is different from almost every other occupation. The miners work out in the country, far from factories and large towns. When not employed in the mines they can not get work at any other calling. They must remain idle. They are therefore slaves to their trade. The operator knows this and he can take advantage of the miner by throwing him out of employment whenever the whim strikes him.

There are several thousand miners in Sangamon County. They are nearly all idle. A number of small mines are working. But the miners who are waiting the pleasure of the operators declare they intend to stand out for the advance in wages. They have no doubt they will get it. Even the operators admit this. But not now.

"Let us sell our coal first," they say.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the half of the following sums named, respectively, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the purposes following, being for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, namely.

Mr. GILLETT of Massachusetts. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the District of Columbia appropriation bill and had come to no resolution thereon.

MARY E. DUGGER.

Mr. CAPRON. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the Clerk's desk.

The Clerk read as follows:

Ordered, That the Clerk be directed to request the Senate to return to the House the bill (S. 1975) granting an increase of pension to Mary E. Dugger.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The order was agreed to.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 14591. An act to authorize the construction of a bridge across the Cumberland River in or near the city of Clarksville, State of Tennessee;

H. R. 14592. An act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.;

H. R. 8158. An act granting an increase of pension to Lemuel P. Storms;

H. R. 8892. An act granting an increase of pension to Malek A. Southworth;

H. R. 13572. An act granting an increase of pension to Saturnino Baca;

H. R. 15691. An act granting an increase of pension to Jerry W. Tallman;

H. R. 5931. An act granting an increase of pension to Robert L. Narron;

H. R. 11046. An act granting an increase of pension to Helen G. Heiner; and

H. R. 10298. An act granting an increase of pension to Oliver C. Redic.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 16014. An act to amend an act entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein," approved June 1, 1900, and all acts amendatory thereof;

H. R. 1895. An act granting a pension to H. Edward Goetz;
H. R. 2034. An act granting a pension to Cora F. Mitchell;
H. R. 3569. An act granting a pension to Ada N. Hubbard;
H. R. 5840. An act granting a pension to Catherine Spier;
H. R. 6094. An act granting a pension to Julia G. Aldrich;
H. R. 6969. An act granting a pension to Ellen C. Lewis;
H. R. 7588. An act granting a pension to Thomas F. Dowling;
H. R. 8191. An act granting a pension to John Hobart;
H. R. 8307. An act granting a pension to William C. Estill;
H. R. 9190. An act granting a pension to Ida Carty;
H. R. 9661. An act granting a pension to Charles R. Hill;
H. R. 9888. An act granting a pension to Abigail Townsend;
H. R. 11076. An act granting a pension to Marion W. Stark;
H. R. 11622. An act granting a pension to Martha A. Remington;
H. R. 11657. An act granting a pension to Madison M. Burnett;
H. R. 12182. An act granting a pension to Sallie W. Mason;
H. R. 12651. An act granting a pension to Louis Grossman;
H. R. 13526. An act granting a pension to Levi N. Lunsford;
H. R. 14472. An act granting a pension to Thomas Cheek;
H. R. 523. An act granting an increase of pension to Franklin G. Hawkins;
H. R. 603. An act granting an increase of pension to Thomas Blyth;
H. R. 1069. An act granting an increase of pension to Daniel Britton;

H. R. 1218. An act granting an increase of pension to Nathan Hinkle;
H. R. 1357. An act granting an increase of pension to George W. Burton;
H. R. 1667. An act granting an increase of pension to Abram H. Hicks;
H. R. 1793. An act granting an increase of pension to Playford Gregg;
H. R. 1939. An act granting an increase of pension to William F. Limpus;
H. R. 1969. An act granting an increase of pension to Christian Peterson;
H. R. 2120. An act granting an increase of pension to Parmer Stewart;
H. R. 2263. An act granting an increase of pension to Edward Keating;
H. R. 2377. An act granting an increase of pension to John N. Moore;
H. R. 2468. An act granting an increase of pension to John Broad;
H. R. 2491. An act granting an increase of pension to Edwin A. Botsford;
H. R. 2757. An act granting an increase of pension to Jonathan E. Floyd;
H. R. 3223. An act granting an increase of pension to Thomas G. McLaughlin;
H. R. 3273. An act granting an increase of pension to Andrew J. Levi;
H. R. 3423. An act granting an increase of pension to Thomas Watt;
H. R. 3434. An act granting an increase of pension to George W. Darby;
H. R. 4364. An act granting an increase of pension to George W. Neece;
H. R. 4633. An act granting an increase of pension to Fannie E. Morrow;
H. R. 4671. An act granting an increase of pension to William H. Brady;
H. R. 5210. An act granting an increase of pension to Elizabeth Moore;
H. R. 5373. An act granting an increase of pension to John L. Smith;
H. R. 5403. An act granting an increase of pension to John Lines;
H. R. 5488. An act granting an increase of pension to Margaret E. Foster;
H. R. 5511. An act granting an increase of pension to Christopher Bohn;
H. R. 5555. An act granting an increase of pension to Andrew P. Allen;
H. R. 5638. An act granting an increase of pension to Alpheus Jones;
H. R. 5639. An act granting an increase of pension to Thomas C. Craig;
H. R. 5712. An act granting an increase of pension to Caroline Dehlendorf;
H. R. 5806. An act granting an increase of pension to Samuel J. Harding;
H. R. 5850. An act granting an increase of pension to Lucas Hagar;
H. R. 5936. An act granting an increase of pension to Caroline Neilson;
H. R. 6055. An act granting an increase of pension to Angeline Watson;
H. R. 6118. An act granting an increase of pension to Bridget Reidy;
H. R. 6384. An act granting an increase of pension to William McBeth;
H. R. 6454. An act granting an increase of pension to Milo B. Morse;
H. R. 6461. An act granting an increase of pension to Daniel G. Sterling;
H. R. 6488. An act granting an increase of pension to Frank Osterberg, alias William McKay;
H. R. 6500. An act granting an increase of pension to Jesse Bucey;
H. R. 6563. An act granting an increase of pension to George Stewart;
H. R. 6576. An act granting an increase of pension to Napoleon McDowell;
H. R. 6773. An act granting an increase of pension to Weston Ferris;
H. R. 6897. An act granting an increase of pension to Abbie B. Gould;
H. R. 6937. An act granting an increase of pension to Thomas Furey;
H. R. 7243. An act granting an increase of pension to Moses R. Page;
H. R. 7483. An act granting an increase of pension to Laurence V. Whitcraft;
H. R. 7518. An act granting an increase of pension to George Richter;
H. R. 7630. An act granting an increase of pension to Henry W. Higley;
H. R. 7718. An act granting an increase of pension to Jacob D. Peterson;
H. R. 7759. An act granting an increase of pension to John Gemmill;
H. R. 7760. An act granting an increase of pension to William H. Brown;
H. R. 7807. An act granting an increase of pension to John D. Atwaters;
H. R. 7935. An act granting an increase of pension to Samuel J. Stannah;
H. R. 8137. An act granting an increase of pension to Marion L. Holvenstot;
H. R. 8319. An act granting an increase of pension to John Gardner Stocks;
H. R. 8869. An act granting an increase of pension to Nathan Coward;
H. R. 8953. An act granting an increase of pension to Lutellus Cook;
H. R. 9033. An act granting an increase of pension to Burgoyne Knight;
H. R. 9039. An act granting an increase of pension to James R. Hales;
H. R. 9270. An act granting an increase of pension to Wiley B. Johnson;
H. R. 9271. An act granting an increase of pension to Joseph Henry Martin;
H. R. 9277. An act granting an increase of pension to Elizabeth A. Butler;
H. R. 9294. An act granting an increase of pension to S. Amanda Mansfield;
H. R. 9397. An act granting an increase of pension to Mary A. King;
H. R. 9451. An act granting an increase of pension to Frederick M. Wood;
H. R. 9587. An act granting an increase of pension to Samuel S. Thompson;
H. R. 9765. An act granting an increase of pension to John C. Anderson;
H. R. 9832. An act granting an increase of pension to Alexander D. Polston;
H. R. 9910. An act granting an increase of pension to John McCoy;
H. R. 10148. An act granting an increase of pension to John Sphar;
H. R. 10432. An act granting an increase of pension to John E. Oyler;
H. R. 10449. An act granting an increase of pension to George B. D. Alexander;
H. R. 10451. An act granting an increase of pension to Robert M. White;
H. R. 10452. An act granting an increase of pension to Richard C. Daly;
H. R. 10523. An act granting an increase of pension to Elizabeth Gorton;
H. R. 10747. An act granting an increase of pension to Jonathan Lengle;
H. R. 10818. An act granting an increase of pension to George W. Creasey;
H. R. 10819. An act granting an increase of pension to John Burns;
H. R. 10830. An act granting an increase of pension to Dudley Portwood;
H. R. 10831. An act granting an increase of pension to Levi C. Bishop;
H. R. 10864. An act granting an increase of pension to John P. Kleckner;
H. R. 10884. An act granting an increase of pension to Lorenzo D. Libby;
H. R. 11168. An act granting an increase of pension to Robert R. Matthews;
H. R. 11206. An act granting an increase of pension to John Wilhelm;
H. R. 11256. An act granting an increase of pension to William M. Ewing;

H. R. 11331. An act granting an increase of pension to Thomas Rowan;
H. R. 11332. An act granting an increase of pension to William F. Kenner;
H. R. 11334. An act granting an increase of pension to John M. Steel;
H. R. 11409. An act granting an increase of pension to Josiah H. Seabold;
H. R. 11484. An act granting an increase of pension to Thomas H. Wilson;
H. R. 11563. An act granting an increase of pension to John Henderson;
H. R. 11597. An act granting an increase of pension to George M. Apgar;
H. R. 11702. An act granting an increase of pension to Lucy A. Pender;
H. R. 11716. An act granting an increase of pension to Warren B. Tompkins;
H. R. 11804. An act granting an increase of pension to Patrick McDermott;
H. R. 11856. An act granting an increase of pension to Luke McLoney;
H. R. 11866. An act granting an increase of pension to David H. Allen;
H. R. 11868. An act granting an increase of pension to Joseph Dougal;
H. R. 11926. An act granting an increase of pension to John Hornbeak;
H. R. 12049. An act granting an increase of pension to Rolland Havens;
H. R. 12122. An act granting an increase of pension to Robert G. Shuey;
H. R. 12187. An act granting an increase of pension to Mary L. Davenport;
H. R. 12192. An act granting an increase of pension to William Cummings;
H. R. 12205. An act granting an increase of pension to George Holden;
H. R. 12241. An act granting an increase of pension to Elizabeth E. Barber;
H. R. 12498. An act granting an increase of pension to Charles F. Runnels;
H. R. 12509. An act granting an increase of pension to Benjamin Botner;
H. R. 12532. An act granting an increase of pension to Zachariah George;
H. R. 12533. An act granting an increase of pension to Zadick Carter;
H. R. 12884. An act granting an increase of pension to Lucinda Gain;
H. R. 12902. An act granting an increase of pension to Henry G. Klink;
H. R. 13019. An act granting an increase of pension to George Whitman;
H. R. 13079. An act granting an increase of pension to James H. Griffin;
H. R. 13110. An act granting an increase of pension to James M. Moonnaw;
H. R. 13153. An act granting an increase of pension to George Budden;
H. R. 13170. An act granting an increase of pension to John R. Mabee;
H. R. 13255. An act granting an increase of pension to William J. Hays;
H. R. 13336. An act granting an increase of pension to Samuel Horn;
H. R. 13537. An act granting an increase of pension to Elizabeth B. Busbee;
H. R. 13573. An act granting an increase of pension to Francis M. Ballew;
H. R. 13723. An act granting an increase of pension to John Underwood;
H. R. 13803. An act granting an increase of pension to Henry H. Forman;
H. R. 13822. An act granting an increase of pension to Augustus D. King;
H. R. 13866. An act granting an increase of pension to Isaac Place;
H. R. 14131. An act granting an increase of pension to Francis M. Simpson;
H. R. 14143. An act granting an increase of pension to Zacur P. Pott;
H. R. 14235. An act granting an increase of pension to John Williams;
H. R. 14241. An act granting an increase of pension to Lydia M. Edwards;
H. R. 14337. An act granting an increase of pension to Gabriel Y. Palmer;
H. R. 14375. An act granting an increase of pension to Edmond R. Haywood;
H. R. 14437. An act granting an increase of pension to Marquis M. De Burger;
H. R. 14454. An act granting an increase of pension to William A. Blossom;
H. R. 14489. An act granting an increase of pension to Peter C. Krieger;
H. R. 14532. An act granting an increase of pension to Augusta N. Manson;
H. R. 14547. An act granting an increase of pension to Thomas Chapman;
H. R. 14559. An act granting an increase of pension to Henry West;
H. R. 14560. An act granting an increase of pension to Elizabeth Weston;
H. R. 14718. An act granting an increase of pension to Joseph A. Jones;
H. R. 14823. An act granting an increase of pension to William Woods;
H. R. 14824. An act granting an increase of pension to Samuel P. Newman;
H. R. 14855. An act granting an increase of pension to Henry C. Carr;
H. R. 14874. An act granting an increase of pension to William C. Hearne;
H. R. 14875. An act granting an increase of pension to Mary A. Witt;
H. R. 14909. An act granting an increase of pension to John W. Creager;
H. R. 14918. An act granting an increase of pension to Franklin Simpson;
H. R. 14920. An act granting an increase of pension to Winfield S. Bruce;
H. R. 14951. An act granting an increase of pension to James Nunan;
H. R. 15028. An act granting an increase of pension to Anthony Emes;
H. R. 15029. An act granting an increase of pension to Sabine Vancuren;
H. R. 15059. An act granting an increase of pension to Alfred W. Morley;
H. R. 15110. An act granting an increase of pension to John Green;
H. R. 15192. An act granting an increase of pension to John J. Merideth;
H. R. 15198. An act granting an increase of pension to Elizabeth J. Martin;
H. R. 15200. An act granting an increase of pension to Charles Klein;
H. R. 15251. An act granting an increase of pension to Alexander M. Taylor;
H. R. 15252. An act granting an increase of pension to Samuel Allbright;
H. R. 15253. An act granting an increase of pension to Balos C. Dewees;
H. R. 15304. An act granting an increase of pension to Irwin O'Bryan;
H. R. 15306. An act granting an increase of pension to Asa Wall;
H. R. 15347. An act granting an increase of pension to John M. Love;
H. R. 15382. An act granting an increase of pension to Mary C. Moore;
H. R. 15385. An act granting an increase of pension to William Lucas;
H. R. 15392. An act granting an increase of pension to John W. Wise;
H. R. 15393. An act granting an increase of pension to Nancy N. Allen;
H. R. 15414. An act granting an increase of pension to John L. Blinn;
H. R. 15491. An act granting an increase of pension to James Buckley;
H. R. 15536. An act granting an increase of pension to Henry H. Tilson;
H. R. 15552. An act granting an increase of pension to George W. Hayter;
H. R. 15553. An act granting an increase of pension to Susan H. Isom;

H. R. 15622. An act granting an increase of pension to Argyle Z. Buck;

H. R. 15893. An act granting an increase of pension to Volney P. Ludlow;

H. R. 15940. An act granting an increase of pension to James M. Carley;

H. R. 15974. An act granting an increase of pension to Martin C. King;

H. R. 16519. An act granting an increase of pension to Erwin G. Dudley;

H. R. 6982. An act for the relief of James W. Jones;

H. R. 6401. An act granting an increase of pension to William V. Van Ostern;

H. R. 9924. An act granting an increase of pension to Carrie A. Conley;

H. R. 13010. An act granting an increase of pension to Alice B. Hartshorne;

H. R. 11748. An act granting an increase of pension to James Wilson;

H. R. 6158. An act granting an increase of pension to Henry Rittenhouse;

H. R. 12028. An act granting relief to John W. Donovan;

H. R. 13247. An act for the relief of John H. Tharp, of Eversonville, Mo.;

H. R. 10605. An act for the relief of Edward F. Stahle;

H. R. 10584. An act for the relief of F. H. Driscoll;

H. R. 6675. An act for the relief of the Methodist Church at New Haven, Ky.;

H. R. 5927. An act for the relief of the board of trustees of West Tennessee College, Jackson, Tenn.;

H. R. 7709. An act for the relief of Joseph Crow;

H. R. 1863. An act for the relief of M. A. McCafferty;

H. R. 3649. An act for the relief of Zenas Parker;

H. R. 14541. An act for the relief of C. R. Williams;

H. R. 120. An act to amend section 9 of the Code of Law for the District of Columbia;

H. R. 8278. An act authorizing the Secretary of the Interior to issue patent to Keystone Camp, No. 2879, of the Modern Woodmen of America, to certain lands for cemetery purposes;

H. R. 11275. An act increasing the penalty for certain offenses in the District of Columbia;

H. R. 9324. An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County;

H. R. 15259. An act to authorize the North Mississippi Traction Company to construct dams and power stations on the Bear River on the northeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.; and

H. R. 14578. An act to provide for the establishment of a public crematorium in the District of Columbia, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5533. An act to appoint an additional judge for the southern district of New York—to the Committee on the Judiciary.

S. 5489. An act to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Miami in said district—to the Committee on the Judiciary.

S. 5297. An act providing for the erection of an addition to the post-office building at Washington, D. C.—to the Committee on Public Buildings and Grounds.

REPRINT OF A BILL.

At the request of Mr. BURTON of Ohio, by unanimous consent, a reprint was ordered of the bill (H. R. 18024) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

Mr. MADDEN, by unanimous consent, was given leave to extend his remarks in the RECORD.

Mr. GILLETT of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of deficiency appropriation for mileage of officers and contract surgeons—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of the Navy submitting an estimate of deficiency appropriation for bringing home bodies of officers and men of the Navy and Marine Corps who die abroad—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FOWLER, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 13566) to amend section 6 of the currency act, approved March 14, 1900, reported the same with amendment, accompanied by a report (No. 3349); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 18078) providing for an additional chaplain of the United States Army, to be assigned to the Corps of Engineers, reported the same without amendment, accompanied by a report (No. 3350); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOGG, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 17884) to authorize the sale and disposition of surplus or unallotted lands of the Coeur d'Alene Indian Reservation, in the State of Idaho, and for other purposes, reported the same with amendment, accompanied by a report (No. 3352); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5203) granting to the Chicago, Milwaukee and St. Paul Railway Company, of Montana, a right of way through the Fort Keogh Military Reservation, in Montana, and for other purposes, reported the same without amendment, accompanied by a report (No. 3353); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOULDEN, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 17879) amending section 4472 of the Revised Statutes, relating to the carrying of dangerous articles on passenger steamers, reported the same without amendment, accompanied by a report (No. 3354); which said bill and report were referred to the House Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15248) for the relief of George E. O'Neal, reported the same adversely, accompanied by a report (No. 3351); which said bill and report were ordered laid in the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DEEMER: A bill (H. R. 18373) to increase the efficiency of the United States Navy by building cruisers and torpedo boats after the design of Richard B. Painton—to the Committee on Naval Affairs.

By Mr. SULZER: A bill (H. R. 18374) relating to the department of lectures in connection with the public schools of the District of Columbia—to the Committee on the District of Columbia.

By Mr. CALDER: A bill (H. R. 18375) to regulate the manufacture, sale, and transportation from one State to another State of any article of food in cans, glass, boxes, or packages, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: A bill (H. R. 18376) to authorize the Minnesota, Dakota and Pacific Railway Company to construct a bridge across the Missouri River—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A resolution (H. Res. 409) authorizing

the Committee on Irrigation of Arid Lands to sit during sessions of the House and to have necessary printing done—to the Committee on Rules.

By Mr. VREELAND: A resolution (H. Res. 410) for the payment of the expenses of the subcommittee on Naval Affairs while investigating hazing at Annapolis—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Pennsylvania (by request): A bill (H. R. 18377) providing for the adjudication of the claim of the Philadelphia and Reading Coal and Iron Company by the Court of Claims—to the Committee on Claims.

By Mr. AIKEN: A bill (H. R. 18378) granting an increase of pension to Martha A. Dunlap—to the Committee on Pensions.

By Mr. ANDREWS: A bill (H. R. 18379) for the relief of Jose Salazary y Ortiz—to the Committee on Claims.

By Mr. CALDER: A bill (H. R. 18380) to complete the naval record of Charles W. Held—to the Committee on Naval Affairs.

By Mr. CALDERHEAD: A bill (H. R. 18381) granting a pension to Mary Jane Davis—to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 18382) granting an increase of pension to George M. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18383) granting an increase of pension to Fredrick Shinnaman—to the Committee on Invalid Pensions.

By Mr. COCKS: A bill (H. R. 18384) granting an increase of pension to James F. Young—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 18385) granting an increase of pension to William Markman—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 18386) for the relief of Henry Marlow—to the Committee on Military Affairs.

Also, a bill (H. R. 18387) for the relief of Bailey Owens—to the Committee on Military Affairs.

Also, a bill (H. R. 18388) for the relief of the New South Brewing and Ice Company—to the Committee on Claims.

Also, a bill (H. R. 18389) for the relief of P. H. Bridgewater—to the Committee on War Claims.

Also, a bill (H. R. 18390) granting a pension to Wiley Garland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18391) granting an increase of pension to James Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18392) granting an increase of pension to Lauraney Helton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18393) granting an increase of pension to David F. Crouch—to the Committee on Pensions.

Also, a bill (H. R. 18394) granting an increase of pension to Jonothan Kelley—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 18395) granting an increase of pension to John G. Decker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18396) granting an increase of pension to John Nix—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 18397) granting a pension to Alice R. Cronkite—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 18398) granting an increase of pension to Susan R. Freeman—to the Committee on Pensions.

Also, a bill (H. R. 18399) granting an increase of pension to Pauline Bietry—to the Committee on Pensions.

Also, a bill (H. R. 18400) granting an increase of pension to Elmira M. Gause—to the Committee on Pensions.

Also, a bill (H. R. 18401) granting an increase of pension to Mahala A. Payne—to the Committee on Pensions.

Also, a bill (H. R. 18402) granting an increase of pension to Lucy W. Powell—to the Committee on Pensions.

Also, a bill (H. R. 18403) granting an increase of pension to Mary Jane Ragan—to the Committee on Pensions.

By Mr. GUDGER: A bill (H. R. 18404) granting an increase of pension to James R. Buckner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18405) for the relief of Joseph M. Withrow, of Wolf Creek, Cherokee County, N. C.—to the Committee on Claims.

Also, a bill (H. R. 18406) granting an increase of pension to Andrew Jackson—to the Committee on Pensions.

By Mr. HALE: A bill (H. R. 18407) granting an increase of pension to John A. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18408) granting an increase of pension to Charlotte J. Triplett Lewis—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 18409) granting an increase of pension to Joel Gay—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 18410) granting an increase of pension to Andrew J. Cushing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18411) granting a pension to John M. Turner—to the Committee on Pensions.

By Mr. LEE: A bill (H. R. 18412) to pay accrued pension to Martha Howard—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 18413) granting a pension to Martha L. Packard—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 18414) for the relief of James M. Wright, of Crawford County, Ark.—to the Committee on War Claims.

By Mr. MEYER: A bill (H. R. 18415) for the relief of J. de L. Lafitte—to the Committee on Claims.

Also, a bill (H. R. 18416) for the relief of Louise Powers McKee, administratrix—to the Committee on Claims.

By Mr. MUDD: A bill (H. R. 18417) for the relief of the Eastern Dispensary and Casualty Hospital—to the Committee on the District of Columbia.

By Mr. OLCOTT: A bill (H. R. 18418) for the relief of Priscilla J. Shipman, administratrix of the estate of John J. Shipman, deceased, for work done and materials furnished to the District of Columbia—to the Committee on the District of Columbia.

By Mr. PATTERSON of Tennessee: A bill (H. R. 18419) to carry into effect the findings of the Court of Claims in the matter of the claim of Emma R. Bailey, executrix of John J. Bailey, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18420) to carry into effect the findings of the Court of Claims in the matter of the claim of Abner D. Lewis—to the Committee on War Claims.

Also, a bill (H. R. 18421) to carry into effect the findings of the Court of Claims in the matter of the claim of A. A. Wade, administrator of estate of S. L. Carpenter, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18422) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of J. J. Todd, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18423) to carry into effect the findings of the Court of Claims in the matter of the claim of Robert C. Jameson, administrator of estate of David Jameson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18424) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Elizabeth Burke, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18425) for the relief of the estate of John W. Hester, deceased—to the Committee on War Claims.

By Mr. STEENERSON: A bill (H. R. 18426) granting a pension to Elizabeth Hathaway—to the Committee on Pensions.

By Mr. TOWNSEND: A bill (H. R. 18427) to authorize the Secretary of the Treasury to pay Eva Benton Booth and Helen Leone Booth each the sum of $5,000—to the Committee on Claims.

By Mr. VREELAND: A bill (H. R. 18428) granting an increase of pension to James L. Gamble—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 18429) granting an increase of pension to David Mitchell—to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 18430) granting an increase of pension to James H. Baum—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 18431) granting relief to Reuben B. Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18432) granting an increase of pension to David Dirck—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 18433) granting an increase of pension to William Wentz—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 18434) granting an increase of pension to Adam Dixon—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 18253) granting a pension to Mary Gerard—

Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18254) granting an increase of pension to Sarah S. Crane—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Division No. 105, Amalgamated Association of Street and Electric Railway Employees of America, of Beaver, Pa., against bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of the Trades League of Philadelphia, Pa., against the Little and Gilbert bills relative to immunity of labor organizations in disputes—to the Committee on the Judiciary.

Also, petition of The T Square Club, of Philadelphia, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Camp Walter E. Brown, No. 4, Society of the Army of the Philippines, for bestowal of medals on officers and men (and families of such as may be dead) who remained in service after the term of enlistment had expired, etc.—to the Committee on Military Affairs.

By Mr. BONYNGE: Petition of citizens of Arvada, Jefferson County, Colo., relative to religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BOWERSOCK: Petition of citizens of Lynn and Anderson counties, Kans., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BROWN: Petition of citizens of Wausau, Wis., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. COOPER of Wisconsin: Petition of Henry B. Zeitler, of Kenosha, Wis., against bill H. R. 12973, to prohibit coming of Chinese laborers into the United States, and for other purposes—to the Committee on Foreign Affairs.

Also, petition of William C. Wyk, against bill H. R. 12973—to the Committee on Foreign Affairs.

By Mr. DIXON of Montana: Petition of citizens of Montana, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DRESSER: Petition of Camp Walter E. Brown, No. 4, and Camp Hawkins, No. 1, Society of the Army of the Philippines, for the Bonynge bill providing special medals to officers and men (and families of those dead) who served beyond legal enlistment in the Philippine war—to the Committee on Military Affairs.

Also, petition of the T Square Club, of Philadelphia, Pa., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. GUDGER: Paper to accompany bill for relief of Joseph M. Withrow—to the Committee on War Claims.

By Mr. HARDWICK: Paper to accompany bill for relief of Joel Gay—to the Committee on Pensions.

By Mr. HUFF: Petition of Loyalty Council, No. 314, Junior Order United American Mechanics, of Greensburg, Pa., for an amendment to bill H. R. 4403, to include the educational test and requiring each alien immigrant to possess $50 on arrival—to the Committee on Immigration and Naturalization.

Also, petition of Edgar A. Wightman and Guy King, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Women's Health Protective Association, for bills S. 50 and 2962 and H. R. 4462, relative to child labor and a children's bureau in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the board of directors of the Trades League of Philadelphia, against the Little bill and the Gilbert bill—to the Committee on the Judiciary.

By Mr. LILLEY: Paper to accompany bill for relief of Ezra H. Wiggins—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: Paper to accompany bill for relief of A. M. Applewhite, administrator of estate of Jesse Applewhite—to the Committee on War Claims.

Also, petition of the National Consumers' League, for the immediate consideration of the Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of Chattanooga Manufacturers' Association, favoring the waiving of the eight-hour law relative to alien employees on the Panama Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Master House Painters and Decorators of Massachusetts, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Macon and Andrews College, Memphis, Tenn., for the Stone postage rate bill, relative to a special rate on publications issued at regular intervals—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Consumers' League of Knoxville, Tenn., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Ward-Kent Company, of Greenville, Tenn., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Board of Trade of Nashville, Tenn., and the Board of Trade of Knoxville, Tenn., for bill H. R. 7006 (the Mondell bill)—to the Committee on Mines and Mining.

Also, petition of the Memphis Commercial College, for bill S. 3886, relative to journals and annuals in the mails as second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the University of Tennessee, favoring bill H. R. 7006 (the Mondell bill)—to the Committee on Mines and Mining.

Also, petition of the Typothetæ of New York City, against the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of the American Federation of Labor, against bill H. R. 5281 (the pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Board of Trade, for forest reservations in the White Mountains—to the Committee on Agriculture.

Also, petition of the National Board of Trade, for the reclamation bill, the stone and timber bill, and the forest reservation bill—to the Committee on Agriculture.

Also, petition of the Japanese and Korean Exclusion League, of San Francisco, for retention of the present Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of the Illinois Manufacturers' Association, of Chicago, Ill., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the American Protective Tariff League, against any change in the present schedules of the tariff law—to the Committee on Ways and Means.

Also, petition of citizens of Oklahoma, favoring an amendment of the clause in the statehood bill relative to location of the capital at Guthrie until 1915—to the Committee on the Territories.

Also, petition of the Dames of 1846, for bill H. R. 6010, relative to increased pensions for Mexican war veterans—to the Committee on Pensions.

Also, petition of the Confederate Southern Memorial Association, of New Orleans, La., for bill H. R. 1234, relative to care of graves of Confederate dead—to the Committee on Military Affairs.

Also, petition of the United States Brewers' Association, of New York City, for a Federal judicial court in the Orient—to the Committee on Foreign Affairs.

Also, petition of the Japanese and Korean Exclusion League of San Francisco, for the retention of the present Chinese law—to the Committee on Foreign Affairs.

Also, petition of many business firms of St. Louis, for revocation of the fraud order by the Post-Office Department against the Woman's Magazine—to the Committee on Rules.

Also, petition of the Nashville Hosiery Company, for the repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Nashville Hosiery Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Chattanooga Manufacturers' Association, against the Gilbert anti-injunction bill—to the Committee on the Judiciary.

Also, petition of the Chattanooga Manufacturers' Association, for the Southern mail appropriation—to the Committee on the Post-Office and Post-Roads.

By Mr. SAMUEL: Petition of Barbara Frietchie Council, No. 84, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the General Federation of Women's Clubs, for an appropriation to investigate the industrial condition of women in the United States—to the Committee on Appropriations.

Also, petition of many of the first business men of Milton, Pa.; the Church of the United Brethren in Christ, and the Woman's Christian Temperance Union of Milton, Pa., against

bill S. 3413, to extend the time of cattle in cars in transit—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of Green B. Raum, for Senator NELSON'S amendment to the Army appropriation bill, relative to a retired volunteer list—to the Committee on Military Affairs.

Also, petition of the Intermunicipal Research Commission, for legislation for the protection of the unemployed—to the Committee on the District of Columbia.

Also, petition of the New York Board of Trade and Transportation, for an appropriation to deepen the Coney Island channel—to the Committee on Rivers and Harbors.

Also, petition of the Association of the Bar of New York City, for the bill providing for an increase of the salaries of Federal judges—to the Committee on the Judiciary.

Also, petition of the National Council of Women of the United States, the Women's Health Protective Association, of New York, and the Sorosis Club, of New York, for bills S. 50 and H. R. 4462, relative to child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the National Board of Trade, for forest reservations in the White Mountains—to the Committee on Agriculture.

Also, petition of Green B. Raum, Samuel J. Crawford, and William Birney, for the Nelson amendment to the Army appropriation bill, creating a volunteer retired list of officers of the civil war—to the Committee on Military Affairs.

By Mr. TOWNSEND: Petition of Division No. 171, Amalgamated Association of Street and Electric Railway Employees of America, against bill H. R. 12973—to the Committee on Foreign Affairs.

By Mr. WOOD of New Jersey: Petition of the Otis Company, of Ware, Mass., and the Ampere Silk Mill, of Bloomfield, N. J., against bill H. R. 8988 (the Littauer metric system bill)—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Woman's Health Protective Association, of New York City, for the child-labor bill for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Union No. 1015, Brotherhood of Painters, Decorators, and Paper-Hangers of America, of Bernardville, N. J., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

SENATE.

FRIDAY, *April 20, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ESTIMATE OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster-General, submitting an increase in the estimate of appropriation for wrapping twine and tying devices for postal service for the fiscal year ending June 30, 1907, from $175,000 to $225,000; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Edward F. Mitchell *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Jonathan Pigman, executor of Benjamin Pigman, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Leonidas Thompson, administrator of Mathew Brown, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Thomas Dunn, administrator of Charles Hunter, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary J. Owen, widow of Elias K. Owen, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Florence Murray, widow of Alexander Murray, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Elliott C. Harrington *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Fannie S. B. Halm, widow (remarried) of John C. Beaumont, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Bella A. Leach, widow of Boynton Leach, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Ezra Z. Derr *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of George R. Gray *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of G. V. Mengies *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Nelson H. Drake *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Ebenezer S. Prime *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Edward K. Valentine *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Hobart L. Tremain *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Emma G. Jenness, widow of Thomas B. Gammon, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

E. G. RATHBONE.

The VICE-PRESIDENT. The Chair lays before the Senate a joint resolution of the legislature of the State of Ohio, praying for an investigation of the official conduct of E. G. Rathbone while acting as director-general of posts in the island of Cuba. The joint resolution will be read.

The Secretary read as follows:

Senate joint resolution No. 29.

Joint resolution requesting an investigation of the official conduct of E. G. Rathbone.

Whereas E. G. Rathbone, a citizen of Ohio, and a former member of the senate in the sixty-eighth general assembly of Ohio, having served therein with distinguished ability and with honor to himself, his constituency, and the State, has presented to the Congress of the United States a petition and prayer for relief (a copy of which petition and prayer, duly authenticated by the Chief Clerk of the United States Senate, is presented herewith); and

Whereas in view of the claims set forth in said petition to the Congress of the United States by said Rathbone, and because we believe it to be the duty of the United States Government under our Constitution and laws to vouchsafe to every citizen, whether at home or abroad, the fullest protection of law, and further believing that under the peculiar conditions, legal and otherwise, existing in the island of Cuba during the period complained of in said Rathbone's petition he was necessarily deprived of his legal right in the premises: Therefore, be it

Resolved by the general assembly of the State of Ohio, That the Congress of the United States be, and it hereby is, respectfully requested to grant to the said E. G. Rathbone the relief prayed for in his said petition by ordering an investigation of the official conduct of said Rathbone while acting as director-general of posts in the island of Cuba; and be it further

Resolved, That copies of this resolution be forwarded to the President of the United States Senate and to the Speaker of the House of Representatives of the Congress of the United States.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tempore of the Senate.

Adopted April 2, 1906.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State:

I, Lewis C. Laylin, secretary of state of the State of Ohio, do hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original rolls now on file in this office, and in my official custody as secretary of state, as required by the laws of the State of Ohio, of a joint resolution adopted by the general assembly of the State of Ohio on the 2d day of April, A. D. 1906.

In testimony whereof I have hereunto subscribed my name and affixed my official seal, at Columbus, the 6th day of April, A. D. 1906.

[SEAL.] LEWIS C. LAYLIN,
Secretary of State.

Mr. DICK. Mr. President, I ask that the resolution and petition be printed in the RECORD and also be printed as a Senate document, and referred to the Committee on Cuban Relations.

Mr. MONEY. Mr. President, I do not know now who is chairman of that committee; I have forgotten. I am a member of it, however. I think we had better send the matter to some other committee for the reason that the Senate instructed that committee by a vote two years ago to investigate the affairs that occurred in that island, both military and civil. That committee failed to perform the duty. Three or four Departments of the Government were instructed by the Senate to furnish the committee with all the testimony they could collect, and to furnish it not in bulk, but sheet by sheet as it could be obtained. The Departments declined to do this. The Assistant Secretary of War at that time, who was Acting Secretary, informed me that he intended to present it in bulk, as in his opinion that was the best way to do it. I informed him that he was not authorized to do anything of the kind; that the Senate only required him to act; that the Senate was the brain and he was the hand. There was never any meeting, but a perfunctory one of that committee, which met to adjourn after a short examination of the documents submitted by Colonel Rathbone.

The committee totally failed to perform what seemed to the people of the United States and to the Senate, a very important duty in making an investigation that involved not only the petitioner, but a great many others who were resting under grave charges. I do not see why the matter should be referred to it now. I think if the Senator really wants the investigation made he had better have a special committee to act. A special committee perhaps, might see its way clear to do its duty. The other committee, however, and I speak with deference of all of them, declined to do anything whatever, and the case went by default.

Mr. DICK. Mr. President, I still think the better disposition of the resolution will be its reference to the proper committee. If later the committee fails to act, or feels it can not under the resolution and with the powers given it, the Senate can give it additional powers, or if it shall then seem better to have a special committee appointed the Senate can act in accordance with that suggestion.

The VICE-PRESIDENT. The Senator from Ohio asks that the resolution and the accompanying petition be printed in the RECORD, and also printed as a document, and that they be referred to the Committee on Cuban Relations. Is there objection? The Chair hears none, and it is so ordered.

The petition is as follows:

To the Congress of the United States:

Your petitioner, a citizen of the United States, respectfully represents that upon ex parte affidavits of persons whom your petitioner and his counsel were denied an opportunity to confront or cross-examine, and which affidavits petitioner and his counsel were denied an opportunity to rebut and disprove, and upon the unsworn statements of a self-confessed criminal, made by such criminal under promise of immunity and reward, and in violation of the constitutional rights, privileges, laws, and rules guaranteed to citizens of the United States under such circumstances, and in disregard of the acts of Congress in such cases specially provided, your petitioner has been unlawfully and unjustly condemned and fined and disgraced for matters and things of which he was and is wholly innocent, and is now barred from relief by appeal to the court properly having appellate juridiction in said matter, for the reason that the Cuban Congress soon after said trial passed an act of general amnesty, which act quashed said proceedings and left said court without power to proceed with your petitioner's appeal, and he is now without remedy, except at the hands of Congress, to vindicate his character and to relieve himself and family from the unjust and unlawful aspersions cast upon his good name, and prays full investigation by a duly qualified committee.

Your petitioner further states that late in the year 1898, as an appointee of the Post-Office Department of the United States, he went to Cuba in the capacity of director-general of posts of Cuba; that while acting in that capacity and while that country was governed by the United States through its military governor your petitioner was accused of complicity in certain fraudulent acts committed by persons employed in the department under petitioner's supervision, and upon an order of the military governor was arrested and tried for such alleged offense before "a special court" by special proceedings, directed and controlled by the officer by whose orders such court was established, and who, in violation of law and established rules of procedure and every consideration of fairness, issued orders, instructions, and various communications to the court by which your petitioner was tried from time to time during the progress of the trial.

Your petitioner submits that whenever the United States assigns one of its citizens to public service in a foreign land, and in the performance of his official duties in such foreign service he is accused of misdemeanors, it is the duty of the Government to see that such official has a fair and impartial trial under the usual and regular rules of judicial procedure.

Your petitioner gives the following as the principal reasons for this application:

First. The proceedings which led to his conviction for the alleged wrongdoing were not judicial proceedings.

Second. Ex parte "depositions" were admitted at the trial which were taken in the United States on behalf of the prosecution, the taking of which was without notice to your petitioner or his counsel, and neither petitioner nor counsel were present or had an opportunity to be present to cross-examine the witnesses.

Third. That upon said trial your petitioner was upon trial for a criminal offense, and contrary to all law and constitutional guarantees evidence by depositions was permitted to be introduced, thereby depriving petitioner of his right "to be confronted with the witnesses against him."

Fourth. That the introduction of such ex parte depositions was a surprise and unlawful advantage taken by the prosecution, and your petitioner had a right to believe and rely upon the act of Congress dated June 6, 1900, by which the use of such ex parte depositions was expressly prohibited.

Fifth. That the petitioner's attorneys were not given a reasonable opportunity to prepare for trial, and because of the introduction of such depositions were not prepared to disprove the statements therein contained.

Sixth. Evidence material and vital to his defense was withheld, and petitioner was unable to procure same.

Seventh. The principal witness, and practically the sole witness of the prosecution, was not sworn upon the trial. Said witness testified as a defendant, and his testimony was not given under oath for the reason that under the laws of Cuba a defendant in a criminal trial is not sworn or put under the sanction of an oath. He can not be punished for perjury. Said witness took advantage of said rule and testified as a defendant to escape liability for perjury if he gave false testimony and took advantage of his position as a witness for the prosecution to secure a pardon.

Wherefore your petitioner prays Congress to make a thorough and exhaustive investigation of all his acts in Cuba in connection with the office to which he was assigned under the authority of the United States Government, the methods employed to secure his conviction, to the end that the truth may be ascertained and justice done and that your petitioner may be relieved from the unjust aspersions cast upon his character.

And your petitioner will ever pray.

E. G. RATHBONE.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 7) authorizing the Secretary of the Navy to present the bell of the late U. S. sloop of war *Germantown* to the Site and Relic Society, of Germantown, Pa.

The message also announced that the House had passed the bill (S. 4925) to amend the act approved March 6, 1896, relating to the anchorage and movements of vessels in St. Marys River, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 4478) to amend section 64 of the bankruptcy act; in which it requested the concurrence of the Senate.

The message also requested the return to the House of the bill (S. 1975) granting an increase of pension to Mary E. Dugger.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 5931. An act granting an increase of pension to Robert L. Narron;

H. R. 8158. An act granting an increase of pension to Lemuel P. Storms;

H. R. 8892. An act granting an increase of pension to Malek A. Southworth;

H. R. 10298. An act granting an increase of pension to Oliver C. Redic;

H. R. 11046. An act granting an increase of pension to Helen G. Heiner;

H. R. 13572. An act granting an increase of pension to Saturnino Baca;

H. R. 14591. An act to authorize the construction of a bridge across the Cumberland River in or near the city of Clarksville, State of Tennessee;

H. R. 14592. An act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.; and

H. R. 15691. An act granting an increase of pension to Jerry W. Tallman.

PETITIONS AND MEMORIALS.

Mr. PLATT presented a memorial of the Board of Trade of Niagara Falls, N. Y., remonstrating against the enactment of legislation to restrict the taking of water from the Niagara River for power and other purposes; which was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Whereas a bill has been introduced into the Congress of the United States restricting the taking of water from the Niagara River for power and other purposes, which bill is generally known as the "Burton bill," and is now being considered before the Committee on Rivers and Harbors of the House of Representatives, and such bill is exceedingly drastic in its features, and not only very much restricts the operations of companies already producing power, but destroys the chartered rights and privileges of companies which are preparing to develop power, regardless of whether or not the operations of such companies will affect the flow of water over the cataracts of Niagara; and

Whereas said act, if passed and made a law, will materially affect all interests, not only in this city and its immediate surroundings, but will affect all interests of this country within a radius of several hundreds of miles around Niagara Falls for all time to the extent of many millions of dollars a year: Therefore, be it

Resolved, That we, the directors of the Board of Trade of Niagara Falls, N. Y., at a meeting duly called in said city April 16, 1906, do hereby express our regret that so many sensational and misleading statements should have been prepared and printed in the public press relative to the effect on Niagara Falls from the operation of present chartered power companies here, and we not only feel, but know that the public in general has been misinformed and greatly misled by articles written for magazines and the press and public by persons who had no real knowledge of the situation or conditions appertaining here.

Be it further resolved, That this body recognizes that the preservation of the beauty of the cataracts is more for the advantage of this city and the individual advantages of the members composing this board of trade than it is for any other particular community or set of men, and for that reason we would be unwilling to have this natural wonder destroyed for the commercial advantages of other communities to our own detriment; but living in this place and knowing the actual conditions existing here we feel that we are able to say from actual observation and practical knowledge, instead of finely drawn theories spun in the library or sanctum of a magazine or newspaper writer who has gazed upon the falls for a few hours in his lifetime, that the companies now operating or authorized to manufacture power in the State of New York will not injure the cataracts nor deprive the world of the scenic benefits of this great wonder.

Be it further resolved, That we feel that the so-called "Burton bill," in its present form, should not become a law, for the reason that it does not take into consideration the actual conditions existing here and is evidently based upon a very superficial knowledge of actual conditions; that it would work a great injustice to present chartered companies by depriving them without any remedy of the fruits of a great outlay of capital and labor and will be a serious blow to every community within a radius of several hundreds of miles of this place, affecting not only capital but trades people, mechanics, laborers, and all classes.

Be it further resolved, That since the effects of this bill are so serious and far-reaching we feel that Congress should not act hastily and only upon a thorough investigation of the conditions existing here, made through a duly appointed committee, and that such investigation should be thorough, for the reason that the contemplated action of Congress is perhaps farther reaching in its industrial results throughout a large extent of territory than any other bill which has been presented to Congress for many years.

Be it further resolved, That we believe in a proper restriction of the use of water from the Niagara River and a proper preservation of the beauty and grandeur of the cataracts, but we also feel that the State of New York, which has expended millions of dollars for the State park and reservation here, is the best judge as to the necessity of action against existing companies chartered by said State and as to how drastic such restricting measures should be and to what extent they should go, and it is the sense of this body that the interests of the citizens of this locality, including all classes, from large manufacturers to the working men, should not be sacrificed to the senseless clamor raised by the notoriety-seeking authors, but that a dignified and considerate course should be pursued and a thorough investigation made by Congress through an investigating committee to the end that if Congress should find that there is no danger to the falls existing, that reasonable and equitable restrictions may be placed upon present companies, future grants properly restricted, and that the rights of companies and individuals which do not affect the cataracts be not destroyed without reason or remedy.

Be it further resolved, That copies of this resolution certified by the president and secretary of this board of trade be forwarded to the Hon. THEODORE E. BURTON, chairman of the Committee on Rivers and Harbors of the House of Representatives, to the Hon. JAMES W. WADSWORTH, Representative from this Congressional district, and to the Hon. THOMAS C. PLATT and the Hon. CHAUNCEY M. DEPEW, Senators representing this State.

We, the undersigned, president and secretary of the Board of Trade of the city of Niagara Falls, N. Y., do hereby certify that the foregoing is a true copy of the resolution passed at a meeting of the directors of said Board of Trade of Niagara Falls, N. Y., duly called and held in said city April 16, 1906. Dated April 17, 1906.

GEO. W. KNOX,
President of Niagara Falls Board of Trade.
EDWARD T. WILLIAMS,
Secretary of Niagara Falls Board of Trade.

STATE OF NEW YORK,
County of Niagara, City of Niagara Falls, ss:

On this 17th day of April, 1906, before me, the subscriber, personally came George W. Knox and Edward T. Williams, to me personally known to be the persons described in and who severally executed the foregoing instrument, and they each, severally, duly acknowledged to me that they executed the same as therein set forth.

H. A. CONSTANTINE, *Notary Public.*

Mr. PLATT presented a petition of Nancy Hanks Council, No. 58, Daughters of Liberty, of New York City, N. Y., and a petition of Loyal Council, No. 75, Daughters of Liberty, of New York City, N. Y., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Business Men's Association, of Schenectady, N. Y., praying for the enactment of legislation to establish a Federal district court in China; which was referred to the Committee on Foreign Relations.

Mr. SCOTT presented a petition of the Woman's Literary Club, of Wheeling, W. Va., praying for an investigation into the industrial conditions of the women of the country; which was referred to the Committee on Education and Labor.

Mr. BURNHAM (for Mr. GAMBLE) presented the petition of John Lakings and sundry other citizens of Hurley, S. Dak., praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

Mr. KEAN presented a petition of the Teachers' Association of Passaic City, N. J., praying for the enactment of legislation to establish national forest reserves in the Southern Appalachian and White mountains; which was ordered to lie on the table.

He also presented a petition of Local Division No. 22, Brotherhood of Locomotive Engineers, of Camden, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented the petition of George Morris, superintendent of the public schools of Bloomfield, N. J., praying for the enactment of legislation to incorporate the National Education Association of the United States; which was referred to the Committee on Education and Labor.

He also presented the petition of Samuel B. Steele, of Pompton, N. J., and a petition of Washington Camp, No. 62, Patriotic Order Sons of America, of Woodbury, N. J., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a memorial of Olive Branch Grange, No. 142, Patrons of Husbandry, of Matawan, N. J., remonstrating against the enactment of legislation providing for the free distribution of seeds; which was referred to the Committee on Agriculture and Forestry.

Mr. WETMORE presented a petition of the League of Improvement Societies of the State of Rhode Island, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the League of Improvement Societies of the State of Rhode Island, praying for the enactment of legislation to establish national forest reserves in the Southern Appalachian and White mountains; which was ordered to lie on the table.

Mr. BERRY submitted sundry papers to accompany the bill (S. 5686) for the relief of Ellis Bigfeather; which were referred to the Committee on Military Affairs.

Mr. HOPKINS presented the memorial of the Ayer & Lord Tie Company, of Chicago, Ill., praying for the enactment of legislation to establish a laboratory for the purpose of testing the strength of timber and experiment in the different methods of preservation of timber; which was referred to the Committee on Agriculture and Forestry.

Mr. LONG presented the memorial of J. W. Farmer and 23 other citizens of Coats, Kans., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. BURKETT, from the Committee on Claims, to whom was referred the bill (H. R. 5681) for the relief of John Lewis Young, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 15643) to authorize the board of visitors of the Government Hospital for the Insane to summon and examine witnesses under oath, and making it a misdemeanor for any such witness to refuse to attend or testify or produce books and papers when summoned, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5561) to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 5th instant proposing to appropriate $5,000 for the erection of tablets to mark historical places in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 17th instant, authorizing the recorder of deeds of the District of Columbia to recopy, from time to time, such original records in his office as may need to be copied in order to better preserve them, etc., intended to be proposed to the District of Columbia appropriation bill, reported it with an amendment in the nature of a substitute, and moved that it be referred to the Committee on Appriations and printed; which was agreed to.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, to whom the subject was referred, submitted a report, accompanied by a bill (S. 5773) to provide a site and buildings for the Departments of State, Justice, and Commerce and Labor; which was read twice by its title.

He also, from the Committee on the Library, to whom was referred the bill (S. 4603) making the Public Library of the District of Columbia a designated depository for Government publications, asked to be discharged from its further consideration, and that it be referred to the Committee on Printing; which was agreed to.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 13) authorizing the Secretary of War to award the Congressional medal of honor to Roe Reisinger, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (S. 2620) to provide that the inhabitants of Porto Rico shall be citizens of the United States, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 11490) granting the Edison Electric Company a permit to occupy certain lands for electric power plants in the San Bernardino, Sierra, and San Gabriel forest reserves, in the State of California, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 5774) for the relief of the Snare & Triest Company; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (for Mr. DEPEW) introduced a bill (S. 5775) granting an increase of pension to Harvey M. Traver; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEE introduced a bill (S. 5776) granting an increase of pension to James H. Vane; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5777) for the relief of Lawrence S. Brumidi; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5778) granting a pension to Mathias Reed; and

A bill (S. 5779) granting an increase of pension to Pascal J. Elsworth.

Mr. McCUMBER (by request) introduced a bill (S. 5780) granting a pension to Lorenzo E. Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5781) granting an increase of pension to Ezra Prouty; and

A bill (S. 5782) granting an increase of pension to Octave Fariola.

Mr. HOPKINS introduced a bill (S. 5783) granting a pension to Florence H. Godfrey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5784) granting an increase of pension to Mahala F. Campbell; and

A bill (S. 5785) granting an increase of pension to Joseph W. Doughty.

Mr. TALIAFERRO introduced a bill (S. 5786) granting an increase of pension to Mary J. Ivey; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 5787) for the relief of Lurana Harpole; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 5788) for the relief of the heirs of Caroline Thompson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANSBROUGH introduced a bill (S. 5789) to regulate the publication of notices issued under the public land laws; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 5790) granting an increase of pension to Jehial P. Hammond; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 5791) granting an increase of pension to Margaret Simpson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McLAURIN introduced a bill (S. 5792) for the relief of the estate of John M. Rook, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5793) for the relief of John L. McClendon; which was read twice by its title, and referred to the Committee on Claims.

MEDICAL SUPPLIES FOR SUFFERERS IN CALIFORNIA.

Mr. MORGAN. Mr. President, the Secretary of War has handed me the draft of a joint resolution relating to affairs in California, accompanied with a telegraphic letter from Fort Mason, Cal., by the commandant of the hospital service there. I ask that the letter and the joint resolution may be read, and I will ask for the consideration of the joint resolution.

The VICE-PRESIDENT. The Secretary will first read the communication.

The Secretary read as follows:

[Telegram.]

FORT MASON, CAL., *April 19, 1906.*

SURGEON-GENERAL UNITED STATES ARMY,
Washington, D. C.:

Medical supply depot was destroyed totally. Nothing saved. Nothing can be purchased here. Will call on the naval authorities for surgical dressings. Will need at once 80,000 yards of gauze, 100 pounds absorbent cotton, and two barrels of alcohol. Every provision is being made for the care of the sick. The division hospital has been erected and the post hospital opened. The difficulty in caring for the sick is in the scarcity of water, which is sufficient for drinking and cooking only.

TORNEY,
Commanding Hospital.

A true copy.

R. M. O'REILLY,
Surgeon-General, U. S. Army.

SURGEON-GENERAL'S OFFICE, *April 20, 1906.*

The joint resolution (S. R. 49) construing the joint resolution approved April 19, 1906, entitled "Joint resolution for the relief of sufferers from earthquake and conflagration on the Pacific

coast," was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the appropriation of $1,000,000, made by joint resolution approved the 19th instant, entitled "Joint resolution for the relief of sufferers from earthquake and conflagration on the Pacific coast," shall be available under the discretion of the Secretary of War to procure medical supplies, in addition to such supplies belonging to the military establishment, and issue the same in like manner as the subsistence and quartermaster's supplies specifically mentioned in the joint resolution aforesaid.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSAL OF TIMBER ON PUBLIC LANDS.

Mr. CLARK of Montana submitted an amendment intended to be proposed by him to the bill (S. 5327) to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes; which was ordered to lie on the table, and be printed.

POST-OFFICE INSPECTORS.

Mr. SCOTT submitted an amendment proposing to increase the number of post-office inspectors at $2,400 each from six to ten, and the number of post-office inspectors at $1,800 each from ten to fifteen, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

WITHDRAWAL OF PAPERS—ANDERSON WALKER.

On motion of Mr. SCOTT, it was

Ordered, That leave be granted to withdraw from the files of the Senate, without leaving copies, the papers in the case of Senate bill 5440, to remove the charge of desertion from the name of Anderson Walker, Fifty-ninth Congress, first session, no adverse report having been made thereon.

PUBLIC BUILDINGS IN SAN FRANCISCO.

Mr. SCOTT. I submit a resolution, and I ask for its present consideration.

The resolution was read, as follows:

Whereas it seems from the reports that all the Federal buildings in San Francisco, excepting the mint, have been destroyed by earthquake and fire; Therefore, be it

Resolved, That the Secretary of the Treasury be, and he hereby is, directed to submit to the Senate at the earliest possible date a report on the cost of erecting in San Francisco Federal buildings to take the place of those destroyed by earthquake and fire, said buildings to be constructed of steel frames, etc., if deemed advisable, and fitted with all modern appliances.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution just read?

Mr. HEYBURN. I do not desire to object, but when it is before the Senate I wish to make a suggestion.

Mr. SCOTT. It is before the Senate now, if there is no objection. However, if the Senator desires, I will ask that it may go over.

Mr. HEYBURN. I do not want it to go over.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HEYBURN. Mr. President, this matter is one of local interest to our section of the country, as well as of general interest to the country at large. It is our district and circuit court that is held there, and there was a term of court to commence there in a few days. The calendar is set and the parties and attorneys have been notified of the day of the setting of cases. There is going to be great embarrassment growing out of the situation, and it will not be entirely met by the resolution, for the reason that the court will have to be held somewhere else. It will be necessary for us within a very few days to make some provision for the holding of the United States court at some other place than San Francisco. It will be utterly impracticable to hold it there, and I contemplate at a very early day asking the Senate to make provision that the court shall sit at Portland, which is in the same circuit, and is one of the places already fixed by law for holding terms of the court.

Mr. SCOTT. I would be glad to support the Senator's measure when it comes up.

Mr. HEYBURN. I merely make the suggestion at this time.

Mr. SCOTT. The resolution will not interfere with that. There is no objection, I understand, by the Senator to the resolution?

Mr. HEYBURN. No.

Mr. HANSBROUGH. I ask the Senator from Idaho if the fixing of the term of a court in a case of this kind is not in the discretion of the judges?

Mr. HEYBURN. No, not at all; we fix the place of holding the court here.

Mr. HANSBROUGH. They can adjourn a term of court from one place to another.

Mr. HEYBURN. They can not meet in San Francisco at the time fixed. It is a smoldering fire. We shall be compelled to afford them some relief by act of Congress, and it should be done speedily.

Mr. HANSBROUGH. I suppose it is possible for the judges to meet for a few minutes and adjourn the term of the court to a given day.

Mr. HEYBURN. I wish to suggest that that is not possible. The district in which those buildings are situated is not now even open to approach.

Mr. SCOTT. I suggest that this matter is not germane to the resolution I have offered.

Mr. HANSBROUGH. I have no objection to the resolution. I simply desired to make the inquiry for information.

Mr. MALLORY. Mr. President, is this a matter of unanimous consent?

The VICE-PRESIDENT. Yes; unanimous consent was requested for the consideration of the resolution.

Mr. MALLORY. I suggest that the resolution be passed over until at least one of the Senators from California is present.

The VICE-PRESIDENT. Under objection, the resolution will lie over.

Mr. SCOTT. The matter the Senators were discussing is not germane to the resolution I have offered.

Mr. MALLORY. I understand that. I see now that one of the Senators from California is present. The only reason why I asked that the resolution might lie over was to await the appearance of one of the Senators from that State.

Mr. SCOTT. I ask again for the reading of the resolution. I hope Senators will listen to the resolution. I am sure there will be no objection to it.

The VICE-PRESIDENT. The Secretary will again read the resolution.

The Secretary again read the resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution just read?

Mr. PERKINS. I can see no objection, Mr. President, to the present consideration of the resolution. I think, however, the author of it is mistaken in the statement that all of the Federal buildings have been destroyed. It is my information that the mint is intact and also the new post-office and court building is intact. It will do no harm, however, to adopt the resolution.

The VICE-PRESIDENT. The Chair hears no objection to the consideration of the resolution. The question is on agreeing to it.

The resolution was agreed to.

HOUSE BILL REFERRED.

H. R. 4478. An act to amend section 64 of the bankruptcy act was read twice by its title, and referred to the Committee on the Judiciary.

EMILIE GRACE REICH.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1308) granting an increase of pension to Emilie Grace Reich, which was, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty."

Mr. McCUMBER. I move that the Senate concur in the House amendment.

The motion was agreed to.

ELIZABETH B. BEAN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1248) granting a pension to Elizabeth B. Bean, which was, in line 8, before the word "dollars," to strike out "twelve" and insert "eight."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MARY E. DUGGER.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives for the return to the House of the bill (S. 1975) granting an increase of pension to Mary E. Dugger, and by unanimous consent the request was ordered to be complied with.

PARK AND CEMETERY LANDS IN BILOXI, MISS.

Mr. McLAURIN. I ask unanimous consent for the present consideration of the bill (H. R. 10152) granting certain lands to the city of Biloxi, in Harrison County, Miss., for park and

cemetery purposes. It is a short bill, to which there will be no objection, I think.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT WASHINGTON, N. C.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the bill (S. 1274) authorizing a public building at Washington, N. C. It is a very short bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States postoffice and other Government offices in the city of Washington and State of North Carolina, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches complete, not to exceed the sum of $60,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who will then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the result of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building at Washington, N. C."

Mr. HALE. If the junior Senator from Wisconsin is not ready to resume his remarks, I call for the regular order.

The VICE-PRESIDENT. The Calendar under Rule VIII is in order.

IDAHO STATE SOLDIERS AND SAILORS' HOME.

The bill (S. 577) granting to the State of Idaho 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Idaho State Soldiers and Sailors' Home was announced as next in order on the Calendar.

Mr. GALLINGER. Let the bill go to the Calendar under Rule IX, Mr. President.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX.

WYOMING STATE SOLDIERS AND SAILORS' HOME.

The bill (S. 608) granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home was announced as next in order.

Mr. LODGE. Let that bill take the same course.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX.

YELLOWSTONE NATIONAL PARK.

The bill (S. 4433) to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park" was announced as next in order.

The VICE-PRESIDENT. On March 26 the bill was read and considered as in Committee of the Whole.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HEYBURN subsequently said: Mr. President, I ask the Senate to return to the consideration of the bill (S. 4433) to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park."

There are some slight amendments which should be made to that bill, and I think they will be made with the consent of the Senator having it in charge. I therefore move that the vote by which the bill was passed be reconsidered.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The vote by which the bill was passed has been reconsidered, and the bill is now before the Senate, the question being upon its passage. It is not in the Senate for amendment.

Mr. FRYE. If it is proposed to offer amendments to the bill, the vote by which it was ordered to be engrossed for a third reading and read the third time must also be reconsidered.

The VICE-PRESIDENT. Does the Senator make such a motion? That was not the motion of the Senator from Idaho.

Mr. HEYBURN. I make such a motion.

The VICE-PRESIDENT. The Senator from Idaho now moves that the votes by which the bill was ordered to be engrossed for a third reading and read the third time be reconsidered. The question is on that motion.

The motion was agreed to.

The VICE-PRESIDENT. The bill is in the Senate and open to amendment.

Mr. HEYBURN. Mr. President, I desire to offer an amendment in section 3, page 2, line 12, after the word "shall," by inserting "be in effect only a chattel mortgage, and shall;" so that, if amended, it will read:

That any mortgage, lien, or incumbrance created under the provisions hereof shall be in effect only a chattel mortgage, and shall be subject to the rights of the Government to compel the enforcement of the terms of the lease or contract of the mortgagor, etc.

This is a bill authorizing the parties constructing the large hotels in the Yellowstone National Park to mortgage their property. It is not at all clear that the bill is not a recogaition of an interest in the ground upon which the buildings are constructed, which would, of course, not be granted by Congress or considered for a moment. If those buildings are mortgaged, the mortgage should have only the effect of a chattel mortgage, not a mortgage of the real estate. That, it seems to me, is an important provision, and it is not one that would be presumed, because Congress has power to deal with the soil and with the right to occupy it, and having that power, there would be no presumption at all against it having granted it. Therefore I move that section 3 be amended, first as I have indicated, and then another amendment will follow in the same section.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Idaho [Mr. HEYBURN], which will be stated.

The SECRETARY. In section 3, page 2, line 12, after the word "shall," it is proposed to insert "be in effect only a chattel mortgage, and shall."

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I want to submit, in connection with that matter, a legal suggestion that arises in my mind. I have not had occasion to run down the legislation with reference to the Yellowstone National Park for the purpose of determining as to the jurisdiction of the State courts as distinguished from that of the Federal courts there. If any Senator is advised as to whether or not a chattel mortgage given upon property in the Yellowstone Park should be taken jurisdiction of by the United States courts, I should be very glad of that information. We are liable to indulge in some legislation here that will be very embarrassing, and the amounts involved here are several millions of dollars and also a recognition of private rights that might attach to the soil in the Yellowstone Park. In my judgment, so far as I am advised, a chattel mortgage upon personal property under the laws of Montana would be recorded as other chattel mortgages—that is, in the Yellowstone Park—and, as other chattel mortgages, it would be foreclosed as other chattel mortgages are. If that is true, then this provision in the bill would be nugatory, and it might become very embarrassing. The Senator from Montana [Mr. CARTER] may be advised upon the question as to whether or not a chattel mortgage of property within the Yellowstone Park would be within the jurisdiction of the State courts so far as chattel mortgages are concerned.

Mr. LODGE. It is obvious that this bill is going to lead to a great deal of debate. I suggest, therefore, that it go over.

The VICE-PRESIDENT. Under objection, the bill will lie over without prejudice.

MOVEMENTS OF VESSELS IN VIRGINIA WATERS.

The bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LORENZO A. BAILEY.

The bill (S. 3139) for the relief of Lorenzo A. Bailey was considered as in Committee of the Whole. It proposes to pay

to Lorenzo A. Bailey $6,155.22, out of any money in the Treasury of the United States belonging to the Osage Nation or tribe of Indians, for his retainer fee and his contingent fee in the Watson Stewart case, under his contract with that nation bearing date February 29, 1904, and such further sum as the Court of Claims may hereafter determine to be a fair and reasonable fee to him under the contract.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

Mr. GALLINGER. I inquire of the Senator from Idaho [Mr. DUBOIS] why a definite sum is named in the bill as the fee of this attorney, and then a provision is inserted that the court may allow him a still further sum? I should like to know why that provision is in the bill.

Mr. DUBOIS. Mr. President, there were twenty of these suits. One was tried as a test case and decided in favor of the Indians whom this man represented. There was a retainer of $5,000, and the percentage on the suits decided amounted to enough to make up the balance of $5,000. The matter is left to the determination of the courts in regard to the other suits. One of the suits having been decided, presumably there will be no contest over the others.

Mr. GALLINGER. So that he would get $5,000 or more on each of the twenty suits?

Mr. DUBOIS. Oh, no; he would get not to exceed a thousand dollars, if he got that.

Mr. GALLINGER. Very well; then I presume the bill is all right.

Mr. DUBOIS. Yes; entirely so.

The VICE-PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

VESSELS IN ST. MARYS RIVER.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4925) to amend the act approved March 6, 1896, relating to the anchorage of vessels in St. Marys River; which were, on page 2, line 2, to strike out "under the direction" and insert "upon the request;" and on page 2, line 11, to strike out "of" and insert "not exceeding."

Mr. FRYE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

APPALACHIAN AND WHITE MOUNTAIN FOREST RESERVES.

The next bill on the Calendar was the bill (S. 4953) for the purpose of acquiring national forest reserves in the Appalachian Mountains and White Mountains, to be known as the Appalachian Forest Reserve and the White Mountain Reserve, respectively.

Mr. BRANDEGEE. Let that bill be passed over without prejudice, retaining its place, Mr. President.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

PRACTICE OF MEDICINE, SURGERY, AND DENTISTRY IN ALASKA.

The bill (S. 2554) providing for the regulation of the practice of medicine, surgery, and dentistry in the district of Alaska, was announced as next in order on the Calendar.

Mr. LODGE. Let that bill go over without prejudice, Mr. President.

Mr. GALLINGER. Let it go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go the Calendar under Rule IX at the request of the Senator from New Hampshire.

DISCRIMINATIONS AGAINST AMERICAN SAILING VESSELS.

The bill (S. 30) to remove discriminations against American sailing vessels in the coasting trade, was announced as next in order on the Calendar.

Mr. FRYE. I ask that that bill may be passed over, retaining its place. A similar bill has passed the Senate twice and received no action from the House of Representatives. I do not wish it acted upon in the Senate until the House has had some consideration of it.

The VICE-PRESIDENT. The bill will be passed over at the request of the Senator from Maine, without prejudice.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

The bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, was announced as next in order.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. BACON. That seems to be a long bill, and before occupying the time of the Senate in further reading it, I should like to inquire what committee has reported the bill to the Senate?

The VICE-PRESIDENT. The Committee on Commerce.

Mr. FRYE. Unanimously.

Mr. NELSON. That bill was reported from the Committee on Commerce, as has been stated, with a unanimous report. The committee has largely amended it, so as to remove all possible objections to it.

Mr. BACON. Well, Mr. President, I shall not object to the reading of the bill, but I shall certainly want to examine it. There must be some reason for the corporation receiving this franchise at the hands of the Federal Government.

Mr. GALLINGER. It is an interstate corporation.

Mr. BACON. Unless there is some specific reason which makes it important that the company should be incorporated by the National Government, rather than by the State government, I should not be in favor of the passage of the bill.

Mr. NELSON. If the Senator will allow me, I can in a few words explain the reason for it. The object of the bill is to provide for the construction of a canal connecting the Ohio River, somewhere near Pittsburg, with the Great Lakes. The canal is to pass through two States—Ohio and Pennsylvania—and on account of the fact that it is to be an interstate canal, in order to expedite the work and make it successful, it is desired to incorporate under the Federal laws. The corporation is directly limited to the business of building the canal. All other matters which were in the bill as it came from the other House were eliminated.

Mr. BACON. Does the bill give the corporation the right to condemn property?

Mr. NELSON. Certainly; but it is all under State laws. They must do all things in acquiring property and in acquiring riparian rights subject to the laws of the several States.

Mr. BACON. I shall not object to the reading of the bill, it having been already partially read; but I certainly want time to examine it before consenting to its passage.

Mr. FRYE. Mr. President, if the Senator will read the bill and the report, I think they will remove any objections that may occur to him.

Mr. BACON. Possibly that may be true; but I will state very frankly to the Senator that, unless there is some greater reason disclosed than that which has been stated by the Senator from Minnesota [Mr. NELSON], my objections will not be removed, because the very same reasons which would suggest the propriety of the passage of this bill or the granting of this charter would apply to every enterprise which in any manner embraced interstate commerce, and would apply to every railroad which was sought to be built partly in one State and partly in another.

There may be some other reasons which have not been suggested, but if the suggestions made by the Senator from Minnesota were the sole reasons, I should not favor the passage of the bill.

Mr. NELSON. They are not the sole reasons, Mr. President; but in view of the fact that the Senator desires an opportunity to further consider the bill, I ask that it may be passed over without losing its place on the Calendar.

Mr. BACON. I have no objection to the reading being continued, if the Senator so desires.

Mr. NELSON. Oh, no.

Mr. FRYE. I hope the Senator from Georgia will read the report and the bill.

Mr. BACON. I will examine them.

The VICE-PRESIDENT. The bill will be passed over, retaining its place on the Calendar.

ALLOTMENT OF INDIAN LANDS IN SEVERALTY.

The bill (H. R. 11946) to amend section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," was announced as next in order on the Calendar.

Mr. KEAN. I do not see the Senator from South Dakota [Mr. GAMBLE] who reported the bill in the Chamber at this time, and so I ask that the bill go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from New Jersey, without prejudice.

Mr. CLAPP subsequently said: In the absence of the Senator from South Dakota [Mr. GAMBLE] I should like to have the objection withdrawn to the consideration at this time of House bill 11946. The Senator from South Dakota who has the bill in charge is very anxious to have it passed. I hope the Senator from New Jersey will withdraw his objection.

Mr. KEAN. I do not know that I shall object to the bill, but I should like to have some explanation of it before it is passed. The title would indicate that it is a bill of some importance and one which would give rise to debate.

Mr. CLAPP. I can make a very short statement in explanation of the bill.

Mr. KEAN. I have no objection to that.

The VICE-PRESIDENT. Does the Senator from New Jersey withdraw his objection to the present consideration of the bill?

Mr. KEAN. I withdraw the objection.

Mr. CLAPP. Mr. President, under the existing allotment law, when an Indian obtains his allotment he becomes a citizen, which divests the Federal Government of all authority over the Indian, save so far as there may be retained a restriction by the Government upon alienation of the allotment by the allottee. This has led to a most deplorable condition in many of the reservations. The purpose of this bill is to provide that in their future allotments the rights of citizenship shall not attach until the expiration of the trust period and the allottee obtains his patent. It is a bill in which the Department is vitally interested and one that should become a law.

The VICE-PRESIDENT. Objection being withdrawn, the bill will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HEYBURN. I should like to ask the Senator from Minnesota a question. I understood him to state that this bill provides that Indians shall only become citizens of the United States after the lapse of the time in which they might prove upon their lands. Is that it?

Mr. CLAPP. Yes.

Mr. HEYBURN. Then here is the condition that confronts us: We have in Idaho the Nez Perce Indians, for instance, and the Coeur d'Alenes, who were provided for the other day. Some of those Indians are now in the possession of full citizenship. Would this bill prevent those that are not already within the limits of full citizenship from completing their citizenship?

Mr. CLAPP. Yes, sir; it would.

Mr. HEYBURN. Then it would bring two classes of Indians on the same reservation?

Mr. CLAPP. Yes, sir.

Mr. HEYBURN. At 12 o'clock in the day the Indians who had before noon complied with the law and taken their lands in severalty would have one status as citizens and those who did not happen to get in at that time would be shut off from citizenship under this proposed law. It seems to me that there should be some amendment that would prevent a condition where one portion of a tribe would be citizens of the United States and occupy a position above the other portion of the tribe. That would hardly result in harmony in that tribe. It would create an aristocracy of citizenship.

I am in favor of the general principle of the bill, provided it is amended so as to avoid those embarrassments, and they would be serious embarrassments to the two tribes in the State which I in part represent here, because just now their lands are in process of being allotted.

Mr. CLAPP. Mr. President, the condition to which the Senator refers, I think obtains to-day upon every reservation in the United States under the existing law. A portion of a tribe who have had their allotments made under the existing law advance to certain rights of citizenship. Those who have not received their allotments do not reach that point in citizenship. The trouble under the existing condition is that when they get their first allotments, their trust deeds, they become citizens. It is true that under this bill those who have heretofore taken their allotments will have the rights of citizenship, because no law that Congress could pass could to-day divest them of the rights which they have, but the bill will for the future cure the evil that is found on these reservations, where the Indians by merely receiving their allotments pass beyond the jurisdiction of the Federal Government. We can not avoid the condition to which the Senator referred, because under the existing law there are two classes.

Mr. HEYBURN. I am anxious to perfect the bill rather than to defeat it. Now comes this provision at the top of page 2:

> Then each and every allottee shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law.

There is a discrimination in that provision between Indians who live in the Territories and Indians who live in the States, which I doubt if the Senator who prepared this bill intended should exist.

Mr. CLAPP. I do not think it exists, because no State could pass such a law.

Mr. HEYBURN. Well, then, why provide, as is provided in this bill? Of course, a State can not pass such a law after the Indians do become citizens, but why provide that a Territory shall not pass any law denying the Indians within a Territory the equal protection of the law?

Mr. CLAPP. Because we are legislating now for the Territories and not for the States. A State could not take away the rights of citizenship if it wanted to. We are legislating for the Territories, and provide in this bill that no Territory shall do it.

Mr. HEYBURN. Yes; but we use the words "State or Territory" in defining the laws to which they shall be subject in line 4, on page 2.

Mr. CLAPP. No, sir; we use the words "State or Territory" in defining the rights that the Indian attains to. The bill provides:

> Every allottee shall have the benefit of and be subject to the laws, both civil and criminal——

Mr. HEYBURN. Well, he already is in a State.

Mr. CLAPP. Not unless he has got his allotment he is not.

Mr. HEYBURN. The bill says "every allottee." It has been held by the Supreme Court of the United States recently that every allottee has attained to citizenship and has those rights, of course. There was a doubt about this until a recent time, but it has been settled.

Mr. CLAPP. What would the Senator like to suggest in the way of amendment?

Mr. HEYBURN. I should like to have time to look the bill over and make a suggestion.

Mr. CLAPP. I do not wish to take up the time of the Senate with a discussion of this bill this morning.

Mr. McCUMBER. Let me call the attention of the Senator——

Mr. GALLINGER. I ask that the bill may go over.

Mr. McCUMBER. Let me call the attention of the Senator to one matter. We are simply repeating the law as it now stands with reference to the Indians, and what has been the law ever since 1887. This bill does not add to it, but, on the contrary, the exact language of the law of February 8, 1887, has been recopied into this bill; so that it will not affect the question whether it comes in again or whether it does not.

Mr. HEYBURN. I should like to ask the Senator——

Mr. GALLINGER. I ask that the bill may go over.

The VICE-PRESIDENT. Under objection, the bill will go over without prejudice.

IMMIGRATION OF ALIENS.

The bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens in the United States," approved March 3, 1903, was announced as next in order.

Mr. LODGE. In the absence of the Senator from Vermont [Mr. DILLINGHAM], who has that bill in charge, I ask that it may go over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will go over without prejudice.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Mr. MORGAN. I ask the Chair to lay before the Senate the action of the House of Representatives on Senate bill 4250, in reference to the Public Health and Marine-Hospital Service, with a view of getting a conference upon it.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service and to impose further duties thereon.

Mr. MORGAN. I think it is hardly necessary to detain the Senate by reading the bill. The Senate passed the bill and sent it to the House. The House has stricken out the Senate bill and inserted a new bill of its own. I move that the Senate disagree to the amendment of the House and ask for a conference on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. SPOONER, Mr. MALLORY, and Mr. BRANDEGEE were appointed.

PUBLIC BUILDING AT SAN JUAN, P. R.

Mr. TILLMAN. Mr. President——

Mr. FORAKER. I observe the Senator from South Carolina is about to ask that the unfinished business be laid before the Senate. I hope he will be willing to yield to me for a moment so that I may secure present consideration of the bill (S. 5639) to provide for the erection of a public building at San Juan, P. R.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $300,000 for the erection of a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office, Federal court, custom-house, weather bureau, the branch office of the United States Civil Service Commission, and other Government offices in the city of San Juan, P. R.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISHING IN ALASKAN WATERS.

Mr. FULTON. I move that the bill (S. 267) to prohibit aliens from fishing in the waters of Alaska, together with the amendment of the House of Representatives, which came from the House yesterday and was laid on the table and ordered to be printed, be referred to the Committee on Foreign Relations.

The motion was agreed to.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I ask unanimous consent that the unfinished business be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. LA FOLLETTE resumed the speech begun by him yesterday. After having spoken nearly three hours and a half, he said:

Mr. President, I shall yield the floor at this time and shall ask the privilege of resuming it again on Monday.

[Mr. LA FOLLETTE's speech will be published entire after it shall have been concluded.]

Mr. TILLMAN. I ask that the unfinished business be laid aside for the balance of the day.

The VICE-PRESIDENT. The Senator from South Carolina asks that the unfinished business be laid aside for the day. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 49) construing the joint resolution approved April 19, 1906, entitled "Joint resolution for the relief of sufferers by earthquake and conflagration on the Pacific coast."

MESSAGE OF CONDOLENCE FROM BRAZILIAN SENATE.

The VICE-PRESIDENT. The Secretary will read the following dispatch.

The Secretary read as follows:

[By cable.]

RIO JANEIRO, *April 20, 1906.*

His excellency the PRESIDENT OF THE SENATE, *Washington:*

In the name of the Brazilian Senate I have the honor to transmit to you the testimony of our profound sorrow at the catastrophe which has occurred in San Francisco.

JUAQUIM MURTINHO,
Vice-President Brazilian Senate.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopended and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 21, 1906, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 20, 1906.

POSTMASTERS.

ALABAMA.

Walter W. Simmons to be postmaster at Athens, in the county of Limestone and State of Alabama.

ARKANSAS.

Elijah O. Lefors to be postmaster at Bentonville, in the county of Benton and State of Arkansas.

CONNECTICUT.

George W. Buteau to be postmaster at Baltic, in the county of New London and State of Connecticut.

William P. Leete to be postmaster at North Haven, in the county of New Haven and State of Connecticut.

FLORIDA.

Thomas W. Lundy to be postmaster at Perry, in the county of Taylor and State of Florida.

MASSACHUSETTS.

Arthur Bliss to be postmaster at Andover, in the county of Essex and State of Massachusetts.

NEW YORK.

George E. Call to be postmaster at Northport, in the county of Suffolk and State of New York.

Burt Graves to be postmaster at Middleport, in the county of Niagara and State of New York.

Stephen G. Newman to be postmaster at Haverstraw, in the county of Rockland and State of New York.

PENNSYLVANIA.

Harry D. Patch to be postmaster at Wilmerding, in the county of Allegheny and State of Pennsylvania.

TEXAS.

Gains L. Burk to be postmaster at Van Alstyne, in the county of Grayson and State of Texas.

Caroline Cotulla to be postmaster at Cotulla, in the county of Lasalle and State of Texas.

Everton W. Kennerly to be postmaster at Giddings, in the county of Lee and State of Texas.

Robert J. King to be postmaster at Clarksville, in the county of Red River and State of Texas.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 20, 1906.*

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Eternal and everliving God, our Heavenly Father, whose ways are past finding out, we thank Thee for the sympathy, for the brotherly love and generosity which prevail throughout our land for the stricken people of the Pacific coast. God grant that these ministrations may be to them a source of comfort, consolation, and encouragement that they may take up the burdens of life anew and go forward even to greater attainments. Spare us, O God, from further calamities, and keep us all close to Thee, and bring us to that larger life in Thee, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF AGRICULTURE.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the desk.

The SPEAKER. The gentleman from Maine asks unanimous consent for the present consideration of the following, which the Clerk will report.

Mr. WILLIAMS. Mr. Speaker——

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Department of Agriculture is hereby authorized to examine, so far as the Department of Agriculture is concerned, all the matters referred to in paragraph 42, Rule II, of the House of Representatives, and for that purpose it may send for persons and papers, and is authorized to employ a competent stenographer while conducting said examination, and to sit during the sessions of the House and to report the result of its examination with any recommendation to the House.

The SPEAKER. Is there objection?

Mr. WILLIAMS. I very much regret, Mr. Speaker, to be compelled to object.

Mr. LITTLEFIELD. Will the gentleman withhold his objection, so that I can state the condition of affairs?

Mr. WILLIAMS. I have no objection to the request, but I am objecting to all requests, and this is one. I object.

Mr. LITTLEFIELD. I want to state the facts, because I think the gentleman from Mississippi will, when he understands the situation, withdraw his objection.

Mr. WILLIAMS. I object to the statement, Mr. Speaker.

Mr. LITTLEFIELD. I ask unanimous consent to be allowed to state to the House the reasons why I suggest the adoption of this resolution now.

Mr. WILLIAMS. I object.

Mr. LITTLEFIELD. Will the gentleman let me state my request? I ask unanimous consent——

Mr. WILLIAMS. I object.

Mr. LITTLEFIELD (continuing). To be allowed to state to the House the public reasons why I ask unanimous consent for the adoption of this resolution.

Mr. RANDELL of Texas. Mr. Speaker, I call for the regular order.

Mr. WILLIAMS. I object.

The SPEAKER. The Chair heard the gentleman from Mississippi and has heard the gentleman from Maine. Neither one can proceed without consent. The regular order is demanded. The gentleman from Massachusetts is recognized.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GILLETT of Massachusetts. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. DALZELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill, and the Clerk will read.

The Clerk read as follows:

GENERAL EXPENSES.

For executive office: For two Commissioners, at $5,000 each; Engineer Commissioner, $924 (to make salary $5,000); secretary, $2,160; two assistant secretaries to Commissioners, at $1,200 each; two clerks, at $1,500 each; three clerks, at $1,200 each; clerk, $600; messenger, $600; two messengers, at $480 each; stenographer and typewriter, $720; two drivers, at $600 each; veterinary surgeon for all horses in the departments of the District government, $1,200; inspector of buildings, $2,750; principal assistant inspector of buildings, $1,600; five assistant inspectors of buildings, at $1,200 each; five assistant inspectors of buildings, at $1,000 each; temporary employment of additional assistant inspectors for such time as their services may be necessary, $2,400; two civil engineers or computers, at $1,500 each; draftsman, $1,400; clerk, $1,000; clerk, $900; clerk, who shall be a stenographer and typewriter, $900; messenger, $480; superintendent of construction, $1,200; janitor, $900; steam engineer, $900; three firemen, at $480 each; two elevator operators, at $360 each; three watchmen, at $480 each; one laborer, who shall also act as messenger and substitute elevator operator, $365; two laborers, at $360 each; property clerk, $2,000; deputy property clerk, $1,600; clerk, $1,500; seven clerks, at $1,200 each; two clerks, at $900 each; three clerks, at $720 each; three clerks, at $600 each; clerk, $480; inspector of fuel, $1,500; assistant inspector of fuel, $1,100; two messengers, at $600 each; driver, $480; inspector (now temporary, at $3 per day), $900; inspector (now temporary, at $2.50 per day), $780; laborer (now temporary, at $2 per day), $600; inspector of plumbing, $2,000; seven assistant inspectors of plumbing, one at $1,200, and six at $1,000 each; draftsman, $1,200; three members of the plumbing board, at $300 each, and hereafter said board shall be composed of one master plumber, one journeyman plumber competent to be licensed as a master plumber, and one employee of the District of Columbia having a knowledge of plumbing, gas fitting, and sanitary work, whose compensation shall be $300 per annum each, payable monthly; in all, $98,079.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last word. There is an item in this bill making an appropriation for St. Elizabeth's Hospital for the Insane. In that connection, I want to call attention to some remarks that were made yesterday on that subject. The gentleman from Ohio [Mr. GROSVENOR] took me to task upon my ignorance of methods of procedure by which action was secured from the Committee on Rules. I plead guilty of being entirely ignorant upon that line, but the gentleman from Ohio pleaded ignorance upon his part before he got very much further, and I must say that my friend is suffering considerably from lapses of memory. Now, the gentleman, as I understood him yesterday, claimed that he knew practically nothing of anything that demanded investigation at this asylum, and he rather took me to task for acting upon newspaper reports. I introduced my resolution on the 21st day of February, and on the 26th day of February, five days later, the gentleman from Ohio [Mr. GROSVENOR] introduced a bill seeking to investigate this same asylum. I don't know whether the gentleman acted upon newspaper reports or whether the gentleman had other facts in his possession than the newspaper reports, but on the 26th day of February the gentleman did introduce this bill, and I have it here before me. So the gentleman must have been apprised of the fact that there was something in connection with that hospital that needed investigation, else he would not have called upon this House to solemnly enact a bill providing a means by which it should be investigated. Further than that, I want to call the gentleman's attention, and thus refresh his memory, to the fact that the day that the gentleman asked unanimous consent to bring up his bill for consideration the gentleman from Alabama [Mr. CLAYTON] objected, at my request. Later on the gentleman from Alabama [Mr. CLAYTON], the gentleman from Ohio [Mr. GROSVENOR], and myself had a conference about this bill. We then discussed it, and I told the gentleman from Ohio one of my objections to his bill was the fact that it permitted the board of visitors to make the investigation, when they, to some extent, were responsible for whatever mismanagement or wrongdoing was taking place there. So the gentleman from Ohio evidently did have notice, and he had simply forgotten it on yesterday. I want to say further that although I am ignorant of the methods of procedure by which an ordinary Member of Congress may reach the inner sanctuary of the Committee on Rules, I did apply to one member of that committee, or a gentleman whom I took to be a member. The gentleman from Missouri, Judge DE ARMOND, I furnished with a copy of this resolution, but when I did I was informed by that gentleman that he was nominally a member [applause on the Democratic side], and that he and the gentleman from Mississippi [Mr. WILLIAMS], both supposed to be members of that committee, were really in fact not members, and the only duty that they performed was when the actual Committee on Rules had agreed upon a line of action they were called in and informed of what was intended to be done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent to proceed for two minutes longer.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to proceed for two minutes. Is there objection?

Mr. GILLETT of Massachusetts. Mr. Chairman, I do not wish to make the point of order, but I simply wish to suggest to the gentleman that he will be as brief as possible, as we want to finish this bill. Of course he is not really in order.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. Mr. Chairman, that is the status of this case; that is the status of this attempted legislation, and the gentleman from Ohio [Mr. GROSVENOR], in that conference which we had, finally agreed to accept the amendments to his bill which I afterwards prepared, all of which he accepted except the last one, and to that he raised no objection. So the gentleman from Ohio [Mr. GROSVENOR] was conversant with these facts, and the gentleman from Ohio recognized the necessity for an investigation. He recognized and he had information from some source that impressed him with the idea that this institution ought to be investigated by Congress, and the only difference of opinion between him and myself on this subject at all times, or at any time, has been that he desired the board of visitors to investigate the people responsible, in some measure at least, for these wrongdoings, while I insisted that a committee of this House, an impartial and nonpartisan and disinterested committee, should hear these witnesses and determine these facts. [Applause on the Democratic side.]

Mr. Chairman, it occurs to me that, as the gentleman from Ohio has not acted yet, as the Committee on Rules, of which he is so shining a member, has not acted, it is time to do so now. They have got the facts. They have got them in the shape of sworn affidavits. They have got them in the shape of declarations by prominent citizens, and, in the name of humanity, I call upon them to act. [Applause on the Democratic side.]

Mr. GROSVENOR. Mr. Chairman, the gentleman from Florida is a most unfortunate man. He predicates a speech upon a statement of fact that is absolutely wanting in fact. His whole speech now has turned upon his own statement that I said on yesterday that I knew nothing about any complaints about that institution, and I shall get the reporter's notes to put in my speech here now so as to get the exact verbiage of his charge. Mr. Chairman, I state—and I challenge contradiction—that I said no such thing, nor did I say anything that any fair man not disposed to have a personal controversy could have tortured into such a statement.

I shall not be turned aside from proceeding to denounce the character of the statement upon which the gentleman from Florida [Mr. CLARK] based his entire speech this morning. I have the language here, the language that he used, and the only language that I complained of. It is:

> Now, the gentleman, as I understood him yesterday, claimed that he knew practically nothing of anything that demanded investigation at the asylum, and he rather took me to task for acting upon newspaper reports.

Now, Mr. Chairman, I have before me the speech I made on yesterday, and there is not one word, nor syllable, nor suggestion that by inference can be tortured into such language. On the contrary, I told the House yesterday that I had heard of these charges, and that I had introduced the bill in order to have these charges investigated, and that the bill was amended in this House by the suggestion of the gentleman from Florida [Mr. CLARK], and I further said that the bill had been passed in the House and gone to the Senate, and that I did not know what had become of it. I stated all that on yesterday, and I went very much further and stated that I had heard all these complaints. Now, that is what I said on yesterday.

And now comes the gentleman and produces the bill that I introduced to show that my statement on yesterday was not a true statement. What do you think of that? That sounds well in the public press. Here is the gentleman from Ohio saying

he never heard of any charges against this asylum, and yet on a certain day I hold in my hand a bill that he introduced in the House of Representatives. And yet on yesterday I stated to the House that I had introduced this bill, and I went further than that and stated very fully my knowledge, by rumor and by newspaper statements, and all I claimed was that not the public, but the Committee on Rules had had no knowledge. Gentlemen, it is something unusual for me to use language of this character, but when a gentleman undertakes to predicate an attack upon me of unfairness or suppression of information by a statement like that I do not propose to sit silent under it. Here is what I said, in addition to the statement in regard to the introduction of the bill:

> But I had heard as a current rumor, in the air, that some action had been taken by the board of managers, and there was little or nothing in the charges that had been made, and so I dropped following up the bill, etc.

Mr. PRINCE. What page is that?

Mr. GROSVENOR. Page 5564 of the RECORD. So, I say, Mr. Chairman, that the foundation stone, the substructure of the gentleman's speech, is simply nothing. Nothing took place; there is no foundation of facts. But now a word further. This morning a careful investigation has been made of the documents furnished, which the gentleman submitted to you on yesterday, and it turns out that they never came to the Committee on Rules by any process recognized by the House. They never were introduced in the House.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GILLETT of Massachusetts. Mr. Chairman, I think, with all deference to the rules which the House recognize, that it would be hardly fair to permit irrelevant debate to go on under the five-minute rule, but I yield just as much time as I did to the gentleman from Colorado, and after that we must go on with the bill.

The CHAIRMAN. The Chair suggests that the gentleman from Massachusetts has no time to yield.

Mr. GILLETT of Massachusetts. Well, I will not object.

Mr. GROSVENOR. Mr. Chairman, I move to strike out the last word, whatever it is.

The CHAIRMAN. If there be no objection, the gentleman from Ohio will proceed for five minutes.

Mr. GILLETT of Massachusetts. Mr. Chairman, I said I would not object to his having as much additional time as was yielded to the gentleman from Florida, which, I think, was two minutes.

Mr. GROSVENOR. That is all I want.

Mr. WILLIAMS. Mr. Chairman, before this happens by unanimous consent I would like to know whether the gentleman from Florida is to be yielded any time in which to reply?

Mr. GROSVENOR. I am replying to him.

Mr. GILLETT of Massachusetts. Oh, on that basis you would never get through—each man would have to reply to the other.

Mr. CLARK of Florida. I hope I will be allowed to have a few minutes more in reply.

Mr. BURLESON. I think the gentleman from Florida is entitled to a few minutes, because he has been accused of ignorance and everything—the most serious charges against him.

The CHAIRMAN. The gentleman from Ohio has the floor for two minutes.

Mr. GROSVENOR. I only want to add that on an investigation this morning I have discovered that there is nothing before the Committee on Rules that can be taken notice of under the rules that have obtained there always, excepting the resolution; and as to the resolution, the gentleman has made no offer or suggestion to the Committee on Rules that he desired to have it taken up and acted on. The anonymous papers left there might have been left by anybody; simply put into the hands of the clerk, who happened to be there alone, and by him kept as custodian; and they had never been seen by the committee, and could not be recognized by the committee to-day as of any value beyond being a persuasive influence toward asking the making of an investigation.

If the gentleman will come with the affidavits, and come with the men interested in this matter, who know something about it, and ask for an investigation, the Committee on Rules will take up the question and act discreetly and wisely and to the satisfaction of the House of Representatives and the country.

The CHAIRMAN. The Clerk will read.

Mr. CLARK of Florida. Mr. Chairman, I ask that I be given an opportunity for a moment or two to reply—say three minutes.

The CHAIRMAN. The gentleman asks unanimous consent that he may be permitted to address the committee for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. Mr. Chairman, I stated this morning, in substance, that the gentleman from Ohio substantially claimed—I did not undertake to quote his exact language—that he knew practically nothing of this thing. I want to read his language, and see if I was not justified in that construction. On page 5696 of the RECORD the gentleman from Ohio used this language:

> Mr. Chairman, it is possible the comments that I desire to make upon the highly impassioned speech of the gentleman from Florida may occupy more than ten minutes of time. For myself, as a member of the Committee on Rules, I never heard until the statement was made here to-day that the gentleman from Florida had introduced any resolution in regard to the subject-matter about which he has been speaking.

[Applause on the Democratic side.]

That is what the reporter's notes show that you said.

Mr. GROSVENOR. Certainly; I did say it.

Mr. CLARK of Florida. And if you said that, then I am warranted in the deduction I made. [Applause.]

Now, Mr. Chairman, this is much ado about nothing, as far as the gentleman is concerned. He is extremely sensitive upon this line. Immediately after my resolution was introduced he introduced a bill. I want to know where the bill that he introduced came from. I want to know whether he drew it, or who drew it, and at whose suggestion he introduced that bill, arming this board of visitors with this extraordinary power. I do not question his motives; I do not question them at all; and I simply call attention to these facts this morning to show that the genleman's memory, after all these long years of laborious if not very brilliant service to his country, has become subject to peculiar lapses. I call attention to it in order to correct the gentleman. I thought I did him a favor when I called his attention to the fact. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

> For assessor's office: For assessor, $3,500, and $100 additional as chairman of the excise and personal tax boards; two assistant assessors, at $2,000 each; two clerks, at $1,400 each; clerk, arrears division, $1,400; four clerks, at $1,200 each; draftsman, $1,200; four clerks, at $1,000 each; assistant or clerk, $900; clerk in charge of records, $1,000; two clerks, at $900 each; license clerk, $1,200; two clerks, at $1,000 each; inspector of licenses, $1,200; assistant inspector of licenses, $1,000; messenger, $600; three assistant assessors, at $3,000 each; clerk to board of assistant assessors, $1,500; messenger and driver, for board of assistant assessors, $600; temporary clerk hire, $500; in all, $43,100.

Mr. SIMS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

> On page 5, at the end of line 3, insert: "*Provided*, That hereafter stocks, bonds, promissory notes, and money shall be assessed for taxation in the District of Columbia, in addition to the tangible personal property specified in section 6 of the District of Columbia appropriation act approved July 1, 1902."

Mr. GILLETT of Massachusetts. Mr. Chairman, I feel constrained to raise the point of order upon that. It has not been considered by any committee, and I think it is too important a matter to be considered at this time.

Mr. SIMS. Will you not reserve the point of order?

Mr. GILLETT of Massachuetts. Certainly; but I shall feel constrained to make it.

Mr. SIMS. Mr. Chairman, I offer this amendment knowing that it is absolutely just. There is no tax levied or collected upon stocks, bonds, mortgages, promissory notes, or money in the District of Columbia, and many millions are owned here. Now, I can not imagine why the gentleman from Massachusetts should think that this ought to be considered by any committee. The House is in Committee of the Whole, and we can consider it. It will not take two minutes to consider it. It is only necessary to call the attention of the House to the injustice of taxing this kind of property in all the States of this Union, as far as I know, and letting it go scot-free here, all the time complaining that we are putting burdens upon the District too grievous to be borne.

I would, if I could, exempt $1,000 in the value of improvements on real estate to the owner in the District of Columbia who occupies it as a home, to encourage home building, to encourage the buying of real estate and using it for homes by the poorer people of the District. I certainly appeal in all seriousness to the gentleman from Massachusetts not to make the point of order. The only tax on personal property we now have is on tangible property, and was put in by the Committee on Appropriations in an amendment, so it is not too much to ask you not to make the point of order.

Mr. SAMUEL W. SMITH. Will the gentleman allow me a question?

Mr. SIMS. Certainly.

Mr. SAMUEL W. SMITH. Does not the gentleman think it would be better to introduce a bill and let the District Committee carefully consider this proposition?

Mr. SIMS. Mr. Chairman, I would be very glad to do that,

but I do not think the members of that committee need one minute to consider it. We can put it on here and let it go with this appropriation, let it become a law. This is a privileged matter; let it go through, and every man on the floor who is a friend of justice will not stand back as a matter of jealousy because it does not come from his committee. I am a member of the Committee on the District of Columbia, and I would like to do all the good things that can be done through that committee, but this is just and right and reasonable and it should have immediate and prompt action.

Mr. JOHNSON. Will the gentleman yield for an interruption?

Mr. SIMS. I will.

Mr. JOHNSON. Is it not a fact that men of large means make their legal residence in Washington for the express purpose of avoiding taxation in some of the States?

Mr. SIMS. I am told that is true, but personally I do not know whether it is true or not. Why should not the same class of property be taxed here that is taxed elsewhere? Why should we, simply for the formality of one particular committee considering this matter over another, pass by this important matter and fail to do anything? I am as jealous of the jurisdiction of my committee as anybody ought to be, but by justice and right we ought to put this measure through now for fear of not being able to pass it in any other form. I am exceedingly anxious that the gentleman from Massachusetts should withdraw his point of order.

The CHAIRMAN. The time of the gentleman from Tennessee has expired, and the Chair sustains the point of order.

Mr. JOHNSON. Mr. Chairman, I move to strike out the last word of the paragraph. I want to inquire of the gentleman in charge of this bill if there are not eleven clerks in the assessor's office under general law that are carried in some other appropriation bill?

Mr. GILLETT of Massachusetts. I did not quite catch the gentleman's question.

Mr. JOHNSON. Are there not eleven clerks in the assessor's office provided for by law who are carried in another appropriation bill?

Mr. GILLETT of Massachusetts. I was not aware of it.

Mr. BURLESON. I will state, Mr. Chairman, that that is a fact. They are chargeable with a certain duty, and are going to complete their labors this year.

Mr. GILLETT of Massachusetts. It was not brought before this committee.

Mr. JOHNSON. Mr. Chairman, I want to call attention of the committee to the fact that this bill carries, including the eleven clerks who are carried on another bill, eighty-six persons who are charged with the duty of assessing property and collecting the taxes in the District of Columbia. It is shown that there are 11,000 personal-tax payers in the District of Columbia. The hearings do not reveal how many real estate taxpayers there are, but we have the enormous force of eighty-six men charged with the duty of assessing property in 10 miles of territory and collecting the taxes thereon.

If I may be pardoned for a personal illustration, I will use it. The logicians have been debating for a long time whether we reason from the particular to the general or from the general to the particular. I think most people reason from the particular to the general. The woman thinks that what cured her baby will cure everybody else's baby, and that is why the personal illustrations are apt in argument.

In the county in which I live there are 15,000 taxpayers. One man assesses the property of these people every year. He not only takes the personal assessment of 15,000 taxpayers, but he arranges them alphabetically by school districts, of which there are seventy-five. He makes the calculation as to the amount of State taxes, county taxes, school taxes, and special taxes of all kinds, and turns those books over to the county treasurer. The county treasurer collects the taxes of 15,000 taxpayers. He keeps the books, he disburses it, and these two men are allowed $600 each for clerk hire, and each receives a salary of $1,500.

In the assessor's office for the District of Columbia for the assessment of real estate there are forty-one people. For the assessment of personal property, only 11,000 taxpayers, there are seven people. Now, I think, for my part, without crippling the administration of affairs in this District that some of these useless employees ought to be cut off and have more money for the school-teachers and for the improvement of the streets.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. JOHNSON. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from South Carolina asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. JOHNSON. Certainly.

Mr. FITZGERALD. Does the gentleman not know that the committee has cut out some of the employees, believing them to be unnecessary?

Mr. JOHNSON. I am glad the gentleman from New York asked me that question. I have examined the 950 or 960 pages of testimony in this case with a great deal of interest. I want to congratulate the committee. The subcommittee in this case has shown by the testimony, by the character of the questions they have asked, that they went at it with an honest and sincere purpose to do good work. They have done splendid work, in my judgment, and they are to be commended for the bill that they have brought in. My only complaint is that they have not got deep enough, and that there are other places where they ought to cut. I understand that some and probably all of the members of this subcommittee have gone in person and examined the streets that it was proposed to improve; that they have gone in person and examined the bridges under construction. I think they are to be commended for that sort of zeal and that sort of industry, but I call their attention to the large number of employees in these departments for the collection of taxes, and I trust that that committee, before they bring in a bill in the next session of the Congress, will go down to those offices and find out what these people are doing. I can not conceive how that many men could be employed in doing that work.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a suggestion?

The CHAIRMAN. Does the gentleman yield?

Mr. JOHNSON. Yes.

Mr. MADDEN. I wish to say for the information of the gentleman that the members of the committee, or some of them, have some doubt themselves as to whether there are not too many men in these offices, but it was impossible to decide that there were too many because of the lack of information; but the committee is determined to ascertain from personal investigation and examination just what the needs of each department in the District are, and then it proposes to recommend to the House such legislation as will meet the conditions which it finds to exist.

Mr. JOHNSON. Mr. Chairman, I am glad to hear that. I have absolute confidence in the subcommittee from the work that it has already done. I merely call attention to these facts in the hope that they will go further in their work.

Mr. SIMS. Mr. Chairman, I would like to ask the gentleman from Illinois a question.

Mr. MADDEN. I would be glad to yield if I have the right.

The CHAIRMAN. Does the gentleman from South Carolina yield?

Mr. JOHNSON. Yes.

Mr. SIMS. The gentleman has just made a point of order against an amendment which I offered. I want to ask the gentleman if there is not much legislation which he deems wise and good that has been considered by any committee except the Appropriation Committee?

Mr. MADDEN. I want to say that I am in hearty sympathy with the policy proposed to be introduced as suggested in the amendment of the gentleman from Tennessee [Mr. SIMS] and that personally I regret that any point of order was raised against its adoption.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. SAMUEL W. SMITH. Mr. Chairman, I move to strike out the last word. I would ask the gentleman from Massachusetts what the present salary of the assessor of the District is.

Mr. GILLETT of Massachusetts. Three thouand five hundred dollars.

Mr. SAMUEL W. SMITH. There is no change in that?

Mr. GILLETT. Yes; as assessor he gets $3,500. He formerly got $500 as chairman of the excise and personal tax board. We have reduced that amount to $100 in this bill.

The Clerk read as follows:

For collector's office: For collector, $4,000; deputy collector, $1,800; cashier, $1,800; assistant cashier, $1,400; bookkeeper, $1,600; two clerks, at $1,400 each; two clerks, at $1,200 each; two coupon clerks, at $900 each; clerk and bank messenger, $1,200; messenger, $600; in all, $19,400.

Mr. JOHNSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 5, line 20, strike out "two" and insert "one."

Mr. JOHNSON. Now, I would like to have the attention of the committee for one minute. That provides for two coupon clerks. There are two coupon clerks provided for to take charge of and pay the coupons on the bonds of the District of Columbia. The indebtedness of the District of Columbia is about $11,000,000. The owners of those bonds at certain periods clip their coupons and send them to the Treasurer's office for payment, and they have actually got two men employed for twelve months in the year to sit and guard and count and look at those coupons. It is absolutely inconceivable to my mind, how there is enough work in connection with those coupons to keep one man busy for thirty days in any year.

Mr. GILLETT of Massachusetts. Mr. Chairman, I thank the gentleman from South Carolina [Mr. JOHNSON] for the kind commendation that he gave the committee a few moments ago, and I wish to return the bouquet by telling him that I am extremely glad to find that there is at least one Member in the House who is taking the side of economy and is trying to cut down appropriations. It is a very agreeable and cheerful and unusual incident. As to this particular place, however, I think the gentleman is mistaken in his facts. I do not wonder that, comprehending the duties as he thought they were, he should think it was an extravagant appropriation, but these coupon clerks are so called not because they are employed in the halcyon task of cutting coupons, but when the bills are brought in by the taxpayers these men tear off the coupons on the bills and hand the bill itself along to the other clerk. They are simply designated "coupon" clerks for that reason. That is a part, of course, and only a part, of their duties, but that designates them. They are regular clerks in the office, and we could not discover that in the collector's office there was any unnecessary force employed.

Mr. JOHNSON. Then they are not, in fact, coupon clerks, but are something else?

Mr. GILLETT of Massachusetts. Yes.

Mr. JOHNSON. Then, Mr. Chairman, I will withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For sinking-fund office, under control of the Treasurer of the United States: For clerk, $1,600; clerk, $900; in all, $2,500.

Mr. JOHNSON. Mr. Chairman, I move to strike out that paragraph. I want to make a statement, and if I am wrong the gentleman in charge of the bill or some member of the committee will correct me. There are outstanding against the District of Columbia a current indebtedness of about $11,000,000. The District is required under the law to turn over to the Treasurer of the United States a certain sum of money each year known as the "sinking fund," about $975,000. That is one transaction and one only. The auditor or cashier or Commissioner or somebody connected with the District of Columbia must turn over to the Treasurer of the United States a check or cash amounting to in round numbers nearly a million dollars. Now, that occurs one time every year, and yet if I read this bill correctly they have provided for two clerks to do it, one at $1,600 salary and one at $900 salary.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. JOHNSON. Certainly.

Mr. NORRIS. Does not the gentleman think that instead of striking out these clerks provided for there ought to be a messenger added to carry the check from that office to the Treasurer?

Mr. JOHNSON. Well, if the gentleman will go further on in the bill he will find there is a clerk to carry checks to the bank——

Mr. NORRIS. It is like the traveling man's overcoat, it is in there——

Mr. JOHNSON (continuing). And I presume that fellow does that. I will make that motion. I do not want to cripple the service, and I do not know in many of these paragraphs where a man could be wisely cut out; but it does look to me from this thing on its face that we have no business with two men in the office when there is but absolutely one transaction each year, and that is to carry a check up to the Treasury Department, and the money is in the hands of the United States Treasurer.

Mr. GILLETT of Massachusetts. Mr. Chairman, the gentleman has understated, as I think he possibly was conscious of himself, the work of this office. Of course it is preposterous to say it simply draws or carries one check. In fact, it does not draw any check at all, I suppose. The duties of these men are the entire control of the sinking-fund debt, which is about $11,000,000. They pay the interest on the bonds that becomes due, purchase bonds to cancel when it is deemed wise, or invest and reinvest in United States bonds. They have the full control of this $11,000,000, buying under the direction, of course, of the Treasurer of the United States, who, however, is given no compensation for this extra duty, and really exercises, we understand, a nominal control over that work—the work of paying the interest and of buying new bonds and of making the transfers. We were told that there is a great deal of complicated financial bookkeeping in connection with this duty. It also appeared—the gentleman's attention perhaps was directed to that point—that these clerks are not at all times kept busy, and that when they are not busy they are detailed to other branches of the District business; but at times they are very busy, and, in fact, we were urged strongly to increase the compensation of the head clerk, because, we were told, his responsibility was so great and the need of equalizing him with other clerks in the departments such that he ought to have his salary raised. Now, that is the explanation that was given to us. It has always been in the bill in this shape, and we did not feel that we could reduce it without running the risk of injuring the department.

Mr. RUCKER. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Massachusetts yield?

Mr. GILLETT of Massachusetts. Certainly.

Mr. RUCKER. I understand the District, under the law, must pay into the Treasury about half a million dollars a year.

Mr. GILLETT of Massachusetts. Oh, it is more; it is $975,000.

Mr. RUCKER. Well, a million dollars a year into the sinking fund.

Mr. GILLETT of Massachusetts. Yes.

Mr. RUCKER. That is, to meet the debt which the District owes the Government?

Mr. GILLETT of Massachusetts. Yes.

Mr. RUCKER. Now, let me ask the chairman, Does the District pay that?

Mr. GILLETT of Massachusetts. You are thinking about the 2 per cent. No; that is different. That is the 2 per cent on the temporary debt; this is the bonded debt.

Mr. RUCKER. Does the District pay any part of the 2 per cent?

Mr. GILLETT of Massachusetts. The District pays the whole of it.

Mr. RUCKER. But does it not borrow money of the Government to pay it?

Mr. GILLETT of Massachusetts. Yes.

Mr. RUCKER. Is not the debt getting bigger every year?

Mr. GILLETT of Massachusetts. No; not every year, but it has grown.

Mr. RUCKER. Is it not larger than a year ago?

Mr. GILLETT of Massachusetts. Yes.

Mr. RUCKER. Is it not larger than it was five years ago?

Mr. GILLETT of Massachusetts. Yes; there was none five years ago, but in one or two of the intermediate years there was a reduction.

Mr. RUCKER. So that the District owes the National Government so much money, which it promises to pay and ought to pay in annual payments every year; it borrows from the Government to make that payment, and always borrows more than is paid.

Mr. GILLETT of Massachusetts. No; not always. Two years in the last five they have paid more than they have borrowed.

Mr. RUCKER. I will ask the gentleman if he thinks that is good financiering?

Mr. GILLETT of Massachusetts. No. If the gentleman heard my opening remarks, he will recall that I criticised that. But we have about reached the limit. This bill will make a large reduction, and we see no more such large expenses ahead of us. It is because, of course, we have had these very extraordinary improvements, which have cost $17,000,000—permanent improvements—in the last five years, and we see nothing ahead of the same size and in two——

Mr. RUCKER. I do not mean any criticism against the committee, but I do want to suggest that the committee ought to reach a point where it should quit lending money to the District of Columbia.

Mr. GILLETT of Massachusetts. This bill says that. This

bill does stop it. We do not state there will not be any further loan of that kind——

Mr. RUCKER. That is a consummation devoutly to be wished.

Mr. BURLESON. With the permission of the gentleman from Massachusetts [Mr. GILLETT], I will say to the gentleman from Missouri [Mr. RUCKER] that this bill as it is now drawn, if the amount named in it is not materially increased at the other end of the Capitol, will provide for about $800,000, which can be paid upon the unfunded indebtedness of the District of Columbia without any borrowing.

Mr. RUCKER. My notion about it is that the District of Columbia does not intend to pay back the Government's fund, but every year representatives have been appealing to Congress to cancel the debt and give it to them.

Mr. MADDEN. The District owes the Government $2,240,000 now.

Mr. RUCKER. More than that.

Mr. MADDEN. The Government has advanced it. If this bill becomes a law, $800,000 of that $2,240,000 will be paid and no more borrowed.

Mr. RUCKER. I want to say to the gentlemen of this committee that my humble judgment is that if this bill is likely to become a law these people would flee before they would pay the debt.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. JOHNSON].

The question was taken; and the amendment was rejected.

The Clerk read as follows:

For engineer's office: Record division: For chief clerk, $1,900; clerk, $1,800; clerk, $1,600; clerk, $1,400; three clerks, at $1,200 each; clerk, $840; two messengers, at $540 each; engineer of highways, $3,000; assistant engineer, $1,600; two assistant engineers, at $1,500 each; three rodmen, at $780 each; three chainmen, at $650 each; draftsman, $1,200; three inspectors of streets, at $1,200 each; superintendent of streets, $2,000; superintendent of county roads, $1,500, and $500 additional as assistant engineer in Rock Creek Park; superintendent of parking, $1,300; assistant superintendent of parking, $1,000; clerk, $900; inspector of asphalt and cements, $2,400: *Provided*, That the inspector of asphalt and cements shall not receive or accept compensation of any kind from or perform any work or render any services of a character required of him officially by the District of Columbia to any person, firm, corporation, or municipality other than the District of Columbia; inspector of gas and meters, $2,000; assistant inspector of gas and meters, $1,000; assistant inspector of gas and meters, $840; messenger, $540; inspector of sewers, $1,200; superintendent of sewers, $3,000; general inspector of sewers, $1,300; two assistant engineers, at $1,500 each; draftsman, $1,200; leveler, $1,200; three rodmen, at $780 each; three chainmen, at $650 each; clerk, $1,400; two clerks, at $1,000 each; two inspectors of property, at $936 each; permit clerk, $1,500; assistant permit clerk, $900; index clerk and typewriter, $720; clerk, $1,500; two clerks, at $1,350 each; inspector of material, $1,200; two property-yard keepers, at $1,000 each; engineer of bridges, $2,100; two assistant engineers, at $1,800 each; assistant engineer, $1,350; assistant engineer, $1,200; two transitmen, at $1,200 each; transitman, $1,050; three rodmen, at $900 each; three chainmen, at $650 each; draftsman, $1,350; clerk, $1,500; clerk, $1,200; clerk, $600; three messengers, at $540 each; inspector, $1,500; inspector, $1,200; bridge inspector, $1,200; eight foremen, at $1,200 each; three subforemen, at $1,050 each; bridge keeper, $650; three bridge keepers, at $600 each; foreman, Rock Creek Park, $1,200; foreman, $1,050; four foremen, at $900 each; clerk, $750; assistant inspector of asphalts and cements, $1,500; two inspectors, at $1,200 each; inspector, $900; clerk, $750; two skilled laborers, at $600 each; skilled laborer (now employed at $2 per diem), $600; assistant engineer, $2,200; draftsman, $1,350; assistant engineer, $2,100; assistant engineer, $1,800; assistant engineer, $1,500; inspector, $1,500; clerk, $1,200; draftsman, $1,050; three rodmen, at $780 each; three chainmen, at $650 each; two messengers, at $540 each; four foremen, at $1,200 each; six foremen, at $900 each; janitor, $720; principal steam engineer, $1,500; three assistant steam engineers, at $1,050 each; three oilers, at $600 each; six firemen, at $840 each; superintendent of repairs, $1,500; clerk, $1,050; clerk, $620; driver, $540; superintendent of stables, $1,200; blacksmith, $975; two watchmen, at $630 each; two drivers, at $630 each; in all, $178,427.

Mr. SAMUEL W. SMITH. Mr. Chairman, I would like to ask the gentleman a question. What is the object of that proviso on page 10, line 14, about the inspector of asphalts and cements, and so forth?

Mr. GILLETT of Massachusetts. The present law provides that the inspector of asphalts and cements shall not receive or accept compensation for work outside. His national standing as the inspector for the District gives him a certain status throughout the country that produces an artificial value to his opinion. We found he was still giving opinions, but was stating that he was not allowed to receive compensation for it. Inasmuch as it had already been said by law that he should not receive compensation, meaning in that way to stop his doing work of that sort, as he still continued to do the work, we added this clause. We thought it was possible, being here, and with a national standing, that he could be of great value to cement manufacturers or others by lending them his name. We did not think the District inspector ought to do that.

Mr. SAMUEL W. SMITH. What is his salary, please?

Mr. GILLETT of Massachusetts. It is $2,400. A pretty good salary for the work he does.

Mr. SAMUEL W. SMITH. Do you object to his giving a written opinion to people outside?

Mr. GILLETT of Massachusetts. We thought he ought not to. We thought it was leading a man into the temptation of being in favor of one cement company or another cement company, and that he ought not to be expected to do it. And while we do not mean to intimate that the present incumbent of the office has been unduly influenced, we thought he ought to be entirely free from suspicion and as far as possible from temptation.

Mr. SAMUEL W. SMITH. Well, our physicians in the leading colleges get their salaries and give opinions to people all over the country, and go and testify in medical cases, and so forth.

Mr. FITZGERALD. I want to call the attention of the gentleman to this fact: We provide a laboratory here for this man to do his work in for the District. When he gives an opinion he must utilize the apparatus that we furnish him to do this work.

Mr. SAMUEL W. SMITH. That is not the point I make. I can not see any reasonable objection to his giving an opinion to somebody in Detroit or New York on the value of a certain kind of cement.

Mr. MADDEN. Not a bit on earth if he finds that giving his opinion is worth more than his job; he can quit the job and give opinions to everybody's satisfaction.

Mr. SAMUEL W. SMITH. That does not follow by any means.

Mr. GILLETT of Massachusetts. What weighed in my mind was the fact, which the gentleman will recognize, that there is a temptation for a man in the position he has here, because his opinion will be very valuable to any one company if he will recommend their cement, and that there is a large temptation for the man to be unduly influenced in favor of this or that company. We want him to use his time here in selecting the cements according to their merits.

Mr. SAMUEL W. SMITH. As I understand you, the present inspector, who is doing the local work, if he received a letter from anybody else outside the District, he would not be permitted to give his judgment as to the value of the cement.

Mr. GILLETT of Massachusetts. No; we think he ought not to.

Mr. NORRIS. I would like to ask the gentleman in charge of the bill in reference to several places in the language of this paragraph which has just been read, where there are several items repeated like "rodmen" and "chainmen," etc., and I would like the gentleman to explain the necessity of making provision for these chainmen and these rodmen.

Mr. GILLETT of Massachusetts. That was what occurred to my mind when we first took up the consideration of this bill. The language grew up in this way: Until recently a large portion of this force was paid for by the day out of a general contingent fund. It has been the policy of this committee for several years to stop these general appropriations and not to leave to the discretion of the different officers of the District the power to use as many men as they please and at such salaries as they please. We tried first to find what employees were necessary and appropriate for them and then appropriate for them directly and leave less and less power in the officers of the District to employ a contingent fund as they have done from year to year. So new appropriations have been made year by year for new rodmen, etc., as we took them from the general fund and appropriated for them directly, and instead of adding the new rodmen, for instance, to the number of rodmen already carried in the bill the year before we have each year added the new ones we appropriated for at the end of the paragraph. The reason that has been done is that it makes it easy to compare with the preceding year, and to see just how the bill has grown year by year. I will say to the gentleman that while it looks very unscientific, as it is, to see these different names recurring through the paragraph, for the sake of comparison with previous years, I think it better to leave that just as it is.

Mr. NORRIS. Are these chainmen all employed all the time?

Mr. GILLETT of Massachusetts. They are all employed all the time.

Mr. NORRIS. In that particular business, as they are named in the item?

Mr. GILLETT of Massachusetts. Not always as rodmen and chainmen. In the winter they are indoors working out the results of their outdoor work.

Mr. NORRIS. This is work on the streets?

Mr. GILLETT of Massachusetts. On the streets and sewers, etc.

Mr. NORRIS. On public work?

Mr. GILLETT of Massachusetts. Yes.

The Clerk read as follows:

Special assessment office: For special assessment clerk, $1,700; seven clerks, at $1,200 each; two clerks, at $900 each; and one clerk, $750; in all $12,650.

Mr. JOHNSON. I move to strike out the last word. I want to find out from the gentleman in charge of this bill what there is to do in this special assessment office that you have to have this large clerical force? Seven clerks, two clerks, one clerk; in all, $12,000. Now, what do they do? What is that special assessment office?

Mr. GILLETT of Massachusetts. This is special assessment work. You know that the sidewalks, when they are laid down, are paid for half and half by the District and by the owner before whose property they are laid. The owner of the property can go to the special assessment office and say, "I will pay for it immediately," and instead of having to be assessed and collected from some time afterwards he pays the money, and they can use it right over again, and by their being able to use it over and over again they can do a great deal more work in the year.

Mr. JOHNSON. Now, there is one assessor. Do you think that one assessor can do all that?

Mr. GILLETT of Massachusetts. There are two assistants.

Mr. JOHNSON. This only provides for one.

Mr. GILLETT of Massachusetts. This is the special assessment office.

Mr. JOHNSON. I just wanted to know if there was work for them.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announcing that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5357. An act permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn.; and

S. 5683. An act to provide for the removal of derelicts and other floating dangers to navigation.

The message also announced that the Senate had passed joint resolution of the following title; in which the concurrence of the House of Representatives was requested:

Joint resolution (S. R. 49) construing the joint resolution approved April 19, 1906, entitled "Joint resolution for the relief of the sufferers from earthquake and conflagration on the Pacific coast."

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. R. 48) authorizing the Secretary of War to use rations and quartermaster's supplies for the relief of destitute persons in the region devastated by earthquake and fire in the State of California, and making appropriation to relieve the sufferers by said disaster.

The message also announced that the Senate had passed, with amendment, the following resolution; in which the concurrence of the House of Representatives was requested:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H. R. 5976, "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," the Clerk be directed to restore to the bill the part proposed to be stricken out in the amendment of the Senate No. 26 and to insert the following: On page 9, line 3, after the word "retaining" the words "tribal educational officers, subject to dismissal by the Secretary of the Interior," and restore to the bill the part proposed to be stricken out in the amendment of the Senate No. 27, and to insert in said amendment the following: On page 11, line 8, after the word "five," the words "and all such taxes levied and collected after the 31st day of December, 1905, shall be refunded."

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service, and to impose further duties thereon, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPOONER, Mr. MALLORY, and Mr. BRANDEGEE as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 10152. An act granting certain lands to the city of Biloxi, in Harrison County, Miss., for park and cemetery purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Department of insurance: For superintendent of insurance, $3,000; examiner, $1,500; clerk, $1,000; statistician, $1,400; stenographer, $600; temporary clerk hire, $1,200; in all, $8,700.

Mr. JOHNSON. I move to strike out the last word. In the department of insurance here you have force enough to run the department of insurance in the State of New York or in the State of Illinois.

Mr. MADDEN. There is more work for an insurance commission here than there is in some of the States.

Mr. GILLETT of Massachusetts. Great pressure was brought on us to increase the force largely, and we were considered very harsh because we did not, because it was made to appear before us that Washington, for the purpose of insurance, is really the same as a State. It has the same examinations of insurance companies, and to all practical purposes it has the same machinery as a State insurance commissioner's office. Of course, the District is very much smaller, but great insistence was brought to bear upon us that they needed a very largely increased force. I understand the gentleman has read the hearings and he remembers those facts.

Mr. JOHNSON. I just wanted to bring out the fact that an increase in force and an increase in pay is asked for. Everybody comes with that story. Do these people examine the foreign insurance companies as well as the domestic companies?

Mr. GILLETT of Massachusetts. Oh, yes.

Mr. McCLEARY of Minnesota. They do; in other words, just what any State commissioner of insurance does.

Mr. JOHNSON. I withdraw the pro forma amendment.

The Clerk read as follows:

For surveyor's office: For surveyor, $3,000; assistant surveyor, $1,800; clerk, $1,500; two assistant engineers, at $1,500 each; computer, $1,200; record clerk, $1,050; inspector, $975; draftsman, $975; clerk, $975; draftsman, $900; rodman, $825; three chainmen, at $700 each; two chainmen, at $650 each; clerk, $675; charwoman, $104; in all, $20,379.

Mr. JOHNSON. I move to strike out the last word. I want to know if this surveying force is engaged in doing public work. That is, if it is surveying the streets and work of that kind, or whether it is engaged in platting private property, and if it surveys private property, whether any fees are received for that work?

Mr. GILLETT of Massachusetts. They are. This force does the public surveying, and then it does surveying of private property for which it is paid, and the money is turned into the Treasury.

Mr. JOHNSON. What is the income from that source?

Mr. GILLETT of Massachusetts. Just about enough to cover the expense, about $20,000.

The Clerk read as follows:

Miscellaneous, Free Public Library: For purchase of books, $7,500; For binding, $3,000;
For fuel, lighting, fitting up building, and other contingent expenses, $7,000;
In all, $17,500.

On motion of Mr. GILLETT of Massachusetts, the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the District appropriation bill, and had come to no resolution thereon.

THE PACIFIC COAST DISASTER.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution which has just come over.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the following Senate joint resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. R. 49) construing the joint resolution approved April 19, 1906, entitled "Joint resolution for the relief of sufferers from earthquake and conflagration on the Pacific Coast."

Resolved, etc., That the appropriation of $1,000,000, made by joint resolution approved the 19th instant, entitled "Joint resolution for the relief of sufferers from earthquake and conflagration on the Pacific coast," shall be available under the discretion of the Secretary of War to procure medical supplies, in addition to such supplies belonging to the military establishment, and issue the same in like manner as the subsistence and quartermaster's supplies specifically mentioned in the joint resolution aforesaid.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

On motion of Mr. GILLETT of Massachusetts, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the District appropriation bill, with Mr. DALZELL in the chair.

The Clerk read as follows:

Monroe street (Lydecker avenue) from Fourteenth street to Holmead place (avenue), and Thirteenth street, Park road (Whitney avenue) to Otis (Lamar) place, grade and improve, $6,000; in all, $45,800.

Mr. SULZER. Mr. Chairman, I move to strike out the last word in order that I may be recognized.

The CHAIRMAN. The gentleman from New York [Mr. SULZER] is recognized.

Mr. SULZER. Mr. Chairman, I take the floor at this time for the purpose of addressing the House on a matter that I deem of great national moment and that is of far-reaching importance to the people of this country. I refer to the bill (H. R. 11642) introduced into this House on the 12th day of January by the gentleman from Massachusetts [Mr. MCCALL], entitled "A bill providing that all contributions hereafter made to political committees engaged in promoting the election of Representatives or Delegates to the Congress of the United States or of Presidential electors at any election at which such electors, Representatives, or Delegates shall be voted for, shall be reported by such committees to the Clerk of the House of Representatives of the Congress of the United States, and for other purposes."

This bill was referred by the Speaker to the Committee on Election of President, Vice-President, and Representatives in Congress, and the committee has held several hearings on the bill, but thus far it has not been reported to the House.

Let me say that I have read carefully all of the arguments made to the committee in behalf of this bill, have given the subject much consideration, that I am in favor of legislation of this character; and I indulge the hope that the committee will speedily report this bill, or one along similar lines, so that the House will be able to take action regarding it before we adjourn. I have spoken to several members of the committee in behalf of the bill and asked to have it reported, and I feel very confident that the members of the committee are impressed with the importance and desirability of this measure and are giving the matter their earnest attention. But I can not refrain from expressing to them and to the Members of this House the urgent necessity for speedy action in regard to this publicity bill, so that the House can get the bill in its possession at the earliest possible day and pass it before we adjourn.

Mr. Chairman, in order that the country may know the contents of this bill, I send it to the Clerk's desk and ask to have it read in my time, so that it will be printed in the CONGRESSIONAL RECORD as a part of my remarks, and in order that it may be read and its provisions become known to those who take an abiding interest in this necessary publicity reform movement.

The Clerk read as follows:

A bill (H. R. 11642) providing that all contributions hereafter made to political committees engaged in promoting the election of Representatives or Delegates to the Congress of the United States or of Presidential electors at any election at which such Representatives or Delegates shall be voted for shall be reported by such committees to the Clerk of the House of Representatives of the Congress of the United States, and for other purposes.

Be it enacted, etc., That all contributions, payments, loans, advances, deposits, or promises of money or its equivalent, made or expended by any person, firm, association, or corporation for the purpose of aiding or promoting the election or defeat in two or more of the States or Territories of the United States of candidates for the office of Representative or Delegate to the Congress of the United States or Presidential elector at any election at which Representatives or Delegates to the Congress of the United States shall be voted for, shall be made only to a chairman, treasurer, or member of a political committee, or to an agent duly authorized in writing by such committee to receive such contributions or promises.

SEC. 2. That the term "political committee" under the provisions of this act shall apply to any committee, association, or organization which shall in two or more of the States or Territories of the United States aid or promote the success or defeat of candidates for the offices of Representatives or Delegates to the Congress of the United States or Presidential elector at any election at which Representatives or Delegates to the Congress of the United States shall be voted for, but nothing in this act contained shall apply to or in respect of any committee or organization for the discussion or advancement of political questions or principles without connection with any election.

SEC. 3. That a candidate for election to the office of Representative or Delegate to the Congress of the United States or Presidential elector at any election at which Representatives or Delegates to the Congress of the United States shall be voted for, and any other person, may, without making an accounting to a political committee as in this act provided, incur and pay in connection with such election his own personal expenses for traveling and for purposes incidental to traveling, for writing, printing, preparing, and circulating any letter, circular, or other publication whereby he may state his position or views upon public or other questions, for stationery and postage, and for telegraph, telephone, and other public service, but all such expenses shall be limited to those which are directly incurred and paid by him.

SEC. 4. That every political committee coming within the provisions of this act shall have a treasurer and shall cause him to keep detailed accounts of all money or its equivalent received by or promised to the committee or any member thereof, or by or to any person acting under its authority or in its behalf, and of all expenditures, disbursements, and promises of payment or disbursement made by the committee or any member thereof or by any person acting under its authority or in its behalf. No person shall act as such treasurer unless and until he shall have filed with the Clerk of the House of Representatives of the United States a writing in the name and signed by an officer of such committee designating him as such treasurer and stating the period during which he is authorized and consents to act as such treasurer, and no person acting under the authority or in behalf of any such committee shall receive any money or its equivalent, or expend or disburse the same, until the committee shall have chosen a treasurer.

SEC. 5. That every payment required to be accounted for by the provisions of this act shall, unless the total expense payable to any one person is less than $5, be vouched for by a receipted bill stating the particulars of expense, and every voucher, receipt, or account hereby required shall be preserved for fifteen months after the election to which it relates.

SEC. 6. That whoever acting under the authority or in behalf of such political committee, whether as a member thereof or otherwise, receives any contribution, payment, loan, advance, deposit, or promise of money, or its equivalent, shall, on demand, and in any event within fourteen days after the receipt of any such contribution, payment, loan, advance, deposit, or promise, give to the treasurer of such political committee a detailed account of the same, and all vouchers required by this act shall be a part of the accounts and files of such treasurer.

SEC. 7. That the treasurer of every such political committee which, or the officers, agents, or members of which, shall receive, expend, or disburse any money or its equivalent, or incur any liability to pay money in connection with any election at which Representatives or Delegates to the Congress of the United States shall be voted for where the disbursements, payments, and liabilities of such committee shall exceed the aggregate sum of $1,000, shall, within thirty days after such election, file with the Clerk of the House of Representatives of the Congress of the United States a sworn statement setting forth all the contributions, receipts, payments, advances, deposits, pledges of money or its equivalent, expenditures, disbursements, and liabilities of the committee and of every officer, member, or other person acting under its authority or in its behalf, which statement shall include the amount in each case received, the name of the person, firm, corporation, association, or committee from whom received, the date of its receipt, the amount of every expenditure or disbursement exceeding $10, the name of the person or committee to whom it was paid, and the date thereof, and unless such expenditure or disbursement was made to another political committee required by law to file a statement of its receipts and expenditures, it shall state clearly the purpose of such expenditure or disbursement, also the date and amount of every existing promise or liability both to and from such committee remaining unfulfilled and in force when the statement is made, the name of the person or committee to or from whom the unfulfilled promise or liability exists, and a clear statement of the purpose for which the promise or liability was made or incurred. If the aggregate disbursements and liabilities of a political committee in connection with any such election shall not exceed $1,000, the treasurer of the committee shall, within thirty days after the election, certify that fact under oath to the Clerk of the House of Representatives of the Congress of the United States.

SEC. 8. That no person, firm, corporation, association, or committee shall, directly or indirectly, whether through another person or in any manner whatsoever, make a payment or promise of payment to any such political committee, or to any person or persons acting under its authority or in its behalf, in any name except his or its own, nor shall such committee or any member thereof, or other person or persons acting in its behalf, knowingly receive a payment or promise of payment, or enter or cause the same to be entered in the accounts or records of such committee in another name than that of the person or persons, firm, corporation, association, or committee by whom it is made.

SEC. 9. That all statements required by this act shall be filed with the Clerk of the House of Representatives of the Congress of the United States, and shall be preserved for fifteen months after the election to which they relate and shall be open to public inspection, and the Clerk of the House of Representatives of the Congress of the United States shall provide blank forms suitable for the statements above required.

SEC. 10. That any district court or circuit court of the United States, or any judge of any district or circuit court of the United States, may, by order, which such court or judge is hereby authorized to make, compel any person or committee who fails to file a statement as above required, or who files a statement which does not conform to the foregoing requirements in respect to its truth, sufficiency in detail, or otherwise, or who fails to comply with any other of the requirements or provisions of this act, to file a sufficient statement or to otherwise comply with the provisions of this act, upon the application of the Attorney-General or of a district attorney of the United States or upon the petition of any candidate for the office of Representative or Delegate to the Congress of the United States or Presidential elector voted for at such election, or any ten persons qualified to vote at such election. Such application or petition shall set forth, upon the information and belief, with the grounds thereof, or upon the personal knowledge of any such applicant or petitioner, any failure or failures, or any act or acts tending to show any failure or failures, to comply with any of the provisions of this act, which may be alleged in such application or petition, and shall be filed within ninety days after any election in respect to which the allegations of such application or petition may relate.

SEC. 11. That proceedings under this act shall be advanced upon the request of either party for speedy hearing and determination, and no proceeding had pursuant to any application or petition under this act shall be discontinued without the consent of the Attorney-General or of a district attorney within the territorial jurisdiction of the judge or court to whom the application or petition shall be made.

SEC. 12. That any district court or circuit court of the United States, or any judge of the district or circuit courts of the United States, may, and if with any such petition there be filed with such court or judge an undertaking in the sum of $1,000, with sureties satisfactory to such court or judge, conditioned to pay all costs and disbursements in such proceedings, not exceeding said sum of $1,000, as to such court or judge may seem proper in the premises, such court or judge must forthwith hold a summary inquest to inquire into such violations of or failures to comply with the provisions of this act as may be alleged

in any such petition, or into any other facts and circumstances relative to any such election, and to any contributions or expenditures made in connection therewith, and inquest into which such court or judge may deem necessary to secure compliance with the provisions of this act and the fullest publicity in connection with such contributions and expenditures.

SEC. 13. That any court or judge holding such inquest may issue subpœnas for witnesses, who shall be allowed the same fees, whose attendance may be enforced in the same manner, and who shall be subject to the same penalties as if served with a subpœna in behalf of the United States in a criminal prosecution before such court or judge.

SEC. 14. That the Attorney-General, the district attorney, or some person designated by either, or by such court or judge, shall attend the inquest and examine the witnesses. Such court or judge shall also have power by a subpœna duces tecum to compel the production before him for examination of any books or papers of any kind or of any other thing which he may require in the conduct of such inquiry. Such court or judge shall, in addition to any power which may be conferred by any other of the provisions of this act, have power to cause any person who shall neglect or refuse to appear before him as a witness, having been duly summoned, to be brought before it or him; and any person in attendance as a witness, who shall refuse to be sworn as a witness, or who, being sworn, shall refuse to answer any proper question propounded to him, and any person who, having been duly summoned, shall neglect or refuse to appear before such court or judge, may be adjudged guilty of contempt, and may be fined not more than $1,000 or imprisoned not more than thirty days, or both.

SEC. 15. That no person who is called to testify in any proceeding or inquest held under the provisions of this act shall be liable to criminal prosecution under this act or otherwise for any matters or causes in respect to which he shall be examined, or to which his testimony shall relate, except to prosecution for perjury committed in such testimony, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding.

SEC. 16. That the court or judge holding such inquest may in the conduct thereof employ a competent stenographer to take down the examination of any witness or witnesses, and to cause the stenographic notes of such examination to be transcribed and furnished, together with his findings, if any such there be, to any proper prosecuting officer having jurisdiction of the subject-matter of such inquiry, and such court or judge shall have power to tax double the amount of such costs as may be taxed in equity against any such petitioner or petitioners, if he shall find that the allegations in any such petition are materially untrue, and that such petition was brought from vexatious or malicious motives.

SEC. 17. That the provisions of this act shall not apply to the proprietors and publishers of publications issued at regular intervals in respect to the ordinary conduct of their business, and nothing contained in this act shall limit or affect the right of any person to spend money for proper legal expenses in maintaining or contesting the results of any such election.

SEC. 18. That every person making or receiving contributions, payments, loans, advances, deposits, or promises of money or its equivalent, or expending money for the purposes aforesaid contrary to the provisions of this act, or who shall fail to file the statements required by this act, or to account to any treasurer of such political committee as required by this act, or who shall willfully violate any other provision of this act, shall be guilty of a misdemeanor, and on conviction thereof in any district or circuit court of the United States shall be punished by imprisonment for not more than one year or a fine not exceeding $1,000, or both, at the discretion of the court.

SEC. 19. That the district and circuit courts of the United States in any district is which any violation of this act is committed are hereby given jurisdiction over such offenses.

Mr. SULZER. Mr. Chairman, this meritorious publicity bill, relating to the publication of the receipts and expenditures of national political committees, speaks for itself, and, in my opinion, is a most salutary and commendable measure of legislation—a long step in the right direction of political reform—and should be speedily enacted into law. Of course this bill only applies to Presidential and Congressional elections, which are matters strictly within the scope of our legislative authority; but I indulge the hope that the day is not far distant when laws along similar lines, relating to State and municipal elections, will be on the statute books of every State in the Union. In some of the States there is now such a law, and I am glad to inform the Members of this House that a bill along these lines has just passed the assembly of the State of New York, and, I am assured by its friends, will be a law ere the legislature adjourns.

The bill, sir, just read by the Clerk and introduced in this House by my friend from Massachusetts [Mr. McCALL] and simultaneously introduced in the Senate by my friend the Senator from Colorado [Mr. PATTERSON] is the joint work and the product of the National Publicity Bill Organization—a body of distinguished and patriotic and sagacious men representing, I think, every State in the Union, of which the Hon. Perry Belmont, of New York, is president, and Hon. Frank K. Foster, of Massachusetts, is secretary.

These liberty-loving citizens have given much time and study to the preparation of this bill, and I am inclined to think the measure is—take it all in all—about as perfect and as complete a piece of essential political reform legislation as was ever introduced in the Congress of the United States. Much of the credit for this reform movement to eliminate political corruption in national and State elections through the medium of publicity regarding the receipts and the expenditures of campaign committees, is justly due to a former distinguished Member of this House—the Hon. Perry Belmont—whose patriotism initiated this important political reform, whose enthusiasm gave it life and energy, and whose zeal and industry in the cause have successfully carried it onward and forward to its present state of accomplishment and realization. All of these men, however, on this national publicity committee, working zealously and unselfishly with Mr. Belmont to accomplish this much-needed reform, are entitled to the commendation of every citizen in our land who desires to see our elections conducted honestly and fairly and squarely in the interest of good government and for the perpetuity of our free institutions.

Mr. Chairman, I shall now ask the indulgence of the House while I read the names of the membership of the national publicity bill organization. They are as follows:

National publicity bill organization.

LIST OF MEMBERS.

Perry Belmont, New York.
Joseph W. Folk, governor of Missouri.
J. Frank Hanly, governor of Indiana.
A. J. Montague, former governor of Virginia.
A. B. Cummins, governor of Iowa.
N. C. Blanchard, governor of Louisiana.
Louis Warfield, governor of Maryland.
W. M. O. Dawson, governor of West Virginia.
William D. Jenks, governor of Alabama.
Samuel W. Pennypacker, governor of Pennsylvania.
George E. Chamberlain, governor of Oregon.
Claude A. Swanson, governor of Virginia.
Grover Cleveland, former President of the United States.
Alton B. Parker, former chief justice court of appeals, New York.
William J. Bryan, Nebraska.
Frank H. Black, former governor of New York.
L. F. C. Garvin, former governor of Rhode Island.
Samuel Gompers, president American Federation of Labor, New York.
Charles W. Eliot, president Harvard University, Massachusetts.
Edward A. Alderman, president University of Virginia.
W. H. P. Faunce, president Brown University, Rhode Island.
Henry Hopkins, president Williams College, Massachusetts.
J. G. Schurman, president Cornell University, New York.
William Dew Hyde, president Bowdoin College Maine.
Ira Remsen, president Johns Hopkins University, Maryland.
E. Benjamin Andrews, president Nebraska University.
George Harris, president Amherst College, Massachusetts.
M. W. Stryker, president Hamilton College, New York.
James A. Tate, president American University, Tennessee.
George L. Collie, president Beloit College, Wisconsin.
J. H. Kirkland, chancellor Vanderbilt University, Tennessee.
David S. Jordan, president Leland Stanford Junior University, California.
Charles H. Levermore, president Adelphi College, New York.
M. H. Chamberlain, president McKendree College, Lebanon, Ill.
Lorenzo J. Osborn, president Des Moines College, Iowa.
Stephen F. Weston, president Antioch College, Yellow Springs, Ohio.
Charles Noble Gregory, dean of Law College, Iowa State University, Iowa City.
W. L. Ward, New York, member Republican national committee.
Norman E. Mack, New York, member Democratic national committee.
William E. Chandler, former Secretary of the Navy, New Hampshire.
James K. Jones, former chairman Democratic national committee, Arkansas.
John Wanamaker, former Postmaster-General, Pennsylvania.
Oscar S. Strauss, former minister to Turkey, New York.
Charles E. Hughes, counsel to New York legislative insurance investigating committee.
Julius M. Mayer, attorney-general of New York.
Warner Miller, former United States Senator from New York.
John M. Thurston, former United States Senator from Nebraska.
William F. Vilas, former Postmaster-General, Wisconsin.
Everett Colby, State senator-elect, New Jersey.
August Belmont, treasurer Democratic national committee, New York.
Melville E. Ingalls, Cincinnati, Ohio.
Judson E. Harmon, former United States Attorney-General, Ohio.
John E. Lamb, former Member of Congress from Indiana.
J. W. Kern, former candidate for governor of Indiana.
T. M. PATTERSON, United States Senator from Colorado.
Clark Howell, member Democratic national committee from Georgia.
Carter Harrison, former mayor of Chicago.
Josiah Quincy, Boston, Mass.
Roger C. Sullivan, member Democratic national committee from Illinois.
Alexander Troup, New Haven, Conn.
Charles A. Gardiner, chairman law committee of the board of regents, New York State.
Andrew Carnegie, Pennsylvania.
John F. Dillon, former judge, New York.
John T. McGraw, member Democratic national committee from West Virginia.
D. L. D. GRANGER, Member of Congress from Rhode Island.
James H. Wilson, Wilmington, Del.
John G. Milburn, New York.
W. F. Harrity, former chairman Democratic national committee, Pennsylvania.
Henry Watterson, editor of Louisville Courier-Journal, Kentucky.
Melville E. Stone, New York.
W. B. Vandiver, superintendent insurance, Missouri.
R. R. Kenney, member Democratic national committee from Delaware.
Edward Lauterbach, member of New York State board of regents.
J. J. Willett, former judge, Alabama.
John Ford, State senator, New York.
Hermann Ridder, publisher Staats-Zeitung, New York.
J. Hampden Robb, former State senator from New York.
D. N. Lockwood, Buffalo, N. Y.
George Haven Putnam, publisher, New York City.
Frances Lynde Stetson, New York City.
J. H. Clarke, Cleveland, Ohio.
B. B. Smalley, member Democratic national committee from Vermont.
R. B. Van Courtlandt, New York City.
WILLIAM SULZER, Member of Congress from New York.
Charles W. Knapp, St. Louis, Mo.

P. H. Quinn, member Democratic national committee from Rhode Island.
J. B. Sullivan, Des Moines, Iowa.
Charles S. Hamlin, Boston, Mass.
Eugene S. Ives, Tucson, Ariz.
Cromwell Gibbons, Jacksonville, Fla.
W. R. Nelson, Kansas City, Mo.
Frank K. Foster, Massachusetts Federation of Labor.
P. J. McCarthy, Providence, R. I.
P. S. Grosscup, United States circuit judge, Illinois.
James M. Lynch, president International Typographical Union, Indiana.
John Y. Terry, member Democratic national committee from State of Washington.
John W. Blodgett, member Republican national committee from Michigan.
J. M. Greene, member Republican national committee from South Dakota.
W. A. Coakley, general president International Lithographers and Press Feeders' Association, New York.
J. A. Springer, national organizer United Mine Workers, West Virginia.
Park Mitchell, former president New Hampshire State Federation of Labor.
Timothy Healy, president International Brotherhood of Stationary Firemen, New York.
John Nugent, president West Virginia State Federation of Labor.
William A. Gaston, member Democratic national committee from Massachusetts.
Hoke Smith, former Secretary of the Interior.
William J. Wallace, United States circuit judge, Albany, N. Y.
J. K. Richards, United States circuit judge, Cincinnati, Ohio.
Horace H. Lurton, United States circuit judge, Nashville, Tenn.
James G. Jenkins, United States circuit judge, Milwaukee, Wis.
L. E. McComas, judge court of appeals, Washington, D. C.
A. M. Stevenson, member Republican national committee, Denver, Colo.
Urey Woodson, member Democratic national committee, Owensboro, Ky.
H. S. Cummings, member Democratic national committee, Stamford, Conn.
T. E. Ryan, member Democratic national committee, Waukesha, Wis.
Frederick V. Holman, member Democratic national committee, Portland, Oreg.
T. T. Hudson, member Democratic national committee, Duluth, Minn.
Henry B. Thompson, former chairman Republican State committee, Wilmington, Del.
Henry T. Kent, St. Louis, Mo.
Martin Maginnis, president Soldiers' Home, Helena, Mont.
E. E. Clark, chief Order Railroad Conductors, Cedar Rapids, Iowa.
John T. Wilson, president of Maintenance of Way Employees, St. Louis, Mo.
Robert C. Houston, Georgetown, Del.
James Wilson, president National Pattern Makers' Union, New York.
Louis Wiley, New York.
Joseph Daniels, Raleigh, N. C.
Thomas C. McClellan, Albany, N. Y.
Hannis Taylor, Alabama, former minister to Spain.
D. R. Francis, St. Louis, Mo.
Crammond Kennedy, Washington, D. C.
HENRY D. CLAYTON, Member of Congress, member Democratic national committee from Alabama.
JOHN L. BURNETT, member Democratic Congressional committee for Alabama.
EATON J. BOWERS, member Democratic Congressional committee for Mississippi.
ROBERT F. BROUSSARD, member Democratic Congressional committee for Louisiana.
JOHN W. GAINES, member Democratic Congressional committee for Tennessee.
EDWARD W. CARMACK, United States Senator from Tennessee, and one of the nine members of the Senate who are members of the Democratic Congressional committee.
John Cadwalader, Philadelphia.
Henry W. Williams, Baltimore.
True Norris, member of Democratic committee, New Hampshire.

EXECUTIVE COMMITTEE.

Perry Belmont, of New York.
William E. Chandler, of New Hampshire.
J. G. Schurman, of New York.
James H. Wilson, of Delaware.
A. H. Stevenson, of Colorado.
Norman E. Mack, of New York.
John E. Lamb, of Indiana.
Charles S. Hamlin, of Massachusetts.
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Cromwell Gibbons, of Florida.
John W. Blodgett, of Michigan.
Frank K. Foster, of Massachusetts, delegate for the American Federation of Labor to the British Trade Union Congress.
James M. Lynch, of Indiana, president of the International Typographical Union.
James Wilson, of Pennsylvania, president Pattern Makers' National League.

LAW COMMITTEE.

John M. Thurston, of Nebraska.
Charles A. Gardiner, of New York.
John T. McGraw, of West Virginia.
Louis E. McComas, of Maryland.
Crammond Kennedy, of Washington.
Hannis Taylor, of Alabama.

Mr. Chairman, all of these distinguished gentlemen whose names I have just read, coming from every part of our land, and representing all political parties and political creeds, are sincerely and earnestly and zealously in favor of this bill for publicity regarding the receipt and the expenditure of national campaign funds and are doing all in their power to get the committee of this House having the matter in charge to favorably report the bill and have it enacted into law before we adjourn. I know of no bill of this character in recent years that has received such overwhelming and disinterested support from all political parties and from every section of the country. It should pass Congress unanimously.

The bill has been indorsed, I believe, by almost every labor organization in the United States, and the Hon. Samuel Gompers, president of the American Federation of Labor, the greatest and most powerful labor organization in the country, with its members employed in every industry in the land, speaking before the committee recently in favor of this bill and voicing the sentiments of labor, said as follows, and I am glad to stand on the floor of this House and reiterate the eloquent words of that eminent champion of organized labor. Said Mr. Gompers:

I am not in a mood, and never am, to indulge in denunciations or criticism, but it does come to me sometimes that one of the reasons for the absence of legislation of a liberal or sympathetic or just character, so far as it affects the interest of the wage-earners of America, can be fairly well traced with the growth of the corruption funds and the influences that are in operation during elections and campaigns, is because the workinkmen of America have been more than patient. I am under the impression that the patience of the American workingmen is about exhausted.

The necessity for some law upon the subject is patent to every man who hopes for the maintenance of the institutions under which we live. It is doubtful to my mind if the contribution and expenditure of vast sums of money in the nominations and elections for our public offices can continue to increase without endangering the endurance of our Republic in its purity and in its essence. I want to express for those for whom I have the honor in part to speak that they are very much in earnest for a measure of this character. There ought to be no hesitation about the passage of the proposed law.

This testimony, Mr. Chairman, from Mr. Gompers, speaking for the thousands and thousands of toilers he represents, to my mind means volumes in favor of this legislation, and I can think of no good and valid reason whatever why the committee does not report the bill and give the House an opportunity to pass it and send it to the Senate.

Now, Mr. Chairman, I want to read from a statement of Mr. Charles W. Knapp, editor and proprietor of the St. Louis Republic, who said as follows:

The Missouri statute requiring all public officials to make returns showing contributions received and the names of the persons making the contributions has been in effective operation for several years without eliciting any condemnatory criticism. The law has been of salutary benefit here, and I have no doubt that a similar enactment by Congress, which would assure the same sort of publicity all over the country, would be of great benefit in preventing such scandals as the insurance investigation has disclosed.

I also read from the statement of Hon. William E. Chandler, formerly Secretary of the Navy and United States Senator from New Hampshire and now chairman of the Spanish Treaty Claims Commission, one of our most able and sagacious and eminent citizens, who spoke as follows in favor of this bill:

I appeal—

Said Mr. Chandler—

to the National Congress to pass a national law which will simply do this: That where there exists a national committee, and there will ordinarily be only two of each political party—one the national committee appointed by its Presidential convention and the other the Congressional committee, organized here in Washington to give special attention to the Congressional elections throughout the States—where there are national committees, those persons who contribute to national elections shall contribute only to those committees, and the facts of their contributions shall be made public and the expenditures by the committee shall be made public by having statements of the contributions and expenditures filed with the Clerk of the National House of Representatives. That is all that is asked for from Congress. This bill does not interfere with the States at all. It does not undertake to lay down rules for a State committee.

Let me also, in this connection, read a few lines from the statement of Hon. Perry Belmont, made before the committee. Mr. Belmont said:

I repeat that those who are most familiar with the management of political campaigns are those who are most convinced that before we reach another Presidential election there will be legislation compelling publicity of campaign contributions in one form or another. Even if all campaign contributions, however large in amount, were legitimate, the present system and secret method of collecting campaign funds would still be intolerable. It is not so much a question of the manner in which the money is expended. Secret contributions create a debt upon the part of a national or Congressional committee for the political party itself from which that party can not altogether disengage itself throughout an administration. Our organization includes members of the Congressional committees of both parties.

Those promoting this bill are not inclined to severely criticise anybody or condemn methods hitherto prevailing as intentionally corrupt. There is no discredit necessarily attached to any campaign contribution if it be made public. Secret contributions are always liable to be considered as made from motives which will not bear the light. Some of the members of the organization for which I appear before your committee have been active in political campaigns for many years.

The testimony of these eminent and disinterested citizens is the highest commendation of this salutary measure, and conclusively proves that the bill is as nonpartisan as it is meritorious. It is in the interests of good government, for honest elections,

and necessary to-day to curb political evils that are sapping the great fundamental principles of our Government, and rocking the pillars of the Republic to their very foundations.

Now, Mr. Chairman, I want to read an editorial on publicity from the New York World of Thursday, April 19 (yesterday). This editorial sums up the whole question in the World's best style, and really leaves little more to be said. I ask the attention of the House while I read it. It is headed "Publicity," and reads as follows:

In the passage of the publicity bill by the assembly another victory has been won by public opinion over the hosts of political iniquity.

Behind every stolen franchise, every discrimination in enforcing the law, every failure to do justice against great offenders, is some obligation previously fastened upon the political organization and its public officials through their acceptance of monetary favors. The evils of the tariff, the discriminations in taxation, the favors shown to great corporations and the men who control them, the exemption of the greatest public criminals from prosecution and punishment, have all followed the receipt of corruption money in the form of campaign contributions.

Such contributions have long ceased to be voluntary offerings for the success of political principles. They have become a tax. Senator TILLMAN'S statement that national banks were taxed in 1896 one-quarter of 1 per cent of their capital and their surplus for the Republican national committee is entirely credible. A similar tax is reported to have been levied in 1892 upon certain corporations by the Democratic national committee. Senator PLATT'S annual levies upon corporations doing business in New York are self-confessed. The charges which Mr. Parker made in 1904 have been more than sustained by subsequent disclosures.

The World was the first newspaper to emphasize the great evils resulting from this practice. Its open letters to Mr. Roosevelt pointed out to him the flagrant facts and urged him to remedy them. The contributions of money made to this campaign were needless. They did not increase his overwhelming majority, but only tended to hamper the freedom of his Administration.

The passage of the Armstrong bills, prohibiting all political contributions by corporations and requiring itemized statements of all their legislative expenditures, is in itself an effective corporation corrupt-practices act. Since the legislature can not properly prohibit campaign contributions from individuals, it is necessary also to pass the publicity bill as the companion to these Armstrong bills.

To make public the sources of all campaign contributions and the occasion of their disbursement would do more to stop corruption in politics than all the penal statutes against bribery on election day. Even Pennsylvania, which has been the most corrupt State in the Union in its political procedure, has felt the awakening of the public conscience, and its legislature has passed an excellent corrupt-practices bill.

The New York legislature should round out its excellent record for the present session by adding the publicity bill to the Armstrong bills, first striking out the committee amendment, which exempts expenditures of less than $200 from publicity. Even with this exemption, the bill is a long step toward that full publicity of all matters of public concern which is the necessary preliminary to the full triumph of public opinion.

Mr. Chairman, in connection with this national publicity bill it is interesting to consider the amounts of money contributed and expended in Presidential campaigns in the past by the campaign committees of the two great parties. Prior to 1860, so far as I have been able to ascertain—and I have given the matter very careful investigation—no national committee in any Presidential contest expended much more than $25,000, except, perhaps, in the campaign of 1832, when Jackson triumphed over the corruption fund and the machinations of the Bank of the United States. But that is now ancient history, and has very little to do with the present-day practices of national committees, and I will not spend further time in discussing it.

However, I want to read to the House from a statement which has been carefully compiled by very competent and experienced men, showing the expenditures of the Republican and Democratic national committees in every Presidential contest from 1860 to 1904. Of course, I do not declare that the statement of expenditures which I am about to read is absolutely accurate, but I do say—and a careful investigation, in my opinion, will substantiate it—that these expenditures are approximately correct. The statement is as follows, which I will now read:

Expenditures by the Republican and Democratic national committees in the Presidential contests from 1860 to 1904.

Year.	Republican candidate.	Democratic candidate.	Expended by Republican national committee.	Expended by Democratic national committee.
1860	Abraham Lincoln	Stephen A. Douglass	$100,000	$50,000
1864	do	Geo. B. McClellan	125,000	50,000
1868	U. S. Grant	Horatio Seymour	150,000	75,000
1872	do	Horace Greeley	250,000	50,000
1876	Rutherford B. Hayes	Samuel J. Tilden	950,000	900,000
1880	James A. Garfield	W. S. Hancock	1,100,000	355,000
1884	James G. Blaine	Grover Cleveland	1,300,000	1,400,000
1888	Benjamin Harrison	do	1,350,000	855,000
1892	do	do	1,850,000	2,350,000
1896	William McKinley	William J. Bryan	16,500,000	675,000
1900	do	do	9,500,000	425,000
1904	Theodore Roosevelt.	Alton B. Parker	3,500,000	1,250,000

Now, Mr. Chairman, as I said, perhaps these figures may not be absolutely accurate, and perhaps there is no way now by which they can be substantiated by legal proof, but they have been carefully compiled from the best obtainable sources, and I doubt not they will be extremely interesting to students of political events, who desire to make careful investigation and analysis by way of comparisons of campaign contributions and expenditures in Presidential contests.

These national campaign funds reveal a condition of affairs concerning our recent Presidential elections which should be to every right thinking citizen a good reason for the enactment into law of the bill I am discussing; and this measure especially appeals to those patriotic people of our country who see grave dangers to the Republic in the growing evils incident to these large campaign funds, and who believe that they are contributed in most instances by the criminal trusts and protected industries solely for the purpose of debauching the electorate and defeating the will of the honest people of the country. This is one of the great evils of the day that must be checked and checked at once, and the best way to most effectually stop it, in my opinion, is by opening the windows and letting in the bright sunlight of publicity—by placing on the statute books a law similar in terms to the bill I am asking this House to speedily consider. [Applause.]

No one can seriously doubt that there are a great many honest, sincere, and patriotic people in our country who believe—and I am one of them— that William J. Bryan would have been elected President of the United States in 1896 if it had not been for the tremendous campaign corruption fund collected by the Republican national committee to thwart the will of the people in all the close and debatable States. [Applause on the Democratic side.] That memorable campaign has passed into history, but it has not and will not be forgotten by the people, and echoes of it have recently been heard in the astounding and melancholy revelations that were brought out by the insurance investigation in the city of New York.

Mr. Chairman, in my opinion this Congress will be recreant to its duty and false to the people of this country if it does not take action in regard to this matter before we adjourn. The passage of this publicity bill regarding contributions to national campaign committees will be a great victory for the plain people of the land, and will go as far, in my judgment, as anything that can be devised at the present time by the ingenuity of the human mind to effectually put a stop to political iniquity in Congressional and Presidential campaigns. These great political contributions made to the national committees of both parties by the criminal trusts, and the sordid syndicates, and the gigantic corporations, and the national banks, and the vested interests, and the plutocracy, and last, but not least, the protected industries of the country, are not voluntary contributions, but are levied like taxes, and are generally made with the understanding, express or implied, that the contributors shall be protected against the rights of the people, and shall be secure in robbing the many for the benefit of the few, and shall have meted out to them by the party in power certain special privileges which are repugnant to our free institutions and contrary to the fundamental principles of the Democratic party.

In every national contest of recent years the campaign has been a disgraceful scramble to see which party could raise the most money, not for legitimate expenses, but to carry on a system of political iniquity that will not and can not bear the bright light of publicity. Political corruption dreads the sunlight of publicity and works in secret and in darkness. Pass a publicity law along the lines of this bill and I predict that in future national campaigns there will be no criminations and recriminations such as disgraced the closing days of the last Presidential contest. [Applause.] Napoleon said victory was on the side of the largest battalions and the heaviest guns. There are many thoughtful people in this country who have been saying ever since 1896 that political victory in our Presidential contests is on the side of the campaign committee which can raise the largest boodle fund to corrupt the electorate and debauch the election, and some of the testimony which has recently been elicited in the insurance investigation in the city of New York lends color to the suggestion and apparently substantiates the proposition.

No national committee and no Congressional committee and no State committee and no municipal committee should spend one dollar in any Presidential, Congressional, State, or municipal election beyond the legitimate and lawful and necessary requirements of the campaign; and I believe, and I have no hesitancy in saying, that if the campaign committees having these political contests in charge were compelled to give publicity

to every dollar received, and from whom received, and every dollar expended, and for what purpose the money was expended, it would be a great forward movement along the highway of good government to effectually stop, to a very large degree, political corruption, campaign iniquity, and the brazen attempts to subvert the honest electorate of entire communities and great sovereign States. [Loud applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SULZER. Mr. Chairman, I thank the House, and shall not trespass on its time further, except to request unanimous consent to print in connection with my remarks some data bearing on this matter.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

THE NATIONAL PUBLICITY BILL—ADDRESS TO THE PUBLIC, ISSUED BY THE NATIONAL PUBLICITY BILL ORGANIZATION.

WASHINGTON, *January 28.*

Publicity of election contributions and expenditures and the formation of organizations to promote those purposes in all of the States are urged in an address issued to-night by the National Publicity Bill Organization. The address follows:

NATIONAL PUBLICITY BILL ORGANIZATION,
Washington, D. C., January 27, 1906.

For the purpose of eliminating by all appropriate methods the evils resulting from secret contributions and expenditures of large sums of money in elections, a meeting was held in the city of Washington January 17, 1906, an association was formed known as the "National Publicity Bill Organization," and this address was authorized:

"The secret and corrupt use of money in the election of the chief magistrate of a nation, its legislators, and its State and municipal officers is a dangerous menace to the institutions of a free people. The profligate use of money for such purposes enables the consolidated interests, by secret contributions, to dominate political organizations, depriving the many of their political rights to confer them on the few.

"It is confidently asserted that the first and most important measure of relief is the passage of a national law, requiring the disclosure, under oath, of every contribution of money and every promise of money in national campaigns, and, in case of evasion, providing for exposure, detection, and punishment, substantially as set forth in a bill prepared under the auspices of this organization.

"This organization desires to promote the formation of similar organizations in every State of the Union, in order that the proposed national law may be supplemented by State legislation of like character and as nearly uniform as possible. This movement has the support of leading representative men, of the political parties, and of organized labor. It concerns the rights and honor of every citizen, and the approval and active cooperation of all are earnestly invoked to carry this reform to a successful conclusion.

"PERRY BELMONT,
"*Of New York, President.*
"FRANK K. FOSTER,
"*Of Massachusetts, Secretary.*

PERMANENT ORGANIZATION.

President, Perry Belmont, of New York.
Secretary, Frank K. Foster, of Massachusetts.

EXECUTIVE COMMITTEE.

Perry Belmont, of New York.
William E. Chandler, of New Hampshire.
J. G. Schurman, of New York.
James H. Wilson, of Delaware.
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Norman E. Mack, of New York.
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Frank K. Foster, of Massachusetts, delegate for the American Federation of Labor to the British Trade Union Congress.
James M. Lynch, of Indiana, president of the International Typographical Union.
James Wilson, of Pennsylvania, president Pattern Makers' National League.

LAW COMMITTEE.

Charles A. Gardiner, of New York.
John T. McGraw, of West Virginia.
Louis E. McComas, of Maryland.
Crammond Kennedy, of Washington.
Hannis Taylor, of Alabama.

PUBLICITY BILLS IN MANY STATES—REQUESTS FOR COPIES OF THE PUBLICITY BILL INTRODUCED IN CONGRESS BY REPRESENTATIVE M'CALL, OF MASSACHUSETTS, AND SENATOR PATTERSON, OF COLORADO.

Letter from Hon. Perry Belmont to the Young Men's Democratic Club, of Providence, R. I.

At the Washington's Birthday meeting of the Young Men's Democratic Club, held at Providence, R. I., February 22, 1906, the following letter was read from Hon. Perry Belmont:

WASHINGTON, *February 18, 1906.*

THOS. M. KELLER, Esq.,
Secretary Young Men's Democratic Club, Providence, R. I.

MY DEAR SIR: I am detained in Washington and shall be unable to be present at the meeting of the Young Men's Democratic Campaign Club, which I desired so much to attend. This I greatly regret, but I trust I may be permitted to take this method of addressing its members upon a subject of pressing importance, especially to the State of Rhode Island. While the interests of my native State of New York naturally appeal to me, my association with Rhode Island is such that I could never be indifferent to anything vitally affecting its welfare.

For several years past it has been apparent to the managers of national and State campaigns that some check should be put upon the secret contributions and expenditures to and by national, State, and local campaign committees for the purpose of carrying elections. Revelations in New York of the secret use by corporations and insurance companies of the money belonging to stockholders and policy holders for political purposes, without their knowledge or consent, continue from day to day to afford cumulative proof that publicity is a most effective form of correction and restraint, and have given renewed impetus to the movement commenced last winter in the New York State legislature for remedial legislation. A year ago, in an article upon this subject published in the North American Review, I had occasion to say that individual stockholders or policy holders had already a complete right of action in case of expenditure of any portion of corporate funds for political purposes. But—

"Owing in part to the present difficulties in obtaining necessary information, individual stockholders have rarely been disposed to vindicate their rights. The enforcement of publicity by Federal and State laws will assist in bringing stockholders' (or policy holders') suits."

The results of the Armstrong committee's investigation are sufficient proof of the correctness of this statement.

A meeting of the National Publicity Bill Association was recently held in Washington, at which influential members of both political parties, including Representative GRANGER, of Rhode Island, and officials representing important labor organizations of your State were present. It was then determined to promote the formation of similar associations in every State of the Union, in order that the proposed national law might be supplemented by State legislation of like character and as nearly uniform as possible. It is hoped that such an organization is being successfully formed in Rhode Island.

I have received letters from many States asking for copies of the publicity bill, introduced in Congress by Representative MCCALL, of Massachusetts, and by Senator PATTERSON, of Colorado, and am advised that in New Jersey, Texas, and other States bills of like character will shortly be introduced. In Albany members of the senate and assembly of both parties have assured me I could report to the National Publicity Bill Organization that a publicity law will surely be enacted at the present session of the New York State legislature. Rhode Island, with her brilliant record of patriotism and public service, owes it to her glorious traditions to place herself in line with her neighboring States, Massachusetts and Connecticut, who already have the benefit of this form of legislation. What is called in popular phraseology "standing pat," in regard to lavish and secret contributions of individuals and corporations, who thus obtain control of party machinery, will be a difficult attitude to maintain in view of the movement now gathering strength like a great wave sweeping over the country. The light of publicity will strike the shackles from an emancipated electorate who will successfully demand remedial legislation by your State legislature. Let Democrats of to-day recall the words of Andrew Jackson in his message to Congress during his memorable and triumphant controversy with the bank:

"The bank is thus converted into a vast electioneering engine. And the money which belongs to the stockholders and to the public has been freely applied to efforts to degrade in public estimation those who were supposed to be instrumental in resisting the wishes of this grasping and dangerous institution. The refusal to render an account of the manner in which a part of the money expended has been applied gives just cause for the suspicion that it has been used for purposes which it is not deemed prudent to expose to the eyes of an intelligent people. Those who act justly do not shun the light. The question is distinctly presented whether the people of the United States are to govern through Representatives chosen by their unbiased suffrages, or whether the money and power of a great corporation are to be secretly exerted to influence their judgment and control their decisions. It must now be determined whether the bank shall have its candidate for all offices in the country, from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as heretofore."

These words of the great Democratic President are full of suggestions at this moment, especially to Democrats, but also to those Republicans who place the welfare of their State above mere partisan advantage.

Very truly, yours, PERRY BELMONT.

NATIONAL CIVIC FEDERATION—CONFERENCE ON ELECTION LAWS, NEW YORK, MARCH 7 AND 8—LETTER FROM PERRY BELMONT ON THE PROGRESS OF THE NATIONAL PUBLICITY BILL.

WASHINGTON, *D. C., March 5, 1906.*

JAMES BRONSON REYNOLDS, Esq.,
Chairman Committee on Arrangements,
National Civil Federation, No. 281 Fourth Avenue, New York.

MY DEAR SIR: I regret extremely that I am unable to attend the election law conference of the Civic Federation, as I find it necessary to remain in Washington to continue the effort to obtain a hearing from the House committee which has the publicity bill in charge. It had been my intention to comply with your invitation to inform you of the progress of the bill.

The movement had its origin in the last Presidential campaign. The demand upon Mr. Cortelyou and Mr. Taggart for information upon the subject of contributions to the national committees was very insistent toward its close. That demand has been reechoed throughout the country until it has become evident that before another Presidential campaign a law will have been enacted requiring publication of such contributions and expenditures.

The Armstrong investigation itself has been but one of the important incidents growing out of this agitation. Revelations in regard to insurance companies and their contributions to political campaigns, disclosures before Congressional committees of reprehensible pecuniary transactions in regard to the Panama Canal, knowledge of similar sinister influences and considerations in connection with concessions in the Philippines and Santo Domingo, have impressed upon the American people the conviction that what may be termed investments in campaign funds for future benefit are constantly growing larger and more threatening to the honest administration of our domestic and foreign policy.

Last September, during the insurance investigation, when Mr. Taggart had made the announcement that "Neither the Democratic national committee nor any authorized representative ever asked or received from Mr. McCall, the New York Life, or any other insurance company, a single dollar's contribution to the campaign fund"—Mr. McCall himself declared in a public interview that he was in favor of a law prohibiting corporations from contributing and compelling publicity

of contribution. He had previously said to me—"Mr. Belmont, if you knew what I was obliged to do, you would feel sorry for me." I have often thought of those words since, and the circumstances of his death invite general attention to the evils of the system of which he is regarded as a victim. Those, however, who are mainly responsible and the beneficiaries of that system, should not escape their responsibility.

The movement for State and national remedial legislation requiring publication of what are now secret political contributions and expenditures has been rapidly increasing in strength and scope. National and State organizations have been formed. Organized labor by resolutions and petition is actively and effectively cooperating. Bills have been introduced in Congress and Members of the Senate and House of Representatives of both parties are earnestly in favor of a national publicity bill.

This movement is nonpartisan and the friends of this measure believe that it will continue nonpartisan. The controlling elements of the House of Representatives are all-powerful in deciding, under the rules, what bill shall be advanced or retarded. So far there has been no disposition to delay this measure and it is to be hoped that there will be none. It can not be supposed, however, that those who have adopted what is known as the "stand-pat" policy would care to assist a movement which would bring about radical changes in the manner of collecting and spending campaign moneys.

If the publicity bill should meet obstructions, its friends are now so numerous and the question is so important to the people of this country that a loud protest would be heard against any indirect methods to bring about its defeat.

Very truly, yours, PERRY BELMONT.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Repairs county roads: For current work of repairs of county roads and suburban streets, $90,000.

Bridges: For construction and repairs of bridges, $14,000.

Highway bridge across Potomac River: For salaries of employees, lighting, power, and miscellaneous supplies, and expenses of every kind necessarily incident to the operation and maintenance of the bridge and approaches, $11,600, and estimates in detail shall be submitted hereunder for the fiscal year 1908, and annually thereafter.

Mr. McCLEARY of Minnesota. I would like to ask the gentleman in charge of the bill how nearly finished is this highway bridge?

Mr. GILLETT of Massachusetts. It is entirely finished.

The Clerk read as follows:

For completing the construction of the bridge across Rock Creek on the line of Connecticut avenue extended, $150,000.

Mr. McCLEARY of Minnesota. How nearly completed is this bridge, if you please?

Mr. GILLETT of Massachusetts. Which one?

Mr. McCLEARY of Minnesota. The bridge across Rock Creek, the Connecticut Avenue bridge.

Mr. GILLETT of Massachusetts. It is about three-quarters finished. They had a mishap and the foundation settled, which caused an additional expense of about $50,000, or it would have been nearly finished.

Mr. McCLEARY of Minnesota. Did that pier have to be taken out?

Mr. GILLETT of Massachusetts. The foundation had to be very much strengthened; possibly the pier was not taken out.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman from Massachusetts state again whether or not the highway bridge across the Potomac has been completed?

Mr. GILLETT of Massachusetts. It has been completed, yes.

Mr. CAMPBELL of Kansas. That does not include the approaches to the bridge, does it?

Mr. GILLETT of Massachusetts. No; the approach on the other side they feel they can not complete until the grade has had time to settle.

Mr. CAMPBELL of Kansas. I thought that must be true, because they have been asking for some legislation out of the District Committee postponing the use of this bridge.

Mr. GILLETT of Massachusetts. Well, that is because of the approaches on the other side. There was such an embankment they said that there must be some time for it to thoroughly settle before they could put in a permanent roadway.

The Clerk read as follows:

For an approach to the Anacostia end of the new Anacostia Bridge and the grading and improving of such approach, and grading and improving the extension of Monroe street from Harrison street to the Eastern Branch of the Potomac or Anacostia River, and for constructing a suitable bridge or viaduct to carry said extension of Monroe street over the tracks of the Alexandria Branch of the Baltimore and Ohio Railroad, and to eliminate grade crossings, all necessary for public protection and safety, in accordance with plans and specifications filed in the office of the Engineer Commissioner of the District of Columbia, $54,000, or so much thereof as may be necessary.

Mr. MUDD. Mr. Chairman, I make the point of order on that paragraph. I want to say—and I would like to have the attention of the chairman of the subcommittee—that I have no desire whatever to see the paragraph go out. I make the point of order simply out of abundant precaution that I may not be held to have waived the right to make it on the provisions of the bill from line 17, on page 27, down to and including line 18, on page 29.

Mr. GILLETT of Massachusetts. Suppose unanimous consent is asked to have it all considered as one paragraph? I think it ought to be. It is all part of the same.

Mr. MUDD. I am willing for that.

Mr. GILLETT of Massachusetts. I ask unanimous consent that the treatment of Anacostia Bridge be read as one paragraph.

The CHAIRMAN. Will the gentleman from Massachusetts please specify the line?

Mr. MUDD. Down to and including line 18 on page 29.

Mr. GILLETT of Massachusetts. Beginning on page 26, in line 18, and continuing to page 31, line 3.

Mr. MUDD. All right. If the chairman of the subcommittee wants it arranged in that way, I am willing.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent——

Mr. McCLEARY of Minnesota. Would the point of order be waived to everything included in the paragraph?

Mr. MUDD. Oh, no; certainly not; I understand not. I have made a point of order already.

Mr. McCLEARY of Minnesota. That reserves the point of order against it all.

Mr. MUDD. As I understand this agreement it reserves the point of order so that it can be made separately as to each paragraph of the bridge provision, or upon the whole or both. That is my understanding of the proposed agreement.

Mr. CRUMPACKER. Mr. Chairman, a parliamentary inquiry. Under this arrangement the point of order might be made to the several paragraphs if any one of them was objectionable. If there should be a good paragraph in this group, I understand, of course, it is not subject to the point of order, but under the arrangement that the committee has made, or is about to make, if any one of those paragraphs is subject to the point of order the good paragraph would go with it.

Mr. GILLETT of Massachusetts. I am willing that it should be that way. It is all one project and——

Mr. MUDD. Why not have an agreement that each paragraph should stand upon its own merits?

Mr. DOVENER. That agreement we ought to have.

Mr. GILLETT of Massachusetts. Do I understand the gentleman wants it that way?

Mr. MUDD. Yes; because otherwise, Mr. Chairman, if it be held that the paragraph to which I have already submitted a point of order be new legislation, and I should waive the point of order as to that, it might be held that the point of order to other portions which I want to go out of the bill would be waived, because they are germane to the paragraph already let in by waiver of the point of order that would apply to it.

Mr. GILLETT of Massachusetts. Then we had better let it go as it is.

Mr. MUDD. I suggest, then, we let the Clerk read it all without waiving the point of order.

Mr. GILLETT of Massachusetts. Well, that is all right.

Mr. McCLEARY of Minnesota. Mr. Chairman, I reserve the points of order on the paragraph.

Mr. MUDD. On the whole?

Mr. DOVENER. Mr. Chairman, I reserve all points of order.

Mr. MUDD. I have already reserved points of order on the whole of it, all the way through to page 31.

Mr. GILLETT of Massachusetts. Mr. Chairman——

Mr. PEARRE. Mr. Chairman, what is the status?

The CHAIRMAN. The Chair understands that unanimous consent has been asked to consider the paragraph as extending from page 26, line 15, down to line 4, on page 31, and that it be considered as one paragraph.

Mr. MUDD. The point of order is reserved on the paragraph in the meantime.

The CHAIRMAN. Down to and including line 3, on page 31.

Mr. McCLEARY of Minnesota. Mr. Chairman, a parliamentary inquiry.

Mr. PEARRE. If the point of order is made and line 3 has been reached on page 31, will it apply to all of the paragraph?

The CHAIRMAN. Undoubtedly.

Mr. McCLEARY of Minnesota. Would the paragraphs to which there is no objection have to go out with the rest if one of the paragraphs is found subject to the point of order?

The CHAIRMAN. Undoubtedly. It is all considered together.

Mr. McCLEARY of Minnesota. And are the several paragraphs in that subject to a point of order? Are those points reserved if this agreement be entered into?

The CHAIRMAN. So far as the bill stands now, each paragraph is subject to a point of order.

Mr. MUDD. The point of order was originally made and reserved on the first one, but, if considered together, considered as reserved and pending on all, as I understand it.

Mr. McCLEARY of Minnesota. We understand that all points of order are reserved. I have no objection.

The CHAIRMAN. Unanimous consent is asked to read as one paragraph from line 15, on page 26, down to line 4, on page 31.

Mr. BURLESON. That is the understanding.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MUDD. Now, Mr. Chairman, a parliamentary inquiry. Is the point of order which I made reserved and pending?

The CHAIRMAN. The point of order can be made. The Clerk will read.

The Clerk read as follows:

And the Commissioners of the District of Columbia are hereby authorized and directed to acquire, by purchase or condemnation, the land necessary, award damages, and assess benefits for the extention of Monroe street, with a width of 60 feet, from Harrison street northward to the Anacostia River and of the south approach to the new Anacostia Bridge, to connect with said extension of Monroe street by a curve passing over the tracks of the Alexandria Branch of the Baltimore and Ohio Railroad in the manner provided in the act of Congress entitled "An act authorizing the extension of Rhode Island avenue NE.," approved February 19, 1906.

And the said Commissioners are hereby authorized to enter into a contract or contracts with any person or persons, corporation or corporations, including the said Baltimore and Ohio Railroad Company, for the construction of the said bridge or viaduct and the approach to the said Anacostia Bridge and the whole or any part of said grading and improvements: *Provided*, That the said Baltimore and Ohio Railroad Company shall do, and it is hereby required to do, all said work and furnish all materials at its own cost and expense, and to pay all the costs and expenses of said condemnation proceedings and the value of the land taken, as determined therein, less the benefits assessed, as hereinbefore provided.

If the said Baltimore and Ohio Railroad Company shall neglect or refuse to do all or any part of said work as herein directed and required, then the Commissioners of the District of Columbia are hereby authorized to do, or cause to be done, the same by contract as aforesaid, with the money hereby appropriated, and the cost of constructing said approaches, grading, and improving, and of said extension, the cost of said bridge or viaduct to carry said extension of Monroe street over said tracks, and all other costs and expenses incident to the work herein authorized, including the costs and expenses of said condemnation proceedings and the value of the land taken as determined therein, less said benefits as aforesaid, shall be borne by the said Baltimore and Ohio Railroad Company and paid by it into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia, and the same shall be a valid and subsisting lien against the franchises and property of the said Baltimore and Ohio Railroad Company, and shall be a legal indebtedness of said company in favor of the District of Columbia, jointly for its use and the use of the United States as aforesaid.

And the said railroad company shall, at its sole cost and expense, keep in repair said bridge or viaduct, and if the said railroad company shall fail, neglect, or refuse so to keep the same in repair after notice of the repairs necessary to be made served on it by the Commissioners of the District of Columbia, the said Commissioners are hereby given power and authority to make the said repairs by contract or in any other manner as now provided, or as may hereafter be provided by law, and assess the costs of said repairs against the property of the said railroad company, and such costs shall be a valid and subsisting lien against the property of said railroad company and shall be a legal indebtedness of said railroad company in favor of the District of Columbia. And the said liens may be enforced in the name of the District of Columbia by bill in equity brought by the Commissioners of the District of Columbia in the supreme court of the District of Columbia, or by any other lawful proceeding, against the said Baltimore and Ohio Railroad Company.

And the Anacostia and Potomac River Railroad is hereby required to pay the sum of $32,500 of the cost of the new Anacostia River Bridge, in addition to any sum paid or expended by said Anacostia and Potomac River Railroad for approaches, and in addition to any sums required to be expended by said railroad under existing law, and the said sum of $32,500 is hereby declared a lien on the franchises and property of said street railroad company, to be enforced by the Commissioners of the District of Columbia by the process hereinbefore mentioned to enforce any liens against the Baltimore and Ohio Railroad. And the said sum when paid or collected shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

And the Anacostia and Potomac River Railway Company is hereby authorized and directed to construct and operate a double-track street railway, propelled by the underground or conduit electric system, along the said south approach and extension of Monroe street, provided for herein, to intersect with its existing tracks at Monroe and Harrison streets, said line to be completed and equipped by June 30, 1907. And within thirty days thereafter the said Anacostia and Potomac River Railway Company shall remove its rails and restore the paving on the portion of their line hereby directed to be abandoned, to wit, along Harrison or Bridge street lying north of Monroe street and the present Anacostia or Navy-Yard Bridge: *Provided, also*, That the said Anacostia and Potomac River Railway Company shall, within sixty days of the completion of its new line herein specified, pave that portion of the approaches to the Anacostia Bridge now being constructed and Monroe street extended lying between lines 2 feet exterior to the outer rails, said paving to be of such character as the Commissioners of the District of Columbia may determine.

Mr. MUDD. Mr. Chairman, on the understanding which has been had by the committee, I take it that the point of order must be made to the whole of the provision just read, from line 18, as I first suggested, on page 26, down to and including line 3 on page 31; but I understood the agreement as submitted or modified by the request of the gentleman from Texas——

Mr. MADDEN. Line 15.

Mr. MUDD. From line 15, then down to and including line 3 on page 31. It is well understood, Mr. Chairman, that when part of a paragraph is subject to a point of order—and this is now being considered as one paragraph—if part of a paragraph is subject to a point of order, the whole paragraph goes out. Now, the portions of this provision which is now being considered as a paragraph that are subject to a point of order, in my judgment, are, probably, all from line 18, page 26, down to and including line 3 on page 31, more particularly so from line 5 on page 27 down to and including line 3 on page 31, and clearly and indisputably so as to all from and including line 17 on page 27 down to and including line 3 on page 31. This last-named portion of the provision is subject to a point of order for two reasons: First, because it is not germane to the title of the bill and not germane to any other portion of the bill. I take it that this is a bill to make appropriation for the expenses of the government of the District of Columbia. To make appropriation from what source? From private railroad corporations? Clearly not. It is a bill to make appropriation out of the Treasury of the United States, one-half to be paid by the District of Columbia.

It is by no means, I say, therefore, germane to the title of the bill or the object of the bill. The words "for other purposes" in the title can be referred to as including only such "other purposes" as are germane to the specific character and purposes of the bill as a bill to make appropriations for the District of Columbia. But, in addition to what I have said as to the germaneness of the provision, it is clearly legislation and can not be considered upon a general appropriation bill. I will read just briefly from the first portion of the provision to which I have last referred:

And the said Commissioners are hereby authorized to enter into a contract or contracts with any person or persons, corporation or corporations, including the said Baltimore and Ohio Railroad Company, for the construction of the said bridge or viaduct and the approach to the said Anacosta Bridge and the whole or any part of said grading and improvements.

I would refer the Chair, in connection with that particular clause, to section 521 of Hines's Parliamentary Precedents, where it will be seen that a provision analogous to this was offered to the naval appropriation bill, and to that portion of it that provided for the construction of ships and increase in the Navy.

Let me read further:

Provided, That the said Baltimore and Ohio Railroad Company shall do, and it is hereby required to do, all said work and furnish all materials at its own cost and expense, and to pay all the costs and expenses of said condemnation proceedings and the value of the land taken, as determined therein, less the benefits assessed, as hereinbefore provided.

That is clearly new legislation. It is an imposition of a liability upon a private corporation, which is not provided for directly or indirectly in any provision of existing law. The same point will apply to the provision relating to the Anacostia and Potomac River Railroad, the first portion of which I will read:

And the Anacostia and Potomac River Railroad is hereby required to pay the sum of $32,500 of the cost of the new Anacostia River Bridge, in addition to any sum paid or expended by said Anacostia and Potomac River Railroad for approaches—

Now, note this language, Mr. Chairman—

and in addition to any sums required to be expended by said railroad under existing law.

In other words, the railroad is required to be at an expenditure, according to the very language of the clause:

In addition to any sums required to be expended under existing law.

So, I take it there can be no question that the portion of the bill referring to the Anacostia and Potomac River Railroad is subject to the point of order. In the first place, as in the case of the paragraph as to the Baltimore and Ohio Railroad, it is not germane to the appropriation bill. It is an amendment that makes a liability on the part of a private corporation, and is clearly subject to the point of order. I would like to say one word as to one of the reasons for making this point of order, in addition to its obnoxiousness to the rule.

Mr. FITZGERALD. Reserve your point of order. Some other gentleman on the committee may desire to discuss the matter.

Mr. MUDD. All right. I have made the point of order to the whole.

Mr. FITZGERALD. I suggest to the gentleman to reserve the point of order, because some members of the committee want to speak.

Mr. MUDD. Certainly. Now, this branch of the Baltimore and Ohio, known as the Shepherd branch, was built a few years ago by what is called the Washington City and Point Lookout Railroad Company. It is a very poor little corporation, having but little property rights of value, except some

reserved rights that it retained in the Shepherd branch of that railroad when it sold out that property to the Baltimore and Ohio some twenty years ago or more. It is not quite clear to me at this time whether or not those rights are or are not injuriously affected by this legislation. I think, therefore, that legislation of this character would better come through the regular channels, and come in through the regular District Committee. I am by no means clear, furthermore, that it is fair to the Baltimore and Ohio Railroad to have this character and extent of lien enforced against it in connection with this work in this manner without consideration by the appropriate committee of this House.

Mr. GILLETT of Massachusetts. I admit the general principle the gentleman has stated, that, under the unanimous consent, if any part of the section just read be subject to a point of order the whole goes out, but I do hope the gentleman, upon consideration, will not press his point of order.

Mr. MUDD. If the gentleman will allow me, if it can be arranged that it shall refer only to this section relating to the Baltimore and Ohio Railroad I will certainly agree not to make the point of order, as I do not want to interfere with the construction of the bridge.

Mr. GILLETT of Massachusetts. I trust the gentleman will not press it, because the situation which confronts the committee is this: When this bridge was appropriated for it was supposed this branch of the Baltimore and Ohio was to be abandoned, and that the grade crossing which exists just the other side of the bridge would consequently disappear. But since the bridge has been begun a new project, a new manufacturing enterprise, has been started over there, and that branch is to be continued as an active railroad. Therefore it is necessary that this grade crossing should some time be eliminated, and everyone would agree, I suppose, that the best time for its elimination is when this bridge is constructed, because the bridge goes almost to this grade crossing. Consequently the committee met this proposition: Shall we make an additional appropriation and build the bridge and then in a short time have to have the bridge raised to get rid of the grade crossing, or shall we provide for the elimination of the grade crossing and the building of the bridge at the same time?

Now, this committee, of course, is not a legislative committee. The committee on which the gentleman sits is the legislative committee; but coming at a juncture like this, when it is an obvious saving of money and saving of public convenience to have the raising of the bridge and the elimination of the crossing going on at once, this committee thought no Member of this House would object to such an obvious saving of money and convenience, and therefore we put in the provision that this grade crossing should now be abolished, although the committee, we admit, has no power over it. But we thought this was so clearly in the interest of the public and of economy that nobody would object, and it went in practically as a request for unanimous consent. Now, we have put there also a provision that the Baltimore and Ohio Railroad should pay the expense of the change of this grade crossing. We thought that was a fair proposition. When the bridge was begun it was supposed that was going to be abandoned. It has not been abandoned, and we thought it no more than fair that the expense of removing the grade crossing which the railroad created should be paid by the railroad. Therefore that proposition is in the bill. Then the other proposition about the street railway company paying part of the cost of the bridge; we thought that was so obviously fair that no Member would object to that either, because the bridge had to be built heavier and broader for the reason that the street railway company went across it.

How much the additional expense was it is impossible for anybody to say, but we thought we were very reasonable and conservative toward the railroad company in saying that they should pay 10 per cent of the cost of the bridge as the additional cost which their crossing compelled us to make. I think anybody will admit that, if they were to pay anything, 10 per cent is a very small percentage. Those are the two propositions to which the gentleman makes the point of order. I will admit, Mr. Chairman, that they are obviously subject to the point of order, but it seemed to us that they were both so rational and so clearly for the interest of the District and the Government that no one would raise the obvious point of order.

Mr. CRUMPACKER. Does the city require the street railway company to pay anything for the use of this bridge?

Mr. GILLETT of Massachusetts. Not at all.

Mr. CRUMPACKER. No rental?

Mr. GILLETT of Massachusetts. Nothing at all.

Mr. CAMPBELL of Kansas. Does the gentleman from Massachusetts say that the street railway company pays nothing for the use of this bridge?

Mr. GILLETT of Massachusetts. Nothing.

Mr. CRUMPACKER. Does it not pay for the maintenance and repair?

Mr. GILLETT of Massachusetts. It pays for the paving of its own tracks, just as it does in the highways.

Mr. CAMPBELL of Kansas. Does it not pay so much per passenger?

Mr. MADDEN. No; not on this bridge.

Mr. GILLETT of Massachusetts. The gentleman is evidently thinking of another bridge. It does not pay anything per passenger on this bridge. If it did, the gentleman's contention would be more reasonable.

Mr. STEPHENS of Texas. I should like to ask if the Government is required to construct this bridge and keep it in repair for the benefit of the street car company?

Mr. GILLETT of Massachusetts. No; I will not say for the benefit of the street railroad company. We are building it for the public benefit as well as for the benefit of the company, and we are simply asking them to pay one-tenth of the cost of construction.

Mr. STEPHENS of Texas. Why should they not pay it all if they are receiving the benefit of it?

Mr. GILLETT of Massachusetts. The public is also getting the benefit of it.

Mr. STEPHENS of Texas. Why should the United States Government have to pay for a bridge that is for the use of the street railway company?

Mr. GILLETT of Massachusetts. I think the gentleman misapprehends. This bridge is not for the exclusive use of the street railway company; it is a public highway, a driveway.

Mr. STEPHENS of Texas. Then would half of it be used by the railway company?

Mr. GILLETT of Massachusetts. That is a question. More than half its width is occupied by the railroad company. We thought we were conservative in putting their share at 10 per cent. Now, we find that gentlemen on the floor object even to that and make the point of order against it.

Mr. STEPHENS of Texas. I understand it has been stated that 20 per cent would be a fair division between the railway company and the city. If so, why should not the street railway company pay 20 per cent?

Mr. GILLETT of Massachusetts. We put it at 10 per cent.

Mr. STEPHENS of Texas. Why not require them to put in the full amount of the benefit they get?

Mr. GILLETT of Massachusetts. There is no use discussing that, because gentlemen are objecting even to the 10 per cent.

Mr. MUDD. This has nothing to do with the payment for the bridge across the Anacostia River at all.

Mr. GILLETT of Massachusetts. I do not understand what the gentleman means.

Mr. MUDD. I do not understand that this provision has any relation to the proportion of the railroad's contribution to the maintenance of the bridge across the Anacostia River.

Mr. GILLETT of Massachusetts. Not for the maintenance, but the building.

Mr. MUDD. They are required to pay the whole expense of the abutments.

Mr. GILLETT of Massachusetts. The gentleman is confusing this with another proposition. We are referring now to the street railway company.

Mr. MUDD. I thought you were talking about the paragraphs relating to the Baltimore and Ohio Railroad Company.

Mr. GILLETT of Massachusetts. No; the street railway company.

Now I yield to my colleague from Minnesota [Mr. McCLEARY].

Mr. McCLEARY of Minnesota. Mr. Chairman, we considered this subject quite fully last year, and we reached a conclusion that we thought was fair to all parties. Will the gentleman tell me how much these street railway companies are now required to contribute toward the construction of the bridge and approaches?

Mr. GILLETT of Massachusetts. Nothing outside of its own roadway.

Mr. McCLEARY of Minnesota. And the approaches to the bridge?

Mr. GILLETT of Massachusetts. Yes; and the approaches. It provides its own roadway to and on the bridge.

Mr. McCLEARY of Minnesota. Does it not construct that portion of the bridge that it uses?

Mr. GILLETT of Massachusetts. Oh, no. It builds its own conduit, of course, in which its electric wire runs.

Mr. McCLEARY of Minnesota. It puts in the piers.

Mr. GILLETT of Massachusetts. No; I think not.

Mr. McCLEARY of Minnesota. About how much will that cost?

Mr. MADDEN. About $35,000.

Mr. McCLEARY of Minnesota. I have not looked at this for quite a while, but my recollection was that it would cost about $75,000.

Mr. MADDEN. I understand that it is $63,000.

Mr. McCLEARY of Minnesota. Is any part of the bridge, after it is constructed, for the exclusive use of the street railway company?

Mr. GILLETT of Massachusetts. Not for the exclusive use. The street car has the first right on the tracks as it has in the street.

Mr. McCLEARY of Minnesota. And the tracks are level with the grade of the road, so that wagons can use the bridge where the tracks extend?

Mr. GILLETT of Massachusetts. Certainly.

Mr. McCLEARY of Minnesota. And use the part of the bridge constructed by the railway company?

Mr. GILLETT of Massachusetts. Certainly.

Mr. McCLEARY of Minnesota. About how does the number of loaded wagons using the bridge compare with the number of street cars?

Mr. GILLETT of Massachusetts. The president of the railroad told us that he had made an estimate.

Mr. FITZGERALD. His statement was 1,400 wagons to 250 street cars.

Mr. McCLEARY of Minnesota. I would like to ask the gentleman from Massachusetts which, in his judgment, is harder on the pavement or surface of the bridge, the loaded wagon or the street car?

Mr. GILLETT of Massachusetts. This is not the surface of the bridge that we are talking about, it is the main construction of the bridge. I suppose as to the surface of the bridge that the loaded wagon wears out the roadway the quicker.

Mr. McCLEARY of Minnesota. And there are 1,400 wagons to 250 street cars. The company has to pay $70,000, and the construction of the bridge and approaches is to cost $375,000.

Mr. BURLESON. The street car doesn't pay a cent.

Mr. McCLEARY of Minnesota. Well, I mean in the construction of the bridge.

Mr. GILLETT of Massachusetts. The gentleman from Minnesota is mistaken as to the expense. It is to cost $325,000, outside of the street railway construction.

Mr. McCLEARY of Minnesota. That would make the total cost about $390,000, of which the street car company pays $70,000.

Mr. GILLETT of Massachusetts. Yes.

Mr. McCLEARY of Minnesota. The roadway they construct is used by the loaded wagons far more than it is used by themselves—five or six times as much—and the people having the loaded wagons are not required to pay anything toward the construction, except what they pay in the general taxes. The most of them who use the bridge with their loaded wagons do not live in the District at all. Does not the gentleman from Massachusetts believe that the company under the original law as it stands now is required to pay its fair share of the total cost? I ask the question because I had a part in making the law now in existence, and I spent a good deal of time studying the conditions. It was our judgment that we made a fair arrangement, and I still think so.

Mr. GILLETT of Massachusetts. I certainly did not intend to reflect on the gentleman, as the gentleman from Minnesota well knows——

Mr. McCLEARY of Minnesota. I do not understand that it is intended as a reflection.

Mr. GILLETT of Massachusetts. I have no doubt the gentleman did give it careful consideration, and I appreciate, as he does, I trust, the approving way we have followed his action in this bill in general. We appreciate the good precedents that were set for us in the last Congress, but in this instance we do not think the street railway is paying its full share.

Mr. PEARRE. Will the gentleman from Massachusetts yield to me?

Mr. GILLETT of Massachusetts. Yes.

Mr. PEARRE. Is the gentleman familiar with the act of 1900 and the act of 1903?

Mr. GILLETT of Massachusetts. I am familiar with them.

Mr. PEARRE. I will read them to the gentleman.

Mr. GILLETT of Massachusetts. I do not care to have the gentleman read them; I am perfectly familiar with them.

Mr. PEARRE. They represent an agreement, do they not? I will ask the gentleman from Minnesota, who is familiar with the facts, if these acts do not represent an agreement between the District of Columbia, the Baltimore and Ohio Railroad Company, and the Congress of the United States?

Mr. MADDEN. What about the Anacostia Railroad Company?

Mr. GILLETT of Massachusetts. I haven't the slightest idea that they represent an agreement for the future. I did not suppose that they did.

Mr. PEARRE. They do represent an agreement. I had charge of the bill on the floor of the House.

Mr. McCLEARY of Minnesota. I do not know of any agreement with the House of Representatives and the representatives of the road.

Mr. PEARRE. Does not the gentleman from Massachusetts know that it is a fact——

Mr. BURLESON. The street railway company never claimed any such thing.

Mr. PEARRE. I am not talking about the street railway company, I am talking about the Baltimore and Ohio Railway Company.

Mr. BURLESON. They are on the same basis as the Baltimore and Ohio Railroad Company.

Mr. MADDEN. Does the gentleman from Maryland mean to say that these acts constitute the agreement under which the District of Columbia and the United States paid to the Baltimore and Ohio Railroad Company and the Pennsylvania Railroad Company $4,720,000 out of the taxpayers' pockets?

Mr. PEARRE. There was a large expense incurred by the Baltimore and Ohio Railroad Company and the Pennsylvania Railroad Company.

Mr. MUDD. I would say that if there is any desire to discuss this point of order, I can not prevent it, and do not wish to do it, but if we are going into a discussion of the act relating to the construction of railroad terminals in the District of Columbia and the merits of these propositions in detail, I think I may as well ask a ruling upon the point of order.

Mr. FITZGERALD. Mr. Chairman, I wish the gentleman would reserve it.

Mr. DOVENER. Mr. Chairman, I shall insist upon the point of order.

Mr. BURLESON. But he has reserved it.

Mr. GILLETT of Massachusetts. Mr. Chairman, I wish to say a word more, then I think I have stated my case. This committee recognizes that this is subject to a point of order, but we believe that it is so important for the District that it should now be settled and this grade crossing eliminated while the bridge is being built; that we hoped that no Member on the floor of the House would raise the point of order. If anybody does raise it, however, we recognize the fact that the point of order is well taken, and the responsibility rests with the person making it.

Mr. MUDD. I do not wish to raise the point of order as to the construction of the bridge, or as to the elimination of the grade crossing; if that can be waived, with the understanding that I would not waive it as to the other provisions that I do object to, I am willing and ready and anxious to do so. I am willing to have an agreement to that effect.

Mr. DOVENER. Mr. Chairman, I insist upon the point of order.

Mr. FITZGERALD. Mr. Chairman, I wish the gentleman would reserve his point of order.

The CHAIRMAN. The gentleman from West Virginia has insisted on his point of order, and the Chair is ready to rule.

Mr. FITZGERALD. I will ask the gentleman to reserve the point of order. I do not wish to discuss the point of order, but I wish to discuss the proposition itself.

Mr. MUDD. Then I insist upon the point of order now and a ruling upon it at this time, if the Chair is ready to rule.

The CHAIRMAN. There does not seem to be anybody inclined to question that the point of order is well taken. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I had hoped at one time to discuss some of the provisions of this bill, but I have refrained from doing so in order to expedite its passage. I wish to say a few words, however, in justification of the action of the committee in inserting the provisions that have just been taken out on the point of order. A bridge was authorized to Anacostia across the Potomac River and the Commissioners came before the committee and asked for two hundred and odd thousand dollars to continue the work on that bridge. They stated that it would be a great mistake, however, to continue the bridge as originally projected; that if that were done, a dangerous grade crossing would be established and maintained and that a very sharp angle would exist where the bridge met the highway. They suggested, as an improvement, that the original project be changed; that the bridge be constructed along a different line;

that a street be extended, and that a dangerous crossing be eliminated, and that the limit of cost of the bridge be increased. The question the committee had to decide was this: Would it appropriate for the bridge as at present authorized and have these very dangerous conditions or would it agree to the change in plan with the consequent increase in cost? I have no doubt that any Member of this House listening to the testimony before the committee would have refused to assent to appropriate for the bridge as at present projected and would have insisted that if any more money was expended, it should be expended upon the changed plans. Having ascertained that fact, it then developed after some investigation, first, that the bridge was being built 5 feet wider, because of its occupation by a street railway; that that had materially added to the cost of the bridge, and that the railway company was not only paying no part of the construction of the bridge but that it would not be subject to any head tax or car tax or toll tax for its use of the bridge.

The committee then decided that if the bridge were to be built upon the changed plan right in the legislation authorizing the change of plan a reasonable charge should be placed upon the street railway company because of its use of the bridge and because of the additional expense to which the Government was put by reason of that use. The committee found that the elimination of the grade crossing would be necessary and would entail additional expense, because a spur of the Baltimore and Ohio Railroad was to be continued which, when the bridge was originally projected, it had been intended to abandon. So the committee determined that if after the bridge had been projected and after plans had been prepared and some expense had been incurred the railroad changed its mind and continued this spur it should defray the cost of eliminating the grade crossing, which would be dangerous and a menace to the public as a result of the continuation of that spur. The committee believed, and, in my opinion, properly, that no appropriation should be made for the bridge at all at this time unless these two companies were compelled to pay adequately for the advantages that they would derive from the erection of the bridge, and I am glad that the arrangement was made which eliminated from this bill the entire provisions, for I prefer to see the bridge stand there unfinished than to have the Government mulcted for the benefit of these two companies.

In reply to the gentleman from Minnesota [Mr. McCLEARY], I wish to say this: I can readily see how the gentleman from Minnesota agreed to the provisions that were incorporated in the bill last year. It was with the utmost difficulty, and only because in the subcommittee there was a gentleman familiar with the construction of railroad bridges and the increased cost incident to their use by railways, that the subcommittee was able to obtain any information whatever as to the increased cost by reason of the use of this bridge by the railroad. The engineers practically said that it was immaterial in constructing this bridge so far as the cost was concerned whether it was used by a railroad company or not.

Mr. McCLEARY of Minnesota. It was the city engineer who made that statement, as I remember.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from New York to extend his remarks for five minutes? [After a pause.] The Chair hears none.

Mr. McCLEARY of Minnesota. If the gentleman will pardon me, that is practically the ground upon which we proceeded. We had the technical official opinion of the city engineer that it would not cost more to construct the bridge with the car tracks than without—that the bridge would be built strong enough in any event to carry the car tracks and car service.

Mr. FITZGERALD. And yet in the face of that statement of the engineer——

Mr. GARDNER of Michigan. Mr. Chairman——

Mr. FITZGERALD. In a moment. It was demonstrated beyond question that the bridge had to be built at least 5 feet wider because——

Mr. McCLEARY of Minnesota. How could that be when the whole surface will be available for use of wagons, carriages, and so forth? How could that possibly be?

Mr. FITZGERALD. I may be in error in regard to the width, but the gentleman will understand this, that if the bridge was built for the use of teams only, the roadway would only have to be sufficiently wide to permit teams to pass in crossing, but with the railroad tracks they not only had to have it wide enough to permit the railroad tracks, but wide enough on either side for teams to pass and for cars to pass.

Mr. GARDNER of Michigan. Not only that, but the railroad has the right to use the right of way of 20 per cent of the bridge and everything must give way to the railroad; though it may not cost materially more, the railroad has the right of way over one-fifth of the whole surface.

Mr. FITZGERALD. Certainly.

Mr. McCLEARY of Minnesota. But, as a matter of fact, my friend knows—he has crossed bridges under these circumstances—that a car goes fast enough for any vehicle to follow it, and cars are on the bridge during only a limited portion of the time. As a matter of fact, the part of the bridge that is occupied by the street railway is the particular part that is most used by other vehicles.

Mr. FITZGERALD. That is very true, but the courts of the country have decided hundreds of times that the cars of a railway company have superior right of way; the other vehicles must turn aside for the cars.

Mr. McCLEARY of Minnesota. They cross the bridge on the same side that other vehicles pass on. A car going that way can be followed by a wagon going that way, and a car coming this way can be followed by a vehicle coming this way.

Mr. FITZGERALD. That is true, and wagons going that way must turn out in order to permit cars to cross.

Mr. McCLEARY of Minnesota. Wagons would have to "turn out" only in case they are violating "the law of the road." There is a law of the road under which drivers of wagons and other vehicles use the highways. You can not pass down Pennsylvania avenue on either side of the street you choose, even on that part that is set apart for wagons. There is a law of the road that everyone must recognize. This law of the road applies to the cars also.

Mr. FITZGERALD. It was stated in addition that the structural strain would be no greater by reason of the use of the railroad company, and yet the committee was unable to believe that it would require no heavier construction for a bridge upon which at least 250 cars were to be operated a day than if those cars were not to pass over the bridge. More than that, there is no tax and none has been imposed upon this company for the use of this bridge, either a head tax or a car tax.

Mr. McCLEARY of Minnesota. I think if the gentleman will read the law as it stands he will find that the railroad company is required to pay one-half of the total cost of maintenance and repair of the entire bridge. That is what we intended to provide, and that is what I think we did provide in the existing law.

Mr. FITZGERALD. I examined the law hurriedly, and do not question the accuracy of the gentleman's statement. It was under these circumstances that this company paid for nothing in connection with the construction of this bridge that it would not have been compelled to pay for it if it were building across or along a street that the committee believed it should pay some fair proportion of the cost of the bridge. Now, it was admitted that its use amounted to 20 per cent and the committee fixed 10 per cent——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MADDEN. Mr. Chairman, in the consideration of this question the committee was called upon to appropriate out of the public funds $225,000 to continue and complete the construction of a bridge across the Potomac River leading to Anacostia. No one seems to have objected that the money, which was to be taken from the public Treasury, was to be used in the construction of a bridge to accommodate the railway companies. But just as soon as any effort whatever is made to relieve the public Treasury by compelling those who use the bridge to pay their just proportion of the cost, then we find opposition to the passage of the bill. No one seems to have complained that under a permanent law eliminating grade crossings the public Treasury would be charged with the expenditure of $4,720,000, all of which was either paid to the Pennsylvania and to the Baltimore and Ohio railroads, or was paid for damage to property caused by the elimination of these grade crossings. If I understand the situation correctly, this particular track of the Baltimore and Ohio Railroad Company——

Mr. MUDD. Will the gentleman allow an interruption? I want to correct the gentleman. The gentleman, in referring to the legislation for the use of railroad terminals in this city, made the statement that no one complained when all this money was paid to the railroads. That is not in accord with the facts as to myself and many others of this House.

Mr. MADDEN. I said that no one was complaining now. I did not say that they did not complain.

Mr. MUDD. That legislation is not pending now.

Mr. MADDEN. No one seems to be complaining now about the money that is taken out of the pockets of the taxpayers to accommodate the railway companies.

Mr. MUDD. The gentleman had better confine himself to the facts.

Mr. MADDEN. I am doing so.

Mr. SIMS. The gentleman is correct about the amount of money. I want to say that Mr. Cowherd, a former Member of the House, and myself did everything in the world here for two or three days to prevent it, and we got run over completely and mashed up to such an extent that it has been almost painful ever since to even refer to it.

Mr. MUDD. Will the gentleman yield?

Mr. MADDEN. Mr. Chairman, I refuse to yield further. The principal track of the Baltimore and Ohio Railroad Company, in which the gentleman seems to be so much interested to prevent the collection of $54,000 for the construction of this bridge to Anacostia, is, as I understand it, under the permanent law referred to, a trespasser upon these premises, and it ought to be removed. Why should the taxpayers be obliged to expend $54,000 to accommodate a trespasser, and why should the taxpayers be obliged to spend $32,500 more than they ought to spend to accommodate the Anacostia Street Railway Company? Why, the president of that company came before our committee, Mr. Chairman, and said he recognized the justice of the effort on the part of this committee to make his railway pay a part of the cost of this bridge. And when we asked him what amount he thought his company ought to pay, he said he thought it ought to pay about $12,000.

Mr. JOHNSON. You agreed upon the principle, but differed in the amount?

Mr. MADDEN. In the amount. Now, Mr. Chairman, I wish to say one thing more.

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question?

Mr. MADDEN. Yes, sir.

Mr. CAMPBELL of Kansas. I have been led to believe that neither the Baltimore and Ohio Railroad nor the street railroads pay any taxes here in the District of Columbia. Is that true?

Mr. MADDEN. No; I did not make that statement. If the gentleman asks that question based upon anything I have said, he is mistaken.

Mr. CAMPBELL of Kansas. They were treated as trespassers and foreigners to any rights here, and I was just wondering if it was true whether they paid any taxes here or not.

Mr. MADDEN. If the city is constructing a bridge, and these people either are in the way or wish to use that bridge, and if because they wish to use the bridge the cost of its construction——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Without objection, the gentleman will proceed for five minutes more.

There was no objection.

Mr. MADDEN. If because of their use of this bridge the cost of its construction is vastly more than it would be without that use, there is no good reason why the taxpayers should be obliged to pay all of this cost. Now, why are these gentlemen here so solicitous for the interests of the railroad?

The railway company, through its president, came before the committee of which I am a member and said that he recognized the justice of the principle upon which we sought to tax his company for a part of the cost of this bridge, and while we differed on the amount that they should pay we agreed upon the question of principle. If the gentleman who represents the company was willing that his company should be obliged to pay, why should any gentleman on the floor of this House object to his agreement to the payment of something toward the cost of the construction of this bridge?

We will find gentlemen here in a few moments, I presume, when we reach another clause of the bill, objecting to the impositions of burdens upon street-railway companies under the clause which seeks to compel them to sprinkle the car tracks on which they run. They say that the street-car company has expended, or will have expended, a lot of money in the construction of its tracks on this bridge; that it builds its own conduit through which it runs the wire that furnishes the power to operate the cars. Well, if it would not build its own conduit, who would? Would it be expected that the taxpayers of this District and the people of the nation should not only furnish the streets for these car companies, but furnish the bridges and the conduits for the use of the car companies?

Mr. Chairman, I regret more than I have ability to express to learn that any such sentiment prevails as that which has been demonstrated against the collection of the just dues from these railroad companies on account of which the District has been obliged to expend vast sums of money.

Mr. BURLESON. Mr. Chairman, I move to strike out the last word of the last section.

When this committee had this item under consideration there was absolutely no division between its members upon the proposition that the Baltimore and Ohio Railroad Company and the street railroad company should pay in part for the construction of this bridge. No intelligent man can gainsay the proposition that an increased expense is imposed upon the taxpayers of the District, and upon the Government, by reason of the fact that the grade crossing must be constructed in the interest of public safety when this bridge is built. That grade crossing, made necessary for the use of the railroad, is what induced the committee to endeavor to arrange so that the Baltimore and Ohio Railroad should pay part thereof. No man can gainsay the proposition, and notwithstanding what the gentleman from Minnesota has said, no intelligent man, when he considers the proposition, can question the fact that this bridge must be built stronger and wider by reason of the fact that the street railway is going to occupy it and constantly use it. Consequently your committee reached the conclusion that the street railroad company should pay part of the expense of its construction.

The only question that arose in our minds was, What was the fair, square thing for this railroad company and this street railroad company to do toward paying part of the cost of the bridge's construction? There was a division of opinion upon the proposition as to the amount they should each pay. We discussed the matter at great length. And I want to say that a majority of the subcommittee thought that the sum to be paid by the Baltimore and Ohio should be much greater than the amount carried in this bill. The majority of the subcommittee thought the amount that should be paid by this street railway should be greater than the amount carried in this bill. The gentleman from Illinois [Mr. MADDEN], who has had great experience in such matters as this, made a careful calculation, and reached the conclusion that the street railway company occupied 20 per cent of this bridge structure; and we were so anxious to do the right thing, we were so fearful if we imposed what even might look like an unnecessary burden upon these companies, what they themselves would not admit was right, that that fact might result in having pressure brought to bear to force somebody upon the floor to raise the point of order; so we put the amount down, put it so low that we thought there would not be a man upon this floor that could keep his face and make the point of order.

Mr. SAMUEL W. SMITH. Will the gentleman allow me to ask him a question?

Mr. BURLESON. We reduced it to 10 per cent of the cost of the construction of this bridge to be paid by this street railway company. But, as I told you before, by every method of calculation that could be made, it ought to have been 20 per cent of the cost of construction.

Now, gentlemen, I do not propose to impugn the motives of any man upon this floor. I will not do it. Surely there is no representative of the Baltimore and Ohio upon this floor. Surely there is no lackey of the street railway company upon this floor. I know these gentlemen who have made the point of order have been solicitous that we should not violate the rules of this House. I know these gentlemen have been only anxious or solicitous for fear something might be done that is unjust to the railroads.

But, now, gentlemen, when we have shown you, when the able chairman of this committee assures you that we have done only the right thing, when the gentleman from Illinois, who has had years of experience in matters of this kind, tells you we have done the liberal thing toward these railroads, I must believe that as soon as these facts are brought to their attention the gentlemen who have made these points of orders will speedily withdraw them, in order that the taxpayers of the District of Columbia, in order that your constituents, who bear the half of these burdens, shall not be unduly burdened in order to favor the Baltimore and Ohio Railroad and the street railroad company. [Loud applause.]

Mr. SIMS. Mr. Chairman, I want to add to my statement of a few moments ago, in justice to the gentleman from Maryland [Mr. MUDD] I spoke of the gentleman from Missouri, Mr. Cowherd, and myself fighting the appropriation referred to by the gentleman from Illinois. It is a fact, and it ought to be stated in justice to the gentleman from Maryland, that he was on the conference committee, also that the House reduced the amount of the appropriation $1,000,000, and as a member of the

conference committee he held out to the last, and kept holding out as long as the House held out.

Mr. MUDD. I held out to the end and voted to the end.

Mr. SIMS. He held out to the end and voted to the end as a member of the committee, and finally voted against the bill. I understand that he made himself persona non grata to one of these great companies by the performance of his duty in that matter to such an extent that his name with them has been "mud" ever since.

Mr. MUDD. There is no doubt about that.

The CHAIRMAN. If there is no objection, the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

The Commissioners of the District of Columbia are hereby authorized and directed to require hereafter, by appropriate regulations, all street railway companies operating in the District of Columbia to sprinkle, at such times as the Commissioners may deem necessary, all of that portion of the streets or avenues within the fire limits of the city of Washington occupied by their tracks and lying between the exterior rails of the tracks of such roads and for a distance of not less than 2 feet from and exterior to such tracks on each side thereof. After promulgating the regulations herein authorized and required, should any street railway company in the District of Columbia fail or refuse to comply therewith, the Commissioners shall cause said sprinkling to be done as other sprinkling of streets is done in the District of Columbia and collect the cost of doing said work from said railway companies in the same manner as the cost of laying pavements between the rails and tracks of street railways, as provided for in section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878.

Mr. CAMPBELL of Kansas. Mr. Chairman, I make the point of order on the paragraph beginning on page 33, line 12, and ending on page 34, line 7, that it is new legislation.

Mr. GILLETT of Massachusetts. I will ask the gentleman a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. GILLETT of Massachusetts. I will ask the gentleman whether he makes this point of order because he thinks it is undesirable legislation, or does he make it simply because, technically, the provision is subject to the point of order?

Mr. CAMPBELL of Kansas. I make it because it is subject to the point of order, and because, if legislation of this character should be enacted, it should come out of a committee that has jurisdiction of purely legislative matters.

Mr. GILLETT of Massachusetts. Will the gentleman allow me to make a suggestion to him?

Mr. CAMPBELL of Kansas. Yes.

Mr. GILLETT of Massachusetts. The street railway company came before us, and there was no strenuous opposition to this. I will not pretend that they favored this legislation, but there was no very serious opposition by them to it. It would not, I suppose, be very expensive, and it seemed to us it was so exceedingly desirable, so exceedingly to the advantage of every resident of the District, and so fair to the city that I did not suppose even the gentleman's susceptibilities as a member of the District Committee would be hurt by our putting it on here. I hope the gentleman will withdraw his point of order. Of course we do not wish to encroach upon the gentleman's committee in any case except a very simple case of obvious justice and advantage, which can be secured so easily here.

Mr. CAMPBELL of Kansas. Mr. Chairman, I allow no man in this House to outdo me in honoring the Committee on Appropriations, especially that branch of the Committee on Appropriations that has to do with the District appropriation bill, but I reserve the right to the proper committee to bring out such legislation as shall permanently affect the policies of the District of Columbia.

Mr. MADDEN. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. MADDEN. Does the gentleman object to the provision because it proposes an unnecessary and onerous burden upon the street railway company?

Mr. CAMPBELL of Kansas. Oh, no; I am not taking the street railway company into account at all, as I understand from the gentleman representing the committee that the street railway company really acquiesced in the matter; and if they acquiesced, they were as Greeks bearing gifts.

Mr. MADDEN. Will the gentleman allow me to ask him one more question? Would the gentleman think it would be advantageous to the public to have such a provision executed? What I mean is, Would the gentleman think it just to the public to have the street railway companies sprinkle that part of the street on which their tracks run?

Mr. CAMPBELL of Kansas. It is a matter to which I have given very little consideration. It has not been before us.

Mr. MADDEN. Would the gentleman think it detrimental to the best interests of the community to have the streets sprinkled?

Mr. CAMPBELL of Kansas. Oh, no; not at all. On the contrary, I quite agree with the policy of sprinkling streets.

Mr. MADDEN. Is there any serious objection to having the streets sprinkled in any event?

Mr. CAMPBELL of Kansas. Oh, no; that is a simple question; just as simple as the want of the right of the Committee on Appropriations to bring out legislative bills.

Mr. HEPBURN. Mr. Chairman, I should like to ask the gentleman from Kansas if the Committee on the District of Columbia have considered this proposition, and if there is any measure that they probably will report within a reasonable time bearing upon this subject?

Mr. CAMPBELL of Kansas. I do not recall a bill now before that committee for consideration upon this subject.

Mr. HEPBURN. I would like to ask the gentleman further, for fear he may be actuated in the objection that he has made by solicitude for the railways, if he knows the aggregate amount of taxation paid by the street-railway companies in the District of Columbia?

Mr. CAMPBELL of Kansas. I do not know the exact tax they pay, and I am in no way actuated by solicitude for the street railways.

Mr. MADDEN. It is $72,000, including the real estate taxes.

Mr. CAMPBELL of Kansas. I understand they pay 4 per cent on the gross receipts in addition to the tax on real estate.

Mr. MADDEN. It amounts to $72,000. And they pay $720,000 in dividends, and one company is capitalized for $12,000,000.

Mr. CAMPBELL of Kansas. I insist, Mr. Chairman, on the point of order. I have no interest in the street railway companies; I am here insisting on the right of the proper committee to report proper legislation, and I am insisting on that right just as I have seen the gentleman from Iowa insist on the right of his committee to have jurisdiction over certain branches of legislation.

Mr. HEPBURN. The gentleman from Kansas has never heard the gentleman from Iowa insist on a question of jurisdiction over matters that the committee had abandoned or where his committee had failed to act; there has been no question of that kind. When we have raised questions of jurisdiction, it was because we were willing to do our duty and take the responsibility. We have never sat back and said: "We will not perform this duty and neither shall you." [Applause.]

Mr. CAMPBELL of Kansas. I deny with equal emphasis that the Committee on the District of Columbia has refused to act on this matter.

Mr. HEPBURN. I will not say that it has refused, but here is the fact that it has not acted, and here is the fact that the gentleman is making a point of order against another committee that has performed a public duty.

Mr. CAMPBELL of Kansas. If the gentleman from Iowa, or any other gentleman in this House, will prepare a bill covering this proposition, the District of Columbia Committee will give it early and speedy consideration.

Mr. MADDEN. But will you bring it out of the committee?

Mr. CAMPBELL of Kansas. Speaking for myself, I will say that I will.

Mr. MADDEN. But the gentleman is only one of seventeen.

Mr. WILEY of New Jersey. I am a member of that committee, and I say I will vote for it.

Mr. MADDEN. I understood the gentleman from Kansas to state that the acquiescence of the street railway company in the sprinkling of the streets was like unto Greeks bearing gifts.

Mr. CAMPBELL of Kansas. I said if the street railway companies were desirous of that provision in the bill, they must have come like Greeks bearing gifts.

Mr. MADDEN. What does the gentleman mean by that? I never heard of any gifts being borne to the committee at this end of the Capitol, or of a gift being borne in that direction.

Mr. CAMPBELL of Kansas. Oh, the gentleman has quite misunderstood me.

Mr. GILLETT of Massachusetts. If the gentleman from Kansas will allow me, we are offering this for unanimous consent. Why should the gentleman object to it if he is in favor of it? Why should the gentleman object? I hope the gentleman will withdraw his objection and let it go in.

Mr. CAMPBELL of Kansas. There are many phases of legislation affecting the street railway companies that might be covered in a bill, taking up the whole matter of their taxation, and not allow them to pay their taxes for doing a little job here and a little job there, and in that way make it impossible to get a bill considered in this House that would go into the whole question of street railway taxation.

Mr. MADDEN. Will the gentleman tell us of a few of the phases that could be remedied?

Mr. CAMPBELL of Kansas. Mr. Chairman, I insist upon the point of order.

Mr. GARDNER of Michigan. I trust the gentleman will withhold his point of order; I want to say a word. It does seem to me that it is so clear a case that the gentleman from Kansas ought not to object. The president of one of the street railway companies appeared before the committee and made no objection whatever, and recognized the value and importance of this proposition to the traveling public, both on the street cars and on foot, and said they could do it at a minimum cost. He had not the slightest objection. If the gentleman from Kansas or any other gentleman would go up and down the street that I travel over—Fourteenth street—his face and eyes will be filled with dust from the street car line.

Mr. WM. ALDEN SMITH. I would say to the gentleman that Fourteenth street has no monopoly on dirt and dust matter in this city.

Mr. GARDNER of Michigan. I am very glad to know that. If you pass a street crossing just after a street car has passed rapidly by, you find yourself in a cloud of dust. Not only that, but this is closely allied with street cleaning. I can not see for the life of me, when a thing is so clearly in the interest of the health and comfort and cleanliness of the people, without material cost to those affected by it, why somebody here should rise up and say it shall not be done simply on a technical point. I hope the gentleman will withdraw, even now, his objection and let it pass.

Mr. SAMUEL W. SMITH. Mr. Chairman, I move to strike out the last word. I would like to ask these gentlemen this question. I have heard them talking about justice and fair play and all that sort of thing. I would like to ask them this: When we reach that portion of the bill in reference to teachers' wages in this District, whether or not they will consent to an amendment raising them?

Mr. GILLETT of Massachusetts. I will tell the gentleman just the attitude our committee has taken on that. I think the teachers' wages ought to be changed, and I recognize that is a matter which belongs to the gentleman's committee, and therefore this committee, knowing it was before the gentleman's committee and that his committee had reported a bill upon it, has refrained sedulously from meddling with the subject. We simply reported perfunctorily what was put before us by the school board, thinking that we would wait until the House under the gentleman's lead treated that subject, and then in the Senate whatever bill the gentleman carried through would be put on. Is not that the proper position for us to take?

Mr. SAMUEL W. SMITH. The gentleman must have known that we have reported a bill to increase the teachers' wages, and that on the next District day, next Monday, we expect to bring it before the House.

Mr. GILLETT of Massachusetts. Yes.

Mr. SAMUEL W. SMITH. There are other bills that could have been taken up at this time. The Navy bill is ready, the agricultural bill is ready, and the gentleman and his committee could have waited a few days until we had an opportunity to present that matter to the House, and then this matter could have been all taken and determined right now.

Mr. GILLETT of Massachusetts. If the gentleman means to intimate that we took this matter up now so as to prevent that——

Mr. SAMUEL W. SMITH. No; I do not.

Mr. GILLETT of Massachusetts. He is mistaken about that.

Mr. SAMUEL W. SMITH. I simply ask the gentleman now if he will consent to an amendment covering that question?

Mr. GILLETT of Massachusetts. I do not think I would, for this reason: I think that is a matter which ought to be reported out and considered at length in the House, and I do not want all that contest and debate to come on this bill. I would rather get our bill through.

Mr. SAMUEL W. SMITH. That is it; and when we raise the question on other matters that are matters for legislation before the District Committee, you gentlemen seem to rise up and think there is something unfair about it. There are half a dozen matters in here that are purely legislative matters.

Mr. GILLETT of Massachusetts. It seems to me the gentleman is inconsistent. We are taking this position: That to legislate is the prerogative of the gentleman's committee. We think that whole school question belongs to his committee.

Mr. SAMUEL W. SMITH. Is not this matter we are talking about now the prerogative of our committee, and also the bridge question?

Mr. GILLETT of Massachusetts. Yes; but the gentleman's committee had not as yet acted upon it.

Mr. SAMUEL W. SMITH. Why does not the gentleman introduce a bill, if he wants the streets sprinkled, and present it before our committee? I pledge him for one that it will not be smothered.

Mr. GILLETT of Massachusetts. Nobody introduced a bill and presented it to our committee, but when the matter came up incidentally—and it never came before us until the hearings in preparing this bill—we saw the possibility of giving the public better service. It is a subject so simple and slight that it did not seem to us possible that the susceptibilities of the District Committee would be offended by it, and therefore we put it in really, as you might say, asking unanimous consent, pointing out that it was not properly in our jurisdiction. Any big proposition, like the school question, we would not have put in, because we recognize that is an elaborate matter, which the proper committee ought to consider carefully, and we did not interfere with it. For that reason we have left that absolutely to the gentleman's committee.

Mr. SAMUEL W. SMITH. I can say to the gentleman in advance now that I think the streets ought to be sprinkled, but it does seem to me that you gentlemen ought to let that matter come before the proper committee and be willing to do it, and if the gentleman will introduce a bill, I will pledge him the committee will take it up at its next meeting.

Mr. GILLETT of Massachusetts. Personally I have been solicitous not to interfere with the prerogatives of that committee. I appreciate that it is best for legislation here that each committee should attend to its own business and not interfere with others, but when a matter comes before us so small as this street sprinkling I did not think it could possibly offend anybody to have us put it in as a request for unanimous consent, and I did not think anybody could object to it. I recognize the right of the gentleman to object. I have no sensitiveness because they strike it out. I realize they had a perfect right to; I am only sorry they feel that way about it.

Mr. CLARK of Missouri. I want to ask the gentleman from Massachusetts [Mr. GILLETT] or the gentleman from Michigan [Mr. GARDNER] or the gentleman from Minnesota [Mr. MCCLEARY] if there was not a positive promise made here last year that if we would let up on that fight for the increase of teachers' wages the District appropriation bill would bring in a proposition at this session to raise the pay of teachers?

Mr. GARDNER of Michigan. Mr. Chairman, there was something of that kind as I remember very distinctly; but in the meantime the teachers and those who are associated with them, namely, the Commissioners of the District of Columbia and gentlemen in this House who are earnest advocates of the advancement of salaries on the part of teachers, have gone to the District Committee, introduced their bills, and are seeking to bring in legislation on the part of that committee, thus relieving the Appropriations Committee from doing the thing that it would otherwise have done.

Mr. CLARK of Missouri. I know; but that ends this way: What we wanted then and what some of us want now is a chance to discuss the simple proposition of reorganizing the teachers' wages in this town, and what the District of Columbia Committee has done is to report a bill that not only treats the question of salaries, which is enough to be treated by itself at one time, but also treats the entire question in addition to that of reorganizing these schools from top to bottom.

Mr. GARDNER of Michigan. Mr. Chairman, I do not want to assume the prerogative of the chairman, but as long as my name has been mentioned in connection with this matter I would say that the committee felt that it could not do anything else than pass favorably upon the recommendations of the Commissioners, presumably the recommendation to the school board and the superintendent, relative to the salaries, pending legislation that had not yet been passed upon by the House.

Mr. CLARK of Missouri. Well, I am very sorry it turned out that way, Mr. Chairman, because we were strong enough that day to have appealed from the ruling of the Chairman and overruled his decision and put that amendment on.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILLETT of Massachusetts. Mr. Chairman, I ask unanimous consent for a couple of minutes more just to answer the gentleman.

The CHAIRMAN. Without objection, the gentleman's request is granted. [After a pause.] The Chair hears no objection.

Mr. GILLETT of Massachusetts. I just want to say that last year I was not on this subcommittee, and this is the first time I have ever heard of any such agreement. Moreover, I confess that if I had known it, after seeing the sensitiveness to-day which my friends on the District of Columbia Committee have exhibited toward any attempt on our part to assume any

of their prerogatives, I should hardly have dared to offer so important a provision, so subject to a point of order, as that.

Mr. CLARK of Missouri. Well, you plead an alibi.

Mr. BURLESON. Mr. Chairman, the gentleman from Michigan asks why we did not substantially embody in this bill the provisions of the measure that has been brought before the House with a favorable report by the Committee on the District of Columbia which provides for raising the teachers' salaries. I am astonished that the gentleman should ask that, though the question indicates his thorough unselfishness. For years and years there has been a clamor within the District of Columbia in behalf of the poorly paid teachers in the public schools. For months and months the mail of every Member of Congress has been laden with letters appealing to each one of us to aid these poorly paid teachers to secure an increase in their salaries. The Committee on the District of Columbia had, and always has had, jurisdiction of the matter; but here, as usual, the Committee on the District of Columbia has procrastinated, it has waited, it has delayed, until the patience of the people of the District of Columbia has been worn threadbare, and the public schools are losing some of their best teachers, and at last the Committee on the District of Columbia is about to act. It is about to bring before the House a bill to grant this long-denied request, this long-delayed act of justice to the long-suffering public teacher. Now, why should the Committee on Appropriations deprive the Committee on the District of Columbia of the little credit they ought to get out of that measure by embodying it substantially within the provisions of this appropriation bill? Would it be kind or fair for us to do so? Why, of course not.

Mr. BUTLER of Pennsylvania. Mr. Chairman, may I——

Mr. BURLESON. Do you think we are so selfish as to take from the Committee on the District of Columbia the credit for the only good thing that they have done in years and years? [Laughter and applause.] And yet the gentleman from Michigan is so unselfish, the gentleman from Michigan, who, by the by, must be in a woeful minority on his committee, seems now so anxious that this long-delayed justice should at last be done that he comes before this House and upbraids the gentleman from Massachusetts because he has not done that which his committee has refused to do for so long a time.

Mr. BUTLER of Pennsylvania. Mr. Chairman, may I ask my friend a question? In this debate over jurisdiction, what is to become of justice?

Mr. BURLESON. That is a very pertinent question; I certainly hope that the poor teacher is not to be the victim of this contest. If so, it will not be my fault. On yesterday, in a speech I made, I declared in favor of increasing the teachers' salaries, and I assure you that I now only await an opportunity to cast my vote upon the measure that the gentleman from Michigan says that his committee has at last brought before this House for consideration. We are all anxious to do it. The teachers are so poorly paid, and we deplore the fact that they have been compelled to wait so long, because——

Mr. SAMUEL W. SMITH. Will the gentleman object to the amendment when it comes?

Mr. BURLESON (continuing). The rights and privileges accorded to corporations in this town are so generously large that the still, feeble voice of the poor school-teachers has not yet made itself heard, notwithstanding the fact that they are paid less than many wage-earners—yes, even common laborers.

Mr. Chairman, the Committee on the District of Columbia has procrastinated for all these years in the matter of doing substantial justice to these underpaid instructors of our children, and yet——

Mr. SAMUEL W. SMITH. When we reach that portion of the bill, will the gentleman object to an amendment increasing the pay of teachers? Answer the question yes or no, squaretoed.

Mr. BURLESON. I shall answer it in my own peculiar way. I am profoundly gratified and astonished to see this exhibition of unselfishness on the part of the gentleman from Michigan, this anxiety to give all of the credit to the Committee on Appropriations for the only good work that his committee has done since I have been here as a Member of this body.

Mr. BUTLER of Pennsylvania rose.

The CHAIRMAN. Will the gentleman from Texas yield to the gentleman from Pennsylvania?

Mr. BURLESON. Certainly, with pleasure.

Mr. BUTLER of Pennsylvania. Can the gentleman anticipate when the teachers will have their salaries raised?

Mr. BURLESON. If they are to wait on the Committee on the District of Columbia to voluntarily act, the millennium will probably have arrived before this justice is done them.

Mr. SIMS. Mr. Chairman, I want to set the gentleman from Texas right. While I am not a member of the subcommittee of the Committee on the District of Columbia that handled the school bill, I know that subcommittee has been at work many days trying to perfect a bill for the increase of salaries and such additional legislation in connection therewith as is asked for by the teachers and the people of the District. But, as you know, in this beautiful, ideal, model government of ours we have got to hear everybody, from California to Kalamazoo and everywhere else, as to how to do things here.

The subcommittee had to give hearings to people from everywhere who wanted to tell them how to run things in the District, and the chairman of that subcommittee, the gentleman from Pennsylvania, General MORRELL, gave eighteen or nineteen days' hearings on the school bill, and more than half of the time was given to people who never sent a child to school in the District of Columbia and who probably never will. The gentleman from Pennsylvania, General MORRELL, is at this moment drafting the report on that bill, which has been ordered reported by the full committee. He was not content with information obtained by being present and personally conducting all the hearings on the bill, but has since carefully read the printed hearings, consisting of many hundred pages, and has most carefully considered and digested same, as will no doubt appear from his report when printed. I have no doubt that there is not a member of the Appropriations Committee that has given more hours during the present session of Congress of hard, painstaking, patriotic labor to his duties than has the gentleman from Pennsylvania, General MORRELL, and the remarks in criticism of the District Committee made by my friend the gentleman from Texas [Mr. BURLESON] can not with any degree of justice apply to General MORRELL and his coworkers on the subcommittee of the District Committee having charge of the school bill.

Mr. CLARK of Missouri. I would like to ask my friend a question. Why did General MORRELL or anybody else put in all this time listening to people that had no interest in the subject-matter of the controversy?

Mr. SIMS. I can give the gentleman the best reason on earth. If some gentleman or lady from the gentleman's district should come to him and tell him he wanted to be heard by General MORRELL'S subcommittee, he would go and ask Mr. MORRELL to please hear this gentleman or lady, as they had something of value to suggest, and of course the hearing would be given.

Mr. CLARK of Missouri. Mr. MORRELL ought to tell those who would go with me to get out.

Mr. SIMS. The size and persuasiveness of the gentleman are enough to preclude anything of that sort. [Laughter.]

Mr. GARDNER of Michigan. May I ask a question?

Mr. SIMS. Oh, yes.

Mr. GARDNER of Michigan. I understand the gentleman says that he has to hear everybody, from Kalamazoo to somewhere else. I am from Kalamazoo [laughter], and you will hear from me.

Mr. SIMS. I am certain the committee would have been benefited by hearing the gentleman from Kalamazoo. But, Mr. Chairman, I am in sympathy with this committee in attempting to ingraft much needed new legislation in this bill, even though it encroaches upon the jurisdiction of the committee of which I have the honor to be a member. But why are you not consistent? When you want us to let you legislate, and we want to help you, you will not let us do it.

I offered an amendment to put a tax on stocks and bonds and notes and money, with which to get funds to pay these teachers, and increase policemen's salaries, and for other increased expenses; and the gentleman from Massachusetts, the chairman of this subcommittee, said that was something of which my committee had jurisdiction, and it ought to be considered by that committee, and out of consideration for my committee, that I did not ask or did not want, he makes the point of order against it for our benefit. Then he falls out with us because we make a point of order against other new legislation in this bill over which we do have primary jurisdiction.

Mr. BUTLER of Pennsylvania. Will my friend yield?

Mr. SIMS. Certainly.

Mr. BUTLER of Pennsylvania. Will my friend please prophesy as to the time when these teachers will get justice? That is what we would like to know something about. We do not care anything about the jurisdiction of the two committees.

Mr. SIMS. If you will not raise technical objection, and let us provide taxes to raise the money, we will have the funds wherewith to satisfy the demands of justice in the way of paying increased salaries. Why should not the bondholder and the stockholder, worth millions of dollars in that kind of property, in the District of Columbia contribute to educate the poor of the District?

I hope the gentleman from Massachusetts [Mr. GILLETT] will repent; he has too good a face not to do so. I expect he will withdraw the point of order and let that amendment go through, because your committee has already committed sacrilege on our committee, as the only personal tax we now have was imposed by this committee on an appropriation bill like this when the committee was presided over by the present great Speaker of this House.

Mr. FITZGERALD. I move to strike out the last word. The District of Columbia seems to have fallen upon an evil day. Objection is made to a provision in the appropriation bill because Members assert that the committee has not been able to obtain sufficient information regarding the proposed legislation, and yet gentlemen on the District Committee, when they attempt to legislate, assert that they have too much information. Members of the District Committee object to any legislation initiated by the Committee on Appropriations and then generously ask the Committee on Appropriations to permit the members of the Committee on the District of Columbia to put anything they please upon the appropriation bill. Members of this House seem to have forgotten the experience through which the Appropriations Committee recently passed. The subcommittee framing this bill went into the consideration of the bill fresh from the experience that the committee had had in this House, and it wisely, in my judgment, refused to incorporate into this bill legislative provisions, excepting such as were imperative in connection with the recommendations that were made for appropriations. One was in connection with the new bridge, and the Committee of the Whole acted as the Committee on Appropriations desired it should in eliminating the entire appropriation if the necessary new legislation could not be had.

In considering the appropriation for the cleaning of streets it developed that large discomfort arose to the citizens of the District by reason of the speed with which the street cars traversed the streets, raising a cloud of dust and annoying the passengers on the cars as well as the travelers on foot, and as the representatives of the railway companies stated that they had no particular objection to sprinkling the streets within the restrictions provided in this bill the committee supposed that nobody else would interpose any objection to the railroad company doing this eleemosynary work. Some gentlemen object, however, on the ground that another committee has jurisdiction and that somebody should call the attention of that committee to the matter. I find no fault with the gentleman raising the point of order, because he has that right under the rules. But this is one of those peculiar things that develop in the course of hearings in the preparation of a bill, and the committee has no time to introduce a bill and take chances on its passing and being enacted into law.

It was suggested that the Committee on Appropriations take into consideration the question of increasing the salaries of the school-teachers. At that time there were four or five bills pending in the District Committee. The committee was holding hearings. It was conducting an investigation of the subject, and it has perfected a bill satisfactory to the members of that committee. That bill must be considered in the House, and after it is considered in the House it must be considered in another place, and by the time it finally gets to the Executive for approval it is difficult to say in what shape it will be. There were so many different things involved in that question that the committee, in my judgment, wisely decided not to attempt to interfere with the question on the appropriation bill.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Lighting: For illuminating material, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, roads, and alleys; purchasing and expense of erecting and maintaining new lamp-posts, street designations, lanterns, and fixtures, moving lamp-posts, painting lamp-posts and lanterns; replacing and repairing lamp-posts and lanterns damaged or unfit for service; for rent of storeroom, cartage of material, livery, and other necessary items, $200,000: *Provided*, That no more than $15 per annum shall be paid for each gas lamp equipped with a self-regulating flat-flame burner so adjusted as to secure under all ordinary variations of pressure and density a consumption of 5 cubic feet of gas per hour, not more than $20 per annum for each gas or oil lamp equipped with an incandescent mantle burner of not less than 60 candlepower. And during the fiscal year 1907 the price prescribed by Congress for lighting each street lamp in the District of Columbia with gas or oil shall be construed to include the cost of the illuminating material used, lighting and extinguishing lamps, repairing, painting, cleaning, purchasing, and expense of erecting and maintaining lamp-posts, street designations, lanterns, and fixtures: *Provided*, That all of said lamps shall burn every night, on the average, from fifteen minutes after sunset to forty-five minutes before sunrise: *And provided further*, That the Commissioners of the District of Columbia may purchase, erect, light, and maintain such posts, lanterns, signs, and fixtures for street designation purposes, in addition to those mentioned above, as in their judgment may be necessary, which lamps shall not be subject to the restrictions of this paragraph except as to the time of burning: *And provided further*, That the Commissioners of the District of Columbia are hereby authorized and empowered, in their discretion, to enter into one-year or three-year contracts for any one of the above systems of lighting by gas or oil lamps equipped with incandescent mantle burners of not less than 60 candlepower.

Mr. SAMUEL W. SMITH. I move to strike out the last word. I should like to know who has the contract for the electric lighting in this city?

Mr. GILLETT of Massachusetts. I do not know the exact name of the company. There is only one corporation.

Mr. SAMUEL W. SMITH. Another question. When I came into the Chamber yesterday I thought I heard the gentleman of the subcommittee [Mr. MADDEN] say that some outside company had the contract for lighting the city with gas, and that that was sublet to somebody else. I should like some information on that.

Mr. GILLETT of Massachusetts. The statement the gentleman heard must have been a statement about the Welsbach lights. The gentleman knows what they are, I suppose.

Mr. SAMUEL W. SMITH. Yes.

Mr. GILLETT of Massachusetts. The contract for furnishing those lights is let to the Welsbach Company instead of to the local gas company. The Welsbach Company take the contract, and then they get their gas from the gas company. That is the only instance of that kind that I know of. The gas company submits no bid for the lights in which these Welsbach burners are used, but the Welsbach Company comes in and submits a bid and gets the contract, and then makes an arrangement with the gas company to get the gas from them.

Mr. MADDEN. Let me explain what I said yesterday.

Mr. SAMUEL W. SMITH. Yes; if you please. I did not get all your statement yesterday, and I have not had time to read it in the RECORD this morning.

Mr. MADDEN. In the first place, the streets are lighted principally with gas. They have two kinds of light, one a flat-flame burner and one an incandescent light, the incandescent light being created by a Welsbach burner. The Welsbach burner is controlled by the manufacturers, so the gas company here says, but the fact is that anybody can buy a Welsbach mantle. Instead of the gas company in the District of Columbia buying the Welsbach mantles, and furnishing the incandescent lights, they refuse to do that, on the theory that the Welsbach mantle is controlled by a monopoly, and that the monopoly refuses to furnish the mantle except where it furnishes the light. So this company, which is said to have a monopoly on the mantles, comes to the city of Washington and bids for the lighting of certain streets, and receives as compensation for that lighting $25 per lamp. The lamps on which the Welsbach burner is used only use 3½ feet of gas per hour. The cost of the mantle at retail ranges from 15 to 20 cents for each mantle; but, as a matter of fact, the mantle can be bought for 8 cents at wholesale by any gas company in the country. Three and a half feet per hour, for four thousand hours per year, would be 14,000 feet of gas. That would cost $14. That would leave $11 to be added to the $14 for the payment for the incandescent burner to create the light. As a matter of fact, the light can be furnished for less money with the use of the Welsbach mantle than it can on a flat-flame lamp.

Mr. SAMUEL W. SMITH. I do not know anything about what is a fair or just price. I should like to ask you whether in reducing the price of the electric lighting and the gas lighting you acted upon your own motion, or whether you had any hearings and there was any proof taken on that point?

Mr. MADDEN. I think we had no hearings that demonstrated the value of the commodity.

Mr. SAMUEL W. SMITH. Then you actually reduced the price without any hearings upon the subject?

Mr. MADDEN. We had the representatives of the companies before us, but they would not admit that the price that we indicated was a fair price; but the fact is that in all other municipalities of the country the price at which the public is furnished gas is not to exceed one-half the price at which it is furnished to private consumers.

Mr. SAMUEL W. SMITH. Right there, do you know what the price is for gas furnished for lighting the streets in other cities about the same size?

Mr. MADDEN. About 50 cents a thousand.

Mr. SAMUEL W. SMITH. What price was it fixed at here?

Mr. MADDEN. The price was fixed here at 75 cents a thousand.

Mr. SAMUEL W. SMITH. The gentleman says that the price in other cities is 50 cents, but he is willing to pay 75 here.

Mr. MADDEN. We recommended this because we were afraid that we wouldn't get it if we adopted the lower price.

Mr. SAMUEL W. SMITH. But the gentleman says 50 cents is a fair price?

Mr. MADDEN. Yes; I am willing to agree with the gen-

tleman from Michigan if he will offer an amendment to make it 50 cents.

Mr. SAMUEL W. SMITH. Well, the "gentleman from Michigan" doesn't know anything about it. I am getting what information I can from the gentleman from Illinois.

Mr. MADDEN. I am glad to furnish the information.

Mr. MANN. If the gentleman will allow me, what is the reduction made by the recommendation now?

Mr. MADDEN. The recommendation now is to reduce the price 25 cents a thousand to the public.

Mr. MANN. What is the price that the District now pays?

Mr. MADDEN. One dollar a thousand.

Mr. MANN. Is the price computed on the amount of gas used or so much per lamp per month?

Mr. MADDEN. On the amount of gas used. Each lamp burns 5 feet of gas per hour.

Mr. MANN. That is estimated?

Mr. MADDEN. No; that is the actual figure. They burn four thousand hours during the year and that makes 20,000 feet of gas.

Mr. MANN. Who pays the cost of lighting?

Mr. MADDEN. The cost of lighting and cleaning the lamps is included in the price. The objection that the gas company made to the reduction of price was that it had to furnish the lamps, but on the other side of the question is this situation: The gas company furnishes a meter to the private consumer and each meter costs as much as one of these lamps, and in addition to the cost of the meter they have to make out about 40,000 bills to the private consumer, where they only have to make one bill to the District, and, besides that, they have to read the meters.

Mr. MANN. Yes; they have to read the meters every month.

Mr. SAMUEL W. SMITH. You reduced the price of the electric light $5 a lamp.

Mr. MADDEN. Five dollars a lamp—from $85 to $80—on the theory that in most cities $65 is the price charged for an arc-light lamp.

Mr. SAMUEL W. SMITH. Of what candlepower?

Mr. MADDEN. A thousand candlepower.

Mr. SAMUEL W. SMITH. And these arc lamps here are of a thousand candlepower?

Mr. MADDEN. They are said to be.

Mr. SAMUEL W. SMITH. Has the gentleman any knowledge of what it actually costs?

Mr. MADDEN. There was no evidence to show just exactly what it cost, but the committee believed that if $65 was a fair price in other cities, surely $80 was an exorbitant price here, and $85 was an extortionate price.

Mr. MANN. How long has the District been paying a dollar a thousand for gas? And how much is the present price for electric light?

Mr. MADDEN. Some time ago Congress sought to authorize the present gas company to purchase the gas company which is located in Georgetown, and the recommendation of the committee seeking to authorize the purchase provided that the $20 shares of the gas company were to be increased to $100 per share. This purchase was to be authorized, with the understanding that the price of gas, which was then being charged in Georgetown at $1.25 per thousand, would be reduced to $1 a thousand. If the recommendation of the District Committee was adopted, the capital of the company would have been increased five times what it was then without the investment of an additional dollar. All corporations in the District are required to make annual statements to Congress or to the Commissioners of the District, and this is the only company which refuses to obey the law requiring it to make these statements.

Mr. LITTLEFIELD. Is there no penalty attached to the law?

Mr. MADDEN. I do not know the details, so I can not answer the question intelligently.

Mr. MANN. When was that law passed?

Mr. MADDEN. If the gentleman refers to the law requiring reports from corporations, I can not give the date.

Mr. MANN. Was that a bill reported out of the District Committee?

Mr. PAYNE. That bill did not become a law, did it?

Mr. MADDEN. No; the House refused to ratify the committee recommendation.

Mr. MANN. After a very hot contest.

Mr. SAMUEL W. SMITH. When did the gentleman say it was passed?

Mr. MADDEN. It was not passed. So that no one to-day knows what the capital of the gas company is. At that time it was about $2,000,000, and no additional money was to be invested in the company if the consolidation were permitted.

The Clerk read as follows:

In all, $1,103,725.

Mr. SAMUEL W. SMITH. Mr. Chairman, I move to amend in line 17, by making that $1,253,725.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 17, page 43, strike out "one hundred and three" and insert "two hundred and fifty-three;" so that it will read "one million two hundred and fifty-three thousand seven hundred and twenty-five dollars."

Mr. GILLETT of Massachusetts. Mr. Chairman, I reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the gentleman to this fact, that this is a total, and before he attempts to amend a total he should at least attempt to amend the items that would go up to make the total.

Mr. SAMUEL W. SMITH. Mr. Chairman, I regret that I have not the schedule here myself.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I will ask unanimous consent that this paragraph may be passed without prejudice until the gentleman obtains his schedule. It would be too bad to have it missed here because he has not the schedule.

Mr. SAMUEL W. SMITH. Mr. Chairman, I desire to say this: That I have not had charge of that portion of the District bill. The gentleman from Pennsylvania [Mr. MORRELL] is chairman of that subcommittee, and he is unable to be here. Of course the District Committee expect on Monday to present that bill to the House, and if it passes the House it will require an appropriation of about $151,000. I mean that it will require an appropriation of that amount.

Mr. LITTLEFIELD. In addition to the existing appropriation?

Mr. SAMUEL W. SMITH. Yes.

Mr. BUTLER of Pennsylvania. Assuming that the bill to be reported on Monday should become a law, this present provision of the bill will have passed the House; and if so, I think it is safe to draw the conclusion that it will not do the teachers any good until next year.

Mr. CRUMPACKER. But assuming, however, that the bill does not pass the House next Monday, what will the situation then be?

Mr. BUTLER of Pennsylvania. Oh, I presume the bill will pass.

Mr. CRUMPACKER. It seems to me this is all premature.

Mr. BUTLER of Pennsylvania. Not a bit of it.

Mr. CRUMPACKER. The point of order will be insisted upon. The business ought to be done regularly. Let the other bill come up and be acted upon, and if it should become a law then the appropriation will be made. I will object to anything that looks to an inclusion of that appropriation until there is a law for it.

The CHAIRMAN. The Chair would ask the gentleman from Massachusetts what his point of order is.

Mr. GILLETT of Massachusetts. Mr. Chairman, when I made the point of order I did not know what the gentleman's proposition was.

The CHAIRMAN. The gentleman from Michigan moves to amend by changing the sum total.

Mr. GILLETT of Massachusetts. I can not see how that is subject to a point of order, Mr. Chairman.

Mr. CRUMPACKER. Yes; it is. Is there any law authorizing it?

Mr. GILLETT of Massachusetts. It is a total.

Mr. CRUMPACKER. That does not make any difference. We are making an appropriation, and it is presumed the money we appropriate is authorized by law. It must be for objects authorized by law, and the reported total, it is patent on the face of the bill, covers and includes all of the items contained in the paragraph. Now, here is an addition of $150,000 to the total to be appropriated out of the Treasury that has absolutely no support in law and there is no basis for it.

Mr. BUTLER of Pennsylvania. It is only $150,000 additional, not one million.

The CHAIRMAN. The point of order is simply made to a column of figures, a total of what precedes. The Chair as at present informed does not see how a point of order would lie against that.

Mr. CRUMPACKER. It is the total at the bottom of a series of appropriations. Does that total have any significance anyway? If it has none of course the increase will not be open to a point of order, but if it has any significance I think it would.

The CHAIRMAN. That is hardly a question for the Chair. That is a question for the executive officer when he comes to administer the law.

Mr. GARDNER of Michigan. Mr. Chairman, the gentleman

states plainly that this is to cover provisions of a supposed law yet to be made. The bill has not yet been reported to the House.

Mr. SAMUEL W. SMITH. Oh, yes; it has been reported, and we expect to take it up on Monday. It is on the Calendar.

Mr. GARDNER of Michigan. To that extent, then, I am in error, but it certainly has not been passed on by the House. It is an assumption that the bill will be passed as recommended. It seems to me that the natural order would be to first make your law, and then make such appropriation as the law requires.

Mr. GILLETT of Massachusetts. Mr. Chairman, I think there is a statute which especially provides that the totals are not the law, that the specific items make the law, and the gentleman's amendment would not accomplish anything if adopted. If the gentleman should offer to amend the salary of each particular teacher, I think that would be effective. I am heartily in favor of this increase. There is not anybody here who is more so than I am, yet I do not think it ought to be put on here. I do not wish the gentleman's committee to be so suddenly self-sacrificing and to thrust upon us this jurisdiction so unexpectedly, because what we do put into our bill we like to have a chance to consider in committee. If the gentleman's committee had come to us and asked us to prepare a bill increasing the teachers' salaries, we would have gladly done it.

Mr. SAMUEL W. SMITH. I wish the gentleman had thought of some of these things in drafting his bill.

Mr. GILLETT of Massachusetts. We did not dare to. We knew we should offend the gentleman's delicate susceptibilities. If the gentleman had come to us, we certainly would have done it. But members of the gentleman's committee have objected to-day when we ventured to take from them matters much less important and complex and far-reaching than this.

This amendment of the gentleman does not accomplish anything at all. I do not care whether it is adopted or not, but I hope the gentleman will withdraw it.

Mr. SAMUEL W. SMITH. If it does not make any difference, withdraw the objection and let it be adopted.

Mr. GILLETT of Massachusetts. I am perfectly willing to withdraw my point of order.

Mr. SAMUEL W. SMITH. It can not do any harm, and it might do some good.

Mr. GILLETT of Massachusetts. No; it makes an absurd bill, Mr. Chairman; that is all. It makes a preposterous bill, and I do not wish it amended in a ridiculous manner.

Mr. WALDO. Will the gentleman yield for a question? Is it not a fact your bill ought to be laid aside until the District Committee has reported and until you know how much money is needed?

Mr. GILLETT of Massachusetts. That will be put on in the Senate.

Mr. WALDO. You mean the House is not going to do anything about it, and the Senate will do it; that is the result?

Mr. GILLETT of Massachusetts. I am earnestly in favor of doing something about it.

Mr. WALDO. Why not lay the bill aside until the District Committee has reported, and then you will know where you are?

Mr. GILLETT of Massachusetts. Because this appropriation bill is only one of several yet to be passed, and we want to get it through the House and in the Senate.

Mr. WALDO. Then will you let this section go over until the bill is concluded?

Mr. GILLETT of Massachusetts. It will be concluded before Monday.

Mr. FITZGERALD. Even if the bill fixing the salaries of school-teachers passes the House, it will not be a law, and we could not legislate in accordance with a bill that had not passed the House.

Mr. LITTLEFIELD. Not until it had passed the Senate and been signed by the President.

Mr. FITZGERALD. As I understand, the bill that has been reported provides for an automatic increase of salary, based upon length of service, which, in my judgment, is proper. Now, merely increasing items in this bill will not enact into law the provisions which the gentleman wants and which should be put in.

Mr. SAMUEL W. SMITH. I do not want anything except what is exactly right. We expect on Monday to present that bill to the House, and we hope it will pass.

Mr. FITZGERALD. So do I.

Mr. SAMUEL W. SMITH. And it will require $150,000 additional to pay teachers. If it passes the House, it will go to the Senate, and I hope it will be passed there and sent to the President. After that is done, if it is found that it does not, and you let this amendment go on it, it can be stricken out by the Senate.

Mr. FITZGERALD. Let me call the gentleman's attention to this fact: If Congress passes the bill increasing the salary of school-teachers, the increase will commence, I believe, on the 1st of July, and there will be sufficient money to pay that schedule of salaries even if provision is not made in this bill; and there is not the slightest doubt that the first thing Congress would do at the next session, in a deficiency bill, which always passes at the short session before the holidays, would be to provide sufficient money to pay the teachers the salaries fixed by law. I undertake to say there is no objection in the House to reasonable increase in salaries, but there should be in the bill fixing them provision for automatic increases based upon length of service; and it would be impossible on an appropriation bill to enact properly such legislation. I have not the slightest doubt that if the committee brings up that bill on Monday the essential features at least will be adopted by the House, and that what the gentleman desires to accomplish will be accomplished.

Mr. SAMUEL W. SMITH. What can be the harm if you let this amendment go on? And if there is no need of this it need not be used.

Mr. FITZGERALD. I will call the gentleman's attention to this fact: He is asking this House to agree to an amendment which practically says that 2 and 3 make 7, not 5; and it can have no effect whatever even if it be adopted.

The CHAIRMAN. The time of the gentleman from Michigan and the gentleman from New York and the gentleman from Tennesssee has expired. Does the gentleman from Massachusetts insist upon his point of order?

Mr. GILLETT of Massachusetts. No; I withdraw the point of order, and ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and the Chairman announced that the noes appeared to have it.

On a division (demanded by Mr. SAMUEL W. SMITH) there were—ayes 14, noes 29.

So the amendment was rejected.

Mr. McCLEARY of Minnesota. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill whether it contains any increases in salaries of teachers?

Mr. GILLETT of Massachusetts. Yes; it includes the ordinary increase, and they increase the number of teachers, and that automatically——

Mr McCLEARY of Minnesota. Affords an opportunity for promotion?

Mr. GILLETT of Massachusetts. Just as the gentleman's bill always did.

The Clerk read as follows:

For harbor patrol: For one lieutenant in the police department, who shall also be harbor master, $1,320; one sergeant, $1,140; one engineer, $840; one fireman, $480; one watchman, $420; one deck hand, $480; in all, $4,680.

Mr. KEIFER. Mr. Chairman, inadvertently I allowed the reading to go by. I would like unanimous consent to go back to page 55, and in line 20 I wish to strike out the words "five hundred and forty" and insert "six hundred." This is in accordance with previous appropriations, and it puts these police matrons and matrons at the House of Detention exactly upon a par.

Mr. GILLETT of Massachusetts. Mr. Chairman, I make no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] asks unanimous consent to return to page 55, line 20, for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. GILLETT of Massachusetts. I also offer an amendment in order to make the total right, as follows:

In line 21, page 55, add, after the word "thousand," "one hundred and twenty."

Mr. KEIFER. That will be all right.

Mr. SMITH of Kentucky. What will be the effect of the amendment offered by the gentleman from Ohio?

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

In line 20, page 55, strike out "five hundred and forty" and insert "six hundred."
In line 21, after "thousand," insert "one hundred and twenty."

Mr. KEIFER. This will increase the total $120.

Mr. SMITH of Kentucky. I see now the effect of the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Justices of the peace: For six justices of the peace, at $2,000 each, and the further sum of $250 each for rent, stationery, and other expenses; in all, $13,500.

Mr. PEARRE. Mr. Chairman, I make the point of order on that paragraph. It changes existing law from $3,000 to $2,000 in the salaries of the justices of the peace.

Mr. GILLETT of Massachusetts. I could not hear the gentleman's point of order, Mr. Chairman.

Mr. PEARRE. The point of order is on the word "two" instead of "three." The existing law provides $3,000 for justices of the peace.

The CHAIRMAN. Does the gentleman say that the existing law is $3,000?

Mr. PEARRE. Three thousand dollars; yes, sir. If the gentleman will turn to the code——

Mr. KEIFER. Mr. Chairman, I would like to understand this question exactly.

Mr. GILLETT of Massachusetts. The present law provides a salary of $3,000, but for years only $2,000 has been appropriated. Of course we are not obliged to appropriate the full amount.

Mr. KEIFER. Is it in violation of law?

Mr. GILLETT of Massachusetts. Of course it is not in violation of law.

Mr. PEARRE. It changes existing law, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Maryland.

Mr. PEARRE. Mr. Chairman, in House document, volume 80, Parliamentary Precedents of the House, I find on page 323, section 554, the law having provided for an officer and fixing his salary it is not in order to appropriate for this officer and create another in his place. It seems to me under the principle of that rule, Mr. Chairman, that this is a change of existing law, and therefore is subject to the point of order.

Mr. KEIFER. Do we understand that the gentleman claims that we do not appropriate enough, and therefore we do not appropriate according to law?

Mr. PEARRE. Yes; because the law provides that $3,000 shall be the salary of the justices of the peace.

Mr. KEIFER. We are not obliged to appropriate all the law requires at one time, are we?

Mr. SMITH of Kentucky. I would like to ask the gentleman from Maryland a question.

The CHAIRMAN. Will the gentleman from Maryland yield to the gentleman from Kentucky?

Mr. PEARRE. Yes, sir.

Mr. SMITH of Kentucky. As I understand, the statute creating these positions provides $3,000, but Congress has been going on from year to year and only appropriating $2,000. Now, if that was a change of law, that law fixing $3,000 has been changed long since, and therefore it is $2,000, if the gentleman's position be correct.

Mr. KEIFER. That is not a change of law. That is a failure to make the appropriation.

Mr. SMITH of Kentucky. I contend, myself, it is not a change of law, but I wanted to manifest to the gentleman from Maryland, if I could, that his proposition was unsound; if it meant a change of law, it is a change that has already taken place in the past.

Mr. PEARRE. Well, I do not agree with the gentleman.

The CHAIRMAN. The Chair is ready to rule.

Mr. SMITH of Kentucky. Say we appropriated $2,000 last year. If it is changed to $3,000, then the present law is $2,000. Hence it is no change.

The CHAIRMAN. The Chair is ready to rule. It has been held many times that a failure to appropriate the full amount fixed by law is not a change of existing law. Congress in its discretion may appropriate a less amount. If the gentleman will look at page 355 of the Manual and Digest, he will find that it has been so held a great many times.

It is not a change of existing law for the House to decline to make appropriation for salaries fixed by law.

So held in the Fifty-fifth Congress.

The appropriation of a less sum than the amount fixed by law for the salary of an officer is not a change of law, even though it be accompanied by such a condition as practically effects a reduction of the salary.

That was held in the Fifty-fourth Congress, in the Fifty-seventh Congress, and in the Fifty-eighth Congress. The Chair overrules the point of order.

Mr. PEARRE. Then I move to amend by striking out the word "two" and inserting the word "three."

The Clerk read as follows:

In line 14, strike out the word "two" and insert "three."

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Court-house, District of Columbia: For the following force necessary for the care and protection of the court-house in the District of Columbia, under the direction of the United States marshal of the District of Columbia: Engineer, $1,200; three watchmen, at $720 each; three firemen, at $720 each; five laborers, at $480 each; and three assistant messengers, at $720 each; in all, $10,080, to be expended under the direction of the Attorney-General.

Mr. GROSVENOR. Mr. Chairman, I make the point of order against so much of the paragraph under consideration as is included beginning with the word "and," in line 18, and ending with the word "each," in line 19.

Mr. Chairman, this is a provision for the allowance of three assistant messengers to six courts, six subdivisions of the district court in this District. Under the present law, which will be found in the sixty-fifth section of the code, in the fourteenth line, there is provided a messenger for each one of these courts, seven messengers in all, one of them belonging to the marshal's office. I make the point of order that this is a change of existing law.

The CHAIRMAN. Will the gentleman send up the law to which he refers?

Mr. GILLETT of Massachusetts. I realize the fact that the law provides for seven messengers. Now, the present Chairman has decided that the House is not obliged to appropriate the full sum for any one officer. We have simply failed to appropriate for four of these messengers. I do not think it is subject to a point of order. We are not obliged to appropriate for every officer.

Mr. PEARRE. I would like to call the attention of the Chair to page 326 of Parliamentary Precedents, in section 559, where this proposition is found cited:

A proposition to appropriate for but one Civil Service Commissioner instead of for the three provided by the statute was held to be a change of existing law.

Now, it seems to me that that is on all fours with this, and this provision must go out.

Mr. FITZGERALD. In that case a failure to appropriate for two Commissioners would in effect be a change of the law creating the Commission. But this is a different proposition. The code provides that there shall be certain messengers in certain distinctive places, and Congress may refuse to provide the messengers in some of those places. The ruling to which the gentleman from Maryland calls attention was that a change would be made only to appropriate for one member of a board of three, and the doing of that would in effect change the law, so as to make the Commission consist of but one member.

Mr. WM. ALDEN SMITH. I will ask the gentleman from New York whether the effect of this change is not to deprive each court of its necessary officers?

Mr. FITZGERALD. No; not in my judgment. It does not take away the employees that are necessary to the proper conduct of the judicial business.

Mr. WM. ALDEN SMITH. It operates to reduce the force there.

Mr. FITZGERALD. That is true, and that can be done in this bill. The number provided seemed to the committee to be sufficient.

Mr. WM. ALDEN SMITH. I do not think, with all due deference to the gentleman from New York, that you give them the necessary force when you take away these messengers.

Mr. FITZGERALD. That is my opinion.

Mr. WM. ALDEN SMITH. And I have a different opinion.

Mr. FITZGERALD. And after investigation I still adhere to my original opinion.

Mr. PEARRE. Mr. Chairman, I would call the attention of the Chair to the Code of Laws of the District of Columbia, section 65, which provides, among other things, that the courts shall be allowed to appoint a messenger for each court in special term, and all other officers necessary to the due administration of justice. Now, there are six courts in the District of Columbia, and existing law provides or requires or allows or empowers the judge of each one of those courts to appoint a messenger. Now, you reduce the messengers by this bill from six to three, and that comes within the ruling to which I have referred.

The CHAIRMAN. The Chair would like to call attention to the fact that the code as sent up to the Chair provides for "messengers." The provision of the bill to which the point of order is made is for "assistant messengers."

Mr. GROSVENOR. They are the same officials.

The CHAIRMAN. There is no provision in the bill for messengers.

Mr. GROSVENOR. They are assistant messengers.

Mr. WM. ALDEN SMITH. May I ask the Chair to what section of the code he refers?

The CHAIRMAN. Section 65 of the code provides a messenger for each court in special term.

Mr. GROSVENOR. Responding to the suggestion, I have the hearings before the committee. This question was put to the witness by the chairman of the committee:

What do the seven assistant messengers do?
There is one for each judge and one for the marshal's office. There are six judges of the District courts. The code provides a messenger for each judge and one for the marshal.
You think there is a necessity for seven assistant messengers?
Yes.
Have you messengers?
No, sir; the judges were discussing that, and they thought that the name "assistant messenger" might lead you to believe that there were principal messengers. There are no principal messengers. I understand that an assistant messenger under the law is a technical term, and they get a smaller salary, $60 a month. A messenger receives something more.

The CHAIRMAN. It seems to the Chair that the point of order would take the whole provision out, because there is no provision of law at all for assistant messengers.

Mr. GROSVENOR. Very well; I will make the point of order against the whole section.

Mr. WM. ALDEN SMITH. If the gentleman from Ohio will permit me just a moment, I think that section 188 of the code provides for the pay of these messengers—$60 a month.

Mr. GROSVENOR. It certainly does.

Mr. WM. ALDEN SMITH. That is the office we seek to retain.

Mr. GROSVENOR. That is just it exactly. I have it in my hand here, if it is insisted upon.

The CHAIRMAN. Will the gentleman from Michigan tell the Chair to what section he refers?

Mr. WM. ALDEN SMITH. I refer to section 65, line 14, of the code, and to section 188 of the code.

Mr. GROSVENOR. Section 65 creates the office and section 188 provides for the pay.

Mr. MUDD. According to the language of this, a new office is created.

Mr. KEIFER. Mr. Chairman, I understand the gentleman from Ohio proposes to make a point of order against the whole paragraph.

Mr. GROSVENOR. I will if the Chair rules that an assistant messenger is a new creation.

Mr. GILLETT of Massachusetts. I wish to be heard.

Mr. KEIFER. That might go out as a separte paragraph.

Mr. GROSVENOR. I have only made the point of order against the separate paragraph.

Mr. KEIFER. I understood you to make it against the whole paragraph, three assistant messengers, at $720 each.

Mr. GROSVENOR. I make the point that it changes the law, because there ought to be seven assistant messengers.

Mr. KEIFER. Should it not be "messengers" instead of "assistant messengers?"

Mr. GROSVENOR. They have been calling them assistant messengers. There is no messenger provided for in the bill.

Mr. KEIFER. I know; but there is in the law.

The CHAIRMAN. The Chair would like to hear from the gentleman from Massachusetts, chairman of the subcommittee, as to why this provision was made for assistant messengers.

Mr. GILLETT of Massachusetts. Because it is so in the present appropriation bill. We followed the reading of that just exactly as it is there—assistant messengers—but we have cut down the number.

The CHAIRMAN. The last appropriation bill might make a salary, under the decisions, but could not create an office.

Mr. MUDD. Does the gentleman contend that an appropriation for one year, where you change the phraseology of a permanent law, makes that law thereafter which was not law before?

Mr. GILLETT of Massachusetts. I did not know until this minute that the word in the code was "messenger" instead of "assistant messengers," but in putting in the words "assistant messengers" we simply followed existing appropriation law.

That is all I have to say on this point, Mr. Chairman.

Mr. FITZGERALD. I would like to inquire if the point of order is made on the ground that the word "assistant" is in there?

Mr. GROSVENOR. The point of order is made in order to get rid of cutting down the messengers, and if it is done I will offer an amendment to restore the seven messengers and state the grounds upon which I put it, and that is the appeal of the judges of this court, asking that that little pittance be returned to them in order that the courts may be efficient and able to comply with the statute.

Mr. FITZGERALD. I wish to say that for the assistant messengers the gentleman's point of order may be good, but I am thoroughly convinced that the committee has the right to appropriate for a number fixed by law, or for a less number, and this provision does not come within the ruling cited by the gentleman from Maryland.

The CHAIRMAN. The Chair will say that that question is not now presented to the Chair.

Mr. GILLETT of Massachusetts. May I make a suggestion to the gentleman from Ohio? Why would it not be as well to move an amendment to add three messengers? I can not see the advantage of the gentleman's making a point of order.

Mr. GROSVENOR. I am in the fix that a gentleman was a few days ago. I do not want to let go of anything that will right this wrong. I think a serious wrong is being attempted here, through a mistaken idea of economy, in leaving out the efficient force for this court.

The CHAIRMAN. The bill provides for three assistant messengers, at $720 each. The gentleman from Ohio makes the point of order that under the law there are seven messengers provided for, and that the reduction to three would therefore be a change of existing law. The Chair does not feel called upon to either affirm or deny that proposition because the provision in the bill is not for messengers, but for three assistant messengers, and there is no provision in the law for assistant messengers.

Mr. GILLETT of Massachusetts. As I understand, the Chair has ruled it out.

The CHAIRMAN. The gentleman's point of order is not applicable to the bill.

Mr. GROSVENOR. I have made the double proposition to the Chair. I made it in the alternative. If the Chair holds the point of order isn't good because we have a right to appropriate for a less number, I make the point of order that it changes the existing law in providing for assistant messengers at all.

The CHAIRMAN. The Chair does not rule on the question as to the right to provide for a less number, because that question is not before the Chair. As to the point of order that this changes existing law in providing for officers not provided for by law, the Chair sustains the point of order.

Mr. GILLETT of Massachusetts. Mr. Chairman, I offer the following amendment: To insert instead of the words just stricken out the words "and three messengers, at $720 each."

Mr. GROSVENOR. Mr. Chairman, I will yield to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Chairman, I offer the following amendment to the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

On page 65, line 18, after the word "and," strike out the word "three" and insert in lieu thereof the word "seven;" and in lines 19 and 20 strike out the words "ten thousand and eighty" and insert the words "twelve thousand nine hundred and sixty."

Mr. GROSVENOR. Now, Mr. Chairman, I want to say——

Mr. CRUMPACKER. I want to make a suggestion to the gentleman from Ohio. The amendment offered by the gentleman from New York is to amend a paragraph that has been stricken out.

Mr. OLCOTT. No.

Mr. CRUMPACKER. Does the gentleman offer it as a substitute for the amendment offered by the gentleman from Massachusetts?

Mr. OLCOTT. No; it is an amendment to the amendment offered by the gentleman from Massachusetts.

Mr. GROSVENOR. Mr. Chairman, the amendment to the amendment, as I understand it, is the pending question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York to the amendment offered by the gentleman from Massachusetts. It is to strike out "three" and insert "seven."

Mr. GROSVENOR. Mr. Chairman, I want to be heard on that question. The law of the District of Columbia which I hold in my hand, enacted a good many years ago, provides that each one of these court rooms shall have a messenger, at the low price of $60 per month. I do not know anything about the necessities of these courts, but that has been the law during all these years, and each one of these courts has been supplied with a messenger. Now, two of the judges of the courts come to me, and one of them I know very well, and say that they can not get along, that it would in a large part paralyze the business of these courts. A court without a messenger, think of it! A court without any manner of messenger service, a court that can not send to a different room or to the library for a book! They must get off the bench and go on their own errands.

Now, they give three to six courts. How are you going to divide them up? And, then, one of them must belong to the marshal. Gentlemen who have practiced law in the State courts will remember that we have in every one of our courts

an officer—in Ohio at least, and in other States where I have entered the court rooms—called the bailiff or deputy sheriff. These take the place of the bailiff; they take the place of the deputy sheriff or deputy marshal, and they serve the purposes of the judges of the courts in the messenger service, properly speaking.

Mr. KEIFER. And of the lawyers also.

Mr. GROSVENOR. Of course. They go away to get books for the lawyers and go upon errands for the bar, and in that way facilitate the transaction of business.

Mr. NORRIS. And, I presume, they have the juries in charge also.

Mr. GROSVENOR. Yes. Now, these judges have said to me that somebody had told a committee heretofore that they had used these messengers for some private purpose, and one of the gentlemen told me—I might name him if I saw fit—that there was not a shadow of foundation for anything of the kind.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. GROSVENOR. Yes.

Mr. FITZGERALD. The gentleman states that one of these judges told him that somebody told the committee something else. Who made to the committee any such ridiculous statement as that? Will the gentleman name him?

Mr. GROSVENOR. If the gentleman thinks I am going to spend my time answering such a question, he will learn better before he gets through. [Laughter.] That question can not be answered. I have not said that I knew of any such man.

Mr. FITZGERALD. But the gentleman is stating to the House, as an argument, the fact that some judge told him that somebody told the committee something that he does not know anything about, and he communicates that to the committee.

Mr. GROSVENOR. He did not say any such thing and I have not said any such thing. If the gentleman will cease to interrupt me, I will take it as a great personal favor.

Mr. FITZGERALD. If the gentleman can not be any more accurate in his statement of facts, I will wait and reply to him.

Mr. GROSVENOR. I said that one of the judges said to me that he feared that a statement of that kind had been made.

Mr. FITZGERALD. Oh, I beg the gentleman's pardon. He did not use the word "feared" at all.

Mr. GROSVENOR. I will state who the gentleman was who told me. He was the Hon. Thomas H. Anderson, and he said he had his information from a report that came to him from the former committee. He feared that the same sort of talk was being made to the committee now. Now, I have made a frank statement. I do not know whom he charged with it or what member of the committee. I will say this: It was not the gentleman from New York [Mr. FITZGERALD]. Now, then, are we going to paralyze these courts for the pittance that is saved here? This bill has been very generous in the allowance for extra service. It is very liberal and generous in creating some office, and yet here are the courts of the country, the courts of the District of Columbia, entitled to every consideration at the hands of Congress, for they have no means of support or efficiency that are not given to them, and I can state to the House that the entire judicial body of that court condemns this restriction of their facilities. That is all I have to say. I have no interest in it. All I wish to see done is to do the fair thing by a most important tribunal of the country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILLETT of Massachusetts. Mr. Chairman, this is, as the gentleman says, a mere pittance. It is petty. It is a very small matter for the House to be giving its attention to, and yet I do crave the attention of the House to it for a moment and for this reason: The subcommittee as it went over the bill here and there found many small items like this one. The bill is made up of them mostly. We thought there was extravagance here and there and an unnecessary force, and we cut down salaries and cut down the force. They are small things individually, and yet it is those small things which really make an appropriation bill good or bad, and it is because year after year we go on putting on small additions of force and small salaries and then never cutting down a salary or an office that our service grows.

Mr. WM. ALDEN SMITH rose.

Mr. GILLETT of Massachusetts. Oh, I can not yield now. Mr. Chairman, take this particular case. It is a very small matter. There was no suggestion made to us of the kind the gentleman speaks of—that these messengers were used for the personal service of the judges. I have no knowledge about that and no intimation has been made one way or the other. What we thought was this: Here are six judges holding six courts all in the same building. They have their bailiffs and criers and all the ordinary paraphernalia of courts. Courts do not necessarily have messengers. I know in my court-house at home we have one messenger, and there are often two courts holding session there, and here are six judges and we have allowed them three messengers.

Is not that enough? They have the bailiff and the other officers, and I think that a messenger half the time for one of those courts is ample. It is a small matter, but I think it is preposterous and ridiculous to say, as the gentleman from Ohio did, that cutting down three messengers is going to paralyze the business of these courts. That is what every officer, who comes before us whose salary we have reduced, or from whose office we have taken a clerk or two, says; he says it will paralyze the business of his office. I do not believe it does, and I do not believe in this case taking off four messengers, leaving them a messenger for every two courts, is going to paralyze the business of the court or is going to in the slightest degree injure the business of the court. Mr. Chairman, a majority of this subcommittee are lawyers. We have partial feelings toward the judges, and we want to treat them fairly, but we saw here an opportunity where we could economize something. That always hurts somebody, and his friends naturally always protest, and opposition always manifests itself, but on that system we have been going through this bill, and I do hope the House will stand by us and say this is a fair amendment. It is a little matter, of course; it is not worth while to spend much time on it, but we have done what we thought was right, and I have not heard any argument or reason advanced which has shaken my opinion, and I do hope the House will support our amendment.

Mr. MUDD. Mr. Chairman, just a word. The gentleman from Ohio has said that he understood these messengers performed no private services for the judges. Perhaps that ought to be corrected just to a slight extent. The judges of the District of Columbia are guilty of the unreasoning extravagance of eating a little lunch generally in the short recess which they take every day, and these messengers do sometimes go outside and bring their lunches to them. This might be said to be a quasi private service from the squeamish view point of certain very excellent gentlemen. I rather think myself the price of their lunch and character of it ought to have been looked into and perhaps scrutinized a little more carefully than it has been, and the expenditure of it curtailed by regulation of law.

Mr. CRUMPACKER. Will the gentleman permit a question?

Mr. MUDD. Yes.

Mr. CRUMPACKER. The gentleman from Massachusetts made the statement that these courts were provided with bailiffs. There is no provision in the bill for bailiffs.

Mr. MUDD. I do not know as to that.

Mr. CRUMPACKER. Does the gentleman from Maryland know?

Mr. MUDD. I do not know.

Mr. CRUMPACKER. I would like the information.

Mr. MUDD. I really do not know. There is nothing of that kind in this bill.

Mr. GROSVENOR. There are no bailiffs in these courts. These are the only officers they have. They leave the court without anybody.

Mr. MUDD. The gentleman from Maryland must decline to yield any further out of this allowance of five minutes. Now, furthermore, Mr. Chairman, suppose they had bailiffs, and I do not believe they do have them, I submit there would be nothing unreasonable or unpardonable if they should have bailiffs and messengers. I know that every court, or most all of the courts, in our not extravagant State of Maryland has bailiffs, criers, and messengers. These messengers keep each individual judge's room in order. They arrange his papers, not his private papers, but papers which come before him for use by him in his court. They look after his opinions. They look after any papers he may leave in his room. They go to his court room to get papers for him to look over, and I would not be surprised if sometime one of these messengers was guilty of actually carrying papers to the judge's house for him to look over there, and to pore over and study for his next day's work in court. Each messenger looks after each judge's room, as I understand, and I apprehend a little looking after a judge's room, a little tidiness and cleanliness in the room of the judge will not be altogether obnoxious in the eyes of this District of Columbia Appropriation Committee.

Mr. GILLETT of Massachusetts. Does the gentleman wish to convey the idea to the committee there are no bailiffs?

Mr. MUDD. I do not know as to that, but I do not believe that they have.

Mr. GILLETT of Massachusetts. And that the messengers are the only employees of the court?

Mr. MUDD. I did not so state.

Mr. GROSVENOR. That is my understanding of the case.

Mr. GILLETT of Massachusetts. Could not one messenger take care of two rooms?

Mr. MUDD. I will answer the question. Perhaps he could take care of two rooms, but suppose the judges are on the bench. These judges, you understand, are most days sitting in six different rooms, carrying on trials with six different sets of officers of court. What would you do in case all or nearly all of these judges should want some information of the law—some information out of the books—at the same time? Would you ask a lawyer before one of the courts to go outside and ask a messenger to come over there, or would the judge have to get down from the bench and engage in a sprinting stunt across or along the corridors to get a colored messenger to go somewhere to get or do something? Nobody wants to see that. Mr. Chairman, we all admire and seriously appreciate the economy which this great committee proposes, but this is not economy, this is parsimony, and if I might coin a word I should say it is a "picayunity."

Mr. BURLESON. Will the gentleman permit an interruption?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MUDD. I want two minutes more, in order to get information from the gentleman from Texas.

The CHAIRMAN. The gentleman from Maryland [Mr. MUDD] asks for two minutes more. Is there objection?

There was no objection.

Mr. BURLESON. I can relieve the apparent distress of the gentleman by saying to him that each of these courts is provided with three bailiffs and one crier.

Mr. MUDD. The function of a bailiff is not that of a messenger, and the function of a crier is not that of a messenger, and I assume that the gentleman from Texas knows the difference between them.

Mr. GROSVENOR. Show me one of them.

Mr. BURLESON. In the sundry civil bill, where it ought to be.

Mr. MUDD. When it comes to that, if the gentleman's stroke of economy lasts, he can move to strike out bailiffs from the sundry civil bill. I suggest that gentlemen do their duty here as they ought to do it in the District of Columbia appropriation bill in matters making provision for the courts of the District of Columbia.

Mr. BURLESON. With the permission of the gentleman, I will say that we have reached the point where we must have a flunky standing at the elbow of every official. We are inveighed against and criticised——

Mr. MUDD. Under your present policy you save at the spigot and turn loose at the bunghole. That is the character of economy we seem to be getting in this bill.

Mr. OLCOTT. Mr. Chairman, I think there is a great deal of undue and unnecessary excitement in regard to this amendment that has been offered by me. I think for the House of Representatives of the United States to engage in such petty cheeseparing as to decline to allow a judge to have a personal messenger or attendant to do the errands he must necessarily have done while he is sitting upon the bench is contemptible to a degree.

Mr. MADDEN. I would like the gentleman to state to the House whether in any courts of record in any State in the Union the judges are allowed messengers in addition to the bailiffs.

Mr. OLCOTT. I know of absolutely none in the State of New York, from the highest to the lowest, where they are not allowed. I have never known a court in the State of New York where the judges do not have a separate messenger.

Mr. WM. ALDEN SMITH. If the gentleman from New York will permit, I would like to suggest that in the interest of economy the several messengers in the Supreme Court ought to be cut off, because there are a number of judges sitting there together, and one messenger might do it all.

Mr. OLCOTT. There is only one other thing I want to say in regard to this matter. We have been endeavoring to find out where the information came from. I do not exactly know who Mr. Robison is, but I presume that the committee can inform me. He was asked about these messengers, as follows:

Mr. BURLESON. Could not two messengers serve the judges?

Mr. ROBISON. They think not.

Mr. BURLESON. But, as a matter of fact, could they not; what messenger service do they render?

Mr. ROBISON. They run back and forth from the courts to the bar association for books when the court is in session, and the judges seem to send them around a good deal with messages.

And I want to say that one of the members of the committee asked this most insulting question:

What do they do? Do they wait on the doors of the judges' house after the court is over?

I received letters from several of the judges, and I really think in this case we can afford to take the risk of the word of these gentlemen who are supreme court District judges rather than the word of anyone else. I hope my amendment will pass.

Mr. FITZGERALD. Some gentlemen seem unduly excited because the Committee on Appropriations has uncovered some unnecessary employees in the District of Columbia and cut them off the pay roll. The gentleman from Ohio [Mr. GROSVENOR] has demonstrated his utter lack of knowledge of the provisions of this bill. He made the broad assertion that the District Committee was lavish in creating new places. One of the great objection Members are making to this bill is not that the committee has been lavish in the creation of new places, but that it has relentlessly applied the knife wherever it has found unnecessary employees. It is a beautiful spectacle to find the judges of this eminent court coming around this Capitol begging and beseeching Members to protect them in their petty patronage. They have bailiffs, they have criers, they have personal stenographers that they have not told the gentleman from Ohio [Mr. GROSVENOR] about, and if he would go into one of these courts he would fall over the unnecessary employees that are to be found there. I assert now that, if it would utterly cripple these courts to cut off four messengers, it is time to change the personnel of the judges occupying places on the bench. If these men are so infirm and so inefficient, and their bailiffs and criers and stenographers are so ineffective, then we had better change the entire personnel of the courts. The Committee on Appropriations or the members of the subcommittee——

Mr. NORRIS. Will the gentleman yield to a question?

Mr. FITZGERALD. Yes.

Mr. NORRIS. The gentleman makes the statement that the judges have personal stenographers. Now, does the gentleman mean that they have a personal stenographer in addition to the stenographer who reports the proceedings of the court? Is that the stenographer that he refers to as a personal stenographer?

Mr. FITZGERALD. That is my understanding, that they have personal clerks, and that information is furnished by a gentleman who knows whereof he speaks. These employees are not carried in this bill; they are carried in another appropriation bill; and the clerk of the Committee on Appropriations, who is familiar with these matters, informed the committee that these employees are upon the pay roll; and yet gentlemen get up here and say, because we have found these eminent gentlemen followed around town as if by pets, with attendants carrying their coats and hats and bringing in lunch, that because we have taken them off the pay roll that we have crippled—crippled!—the courts of the District! For one I believe that these messengers are unnecessary, and believing that, Mr. Chairman, I voted to cut four of them out of the bill, and if I had an opportunity I would vote to eliminate the seven, and I know the courts would not be impaired, but they would to do their work just as efficiently; and perhaps the judges, getting some needed exercise, might have sounder minds in sounder bodies.

Mr. GILLETT of Massachusetts. I move that all debate on this clause and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman moves that debate on this paragraph and amendments thereto close in five minutes.

The motion was agreed to.

Mr. WALDO. Mr. Chairman, I am very much surprised at the attack that we have just listened to by a member of the Committee on Appropriations in regard to the courts of this District. If I had any such views as the gentleman has professed, I would want to abolish the courts, and would be inclined do it to-morrow. Now, these gentlemen have had messengers in those courts for years, ever since the adoption of the code; I think ever since the formation of the courts. I know of no court of the status of those here, and their standing, where the judges do not have messengers. It seems to me when these judges state that they need a messenger that their word ought to be taken here. If we can not take their word in regard to such a little matter as that, then it must be a sorry case with the people of the District who have to practice before that kind of a court. I think it is a contemptible thing to attack courts of the standing of these courts here and assert that a judge has a messenger or anybody following him about like a dog, as one of the members did. I trust the amendment will be agreed to.

Mr. FITZGERALD. Does the gentleman think that that criticism is any worse than the criticism of a court by the President in a message?

Mr. WALDO. That is not my estimate. On the contrary, I have no such estimate of the courts of this District and the courts of the country. If we had such judges in this District,

why, we should get rid of them and have somebody else. Now, I trust that this amendment will pass.

The CHAIRMAN. Time for debate has expired. The question is on agreeing to the amendment offered by the gentleman from New York to the amendment offered by the gentleman from Massachusetts.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. WALDO. Division!

The committee divided; and there were—ayes 20, noes 31.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. Without objection, the amendment of the gentleman from New York, changing the total, will be withdrawn.

There was no objection.

Mr. GILLETT of Massachusetts. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the District appropriation bill and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MCKINLAY of California, indefinitely, on account of important business.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 16133. An act to simplify the issue of enrollments and licenses of vessels of the United States;

H. R. 18334. An act making an appropriation to supply a deficiency in the appropriation for bringing home remains of officers and men of the Navy and Marine Corps who die abroad;

H. R. 17135. An act providing that the State of Montana be permitted to relinquish to the United States certain lands heretofore selected and select other lands from the public domain in lieu thereof; and

H. R. 5976. An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2033. An act granting an increase of pension to David Trimble;

S. 1962. An act granting an increase of pension to Julia Baldwin;

S. 1953. An act granting an increase of pension to Charles M. Benson;

S. 2667. An act granting an increase of pension to Benjamin W. Valentine;

S. 2638. An act granting an increase of pension to Thomas B. Whaley;

S. 2577. An act granting an increase of pension to Francis M. Lynch;

S. 2755. An act granting an increase of pension to Thomas W. Waugh;

S. 2574. An act granting an increase of pension to Parker Pritchard;

S. 2568. An act granting an increase of pension to Noah C. Fowler;

S. 2552. An act granting an increase of pension to Louise J. D. Leland;

S. 2549. An act granting an increase of pension to George W. Boyles;

S. 2507. An act granting an increase of pension to William Wheeler;

S. 2540. An act granting an increase of pension to Benjamin S. Miller;

S. 3835. An act granting an increase of pension to Luther M. Royal;

S. 3839. An act granting an increase of pension to John T. Brothers;

S. 3618. An act granting an increase of pension to Martha E. Wardlaw;

S. 3598. An act granting an increase of pension to Charles D. Brown;

S. 3584. An act granting an increase of pension to Peter Quermbeck;

S. 3524. An act granting an increase of pension to John N. Henry;

S. 3566. An act granting an increase of pension to John Carpenter;

S. 3532. An act granting an increase of pension to Anna K. Carpenter;

S. 3520. An act granting an increase of pension to Ada A. Thompson;

S. 3525. An act granting an increase of pension to Robert G. Harrison;

S. 3493. An act granting an increase of pension to Thomas Reed;

S. 2452. An act creating an additional land office in the State of North Dakota;

S. 2670. An act granting an increase of pension to Marie J. Spicely;

S. 2378. An act granting an increase of pension to Maria Leuckart;

S. 2287. An act granting an increase of pension to James V. Pope;

S. 2115. An act granting a pension to Carrie E. Castinett;

S. 2102. An act granting an increase of pension to George W. Lucas;

S. 2094. An act granting an increase of pension to Rodney W. Torrey;

S. 2050. An act granting an increase of pension to Jotham T. Moulton;

S. 1952. An act granting an increase of pension to Jesse Alderman;

S. 1919. An act granting an increase of pension to Louise M. Wynkoop;

S. 2077. An act granting an increase of pension to Alice A. Arms;

S. 1910. An act granting an increase of pension to Theodore McClellan;

S. 1884. An act granting an increase of pension to Frederic W. Swift;

S. 1733. An act granting an increase of pension to George W. Trice;

S. 1667. An act granting an increase of pension to John A. Stockwell, alias John Stockwell;

S. 1614. An act granting a pension to Kate E. Young;

S. 1435. An act granting an increase of pension to Lewellen T. Davis;

S. 1434. An act granting an increase of pension to Samuel Derry;

S. R. 46. Joint resolution to fill a vacancy in the Board of Regents of Smithsonian Institution;

S. 2689. An act granting an increase of pension to Alonzo M. Bartlett;

S. 2745. An act granting an increase of pension to Zerelda N. McCoy;

S. 2736. An act granting an increase of pension to James Williams;

S. 2733. An act granting an increase of pension to Charles Crisman;

S. 2725. An act granting an increase of pension to John Mather;

S. 3182. An act granting an increase of pension to Walter Lynn;

S. 3112. An act granting an increase of pension to James H. Gardner;

S. 3035. An act granting an increase of pension to Charles W. Shedd;

S. 3024. An act granting an increase of pension to David S. Trumbo;

S. 2973. An act granting an increase of pension to Menard Van Patton;

S. 2970. An act granting an increase of pension to Thomas E. Keith;

S. 2953. An act granting an increase of pension to Mary L. Burr;

S. 2832. An act granting an increase of pension to Susan Pennington;

S. 2952. An act granting an increase of pension to William A. Gibson;

S. 2795. An act granting an increase of pension to John Albert;

S. 2790. An act granting an increase of pension to William J. Millett;

S. 2772. An act granting an increase of pension to Charles N. Niles;

S. 3296. An act granting an increase of pension to Patrick Burk;

S. 3284. An act granting an increase of pension to Charles B. Fox;
S. 3257. An act granting an increase of pension to Walter Green;
S. 3254. An act granting an increase of pension to Anna Frances Hall;
S. 3232. An act granting an increase of pension to Mary Jane Schnure;
S. 3252. An act granting an increase of pension to David F. Crampton;
S. 3222. An act granting an increase of pension to Henry Golder;
S. 3484. An act granting an increase of pension to Jacob A. Field;
S. 3465. An act granting an increase of pension to John T. Vincent;
S. 3419. An act granting an increase of pension to Joseph H. Beale;
S. 3303. An act granting a pension to Harriet B. Summers;
S. 3300. An act granting an increase of pension to Lorenzo D. Huntley;
S. 3298. An act granting an increase of pension to John B. Ashelman;
S. 3297. An act granting an increase of pension to George Conklin;
S. 3821. An act granting an increase of pension to Henry Wilhelm;
S. 3819. An act granting an increase of pension to William H. Houston;
S. 1415. An act granting an increase of pension to Alexander Esler;
S. 3817. An act granting a pension to Margaret Lewis;
S. 1407. An act granting a pension to John McCaughen;
S. 1406. An act granting an increase of pension to Moses Hill;
S. 1398. An act granting an increase of pension to Edmund Morgan;
S. 1377. An act granting an increase of pension to John R. Brown;
S. 1354. An act granting a pension to Lydia Jones;
S. 1376. An act granting a pension to Adam Werner;
S. 1352. An act granting an increase of pension to Michael Scannell;
S. 1349. An act granting an increase of pension to Daniel C. Earle;
S. 1338. An act granting an increase of pension to Thomas Claiborne;
S. 1302. An act granting an increase of pension to William A. Murray;
S. 1205. An act granting an increase of pension to Albert B. Lawrence;
S. 1165. An act granting an increase of pension to James Moss;
S. 1162. An act granting an increase of pension to Nelson Cook;
S. 1105. An act granting an increase of pension to Harriet Williams;
S. 1012. An act granting an increase of pension to Samuel H. Foster;
S. 975. An act granting an increase of pension to James Shaffer;
S. 920. An act granting an increase of pension to Abraham S. Brown;
S. 914. An act granting an increase of pension to Edwin R. Hardy;
S. 835. An act granting an increase of pension to John W. Scott;
S. 829. An act granting an increase of pension to James Gannon;
S. 674. An act granting an increase of pension to Thomas A. Agur;
S. 657. An act granting an increase of pension to Mary J. Reynolds;
S. 563. An act granting an increase of pension to Thomas Martin;
S. 558. An act granting an increase of pension to Abijah Chamberlain;
S. 524. An act granting an increase of pension to Lestina M. Gifford;
S. 520. An act granting an increase of pension to William D. Johnson;
S. 518. An act granting an increase of pension to William F. Godwin;
S. 487. An act granting an increase of pension to William Sprouse;
S. 450. An act granting an increase of pension to James Flynn;
S. 337. An act granting an increase of pension to Lydia Ann Jones;
S. 306. An act granting a pension to Cassy Cottrill;
S. 249. An act granting an increase of pension to Alfred F. Sears;
S. 230. An act granting an increase of pension to Alfred Woodin;
S. 97. An act granting an increase of pension to Thomas F. Carey;
S. 3811. An act granting an increase of pension to Ephraim Winters;
S. 3812. An act granting an increase of pension to Truman R. Stinehour;
S. 3653. An act granting an increase of pension to Francis J. Keffer;
S. 3641. An act granting an increase of pension to William P. Marshall;
S. 3676. An act granting an increase of pension to James M. McCorkle; and
S. 98. An act granting an increase of pension to Doris F. Clegg.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committee, as indicated below:

S. 5357. An act permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn.—to the Committee on Interstate and Foreign Commerce.

S. 5683. An act to provide for the removal of derelicts and other floating dangers to navigation—to the Committee on Interstate and Foreign Commerce.

NATIONAL QUARANTINE.

Mr. WANGER. Mr. Speaker, I call from the Speaker's table the bill S. 4250, with a House amendment disagreed to by the Senate, and ask for a conference.

The SPEAKER. The Chair lays before the House the following Senate bill with a House amendment disagreed to.

The Clerk read as follows:

A bill (S. 4250) conferring enlarged powers and authority on the Public Health and Marine-Hospital Service, and to impose further duties thereon.

Mr. BARTLETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARTLETT. I desire to know what motion is pending before the House?

The SPEAKER. The gentleman has not submitted a motion.

Mr. WANGER. The motion is that the House agree to the conference asked by the Senate.

The SPEAKER. That the House insist on its amendment, and agree to the conference asked.

Mr. BARTLETT. Is that a matter of privilege, or does it take unanimous consent?

The SPEAKER. It seems to the Chair it is a matter of privilege——

Mr. BARTLETT. I make the inquiry.

The SPEAKER (continuing). The stage of disagreement having been reached; otherwise the Chair would, instead of laying it before the House from the Speaker's table, have asked unanimous consent.

Mr. BARTLETT. That is what I wanted to know, Mr. Speaker. I am perfectly willing to take the opinion of the Chair upon the matter. Of course, I would have to take it, but I am perfectly content to do so.

The SPEAKER. The gentleman was not in the Chair's mind at the time he made the remark.

Mr. BARTLETT. I merely wanted to inquire.

The SPEAKER. The Chair has answered to the best of his ability.

Mr. BARTLETT. I am perfectly content, Mr. Speaker, with the Chair's answer.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania.

The question was taken; and the motion was agreed to.

The SPEAKER announced the appointment of the following conferees: Mr. HEPBURN, Mr. WANGER, and Mr. DAVEY of Louisiana.

Mr. GILLETT of Massachusetts. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General submitting an estimate of appropriation for construction of a new building at the Reform School, District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for Coast and Geodetic Survey—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MAYNARD, from the Select Committee on Industrial Arts and Expositions, to which was referred the bill of the House (H. R. 12610) to authorize the United States Government to participate in the Jamestown Tercentennial Exposition on the shores of Hampton Roads, in Norfolk County, Va., in the year 1907, and to appropriate money in aid thereof, reported the same with amendment, accompanied by a report (No. 3389); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 14897) providing for the temporary maintenance of the Long Bridge over the Potomac River, and for other purposes, reported the same with amendment, accompanied by a report (No. 3390); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16730) to prevent the unauthorized wearing or use of badges, name, titles of offices, insignia, ritual, or ceremonies of the Benevolent and Protective Order of Elks of the United States of America, reported the same without amendment, accompanied by a report (No. 3392); which said bill and report were referred to the House Calendar.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17411) for the resurvey of certain townships in the State of Nebraska, reported the same with amendment, accompanied by a report (No. 3393); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MEYER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 17663) to extend the provisions of the act of March 3, 1901, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections 1505 and 1605 for eminent and conspicuous conduct in battle, reported the same without amendment, accompanied by a report (No. 3394); which said bill and report were referred to the House Calendar.

Mr. MORRELL, from the Committee on the District of Columbia, to which was referred the bills of the House H. R. 347, 8472, 9729, 9738, 11641, 12590, and 12591, reported in lieu thereof a bill (H. R. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia, reported the same without amendment, accompanied by a report (No. 3395); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

By Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15334) to authorize the construction of dams and power stations on the Coosa River at Lock 2, Alabama, reported the same with amendment, accompanied by a report (No. 3396); which said bill and report were referred to the House Calendar.

Mr. MORRELL, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 47) to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 3398); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3933) granting a pension to J. P. Flewellen, reported the same with amendment, accompanied by a report (No. 3355); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8287) granting a pension to James Marshel, reported the same with amendment, accompanied by a report (No. 3356); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8716) granting an increase of pension to J. L. Coffey, reported the same with amendment, accompanied by a report (No. 3357); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11822) granting a pension to Lawyer Sugs, reported the same with amendment, accompanied by a report (No. 3358); which sail bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12514) granting a pension to Arrenee Nolen, reported the same without amendment, accompanied by a report (No. 3359); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12623) granting a pension to Minnie C. O'Connor, reported the same without amendment, accompanied by a report (No. 3360); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12807) granting a pension to Nancy Ann Gee, reported the same with amendment, accompanied by a report (No. 3361); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15275) granting an increase of pension to J. Hugh Martin, reported the same with amendment, accompanied by a report (No. 3362); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15450) granting an increase of pension to Virginia J. D. Holmes, reported the same with amendment, accompanied by a report (No. 3363); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15486) granting a pension to William H. M. Carpenter, reported the same with amendment, accompanied by a report (No. 3364); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16398) granting an increase of pension to David Ross, reported the same without amendment, accompanied by a report (No. 3365); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16824) granting an increase of pension to James Waskom, reported the same with amendment, accompanied by a report (No. 3366); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16994) granting an increase of pension to Harriet Payne, reported the same without amendment, accompanied by a report (No. 3367); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16704) granting a pension to Lucy C. Strout, reported the same with amendment, accompanied by a report (No. 3368); which said bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11686) granting a pension to William C. Berghahn, reported the same with amendment, accompanied by a report (No. 3369); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17951) granting an in-

crease of pension to Elizabeth A. Hodges, reported the same with amendment, accompanied by a report (No. 3370); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18006) granting an increase of pension to Martha J. Bass, reported the same without amendment, accompanied by a report (No. 3371); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17989) granting an increase of pension to Elizabeth Hodges, reported the same with amendment, accompanied by a report (No. 3372); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18005) granting a pension to Emily Compton, reported the same with amendment, accompanied by a report (No. 3373); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4388) granting a pension to Laura Hilgeman, reported the same with amendment, accompanied by a report (No. 3374); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17548) granting a pension to David J. Bentley, reported the same with amendment, accompanied by a report (No. 3375); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17515) granting an increase of pension to J. J. Elliott, reported the same with amendment, accompanied by a report (No. 3376); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17514) granting an increase of pension to Virginia C. Moore, reported the same with amendment, accompanied by a report (No. 3377); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17592) granting an increase of pension to Margaret Haynes, reported the same with amendment, accompanied by a report (No. 3378); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16253) granting an increase of pension to Margaret A. Hope, reported the same with amendment, accompanied by a report (No. 3379); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17788) granting a pension to Charles E. Benson, reported the same with amendment, accompanied by a report (No. 3380); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17843) granting an increase of pension to Samuel Watkins, reported the same without amendment, accompanied by a report (No. 3381); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17892) granting an increase of pension to Abraham K. Smith, reported the same with amendment, accompanied by a report (No. 3382); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17584) granting an increase of pension to James White, reported the same with amendment, accompanied by a report (No. 3383); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10177) granting a pension to Elizabeth Kohler, reported the same with amendment, accompanied by a report (No. 3384); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17855) granting an increase of pension to Harriett E. Miller, reported the same with amendment, accompanied by a report (No. 3385); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18032) granting an increase of pension to Mary H. Scott, reported the same with amendment, accompanied by a report (No. 3386); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18143) granting an increase of pension to James F. Brown, reported the same with amendment, accompanied by a report (No. 3387); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18157) granting a pension to J. J. Winkler, reported the same with amendment, accompanied by a report (No. 3388); which said bill and report were referred to the Private Calendar.

Mr. GREGG, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 15140) to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes, reported the same with amendment, accompanied by a report (No. 3391); which said bill and report were referred to the Private Calendar.

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 17600) to grant authority to change the names of certain sailing vessels, reported the same without amendment, accompanied by a report (No. 3397); which said bill and report were referred to the Private Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5498) granting additional lands from the Fort Douglas Military Reservation to the University of Utah, reported the same with amendment, accompanied by a report (No. 3399); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GILL: A bill (H. R. 18435) to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the shellfish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland—to the Committee on the Merchant Marine and Fisheries.

By Mr. LITTLEFIELD: A bill (H. R. 18436) to define and limit the immunity provisions of the statutes of the United States—to the Committee on the Judiciary.

By Mr. MARTIN: A bill (H. R. 18437) in relation to testimony before the Interstate Commerce Commission, and so forth—to the Committee on the Judiciary.

By Mr. MAHON: A bill (H. R. 18438) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and to provide for the payment of French spoliation claims recommended by the Court of Claims—to the Committee on War Claims.

By Mr. SPIGHT: A bill (H. R. 18439) to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss.—to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Alabama: A bill (H. R. 18440) to authorize the Secretary of the Navy to select a naval or coaling station on the Lower Fleet, in Mobile Bay, at or near Fort Morgan, Ala.—to the Committee on Naval Affairs.

By Mr. KEIFER: A bill (H. R. 18441) referring to the Court of Claims the claims for longevity pay on account of service of officers of the United States—to the Committee on War Claims.

By Mr. MORRELL, from the Committee on the District of Columbia: A bill (H. R. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia—to the Committee of the Whole House on the state of the Union.

By Mr. KALANIANAOLE: A bill (H. R. 18443) to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900—to the Committee on the Territories.

By Mr. RANSDELL of Louisiana: A bill (H. R. 18444) to prevent the loss of life through accidents to passengers at elevator shafts—to the Committee on Accounts.

By Mr. HALE: A bill (H. R. 18445) granting compensatory pensions to the soldiers of the civil war who have lost limbs or have been permanently disabled in the line of duty in the service of said war—to the Committee on Invalid Pensions.

By Mr. PEARRE (by request): A bill (H. R. 18446) to regulate the issuance of restraining orders and injunctions and procedure thereon, and to limit the meaning of "conspiracy" in certain cases—to the Committee on the Judiciary.

By Mr. GOLDFOGLE: A memorial of the legislature of the State of New York, proposing an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 18447) granting an increase of pension to Elijah G. Gould—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 18448) granting a pension to C. B. Adams—to the Committee on Invalid Pensions.

By Mr. BOUTELL: A bill (H. R. 18449) granting an increase of pension to Hannah R. Jacobs—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 18450) granting an increase of pension to Eliza Howell—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 18451) granting an increase of pension to Alexander B. Wilson—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 18452) granting a pension to William B. Douglas—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 18453) granting an increase of pension to Gilbert Bedell—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 18454) granting an increase of pension to Barlow Davis—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 18455) granting an increase of pension to Elizabeth F. Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18456) granting an increase of pension to Thomas M. Montgomery—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 18457) granting a pension to Martha J. Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18458) granting an increase of pension to William H. Oatman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18459) granting an increase of pension to Durbin M. Miller—to the Committee on Invalid Pensions.

By Mr. DIXON of Montana: A bill (H. R. 18460) granting a pension to B. F. Tudor—to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 18461) granting a pension to Robert Stivers—to the Committee on Pensions.

Also, a bill (H. R. 18462) granting a pension to Samuel Dailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18463) granting an increase of pension to Jesse H. Jobe—to the Committee on Pensions.

Also, a bill (H. R. 18464) granting an increase of pension to David A. Davis—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 18465) granting an increase of pension to Abby B. Cloud—to the Committee on Pensions.

By Mr. GARRETT: A bill (H. R. 18466) granting an increase of pension to George T. Welch—to the Committee on Invalid Pensions.

By Mr. GILLETT of California: A bill (H. R. 18467) granting a pension to Rudolph W. H. Swendt—to the Committee on Pensions.

Also, a bill (H. R. 18468) granting a pension to A. W. Hubbard—to the Committee on Pensions.

Also, a bill (H. R. 18469) granting a pension to Samuel C. Dean—to the Committee on Pensions.

Also, a bill (H. R. 18470) granting a pension to William F. Cotton—to the Committee on Pensions.

By Mr. GRAFF: A bill (H. R. 18471) granting a pension to John E. Kunce—to the Committee on Pensions.

By Mr. GUDGER: A bill (H. R. 18472) granting an increase of pension to Edward P. Burnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18473) restoring to the pension roll Joseph Hoffes—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 18474) granting an increase of pension to Robert Sturgeon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18475) granting an increase of pension to Joseph F. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18476) for the relief of Mrs. Lizzie Schneider, widow of Louis Schneider, deceased, of Talent, Oreg.—to the Committee on War Claims.

By Mr. HILL of Mississippi: A bill (H. R. 18477) for the relief of the heirs of Stephen Daggett, deceased, Mrs. Julia D. Harris, administratrix, of Okalona, Miss.—to the Committee on War Claims.

By Mr. LEE: A bill (H. R. 18478) for the relief of the trustees of Damascus Baptist Church, of Gordon County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 18479) for the relief of the trustees of the Oothcaloga Baptist College, of Adairsville, Bartow County, Ga.—to the Committee on War Claims.

of the Baptist Church of Calhoun, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 18481) for the relief of the congregation of the Presbyterian Church of Calhoun, Ga.—to the Committee on War Claims.

By Mr. LIVINGSTON: A bill (H. R. 18482) for the relief of Lucy Reese, administratrix of the estate of John N. Swift, deceased—to the Committee on War Claims.

By Mr. MURDOCK: A bill (H. R. 18483) for the relief of J. W. Patterson—to the Committee on Claims.

Also, a bill (H. R. 18484) granting a pension to Rosamond Elizabeth Madison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18485) granting an increase of pension to Augustus E. Kendrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18486) granting an increase of pension to William F. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18487) granting an increase of pension to Thomas L. Story—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18488) granting an increase of pension to Michael M. Stuckey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18489) granting an increase of pension to Luther A. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18490) granting an increase of pension to Robert W. Burns—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 18491) for the relief of Francis M. Sheppard—to the Committee on War Claims.

By Mr. WM. ALDEN SMITH: A bill (H. R. 18492) granting a pension to Jennie Buell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18493) granting an increase of pension to George H. Reeder—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 18494) granting an increase of pension to Emmagene Bronson—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 18495) granting an increase of pension to Julius Rector—to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 18496) granting an increase of pension to Mary Clark—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 18497) granting an increase of pension to Jacob Neal—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Ohio legislature, for an investigation of the conduct of E. G. Rathbone while acting as director-general of posts in Cuba—to the Committee on the Judiciary.

Also, petition of Mrs. J. E. Daniel and 62 others, against sale of intoxicating liquor—to the Committee on Alcoholic Liquor Traffic.

By Mr. BATES: Petition of the Shakespeare Club and the Current Topics Club, of Conneautville, Pa., for forest reservations in the White Mountains and elsewhere—to the Committee on Agriculture.

Also, petitions of Camp Walter E. Brown and Camp Hawkins, Army of the Philippines, for the Bonynge bill awarding medals to those who served in the Spanish war and volunteered for the Philippine war—to the Committee on Military Affairs.

Also, petition of G. J. Black et al., of North East, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Yellow Pine Company and Henson & Pearson, of Philadelphia, Pa., for bill H. R. 5281 (the pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the T Square Club, of Philadelphia, Pa., and Wilson Eyre, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of W. E. Skinner, secretary of the American Reciprocal Tariff League, of Chicago, Ill., for the Curtis bill (H. R. 15725) for a commission of advisory experts to adjust tariff schedules—to the Committee on Ways and Means.

Also, petition of Mary E. Trautman, president of the Women's Protective Association of New York, for bill H. R. 4462 (the child-labor bill)—to the Committee on the District of Columbia.

Also, petition of F. S. Allis, for forest reservations in the White Mountains and elsewhere—to the Committee on Agriculture.

Also, petition of the Trades League of Philadelphia, against the Little and Gilbert bills relative to immunity to labor organizations in disputes—to the Committee on the Judiciary.

By Mr. BEDE: Petition of the News-Tribune, Duluth, Minn.,

against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of John Marshall, jr.—to the Committee on Claims.

Also, petition of the Hubbard County Clipper, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Wheetley D. Cropper, James J. Perry, and Perry G. P. Bruce—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of J. F. Skeens—to the Committee on Pensions.

By Mr. BOWERSOCK: Petition of citizens of Linn County, Kans., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CAPRON: Paper to accompany bill for relief of William B. Douglas—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: Petition of citizens of Carmi, White County, Ill., against bill H. R. 7067—to the Committee on Indian Affairs.

By Mr. DARRAGH: Petition of Rock Elm Grange, of East Jordan, Charlevoix County, Mich., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Montcalm County, Cedar Lake, Reading, and Clear County, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DUNWELL: Petition of Gens. Green B. Raum, Crawford, and Birney, for bill S. 2162, creating a volunteer retired list for surviving generals of volunteers—to the Committee on Military Affairs.

Also, petition of citizens of New York State, for relief of the landless Indians in northern California—to the Committee on Indian Affairs.

Also, petition of the American Reciprocal Tariff League, favoring a commission of an advisory character, of economic experts, to adjust the tariff schedules from time to time—to the Committee on Ways and Means.

Also, petition of the Christian Social Club, for relief of the landless Indians of California—to the Committee on Indian Affairs.

Also, petition of Republican Club of New York, for the merchant marine shipping bill (S. 529)—to the Committee on the Merchant Marine and Fisheries.

By Mr. FLOYD: Paper to accompany bill for relief of Alexander Dixon—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Woman's Health Protective Association, of New York, for bills S. 50, H. R. 4462, and S. 2962, relative to child labor and a children's bureau in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GARRETT: Paper to accompany bill for relief of George T. Welch—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: Petition of ladies of Weatherford, Tex., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. GOLDFOGLE: Petition of "The Charities and The Commons," approving of legislation now pending on the sanitary improvement of the District of Columbia—to the Committee on the District of Columbia.

By Mr. GRANGER: Petition of the League of Improvement Societies of Rhode Island, for forest reservations in the White Mountains and the Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. HAMILTON: Petition of Kridler Post, No. 575, Grand Army of the Republic, for granting additional pensions to soldiers who were prisoners—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of Golden Rule Council, of Perinsville, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Watertown, N. J., for transportation of mail matter in book form suited to the uses of the blind for 1 cent per 4 ounces—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOWLAND: Paper to accompany bill for relief of Charles M. Mayberry—to the Committee on Military Affairs.

By Mr. LEE: Paper to accompany bill for relief of Marion F. and Dr. M. Westbrooks—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: Petition of Berlin Grange, of Camden, N. J., against the ship-subsidy bill (S. 529)—to the Committee on the Merchant Marine and Fisheries.

By Mr. McCALL: Paper to accompany bill for relief of Edward T. Lincoln—to the Committee on Invalid Pensions.

By Mr. MORRELL: Petition of the Philadelphia Board of Trade, for consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON of Tennessee: Petition of the Memphis and Shelby County Medical Society, for Federal control of quarantine—to the Committee on Interstate and Foreign Commerce.

By Mr. REID: Paper to accompany bill for relief of John S. Houston—to the Committee on War Claims.

By Mr. SMITH of California: Petitions of citizens of Escondido, Cal., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Mr. STEVENS of Minnesota: Petition of Camp A. R. Patterson, No. 1, Minnesota Division, Army of the Philippines, for special medals to Philippine volunteers—to the Committee on Military Affairs.

By Mr. WOOD of New Jersey: Petition of the Beebe-Webber Company, of Holyoke, Mass.; Hanscom Brothers, of Fall River, Mass., and the Forest City Woolen Mill Company, of Cleveland, Ohio, against bill H. R. 8988 (the metric system bill, Littauer bill)—to the Committee on Coinage, Weights, and Measures.

Also, paper to accompany bill for relief of Mary Clark—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *April 21, 1906.*

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

Let us now praise famous men and our fathers that begot us. The Lord hath wrought great glory by them through his great power from the beginning. Leaders of the people by their counsels and by their knowledge of learning meet for the people, wise and eloquent in their instructions.

Let us pray.

Father, we thank Thee for the fathers who founded this nation, and we thank Thee for those who went before the fathers who founded the colonies and made these States, for the men who knew God and believed in God, and planted their State on the everlasting foundations, who knew no king but the King of kings, and no Lord but the Lord of lords. We thank Thee that such men and their children live to-day, that they are with Thee in bringing in Thy kingdom, and we ask Thee that the spirit that was in the fathers may be with us to-day, even in our calamities; that we may bear calamity as the children of the living God; in our prosperity that we may give Thee the praise and not take it for ourselves.

Be with the Congress, Father. Be with all the States. Be with the President. Be with all the nations, to bind all men together in one. We ask it in Christ Jesus.

Our Father who art in Heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is done in Heaven. Give us this day our daily bread. Forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory, forever and ever. Amen.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

THE EARTHQUAKE IN CALIFORNIA.

Mr. PERKINS. Mr. President, the cablegram of the vice-president of the Brazilian Senate to the Vice-President of the United States and President of the United States Senate, expressing the sympathy of that body for the people of San Francisco and other communities in California overtaken by a great catastrophe, will be appreciated by the people of my afflicted State; and while voicing the sentiments of the Senate of the United States, I desire also to make in their behalf heartfelt acknowledgment.

I must also take this opportunity to acknowledge the great debt of gratitude due to the Government of the United States for the large sums of money contributed in aid of sufferers and the splendidly efficient manner in which the different departments are carrying on their work of relief; and to the people of the different States and cities of the Union who have contributed millions upon millions of dollars to assist the homeless, the hungry, and the suffering. I desire to say that California will never be able to express adequately its deep appreciation.

Mr. President, in this same connection I want to thank the great railroads of this country for the prompt and cheerful manner in which they have given precedence to supplies of all kinds that are being forwarded to the suffering people of my State.

They have given precedence over all other business in order to forward promptly the succor to the distressed. The two great railroads entering my home city are carrying free the homeless and destitute to other parts of the country, where they can receive food and shelter.

Great disasters like that which has occurred on the Pacific coast bring out most strongly the fact that the different peoples of this world are after all one in human sympathy, and that the differences of race and language are external only, which are swept away by calamity, bringing out clearly the ultimate fact that all men are brothers, whatever portion of the globe they inhabit. As kindness and consideration are vastly helpful to the individual overwhelmed by a great loss, so will the expressions of brotherly sympathy from the different nations of the earth help my afflicted State to bear more easily her great burden of sorrow.

I believe that our stricken city will recover from the blow with wonderful rapidity, and will justify the design of its official seal, which bears a phenix issuring, new born, from the flames, with the motto, "Oro en paz, ferro en guerra," which translated means "Gold in peace, iron in war." In her present war with the elements San Francisco will show her mettle, and will surely rise again and continue to be the great metropolis of the Pacific Coast States.

Mr. President, I move that the Vice-President of the United States and President of the United States Senate make to the Senate of the Brazilian Government proper acknowledgment of the cablegram received and laid before the Senate yesterday evening.

The motion was unanimously agreed to.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Julia M. Woods and Mary E. Hagan, daughters, Mary J. Edelen and William M. Junkin, grandchildren of David X. Junkin, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of John Hubbard *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Stephen A. Norfleet, administrator of Ernest Norfleet, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Ira C. Whitehead *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mabel G. Smith, daughter of Thomas Smith, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of George G. Clay *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of John M. Steele *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Horatio L. Wait *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Samuel W. Latta *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary H. Corbett, granddaughter of Samuel Howard, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Albert Buhner *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Alice S. Jordan, widow of John W. Jordan, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Harriet C. Brown, administratrix of Thomas R. Brown, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of John B. Briggs *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Henry H. Clark *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Edward K. Rawson *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Alamena B. Bates, daughter of John A. Bates, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Maria S. Wright, sister of Arthur H. Wright, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary H. Nicholson, widow of James W. A. Nicholson, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Robert H. McLean *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mrs. George C. Hagan, widow (remarried) of John G. Mitchell, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Caroline H. Broadhead, widow of Edgar Broadhead, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the

assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Baptist Church of Culpeper, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Marianne D. Lemelle, administratrix of the estate of Rigobert Lemelle, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Court of Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed a bill (H. R. 4599) to remove the charge of desertion from the military record of Wakeland Heryford; in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendments to the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service, and to impose further duties thereon, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEPBURN, Mr. WANGER, and Mr. BARTLETT managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

S. 97. An act granting an increase of pension to Thomas F. Carey;

S. 98. An act granting an increase of pension to Doris F. Clegg;

S. 230. An act granting an increase of pension to Alfred Woodin;

S. 249. An act granting an increase of pension to Alfred F. Sears;

S. 306. An act granting a pension to Cassy Cottrill;

S. 337. An act granting an increase of pension to Lydia Ann Jones;

S. 450. An act granting an increase of pension to James Flynn;

S. 487. An act granting an increase of pension to William Sprouse;

S. 518. An act granting an increase of pension to William T. Godwin;

S. 520. An act granting an increase of pension to William D. Johnson;

S. 524. An act granting an increase of pension to Lestina M. Gifford;

S. 558. An act granting an increase of pension to Abijah Chamberlain;

S. 563. An act granting an increase of pension to Thomas Martin;

S. 657. An act granting an increase of pension to Mary J. Reynolds;

S. 674. An act granting an increase of pension to Thomas A. Agur;

S. 829. An act granting an increase of pension to James Gannon;

S. 835. An act granting an increase of pension to John W. Scott;

S. 914. An act granting an increase of pension to Edwin R. Hardy;

S. 920. An act granting an increase of pension to Abraham S. Brown;

S. 975. An act granting an increase of pension to James Shaffer;

S. 1012. An act granting an increase of pension to Samuel H. Foster;

S. 1105. An act granting an increase of pension to Harriet Williams;

S. 1162. An act granting an increase of pension to Nelson Cook;

S. 1165. An act granting an increase of pension to James Moss;

S. 1203. An act granting a pension to Albert B. Lawrence;

S. 1302. An act granting an increase of pension to William A. Murray;

S. 1338. An act granting an increase of pension to Thomas Claiborne;

S. 1349. An act granting an increase of pension to Daniel C. Earle;

S. 1352. An act granting an increase of pension to Michael Scannell;

S. 1354. An act granting a pension to Lydia Jones;

S. 1376. An act granting a pension to Adam Werner;

S. 1377. An act granting an increase of pension to John R. Brown;

S. 1398. An act granting an increase of pension to Edmund Morgan;

S. 1406. An act granting an increase of pension to Moses Hill;

S. 1407. An act granting a pension to John McCaughen;

S. 1415. An act granting an increase of pension to Alexander Esler;

S. 1434. An act granting an increase of pension to Samuel Derry;

S. 1435. An act granting an increase of pension to Lewellen T. Davis;

S. 1614. An act granting a pension to Kate E. Young;

S. 1667. An act granting an increase of pension to John A. Stockwell, alias John Stockwell;

S. 1733. An act granting an increase of pension to George W. Trice;

S. 1884. An act granting an increase of pension to Frederic W. Swift;

S. 1910. An act granting an increase of pension to Theodore McClellan;

S. 1919. An act granting an increase of pension to Louise M. Wynkoop;

S. 1952. An act granting an increase of pension to Jesse Alderman;

S. 1953. An act granting an increase of pension to Charles M. Benson;

S. 1962. An act granting an increase of pension to Julia Baldwin;

S. 2033. An act granting an increase of pension to David Tremble;

S. 2050. An act granting an increase of pension to Jotham T. Moulton;

S. 2077. An act granting an increase of pension to Alice A. Arms;

S. 2094. An act granting an increase of pension to Rodney W. Torrey;

S. 2102. An act granting an increase of pension to George W. Lucas;

S. 2115. An act granting a pension to Carrie E. Costinett;

S. 2287. An act granting an increase of pension to James V. Pope;

S. 2378. An act granting an increase of pension to Maria Leuckart;

S. 2452. An act creating an additional land office in the State of North Dakota;

S. 2507. An act granting an increase of pension to William Wheeler;

S. 2540. An act granting an increase of pension to Benjamin S. Miller;

S. 2549. An act granting an increase of pension to George W. Boyles;

S. 2552. An act granting an increase of pension to Louise J. D. Leland;

S. 2568. An act granting an increase of pension to Noah C. Fowler;

S. 2574. An act granting an increase of pension to Parker Pritchard;

S. 2575. An act granting an increase of pension to Thomas W. Waugh;

S. 2577. An act granting an increase of pension to Francis M. Lynch;

S. 2638. An act granting an increase of pension to Thomas B. Whaley;

S. 2667. An act granting an increase of pension to Benjamin W. Valentine;

S. 2670. An act granting an increase of pension to Marie J. Spicely;

S. 2689. An act granting an increase of pension to Alonzo M. Bartlett;

S. 2725. An act granting an increase of pension to John Mather;

S. 2733. An act granting an increase of pension to Charles Crismon;

S. 2736. An act granting an increase of pension to James Williams;

S. 2745. An act granting an increase of pension to Zerelda N. McCoy;

S. 2772. An act granting an increase of pension to Charles H. Niles;

S. 2790. An act granting an increase of pension to William J. Millett;
S. 2795. An act granting an increase of pension to John Albert;
S. 2832. An act granting a pension to Susan Penington;
S. 2952. An act granting an increase of pension to William A. Gipson;
S. 2953. An act granting an increase of pension to Mary L. Burr;
S. 2970. An act granting an increase of pension to Thomas E. Keith;
S. 2973. An act granting an increase of pension to Minard Van Patten;
S. 3024. An act granting an increase of pension to David S. Trumbo;
S. 3035. An act granting an increase of pension to Charles W. Shedd;
S. 3112. An act granting an increase of pension to James H. Gardner;
S. 3182. An act granting an increase of pension to Walter Lynn;
S. 3222. An act granting an increase of pension to Henry Golder;
S. 3232. An act granting an increase of pension to Mary Jane Schnure;
S. 3252. An act granting an increase of pension to David F. Crampton;
S. 3254. An act granting an increase of pension to Anna Frances Hall;
S. 3257. An act granting an increase of pension to Walter Green;
S. 3284. An act granting an increase of pension to Charles B. Fox;
S. 3296. An act granting an increase of pension to Patrick Burk;
S. 3297. An act granting an increase of pension to George Conklin;
S. 3298. An act granting an increase of pension to John B. Ashelman;
S. 3309. An act granting an increase of pension to Lorenzo D. Huntley;
S. 3303. An act granting a pension to Harriett B. Summers;
S. 3319. An act granting an increase of pension to Joseph H. Beale;
S. 3365. An act granting an increase of pension to John T. Vincent;
S. 3384. An act granting an increase of pension to Jacob A. Field;
S. 3393. An act granting an increase of pension to Thomas Reed;
S. 3520. An act granting an increase of pension to Ada A. Thompson;
S. 3524. An act granting an increase of pension to John N. Henry;
S. 3525. An act granting an increase of pension to Robert G. Harrison;
S. 3562. An act granting an increase of pension to Anna K. Carpenter;
S. 3566. An act granting an increase of pension to John Carpenter;
S. 3584. An act granting an increase of pension to Peter Quermbeck;
S. 3598. An act granting an increase of pension to Charles D. Brown;
S. 3638. An act granting an increase of pension to Martha E. Wardlaw;
S. 3641. An act granting an increase of pension to William P. Marshall;
S. 3652. An act granting an increase of pension to Francis J. Keffer;
S. 3676. An act granting an increase of pension to James M. McCorkle;
S. 3811. An act granting an increase of pension to Ephraim Winters;
S. 3812. An act granting an increase of pension to Truman R. Stinehour;
S. 3817. An act granting a pension to Margaret Lewis;
S. 3819. An act granting an increase of pension to William H. Houston;
S. 3821. An act granting an increase of pension to Henry Wilhelm;
S. 3834. An act granting an increase of pension to Robert McCalvy;
S. 3835. An act granting an increase of pension to Luther M. Royal;
S. 3839. An act granting an increase of pension to John T. Brothers;
H. R. 5976. An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes;
H. R. 16133. An act to simplify the issue of enrollments and licenses of vessels of the United States;
H. R. 17135. An act providing that the State of Montana be permitted to relinquish to the United States certain lands heretofore selected and select other lands from the public domain in lieu thereof;
H. R. 18334. An act making an appropriation to supply a deficiency in the appropriation for bringing home remains of officers and men of the Navy and Marine Corps who die abroad;
S. R. 46. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution; and
S. R. 49. Joint resolution construing the joint resolution approved April 19, 1906, entitled "Joint resolution for the relief of sufferers from earthquake and conflagration on the Pacific coast."

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of John M. Kairies, of Mount Vernon, N. Y., praying that an investigation be made of the losses sustained by him through his having been expelled from Russia by order of the Russian Emperor; which was referred to the Committee on Foreign Relations.

He also presented the petition of F. E. Garner, of Union, Miss., praying for the enactment of legislation to require manufacturers and shippers of foods for interstate shipment to label their foods and print the ingredients contained in them on each package thereof; which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented a petition of Kishwaukee Lodge, No. 310, Brotherhood of Railroad Trainmen, of Belvidere, Ill., and a petition of Aurora Division, No. 32, Brotherhood of Locomotive Engineers, of Aurora, Ill., praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented a petition of the Wolfeboro National Bank, of Wolfeboro, N. H., and a petition of the Hubbard & Moffitt Commission Company, of St. Louis, Mo., praying for the adoption of a certain amendment to the present bankruptcy law; which were referred to the Committee on Finance.

He also presented petitions of the New Hampshire State Grange, Patrons of Husbandry, of Peterboro, and of sundry citizens of Keene and Whitefield, all in the State of New Hampshire, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented petitions of Mrs. John A. Logan, of the Department of the District of Columbia, United Spanish War Veterans; of the Woman's Relief Corps, Department of the Potomac, Grand Army of the Republic, all of Washington, D. C., praying for the enactment of legislation providing for the purchase of a temporary home in the District of Columbia for ex soldiers and sailors of the late wars; which were referred to the Committee on the District of Columbia.

REPORT OF A COMMITTEE.

Mr. HEYBURN, from the Committee on Manufactures, to whom was referred the amendment submitted by himself on the 5th instant, proposing to appropriate $2,000 for the salary of a chief clerk of the Bureau of Manufactures, Department of Commerce and Labor, and also to provide for additional clerks for that Bureau, intended to be proposed to the legislative, executive, and judicial appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

BILLS INTRODUCED.

Mr. LODGE (by request) introduced a bill (S. 5794) to authorize the President of the United States to appoint a commission to consider and recommend a system of national parks for military, historical, and other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WARNER introduced a bill (S. 5795) for the relief of Francis M. Sheppard; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5796) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SIMMONS introduced a bill (S. 5797) granting a pension to Martha A. Wright; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 5798) granting an increase of pension to Charles Hunsley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURKETT introduced a bill (S. 5799) to establish the true status of the Nebraska Territorial Militia; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. OVERMAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5800) granting an increase of pension to James N. Davis; and

A bill (S. 5801) granting an increase of pension to Andrew Jackson Parris.

TARIFFS OF FOREIGN COUNTRIES.

Mr. HEYBURN submitted an amendment proposing to appropriate $3,500 for the collating and arranging of the tariffs of foreign countries in form for distribution, etc., intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

PRESERVATION OF NIAGARA FALLS.

On motion of Mr. CULLOM, it was

Ordered, That the hearings before the Committee on Foreign Relations of the United States Senate in regard to the preservation of Niagara Falls be printed as a Senate document.

JUDICIAL REVIEW REGARDING RAILROAD RATES.

Mr. LODGE. Mr. President, a very brief article appeared in the Washington Post of yesterday containing a summary of the different views expressed by the Interstate Commerce Commission on the question of rate review. It is a very valuable and a brief compilation. I ask that it may be printed as a Senate document, and that it also be placed in the RECORD.

The VICE-PRESIDENT. The Senator from Massachusetts asks that a certain compilation from the Washington Post of yesterday be printed as a document and also in the RECORD. Is there objection?

Mr. ALLISON. I should like to ask the Senator from Massachusetts if the subject of the compilation is not in the testimony taken by the Committee on Interstate Commerce, which has been reported to the Senate?

Mr. LODGE. It is entirely selected from the testimony, but will save a great deal of time in the matter of reference.

Mr. SCOTT. It is brief.

Mr. LODGE. It is brief. It comprises only two columns. It takes out certain extracts from the testimony and places them in a form which will be very convenient for reference.

Mr. ALLISON. I have no doubt of that. I do not object to the request.

Mr. LODGE. It is all in the testimony.

Mr. ALLISON. I only wanted to know that it was taken from the testimony.

Mr. MONEY. I ask if the matter the Senator from Massachusetts has introduced and asked to have printed has been referred to the Committee on Printing for an estimate of the cost?

Mr. LODGE. It does not have to be estimated for. It does not cost anything like the amount allowed by the rule. It comprises only a couple of columns, and the cost will be far inside the limit. It would not cost $10 to print it as a document.

Mr. MONEY. Mr. President, I am not trying to play economist. I have no doubt the Senator from Massachusetts knows very well what he is doing, and I have no doubt that it is what I approve; but I asked for some printing here of a most valuable character, which was rejected because it would cost something. It always costs something to print.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

BROAD RATE REVIEW—OPINIONS OF INTERSTATE COMMERCE COMMISSIONERS—WHAT THEIR BILL PROVIDES—OFFICIAL RECOMMENDATIONS TO CONGRESS AND INDIVIDUAL EXPRESSIONS OF OPINION BEFORE SENATE COMMITTEE CLEARLY DEFINE ATTITUDE OF MEMBERS OF COMMISSION ON SUBJECT OF JUDICIAL REVIEW.

An advocate of broad court review, broad enough to protect all parties in interest, referring to the alleged controversy in the Democratic conference in regard to it, called attention yesterday to a line of highly pertinent evidence upon the subject which seems to have been overlooked in the argument.

An interesting fact that apparently has been lost sight of in the Senate debate on the character of the judicial-review provision to be inserted in the Hepburn bill is that the Interstate Commerce Commissioners, both collectively and individually, are on record as favoring the broadest judicial review, without any limitation on the right of the courts to grant preliminary injunctions. As a matter of fact, the members of the Commission, although they have at times been charged with seeking undue power, have never sought to have conferred upon them the despotic and autocratic authority over the transportation business and commerce of the country that some of the proposed amendments to the Hepburn bill seek to confer upon them.

The act to regulate commerce, constituting the Commission, specifically requires it to make such recommendations as to additional legislation as it may deem necessary, and the Commission has never failed to carry out this requirement.

NEVER SUGGESTED ABRIDGMENT.

In all of its recommendations in favor of legislation conferring the rate-making power, however, it has never suggested that the power of the courts to review its orders should be abridged in any way. On the contrary, its suggestions as to legislation, whenever put into concrete form, as in the bill prepared at the beginning of this session, and as voiced by the individual members of the Commission before Congressional committees, have contemplated the exercise by the courts of broad powers of review without any restriction upon the right of a reviewing court to issue preliminary injunctions or any other orders ordinarily employed by the courts. It might be expected that the recommendations of these men, who are devoting all of their time to the study of transportation problems and of the best means of correcting abuses, especially when those recommendations relate to the powers to be exercised by them, would have great weight with Congress. Especially might it be expected that the legislative branch of the Government, always jealous of encroachments on the part of the executive, might be reluctant to confer upon administrative officials, responsible only to the President of the United States, a large measure of legislative power without surrounding such grant of authority with every possible safeguard and restriction. It is scarcely to be expected that Congress will deliberately go further in the direction of conferring autocratic powers on administrative officials than those officials themselves have recommended.

THE COMMISSIONERS' BILL.

The latest and most specific recommendation of the Interstate Commerce Commissioners is contained in their draft of a bill submitted to the Senate Committee on Interstate Commerce at the beginning of the present session of Congress. In that bill they ask Congress to provide that "any carrier may, within thirty days from the service upon it of any order, other than an order for the payment of money, begin in the circuit court of the United States for the district in which its principal operating office is situated, proceedings to set aside and vacate such order. * * * Such proceedings shall be begun by filing on the equity side of the court a petition or bill in equity, which shall briefly state the matters embraced in such order and the particulars in which it is alleged to be unlawful, and in such proceedings the complainant and the Commission shall be made defendants."

There is no suggestion here as to the limitation of the jurisdiction of the court in any way or of any restriction on the powers of the court to issue a preliminary injunction or any other order. Further, the bill proposes to provide explicitly that "upon the filing of such a petition the circuit court may, upon such notice to the complainant and to the Commission as the court deems proper, extend the time within which such order shall take effect, not to exceed in all sixty days from the date of service of the order upon the carrier." It also proposes to provide explicitly for the issuance of preliminary injunctions by the provision that "the court may also, if it plainly appears that the order is unlawful, and not otherwise, suspend the operation of the order during the pendency of the proceedings or until the further order of the court."

PROVISIONS AS TO FINES.

Under this bill it is only in the event that no proceedings are taken to vacate an order within thirty days or that such proceedings are not successful that it becomes a "final order." The bill proposes the same heavy fine of $5,000 for each offense for failure to put an order into effect and the same proceedings for the enforcement of an order, with the important difference that under the Commission bill the fine would not apply and the proceedings could not be commenced until the order had become "a final order" either by being acquiesced in by the carrier or by the failure of proceedings in the court to vacate it.

In the report of the Commission for 1904 legislation to empower the Commission to fix rates is recommended, and the Commission says that if its decision "is wrong—if it would deprive the carrier of property without due process of law or

evade any of its other rights or privileges under the Constitution or laws of the United States—its operation could be enjoined upon showing to that effect by the carrier in a suitable and summary proceeding in the Federal court." There is no suggestion here that the courts should be restricted to the protection of the carrier in its constitutional rights, but the suggestion is for the broadest possible review, for the protection of the carrier in every right to which it might be entitled, and for a summary injunction for the protection of those rights.

Not only collectively, but individually, the members of the Commission have frequently gone on record in favor of broad judicial review, and of the exercise by the courts of the power of preliminary injunction.

CHAIRMAN KNAPP'S VIEWS.

Chairman Knapp, when he was before the Senate committee last spring, thought that the inquiry of the court of review ought not to be confined to the question of the reasonableness and lawfulness of the new rate ordered by the Commission, but ought to extend to the question of whether the Commission had erred in its condemnation of the original rate. In reply to a question by Senator CLAPP, he said: "I anticipate that when a decision of the Commission is taken to court, under any scheme that you are considering, the vital question will be, Was the Commission right in its condemnation of the rate complained of?" Again he said: "The carrier which is unwilling to accept the adjudication and order of the Commission, and wishes to review that, should have the right to review the condemnation of the rate complained of as well as the rate put in substitution. It seems to me that is within the range of justice."

COMMISSIONER PROUTY HEARD.

Commissioner Prouty, than whom there has been no more zealous advocate of extending the powers of the Commission, in his testimony before the Senate committee said: "I have never advocated the exercise of that power (the power to make rates) by the Commission without the right of review." Farther on, speaking of the character of review, he said: "It seems to me that a court should presume in favor of a rate exactly what it presumes in favor of a statute. It should presume it is reasonable; but if it clearly appears to be unreasonable, it should set it aside, and should do that although the railroad is making 100 per cent on its investment. From what I have seen of the operation of this right under the fourteenth amendment and the acts of State commissions, I have felt that it did not afford to the railroad the full measure of protection which it deserved, and I have advocated the creation of a special court, which should be an expert court, upon the theory that the court may exercise, if it were given the power to review the lawfulness of a rate, some additional power to what it could exercise under the fourteenth amendment."

Mr. Prouty indicated that he would shrink from the responsibility of exercising the rate-making power under a law that did not provide for a broad judicial review, saying: "You may take any three judges in this land, I do not care who they are, and let them hear these questions from one year's end to the other, let them become familiar with every condition which surrounds the railway transportation of this country, and I will, as an Interstate Commerce Commissioner, prefer to be reviewed by a body of that sort than to have the absolute power to make the rates without review, because I am conscious of the fact that I might make mistakes, and I think I might sometimes decide in favor of the public in that case where I would not in the other." Aside from the question of policy, Mr. Prouty did not believe that Congress could take away from the courts the right to suspend temporarily the enforcement of an order. In reply to a question by Senator CULLOM, as to whether he would have the rate take effect immediately, he said: "I do not think you can say anything about that. I think the court has an absolute right to decide and suspend any rate which any commission may make, and that you can not help it. * * * It seems to me that a rate ought to stand in abeyance long enough to permit a railroad company to take any steps it wanted to take."

WHAT COMMISSIONER FIFER SAID.

Commissioner Fifer indicated that he was in harmony with his colleagues on this subject, though he barely touched on it. In discussing the question of how long an order made by the Commission should remain in effect, he said: "I think if you pass a law giving the Commission the right to condemn a rate when it is challenged, and the right to say what a reasonable rate is and put it into operation, and then fix a time when it shall go out, unless it is reviewed and reversed by some court—I would not cut that off—I think that would be sufficient elasticity."

Commissioner Clements, when he was before the House committee, said he did not see any reason why the exercise of the rate-making power by the Commission should not be subject "to any judicial review that is possible to be had under constitutional and legal methods." He can see no reason for any limitation whatever on the power of review, but would subject the Commission to "any judicial review that is possible to be had." No one in the Senate proposes to go further than this.

COMMISSIONER COCKRELL EXPLICIT.

Commissioner Cockrell, whose views might be expected to have even more weight with his former colleagues in the Senate that those of the other Commissioners, was very explicit in his advocacy of the broadest kind of judicial review. When he was before the Senate committee he said: "I would authorize the railroads, after the lapse of a reasonable time from the decision and order of the Commission, to go into the existing courts of the United States, if they desired to contest the ratings found by the Commission. The burden of proof would be on them to show that the rate fixed by the Commission was not a reasonable and just rate, and in that case the court would have full jurisdiction to determine whether the rate first established by the railroads and declared to be unreasonable by the Commission was an unreasonable or unjust rate.

"The court would likewise have the authority to say whether the rate fixed by the Commission was a reasonable and just rate, and the court might decide, and, in my judgment, the court would be compelled to decide the question." Further on he said: "If the rate fixed by the Commission was such a rate as would result in great and speedy harm to them (the carriers involved), they could get out an injunction. You must remember that they have twenty or thirty days before the rate goes into effect after it has been ordered by the Commission. Now, they have that time within which to get out an injunction, and if it was a case where they would have no remedy and they had collected the small rate and could not collect the other, and they should show clearly that what the Commission had done was an irreparable wrong, the court would suspend it until the court could hear the question."

HEPBURN BILL FIRST TO DENY IT.

These quotations from members of the Commission might be still further extended and the testimony of other advocates of giving the Commission rate-making power might be cited to show that until the Hepburn bill was brought forward the idea of narrowing the judicial review of orders of the Commission and of denying to the courts the right of suspension pending review had not been seriously advocated.

HOUSE BILL REFERRED.

H. R. 4599. An act to remove the charge of desertion from the military record of Wakeland Heryford, was read twice by its title, and referred to the Committee on Military Affairs.

MEMORIAL ADDRESSES ON THE LATE SENATOR ORVILLE H. PLATT.

Mr. BULKELEY. Mr. President, some weeks ago I gave notice that after the close of the routine morning business this day I would ask the Senate to consider resolutions in regard to the life, character, and public service of my former colleague, Hon. ORVILLE H. PLATT. I send the resolutions to the desk and ask that they may be read.

The VICE-PRESIDENT. The Secretary will read the resolutions submitted by the senior Senator from Connecticut.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. ORVILLE HITCHCOCK PLATT, late a Senator from the State of Connecticut.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Mr. BULKELEY. Mr. President, since the close of the last session of the Congress Connecticut has been deprived by death of the service of its distinguished citizen and Senator, ORVILLE HITCHCOCK PLATT, whose life, character, and public service we here recognize, and this day commemorate. For five consecutive terms he had been chosen with rare unanimity to represent his native State in this great legislative body.

Senator PLATT was a profound student of colonial history, especially as connected with the Connecticut colony and State; an enthusiastic admirer of the exalted type and high character of the men that were instrumental in its early settlement and development, and a loyal devotee of the representative form of government which they conceived and established. He was a firm believer in the inspiring and godly faith which led them, without love of adventure or hope of worldly gain, to sever the ties of home and country and family, and to seek in a new and unknown land an abiding place where they might worship

their God in their own way and according to the dictates of their own conscience.

"Small time had they then for the mere ideal;
Their love was truth, their present life all real.
They walked the world, faith's vision never dim;
Saw not God's works, they only gazed on Him."

These men, Pilgrim and Puritan alike, were well equipped for the Master's work which they had undertaken and to which they had devoted their lives. Their religious enthusiasm and their unbounded faith inspired them with undaunted courage to struggle with privations and adversities, to conquer the wilderness and the treacherous foes with whom they were surrounded and constantly contending in their new settlements The love of liberty, strengthened by the remembrance of the tyranny from which they had escaped, actuated them to conceive and inaugurate a government of the people, so beneficial in its character, so ideal in its simple mechanism, so perfect in workings that it has been handed down from generation to generation, modified in its organization, but its principles and its integrity preserved.

The compact signed in the cabin of the *Mayflower*, followed by the written constitution framed by the founders of the Connecticut colony, and confirmed by royal charter, was the foundation of written constitutional government throughout the world, and under these governmental concessions Connecticut, both as a Colony and a State, lived for nearly two centuries.

The religious element in these new-founded settlements for a long time naturally predominated in public as well as in churchly affairs; church and state were closely allied throughout the formulative period of colonial life, and the influence of the pastors was almost unlimited; they were the teachers as well as the ministers, supervised the educational privileges of their several communities—simple though they were in the early days—and frequently filled the place of the good physician and counselor.

The meetinghouse was the active center of the community life. Within its doors all public interests were discussed and action determined. It was often used as a place of refuge for protection and defense, and on the Sabbath for a place of worship; the meetinghouse and the schoolhouse grew up side by side, and over both the pastor ordinarily presided.

Of the men of the times of which I have spoken it is appropriately written on a memorial tablet erected to commemorate the lives of the first settlers of one of our ancient Connecticut towns, among whom were numbered Richard Platt and Mary, his devoted wife, the ancestral heads of the family in America:

"God sifted a whole nation that he might send choice grain into the wilderness."

Men of such character and abilities, founding such institutions as they established, religious, governmental, and educational, could not fail to leave the impress of their lives upon their own times and upon the generations of men that were to follow them. I venture the thought that from the colonial life and works of these men our great Senator gathered the inspiration and power which controlled his own long and useful life. In an impressive historical address, delivered on the occasion of the one hundred and seventy-fifth anniversary of the first church of the town in which he lived, having in mind the early days and their influence upon the present, he spoke these words:

"There is one word in our language of wonderful significance, which no definition that has been written completely expresses; that is 'influence.' I like to believe, and do believe, that no good deed was ever done, no good word was ever fitly spoken by any human being that is not to-day a living force and power in the world; that the world is what it is because of the deeds done and the words spoken by those who have gone before, not only by the remembered great, but the humble, unremembered souls sleeping in unknown graves. If man is immortal, he as truly lives in the past as he will in the future. We bury the body, but the unbound spirit lives and labors. Thoughts are forces; words are agencies; deeds are power."

Of the life of the settler-immigrant and his immediate descendants written history gives but little record, but we find that Richard Platt, with his wife Mary, with their children, arrived from England and located in the New Haven colony. It is reasonable to assume that he was dissatisfied with governmental or religious conditions—in this colony they were closely united—for in 1639 he, with sixty others, organized a new church society and removed to and settled the town of Milford, where he lived throughout his life. It is well to remember that differences in doctrine and practice led generally to the formation of a new church society and eventually to the settlement of a new town, to which the disagreeing element would remove.

Richard Platt and his descendants were prominent factors in the communities in which they lived, served their fellows both in civil and church office, and were often honored with military rank in the local train-band. During the war of the Revolution father and son fought side by side in the Continental Army. At the close of the war John Platt settled in Washington, Conn., and here David Gould Platt, the father of the future Senator, was born, and in 1817 married Almyra Hitchcock.

Their home can be pictured as one common in Connecticut rural communities. I find its inmates described as "plain, unassuming, good farming people of the sturdy New England type, in whose home were fostered intelligence and piety." Another writes:

"I was at home in your father's house. He is one among the early abolitionists who is silhouetted on my memory most vividly. Your mother was a heroic soul—one in ten thousand."

Slavery had existed in Connecticut since early in the seventeenth century; unsuited to New England surroundings, it was gradually disappearing from the State; the antislavery sentiment was just beginning its struggles, and the home of Platt and his associates were the centers in which the leaders gathered to forward the cause in which they had enlisted. They were denounced from the pulpit, ostracised in society, and persecuted in their business; pupils were withdrawn from the academy on account of the views of its teacher until its numbers were so depleted that its doors were closed, and as a final punishment PLATT, the teacher Gunn, and those interested in the new movement withdrew or were dismissed from the church.

ORVILLE HITCHCOCK PLATT was born July 19, 1827, in the town of Washington, Conn., in the home to which I have alluded. The traditions of the State, the lives and example of its founders of colonial and revolutionary times, the godly influence of the home life, and the daybreak of the awakened struggle for liberty were his priceless heritage.

His early education was in the primitive district school, from which he graduated to enter the academy, taught by his father's abolition friend, for instruction in the higher branches, and later became associated with Doctor Gunn as assistant. It was this close association as pupil and teacher with this courageous heroic spirit that gave the directing motive to and marked out his future career.

With the closing of the academy, Doctor Gunn, with his assistant, PLATT, removed to Towanda, Pa., the home of David Wilmot, the author of the Wilmot proviso, and where to be an abolitionist did not subject a man to obloquy, and reentered their work. After a few months PLATT returned to Connecticut, entered the law office of Gideon H. Hollister, at Litchfield, Conn., and in 1850 was admitted to practice. Returning to Towanda, he completed his legal studies in the office of the Hon. Ulysses S. Mercur, afterwards Chief Justice of the Supreme Court of Pennsylvania, and was likewise admitted to practice in that State. While residing at Towanda, he was married to Miss Annie Bull, and who died in 1893. In April, 1897, he married Mrs. Jeannie P. Hoyt, née Smith, daughter of the Hon. Truman Smith, his early friend and adviser.

Retaining his love for his native State, he determined to again locate there and make it his future home, and, acting on the advice of his friend, Hon. Truman Smith, a member of the Senate, and whose successor he proved to be in later years, the young attorney selected one of the struggling industrial communities as a promising field for his future work, and made the then town of Meriden, Conn., his lifelong home. The professional life of the country attorney at this period failed to yield even a reasonable pecuniary reward, as clients were few and fees necessarily limited; but these conditions did not discourage the young lawyer; he had determined to be a master of his profession and to win his way to the confidence and support of his fellow-townsmen.

His leisure hours furnished ample time for study and to participate in the various interests of the developing town. He was known as a public-spirited citizen, and everything that pertained to the general welfare received his enthusiastic investigation and merited support. He was conspicuous in the organization of nearly every industrial corporation that came into existence; he perfected the charter, and set in motion the municipal government of the city of Meriden. He connected himself with the First Congregational Church and became interested in all its work. A pupil in his class in the Sunday school has written me:

"Oftentimes he would become so intensely interested in his subject that he would seem almost inspired."

Amid the hours of his busy life he found time to gratify his love of nature acquired in his boyhood days, and a tramp through the woods, or a day on the brook, or with his gun, gave him ample hours for recreation; and these pastimes were his delight through his life.

The educational interests of the town were his constant study, and to their broader and modern development he gave the benefit of his resourceful mind and enthusiastic support. In later years he gave expression to the success of the educational sys-

tem that had been fostered in Connecticut in an address at the dedication of a free public library:

"We have been wont to glorify the common school as the foundation and means of our common growth. Our nation could never have been what it is to-day, nor what by faith we perceive to be its future, without its rare development of the educational spirit. Education in its widest sense is the corner stone of our national temple. The free public library is but the advanced common school. Its opportunity is not a privilege; it is a common right. True men and women continue to acquire knowledge while they live. When education is finished growth ceases, decay commences. The soul is dead that slumbers, the living is the only growing soul, and without books the soul would starve and die."

The moral atmosphere of the town felt the elevating influence of his personal life. He was an open and consistent adherent to the cause of temperance, which throughout his long life he never ceased actively to advocate and encourage, both in private, and in public legislation.

His political principles and party affiliations were already firmly established; his associations in his early home with the leaders of the antislavery agitation had inspired him with a love for his fellow-men and their inalienable right to life, liberty, and the pursuit of happiness with which they were endowed. He recognized the effective power of principle as successfully exercised by the infant antislavery or liberty party in a Presidential campaign, its first appearance as a political factor. He had seen new territory acquired which gave fresh impetus to the struggle between freedom and slavery. In the Presidential election of 1848 he cast his first vote, and identified himself with the Free Soil Party and gave his influence and support to its candidates.

Gradually but surely the young attorney had succeeded in winning the confidence and respect of his fellow-townsmen, which was his chosen standard by which to measure the success of his work, and naturally he became a leader in the religious, business, and social life of the community.

Mr. PLATT was not an avowed candidate for public office, but, accepting a nomination in 1853, was for three successive terms chosen judge of probate, and in 1855 clerk of the Connecticut senate, and in 1857 secretary of state. He was prominent in the organization of the Republican party, and was closely associated with its leaders, and to its principles and purposes he was a devoted adherent the remainder of his life. Repeatedly selected to represent his town in the General Assembly of the State, serving in the Senate 1861–1862 and in the house of representatives 1864 and 1869, he was accorded the party leadership and as speaker and chairman of the Judiciary Committee conducted the legislation with conservatism and marked ability. Professional demands were now more requiring; his extensive law practice called for his constant personal supervision, and had for him greater attractions than public office, and for a time he declined to accept further political honors. In 1877 he was appointed to the responsible position of State Attorney for New Haven County, which office he held until his election as United States Senator in 1879.

Mr. PLATT was nominated and chosen Senator by the General Assembly of Connecticut January, 1879. One of the leading contestants for the position was his old-time abolition friend, Gen. Joseph R. Hawley, who two years later he welcomed as a Senator, and for twenty-four years they remained as colleagues in this body.

The results of the caucus came as a surprise to the people of Connecticut, but recognizing the abilities displayed in the service of the State by the newly elected Senator, justified the choice. The citizens of his home town, gratified at the new honors which had come to their fellow-townsman, joined regardless of faction or party in a remarkable demonstration of their admiration for the man. In response to the greetings of his townsmen, he announced the simple principle that would guide his action:

"Just now everything is new and seems unreal. I can scarcely appreciate the future. How I shall walk in the new part in which I am set time will show. I do know that I shall try to do right as I see the right."

And this rule was the magnetic needle that directed and marked out the course of his Senatorial career.

He took his seat at the extra session of the Congress, March 18, 1879, well equipped for the new obligations which had so unexpectedly been thrust upon him. Connecticut institutions in town and State organization were a school of political educational life; in the school district, church society, and town meeting the people were accustomed to discuss and to direct all local affairs and interests, and in the General Court of the colonial and the Assembly of modern times the representatives of the people fitted themselves for advanced legislative work in the council chambers of the nation.

He found as colleagues the master spirits of legislation of both Houses of Congress throughout the war period, who had been joined by the great military leaders, transferred from the field to the forum, to assist through peaceful legislation the great work of reconstruction, and to work out the intricate problem of the future of the Republic.

A generation nearly has passed; one by one the names that illumined the roll of the Senate have been eliminated, and to-day but three of its then members remain to respond to its roll call and participate in these memorial exercises.

Determined to be a master in his work, he entered upon it with the same enthusiasm and spirit that enabled him to win his way in his early professional career. Accepting an assignment upon the Committee on Patents, on which he remained as member and chairman for nearly the whole period of his Senatorial service, he was enabled to render material assistance to his inventive and ingenious constituency in perfecting and strengthening the laws which to them were of so great material interest and the groundwork of a large degree of their prosperity. As chairman and member of the Committee on Territories, he familiarized himself with the needs of the great developing sections of the country, and was an active participant in the legislation for the admission into the Union of the States of Montana, Washington, North and South Dakota, Wyoming, and Idaho. As chairman of the Committee on Cuban Relations, he formulated the initial work that carried the blessings of liberty to the oppressed, and in what is now known as the "Platt amendment," cemented friendly relations with the newborn Republic. He gave his best thought and untiring industry to all matters of legislation and gradually won his own place in the front rank. He had high ideals of the duties and responsibilities of governments, and in an earnest discussion of the currency question, involving, to his mind, the honor of the nation, uttered this sentiment:

"Governments, like individuals, have characters; and if there is any grander sight in this world to behold than the character of an upright, honest man, built up by acts of integrity and honesty and uprightness, it is the character of a government built up from its beginning by acts of integrity and honor and honesty, with no blot on its record; and if there is anything sadder in this world than to see a man who has achieved such a character throw it to the winds by a single dishonorable act, it is to see a great government that has built up a name for honesty, integrity, and nobility of character throw it to the winds by a single dishonorable act. God grant that that blot may never be put upon the character of our Government."

Senator PLATT was not a great orator. I would rather liken him to and recall him as the Roger Sherman of our own times, as I find Sherman described in a glowing history of the Continental Congress:

"No man surpassed him in capacity, influence, and strength. He was neither eloquent nor impassioned. As of St. Paul, it might have been said of him, 'his speech' was 'of no account,' and yet, like St. Paul, his words carried weight far surpassing those of the mere orator—words that will guide and inspire mankind to the latest time.

"There was in him kind-heartedness and industry, penetration and close reasoning, an unclouded intellect, superiority to passion, intrepid patriotism, solid judgment, and a directness which went straight to the end.

"He lacked magnetism, but though he did not possess genius, he had gift of accomplishment, which is greater than genius. He never trumpeted his own praises. He seemed to be indifferent to the applause of his fellows, and to have never thought that his own work entitled him to credit or praise. One act done, he proceeded quietly to the doing of another. Common sense, integrity, lofty purpose, unfaltering persistence, supplemented by wide knowledge and intense patriotism, seem to have been his distinguishing traits. He took up his life as a humble (shoemaker) attorney; he laid it down as (our) Connecticut's national lawgiver."

His confidence in the great mass of the people to maintain our representative form of government was absolute. He appreciated the sacrifices which the fathers endured to establish and the enthusiasm with which their descendants rallied to preserve and perpetuate its blessings. In his own words:

"Liberty meant in Revolutionary days, as it means now, all that men hope for, either for themselves or for posterity, and the self-governed state meant an enjoyment of all the blessings of liberty. Remember, too, that in all ages lines of human liberty have been advanced by the poor and lowly."

The Senator's presence and participation on public and historical occasions was eagerly sought, and to such requests he willingly acceded so far as his official duties and strength would permit. His addresses were word pictures and realistic delineations of the historic men and their times and the heroic acts and generous lives of the founders and patriots of colonial and revolutionary days, the influence of whose life and acts, he felt, was ever inspiring.

The dignity of his presence always gave an added interest to the gatherings of the people, the earnestness of his manner commanded the close attention of his hearers, and the moral lessons which he never failed to inculcate, and the influence of a godly Christian character, which he deemed so essential to the welfare of society and for which his own personal life was so conspicuous, furnished ample food for thought and reflection.

The people of Connecticut never failed in their confidence or loyalty to their Senator. His whole public life of untiring

industry, sterling integrity, and devotion to duty realized their expectations when they selected him from their own ranks to represent them in the council chamber of the nation, and confirmed his own declaration at the outset of his Senatorial life—

"I shall try to do right as I see the right."

Senator PLATT rounded out his service in this body as chairman of the Judiciary Committee, of which he had previously been a member, and as your presiding officer on one of those rare occasions in the history of our country that this Senate has been called upon to exercise its constitutional judicial functions. His work of accomplishment ended with the Fifty-eighth Congress and the short executive session that followed. He closed his great career with an unsullied record and reputation, the peer of the honored Connecticut Senators, Ellsworth, Sherman, Johnson, Trumbull, Buckingham, and others that preceded him.

His last public act was to participate in the legislative memorial exercises at the State capitol, in Hartford, in memory of his long-time friend and colleague; friends when—

"creeds could not bind the consciences of such men. They found a law higher than creeds; they inquired only their duty to God and man, and did their duty as the saw it."

His none too rugged frame had wearied in its work, the throbbing heart pulse was to him the prophetic warning of a near reunion and renewed activities in the life beyond, as he depicted in loving, tender words his graceful tribute to the life and character of Connecticut's idol soldier and statesman that had already entered into the new life; it was a "good-by" and not a farewell.

The needed rest and recreation he sought in his home in his native town, "little Washington," as he would designate it, but the coveted rest never came until "he slept with the fathers."

He had honorably filled his own place both in private and public life, and left behind an imperishable name to illumine the annals of his State and nation. He had fought the good fight and kept the faith; with an unclouded mind, with a characteristic faith, and an undimmed eye he had seen in an awakening vision—

"An angel, writing in a book of gold;
Exceeding peace had made him (Ben Adhem) bold.
And to the presence in his room he said,
'What writest thou?' The vision raised its head
And with a look made all of sweet accord
Answer'd: 'The names of those who love the Lord.'
'And is mine one?' said he. (Adhem.) 'Nay, not so,'
Replied the angel. He spoke more low,
But cheerily still, and said: 'I pray thee, then,
Write me as one who loves his fellow-men.'
The angel wrote and vanished. The next night
It came again, with a great wakening light,
And show'd the names whom love of God had bless'd,
And lo! his (Ben Adhem's) name led all the rest."

He fell asleep.
April twenty-first, nineteen hundred and five,
Washington, Connecticut.

Mr. ALLISON. Mr. President, I esteem it a great privilege to be permitted to pay a brief tribute to the life and character of the late Senator ORVILLE H. PLATT, who died one year ago to-day at his home in Connecticut, where his birth took place seventy-eight years before. I regret that my own occupation in matters of pressing public duty has prevented me from making suitable preparation to speak in fitting terms of his life and public services, but the portraiture of the senior Senator from Connecticut [Mr. BULKELEY] has so well delineated the character of our late colleague that it seems almost unnecessary for me to speak of any special trait.

Senator PLATT came here on the 18th day of March, 1879, and at that desk took the oath of office. He served until within a few days of the time of his death, including the entire extraordinary session of the Senate which convened on March 4, 1905. I was present when that oath was taken and served with Senator PLATT during the twenty-six years of his service here. It goes without saying that Senators who serve here for a long period of time come to know each other well; and it was my fortune to know Senator PLATT intimately and to love him for his many beautiful traits of character.

I shall not speak of what he did or what he was before he entered this Chamber; this story has been graphically portrayed by the senior Senator from Connecticut to-day. I shall, in a brief way, undertake to speak of his services here and the work he did here and the just fame he acquired here.

Whilst there may have been others more brilliant and more eloquent in speech, no Senator during his term performed a larger measure of service in this body than did Senator PLATT. I think the instances are rare in our history at any time where any Senator has served more faithfully, industriously, effectively, or more to the advantage of his State and his country.

I am not surprised that, in reply to his fellow-townsmen at Meriden, he should have said, as just quoted, that he was about to enter upon his service in this body with distrust of his own ability to discharge the new duties imposed upon him. I can understand how one would so feel who had never before served in either House of Congress; but his pledge then given to his fellow-townsmen, that he would try to do the right as he saw the right, was fully redeemed in his twenty-six years of service here.

It has been the rule in the Senate, with few exceptions from the foundation of the Government, that seniority in service shall govern in the selection of committees. So that, as has been truly said by the Senator from Connecticut, when Senator PLATT came here he found the positions on the most important committees already taken by Senators who by reason of their long service had become prominent in this body and in a greater or lesser degree prominent in the country, so that in his first term of service conditions required that he should take positions on minor committees.

During the early years of his service he was appointed on the two important committees of Territories and Patents, and he served on the Committee on Territories for twelve years continuously, and in 1887 became chairman of the committee. This committee had important work to do during the whole period of his service, and especially important during the years of his chairmanship. In 1889 four new States were brought into the Union under the leadership of Senator PLATT, namely, North and South Dakota—the old Territory of Dakota being divided in order to make two States—and Montana and Washington. During the following year, under his guidance as chairman, Idaho and Wyoming were also admitted. He had broad views on the subject of the admission of new States, believing that this great northwest country, then being rapidly developed through railroad extensions, would become an important portion of our Union as respects its agricultural, industrial, and mineral development. So that under his influence and guidance twelve additional Senators were admitted here. This expectation has already been abundantly realized by the rapid progress and development of those States since their admission.

During his service on the Committee on Patents he brought forward and secured the passage of important measures affecting the interests of inventors, and also secured a radical and needed reform of our copyright laws. In the discussion of the questions involved in these measures he displayed full and complete knowledge of the history of our copyright laws and the necessity for their improvement. His work in revising these patent laws, as well as his achievement in securing, during his chairmanship of the Committee on Territories, the admission of the six States I have named, merits for him high distinction in the annals of the Senate.

It is well known to Senators, though not apparent often to the general public, that there is a large amount of what might be called "drudgery work" necessary to be done in the committees and in the Senate, which is very important but not of such general public interest as to attract the attention of the country. This work must be done by those competent and faithful in the discharge of their public duties.

When the committees of the Senate were reorganized in 1887 Senator PLATT was, rather against his will, as I remember very well, persuaded to take a place upon the Committee on Indian Affairs—a hard-working committee with most important duties to perform affecting the Indian tribes and Indian reservations. At each succeeding Congress, though anxious to retire from the committee, because its work was exacting and difficult in connection with other committee assignments, but the importance of the work was so great, and his great ability was so recognized in its performance, that he was persuaded to continue in this important service for sixteen years, and was relied upon to prepare and formulate important legislation relating to these affairs.

He gave his attention to proposed legislation coming before that committee with absolute fidelity, care, and industry. The most important legislation was necessary during the most of this period, affecting the relations of the Five Civilized Tribes in the Indian Territory to each other and to the Government. To this subject Senator PLATT gave unremitting attention and consideration, visiting the Territory on two different occasions with subcommittees. During one of these vacations nearly the whole summer was occupied in the work of preparation of a bill relating to the Five Civilized Tribes, which became a law and is the basis of the final settlement of the relations of these tribes to the Government. These questions were of the utmost importance, requiring the best ability to solve. His whole service of sixteen years was arduous and freely given, though not an attractive one.

But the most signal service in Senator PLATT's career here was performed in three committee rooms—those of the Com-

mittee on the Judiciary, the Committee on Finance, and the Committee on Cuban Relations. Nothing better illustrates the value of Senator PLATT's labors here than the fact that he was selected to deal with the great public questions coming before those important committees.

He became a member of the Committee on Finance in 1895. That was a period of monetary and industrial depression. It was believed at that time that Congress should attempt to do something to alleviate those conditions; and Senator PLATT entered upon that work, in connection with other members of the Finance Committee, with a patient industry and interest which finally resulted in the passage of what is known as the "Dingley law." Whatever may be said of the fruits of that law by its friends or its critics, it is certain that it was a most important and valuable piece of legislation, which occupied the Finance Committee for many months and the two Houses for the extra session of 1897, called by President McKinley for that purpose.

At a later period Senator PLATT became a member of the subcommittee which prepared with great care the bill known as "An act to define and fix the standard of values, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes." That act is, perhaps, next to the resumption act, the most important law with reference to our finances that has been passed since the close of the civil war. It undertook to make permanent and effective our imperfect monetary system as respects metallic money and as respects our currency, making effective provision for the convertibility of all paper money, issued directly or indirectly, into gold.

Senator PLATT, associated with Senator ALDRICH, chairman, and others, gave the summer of 1899 practically to the consideration and preparation of that great measure, which passed here, I believe, without any very serious debate, although there was criticism of it at the time as to its effectiveness to accomplish the purpose intended. But the six years that have elapsed since that measure became a law have certainly justified the wisdom of its passage.

The most important single statute, however, in which Senator PLATT took a conspicuous part and of which he was the author was that concerning our relations with Cuba after the close of the war with Spain. After the close of the Spanish war it became apparent in this body that our relations with Cuba were then, and were likely to continue to be, of such consequence as to require a committee of this body to deal with them. The Senate in 1899 provided for a Committee on Cuban Relations, which committee was, in its personnel, composed of the older and most experienced members of the Senate. Senator PLATT by common consent was selected as the chairman of that committee. How wisely and how faithfully those duties were performed by the committee and by its chairman is well known to the people of this country and to the people of Cuba.

The Platt amendment, so called, which was placed upon the Army appropriation bill, was one of the most important pieces of legislation which has been enacted in our parliamentary history, dealing, as it did, with our relations to another country, with which we were associated, but which had not been taken into full accord with our system of government. New and wholly novel questions were involved.

Senator PLATT and his committee prepared that measure, and offered it in this body to be placed on the Army appropriation bill of 1901. I do not give him, and I think it would not be quite just to give him the sole credit of originating that measure. It originated in the Committee on Cuban Relations, of which he was chairman. His legal and analytic mind was a potential force in its preparation, and he may be fairly considered its author. It is well to note that this legislation was considered so important that, by unanimous consent, it was placed on the Army appropriation bill and was not considered as an independent measure. Such measures are only put upon appropriation bills when imperative necessity so requires, and when both, or all, political parties recognize the importance of the measure.

These are some of the great measures which Senator PLATT originated or participated in the framing of, and were placed in our statutes. They will live in the history of our country so long as that history shall survive.

Senator PLATT was constantly in attendance here. He was faithful in the performance of every duty, whether in committee or in the Senate itself. He was an able debater, although, as has been said by the Senator from Connecticut, he was not considered one of the orators of the body; but if in dealing with any subject plain, logical, and concise statement and keen analysis are elements of oratory, then Senator PLATT, by their exhibition here on many occasions, was able to convince the Senate that he had at least the qualifications of an orator.

Mr. President, I have only briefly outlined the long-continued services of Senator PLATT in order to show that he well merited the right to be named one of the leaders of the Senate.

In all his public service he was conscientious in the examination of subjects committed to his care and in the preparation of legislation brought before the Senate.

I knew him well and served with him on some of the committees I have named for months at a time. I learned to appreciate his simple, quiet character and to admire his acute and discriminating intellect and well-instructed mind. When the annals of the Senate shall be written, it will be found that the name of Senator PLATT will occupy a deservedly high place.

We all mourn his departure; we shall miss him much as a member of this body and in all the relations of life.

I regret, Mr. President, that I have been unable to pay a more fitting tribute to the character of our departed colleague, but could not allow the occasion to pass without a brief expression of appreciation of his great attributes as a legislator and statesman worthy of the first rank in the history of the Senate.

Mr. MORGAN. Mr. President, as one of the three Senators remaining in this body who were the colleagues of Senator PLATT in his entire career in the Senate, an opportunity is afforded me that I never expected to have, and a melancholy duty of recalling to the Senate and the country the wave of national sorrow that followed his departure hence, and the more agreeable privilege of pointing to his excellent example as a memento that is gratefully cherished by the Senate.

The sorrow and regret of his personal associates who remain, when any good man dies, is like a cloud that reflects in greater splendor the higher lights that are above it and then dissolves in tears, or is swept away. So our bereavement at the loss of Senator PLATT is compensated to the Senate and the country by the memory of his virtues that we are now proud to record.

It is high eulogium to say of anyone who has served in the Senate that his moral worth, his loyalty to truth and justice, his learning and abilities, his conduct and example are worthy of a tribunal that is endowed with the broadest and highest powers of constitutional government. It is no less praise of such a man to say that, in common with American people, his love and devotion to the country, its institutions, and its organic law, was pure, and was inspired with the single motive of patriotic duty.

Posterity, through coming generations, will say such things without reserve or qualification about the service in the Senate and in the councils of State of the great Senator from Connecticut; and that is his fitting eulogium that none can now pronounce in its full meaning.

His great services were not performed in some conspicuous acts of the most vital importance, though these are not wanting to accentuate a career that was still more excellent because of his modest, earnest, and faithful observance of every duty. His forceful, successful, and controlling leadership in the Senate without any manifestation of ambitious impulses or purposes, signalizes Senator ORVILLE H. PLATT as being a model American Senator, whose example, now that he is gone, is worth nearly as much to the Senate and the country as his unfailing labors were worth while he lived.

The example lives and will long live in the Senate, like the still small voice that is ever present in honest hearts, to whose admonitions none can turn a deaf ear without giving offense to the public conscience. There is great and national reason for congratulation that his example in the Senate remains to us as a priceless legacy. It is not always so conspicuous in its grandeur as to attract public admiration with its splendors, but it is always true as a guide to such as are seeking to contribute their labors as honest and diligent workers for the general welfare and for the safety of a self-governing people. It is a warning against excesses in the use of the authority of their own laws, in derogation of the true majesty of their own sovereign powers. It is a remonstrance against overzealous aggression that has often turned a good cause into a licentious oppression.

Such tendencies are prevalent in many movements that are called "popular demands" for the reform of our organic laws. The memory of Senators, among whom he was abreast with the foremost, still fills the Senate Chamber with affectionate admonitions to their successors to guard with fidelity the essential rights of the people and the States. These will not go unheeded, whatever may be the clamors or the traductions against the Senate of the United States.

One voice that is no longer audible in this Chamber, a voice of sympathy and courage, still speaks to us through the voiceless air, like the message from a distant shore that was telegraphed to our ships far out on the Pacific Ocean, and called them to the rescue of humanity when San Francisco perished.

We hear and will obey the call to duty, whispered to our hearts from the invisible shores of eternity, and the Senate will still stand steadfastly in support of the Constitution of the United States, under our oaths to God. To Him we will bow in submission, as our Pacific coast is kneeling in sackcloth and ashes; but no man's authority will be accepted as a release from our vows, whatever may betide us.

ORVILLE H. PLATT, with a host of other great and noble Senators who have passed away since I first took my seat in this body, is here in spirit, with the same words to encourage us that were spoken in his every utterance and were true in every act: "Be faithful to duty in the fear of God."

Senator PLATT was, in outward seeming to those who did not know the shrinking modesty of his nature, a man of marble, cold and polished in statuesque dignity, with little love for his kind. In fact, he was so tender a lover of all who were suffering affliction or were in danger of the visitations of wrong and injustice that his chief joy in life was in giving them comfort and strength, and in lifting their hopes above despair.

As the great and proud race of Indans are disappearing from their fatherland, which no Indian would ever desert nor be driven from it by forces that made death the penalty of resistance, none of them will forget the sympathy of Senator PLATT in his patient, just, and humane devotion to the rights that remained to them after more than two centuries of warfare for the maintenance of their original independence. He provided for them in their necessitous condition almost as a father would provide for his family. His great abilities and industrious labors were always engaged in their service when needed, so that none were neglected; and the records of the Senate are a history of his work that carries honor to his memory on every page that relates to Indian affairs.

His only possible reward was the consciousness of duty well and honsetly performed.

The proud and silent nod of the grateful Indian in approbation of the equally proud and silent assistance of the great Senator was the only token of friendship between men who were sternly just in their actions, and neither of them asked nor expected nor granted favors.

Old Geronimo, the Apache king of the desert, whose courage and blood has burnished the epaulettes of generals whom he has fought from obscurity into distinction, is dying in his tepee in Arizona. He has become a devout and faithful Christian man, under such tutelage as Senator PLATT has encouraged.

When recently asked if he desired longer to live, he answered: "Yes; I am still of some use here." He said that he had some battles yet to fight for his tribe under a new King; that his enemy was no longer the white man, but the prince of darkness, who had destroyed many thousands of red men in wars with white men. He said his tribe had gone on a new warpath and he wanted to lead them against the doer of all evil. On being assured that his death would lead them to the land of eternal rest, where they would follow him, he said: "Yes; I will go to that land of rest, where Christ is expecting me, but a poor old Indian can serve Him better here, in fighting the evil one, than he can in heaven, where he is not needed, and I hope God will give me a little more time."

If there was one thought of regret in the mind of the great Senator as he was passing from death into life it was like that which inspired the petition of Geronimo when he prayed that God would still give him greater length of days that he might help his people.

Honors like these, won in the path of duty, cluster about the memory of Senator PLATT. They proclaim his right to the homage that the Senate now offers in memory of a man who was truly great and good.

Blessed are the dead who die in the Lord; yea, saith the spirit, forevermore, for their works do follow them.

Mr. TELLER. Mr. President, my personal acquaintance with Senator PLATT commenced when he entered the Senate in the Forty-sixth Congress, March 18, 1879, with a well-earned reputation as a lawyer and legislator. He had served the people of his native State in the capacity of secretary of state, as speaker of the house of representatives, and as a member of the State senate. His executive and legislative service at home and his legal ability especially fitted him for the proper discharge of his duties as a member of this body. Modest and unassuming in his intercourse with his fellow-members, he immediately secured their confidence in his ability and sincerity. He was industrious, painstaking in his work, and when he had secured the necessary facts on which to base his opinions he was persistent in maintaining them, which he did with a logic and force that usually carried conviction, and thus he soon became an influential member of this body.

He was assigned to the several committees with which new members of this body must be content. He accepted such assignments without complaint, and immediately interested himself with zeal in the work of the committees to which he had been assigned. His thorough examination of all matters coming before the committees of which he was a member made him at once a valuable member, not only of the committee, but of the Senate. His careful attention to matters before the Senate and his positiveness of conviction as to matters he had considered soon brought him to an active participation in the work of the Senate, and he continued to hold that relation to the Senate up to the close of the last session in which he participated, a few weeks before his death.

He was a party man with a strong partisan spirit, because he believed his party was best calculated to secure the highest degree of progress and prosperity it was possible for a nation to attain. While he was a partisan and defended the principles of his party with intelligence and vigor he recognized that there were two political parties in this country, and that there might be both wisdom and patriotism in those differing with him. He was a good type of Americanism, and his aspiration for his country was for all parts and all the people within its borders.

For a little over twenty-six years he represented the State of Connecticut in this body, and during that time maintained not only the confidence of the people of the State that sent him here, but of all the people of other States, and he was recognized as one of the leading members of the Senate. During these many years of service in this body he stood for what he believed to be right, and, whether losing or winning, was always courteous and considerate of his opponents.

While he was a member of this body seven States were admitted to the Union, and, as he was a member of the Committee on Territories, he prepared three of the reports favoring such action, and gave his cordial support to the admission of each and every one.

His length of service here was much beyond that which usually falls to those becoming members of this body. Only few persons in our history of over one hundred years have held the distinction of serving twenty-six years in the United States Senate. I believe the number is only twelve.

Of the seventy-six Senators who were members of the first session of the Forty-sixth congress only three are now members of this body, and only thirteen others are living.

The death of one of our members who has so many years been an active and influential member may properly be said to be a national loss, and I am sure every member of this body in his death felt that he had suffered a personal loss.

We can do nothing to add to his fame or reputation, but we can bear willing and loving testimony to his high character, his many valuable services to State and nation, and express our profound grief at his death.

Mr. ALDRICH. Mr. President, twenty-five years of intimate and unbroken friendship and of the closest association in the public service and the examination of public questions gave me an ample opportunity to know and appreciate Senator PLATT'S character and public services. When the history of our time (an eventful period of remarkable national development and expansion) is written, the historian must assign Senator PLATT a place in the very first rank of constructive statesmen.

His advice and counsel in the consideration of grave questions of public policy were invaluable, and nearly all of the great legislative acts adopted during his service in the Senate bear the impress of his mental vigor, constructive ability, and strength of character.

In the presence of his associates, and after the statements to which you have listened, it is not necessary for me to enter into the details of his work in the Senate. That portion of his work which was, perhaps, best known to the public, although not by any means the most valuable to the country, was connected with the solution of the perplexing problems growing out of the Spanish-American war, and especially the adoption of the Platt amendment.

His valuable services as chairman of the Committee on Territories and as a member of the Committee on Indian Affairs are familiar to the Senate. Although Senator PLATT was for many years a leading member of the Judiciary Committee, and at the time of his death its chairman, a large portion of his more

important work was upon practical questions not connected with this committee.

Representing a constituency with widely varied industrial interests, he naturally took an active and important part in the preparation and discussion of tariff legislation. In the debate upon the tariff act of 1883 his wide knowledge of practical affairs and sound judgment impressed the Senate. He took an even more prominent part in the tariff discussions of 1890 and 1894.

In 1895 he became a member of the Senate Finance Committee, and was an active and influential member of the subcommittee that prepared the amendments to the act of 1897 which were adopted by the Senate. No man gave to the country more valuable service in connection with the adoption of these important legislative acts than the Senator from Connecticut.

Senator PLATT was a true son of New England, whose teachings and traditions were exemplified in his life and character. He was conservative and at the same time fearless; he had none of the arts of the demagogue, and never swerved from the clear path of public duty on account of popular clamor. He was a careful and conscientious student of all public questions, and to my mind in every respect an ideal Senator. He was simple and just by nature, able, intelligent, courageous, and wise with the wisdom that dominates and controls.

Although he was by nature intensely practical and shrank instinctively from anything like pretense and cant, yet in thought and action he always adopted the highest possible standards and invariably followed the highest ideals. I venture the assertion that no man ever held a membership in the Senate who had to a greater extent the confidence and esteem of his associates than the late Senator PLATT.

I can not refrain from saying a few words with reference to our personal relations. The fact that we represented adjoining States, whose industries and material interests were practically identical, was not the cause, but rather an incident to our warm personal friendship. Throughout its existence there was, on my part, a constant growth of admiration and affection for the man. In every phase of my work here I found his counsel most helpful. In his death I am conscious of the loss of a dear friend, who was, all in all, the best man I ever knew.

Mr. LODGE. Mr. President, among the remarkable men who framed the Constitution of the United States two of the most conspicuous were Roger Sherman and Oliver Ellsworth, delegates from the State of Connecticut. To them and particularly to the former was due the great compromise which preserved the power of the States in the new system by securing to them equality of representation in the Senate, to which was due more than to any other one condition the success of the Philadelphia convention and its complete but narrow escape from failure and defeat. The provision thus adopted in regard to the basis of representation in the Senate and the House was known as the Connecticut compromise, in honor of the men whose skill, foresight, and ability brought it into existence. Both Sherman and Ellsworth subsequently became Senators and helped to organize the new Government which the Constitution had called into being. To Ellsworth, who was afterwards Chief Justice and one of the commissioners who made the peace with France, we also owe the judiciary act, a law which has so long withstood the test of time and of changing conditions that it seems to-day to possess almost the fixity and sanctity of the Constitution itself.

Neither Sherman nor Ellsworth was a brilliant orator like Patrick Henry, nor a great administrator and leader like Hamilton, nor a consummate party chief and political manager like Jefferson. They were public men of large ability and strong character, preeminently constructive statesmen of the Hamiltonian school, who left enduring monuments of their wisdom and foresight in the Constitution, which they helped to frame, and in the laws which they placed upon the statute book.

Men, however, of such unusual character and strong mental qualities as Sherman and Ellsworth leave their mark not merely upon the legislation and the history of their time, but upon the minds of the communities in which they live, a very lasting memorial, for habits of mind, although as impalpable as air, are often more imperishable than stone or bronze.

> Not marble, nor the gilded monuments
> Of princes shall outlive the powerful rhyme—

said the greatest of all poets. The rhyme of the poet is but words, words are but the thoughts of men grown articulate, and yet he who shapes and influences the thoughts and imagination of men leaves in his due proportion a monument which will endure when iron has rusted and marble crumbled away.

The community which produced Sherman and Ellsworth was naturally extremely apt to receive the impress of their influence, and these two men stamped themselves deeply upon the modes of thought and upon the instinctive mental attitude toward great questions of the people of Connecticut who had given them to the nation and to the public service. Those who came after them insensibly followed the path their great predecessors had marked out, and although questions changed and new issues arose the habit of mind and mode of thought remained unaltered. Nature, we are told, is careful of the type no matter how indifferent she may be to the individual, and certain it is that in communities of strong character and salient qualities of intellect habits of thought not only endure, but the type is reproduced. The type may not be continuous, but it is almost unfailingly recurrent.

It always seemed to me as I watched Senator PLATT, listened to his speeches, and passed in my relations with him from acquaintance to friendship that I recognized in him the qualities and the statesmanship of Roger Sherman and Oliver Ellsworth. When a few years ago I had occasion to make a study of Ellsworth's career, I felt sure that I understood him and realized what manner of man he was because I knew Senator PLATT.

This type, which I had thus found in history and then met in daily life, is as fine as it is strong, and comes out as admirably in its modern exemplar as in those which illustrated the great period of Constitution making and of the upbuilding of the National Government. Senator PLATT was conspicuously a man of reserved force and of calm reason. I have seen the calmness disappear in the presence of what he believed imported either evil to the Republic or wrong to man, but I never saw the wisdom of his counsels, no matter how much he may have been moved, distorted, or disturbed. Naturally a lover of all the traditions of ordered liberty and obedience to law in which he had been reared, and which were ingrained in his nature, he was as far removed as possible from the stagnation and reactionary tendencies which too often injure and discredit conservatism. Because he clung to that which was good was never a reason with him for resisting change. On the contrary he sought and urged improvement always. The service he rendered in the case of the copyright law was but one instance among many of his well-directed zeal in behalf of civilization and of an enlightened progress which should keep pace with the march of events. His mind was too constructive ever to be content with immobility or to accept the optimism satirized by Voltaire, that "whatever is, is right." He wished to make the world better and the lives of men happier, and he knew this could not be done by doggedly and unreasoningly resisting all change and all advances merely because he revered the principles long ago established and had abiding faith in the foundations of free government laid deep and strong by the fathers of the Republic. In nearly all the important legislation which went to enactment during his long career of public service, those who will take the trouble to study the records will find the sure trace of his unobtrusive, but strong and shaping hand. One great achievement of constructive statesmanship which is not only fixed among our laws, but which has become part of the constitution of another country bears his honored name. Yet there are many more like unto it and scarcely less important in which he bore a leading part or which were due to him alone that have no name attached to them and the true authorship of which will only be revealed to the future student of history when he is delving for material among the dry dust of dead debates.

To be anonymous in his work was much more characteristic of Mr. PLATT than to affix his signature where all men might read it. He seemed to me not only to care less for self-advertising, but to be more averse to it than almost any public man I ever knew. He longed for results, and was finely indifferent when it came to the partition of the credit for obtaining them. This is a phase of mind, a kind of personal pride and self-respect, not unworthy of consideration, for it is sufficiently rare in these days of ours, so flooded with news and so overwhelmed by easy printing. I do not think Mr. PLATT ever reasoned the matter out and then rested, satisfied that lasting fame and a place in the history of the time had no relation whatever to the noisy notoriety of the passing hour, with its deafening clamors ever ringing in our ears. It was simply part of his own nature, because ostentation in all its forms was distasteful to him and because he shrank from exhibiting himself, his emotions, or his works as sedulously as some men strive to avoid anything which resembles retirement or privacy. His industry was unflagging, and again, in small things as in great, in defeating a doubtful claim as in building up a great law, he sought results and nothing else. If he could pass the measure he desired, he was more than glad to dispense with making a speech. If he could defeat an obnoxious bill by an objection,

or throw out a bad amendment on a point of order, he was quite content to avoid debate; but if debate was necessary he was as formidable as a lucid, trained, legal mind, coupled with full information and a power of vigorous, clear statement, could make him. He was thorough in all he undertook—as effective in the endless complications of a great tariff as in guarding against the perils which beset our Indian legislation. Outside this Chamber his services to the Indians, and to the good name and credit of the United States in its dealings with those difficult and helpless savages, performed during many years of unremitting toil as a member of the Committee on Indian Affairs, will never be rightly valued or understood. It was the kind of hard, self-sacrificing work for the sake of the right and to help others which must be in itself and in the doing thereof its own great and sufficient reward.

I have tried to indicate very imperfectly those qualities which seem to me especially to distinguish Senator PLATT as a statesman, for a statesman of high rank he most certainly was. But I am well aware that I have dwelt almost exclusively upon his effectiveness, his indifference to self-advertisement, and his unremitting pursuit of results and have passed by many of the qualities which went to make up the man and to account for his large success. His great ability, his power of work, his knowledge, his sense of justice, his fearlessness in the battle with wrong, his capacity for working with other men, were all conspicuous in Mr. PLATT, and all necessary to the distinguished achievements of his life. He possessed also a very much rarer gift in his complete retention of that flexibility which is so apt to diminish as men advance in life. The mind, like the muscles, tends to stiffen as we grow older, and only too frequently no effort is made to avoid the consequent rigidity. Both mind and muscle will go on performing most admirably the particular functions to which they have been accustomed, but they both alike recoil from a new idea or an unwonted exertion. From all this Mr. PLATT was extraordinarily free. Neither his age nor his natural conservatism hindered the movements of his mind or made him shrink from a new idea or tremble and draw back from an unexpected situation. In the last ten years of his life he saw sudden and vast changes in the relations of the United States to the rest of the world and in our national responsibilities. He did not hide from them or shut his eyes and try to repel them. He met the new conditions not only with the flexibility, but with the keen interest of youth, while at the same time he brought to the solution of the new problems all the wisdom of a long experience. He did not turn away with dark forebodings from the startling changes which the rush of hurrying events swept suddenly upon us, but confronted them with a cheerful heart, a smile upon his lips, and a firm faith in the future of his people and of his country.

> We knew him not? Ah, well we knew
> The manly soul, so brave, so true,
> The cheerful heart that conquered age,
> The child-like silver-bearded sage.

A very fine public career ended when Senator PLATT died. In him we lost a statesman of a type which the country can ill spare, a thorough American type which we may well pray to have sustained and renewed among us. It is not a type which certain ephemeral defamers, just now very vocal, admire; but it is to statesmen of this precise kind and stature that we owe in largest measure the foundation and organization of our Government and the ordered liberty and individual freedom which have made the United States what it is to-day. Senator PLATT was a man who was at once an honor to the country which he served and guided and a vindication of our faith in a government of the people who chose him as representative of themselves.

I have spoken of Senator PLATT only as a public man. But to us here his death is much more than a public loss. He was our friend. Those who come after us will know of his public services, of the work he did, of the large place he filled in the history of the time; but we also remember, and shall never forget, the honesty of heart and mind, the simplicity and purity of life, the humor, the love of books and sound learning, and, above all, the kindness which never failed and the loyalty which never faltered. Others may, with full faith in the destiny of the Republic we can confidently say, others will come to take up and carry on the public work to which his life was given, but the place which the tried and trusted friend has left empty in our affections can not again be filled.

Mr. DANIEL. Mr. President, members of small bodies of fixed number, like the Senate, whose maximum is ninety, have sharply and painfully impressed upon them the passing away of their fellows. In cities and in populous communities the death rate is about the same proportion from year to year. Gradually, silently, and yet with unerring regularity, almost precise, the diminution comes. The accretions of population come, too, and in the order of nature in excess of those who depart. So the main body of society generally presents the appearance of health, vigor, and continuous progress. Here, indeed, no chair is long vacant. Flowers that welcome the newcomer have often marked the black-veiled seat where his predecessor sat. "The king is dead! Long live the king!" This speaks the state of power where succession is instantaneous. Likewise in all official lives the office and he who is to fill it make quick connection.

Nevertheless, the stroke that removes one who has long interwoven his life in the work of a great public body, who has bound himself in associations of friendship and cooperative tasks with his companions, who has become a part of the business of many constituents, who has stood forth as the representative of a great State and as the champion of ideas, and, indeed, has translated his being into law and doctrine—such a stroke suddenly snaps many ties and dissolves many vistas of pleasant and instructive contemplation.

It must be to many, and it seems to all, as if a landmark of memory and hope and faith and affection had suddenly crumbled to the dust. If we lift our gaze from the tomb of a single one who has departed to survey the scene of desolation which a few years make in the ranks of a body like this, we are well-nigh appalled to realize how swiftly and surely death consummates its work of change and dissolution.

A short time since I heard the venerable ex-Vice-President of the United States, who worthily filled from 1889 to 1893 the chair which you, Mr. President, now occupy, declare that since he left this seat forty of those who were Senators during his term of service had responded to the last roll call. We almost seem to hear the voice that says:

> I am the Reaper.
> All things with heedful hook
> Silent I gather.
> Pale roses touched with the spring,
> Tall corn in summer,
> Fruits rich with autumn, and frail winter blossoms—
> Reaping, still reaping—
> All things with heedful hook
> Timely I gather.

To-day, Mr. President, is the anniversary of the departure forever from the scenes of life of one who was long connected with this body. That he is freshly remembered now is only a token of that further remembrance which will follow. ORVILLE HITCHCOCK PLATT, the senior Senator from Connecticut, has left us. He and Joseph Roswell Hawley were for well-nigh a quarter of a century associated here. They were well mated, worked in unison in the tasks committed to their hands.

The former took his seat March 18, 1879, and was reelected in 1885, in 1890, in 1897, and in 1903. The latter became a Representative in the Forty-second Congress to fill a vacancy, was reelected to the Forty-third and the Forty-sixth Congresses, became a Senator March 4, 1881, and was reelected in 1887, in 1893, and in 1899.

Both of them were honest, able, and upright men, and both of them were patriots devoted to their duties as citizens and as Representatives. Both of them performed their daily drudge work with patient assiduity. Both of them were efficient and constructive factors in the composition of measures, and both were enlightened and powerful advocates of opinion upon the floor. Both of them were thoroughly imbued with the constitutional and political views of their State, their section, their party, and both were thoroughly representative of the predominant national ideas which have for the most part shaped the destinies of this nation through a long and mighty era of stirring conflicts and of prodigious changes and progressions. Both of them rendered public services of a high order, which have woven the threads of their accomplishments into the texture of our national existence. Both were stimulated and upheld by the sincerity of their faiths and by the faithful approbation of those whom they served and sent them here. Both of them at the end of long lives and great careers of public usefulness sank to rest by all respected and beloved and deeply mourned by those who knew them best.

Most worthily has the Senator from Connecticut [Mr. BULKELEY] who succeeded Senator Hawley, and most worthily have many of the associates of Senator PLATT recounted and detailed the public services and commemorated his abilities and virtues. Others will follow me who will do likewise. For my part, I shall not seek to repeat much that has been and much that will be better said than by myself. But I was the contemporary of Senator PLATT through three terms of Senatorial service. While I had not intimate associations with him, in the contact of committee work I did have opportunity, both in the Committee on Indian Affairs and that of the Judiciary, to observe his patient devotion to whatever task came for him

to do. I became familiar, also, with his marked traits of character, and I learned to appreciate his sturdy, sincere, and steadfast nature.

Senator PLATT was a serious-minded, brave, earnest, and straightforward man. He believed his creeds. To him they were not mere forms and citations. He was always ready to stand forth to proclaim them and to share their fate.

He devoted himself with tireless energy and with the compact and subdued enthusiasm of firm conviction to every work of detail which he undertook. He illustrated a truth which we sometimes overlook amongst the conspicuous and stirring scenes of life—

To know
That which before us lies in daily life
Is the prime wisdom.

He was typical of his State, of his section, and of his party, and he was distinctively a representative man in all he stood for. Most of the great problems that engaged his thought and effort have found their solution through the processes of time, and new sails are now seen on the horizon before us.

As we seek to measure justly the men of the past we do not carry into our judgments the partisan feelings which inflamed them or their combatants in hours of conflict, for it is the happy faculty of a wholesome nature to rate men according to the circumstances which environed them and according to the manner in which they dealt with their own obligations and duty. Abraham Lincoln said on one occasion that he must confess that events had controlled him far more than he had controlled events; and if one who was at the head of such mighty power as he wielded could feel so sensitively how little any one man can do in the great movements of the human race, how much more must it be felt by those who play but minor parts in the drama that is in their time upon the stage!

It can not be doubted that such a character, such abilities, such services, and such devoted zeal as are presented in the story of this distinguished Senator are and will be respected, appreciated, and commemorated by all his countrymen, whether they concur in his opinions or not.

I recall now, even as I seek to speak something of his career, how on one occasion I saw his fine, dark eye brighten and his face light with enthusiasm when, with a deep feeling of admiration and satisfaction, he spoke of the manner in which the men of the South had gone to the front in the Spanish war, and I saw then, as through a window in his soul, how it responded to high and generous thought.

There is a chapter in Bancroft's History of the Constitution which it would be well for many to meditate upon in forming their opinions of the characters and events which have gone to compound the history of this mighty framework of popular government. He points out the lines of the assimilation of the American people, and traces them largely through their common language, through the abstract truths which that language communicated to their minds, and through its adaptability for use as an instrument of the common law, for science, for description, for the debates of public life, for every kind of poetry, from humor to pathos, and from nature to the heart and mind.

But—

He says—

the distinctive character of the new people as a whole, their nationality, so to say, was the principle of individuality which prevailed among them as it had nowhere done before. This individuality was strengthened by the struggles with nature in her wildness, by the remoteness from the abodes of ancient institutions, by the war against the traditions of absolute power and old superstitions till it developed itself into the most perfect liberty in thought and action; so that the American came to be marked by the readiest versatility, the spirit of enterprise, and the faculty of invention.

No State better illustrates the truth of which the great American historian spoke than that which was the birthplace of Senator ORVILLE HITCHCOCK PLATT; and none has possessed institutions better framed by the wisdom of man to stimulate individuality of opinion, to spread enlightenment, and to open the way for the operations of that combined action through which alone the volumes of popular power can be delivered.

Thomas Jefferson declared—though I do not know that I can with precision state his exact words—that the New England town system was the best organization for the framework of society the world has ever known. It had its beginnings in collection of the early settlers together in the simple stockades in which they gathered to defend their families from the frontier Indians. So, out of the heart of war, was taught a lesson of peace, which has marched in triumph across the continent. Church and school and town meeting house succeeded upon the spot of the rude fortification. The community took part in their own affairs. Their selectmen exercised representative power under the eyes of their principals. Home rule intrenched itself, and the masses strengthened their organic faculties by continually exercising them in their own local concerns.

Ere the days when the railroads and telegraphs and the methods of modern communication of intelligence came about the people who settled the American colonies formed their own distinct societies, made up their own opinions, and were as different from each other in some of their methods of thought as are to-day the citizens of foreign nations. Fifty or seventy-five years ago you could almost tell from what part of the country an American came. Something in voice, something in dress, something in peculiarity of expression, or some other mark—you hardly know how to describe it—indicated the geographical location of the person whom you met. But to-day, Mr. President, through independent action and through the powers of organic thought, the American people are fast molding themselves together in the most homogeneous society that ever was framed on so great a scale in the history of mankind. Men to-day, by the mechanism of traffic, may sit down to a meal of the same food, no matter from what climate it was gathered or in what climate it is partaken of. Through the genius of manufacture the humblest and the richest are clad so nearly alike that dress is no longer an indication of social rank, unless it be that one who is conspicuous therein marks himself for peculiar animadversion.

The multiplication of books and schools and newspapers has brought before all minds much of the same thought; and to-day, as we stand to mourn the death of a great Senator from New England, we realize in his career that manliness, that openness, and that steadfastness which will find tributes of praise and commendation in every township and in every hamlet of the United States, men not caring whether they agreed with him or not, but contemplating with respect the fact that what he deemed right he stood for, and feeling that therein he offered unto them the most noble of human examples.

We are told, Mr. President, that offenses will come—and so they do most constantly—from nation to nation, from section to section, from minorities to majorities, from majorities to minorities, from corporation to corporation, from church to church, and from societies and individuals of all kinds to each other. "Woe be unto them by whom offense cometh;" but woe has never yet been proclaimed against those who bear the burden of offenses when they have come, and the martyrs who suffer and die for the cause for which they stand are seldom the people who raise the wrangle out of which came the offense of war.

The world has not yet got wise enough, noble enough, or great enough to lay aside the sword. I may add that it has not yet got safe enough, for men will wear swords until they may lie down under their own vine and fig tree, with none to make them afraid, and they should wear them.

There has never yet been a Quaker nation; and Franklin, the Quaker, taught that "we must hang together or hang separately." The Quaker statesman and philosopher illustrated how the man of peace may be compelled to war, how the statesman, like unto the soldier, though not a soldier, must stand forth and share the burdens when offense cometh. Both sides amongst nations, amongst sections, amongst majorities, amongst minorities, amongst all bodies, and amongst all individuals by whom offense cometh, generally share in the wrong which brings it, directly or indirectly. Even as to strife between man and man, each is apt to have some share of the responsibility, and if it be not in the man or men who be present there, it will be surely found in some antecedent of the history of them or theirs. The offense of one generation descends, it may be, for another to pay for—so united is man in his history, and so sure is wrong to find somewhere its retribution.

Such is man and such the infirmity of his nature, even in its finest aspects. This is universal truth, and it warns against him who sits in the seat of the scornful. It reminds us, too, of that other truth, that there is some good in all peoples, some in all the movements of all the peoples, some in all the organizations of all the peoples, even as there is some good in each individual creature. How to increase that good, which in itself displaces what is evil, is the problem of mankind, and the soul of the moral principle. That, too, is the problem to which the world is all the time, with unceasing constancy, bending itself, directing to it its loftiest faculties and aims, whether they be exercised by the humble workman, by the soldier, by the statesman, by the philosopher, by the preacher, by the teacher, by the poet, by the scientist, or by the builder. Enthusiasm for the right and the good is the mainspring of human endeavor, and in the heart of the warmest and the sternest partisan is that ideal which stirs the pulse and drives the arm.

When the great laureate of England said, "Best men are molded of their faults," this great truth is realized. When

Christ said, "Her sins, which are many, are forgiven, for she loved much," He showed not only "the quality of mercy which is not strained," but He also showed that divine comprehension which knows that error often flows from the very intensity of the highest and noblest attributes of man's nature.

It has been said by several of Senator PLATT's friends here—and no man can ponder this strong man's long service and constant devotion to his tasks of duty and fail to realize it—that he was an idealist. Not one with thirst for the vain shows and pomps of life; not one with prurient ambition for ostentatious title nor for place and power. Rather was he the man of rigorous ideals of personal conduct and of public ends; not a visionary indeed, but one who kept realities in view and steered his course to subserve them. A man who followed those ideals patiently, sturdily, and steadily from month to month, from year to year, from generation to generation, until old age called him to rest from his labors bespoke by his deeds the sincerity that was in him and gave back to those who uplifted him the best fruits of his toil.

It is in this character that I am pleased to think of him. Men who fight the battles of a people, whether it be on the bloody field or in the forum, or wheresoever duty may lie, learn to consider and to respect the opinions and worthy actions of others. If to-morrow there were one of us who sought to leave a point of honor to men who would decide it with a firm desire to decide it right, we would as soon select a champion from those to whom we are politically opposed as from many who have been by our side.

So, Mr. President, it affords me a mournful satisfaction to join with my colleagues here in paying sincere respect to the memory of this brave American citizen, this honest and faithful American statesman.

It was my privilege, as a member of the Senate committee, to follow him to his grave. When he died he lived in the same town where he was born, amongst the grand and rugged hills of Litchfield County, from which he went forth as a farmer's boy, and to which he returned ere his days had been numbered, as a distinguished and widely known American statesman.

It must have been a solace to his heart to die at home, amongst those who had loved and cherished him, who had watched his course, and rejoiced in his successes. His funeral was conducted in the most simple and unostentatious form. The people of the State whom he had served, and the friends that he had knit to him by long years of companionship, gathered together to see the last of him. They showed every fitting civility and hospitality to the committee of the Senate who took part in the local exercises by its order. The services were conducted with religious rites, in which the old prayers were said and the old familiar hymns were sung in the village church. Then the procession filed to the village cemetery, and he was laid to rest amongst the tombs of his people and his kindred, whom he had served so long and well.

The sun was low in the west as "earth to earth and dust to dust" was spoken; but the heavens were bright and the skies were blue above us, and the western hills were bathed in the splendor of the gorgeous sunset. Presently darkness and night fell upon the scene. The light of a faithful life dies not with him who lived it. Like the light of the departed sun it shines on undimmed, and renews its cheering radiance as day by day it is revived to the children of men.

Mr. PERKINS. Mr. President, one of the saddest duties which fall to the lot of members of this body is to express their sense of loss at the death of one of their colleagues. In the death of ORVILLE H. PLATT the Senate has met with a loss whose magnitude will be the more fully realized as time passes, for he was one of the oldest in service here, and on his long experience in national affairs and on his trained judgment we who came after him were accustomed to rely. It is with the sincerity which is compelled by long and familiar acquaintance with a man simply honest and upright that we recall the attributes of our deceased colleague, and as he here said on a similar occasion:

> There is no business more important, no hours more wisely spent, than those which we devote to the consideration of the services and virtues of departed Senators.

Few of those who have been members of the Senate have rendered equal services to their country, or have exhibited so many and such lofty virtues as did ORVILLE H. PLATT. He was born in a State whose founders transmitted to their descendants the qualities which stamped him as one of the strong men of the nation. The early settlers of Connecticut must needs have had strength, indomitable courage, character of the highest order, faith, perseverance, and determination to have built up the Commonwealth which has been so powerful a factor in shaping the destiny of the Republic. The privations, difficulties, dangers, and obstacles which were encountered and overcome by the men and women of Connecticut's early days developed those qualities of highest manhood and womanhood which are universally attributed to New England. The weak, the vicious, and the dishonest could not withstand the cruel experiences of those years of conflict with savage nature and savage man. They of necessity went to the wall, and there survived that brave and sturdy stock whose influence has been as a leaven throughout the length and breadth of the land from the foundation of the Republic to the present day. We may truly say of Senator PLATT, as he said of a deceased colleague not many years ago:

> We are proud of our blood, as if it were blood alone to which we are indebted, often forgetting that ancestral character as transmitted to us was built up little by little, slowly, steadily, but surely, by the surroundings amid which our ancestors wrought and fought and died, so that as generation succeeded generation each took on something which it derived from nature and the struggle with nature. * * * Henry Ward Beecher, in speaking of the New England farmers, most truly said: "They made the farms, and the farms made the men."

And the manhood thus acquired was, two hundred years afterwards, represented in and characterized Senator PLATT. In this same eulogy Senator PLATT referred to the need in the United States Senate not only of men of commanding intellect, genius, eloquence, and brilliancy, but of those men of strong sense, industry, and unswerving devotion to principles, "whose general characteristics can be best described by three grand words—sturdy, faithful, true;" and he then said that he thought he would rather it should be written on his tombstone "He was sturdy, faithful, and true" than to have it written "He was eloquent, learned, and great."

That those words, so expressive of steadfast honesty, courage and high intention, will be his best epitaph no one can dispute, for we who knew him here know that to the consideration of every question he brought to bear all those great qualities which make a man sturdy, faithful, and true. From the time he first held a political office in 1857, Senator PLATT distinguished himself as one of the men who approached all public questions in a spirit utterly devoid of all self-seeking and with a single desire of promoting the public good. It was this spirit which gained for him the confidence, respect, and love of the people of Connecticut and which led them to insist that he should take an active part in shaping the history of his own State and of the nation. The qualities of mind and heart which endeared him to his colleagues in this Chamber and which compelled them to seek his counsel and rely upon his judgment were those of a man sturdy in the maintenance of the right, faithful to his high ideal of duty, and true to the spirit of the Republic.

We all know the singleness of purpose with which he grappled with all great questions. The patient study that he devoted to them was for the sole purpose of arriving at the truth, for, like the trained scientist, he knew that truth alone will make a stable foundation for legislation, and that without truth at the bottom all legislation is worse than the falsehood upon which it is based. This was the cause of that laborious, patient, unceasing study of financial, social, and political problems which come before us for solution, and was the means of storing his mind with facts which served as signposts on the road to that goal which he always sought—the best interests of the people of the United States. It was this quality of thoroughness which made him a guide in whom all could place confidence and whom we could follow with the assurance that we could not go far astray. I think every Senator will say that during his service here with ORVILLE H. PLATT he has observed no one of his colleagues who was so vigilant in watching the course of legislation, so sure to discover dangers, and so prompt to apply remedies. In his treatment of measures, as of men, he was absolutely fair and impartial, which commanded for him the highest respect of Senators of all parties, for his efforts were always for the good of all the people, and in them partisanship had no place. At those times when legislation of vital character was before the Senate, Senator PLATT was clearly seen to be far above party and to be a statesman in the truest sense of the term. To him the country owes some of the most important legislation of recent years—legislation affecting us as a nation—to which Democrats as well as Republicans gave most hearty assent. I know that he had among those who belonged to the opposite political party as sincere admirers and as warm friends as among his colleagues on his own side of the Chamber. His honesty, sincerity, and patriotism broke down the barriers of party, and he was acknowledged here to be, as he sought to be, a Senator of the United States.

But Death wields his scythe here as elsewhere, and cuts down the greatest and most useful public men as he does the

humblest citizen. The sentence which he executes impends over all who live, and from it there is no escape. But in those who have lived wisely, purely, and unselfishly there is no fear, and men like ORVILLE H. PLATT go to their rest with the quietude of those who retire to sleep after a day's work well done. Others will come forward to take the places thus made vacant. Many will be eloquent, many brilliant, many learned, many strong and powerful, but none will have a higher ambition, or attain it more completely than ORVILLE H. PLATT, who in his life work developed those great qualities that he so revered in others, and which made him in truth a man sturdy, faithful, and true.

It is such men as the late Senator PLATT who set the high standard which every member of the United States Senate should seek to reach, and none of those who have gone before are more worthy of emulation than he whose memory we now honor. His honesty and absolute fairness are observable in all his work, and it is this quality which made his opinions guides for legislation, and often they were enacted into legislation itself. Not a sign of selfishness or self-seeking of any kind ever appeared in what he said or did as a Senator. He obliterated himself in the work he had to do, with the result that that work is his greatest monument. It was in the times following the Spanish-American war that he showed himself greatest, when he enunciated the policy which should govern our relations to Cuba, and placed that young nation beyond the reach of the selfish aggression of foreign or domestic foes. The great Platt amendment marks the time when the last lingering desire to secure Cuba for exploitation by Americans became impossible of attainment, and Cuba was made absolutely free and independent, with untrammeled opportunity to work out her destiny in her own way. We all know how easy it would have been to have changed entirely the future of Cuba; how easy it would have been to allow selfishness to dictate national policy at a time like that. But the innate justice and broad charity of Senator PLATT would countenance no temporizing with national honor, and the Senate stood with him on the high ground he had chosen, and the result is the admiration and respect of the world for the work performed.

That broad statesmanship which characterized Senator PLATT, Senator Hoar, and others of the great members of the body who have ceased their labors here, should be for all of us an inspiration and a guide. No narrow views should here dictate our action, no selfish ambitions should swerve us from the straight path of duty to the whole people and to the people as a whole. Domestic laws and foreign policies should first go through such crucible purification as they were accustomed to encounter at the hands of Senator PLATT. As he did, so should we consider without haste, deliberate without passion, weigh in the scales of justice, and decide in the spirit of great love all questions which come before us here. The conservatism of such men as he is the crowning glory of a great mind, and without such minds legislation in a body like the Congress of the United States would present anything but the orderly progress of republican government, which we have, up to this time, been enabled to boast of to the other nations of the world. It is from such minds that come the words of warning that prevent the hasty adoption of ill-judged measures or the subservient consideration of novel policies. It is only such conservatism as was constantly exhibited by Senator PLATT and others who live on the same high plane that will safely pilot the ship of state through the shallows and among the rocks which lie in its course in these times of mental stress and change. And until we have safely passed these dangers, I do not think that any member of this body—certainly not one of the older members who worked long with Senator PLATT—will cease to feel the great loss of his guiding judgment and advice. And it was those very qualities which he so admired in others, and which he possessed in such marked degree, that made him one of the strong men of the nation—one on whom the people could rely to sink himself in his work for them, for they knew that he was in very truth a man sturdy and faithful and true.

I would ask no higher tribute to be written as my epitaph—if it could be truthfully said of me, as it can of him whose memory we to-day honor—than "In whatever position he was placed, he always endeavored to honestly do his duty."

Mr. NELSON. Mr. President, a year ago to-day Senator PLATT, one of the veterans of this body, closed his earthly career and entered the realms of eternity, to join the ranks of that ever-increasing phalanx of immortals.

He was when he passed away not only a veteran in years and in public service, but he was also a veteran in all the highest and best qualities of a statesman and legislator. Few, if any, excelled him as such.

He came of good English ancestors, who settled in his native State during the first half of the seventeenth century. Gifted with more than ordinary intellectual abilities, he had the advantages of the training in one of the best of the famous New England academies of the first half of the nineteenth century. This training he supplemented with a thorough preparation for the profession of a lawyer. He was an able, conscientious, thorough, and successful lawyer.

He entered the public service of his State in an administrative capacity at an early age. He served in both branches of the State legislature, and served one term as speaker of the lower house.

In March, 1879, he first took his seat in the United States Senate, and he was four times reelected. His last term would have expired March 3, 1909. He was a member of this body for upward of twenty-six years, and during that time he served eighteen years on the Committee on Patents, eight of those years as chairman. He was regarded by all as the best authority on patent law in the Senate.

For sixteen years he was a member of the Committee on Indian Affairs, where he rendered most valuable and efficient service. No one was better versed than he in all the intricacies of Indian legislation, and no one was more alive than he to the true welfare of the Indians—always on guard to protect and defend them against open and insidious inroads on their rights and interests, but never a block or impediment to the opening and settlement of our vast public domain. His heart went out to the frontiersman, as well as to the Indians. He had none of those hazy and transcendent notions of so-called "Indian rights" or "Indian character" possessed by a school of closet reformers. He gauged the Indian at his true worth and at his real aptitude and ability, and hence he was the most practical and useful friend the Indian had.

For twelve years he was a member of the Committee on Territories, six years as chairman, and while such chairman six States were admitted into the Union, to wit: North Dakota, South Dakota, Montana, Washington, Idaho, and Wyoming; all prosperous, growing, and progressive States.

For ten years, and up to the time of his death, he was a member of the Committee on Finance, and as such was an active and resolute participant in the enactment of the Dingley tariff law.

For four years he was chairman of the Committee on Cuban Relations, and was partly the author, and the father, of the noted Platt amendment—that great bulwark and mainstay of the Cuban Republic against foes, foreign and domestic.

He was for twelve years a leading member of the Judiciary Committee, and at the time of his death was the chairman of the committee. On this great committee, on account of his skill and learning as a lawyer and on account of his industrious, prudent, and conservative character, he was one of the most active, useful, and safe members, favorable to all reasonable innovations, but sternly set against visionary, revolutionary, or doubtful schemes and measures.

The last great service he rendered in this Chamber was in presiding over the Senate as a court of impeachment in the case of Judge Swayne. The care, dignity, and impartiality with which he performed this great task is fresh in our memories and familiar to us all.

But all this is but a scant outline of the man, his character, his worth, and his work. For more than a quarter of a century the Senate was the great field and forum of his task and work. Here he wrought incessantly, thoroughly, and most effectively. He did not shine with the meteoric splendor of the ardent and finished orator. He never heralded his speeches, nor posed for effect, nor kept his eyes strained on the galleries. But in the hard, laborious, and oftentimes thankless work of scanning and formulating legislation, and in expounding the merits and defects of measures, he exhibited a thoroughness and skill truly rare, and second to none. He had the full confidence of every member of this body, and his opinion and judgment of measures was always regarded as a safe guide and well-nigh infallible. He was a fairly good debater, and could give and take blows, though there was nothing pugnacious in his make-up and nature. He never talked for mere effect, but rather as a duty which he owed to his subject, to himself, and to his associates, and hence his remarks were always instructive, always confined to the real point at issue, and always listened to and heeded. While he was always zealous to promote and press good measures, he was equally zealous and firm as a rock in checking and barring any scheme or measure which he deemed bad, or detrimental to the welfare or best interests of our country.

He was patient, thorough, and painstaking at all times and under all circumstances, and ever kept a vigilant eye on the

whole field of legislation. Most of us are content and feel that we perform our duties fairly well if we familiarize ourselves with and keep track of the work of the committees of which we are members, but he, even though he excelled us in this, was not content with such a limited sphere of work. Like the late Senator from Missouri [Mr. Cockrell] he had his eye upon and scrupulously took the measure of every important bill upon the the Calendar, so that when it was taken up for consideration he was prepared to intelligently discuss it and point out its merits and defects, and if the bill was a meritorious one it found in him a most valuable ally and supporter, but if in his opinion the bill was unwise or meretricious he never hesitated to attack it and point out with inflexible persistence and clearness its defects. And this he did, not through a spirit of personal hostility to the father of the measure, but through a strong sense of duty which he conscientiously felt he could not shirk. And it was this attribute and characteristic of his that made him such a useful and influential member of this body. He was trusted and relied upon in every great legislative emergency, for his wisdom and conservatism was so pronounced and so familiar to all. He was the fairest legislator I have ever met, modest and without any personal pride. It sometimes happened, though less often than with other men, that he, in the first instance, might misjudge or misapprehend the merits of a measure, but if he did, he was ever ready to be corrected, and when convinced of his mistake he was not merely content to acknowledge the mistake, but he became zealous to make full amends, and this was a trait that endeared him to so many of his associates, especially to new and struggling members. He was never surcharged with that Senatorial dignity so chilling and oppressive to a new member, but always met such a member more than halfway and with a kind and helpful spirit.

We of the great and growing States of the West, who came here with no end of important and meritorious local measures on our hands to promote and pass, which you of the older States are not burdened with and have but a scant conception of, are happy indeed to meet with some of our older brothers here in the East who can appreciate our task and who are willing to help and guide us in our efforts, which to older and more experienced Senators may oftentimes seem crude and awkward. Such a brother and helper was Senator PLATT. His kindly, sympathetic spirit was extended to us in full measure in word and in deed. I know how helpful he was to me on many an occasion in my early days in the Senate. Indeed, his helpfulness abided with me during all my association with him in this body. He seemed my friend from the very start, and so he always remained, without ostentation, ever kind and helpful, to the end. He seemed to delight, not in exploiting his own merits, but rather in helping men and measures that were meritorious and needed his help and assistance. And this came in part from his modesty and in part from his earnest and sincere zeal for the public service. The merits of the cause rather than his own glory seemed uppermost in his thoughts. He took no pains to exploit his own eminence and ability, and hence while here in this Chamber and among his associates he justly ranked among the very highest and the best. He had not as great a reputation and was not as noted in the great world at large as many men of inferior ability and of much less merit. But while he may not have figured in the lime light of the public press as extensively as some other men in public life, and while no blowing of horns and beating of cymbals accompanied him or heralded his efforts and his work, yet he wrought faithfully, heroically, and well and was content with the consciousness that he had performed his duty and served the public weal to the best of his ability, and thus he proved a most instructive example to those of less modesty and to those more disposed to seek notoriety than substantial results.

The moral influence of Senator PLATT was even greater than his intellectual force and power. He impressed everyone who came in contact with him that he was actuated by the highest and noblest motives in all his efforts. No one ever questioned or doubted his honesty, his integrity, and the purity of his motives. There was a serene calmness, coupled with clearness and earnestness, in his deliberations and in his speeches. He was no legislative specialist with only a single hobby or a single line of work. He was equipped for and devoted to every great line of legislative work in a greater measure than most of his colleagues; and above all he gave his entire heart and energy to the work in hand. All that was his he gave to his country with a whole heart and without any reservation. He was faithful in small things as well as in those of greater importance. He left a vacuum in the Senate that is hard to fill. His death was not only a great loss and bereavement to his family, to his State, and to the nation, but also to his associates here in this body, for no one shed a brighter or clearer luster upon the tone, the spirit, and character of the Senate.

He is with us no more, but his life, his work, and his example will be a beacon and an inspiration to us in the days to come, and thus, "though he be dead, yet he still liveth."

Mr. BEVERIDGE. Mr. President, I wish to speak not so much of the exalted character and wonderful intellect of this great man as of his fundamental public principles. I wish to speak of ORVILLE H. PLATT, of Connecticut, as the typical American statesman. Of Connecticut? No; of the Republic. No State is great enough to claim a man like him exclusively as its own. He loved Connecticut with a passion which lesser men could never understand; and yet no man so earnestly denied the consequence of a State compared with the nation as did ORVILLE H. PLATT. To him the American people was everything; to him the glory of the people of Connecticut was that they are citizens of the great Republic.

For Senator PLATT was a statesman of the nation. He believed that a member of this body is what the Constitution calls him—a Senator *of* the United States *from* a State, and not the Senator *of* a State, not the envoy of an independent entity, not the ambassador of a separate power. Moreover, he looked on all American industry and business as so interlaced and interdependent that they are one and the same. He regarded the present and future welfare of the entire American people from ocean to ocean as his personal concern and that of every Senator. And so it was that he was the statesman of a people and not the politician of a locality.

And this is the first principle of American statesmanship. For if Senators are merely attorneys for their State and section; if the welfare of one Commonwealth is inconsistent with the welfare of other Commonwealths; if legislation is to be a conflict of hostile interests, and policies a composite of warring industries, our laws will be increasingly weak and inconsistent, and the ultimate dissolution of the Republic the necessary result of the ceaseless battle of irreconcilable forces.

But if Americans are one people; if the Mississippi flows through a common country and our transcontinental trains whirl from Boston to Seattle, never once stopping at a foreign boundary or passing under a foreign flag; if the welfare of Maine and Oregon, of Georgia and Wisconsin, of Texas and New York, is a common warfare; if it is impossible that one State or section, one class or industry, can thrive by any policy or law not good for the whole land; if the motto of the Republic be true that "United we stand, divided we fall;" if Senators are statesmen of the Republic as a whole, sent from States to hold council for the nation as a unit; if this be the true philosophy of our Government and the just conception of our duty as Senators, then the Republic will be immortal—made so by the solidarity of the American people, made so by every American considering the welfare of all Americans and every section the interests of all sections, in which alone is found real wisdom for the individual man or section.

And this was Senator PLATT's ruling principle. That Senators, and especially the newer Senators who did not know him, may understand the great conception that guided him in all his public work, I wish to read an extract from perhaps the greatest speech he ever made. In his notable deliverance on December 19, 1898, he said:

> Mr. President, this is a nation. It has been called by various names. It has been called a Confederated Republic, a Federal Union, the Union of States, a League of States, a rope of sand; but during all the time these names have been applied to it it has been a nation. It was so understood by the framers of the Constitution. It was so decided by the great judges of the Supreme Court in the early days of the Constitution.
>
> It is too late to deny it, and, Mr. President, it is also too late to admit it and not have faith in it. Intellectual assent to the doctrines of Christianity does not make a man a Christian. It is saving faith that makes the Christian. And a mere intellectual assent to the doctrine that we are a nation does not make the true patriot. It is high time that we come to believe without qualification, to believe in our hearts, in the exercise of patriotic faith, that the United States is a nation. When we come to believe that, Mr. President, many of the doubts and uncertainties which have troubled men will disappear.

By this principle he solved vexed questions, wrote wise statutes, interpreted the fundamental law. He regarded the Constitution not as a compact between independent states, but, as Marshall called it, an "ordinance of national life" established by an undivided and indivisible people. To him the sovereign words of the Constitution are the first three, "We, the people." And so, like Marshall, like Story, like Webster, like Jefferson (who, declaring that we had no express constitutional power to do so, yet made the Louisiana purchase), like Jackson, like Lincoln, like all American statesmen great enough to be yet visible above the receding horizon (aye, and like the American people

themselves), Senator PLATT believed that the Constitution grows—grows by interpretation, grows by the use of implied powers not needed till emergency calls them into action, grows by the larger meaning which events and our advancing American civilization read into its formal phrase, grows as the American people grow.

He had no fear of the results of such a constitutional philosophy. He stood in no terror of the American people. He did not believe that the strict construction of a formal word, written four generations ago, when the Republic contained but 4,000,000 souls, the nation was only in the beginnings of its making, the uses of steam and electricity unknown, Pittsburg farther from New York than Chicago is from the Orient to-day, city congestions undreamed of, and the modern methods of production and distribution unimagined—he did not think that rigid sentences written under such circumstances a hundred and thirty years ago have necessarily the same meaning now as then, or that the safety and happiness of the nation's 90,000,000 of Americans to-day and 200,000,000 of Americans to-morrow is to be found in the Constitution's lifeless word so much as in its living spirit giving intelligent meaning to its letter.

For Senator PLATT believed in the American people. He did not believe that they are or ever will be decadent and degenerate. He believed that the masses are growing wiser and purer; knew that this must be so unless our whole American civilization is a failure. He realized that the nation is constantly renewing itself, each generation facing with new thought the new problems that the very progress of their parents brought to them. He went upon the theory that our children will be abler, stronger, nobler than ourselves; knew that if this is not true our schools and our churches, our free institutions, and the whole of modern life is a tragic mockery.

And this is the necessary view point and attitude of statesmanship under free institutions; we individuals grow old with frightful speed; we retain our life's first impression unmindful of the profound changes in the world about us; we keep on thinking the thoughts of our youth, long since grown ancient to our children; we reason in the old formulas and speak a nomenclature of a day that is gone. But all about us millions of young men and young women have grown up amid conditions unlike those that we were reared among, and they are thinking thoughts and learning facts we never knew and speaking a tongue we never heard. It is a new nation that surrounds us; a nation of millions upon millions of fresh and vital minds yeasting with ideas; a nation of millions upon millions of new and unexhausted hearts full of faith in God and the Republic—aye, and full of the daring of that faith.

The statesman of such a nation must have a mind and heart of perennial youth, or he ceases to understand his people, begins to doubt and then to fear them, and, without knowing it, becomes their enemy. And just such a mind and heart was that of Senator PLATT.

All who knew him intimately were agreed that the amazing youthfulness of his mind was by far his most notable mental characteristic. Old as he was, he attacked new problems with the eager strength of young manhood's mental vitality, solved them with young manhood's faith. He never doubted the wisdom, righteousness, and power of the American people. He believed devoutly, unquestioningly in their mission and destiny in the world. Who that heard will ever forget his instantaneous and unprepared reply to the venerable Senator from Massachusetts on our duty in the Philippines and our certain future in the Orient and the world? How like a prophet of the olden time he seemed that evening, as with eyes glowing with religious fire and voice ringing trumpet-clear as the voice of youth, he delivered with passionate earnestness that inspired speech. Here is the way he closed this extemporaneous address, delivered about 6 o'clock in the evening:

> We are under the obligation and direction of a higher power with reference to our duty in the Philippine Islands. The United States of America has a high call to duty, to a moral duty, to a duty to advance the cause of free government in the world by something more than example. It is not enough to say to a country over which we have acquired an undisputed and indisputable sovereignty: "Go your own gait; look at our example. In the entrance of the harbor of New York, our principal port, there is the statue of Liberty Enlightening the World. Look at that, and follow our example."
>
> No, Mr. President. When the Anglo-Saxon race crossed the Atlantic and stood on the shores of Massachusetts Bay and on Plymouth Rock that movement meant something more than the establishment of religious and civil liberty within a narrow, confined, and limited compass. It had in it the force of the Almighty; and from that day to this it has been spreading, widening, and extending until, like the stone seen by Daniel in his vision cut out of the mountain without hands, it has filled all our borders, and ever westward across the Pacific that influence which found its home in the *Mayflower* and its development on Plymouth Rock has been extending and is extending its sway and its beneficence.
>
> I believe, Mr. President, that the time is coming, as surely coming as the time when the world shall be Christianized, when the world shall be converted to the cause of free government, and I believe the United States is a providentially appointed agent for that purpose. The day may be long in coming, and it may be in the far future, but he who has studied the history of this western world from the 22d day of December, 1620, to the present hour must be blind indeed if he can not see that the cause of free government in the world is still progressing and that what the United States is doing in the Philippine Islands is in the extension of that beneficent purpose. (CONGRESSIONAL RECORD, February 11, 1902.)

I read this, Mr. President, not to show his particular opinion upon this public question, but to show the youthfulness, the hopefulness, and the almost prophetic nature of his amazing mind. It was with this youthful vigor, vision, and undoubtingness that Senator PLATT solved the Cuban question. There was no precedent. He made one. I understand the philosophy of precedent, the absolute necessity in a free government of established forms and methods. But it requires no special ability to follow the blazed trail. Ordinary intelligence can cite precedents and apply decided cases to like situations. It needs greatness to create by sheer thought solutions of unheard-of problems. And that is what Senator PLATT did in the immortal Platt amendment, which, written in our statutes and incorporated in the Cuban constitution, established over that island the indestructible suzerainty of the Republic—all for the good and safety of the Cuban and the American people alike.

To those who asked where in the Constitution such power is given Congress, he answered by the counter question, "Where is such power denied?" For he believed that the United States may do all that any other nation can do, unless the Constitution forbids it. Here is what he said in a great debate in this Chamber:

> I maintain that the United States *is* a nation; that as a nation it possesses every sovereign power not reserved to the States or the people; that the right to acquire territory was not reserved and is therefore *an inherent sovereign* right; * * * that in certain instances the right may be inferred from specific clauses in the Constitution, *but that it exists independent of these clauses;* that as the right to acquire is a *sovereign* and *inherent right*, the right to govern is *a sovereign right not limited in the Constitution.*

Whether all Senators agreed to these views or not, when it came to adopting the Platt amendment, so deeply wise, so imminently necessary, was that historic creation that although constitutional doubts filled the air and a single speech would have defeated it, since Congress was expiring even as it passed, yet not one voice was openly raised against it. And thus entered into the law and life of two peoples, and into their intertwined history, the fifth eternal writing produced by American statesmanship—the first four being the Declaration of Independence, the Constitution of the United States, the Ordinance of 1787, the Emancipation Proclamation, and, last, this indissoluble bond uniting forever the destinies of Cuba and the American Republic.

An American statesman should be as brave and unqualifiedly frank as he is incorruptible. Frankness—even aggressive openness—is necessary in the public men of a free people. Not only the people at large, but the vast business and financial interests need to know at the earliest possible moment the opinions and purposes of statesmen. He who conceals his views is dangerous; he who has none is unworthy. Senator PLATT was to his people and to all men a speaking voice, an open book. On gravest industrial questions, which make the mere politician who masquerades as a statesman tremble and pale with fear, ORVILLE H. PLATT told where he stood and then stood there fighting with the courage of his wisdom.

For example, the farmers of Connecticut petitioned him to support a certain bill; he refused, because he thought that measure not good for the Republic. The laboring men of Connecticut asked for measures he thought unwise for the Nation; he told them so and then acted on his thought. Moneyed interests in Connecticut demanded certain action; he declined because he thought it hurtful from the view point of all the people. *All of the people and not some of the people, the whole country and not a section*—this was the universal measurement of his vision. Everybody knew where ORVILLE H. PLATT stood on everything. All great statesmen are like that. They remind you of the mountains—landmarks for the centuries. "What will you have your representative be," said Edmund Burke in his speech to the electors of Bristol, in which all the elements of statesmanship are said to be defined—"what will you have your representative be, a pillar supporting the temple of state or a weathercock upon its dome?"

The American statesman must be religious, because the American people are the most profoundly and intelligently religious people of the world. Senator PLATT was intensely religious. He was a man of daily prayer. The living God was to him a personal reality, and to him service of fellow-man was wise only as it was service of the Father. He wrote a nation's laws in the fear of the Lord. He believed absolutely in Providence;

believed that the American people are directed by divine wisdom. How splendid such a conception of national destiny! The Ruler of the universe brought a new force into play in the evolution of the human race when he established on this new continent the American people, and of that people ORVILLE H. PLATT was a sage and prophet.

He is gone, this mighty one. Not many now remember him or his priceless services to the State. Only one vast achievement—the Platt amendment—will perpetuate his name. Such is oblivion's remorseless wisdom. There are so many swarming millions of human beings, such numberless events in the lives of each, such flowing oceans of circumstance that the world can not, for long, remember any one. Time is a prompt stage manager—he thrusts us on and calls us from this human stage on the hour, and not one instant in our entrance or exit may we tarry. Men plan and speak and do—and think that to-morrow other men will heed or remember; but the other day an unknown and unheard of city was unearthed by accident, which had a splendid history of great men and glorious deeds, of wise laws and polite culture five thousand years before Christ.

So all that a man does must be with different motives than to-day's applause or to-morrow's remembrance. Your deed for the deed's sake—for the good it may do although utterly unnoted like a single furrow among its million fellows. This is the only conception of duty that makes man's best efforts worth the while. And this was the conception that inspired Senator PLATT through all his years. It was nothing to him that men should remember or observe what he said or did; it was everything to him that his word and deed accomplished something for his country. And so he was fearless and pure and wise and brave; his life without stain, his course without variableness or shadow of turning. It was this conception of duty, vitalizing and consecrating his great intellect, that made him the ideal statesman of the American people.

Mr. KEAN. Mr. President, I can not let this occasion pass without saying a few words.

The services that Senator PLATT rendered to his State and country have been so well recounted by those who have preceded me that I shall not do more than say a few words as to the great loss sustained by this body and the country at large. Words can add nothing to the fame or virtues of the dead. His actions alone are the highest praise—all other eulogies fail.

It is true when he came here twenty-six years ago he was unknown to the nation, but when he died no Senator was better known. Attention to duty made him thoroughly familiar with all legislation. He gave great thought and care to all the interests of the country. He had studied closely the history of legislation, and, possessing great legal attainments, was always alert to achieve the best to be accomplished.

In his death we have lost a friend and companion always ready to aid and assist those younger in years than himself, and I can not fail to express my high appreciation and deep regard for the kindness shown me as a new member of this body and the great personal loss I feel at his death.

He died at home, as every wise man should wish to, in the midst of those who loved him, and is buried among the hills of the State that knew and honored him and which he loved.

I know no words more fitting to describe Senator PLATT than those of Robert Browning:

> One who never turned his back, but marched breast forward;
> Never doubted clouds would break,
> Never dreamed, though right were worsted, wrong would triumph;
> Held we fall to rise, are baffled to fight better,
> Sleep to wake.

Mr. BRANDEGEE. Mr. President, the traditions of the Senate direct that I should pronounce the final words in these sad ceremonies. I realize that it is impossible to add anything to what has already been so eloquently and sweetly said by the score of speakers who have preceded me. And yet, though appreciating fully the difficulties of the situation, I should be remiss in my duty to my State, to myself, and most of all, to him, should I omit to say those things which lie in my heart.

Mr. President, no man has ever solved the riddle of existence. No man ever will solve it. Whoever shall, will have ceased to be mortal and will have become superhuman. From that time in the mists of antiquity, when mankind assumed the upright attitude and looked the heavens in the face, we have wondered from whence we came and whither we go. Philosophers have disputed, theologians have contended, physicists, archeologists, psychologists, astronomers, prophets, mathematicians, poets, orators, statesmen, physicians, and magicians have theorized, written, argued, yearned, imagined, and prayed, and, in so far as human knowledge and human investigation are concerned, we end where we began. We talk glibly of the categories of time, space, and eternity, but no man can conceive of them. We pronounce the word "Infinity," and when we attempt to define it the intellect sprawls helplessly! The mystery of existence, of chaos, of the primordial, and of the finality was the mystery of the past, is the mystery of to-day, and will continue the mystery of the future. It is immutable, inexorable, unfathomable! Mr. President, the two momentous words of human speech are "Whence" and "Whither." The brain will never answer these questions. The human heart may. We know very little. We feel very much. How very little we know! We distinguish life from death, but are in gross ignorance of the cause, the origin, or the termination of both.

Among mysteries one inexplicable thing is no more remarkable than another. One may affect our emotions more than another, but fundamentally all are equally incomprehensible. Why should a seed sprout? Why should like produce like? Why should nature be uniform and constant? Why should matter attract matter according to the law of gravitation? Why should opposite electric poles attract each other? What is electricity? Why do certain forms of matter crystalize in certain shapes? What is chemical affinity? Why does the human race exist, and what is its purpose and end? Why the universe? No one of these inquiries is more or less difficult than the other. All nature is an impenetrable mystery. Science may collate statistics, may observe and tabulate phenomena, but it will never render a satisfactory response. But from the dawn of history we know that the heart has answered that which the brain might not know. The heart has faith to believe that, knowledge or no knowledge, if a man be true to his own conscience he may stand before his maker justified and without fear. And to-day we speak of such a man. How great he was! His character, like his statue, should be delineated in heroic lines. Like Abraham of old, ORVILLE HITCHCOCK PLATT stands out from the multitude. He was a leader. He did not lead because he tried to lead, but because the people followed him. He did not lead because he pretended to be the special friend of the people, as demagogues are wont to do, but because he laid his course by his own compass and that compass always pointed to the true pole. In the long run the people can always be relied upon to distinguish between a demagogue and a patriot, and they always did so in the case of Mr. PLATT. Five consecutive times the people of Connecticut accredited him as their ambassador to this great conclave of the representatives of the sovereign States of this Republic. For twenty-six years he sat in this Chamber and fearlessly, faithfully, and nobly discharged that trust. If that may truthfully be said of any man, it is, in my opinion, the highest encomium that can be pronounced upon him. There is not, engraved upon bronze nor carved in marble, in the Valley of the Nile or of the Tigris or of the Euphrates or of the Ganges, nor in the Pantheons of Rome, Carthage, or Greece, an epitaph of achievement fraught with greater blessing to humanity than a quarter of a century of able, courageous, and conscientious work in this great parliamentary body.

Senator PLATT consecrated one-third of his entire life to this lofty ministry! Mr. President, how easy it is to say that, and yet how utterly hollow and unsatisfactory it is and how meager and shallow it sounds! What a fullness and completeness there was to that great and lengthy service! With what a multitude of events and cares and duties it was crowded! With what perplexities, with how great anxieties, with how innumerable responsibilities, always splendidly met, it was filled!

It is beyond the power of speech, or pen, or art to epitomize such a career in the compass of a few strokes of the pen or in the brief period of time devoted to this occasion. We all feel the inadequacy of mere words to express what we to-day feel and what but yesterday he was. And yet we fain would strive to record somewhat of the love which we his friends and associates bore for him and something of the respect and veneration in which the whole country held him. Mr. PLATT entered this body in 1879 at the age of 52 years. He had previously been honored by the confidence and esteem of the people of his State. He had been the chairman of the State central committee of his party, the speaker of the Connecticut house of representatives, a State senator, the secretary of the State, and the State's attorney of New Haven County. He was a well-known and able lawyer, and had devoted himself more particularly to the law of patents, in which he had attained a high proficiency. He therefore entered upon his duties here, in middle life, equipped with a ripe experience in the law, in politics, in business, and in public affairs. He devoted this fund of knowledge to practical use in his legislative work. He was no theorist. He was not a doctrinaire. He had none of the traits of the visionary or the mystic. He dreamed no dreams and he pur-

sned no chimeras. He insisted upon the facts. He was virile and powerful, mentally and physically. His appearance was most impressive. He was cast in the patriarchal mold. He towered to a height of 6 feet and 4 inches, and his frame and head were as massive and rugged as the granite ledges and crags of his native Litchfield County.

His features were large and somewhat furrowed, and to those who saw him for the first time his countenance was apt to convey a suggestion of austerity. But this effect was relieved by the saving grace of a delicious sense of humor and an inimitable twinkle of the eye. His manner was deliberate, and he was well balanced and at all times perfectly self-controlled. He was patient, industrious, kindly, cautious, and sound. He was preeminently safe and sane. His judgment was excellent and his gift of common sense approached to genius. His temperament was judicial, and he clearly perceived and carefully weighed every phase of a question. With his clear vision he penetrated the heart of every problem and discriminated with unerring precision between the vital principles upon which a correct solution depended and the irrelevant and delusive matters which confuse other minds. He was possessed of an intuitive sense as to the wisest course to pursue, which was so accurate as to amount almost to prescience. He despised shams, hypocrisy, and pretense. He was straightforward, sincere, and reliable. He was a man of sterling integrity, and was as honest with himself as with his fellows. It was as impossible to deceive him as it was for him to attempt to deceive others. He was inspired with high ideals and was endowed with a deep religious nature. His logical mind moved with the mathematical accuracy of an adding machine, and the most complicated questions were reduced and clarified in the fervent crucible of his intellectual analysis. He was intensely human and was always glad to cloak the faults of others with the broad mantle of charity. He was passionately fond of nature. The sound of the brooks tumbling down their rocky beds, the rustle of the leaves in the woods, the songs of birds, the voices of the wild things, the variegated tints of the foliage, the odors of flower and fern and moist glade, the sunshine and shadow, the dying monarch of the forest and the springing bud, the sunset skies, the majesty of the snow-capped mountain, the abyss of the dark canyon, the rolling prairie, the river sweeping away into the distance, the vast and heaving ocean, all these spoke to him in a language of music and poetry to which every fiber of his soul was attuned and to which it responded with joy and gratitude.

Among all the honors, the battles, and the triumphs of his life, continued far beyond the three score years and ten allotted by the Psalmist, the home of his boyhood and the wild scenery and stalwart people of his native Litchfield County lay closest to his heart. In the free, open air of this beautiful section, as he whipped the brooks and hunted its game, he developed that magnificent character which never knew a stain and that splendid courage which never surrendered a principle. Here he imbibed that wholesome nature, that childlike faith, that moral standard and stamina, that indomitable will, that fine perception, that shrewd insight, that independence and love of personal liberty, which made him a tower of strength and a very present help in time of trouble.

Mr. President, in the death of Senator PLATT Connecticut lost her ablest and most distinguished public servant, this body one of its wisest and most trusted counselors, and the nation one of its soundest statesmen. He always dared to act as he believed. He never compromised with expediency. He was a great man—in stature, in brain, in character, in influence, in deeds, and in righteousness. Upon his first election to the Senate, now twenty-seven years ago, at a reception given him by his friends and neighbors in the city of Meriden, he spoke a few simple words which can not fail to touch us deeply now, and which formed the mainspring of his public and private life. He said:

I thank you, my friends, for this kind reception. This is neither the time nor the place to make a speech, and yet I think I would be lacking in the common feeling of humanity if I did not express to you in some way the gratitude I feel for the respect you have ever shown me. It touches me, coming as it does from you who have known me longest and best—the men I have lived with these twenty-eight years. I have lived a somewhat transparent life. You know what I have done and what I have failed to do. It is this that makes this demonstration the more acceptable and touching to me. I think no man could have lived in a place so long and have been more sensible of the kindly feeling entertained toward him than I. I want to thank all my friends, but especially my Meriden friends. They were not politicians, but were full of love and devotion and labored for my welfare without hope of reward, and such kindly feeling and disposition touches me to the heart. Their faith makes me rejoice more at their gratification than my success. Just now everything is new and seems unreal. I can scarcely appreciate the future. How I shall bear myself, how I shall walk in the new path in which I am set, time will show. I do know that I shall try to do right as I see the right, and I have faith to believe that this will bring me through to the end without discredit to you, to myself, or to the State. My friends, this is no place for an announcement of my political views. I have in the course of my life dealt and received many hard political blows, but I have always tried to act right and shall so continue. I thank you again for your kindness, and I trust that all your expectations with reference to me will not be disappointed. Good night.

How clearly and beautifully his character shines through these simple and informal remarks to the friends and neighbors who had gathered to do him honor, and how abundantly and splendidly he justified the confidence which had been reposed in him!

Mr. PLATT was a progressive and constructive legislator. He made no pretense to oratory, and yet his clear thought was couched in terse Saxon phrase and delivered with an earnest force which was closely akin to eloquence and carried greater conviction. Whatever attitude he assumed upon a public question was the result of his honest, deliberate judgment, and this was evinced in every tone, jesture, and look. He had an abiding faith in the institutions, the people, and the destiny of this country, and, in turn, he was loved and trusted by the people whose confidence he always retained. He cared nothing for wealth, but everything for men. He was liberal, tolerant, charitable, sympathetic, and of infinite patience and unflagging zeal. His influence upon men and measures was always helpful and salutary. The loss of such a man is indeed a public calamity. But his character and the lesson of his career are immortal and invaluable. We revere the memory of such men, not only for what they did, but for what they were. We need not wait for posterity to look backward through the vista of time for a just appraisal of that character or that life work. He was long ago crowned with the affection of his colleagues and the admiration and gratitude of his constituents. Less than two years before his death the people of his State, irrespective of party or sex, gathered at our beautiful capitol building in the fair city of Hartford and rivaled each other in testifying their affection for him at a great reception given in his honor. To-day we have heard tributes of respect and the loving words which have been spoken by his friends and associates in this great body. Unconsciously we are carried back at this time to the scene in that same capitol at Hartford just one month before the death of Senator PLATT, when he stood by the bier of his beloved colleague of a quarter of a century, Senator Joseph R. Hawley. Senator PLATT said:

Is he dead? No. By our most earnest hopes, by all of our devoutest faith, no. He has but begun to live. In those subterranean cemeteries under the ancient city of Rome—in the catacombs—there are thousands and hundreds of thousands of inscriptions on the slabs which close the resting places of those early martyrs, the faithful ones, or scratched rudely in the plaster above them; but of all those inscriptions which tell of the triumph of faith, of the beyond, one has always seemed to me most significant. It is this—these simple words—"He entered into life." That is what General Hawley has done. We are not here so much to mourn his death, as, it seems to me, to celebrate his birth into a new and a better life; into a field of greater, larger, and more spiritual activities. It is a birthday, not a death day, after all, which brings us together, which knits all hearts in love and sympathy. Henry Ward Beecher so often spoke of death as a coronation. It is. He is crowned now, this friend and comrade of ours, crowned, in the wonderful language of inspiration, by the Almighty "with glory and immortality." Why, then, should we weep? So we will not think of him as dead, but living, and we will think of him as we think of friends whom we sometimes go down to see as they sail away in ships for foreign lands, never expecting to see them with our eyes again, but knowing that they are still in life and in other fields exerting the activities of life. We will say farewell to-day as we commit him to the earth—no; not farewell, but that better word, "good-by"—God be with you—good-by. We will whisper that word "good-by," for the heart feels most, and the lips move not, and the eye speaks the gentle "good-by."

Within a span he, too, had embarked, and we think of him as he thought of Hawley. He had spun life's web to the finish; the fabric was complete.

Let us take to ourselves a lesson,
No lesson can braver be,
Of the ways of the tapestry weavers,
On the other side of the sea.

Above their head the pattern hangs,
They study it with care,
The while their fingers deftly weave,
Their eyes are fastened there.

They tell this curious thing besides,
Of the patient, plodding weaver,
He works on the wrong side evermore,
But works for the right side ever.

It is only when his work is done,
And the web is loosed and turned,
That he sees the real handiwork
His marvelous skill has learned.

Ah, the sight of its delicate beauty!
How it pays him for all its cost!
No rarer, daintier work than his
Was ever done by the frost.

The years of man are nature's looms,
Let down from the place of the sun,
Wherein we are weaving alway,
Till the mystic web is done.

Sometimes blindly—but weaving surely,
Each for himself his fate;
We may not see how the right side looks,
We must often weave—and wait.

Mr. President, in the ripeness of a vast experience and in the fullness of earthly honors, with every duty performed and every obligation redeemed, he has entered into the joys of the blessed. His services in this Senate will be treasured among its proudest memories, and his fame and his career will always remain as a sacred legacy and an inspiring example to the people of his State. As we are in and of a world of mysteries, who knows but that to-day, not afar off, but very near, and in this very presence, the mighty who have heretofore sat within these walls, are silent spectators of these solemn proceedings, having put on immortality in the effulgence and glory of the choir invisible?

Mr. President, I ask for the adoption of the resolutions.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the senior Senator from Connecticut.

The resolutions were unanimously agreed to.

Mr. BULKELEY. Mr. President, as a further mark of respect to the memory of our former colleague, I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 4 o'clock p. m.) the Senate adjourned until Monday, April 23, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 21, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read.

NATIONAL QUARANTINE.

The SPEAKER. On yesterday the House insisted on its amendment to Senate bill 4250—the quarantine bill—and assented to the request of the Senate for a conference. The Chair appointed the conferees—one of them Representative DAVEY of Louisiana. The Chair is reliably informed by his colleagues and others that Representative DAVEY is not in the city and will not be for some days. Therefore the Chair appoints, vice DAVEY of Louisiana, Representative BARTLETT.

ST. ELIZABETH'S ASYLUM.

Mr. GROSVENOR. Mr. Speaker, I present a privileged report. The Committee on Rules reports back the resolution of the House No. 277 with a substitute, with the recommendation for its adoption.

The SPEAKER. The Clerk will read the substitute.

The Clerk read as follows:

Resolved, That the Speaker of the House of Representatives be, and he is hereby, directed to appoint from the membership of the House a committee of five, with full power and whose duty it shall be to make a full and complete investigation of the management of the Government Hospital for the Insane and report their findings and conclusions to the House; said committee is empowered to send for persons and papers, to summon and compel the attendance of witnesses, to administer oaths, to take testimony and reduce the same to writing, and to employ such clerical and stenographic help as may be necessary, all expenses to be paid out of the contingent fund of the House.

Mr. GROSVENOR. Mr. Speaker, I ask for the previous question on the adoption of the resolution.

Mr. WILLIAMS. Mr. Speaker, if the gentleman will reserve the previous question for a moment, I would like to make a statement of about one minute.

Mr. GROSVENOR. I yield to the gentleman.

Mr. WILLIAMS. I would like to state that the report of the Committee on Rules is a unanimous report, joined in by the minority members as well as the majority.

Mr. GROSVENOR. I ask for a vote.

The previous question was ordered; and under the operation thereof the resolution was agreed to.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

FURTHER RELIEF FOR SAN FRANCISCO.

Mr. TAWNEY. Mr. Speaker, I offer the following resolution, and ask unanimous consent to its present consideration.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 141) for the further relief of sufferers from earthquake and conflagration on the Pacific coast.

Resolved, etc., That for the further relief of sufferers from earthquake and conflagration on the Pacific coast, as provided in the joint resolution approved April 19, 1906, as amended by the joint resolution approved April 20, 1906, there is hereby appropriated, out of any money in the Treasury, not otherwise appropriated, the sum of $1,000,000 or so much thereof as may be necessary; and authority is hereby specifically given to the Secretary of War to use this sum and the former appropriation for this purpose, amounting in all to $2,000,000, not only to buy additional supplies which may be needed for the relief of the sufferers as directed in said resolutions of April 19 and April 20, but also for the purpose of replacing by purchase such subsistence, quartermaster's, and medical supplies which may have been furnished by the Secretary of War for such relief from the stores on hand for the use of the Army.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, if the gentleman will yield to me a moment, I wish to say that this legislation is of such exceptional and emergency character that it ought to override all preformed conclusions. For that reason I shall not object to unanimous consent for its consideration.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. Mr. Speaker, I wish to submit and have read, in connection with the resolution, a copy of a letter from the Secretary of War to the President, showing what was done by him in reference to the calamity in California before any action was taken by Congress, and why it is necessary to authorize the expenditure of part of this money for the purchase of supplies, including commissary and medical supplies, so that he can replace those which have already been sent forward to San Francisco. In submitting this copy of the Secretary's letter to the President, I should state to the House that I do so not at the request or upon authority of the Secretary, but upon my own motion, believing that will convey more accurately than I can the necessity for this additional appropriation and the object it is intended to accomplish. I should also state that the Secretary informed me that, while he suggested an additional appropriation of one million, he was advised that the President would recommend a million and a half additional. But, Mr. Speaker, I thought that, inasmuch as the House desires to conclude the consideration of the District appropriation bill, and for that purpose wanted to go into the Committee of the Whole, I would offer this resolution now, and when we receive the recommendation of the President we can then take such action and make such additional appropriation as the House may deem necessary.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, April 21, 1906.

MY DEAR MR. PRESIDENT: The situation at San Francisco is such as to require an additional appropriation from Congress to meet the necessities of the people of that stricken city who are immediately in need of shelter and food. The War Department has rendered all the assistance possible, beginning its orders as soon as the first telegram was received from General Funston, about midnight of the 18th instant. Indeed, a telegram was sent by Assistant Secretary Oliver to General Funston immediately upon the receipt of the news of the earthquake, on the morning of the 18th, directing him to render all assistance possible. From the night of the 18th of April all the available stores of the Army, of three departments, have been used for relief purposes, assuming that the action of this Department would be ratified by Congress, in acordance with precedents in similar cases.

The memorandum of the General Staff, which accompanies this letter, shows the telegrams received from General Funston, which gradually developed the extent of the terrible disaster and increased the amount of supplies of every kind needed.

All subsistence and quartermaster supplies and all medical stores of every kind which were in the military depots in San Francisco were destroyed, except the local supplies for the troops stationed at the post at the Presidio, at San Francisco. Accordingly, everything had to be ordered from a distance. There are now on the way by special express trains from every available and convenient point where they were stored 900,000 rations, which means the rations for 900,000 soldiers for one day. The value of these rations is estimated by the Commissary-General to be $198,000. Two hundred thousand of these rations have probably reached San Francisco this morning, in charge of commissary officers.

The Quartermaster's Department has expressed by special train wall tents, conical tents, hospital tents, and storage tents for the shelter of 100,000 people; 100,000 blankets, 7,500 mattresses, 15,000 bed sacks, and 8,000 cots, part of which have already reached San Francisco from the immediate vicinity, and all of which are hastening to the city by special trains, which have been given precedence over passenger trains.

The quartermaster supplies already delivered in San Francisco, or en route by special express trains in charge of competent military quartermasters, amount in value to $1,031,734.40.

The medical bureau of this Department has sent five carloads of medical supplies from St. Louis by express, in charge of competent medical officers and hospital stewards. The estimated value of these medical supplies is $50,000.

It is estimated that the cost of transportation for all these supplies amounts to $150,000, so that the cost of that which has already been done in the matter of relief for San Francisco is $1,429,734.40.

On the 19th Congress passed the following resolution:

"*Resolved*, That the Secretary of War is hereby authorized and directed to procure, in open market or otherwise, subsistence and quartermaster's supplies, in addition to such supplies belonging to the military establishment and available, and issue the same to such destitute persons who have been rendered homeless or are in needy circumstances as a result of the earthquake which occurred April 18, and the pending conflagration, and in executing this joint resolution the Secretary of War is directed to cooperate with the authorities of the State of California and the mayors of the cities in San Francisco, Berkeley, Oakland,

Alameda, and such other cities on the Pacific coast as may have sustained damage.

"*Be it further resolved*, That the Secretary of the Treasury, the Secretary of the Navy, and Secretary of Commerce and Labor are hereby directed to cooperate with the Secretary of War in extending relief and assistance to these stricken people herein referred to, to the extent of the use of the naval vessels, revenue cutters, and other vessels and Government supplies under their control on the Pacific coast.

"*Be it further resolved*, That to enable the Secretary of War to execute the provisions of this joint resolution there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, to be expended under the direction and under the discretion of the Secretary of War."

On the 20th, at my suggestion, the resolution was amended so as to include medical supplies, as follows:

"*Resolved*, That the appropriation of $1,000,000 made by joint resolution approved the 19th instant, entitled 'Joint resolution for the relief of sufferers from earthquake and conflagration on the Pacific coast,' shall be available, under the discretion of the Secretary of War, to procure medical supplies, in addition to such supplies belonging to the military establishment, and issue the same in like manner as the subsistence and quartermaster's supplies specifically mentioned in the joint resolution aforesaid."

I have the honor to recommend that Congress be requested to appropriate $1,000,000 more, in order to meet the cost already incurred over and above the $1,000,000 appropriated, and to enable the War Department to purchase such additional supplies as may be needed for the purpose.

The present resolution authorizes the expenditure of money for the relief of San Francisco. The supplies which have been sent have been taken out of the regular Army depots, and were necessary for the support and use of the Army. I respectfully suggest therefore that in the next resolution, which I hope Congress may pass, specific authority be given to the Secretary of War to use both the $1,000,000 already appropriated and the amount which may be appropriated in the recommended resolution, either to purchase supplies for the relief of San Francisco or to replace by purchase the supplies taken from the regular Army stores for such relief purposes.

I inclose the form of resolution which will accomplish the result sought.

I attach the memorandum of the Chief of Staff, the report of the Quartermaster-General, and the report of the Commissary-General, with their accompanying telegrams and estimates. I also attach a memorandum from the Surgeon-General as to his operations and needs.

The loss of the valuable subsistence, quartermaster's, and medical stores assembled in the depot at San Francisco for use at the Pacific posts and in the Philippines will require a very considerable deficiency estimate in order that they, in addition to the stores now being used for the relief of San Francisco, may be replaced.

The loss may be approximated as follows:

Commissary stores	$150,000
Quartermaster's stores	2,941,472
Medical stores	357,391
Total	3,448,863

I shall submit estimate for these at a later date.

Very respectfully, yours,

WM. H. TAFT, *Secretary of War.*

The PRESIDENT.

Mr. UNDERWOOD. Will the gentleman from Minnesota yield to me?

Mr. TAWNEY. I will yield to the gentleman from Alabama five minutes.

Mr. UNDERWOOD. Mr. Speaker, I am heartily in favor of this resolution. I think that the American people will thoroughly approve of the action of Congress in making this appropriation and the one that was made the other day. But in making the appropriation I think Congress, even in case of an emergency of this kind, should look to its duty and protect the money of the people. Now, I have the very highest regard and admiration for the gentleman who is Secretary of War. I believe thoroughly in his honesty and integrity, but I do believe that when the Congress of the United States makes an appropriation of a large sum of money, not only for our protection but for the protection of the people for whom we have made the appropriation, we should see that it is properly expended for their benefit. Under these circumstances, this being an emergency resolution, I would not offer, and I do not think it would be proper that it should come from this side of the House or from that side of the House, to interfere with the gentleman from Minnesota by offering an amendment to an emergency resolution of this kind. I appeal to him to do this; here are $2,000,000 that we appropriate for a specific purpose to help these suffering people. I think this resolution should clearly carry a provision that after it is expended the Secretary of War should report to the Congress what has been done with that money and how it has been expended. I think that is not only in the interest of good government, but I think it is in the interest of the people for whom we are making the appropriation, in order that it may be safeguarded and see that it goes to them and no one else. I do not offer an amendment, but I offer the suggestion to the gentleman from Minnesota in charge of the bill.

Mr. TAWNEY. Mr. Speaker, all of the money that has been appropriated or will be appropriated by this resolution, except $500,000, has already been expended in this way. The Secretary of War immediately on receiving the news of this terrible disaster, ordered supplies, quartermaster's stores, and medical supplies shipped to San Francisco. The aggregate value shown by the statement which has been submitted—the aggregate value of the supplies already taken out of the Government storehouses—amounts to about $1,492,000.

This appropriation is for the purpose of enabling the Secretary of War to replace those supplies which have been thus taken from the storehouses and warehouses under the jurisdiction of the Secretary of War. The purchases authorized by the resolution will have to be made in accordance with the provisions of law governing such purchases. In other words, about $1,492,000 is necessary to replace the supplies that have already been shipped from Government storehouses, and these supplies will have to be purchased under the same conditions, under the same law that the original supplies were purchased.

Mr. UNDERWOOD. I grant the gentleman all that.

Mr. TAWNEY. So that the Government is amply protected, and the report will have to be made of these purchases under the law as is required in other cases.

Mr. UNDERWOOD. I do not understand the law that way. This is a specific appropriation for an emergency, and, as I understand it, there is no law that would require the Secretary of War to report the expenditure of this money back to Congress.

Mr. TAWNEY. If the gentleman will permit me, I will say this: He is aware of the fact that the supplies which the Secretary of War has already shipped to San Francisco were purchased by appropriations made in the general appropriation for that purpose. Now, this resolution authorizes the Secretary of War to use so much of this million dollars as is carried by this resolution, and all of the appropriation carried by the previous resolution adopted by Congress in the purchase of supplies, under existing law, to replace those which have been taken out. So it leaves a little over $500,000 which the Secretary of War would be able to authorize to use for the relief of these people, and a report of that expenditure will unquestionably be carried in the annual report of the Secretary.

Mr. UNDERWOOD. The gentleman from Minnesota does not understand my proposition.

Mr. TAWNEY. I am afraid that the gentleman from Alabama has not comprehended my statement.

Mr. UNDERWOOD. I understand that a great deal of the supplies that have been purchased and are to be shipped for the relief of these people are already the property of the Government and that new supplies are to be purchased in place of them, and we want to know where the supplies are sent, who gets the benefit of them, how they are distributed, who is responsible for the distribution; and that report should be made to Congress, not only in the matter of honest administration of the Government, but as a matter of protection to the people for whom the money is being spent.

Mr. TAWNEY. Mr. Speaker, I do not think that that is at all practical or necessary. The people of the United States, who are to-day contributing millions of dollars for the relief of the people of San Francisco and neighboring cities, are not exacting an itemized statement from the people of San Francisco to show the persons to whom they are giving relief and I do not think the Government of the United States should do it.

Mr. PAYNE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from New York?

Mr. TAWNEY. I yield to the gentleman from New York.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman from Minnesota [Mr. TAWNEY] if it is not a fact that every dollar of this expenditure will be audited by the Auditor and a report made to him as to the entire expenditure, and every dollar of it will pass through the same ordeal as every dollar of the hundreds of millions that we appropriate to be expended by the Departments from year to year?

Mr. TAWNEY. It will, unquestionably.

Mr. PAYNE. So there is no occasion to make this a special case in that respect.

Mr. TAWNEY. And I want to say further that the Secretary of War informed the committee this morning that not a dollar of this money will be given to anyone to expend except the bonded officials of the Government of the United States who are engaged in the distribution of the quartermaster's stores and supplies under the control of the Army.

Mr. GAINES of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. TAWNEY. I yield to the gentleman.

Mr. GAINES of Tennessee. Mr. Speaker, one of the points, and I think the main point, the gentleman from Alabama [Mr. UNDERWOOD] makes is this: No one objects to the appropriation—no one could do it under the circumstances—but it is to see that the money that we appropriate is actually used and certainly used to help the people that need the help. In other words, that no middleman gets in and gets the benefit of the

money and that the victim of the earthquake gets it. That is the point he makes.

Mr. TAWNEY. If the gentleman from Tennessee [Mr. GAINES] had listened to my statement to the gentleman from Alabama [Mr. UNDERWOOD]——

Mr. GAINES of Tennessee. I listened, and I am always glad to listen to the gentleman.

Mr. TAWNEY. He would know that $1,500,000 worth of supplies, the property of the Government, has already been shipped and is now on the way to San Francisco.

Mr. GAINES of Tennessee. No one disputes that.

Mr. TAWNEY. And $1,500,000 of the $2,000,000 which we will have appropriated by this resolution will be used in the purchase of supplies for the Army to take the place of those supplies which the Army has thus shipped.

Mr. GAINES of Tennessee. I fully understand that.

Mr. TAWNEY. Those purchases must be made under existing law by advertising.

Mr. GAINES of Tennessee. I understand that.

Mr. TAWNEY. And there is no question about the expenditure of the money at all.

Mr. GAINES of Tennessee. Who is going to see that the victims get the benefit of this money? That is the point of the gentleman from Alabama [Mr. UNDERWOOD].

Mr. TAWNEY. The men in charge of distributing supplies of the Quartermaster's Department, under the command of the Army officers in charge or in command at San Francisco, will have to distribute these supplies, and we are informed by the Secretary of War that his organization there is amply sufficient for the distribution of these supplies to the people who are in need of them.

Mr. GAINES of Tennessee. Just a moment more and then I am done. Is there a law now requiring that officer who distributes on the ground floor this food and raiment to make a report to the Secretary of War or Congress?

Mr. TAWNEY. Certainly. The Secretary of War will require a complete detailed report.

Mr. SLAYDEN. Mr. Speaker, I will say to the gentleman from Minnesota [Mr. TAWNEY] that it was impossible to hear all that was said over here, but I think, so far as I could catch his reply, he was undertaking to explain to the gentleman from Alabama [Mr. UNDERWOOD] and to the House that all of the details of the expenditure of this appropriation will be made in the usual way by the bureau chiefs under whom it will be expended. Am I correct?

Mr. TAWNEY. Yes.

Mr. SLAYDEN. And that this is merely an emergency appropriation to supply a deficiency which will be created in the Quartermaster's Department and the Medical Department, and so on, and that we will have the usual military reports from the bureau chiefs, itemized in every particular.

Mr. TAWNEY. Yes; and audited by the Auditor of the War Department.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The question was taken; and the joint resolution was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GILLETT of Massachusetts. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the further consideration of the bill H. R. 18198—the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the District appropriation bill, with Mr. DALZELL in the chair.

Mr. KEIFER. Mr. Chairman——

Mr. MUDD. Mr. Chairman, I want to say before the Clerk begins the reading of the bill I want to offer a formal amendment to have a letter read.

Mr. KEIFER. I would yield to the gentleman for a request, but not for the purpose of reading. I want to call attention, Mr. Chairman, to the inadvertent action, as I understand it, of the House last evening in the matter of messengers for the six courts of the District of Columbia. I am not certain whether it is subject to a motion to amend or not, but it is proposed to amend a part of the paragraph under the head of "Court-houses, District of Columbia," so as to provide for seven messengers instead of three. What I wish to say is that when this matter was under discussion yesterday there was a wrong impression created in the House and acceded to by all around, growing out of a statement made by gentlemen who apparently knew, that the judges of these courts, each of them, had three bailiffs and one crier. I understand that the gentlemen who made that statement on yesterday have been advised that they were entirely mistaken about it and that the courts in this District, none of them, have a bailiff or a crier, or have in the past had either, and I therefore ask unanimous consent to go back and have that matter reviewed as to that proposition so that these judges may have the messengers who are absolutely essential to the conduct of the court. I wish to say also in that connection that the messengers they have had hitherto have acted as criers; that they take charge of juries, and that there are no bailiffs at all and never have been in these courts. There is a section of the code (188 as I now recollect) that provides for bailiffs, but none were ever appropriated for, as I understand it, and none were ever appointed and there are none now and there will be none unless we appropriate for them.

If we appropriate for one messenger for one court, he will serve the court and take charge of the jury and do the errands of the attorneys trying cases and all the other necessary things to be done. I understand, and I think it will not now be disputed, that we acted entirely under the impression, both in the Committee on Appropriations and in this House, that they had criers when we cut the messengers down to three—three having to serve six courts in different rooms, all divided, and some of the court rooms are on different floors, making it absolutely impossible for three messengers to perform the duties that are usually required and necessary for the conduct of the courts.

Mr. FITZGERALD. Mr. Chairman, reserving the right to object, I wish to make a very brief statement in reply to the gentleman from Ohio. In the sundry civil bill a year ago, appropriating for the ensuing fiscal year, there is a provision to defray the expenses of the supreme court of the District and circuit courts of the United States, including the district court of the Territory of Hawaii and the supreme court and court of appeals of the District of Columbia, and other courts, and among the things appropriated for these various courts I find the following:

> For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York.

In the sundry civil bill as brought into the House last year the Committee on Appropriations had inserted a provision that the expense of the supreme court of the District of Columbia and court of appeals, and for all the expenses, "including pay of bailiffs and criers," should be borne, half by the District of Columbia and half by the Federal Government. That provision went out on a point of order, so that the expenses are still provided by the Federal Government. In the legislative bill just passed the House there is a provision for six stenographers—one for the chief justice and one for each justice of the supreme court. There is authority of law, and appropriation has been made for three bailiffs and one crier in these courts, and if they have not got them it is no fault of this House or of Congress, and for that reason——

Mr. KEIFER. I want to ask the gentleman whether he pretends to say now—I understand his excuse for the statement of yesterday—that any of the courts of the District of Columbia ever had a bailiff?

Mr. FITZGERALD. I say now that Congress has specifically appropriated for three bailiffs and one crier for each court in the District.

Mr. KEIFER. In that the gentleman is mistaken, but it was sufficient excuse for his statement of yesterday.

Mr. MUDD. Mr. Chairman, I move to strike out the first word; I can not move to strike out the last word.

Mr. KEIFER. Mr. Chairman, I ask unanimous consent to go back——

Mr. FITZGERALD. I object to the request of the gentleman from Ohio.

Mr. KEIFER. I think the gentleman ought not to do that, in view of what he put in the RECORD yesterday, and I know on the best authority, which I ask him to see, that there were no bailiffs in past years and there are none now.

Mr. FITZGERALD. If I may have permission to say so——

Mr. KEIFER. The gentleman did say it yesterday.

Mr. FITZGERALD. If I may have permission, I wish to make one statement to the gentleman from Ohio.

Mr. KEIFER. I do not object.

Mr. FITZGERALD. The gentleman states that I made an erroneous statement. I repeat again for the benefit of the gentleman, who does not seem to be able to appreciate the force of the statement, that I have here the sundry civil appropriation bill for the present fiscal year, in which there is a pro-

vision for not exceeding three bailiffs and one crier in each of these courts.

Mr. KEIFER. That was not your statement of yesterday.

Mr. NORRIS. I would like to ask the gentleman a question.

Mr. FITZGERALD. Certainly.

Mr. NORRIS. The gentleman stated yesterday that each one of these judges has a private stenographer besides the one that reported the court proceedings. Does the sundry civil bill say that also?

Mr. FITZGERALD. No, it does not. Until this year these private stenographers were paid out of the appropriation for miscellaneous expenses. This year in the legislative appropriation bill, which has already passed the House, provision is made for these six stenographers, one for the chief justice, and one for each other justice, at $900 each.

Mr. NORRIS. Are these in addition to the regular court reporters?

Mr. FITZGERALD. They are private secretaries. They are private secretaries to the judges.

Mr. NORRIS. But do these reporters report the court proceedings?

Mr. FITZGERALD. They are private secretaries.

Mr. KEIFER. I have the authority of the judges themselves that these stenographers do all the reporting and that there is no other reporter.

Mr. FITZGERALD. The gentleman's information is so much at variance with mine that we evidently will not be able to agree. I object to his request.

Mr. KEIFER. I asked the gentleman to go and talk with the judges about it, but he would not do it.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] objects to the request for unanimous consent made by the gentleman from Ohio [Mr. KEIFER].

The Clerk will read.

Mr. MUDD. Mr. Chairman, I move to strike out the first word. I can not strike out the last word, because that is a part of an amendment that has been agreed to. Now, Mr. Chairman, in order to bear out the contention which I made yesterday afternoon, and which is made by the gentleman from Ohio [Mr. KEIFER] this morning, I wish to take this opportunity to put in the RECORD a letter which I have received from one of the judges, and I want to say that the letter was received in response to a request for information made by myself. The judges have not been hanging around this building; they have not been having these attendants running around as if they were "pets," as some gentleman was gracious enough to say yesterday afternoon; but the information was given to me, as shown by the letter, in response to a request which I made on my own volition.

The CHAIRMAN. The Clerk will read the letter.

Mr. BUTLER of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER of Pennsylvania. Did not we pass upon this section yesterday?

Mr. MUDD. We did not finish it.

Mr. BUTLER of Pennsylvania. Is there a motion to set aside what we did on yesterday?

The CHAIRMAN. Unanimous consent to set aside our action of yesterday was refused. The gentleman from Maryland is now speaking to an informal amendment. The letter will be read in the gentleman's time.

Mr. WILLIAMS. Is the matter that the gentleman from Maryland desires to put into the RECORD relative to the matter about which the gentleman from Ohio [Mr. KEIFER] asked unanimous consent?

Mr. MUDD. That is true.

The CHAIRMAN. The gentleman from Maryland is speaking to an amendment to strike out the first word, and he asked to have the letter read by the Clerk in his time as part of his remarks. The Clerk will read.

The Clerk read as follows:

SUPREME COURT OF THE DISTRICT OF COLUMBIA,
JUSTICE'S CHAMBERS,
April 20, 1906.

Hon. S. E. MUDD,
House of Representatives.

MY DEAR SYDNEY: Referring to your inquiry in regard to the "assistant messengers," as they are designated in the appropriation bill, I have to say that these employees are improperly described in said bill. They are "messengers for each court in special term" and are so described by the act of Congress approved March 3, 1901, known as the "Code of the District." By this act the court is authorized to appoint a messenger for each court. There are six courts—two equity, two criminal, and two law—sitting separately all the time excepting during the summer vacation, when the several judges take turns in holding the several special terms. These messengers have been provided by Congress for more than twenty-four years, one for each separate court. To those of us who are familiar with the descriptions of court officers in the several States, they would be more properly called "bailiffs," as there are no bailiffs provided by law for the court and these men discharge such duties as are performed by bailiffs, in addition to numerous other duties. For example, they clean and care for the rooms of the individual judges; go to the law library for books for use in court; run errands during trials for the judges and counsel; attend to the ventilation of the court-rooms; put water in the coolers; assist in preserving order in the court, and get the lunches for the respective judges at noon, the recess taken being too short to enable us to leave the building. In short, they are busy from the time court convenes until it adjourns with the numberless duties which the conduct of litigated cases imposes.

If the committee would take the pains to investigate, it would find, I am satisfied, that the courts of this District have a much smaller number of court officials than the courts of any other city in the country. To take away these court messengers, who receive the small salary of $60 per month, half of which is paid by the District, would be to sacrifice the convenience of litigants, lawyers, and judges. To reduce the number from seven to three would be equally unreasonable, as there are six courts in continuous session and each requires a messenger. The seventh is for the use of the marshal's office, and surely no one familiar with the business there transacted could question the necessity of a man for that office.

You may use this letter as you please.

Very sincerely,
ASHLEY M. GOULD.

Mr. MUDD. Now, Mr. Chairman, just one word. It occurs to me possibly there may have been some mistake in this matter, arising out of the fact that the District courts are not only United States courts, but perform the functions of the ordinary common-law courts. Possibly somebody has made a construction under which the provision of the sundry civil bill that has been referred to may have not been applied to the salaries of these bailiffs. At any rate, the bailiffs have never been provided. In addition to the information contained in the letter which has been read, the chief judge of the supreme court, Justice Clabaugh, has informed me that they never had bailiffs, and certainly they could not have had them, or he and his associate, Justice Gould, would not have so stated.

Mr. PALMER. Mr. Chairman, what are the vocations of these officers that are standing around in the District courts and performing the duties of bailiff? What are they called?

Mr. MUDD. That letter states that these are messengers, and are known as such, but they act as bailiffs, and that letter states the absolute fact.

Mr. PALMER. There are three or four officers standing around doing the duty of bailiffs; I do not know what they are called, but they are there, for I have seen them there myself.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. MUDD. I ask two minutes more.

Mr. GILLETT of Massachusetts. I object to any further discussion.

Mr. MUDD. I move to strike out the last two words.

The CHAIRMAN. The Chair will state that on yesterday, by order of the committee, all debate on this paragraph and amendments was closed.

Mr. CRUMPACKER. I desire to offer an amendment, Mr. Chairman, to the paragraph. I understand the paragraph under the title of "Court-house, District of Columbia," is the one that was read last. I move to insert after the word "each," on line 18, page 65, this language:

And six messengers, at $720 each.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "each," line 18, page 65, insert "and six messengers, at $720 each."

Mr. FITZGERALD. I raise the point of order against that amendment. The committee has already passed upon that question.

The CHAIRMAN. The gentleman will state his point of order. Debate has been ordered closed.

Mr. FITZGERALD. An amendment was offered to insert three messengers. An amendment to that was offered substituting seven for three. The committee defeated the amendment to the amendment, and adopted the original amendment. Now, if the gentleman wished to amend the original amendment, his amendment should have been offered before the vote was taken upon the original amendment. The committee having inserted as a new provision, after attempt at amendment, a provision for three messengers, it is too late for the gentleman to offer his amendment. An amendment was offered and pending, to which an amendment was offered. That amendment to the amendment was defeated. The gentleman then had his opportunity to offer further amendment; but not claiming that right, the committee proceeded to adopt the original amendment, and I submit it is too late now to offer it.

The CHAIRMAN. The gentleman from New York understands that the amendment offered by the gentleman from In-

diana is not an amendment to the amendment which was adopted, but is an independent amendment to the text.

Mr. FITZGERALD. I make the further point that they are not authorized by law. The bill now has a provision for three messengers.

Mr. CRUMPACKER. I desire to correct my amendment and insert the word "four" instead of the word "six;" so as to read "four messengers, at $720 each."

The CHAIRMAN. Without objection, the amendment will be corrected.

The Clerk read as follows:

After the word "each" insert "and four messengers."

Mr. CRUMPACKER. Now, Mr. Chairman, on the point of order, this amendment is an independent, substantive amendment. It may not, if it shall be adopted, be the best grammar or rhetoric, but the paragraph now stands providing for three messengers, at $720 each. I propose a new and independent amendment, after the word "each," in line 18, to provide for four messengers, at $720 each, so the paragraph will read, if this amendment shall be adopted, "four messengers, $720 each; three messengers, $720 each." It is not an amendment to an amendment. I do not see why that would not be good legislation, though it should be rather poor grammatical arrangement. I think the point of order made by the gentleman from New York is not well taken, and it seems to me that the amendment is in order.

Mr. FITZGERALD. The gentleman can not do by indirection what he can not do directly, and the effect of the attempt to amend the provision regarding messengers was determined yesterday by the committee. The gentleman had his opportunity at the proper time to offer an amendment to the original amendment to incorporate into the bill the provision for messengers. He has lost the right by not taking advantage of his right at the proper time.

The CHAIRMAN. The Chair thinks the amendment offered by the gentleman from Indiana is an independent amendment. Whether it makes consistent text or grammatical text or anything else is not a question of order that the Chair can determine, but is a question of good sense, to be determined by the committee itself. The Chair therefore overrules the point of order. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. GILLETT of Massachusetts) there were—ayes 42, noes 66.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (S. 1975) granting an increase of pension to Mary E. Dugger.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 4925. An act to amend the act approved March 6, 1896, relating to the anchorage and movements of vessels in St. Marys River;

S. 1308. An act granting an increase of pension to Emilie Grace Reich; and

S. 1248. An act granting a pension to Elizabeth B. Bean.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5639. An act to provide for the erection of a public building at San Juan, Porto Rico;

S. 4774. An act relating to the movement and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia;

S. 3139. An act for the relief of Lorenzo A. Bailey; and

S. 1274. An act to provide for the purchase of a site and the erection of a public building at Washington, N. C.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Board of charities: For secretary, $3,000; clerk, $1,200; stenographer, $1,080; messenger, $600; one inspector, $900; six inspectors, at $720 each; four drivers, at $600 each; hostler, $540; traveling expenses, $200; in all, $13,340.

Provided, That from and after July 1, 1906, all appropriations under the general head of "Charities and corrections," any portion of which is payable from the revenues of the District of Columbia, for medical charities, for child-caring institutions, for temporary homes, and for other institutions of like character, shall be expended under the direction of the Commissioners of the District of Columbia, and shall be disbursed by the disbursing officer of the District of Columbia upon itemized vouchers duly audited and approved by the auditor of said District, in the manner now prescribed by law: *Provided further*, That nothing herein contained shall in any way affect or alter the method of settlement and payment now existing between the District of Columbia and the Treasury Department of the United States for reimbursing appropriations payable wholly from the revenues of the United States for expenditures on account of the care, support, maintenance, and education of patients, inmates, and pupils belonging to the District of Columbia at the Government Hospital for the Insane, the Freedmen's Hospital and Asylum, the Reform School, District of Columbia, and the Columbia Institution for the Deaf and Dumb, which expenditures are chargeable to District of Columbia appropriations.

Mr. GROSVENOR. Mr. Chairman, I make the point of order against so much of the paragraph as begins on line 15, page 66, and ending at line 12, page 67, on the ground that it is confessedly new legislation.

The CHAIRMAN. The Chair sustains the point of order. It is clearly new legislation.

The Clerk read as follows:

REFORMATORIES AND CORRECTIONAL INSTITUTIONS.

For Washington Asylum: For superintendent, $1,500; visiting physician, $1,080; resident physician, $480; clerk, $840; property clerk, $840; baker, $600; principal overseer, $1,200; fifteen overseers, at $600 each; engineer, $600; assistant engineer, $480; second assistant engineer, $360; engineer at hospital for seven and one-half months, at $50 per month; engineer at new workhouse for seven and one-half months, at $50 per month; two watchmen, at $480 each; two night watchmen, at $548 each; blacksmith and woodworker, $500; carpenter, $500; driver for dead wagon, $365; hostler and driver, $240; keeper at female workhouse, $300; keeper at female workhouse, $180; hospital cook, $600; chief cook for workhouse, $600; four assistant cooks, at $180 each; trained nurse, who shall act as superintendent of nursing, $600; two graduate nurses, at $365 each; graduate nurse for receiving ward, $365; two nurses for tuberculosis wards, at $365 each; six orderlies, at $300 each; pupil nurses, not less than twenty-one in number, $1,500; registered pharmacist, who shall act as hospital clerk, $720; gardener, $540; herdsman, $365; florist, $300; tailor, $120; temporary labor, not to exceed $3,000; in all, $34,561.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word. I see there is a provision in the bill for various appropriations for "a new workhouse," "keeper at female workhouse," and various references are made for the appropriation for "a workhouse." I would like to ask the gentleman what criminals are sentenced to the workhouse and what kind of work is required of them? From an examination of the Code of the District of Columbia, adopted by Congress, I see that the police court tries persons accused of petty offenses without a jury, and it has the right under the laws of the United States to sentence persons convicted in such courts to jail or workhouse. I see further, by section 1192 of the Code of the District of Columbia, that prisoners sentenced to imprisonment in the jail or the workhouse may be employed at such labor under such regulations as may be prescribed by the supreme court of the District.

I am not undertaking to attack the appropriations. I am seeking information, if I can get it, as to what criminals are sentenced to the workhouse and by what court, and what kind of work they do.

Mr. GILLETT of Massachusetts. I understand that prisoners sent to the workhouse are sent from the police court here in the city of Washington. Many of them work outside, and the gentleman from Georgia has very likely seen them working on the streets.

Mr. BARTLETT. That is the information I am seeking. I was undertaking to get at it in an authoritative way. I understand that men—and women, too, I judge, for there is an appropriation made here for a female keeper at the workhouse—are sentenced to the workhouse by the police court in the city of Washington. They are sent there, among other things, for violating the ordinances of the city of Washington and petty police regulations. I understand that those criminals who are sentenced to a fine, or an alternative fine, are confined in the workhouse, and those who are sentenced to jail for a certain length of time may be sent to the workhouse, and from the workhouse or the jail may be required to work upon the roads or streets in the District of Columbia.

Mr. GILLETT of Massachusetts. That is the practice.

Mr. BARTLETT. I want to state to the gentleman the reason of my inquiry. I have no attack to make on the appropriation, and no attack to make on that method or manner of punishment; but in the State where I live we have a similar provision, by reason of a statute of the State of Georgia. That system of punishment of criminals who violate city ordinances has been the subject of severe criticism and investigation at the hands of a member of the Federal judiciary. I wanted this information so that the country might know that those of us who live in Georgia, and whose laws are administered in the manner I have stated, are simply following the rule of punishment for violation of city ordinances that is prescribed by a law of Congress for the government of the capital of the country. I simply want the country to know that the city of

Macon and other cities in Georgia prescribe a punishment similar to that provided for in the District of Columbia by the laws of Congress.

[Here the hammer fell.]

Mr. BARTLETT. Mr. Chairman, I would like two minutes more.

The CHAIRMAN. The gentleman from Georgia asks that his time be extended two minutes. Is there objection?

There was no objection.

Mr. BARTLETT. I desire to call attention to this, because I want the people of the country to know that in spite of the attack that has been made upon this system of punishment similar to the one that is inflicted here for the violation of city ordinances in the police court at Washington, the capital of the United States, such punishment is not an unusual one. It is one that is administered all over the country and by the police courts of most of the cities of the land. That was my purpose in seeking for the information, and I am glad that I have got it before the country, so that the people may know that in disposing of the criminals in cities for the section of the country where I live we do not violate the law of the land or the custom in administering the laws. We simply follow that well-known, well-established rule which exists in England, and has existed all over the land, in all the cities of the land, and these petty misdemeanors, violations of the city ordinances, are punished in Washington just like they are punished in Macon, Ga.

MESSAGE FROM PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CURRIER having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

MEDICAL CHARITIES.

To enable the board of charities to provide for care and treatment of, and free dispensary service to, indigent patients, under contracts or agreements to be made with hospitals and dispensaries, and in carrying into effect this appropriation the board of charities may contract with any hospital or dispensary existing in the District of Columbia April 1, 1906, and organized or established prior to that date, and with no others, $104,000; and the board of charities shall report to Congress at the beginning of its next session the terms of all contracts or agreements made hereunder up to December 1 next, the institutions with whom made, and the amount per annum involved in each contract or agreement.

Mr. KEIFER. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 71, line 20, after the word "dispensaries," insert "including the Home for Incurables."

Mr. GILLETT of Massachusetts. Mr. Chairman, we have no objection to this amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. KEIFER. Now, Mr. Chairman, affecting only the same thing, after the word "dispensary," in line 22, add the words "or said home," simply to make it harmonious.

Mr. GILLETT of Massachusetts. Mr. Chairman, I have no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

That the disbursing officer of the District of Columbia is authorized to advance to the agent of the board of children's guardians, upon requisitions previously approved by the auditor of the District of Columbia, and upon such security as the Commissioners of the District of Columbia may require of said agent, sums of money not exceeding $200 at one time, to be used for expenses in placing and visiting children, or traveling on official business of the board, to be accounted for monthly on itemized vouchers to the accounting officers of the District of Columbia.

Mr. GROSVENOR. Mr. Chairman, I make the point of order against the paragraph beginning at line 13 on page 73 and ending at the end of line 22 on the same page. It is new, distinctive, and substantive legislation.

Mr. GILLETT of Massachusetts. Mr. Chairman, will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman yield?

Mr. GROSVENOR. Yes.

Mr. GILLETT of Massachusetts. May I ask the gentleman why he strikes that out? I can not conceive of any objection to it.

Mr. GROSVENOR. I do not want to have any new legislation introduced into this bill.

Mr. GILLETT of Massachusetts. The gentleman simply does it for the technical reason that it is new legislation?

Mr. GROSVENOR. Yes.

Mr. GILLETT of Massachusetts. Of course, that is the gentleman's right if he wishes to take the responsibility.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For the care and maintenance of children under a contract to be made with the German Orphan Asylum by the board of charities not to exceed $1,000.

Mr. BARTHOLDT. Mr. Chairman, I desire to offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In line 13 strike out "one thousand" and insert "twelve hundred."

Mr. GILLETT of Massachusetts. Mr. Chairman, we will accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, namely: For superintendent, $1,000; janitor, $360, and cook, $360; maintainance, $3,280; in all, $5,000, to be expended under the direction of the Commissioners of the District of Columbia, and ex-soldiers and sailors of the Spanish war shall also be admitted to the Home.

Mr. BISHOP. Mr. Chairman, I submit the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 75, line 25, after the word "thousand," strike out the words "two hundred and eighty" and insert in lieu thereof the words "seven hundred and eighty," so as to read, "three thousand seven hundred and eighty dollars."

Mr. BISHOP. Mr. Chairman, the amendment I propose simply restores the amount that they received under the last bill. They very much need this money. They are already compelling the old soldiers to live on short rations so that they can have money enough to carry them through the present year. They need every dollar and more. I hope the amendment will be agreed to.

Mr. GILLETT of Massachusetts. We will accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

WATER METERS.

For the purchase, installation, and maintenance of water meters to be placed in such private residences as may be directed by the Commissioners of the District of Columbia; said meters at all times to remain the property of the District of Columbia; to be repaid from revenues of the water department at the rate of $20,000 per annum, beginning with the fiscal year to end June 30, 1908, $100,000.

Mr. SIMS. Mr. Chairman, I would like to have an explanation of this from the chairman of the subcommittee.

Mr. GILLETT of Massachusetts. Mr. Chairman, the present condition of the water service in the District of Columbia is such as to make the Commissioners apprehensive that in a very short time, unless the use of water can in some way be diminished, there will be compelled to be a new reservoir and new aqueduct. It was also brought before the committee that at present the use of water in Washington is 220 gallons per person per day, which is three or four times as much as is considered necessary, and very much more than ordinary cities average. It appeared to us that the only way in which we could diminish this wasteful use of water was to put in meters, which are very simple and reliable contrivances. This will not increase the cost of the water to the users, and they will ultimately be paid for by the users of water, although originally paid for out of the District fund.

Mr. DRISCOLL. Mr. Chairman, has the gentleman inquired what the practice is in other cities—whether or not the consumers pay for the meters in the first instance?

Mr. GILLETT of Massachusetts. Generally they do in other cities, but we thought it was fairer here to have the District pay for them in the first instance, and for this reason: That to compel poor people to pay the whole expense of a meter—from $10 to $20—at its original insertion will be quite a burden upon them, whereas if at first the District put it in and the consumer ultimately paid for it it would be a fairer method. Then we also understand that it would improve the quality of the water that we are now using; that the water which is used through a filtration plant when that plant is used nearly to its limit is apt to be impure if the supply is largely diminished, and if it is

not used nearly up to its limit the water is of much better quality. So, both for the quality of the water and the economy of the water, we thought this was necessary, and it seemed to us it was exceedingly necessary that it should be done now, because in the last year there were times when we reached the limit of supply and the use on some days really was greater than the aqueduct was bringing into the city.

Mr. DRISCOLL. Is it intended under the operation of this law that the consumers shall pay a certain proportion each year, so that hereafter, in a certain number of years, they will finally own the meters?

Mr. GILLETT of Massachusetts. No. The consumers do not pay it. The city advances the money. Then the consumers pay water rent, and those rents will be made slightly larger, so that ultimately the meters will all be paid for out of the water rent and the city will still own the meters, but the users will have paid for it by a very slight increase upon their water taxes.

Mr. SIMS. Mr. Chairman, what would be a reasonable amount of water a day?

Mr. MADDEN. Sixty gallons.

Mr. SIMS. For a family?

Mr. GILLETT of Massachusetts. Sixty gallons for each person—per capita.

Mr. SIMS. What about business houses where——

Mr. BURLESON. They have meters now.

Mr. GILLETT of Massachusetts. And hotels.

Mr. SIMS. And they are charged according to the water they use?

Mr. GILLETT of Massachusetts. Yes.

Mr. SIMS. This applies only to private residences.

Mr. BURLESON. I desire to supplement the statement made by the gentleman from Massachusetts by this statement: The information was brought to us that in the larger residences during the winter time frequently the faucets were permitted to be open and the water to run all the night in order to prevent the freezing of the pipes, and that in the small residences during the summer time the faucets were permitted to remain open in order that the occupants might have cooler water, resulting in a terrific useless waste of water.

Mr. PALMER. What is the average daily consumption?

Mr. BURLESON. Two hundred gallons per capita.

Mr. DRISCOLL. Who owns the meters already installed?

Mr. GILLETT of Massachusetts. In the large apartment houses the people themselves put them in.

Mr. DRISCOLL. I do not believe in the city paying for meters.

Mr. GILLETT of Massachusetts. The city does not pay for them ultimately.

Mr. SIMS. This is what I am concerned about: Will the use of meters and the paying for water in proportion to the water used have a tendency to reduce the proper and normal use of water among the poor people so as to affect sanitary conditions?

Mr. GILLETT of Massachusetts. I do not think it will.

Mr. MANN. Everybody knows it will. Of course it does wherever it is tried.

Mr. SIMS. That has been my theory, and I do not think we ought to do anything to bring about such a condition.

Mr. MANN. It prevents the use of water in bath tubs and elsewhere wherever tried.

Mr. GILLETT of Massachusetts. Our theory was this: The increased cost will be so very slight that it will not prevent any family from using all they need, but it will simply prevent leaving spigots open all night or all day. That is the only way that the enormous use of water can be prevented.

Mr. SIMS. But the spigots are left open in hot weather by poor people in the summer time.

Mr. GILLETT of Massachusetts. They are left open in cold weather, too.

Mr. SIMS. But the larger houses leave them open in cold weather to keep the pipes from freezing.

Mr. GILLETT of Massachusetts. Small houses have more danger of the freezing of pipes.

Mr. SIMS. That is the statement of the gentleman from Texas.

Mr. GILLETT of Massachusetts. I do not agree with him on that.

Mr. SIMS. The poorer classes leave them open in summer in order to have cooler water to drink.

Mr. GILLETT of Massachusetts. I understand that both classes leave them open.

Mr. SIMS. These people who want cool water to drink, I understand, are so poor they can not afford to buy ice. I am in favor of economy in a proper way in all these kind of things, but I am opposed to any regulation that will tend to produce insanitary conditions.

Mr. GILLETT of Massachusetts. I agree with the gentleman heartily.

Mr. SIMS. I would like to hear from the gentleman from Illinois [Mr. MANN] on that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Without objection, the time of the gentleman will be extended.

There was no objection.

Mr. BURTON of Delaware. About what is your estimate of cost per thousand gallons by the meter system?

Mr. GILLETT of Massachusetts. I can not tell the gentleman that.

Mr. MADDEN. About 8 cents.

Mr. BURTON of Delaware. Do I understand you to say that no family would be deprived of all the water they wanted to use?

Mr. SIMS. That is what I wanted to know.

Mr. FITZGERALD. If the Chairman will permit, the Commissioners stated they had placed meters in their own houses as a test, and they found out by the use of the meters in their own houses their water bill had been slightly reduced from the charges that had been fixed for a hundred or a thousand gallons, or whatever it was, and from what it had been at the rate fixed by frontage, and that they had ample supply of water, without any effort to unreasonably curtail it; and they averaged about 60 gallons per capita.

Mr. MANN. The Commissioners' test in their own houses is pure nonsense. A great many tests have been made in the country that are much fairer than the test made by the three District Commissioners by putting water meters in their own private residences. They were watching themselves and intending to make no difference in the use of water. Wherever they use meters in the large department buildings throughout the country the owners take every possible method to prevent the use of water.

Mr. SIMS. Does the gentleman have any knowledge of whether or not water meters have tended to such decrease in the use of water as to produce unsanitary results?

Mr. MANN. That is a matter of opinion.

Mr. MADDEN. Here is a question that was asked of the Commissioners about the cost of the water that went through the meters:

Mr. MADDEN. How much per thousand gallons do you charge where the water runs through the meter?

Commissioner BIDDLE. Three cents a thousand gallons.

He said 3 cents per thousand gallons. Ordinarily they charge 8 cents, but at this place they charge 3.

Mr. MANN. Ordinarily they charge 8 cents for 10,000 gallons.

Mr. DRISCOLL. How much does that come to for an ordinary family?

Mr. MADDEN. Suppose that a family should use 60 gallons a day for each person in the family, and there were five people in the family, that would be 300 gallons, and that multiplied by 365 would make about a hundred thousand gallons, would it not?

Mr. DRISCOLL. How much does that come to per year?

Mr. MADDEN. That would be about $3 a year.

Mr. MANN. They charge three times as much here for water as they do in the city of Chicago, where they use meters, and the meter rate in Chicago is nearly twice or three times as much as the frontage rate.

Mr. SIMS. What will it cost an ordinary dwelling house to have these meters?

Mr. MANN. In an ordinary dwelling house, that is fitted with bath tubs, in this city, where the bath tubs are used, with the ordinary wastage and plumbing, it will cost $20 a year.

Mr. SIMS. With the meter?

Mr. MANN. With the meter.

Mr. MADDEN. Here is what is said in the hearings:

Mr. FITZGERALD. Take a house 25 feet wide and three stories high. Can you give an idea of the water rate for that?

Colonel BIDDLE. About $7.50.

Mr. GILLETTE of Massachusetts. You now mean?

In reply to that he said that it would be reduced, if the meter was introduced, from $7.50 to $5.

Mr. SIMS. Do they not have to include an extra charge to pay for this meter?

Mr. MADDEN. No. I asked this question:

How much per thousand gallons do you charge where the water runs through the meter?

Colonel Biddle replied:

Three cents per 1,000 gallons. I may state that when I lived in Nashville I paid $24 a year water rent, and now in Washington, while I am occupying a house about the same size, I pay only $7.50.

Mr. SIMS. He does not pay by meter here.

Mr. MADDEN. He does. Mr. FITZGERALD asked him this question:

But you were not Commissioner when you lived in Nashville?

[Laughter.]

And Mr. Macfarland said:

I would like to say for the record that while I am strongly in favor of putting in meters in all residences, I would like very much to see the entire National Government service metered just as the large business establishments are. I do not believe the excessive consumption is by the private water takers.

Mr. SIMS. I want to ask this question about that. Suppose this $100,000 is expended; how long will it be until we have to increase the permanent water facilities anyway?

Mr. MADDEN. A fair estimate is that if all the houses in the District secured their water by meters now, it would add four times the present capacity to the water plant. It would make the plant four times bigger than to-day, because they assume that 60 to 65 gallons per capita would be the quantity of water used, whereas to-day it is 220 gallons.

Mr. SIMS. Mr. Chairman, I saw this morning——

Mr. MANN. I ask unanimous consent that the time of the gentleman from Massachusetts be extended for five minutes.

Mr. GILLETT of Massachusetts. I do not care to occupy further time.

Mr. SIMS. I noticed this morning in the newspapers that a bill had been reported in the Senate for $1,000,000 to buy some park extensions, and while we are adding to our free shade area, which is extraordinarily large already, I am constrained to say that I do not think we ought to reduce the free use of water; and therefore I make the point of order against the section.

The CHAIRMAN. It is too late to make the point of order.

Mr. SIMS. Was not that agreed to, that there was to be no advantage taken of it?

Mr. GARDNER of Michigan. I would like to say to the gentleman——

Mr. SIMS. I wish to reserve the point of order for further discussion of this question.

Mr. GARDNER of Michigan. The whole object of this meter, I say to the gentleman from Tennessee, is not to deprive the people of all the water that they would properly use. It is simply to prevent an improvident waste of water on the one hand, instead of incurring a large expense for new service, new conduits, new reservoirs, which, if the water is not wasted, will not be needed for years.

Mr. SIMS. How many years?

Mr. GARDNER of Michigan. Why, in the opinion of the engineer before the committee, he said an indefinite time; but certainly for a number of years. Otherwise, if it is not done, an appropriation must be made at once for a resurvey, if we allow the people to go on wasting the water that they do not use and do not pay for. They take advantage here, as in many other things, of the liberality of those controlling the water system to waste it, not to use it. This is simply to prevent waste.

Mr. SIMS. Mr. Chairman, I am not in favor of wasting the water, but would rather have some waste than an insufficient use of the water, and that is what I am afraid of. I have no objection to legislation on an appropriation bill, but I do not want anything that will have a tendency to cause the poorer people to be cut off from the fullest use of water for drinking, bathing, and for cleansing purposes, or any other possible healthful use of it.

Mr. GARDNER of Michigan. The proposition is not to cut it off from the poor people, but to cut off the waste.

Mr. SIMS. If they are so poor that they can not buy ice, and let it run so as to get it cool, certainly they would not use enough for proper, healthful purposes. If this $100,000 is appropriated, you have got to wait until that money is returned; and it is only a little while before you will have to have increased water facilities. It is only a little while ago since we spent an immense sum of money for a filtration plant, which was represented would be entirely sufficient to give an abundance of good, pure, and healthful water. Now that filtration plant has hardly been put in operation, and hardly had an opportunity for the preliminary filtration plant to be tried, before we are asked for another addition to the filtration plant. It is reported to us that that filtration plant, which was represented to us would be sufficient, has proven insufficient.

Mr. WILEY of New Jersey. The gentleman is mistaken about that. It has not proven to be insufficient, but in case of a flood—which we have not had for the last few years, in case we had one—it would not be sufficient.

Mr. SIMS. Then it is proved that it is not sufficient.

Mr. WILEY of New Jersey. Sufficient for the present.

Mr. MANN. But if you have the rains as we have them now?

Mr. WILEY of New Jersey. You will get muddy water if you do not use the coagulant.

Mr. GILLETT of Massachusetts. May I make a suggestion to the gentleman?

Mr. SIMS. Yes.

Mr. GILLETT of Massachusetts. The gentleman seems to be troubled with the idea that in any event we are only postponing for a short time the installation of a duplicate water plant; but it seems to me that, as a matter for mathematical calculation, we are now using 220 gallons per capita. If we reduce that to 70 gallons per capita, which is a reasonable amount, that is only a third as much. Therefore the water which now supplies our city, only a third of it being used, will supply a city three times as big as this; so that the present water supply will be sufficient for the city until it is three times as big as it is now, or, say, twice as big as it is now. That will certainly be a great many years hence, and considering the enormous expense—and a new water supply is one of the most frightful expenses any city ever has to pay—if we can save it by such a comparatively economic system as this, it seems to me it is extremely desirable.

Mr. MANN. Will the gentleman yield for a question?

Mr. GILLETT of Massachusetts. Yes.

Mr. MANN. What proportion of the houses in Washington would this appropriation supply with meters?

Mr. GILLETT of Massachusetts. I do not know, but I understand about 10,000 houses.

Mr. MANN. It would not supply 10,000 at the rate the gentleman says they cost. I will say to the gentleman that they can not install meters at $10 apiece, or anything like that.

Mr. FITZGERALD. I do not think we can.

Mr. GILLETT of Massachusetts. Say $15 apiece.

Mr. MANN. It will cost $10 apiece to put them in, and then there would be the comparative cost between the few who had the meters and the people who did not have the meters while this system is being installed.

Mr. FITZGERALD. If the gentleman will permit me to explain just what this amendment does. At present all of the revenues from the water service are appropriated indefinitely for a continuation of the water service of the District. Five thousand dollars was heretofore appropriated to install meters in private residences, and that has been done. The result has been satisfactory, not only to the officials, but to the people in whose residences the meters have been installed.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FITZGERALD. I should like to have the time of the gentleman from Michigan [Mr. GARDNER] extended five minutes, so that I can complete my statement. [Laughter.]

Mr. MANN. The gentleman from Tennessee [Mr. SIMS] had the floor.

The CHAIRMAN. The gentleman from Michigan [Mr. GARDNER] was recognized. Unanimous consent is asked that he may be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. The Commissioners now ask that this action be taken. The water revenues at present are required for the necessary extensions of mains, and they ask that the Federal Government advance $100,000 to the District, so that water meters may be installed, and that the District repay that $100,000 out of the water revenues in five payments. Now, the committee were satisfied——

Mr. MANN. This is a good deal worse than I supposed it was.

Mr. FITZGERALD. Oh, no.

Mr. MANN. The Federal Government is to make a loan to the water department.

Mr. GILLETT of Massachusetts. I do not think that statement is entirely accurate. It comes out of the appropriation.

Mr. FITZGERALD. It comes half from the District and half from the Federal Government. The advance is made by the District and Federal Government to the water-revenue fund. The committee was satisfied that either one of two things had to be done: Either they had to commence to consider now the advisability of duplicating the present aqueduct system—that is, building a new aqueduct from Great Falls, with the necessary increase in reservoir accommodations—or else attempt by some means to reduce the consumption of the water. It was shown that the per capita consumption per day here is 220 gallons; that in other cities a reasonable consumption per capita is 60 to 70 gallons. From the experience already had, it is believed that the installation of the meters would reduce the consumption and at the same time, with the people using all the water that was necessary, the cost of water to the consumer would be slightly decreased.

Mr. WALDO. Mr. Chairman, I desire to say that I know there is now a bid to furnish water meters in the Isthmian Canal Zone, as good meters as can be had in the market, at $7 apiece, delivered at the Isthmus of Panama, and I believe they can be delivered and installed here at certainly not to exceed $10 apiece. They certainly could be installed here for $10 instead of $15 apiece.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, it is probably true that the water consumption in the District of Columbia is comparatively large. It is to that fact that we owe the beauty of the District. The gentleman from Tennessee is afraid that the putting in of meters will have an insanitary effect. I will tell the gentleman from Tennessee that it will have a much wider effect than that. The moment that you install meters in a city, as a rule, they quit sprinkling the lawn. Why should a man who has a lawn and wants to keep it green pay for an extra amount of water at the same rate that the man pays for water consumed in the family?

Mr. MADDEN. I would like to ask the gentleman if he does not know it to be a fact that in the city from which he comes the authorities charge the householder for the use of the hose, in addition to the price paid for the water when they use the hose?

Mr. MANN. They charge $3 a year for the use of the hose, but the amount of water that is consumed at the meter rates amounts to $10 or $15 a year. I took up this matter once before and made an investigation of it. There is not a place where a water meter is put in but that it does not restrict the use of water for legitimate purposes, whether it be for the lawn or the bath tub. The principal waste of water, let me say, is not letting the water run in the summer time in order to get it cool nor in the winter time for the purpose of preventing it freezing. That is an exceptional thing. They let it run a little while in the summer time to let the hot water out of the pipe and they let it run in some cases, perhaps, in the winter time, but the principal waste is through improper plumbing. I will guarantee that there are more than 60 per cent—yes, 75 per cent—of the closets in this town to-day leaking water all the time and no effort made to stop it. The water running continuously either through the faucets or through the closets is where the waste of water comes, and the District makes no effort to stop it in the inspection of plumbing or in any other respect.

Mr. DRISCOLL. Is it not true that the people, if they have to pay for water through meters, if there is defective plumbing will see to it and correct it themselves? They will have the plumbing repaired and look after it more carefully. Water flowing into the sewers because of defective plumbing is waste, is it not?

Mr. MANN. That is pure waste, but this is not the only way to correct that waste. That can easily be corrected by any sort of inspection.

Mr. DRISCOLL. Each individual should inspect his own plumbing.

Mr. MANN. That is true.

Mr. HEPBURN. I would like to ask the gentleman a question.

Mr. MANN. I will yield to the gentleman from Iowa.

Mr. HEPBURN. I would like to ask the gentleman if he doesn't think that the committee made a mistake and commenced at the wrong end with the meters? Why not put the meters at the hotels and livery stables?

Mr. FITZGERALD. They are there now.

Mr. MANN. All of the large establishments have meters. A few years ago I put a meter in an apartment building in the city of Chicago, and I pay more in that building for water for a little flat than you pay for a house in this town, or for a house in Chicago, for that matter. I do not know but that there ought to be a system of meters installed gradually, but the water rates ought to be lowered at the same time when the meter is put in. The water rate where a meter is put in will average three times the amount that is paid on the frontage rate, and if we install meters we should put down the rates, so that people will be encouraged to use the water.

Mr. DRISCOLL. I would like to inquire why the water meters have been installed in the hotels and apartment houses and livery stables—whether they were installed by the people themselves for economy's sake or whether they were forced upon them?

Mr. PERKINS. It stops waste.

Mr. MANN. I can tell the gentleman. There is no way to measure water in a large hotel or livery stable except through a meter. There is no other way of getting at the consumption of the amount as there is in a private family by the front foot.

Mr. DRISCOLL. But if they pay so much a year it makes no difference in the cost to them whether they use 100 gallons or 1,000,000 gallons.

Mr. PERKINS. No; but when they have a meter they do not use as much as when they pay a lump rate.

Mr. DRISCOLL. I wanted to know whether they were put in by themselves for the sake of economy or whether they were forced upon them.

Mr. MANN. The District requires them to put in meters, because there is no way of ascertaining the amount of water used in a livery stable except by a meter.

Mr. KEIFER. I would like to ask the gentleman from Illinois by what authority he states that it is easy to measure the use of the quantity of water in private families where they own front lawns and one man and the members of his family may keep the hose going all day?

I know cases where they use twice as much water on one lawn as they do on the next adjoining.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MANN. I did not say it was easy to ascertain the amount. I made no such statement as that.

Mr. KEIFER. The gentleman said substantially that.

Mr. MANN. Oh, I beg the gentleman's pardon. I made no such statement as that. The gentleman is usually wrong when he quotes me.

Mr. KEIFER. And the gentleman from Illinois is usually mad when he finds he is in a hole. [Laughter.]

Mr. MANN. Oh, the gentleman from Illinois never could get mad at the gentleman from Ohio [Mr. KEIFER], whatever else he got mad at.

Mr. KEIFER. Yes; he does, for I was in good humor. [Laughter.]

Mr. MANN. Well, it is so exceptional that the gentleman is otherwise that of course he must have been in good humor. The gentleman always insinuates that somebody else is mad, and he is about the only man in the House I have ever seen really angry. [Laughter.]

Mr. KEIFER. I don't know when that was, and I would like to have the gentleman call the witnesses.

Mr. MANN. Oh, they are here and there and everywhere. What I said was that there was no other way of measuring the amount to be charged at livery stables or hotels. At houses they measure by the frontage and the size of the house, and while it is true that does not measure the amount of water used, it is some basis of measurement, which can not be used at a livery stable or at a hotel with any fairness. Now, I do not say that water meters ought not to be installed, but I say that this matter has not received the consideration that it ought to have, because it is a serious problem. Provide water meters, and you cut off four times out of five the use of water for either sprinkling the streets in front of the houses or for the lawns in front of the houses or for the care of the plants around the houses which is one of the beauties of Washington. Water ought to be and is cheap. Air is cheap, and we ought to be able to provide the people with fresh air in the city of Washington and with fresh water—good, clean, wholesome water—the cheapest thing that we can give.

Mr. SIMS. Mr. Chairman, this is a matter that can be brought up in a separate bill and be heard, and then everybody will have an opportunity to inform himself. I am not informed. The only information I have is what I got here to-day. I am sincerely afraid that it will affect the health of the District. We have had an immense amount of typhoid fever, which we seem to have in part got rid of by the filtration plant. Therefore, I reluctantly insist upon the point of order.

The CHAIRMAN. The Chair will state to the gentleman that no point of order was reserved.

Mr. SIMS. Oh, I think I withheld the point of order.

Mr. KEIFER. Mr. Chairman, I make the point that the gentleman made his point too late.

Mr. GILLETT of Massachusetts. Mr. Chairman, out of fairness to the gentleman I must say this, and I trust no Member of the House will interfere with the agreement I made with the gentleman, that I made an agreement with the gentleman from Tennessee that when this came up he should ask a question, and that if later he wished to raise the point of order, even after

discussion, I would not then raise the point that it was too late. Therefore I trust that no other Member will do it now.

Mr. KEIFER. Mr. Chairman, I insist that long after this was under discussion the point of order was made. I don't know anything about this private agreement.

The CHAIRMAN. The Chair will state that general debate had been had before any suggestion was made as to a point of order. The Chair can not be mistaken about that for this reason: Before this paragraph was reached the Chair suggested to the clerk at the Speaker's table that there might be a point of order raised to this paragraph, and both the Chair and the clerk at the Speaker's table were waiting alert to ascertain whether such a point would be made or reserved, and it was neither made nor reserved. The Reporter's notes further bear out the statement of the Chair.

Mr. SIMS. Oh, the Chair is correct about that.

The CHAIRMAN. The first sentence uttered by the gentleman from Tennessee, according to the Reporter's notes, was:

Mr. Chairman, I would like to have this explained by the chairman of the subcommittee.

Mr. SIMS. Mr. Chairman, the Chair is entirely correct, but I notified the gentleman in charge of the bill, the gentleman from Massachusetts [Mr. GILLETT], chairman of the subcommittee, beforehand that I was going to make a point of order; that I was not satisfied about it. He then suggested that I do not raise the point of order, but that I give him an opportunity to explain it. I told him that I might not object to it after hearing it explained. He asked me if I would not refrain from doing it, and said after explanation I might do so. I said, "It will then be too late." He said, "I think not. Nobody can make it but you, but you can make it." Now, I have done this in the utmost good faith, and notified the subcommittee beforehand, and I have acted in accordance with the agreement with the committee. Of course if the Chair can not carry out that agreement, why, then, the Chair is not to be held responsible; but I did this through a solemn agreement and upon their request.

The CHAIRMAN. The Chair will state that the House can not be bound by an agreement of gentlemen.

Mr. SIMS. Oh, well, I know that, Mr. Chairman. Does any gentleman in this House want to put the committee in that attitude or me in that attitude?

Mr. GILLETT of Massachusetts. The gentleman has stated what I tried to state, but the Chair did not understand me. It was an explicit agreement between the gentleman and myself, and the gentleman agreed he would not make the point of order at first, and I agreed if he made it afterwards I would not raise the point of order, and I hope no other Member will. Therefore, I ask unanimous consent that the gentleman now be allowed to make the point of order, and I trust nobody will object.

Mr. CRUMPACKER. Mr. Chairman, in the interest of orderly procedure and to avoid embarrassment on these questions I think it ought to be understood there is but one method to raise the point of order. If we are to respect agreements between Members of the House it will lead to no end of trouble and embarrassment.

Mr. WM. ALDEN SMITH. And a private agreement at that.

Mr. CRUMPACKER. And a personal agreement at that; and I accordingly object to changing the rule.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the point of order to this paragraph be allowed to be made at this time, and to that the gentleman from Indiana objects.

Mr. GILLETT of Massachusetts. Mr. Chairman, I think there is but one thing I can do to keep good faith with the gentleman from Tennessee, and although I heartily am in favor of this paragraph and am very sorry to have it go out, I move that the paragraph be stricken out. [Applause.]

Mr. PALMER. It depends upon the committee whether you do that or not.

The CHAIRMAN. The gentleman from Massachusetts moves that the paragraph be stricken out.

The question was taken; and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. GILLETT of Massachusetts) there were—ayes 38, noes 16.

So the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. GILLETT of Massachusetts. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18198—the District of Columbia appropriation bill—and had instructed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The SPEAKER. Is there a separate vote demanded upon any of the amendments? If not, the vote will be taken on the amendments as a whole.

The question was taken; and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time; and it was read the third time, and passed.

On motion of Mr. GILLETT of Massachusetts, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following letter from the President of the United States, which was read, and referred to the Committee on Appropriations:

To the Senate and House of Representatives:

I submit herewith a letter of the Secretary of War, with accompanying documents, including a form of a resolution suggested for passage by the Congress.

This letter refers to the appalling catastrophe which has befallen San Francisco and neighboring cities, a catastrophe more appalling than any other of the kind that has befallen any portion of our country during its history. I am sure that there is need on my part of no more than a suggestion to the Congress in order that this resolution may be at once passed. But I urge that instead of appropriating a further sum of $1,000,000 as recommended by the Secretary of War, the appropriation be for a million and a half dollars. The supplies already delivered or en route for San Francisco approximate in value a million and a half dollars, which is more than we have the authority in law as yet to purchase. I do not think it safe for us to reckon upon the need of spending less than a million in addition. Large sums are being raised by private subscription in this country, and very generous offers have been made to assist us by individuals of other countries, which requests, however, I have refused as in my judgment there is no need of any assistance from outside our own borders—this refusal of course in no way lessening our deep appreciation of the kindly sympathy which has prompted such offers.

The detailed account of the action of the War Department is contained in the appendices to the letter of the Secretary of War. At the moment our concern is purely with meeting the terrible emergency of the moment. Later I shall communicate with you as to the generous part which I am sure the National Government will take in meeting the more permanent needs of the situation, including of course rebuilding the great governmental structures which have been destroyed.

I hope that the action above requested can be taken to-day.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 21, 1906.*

TRANSPORTATION OF DUTIABLE MERCHANDISE WITHOUT APPRAISEMENT.

Mr. ALEXANDER. Mr. Speaker, I desire to call up the bill H. R. 11037 as a privileged bill and ask unanimous consent to have it considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New York calls up the following privileged bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11037) relating to the transportation of dutiable merchandise without appraisement.

The SPEAKER. The genteman from New York asks unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I will be compelled to object.

Mr. ALEXANDER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 11037.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House for the consideration of the bill indicated.

The question was taken, and the motion was agreed to; and the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11037) relating to the transportation of dutiable merchandise without appraisement, Mr. HINSHAW in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the privileges of the first section of the act approved June 10, 1880, relating to the transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the port of Buffalo, in the State of New York.

Mr. ALEXANDER. Mr. Chairman, the object of this legislation is to enable merchandise, and especially cattle, shipped from Canada to ports in this country to pass immediately through Buffalo to the place of destination without being stopped in Buffalo for appraisement. In other words, it allows goods intended for shipment abroad to pass from Canada through to New York without being held up at Buffalo for appraisement. It seems to be quite necessary that live stock arriving in Buffalo under these conditions should not be unloaded on the way.

Mr. BUTLER of Pennsylvania. It obviates delay?

Mr. ALEXANDER. Yes; that is the real object to be gained.

Mr. MANN. How does that benefit Buffalo?

Mr. ALEXANDER. This bill simply places Buffalo within section 1 of the act of June 10, 1880. All of our large ports are now within this section, and it aids shipments passing through Buffalo.

Mr. PAYNE. I understand from my colleague that he is working for the general interest of the United States and not for the city he represents.

Mr. MANN. That is what I could not understand. [Laughter.]

Mr. ALEXANDER. I may say that Buffalo wants it.

Mr. Chairman, I move the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and Mr. HINSHAW, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 11037) relating to the transportation of dutiable merchandise without appraisement, and directed him to report the same to the House with the recommendation that the same do pass.

The SPEAKER. Without objection, the bill will be considered as engrossed and read a third time——

Mr. WILLIAMS. Mr. Speaker, I will be forced to object.

The SPEAKER. That is within the gentleman's province.

The question was taken on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read a third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the last vote was laid on the table.

PRIVATE CALENDAR.

Mr. MILLER. Mr. Speaker, I desire to ask unanimous consent that this day may be designated as Friday, or in place of a Friday, for consideration of bills upon the Private Calendar.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I shall be forced to object.

TRADE WITH CHINA.

Mr. GRIGGS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. GRIGGS. To present a privileged report and resolution.

The SPEAKER. The gentleman from Georgia presents a privileged report and resolution, which the Clerk will read.

The Clerk read as follows:

Resolved, That there be printed and bound in paper covers, for the use of the House of Representatives, 10,000 copies of the report on "Trade with China: American Methods and Trade Opportunities in the Markets of the Orient," by Raymond F. Crist and Harry R. Burrill, special agents of the Department of Commerce and Labor, from Monthly Consular and Trade Reports for January, 1906, to be distributed through the folding room of the House of Representatives.

The following amendment was read:

Strike out the word "ten," in line 2, and insert in lieu thereof the word "five."

The SPEAKER. Is the report from the Committee on Printing?

Mr. GRIGGS. Yes, sir.

Mr. PAYNE. I will ask the gentleman if there is any estimate of the cost.

Mr. GRIGGS. Yes, sir; $80.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was adopted.

ORDER OF BUSINESS.

Mr. PALMER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. PALMER. To call for the regular order.

The SPEAKER. The gentleman from Pennsylvania calls for the regular order.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1274. An act to provide for the purchase of a site and the erection of a public building at Washington, N. C.—to the Committee on Public Buildings and Grounds.

S. 3139. An act for the relief of Lorenzo A. Bailey—to the Committee on Indian Affairs.

S. 4774. An act relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia—to the Committee on Interstate and Foreign Commerce.

S. 5639. An act to provide for the erection of a public building at San Juan, P. R.—to the Committee on Public Buildings and Grounds.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. R. 49. Joint resolution construing the joint resolution approved April 19, 1906, entitled "Joint resolution for the relief of sufferers from earthquake and conflagration on the Pacific coast."

LEAVE OF ABSENCE.

Mr. STEVENS of Minnesota submitted a request for leave of absence for two weeks, on account of important business.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I object.

The SPEAKER. The question is on granting the leave of absence requested by the gentleman from Minnesota. The Chair supposes this would require a motion.

Mr. SMITH of Kentucky. I make the motion that the gentleman from Minnesota be granted the leave of absence requested.

The SPEAKER. The gentleman from Kentucky moves that the gentleman from Minnesota have the leave asked.

The question was taken; and the motion was agreed to.

Mr. PAYNE. I move that the House do now adjourn.

The question was taken; and the Speaker announced that he was in doubt.

The House divided; and there were—ayes 56, noes 43.

Mr. NEEDHAM. I demand tellers.

The SPEAKER (after counting). Twenty gentlemen have arisen; not a sufficient number; tellers are refused; and the House stands adjourned until to-morrow, at 12 o'clock.

Accordingly (at 2 o'clock and 20 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriations for a light-vessel at Oxford Reef, Oregon—to the Committee on Interstate and Foreign Commerce, and ordered to printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the governor of New Mexico, a copy of a proposed amendment of the law relating to certain lands—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for furniture and repairs of public buildings—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PERKINS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 6018) to enable the President of the United States to call an international conference for the purpose of securing an international agreement relative to the regulation of the emigration of aliens to the United States, reported the same with amendment, accompanied by a report (No. 3400); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CRUMPACKER, from the Committee on the Census, to which was referred the bill of the House (H. R. 13671) to provide for the taking of a census of agricultural statistics in the year 1906 and every tenth year after the year 1905, reported the same with amendment, accompanied by a report (No. 3402); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GREGG, from the Committee on Naval Affairs, to which

was referred the bill of the House (H. R. 7676) authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy, reported the same with amendment, accompanied by a report (No. 3401); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SULZER: A bill (H. R. 18498) for the purpose of carrying out the provisions of General Orders, No. 195, War Department, June 29, 1863, for the presentation of medals—to the Committee on Military Affairs.

By Mr. GARDNER of Massachusetts: A bill (H. R. 18499) authorizing the Secretary of the Treasury to pay a sum of money to the Whittier Home Association, of Amesbury, Mass.—to the Committee on the Library.

By Mr. BRADLEY: A bill (H. R. 18500) to authorize the President of the United States to appoint a commission to consider and recommend a system of national parks for military, historical, and for other purposes—to the Committee on Military Affairs.

By Mr. ELLIS: A bill (H. R. 18501) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road—to the Committee on Interstate and Foreign Commerce.

By Mr. PARSONS: A bill (H. R. 18502) to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto—to the Committee on Insular Affairs.

By Mr. BURTON of Delaware: A resolution (H. Res. 411) providing for the printing of the accounts, papers, and documents in the case of Henry Fisher's services rendered to John Paul Jones—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BENNETT of Kentucky: A bill (H. R. 18503) granting an increase of pension to John Burns—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 18504) granting an increase of pension to James T. Rambo—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 18505) granting an increase of pension to M. Belle May—to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 18506) granting an increase of pension to Mahala Jones—to the Committee on Pensions.

By Mr. HALE: A bill (H. R. 18507) granting an increase of pension to Bailey P. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18508) granting an increase of pension to James F. Foster—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 18509) granting an increase of pension to Ellen L. Stone—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 18510) granting an increase of pension to Hugh R. Rutledge—to the Committee on Pensions.

By Mr. KLEPPER: A bill (H. R. 18511) for the relief of Samuel R. Couch—to the Committee on War Claims.

By Mr. KLINE: A bill (H. R. 18512) granting a pension to Lucian Potteiger—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 18513) granting an increase of pension to Sarah Watts—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 18514) for the relief of D. H. Chamberlain and Pauline Chamberlain—to the Committee on War Claims.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 18515) granting an increase of pension to Martin Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18516) granting an increase of pension to Jacob T. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18517) to remove the charge of desertion from the military record of Ishmael H. Smith—to the Committee on Military Affairs.

By Mr. SAMUEL: A bill (H. R. 18518) granting an increase of pension to William W. Wertman—to the Committee on Invalid Pensions.

By Mr. SMYSER: A bill (H. R. 18519) granting a pension to Benjamin W. McCray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18520) granting an increase of pension to Joseph G. Shank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18521) granting an increase of pension to Katherine McMonigal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18522) granting an increase of pension to Charles D. Ferrell—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 18523) granting an increase of pension to Hugh Reid—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 18524) granting an increase of pension to Julius Rector—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 18311) granting an honorable discharge to Lewis Presley—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 9236) granting a pension to Albert I Merrill—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9771) granting a pension to George A. Cooper—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Local Union No. 80, of the International Union of Flour and Cereal Mill Employees, of Los Angles, Cal., for a fair trial of the officers of the Western Federation of Miners now under arrest—to the Committee on the Judiciary.

By Mr. AIKEN: Paper to accompany bill for relief of Martha A. Dunlap—to the Committee on Pensions.

By Mr. BATES: Petition of Picking Garrison, No. 4, Army and Navy Union, of Erie, Pa., favoring bill for retirement of noncommissioned officers and men in the Army, Navy, and Marine Corps—to the Committee on Military Affairs.

By Mr. BURKE of Pennsylvania: Petition of Mrs. Alice B. Montgomery, chief probation officer of the juvenile court of Allegheny County, Pittsburg, Pa., for the bill granting second-class mail privileges to certain charitable, educational, and religious publications—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Perry G. P. Brull—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: Petition of Lavinia V. Rodney, asking that all accounts, papers, and documents relating to claim of her great-grandfather, Col. Henry Fisher, be sent to Congress and printed—to the Committee on Claims.

By Mr. DE ARMOND: Paper to accompany bills for relief of Elizabeth F. Snyder and Thomas M. Montgomery—to the Committee on Invalid Pensions.

By Mr. DOVENER: Petition of the Woman's Literary Society, of Wheeling, W. Va., of the General Federation of Women's Clubs, for an appropriation to investigate the industrial condition of women in the United States—to the Committee on Appropriations.

Also, paper to accompany bill for relief of Tony Verrosso—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Edwin A. Abbey and 64 other artists of America, for repeal of the duty on art works—to the Committee on Ways and Means.

By Mr. ESCH: Petition of Edwin A. Abbey and 64 other American artists, for repeal of the duty on art works—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Edwin A. Abbey and 64 other artists of America, for repeal of the duty on art works—to the Committee on Ways and Means.

By Mr. GRANGER: Petition of the League of Improved Societies of Rhode Island, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. GRIGGS: Petition of the Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HIGGINS: Petition of the Saturday Club, of New London, Conn., for an appropriation to investigate the industrial condition of women in the United States—to the Committee on Appropriations.

By Mr. HOUSTON: Petition of the Rutherford County (Tenn.) Medical Society, indorsing the control of maritime and interstate quarantine by the Federal Government—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON: Paper to accompany bill for relief of Hugh R. Rutledge—to the Committee on Pensions.

By Mr. KNOPF: Petition of the Scandia, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LACEY: Paper to accompany bill for relief of Sarah Watts—to the Committee on Invalid Pensions.

By Mr. LEE: Paper to accompany bills for relief of the Damascus Baptist Church, of Gordon County, Ga.; the Oethcalega Baptist Church, of Adairsville, Barton County, Ga.; the Calhoun Baptist Church, of Gordon County, Ga., and the Calhoun Presbyterian Church, of Calhoun, Gordon County, Ga.—to the Committee on War Claims.

By Mr. LILLEY: Petition of the Troy Gazette-Register and the Mirror, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of Samuel Irwin, for bill H. R. 5335, for relief of retired naval officers—to the Committee on Naval Affairs.

Also, petition of Mrs. Fannie T. Horen, president of the National Association of Army Nurses, for increase of pension for nurses of the civil war—to the Committee on Invalid Pensions.

Also, petition of Edwin A. Abbey et al., American artists, for repeal of the duty on art works—to the Committee on Ways and Means.

By Mr. LITTLE: Paper to accompany bill for relief of J. M. Wright—to the Committee on War Claims.

By Mr. McCALL: Petition of Rufus F. Herrick, of Winchester, Mass., for the metric system (the Littauer bill)—to the Committee on Coinage, Weights, and Measures.

By Mr. MORRELL: Petition of Edwin A. Abbey et al., artists of the United States, for removal of the duty on art works—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of citizens of North San Juan, Cal., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RHINOCK: Paper to accompany bill for relief of Annie Dinan (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. SULZER: Petition of Charles Dersch and Fred W. Hotz, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the American Free Art League, No. 50 State street, Boston, and 66 leading artists of the country, for repeal of the duty on works of art—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SUNDAY, *April 22, 1906.*

The House met at 12 o'clock m., and was called to order by Hon. ALEXANDER MCDOWELL, Clerk of the House, who directed the reading of the following letter:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., April 22, 1906.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, to act as Speaker pro tempore this day.

J. G. CANNON, *Speaker.*

Mr. DALZELL accordingly assumed the chair as Speaker pro tempore.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.:

Infinite source of life and light and love, we thank Thee for that deep and abiding faith which holds us close to Thee through all the vicissitudes of life, for the star of hope which illumines our path when sorrows and disappointments gather thick and fast about us, for the ties of affection which bind us together into families and friendships which time nor space can sever; and as we gather here to-day in memory of those who made for themselves a place in our hearts we thank Thee that their characters, their works, their influence remain an inspiration to those who knew and loved them. Let the everlasting arms be about the dear ones who mourn their absence, and comfort them with the blessed hope of a reunion in a world where sorrows never come. Hear us, in the name of the Lord Jesus Christ our Savior. Amen.

The Journal of yesterday's proceedings was read and approved.

EULOGIES ON THE LATE HON. GEORGE A. CASTOR.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I offer the following resolutions and move their adoption.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. GEORGE A. CASTOR, late a Member of this House from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The question was taken; and the resolutions were unanimously agreed to.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that Members have leave for thirty days to print on the memorial services of this day.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that Members desiring to print on the memorial services of this day shall have leave to do so. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMS of Pennsylvania. Mr. Speaker, it was my sad duty on the 20th of February to announce the death of my colleague, Hon. GEORGE A. CASTOR, of the Third district of Pennsylvania, and to announce that another time I would ask that a day be set apart for proper consideration of his public services and character. By a special order of the House this day was set apart for that purpose.

The change to holding these memorial services on a Sunday has been a good one. The excitement and interest in pending legislation was frequently not ignored sufficiently, and the services lacked that repose and sanctity that belong to the memory of those gone before.

Mr. Speaker, our late colleague was born at Holmesburg, a part of the city of Philadelphia, on August 6, 1855, of humble but highly respected parentage. He attended the public schools of the village, but early in life entered a cloth house in the city. With that energy which characterized and made a success of his life, he at once proceeded to master the details of the business, and before long gained the reputation of being the best judge of cloth in the country. This knowledge became of vital importance when he determined to enlarge his business as a merchant tailor. This his experience and energy so developed that he soon had large establishments in New York and Boston in addition to his Philadelphia house. Success crowned his efforts, and at the expiration of some twenty years he retired with a moderate fortune, which by his excellent judgment in investments he greatly enlarged in later years.

GEORGE A. CASTOR is a striking example of a class of men of which our country has too few. Instead of retiring and enjoying that ease his work had made possible, he felt he owed some duty to his city and country, and began to take an active part in public affairs. A Republican in principles, he became an active worker in the organization of that party. He served on the city committee for fifteen years, his popularity in his district insuring his continued reelection. On the death of Hon. Henry Burk, representing the Third Pennsylvania Congressional district, some difficulty was experienced in finding a candidate.

The Third Pennsylvania district occupies a peculiar place in American politics. It is peculiar in the history of our country, owing to the record of Samuel J. Randall. With the strong conviction for the doctrine of protection which existed in the city of Philadelphia, Randall stood as the exponent of that wing of the Democratic party which believed in moderate protection. He had so stamped his impress on this district, which, though probably by conviction its constituents were Republicans, with high protective ideas, that his strong personality, honesty, and integrity had broken down party lines to such an extent that for nearly thirty years he was elected an honored Member to this House. Party lines were severed, and it was known as "the Randall district."

I state this fact because at the death of Henry Burk there was some difficulty in finding a candidate who would be sure to be returned as a Representative fully convinced of the soundness of the great doctrine of protection. Many were canvassed, and finally the selection was made of our late colleague, GEORGE A. CASTOR. It takes certain qualifications to carry that district, owing to the peculiar conditions to which I have referred. Mr. CASTOR was chosen, first, for his strong support of the doctrines of the Republican party; second, on account

of his high standing as a business man for honesty and integrity, a man whose character could not be assailed, no matter how bitter the canvass might be, and, thirdly, through large charities, and a character so lovely that he won friendship and all felt he would make a sufficiently strong candidate to overcome whatever lukewarmness might exist there, owing to that feeling that existed for the late Samuel J. Randall.

It was a wise choice, Mr. Speaker, for Mr. CASTOR carried that district sucessfully by a very large majority—24,374—and in spite of the fact that the sentiment to which I have referred was tried to be revived and made a part of the canvass, that the son of that distinguished man of Pennsylvania, Samuel J. Randall, was run in opposition to Mr. CASTOR, and there was an independent candidate, Mr. CASTOR was successfully returned to this House, and took his seat. Had his life been spared he would have made quite a mark as a Member. Unfortunately for him, when he was reelected, by a still larger majority, to the present Congress that terrible disease had taken hold of his frame which medical skill has not the power to allay, and he fell a victim to it.

Mr. Speaker, there is not much that can be said of Mr. CASTOR'S services in this House. We all know that a new Member has but little opportunity, either on committee or on the floor of this House, to show what may be in him; but I believe that with his strong business training and the qualifications that he showed, had his life been spared he would have been a most useful Member.

But, Mr. Speaker, no reference to GEORGE A. CASTOR would be complete without entering into those personalities of home life and friendship and charity which, after all, are the attributes that are the strongest characteristics of a man who has served his fellow-men.

Fame is good and great, and all honor to those who achieve it in public life; but the man who leaves a record of goodheartedness, good will, and charity to his neighbors is part of that leaven that goes to raise the standard of life on this earth of ours, whose influence permeates in that quiet, silent way that lifts up mankind to that brotherhood which is the highest attribute, nearing divinity.

The friends of Mr. CASTOR could not be numbered. He was so beloved in his own city that, as I say, he ran in a district in which he did not reside, because his strength of kindliness was not limited merely to his home. Yet his strength of love for the locality of his birth—Holmesburg—is another characteristic that showed the man. When he had accumulated this competence he sought no fashionable or notorious place in which to build a home to provide for his family, but with that tie for the place of his birth he went back to Holmesburg and there erected a home, with every comfort and every elegance, in which his family could pass their days. Sir, those of us who were appointed officially to attend the funeral of Mr. CASTOR saw that home and saw the bereavement that had entered into it which spoke of him as a father and as a husband. As a father he was most indulgent. His children were devoted to him with a love that can come only through such treatment by a parent as he gave to them. He belonged to many societies, and there were from those societies large delegations gathered on the beautiful lawn. It was a perfect day, and of all the pathetic sights that I saw which touched me most and which showed the character of the man was a woman who stood at a respectful distance clad in garments that showed she belonged to the poorest of the poor. At either side clung to her skirts two little children. That picture showed what that man had done in his neighborhood, and this woman came to give that testimony of his kindness. Her very shrinking showed that she did not feel comfortable in the surroundings, but it showed that her gratitude was greater than her pride, and she came to pay the only tribute which she could in her position—to stand at a respectful distance, with bowed head, expressing gratitude for all that he had done for her. That, Mr. Speaker, showed the man.

As we stood there and heard the beautiful ritual of the Episcopal Church read among the flowers that filled the large hall of the mansion, sent by many friends, we knew that we were attending officially the obsequies of a character who in his own home received the most precious tribute that can be given to a man. All the neighbors—his friends—were there, rich and poor, high and low, to pay tribute at the going hence, we know not whither, leaving behind him that which is most precious—a memory that lingers of the goodly deeds and kindly words and charitable acts of one who has gone from among us.

Mr. MORRELL. Mr. Speaker, I had the privilege and honor of knowing the late Mr. GEORGE A. CASTOR probably longer and better than any other Representative in Congress. Mr. CASTOR was a resident of the district which I have the honor to represent, and a resident of the ward in which I live. He was born and brought up at Holmesburg, just 3 miles from Torresdale, Philadelphia, to which place I moved shortly after my marriage in 1887. In 1900, while I was in Florida, I was persuaded to come back and become a candidate for select council of the city of Philadelphia, to represent a new ward, which was to be known as the Thirty-fifth Ward, which was cut off from the old Twenty-third Ward. When I returned the first difficulty that presented itself, inasmuch as it was a new ward, and I myself a comparatively new resident of it, was to find somebody who would be willing to accompany me in the canvass.

Among those who rallied around me in that connection was Mr. GEORGE A. CASTOR, and I can say here that throughout the canvass which I made, a very arduous canvass, because it was in the spring and we had to drive sometimes for miles over bad roads and through mire which would come sometimes up to the hubs of the wheels, it was Mr. CASTOR'S wonderful faculty of looking at the bright side of things, his cheerfulness, his personality, his hearty laugh, that made what would otherwise have been an arduous task an agreeable one. The villages and towns we visited where he had no friends previously he at once made friends. It was one of Mr. CASTOR'S wonderful peculiarities—his faculty for making friends, not for the time being, not for the moment, because having once known GEORGE CASTOR everybody was glad to see his bright face, to shake his hand, and to again come in contact with his strong and cheerful personality. Much has been said in regard to Mr. CASTOR'S early life, his struggles and his wonderful successes.

Mr. CASTOR'S life was a typical American one and his achievements an example of what, under our Government, opportunities taken advantage of will result in.

Everything that Mr. CASTOR had he had won for himself by his own individual efforts, and to my mind it was a remarkable thing, already alluded to, that his one great desire was to go back to the place of his birth, to be among his old schoolfellows, and to become a leader among them. There is an expression that a prophet is not without honor save in his own country. In this instance the reverse of that proposition was true, because Mr. CASTOR very soon became honored and looked up to in his old home, first, as the leader of the ward in which he lived, and particularly the leader of those among whom he had been born.

When the time came in 1892 for the city of Philadelphia and the eastern part of the State to look about for a candidate for Congressman at large. Mr. CASTOR was selected, but was defeated by the very small number of 12 votes. It had been up to that time, and remained afterwards, the laudable ambition of Mr. CASTOR'S life to represent his city and State in the Congress of the United States, and no one more than myself rejoiced when the opportunity came and he was nominated for Congress from the Third Congressional district. The success of the campaign he went through in that district, where he was not particularly well known, and the friends he made and kept afterwards, as I said before of the campaign that we made together, were due entirely to his own indefatigable energy. He was a man who would sacrifice his time at any moment, day or night, to achieve the end in view, and it was through this energy that he became in a few weeks as well known in the new district he was to represent as in the district in which he was born and in which he resided.

I feel quite sure, with my colleague from Pennsylvania [Mr. ADAMS], that had Mr. CASTOR been spared these same splendid qualities which had made for him the position he occupied in the business world would have made him one of the strongest and best Representatives in this National Government. However, those are things not left to us to determine, but belong to Almighty God. We are told, and it is demonstrated every hour of the day, that we can not take anything with us out of this world. Is it not, then, well to have left behind a memory, an impression, such as Mr. CASTOR did? His strong personality, his warm-heartedness, his cheerfulness, and his desire to assemble about him not only friends of his later days, but the friends of his youth, will be a monument more lasting than had he left behind palaces and gold untold.

The Lord of life so orbited his sun
That ev'ning shadows fell just when his noontide shone
On widened fields. With new tasks scarce begun,
He heard the whisper, "Rest! Your work is done."

Mr. GILBERT of Kentucky. Mr. Speaker, the most exalted position ever attained by any mere man in the world's history perhaps was that occupied by Julius Cæsar. The most brilliant and entertaining of all the historians has said of Cæsar that he was a poet second to none but Virgil; he was a historian second to none but Tacitus; he was an orator second to none but Cicero,

and he was the very greatest military captain of that or any other age. And yet when we look back over the centuries and scan this brilliant career of this highest type of humanity, who would not have rather lived a life of honest usefulness, devoted to making mankind happier and better than to have ruled with an iron hand all the vast countries that stretch from the Tweed to the Tigris? It is indeed true that "he that ruleth his own spirit is greater than he that taketh a city."

Our friend, GEORGE A. CASTOR, captured no city and ruled over no empire in the worldly sense, and yet he captured a stronger citadel and ruled a more tempestuous empire when he so measured his own life and shaped his own conduct as to leave behind him an unsullied name. When the infidel has ended his scoffing and when the agnostic has propounded his last question and we are not able to answer it, still, somehow, we know that the actions of men and nations are interwoven with and measured by a universal moral code, and that in the long run it is well with men and with nations, too, to do what is honorable and what is right. Somehow, in some inscrutable way, the human family in every age and in every land have acknowledged the binding obligations of this universal moral law. A thousand differing creeds and a thousand different religions are at last but a thousand frail, imperfect efforts to give expression to and to formulate this moral law. High over all human ambitions, above and beyond the achievements of sense, there is a source from whence this moral sentiment emanates, and death always brings us to its sober consideration. We do not flatter our dead friends when we for a moment turn away from the numerous deaths of a ruined city to give expression to the worth of a single individual. Indeed, the Divine Founder of our religion turned a while from his path of leading and teaching multitudes to mourn at the grave of Lazarus and to comfort the two sisters who were benumbed by sorrow. We but give expression to the magnitude of a human soul and prove true to that part of our nature which forces us to see and realize in a larger measure those calamities which are near and which befall us than we do those which occur at a distance and among strangers. The mother is not to be condemned who would sacrifice a hundred strangers to save her own child, and we are not to be criticised, because GEORGE A. CASTOR was indeed entirely worthy of all the affection shown his memory, even if we do pour out our oblations in the midst of the smoke and ashes of a desolated city.

On opposite sides of the Roman forum there stood in the olden days two beautiful monuments, one representing Romulus and Remus being suckled by a wild wolf, and it stood there as an object lesson to remind the people of the humble and obscure origin of that opulent city that had become the mistress of the world. On the other side of the forum stood the other monument, representing Pegasus, with eyes aloft and wings outstretched soaring toward the sun. This monument stood as an object lesson also, to teach the people that although the city ruled every shore of the Mediterranean and although the Appian Way was thronged with caravans loaded with tribute from every land, yet there still remained other conquests for a still wider domain.

So, too, in the life of GEORGE A. CASTOR two similar monuments could be appropriately erected. One representing a poor boy without purple blood or ancient lineage struggling for an education and laboring in a tailor shop for his daily bread. The other representing the successful business man with a palatial home, blessed by a young, devoted, and accomplished wife, and gathered at his knee three beautiful promising children; the leader of his city and an honored Member of Congress.

He died in the prime of life, leaving a host of friends who were saddened by the loss of one of the best and most genial friends, one of the truest and most useful of our distinguished public men. To his wife and children he left more than any comfortable fortune or palatial home could bring, because he left behind a successful life as a model for the encouragement of thousands of other poor American boys to demonstrate the fact that fortune and business success are open to all in this great Republic and may be achieved without wronging or oppressing a single human being. Such a life lived in such a way, leaving behind such a memory, is infinitely greater than the diadem of the Cæsars. It is the highest type of successful American citizenship, which is the highest that has ever been afforded to the contemplation of the human family. So let us pause amidst the affairs of state and drop a tear upon the honored grave of GEORGE A. CASTOR.

When friendship or love our sympathies moved,
When truth in a glance should appear,
The lips may beguile with a dimple or smile,
But the test of affection's a tear.

Too oft is a smile but the hypocrite's wile
To mask detestation or fear.
Give me the sad sigh whilst the soul-telling eye
Is dimmed for the time with a tear.

Mr. CUSHMAN. Mr. Speaker, on the 20th day of last February, when the flag above the House of Representatives fluttered down to half mast, the American people witnessed the mute emblem of a nation's grief for the loss of one of her honored and favored sons—Congressman GEORGE A. CASTOR.

In the more than seven years' service I have had in this body the saddest of the lessons that I have learned is that the tremendous labors incident to a seat in this body make our Members prematurely old. In these few years I have seen the lines of care and the marks of age steal rapidly into faces that a little while ago were unmarked and unlined. Sir, he who gives of his substance to the common people is entitled to credit. What then, sir, shall be a fitting reward for GEORGE A. CASTOR and others like him, who gave up the very vital elements of their being for the public good?

Ah, sir, to be a Member of the House of Representatives of the United States—in all the wide world round I know of no position of higher honor or loftier duty. And, in my judgment, since the ages began there has never been gathered together within four walls any body of men of greater ability and more lofty character than the Members of the House of Representatives of the American Congress.

Here we stand, holding our credentials direct from the hands of the people; and we are so near to them that we feel each day the very heart throbs of the uncounted millions of the common people of our race.

At different times and at different places in the history of the world men have gained some political positions by wealth, by chance, or by intrigue; but not in the House of Representatives. When a man presents himself before the bar of this House to take the oath as one of its Members he comes bearing in his hands a dignified commission from a quarter of a million of his race.

Thus it was that GEORGE A. CASTOR came to us here in this House, and the noble attributes of his soul have added one more imperishable memory to the legions of those that cluster round this historic hall.

It frequently happens that when a public man dies possessed of no earthly estate that fact is heralded abroad as prima facie proof of his great virtue. Personally I am disinclined to cry out against this custom, because individual poverty is likely to be the chief monument that will mark the end of my public career, and I have no desire to encourage those who may come after me to mutilate it. However, I may remark in passing that when a man dies poor it may be evidence of an abundance of virtue or a paucity of industry.

In view of the lesson it teaches, it is not inappropriate to remark at this time that when GEORGE CASTOR passed away he was a man of some wealth. But, sir, that fortune of his is a joint monument to his industry and his honor. Not a dollar of it represented ill-gotten gains or hard bargains driven with his fellow-men. On the contrary, the manner in which he acquired a competence may well be taken as an object lesson by all of those who linger after him. He made his money in a great business enterprise that gave needed employment and generous wages to hundreds and hundreds of his fellow-men.

The financial career of GEORGE A. CASTOR was akin to the attribute of mercy, as told by Avon's bard. It was not strained. It was a great business career that blessed alike the employer and the employees. In all his life he never wrung an unfair dollar from the hand of toil, and the humblest workingman in his beloved Commonwealth was as welcome a guest across his doorway as those of wealth or renown.

There was, perhaps, no man in this body who more closely scanned the proceedings of this House than he did. I have been told that there was no closer reader of the CONGRESSIONAL RECORD in the House than he was. And his wide information on all topics connected with our legislative work proved the truth of that statement. It was his firm opinion that no man could be a well-equipped legislator who did not keep in close touch with the proceedings of Congress in their entirety.

At a reasonably early age in life he attained a competence, and could readily have spent the remaining years of his life in ease and idleness. But all his life he had been an active man. He was full of life and energy and always had been. He had been a hard worker in the early days in his little tailor shop, and he remained a hard worker until that business expanded into gigantic proportions in three of the greatest cities in America.

In his young manhood he carried a torch in the political parades for Rutherford B. Hayes. And in the days of his ripe

manhood he was one of the Representatives that Pennsylvania sent to the capital of the nation to uphold the hands of Theodore Roosevelt.

He disliked to stand upon his feet and speak before a crowded assembly. With diffidence and modesty he put aside opportunities for public debate. Yet there were few men in this legislative body who could state a proposition more clearly or make an argument with the rare tact and ability that he displayed when seated in the committee room or around the council board of his party. But he seemed to shrink from addressing a great audience like the House of Representatives.

His personality exemplified in a high degree both modesty and ability—a combination all too rare in the common humanity of our day. He was ever ready to give a helping hand in any good cause, provided his name was not paraded at the forefront of the enterprise or his name exploited in connection therewith. He once remarked in my presence that so long as he could help in the attainment of a good object he did not care where the glory went. A disposition like that is a rare jewel to ornament the interior of any man.

He was a man who made the cultivation of common sense the main object of his intellectual pursuit. Those in this House best acquainted with him soon found that he was a man of keen foresight and rare good judgment. The common sense in his disposition had been developed to such an extent that it became something closely akin to genius.

It was never my good fortune to have known Mr. CASTOR'S family; but having known him, and recognized the many great and warm qualities of his nature, I can, in some measure, realize their sense of loss and desolation. My heart goes out to them in this the hour of their affliction.

It is no vain boast to say that he began life on the lowest round of the ladder, while the hour of his death found him occupying one of the most honored and exalted positions that man was ever called upon to fill.

All the intervening rounds of that ladder he scaled aided only by his great force and pluck, supplemented by a warm and generous heart that drew around him a host of friends.

Fifty years ago, in the city of Philadelphia he was born, and as a poor boy he began the battle of life with all the odds against him; and few there were who knew or cared to record the story of his early struggles. A half century later he died on earth, and every proud banner in that magnificent city an honored and influential Member of the greatest lawmaking body on earth, and every proud banner in that magnificent city trailed its heroic colors at half-mast by reason of his untimely death. Splendid record of one more American citizen gone to the great beyond! Peace to his ashes! Honor to his name! Immortality to his memory!

Mr. WACHTER. Mr. Speaker, we meet to-day to do unto the memory of one who has shared with us the responsibility that goes with membership. It is but right and proper that we thus pause in our labor to attest our appreciation of the service and work of one who has been taken from our midst. GEORGE A. CASTOR, while unknown to me prior to his entrance into this body, and while my acquaintance with him was but slight, yet brief as it was it gave me a knowledge of the great respect in which he was held by his colleagues and of noble qualities that won for him the esteem and confidence of the people of his district and city. I had the great pleasure of being associated with him on one of the committees of the House, and I can attest to the fact that no other Member surpassed him in the attendance upon and performance of the work connected therewith. His life is an example of what can be accomplished by a strict application to business and faithful adherence to high and lofty principles in the conduct thereof. His success was marvelous. We have been told his beginning in life was humble; that at the age of 19 he was a tailor; that at 27 he opened a tailoring establishment in the great metropolis of New York, and that in the following year he opened another in the city of Boston; and that thereafter success soon so crowned his efforts that he opened other establishments which were equally successful; so much so, in fact, that at the early age of 32 he was able to retire from an active business career with a comfortable fortune. This record certainly gives evidence of the exceptional ability and qualifications that he must have been endowed with, and from what I have learned of him—and learned to-day—I am convinced that he was ever prompt and conscientious in the performance and discharge of all obligations by him assumed. In his composition there was no selfish greed or burning ambition to amass and hoard up riches, but he was satisfied with the success that had crowned his efforts and was content to enjoy the life that such a condition assured.

When he was elected to Congress to fill an unexpired term of his predecessor, I feel safe in saying that it can be properly assumed that his acceptance of this trust was impelled rather by the desire to serve his city and its interests than to gratify any personal or selfish ambition. It shall not be my purpose to speak of his home life or of those personal attributes that endeared him to his friends and won for him the high regard and respect with which he was esteemed, as this shall be left to those who knew him better and who were in the circle of his intimate friendship.

Those who knew him best will mourn him most, as we are justified in assuming that had his career been extended in the House it would have been such a development that it would surely have left his influence in behalf of the good people of his district and the great Commonwealth of Pennsylvania. But such is life; the Great Messenger has summoned to that undiscovered country from whose bourne no traveler returns; he has gone to give an account for the deeds done in the body, and as we thus pay tribute to his memory we should be reminded of the certainty of a day when each of us must humbly and surely accept the inevitable fate destined for all mankind. Let his life be an inspiration to us and his virtues be emulated. May his memory ever be green in the hearts of his colleagues and of the people who honored and loved him and that he loved so well.

[Mr. GROSVENOR addressed the House. See Appendix.]

Mr. LLOYD. Mr. Speaker, GEORGE A. CASTOR was born in Pennsylvania more than a half century ago, when that State had about the same population as the present State of Michigan has. He lived early enough to know of the civil war, but he was not sufficiently old to participate in that fratricidal contest. It is a rather strange coincidence that his predecessor was cut down in the prime of life at the beginning of a Congressional career. They both came up from poor men to successful financiers—one a harness maker, the other a tailor.

Mr. CASTOR was a business man rather than a politician. Yet he was an active party worker for years. He held no office except as a Member of this House. His life's history has much of the usual kind. It runs something like this: He was a poor boy—how many successful men started in the same way. He had a public school education. More men start with this foundation than any other. He was a laborer; made his bread in the sweat of his face, so similar to the starting of all great careers, whether as captains of industry or as leaders of thought and enterprise.

He was industrious and frugal, and accumulated a good estate—the story of nearly every successful business career. He became influential as a citizen because of fair dealing and a friendly spirit. He entered the political arena near the close of his life, and served with distinction in this important body. He left, surviving him, his wife and children—the beginning and ending that may be frequently written in the history of other successful lives.

Mr. CASTOR'S life is a forceful illustration of the opportunities presented the American youth and what can be made of them. There are no barriers to preferment in this great land. The road from poverty to riches, from humble life to highest station, is constantly traveled. There is ever the star of hope to encourage and the course of men to persuade the poor boy to look upward and onward. After all, however, real triumph comes as the reward of merit. The individual must earn it. In this way Mr. CASTOR won renown, and he leaves to his family a legacy in his life and deeds that is of more consequence than the fortune in material wealth they inherit.

Mr. Speaker, this short career was not in vain. Cut off before the ripened fruit of age had come, but what a consolation to family, what source of comfort to friends, what a blessing to country! What was the predominant trait? What distinguished his character? What made him the recipient of others' esteem and confidence? It was the kindly spirit, the love for mankind, the social relations which most endeared him to his fellows.

In public life he made no great display. He was not ostentatious. He was not an orator, but a practical, common-sense speaker. In Congress he was growing in usefulness. His judgment was worth considering, and his colleagues were finding it out. His worth was properly determined by what he did rather than by the assurance of greater achievements hereafter. Measured by the standard of real worth rather than by public demonstration, Mr. CASTOR made a record here that is a source of gratification to his family and an honor to the constituency he served. The deeds of greatness which stand out prominently to crown the efforts of a Congressional career are few indeed, but the overmastering element of strength after all is honesty of purpose and life, devotion to duty, and the esteem of fellows.

Mr. CASTOR possessed these characteristics. How can the value of human life be ascertained? Who can tell who are entitled to be recognized as real benefactors? Men come on the stage of action and in a few years at best pass off. Their days are numbered, and their deeds make the monument great or small which shall remind the world that they have been. Is life worth the living? Is the price not too great? There is good in every life, there is hope in every conflict, there is at least the spark of human affection in every breast. It may not be dominant, but if enkindled will brighten the hopes of others, cheer the hearts of friends, and give consolation to home and family. Into Mr. CASTOR'S life much good had come. He had endeared himself to many. He is missed. A great writer has said, "One of the best evidences of one's influence is expressed, after his demise, in the words, 'Oh, how we miss him.'"

Why should Mr. CASTOR lie cold in death? Why should a useful career in public life be cut short near its inception? Why should family ties the most sacred be severed? No mortal can explain. Our friend lived; now he is dead. May Heaven bless his ashes and friends be found to bind the broken hearts of his family, and the lesson of the uncertainty of life and the duty of meeting death be impressed upon the living, and especially the colleagues of Mr. CASTOR on this floor.

EULOGIES ON THE LATE HON. GEORGE R. PATTERSON.

Mr. SAMUEL. Mr. Speaker, I offer the following resolutions.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon GEORGE R. PATTERSON, late a Member of this House from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The question was taken; and the resolutions were unanimously agreed to.

Mr. SAMUEL. Mr. Speaker, it was my sad duty on the 21st day of March, 1906, to announce to the House the sudden and unexpected death of the late GEORGE R. PATTERSON, a distinguished Representative from the Twelfth Congressional district of Pennsylvania for a number of years, and to state that at another time I would ask that another day be set apart for the purpose of a proper consideration of his life, character, and valuable public services. On March 27, by special order, the 15th day of April was set apart for these memorial services. On the 5th day of April, on motion of Mr. ADAMS of Pennsylvania, this day was selected, and we are assembled this afternoon to pay our last tribute of respect to one who was one of the most popular and energetic members of this House, who served his constituency with signal fidelity and loyalty, and who was greatly loved and respected at his home, which was shown by the great concourse of people and friends who assembled from near and from far to pay their last respects to all that was mortal of their true friend and fellow-citizen.

I shall not undertake to give an extended review of his career at this time, but will print the same in the RECORD, as part of my remarks.

MR. PATTERSON'S CAREER.

GEORGE ROBERT PATTERSON, Republican, of Ashland, was born at Lewistown, Mifflin County, Pa., November 9, 1863; attended the public schools and the academy at that place; had been engaged in mercantile pursuits since leaving school, in 1880, most of the time as a traveling salesman, first in the hardware business and for the last twelve years in flour and feed; at present is agent for a Minneapolis mill, covering territory in central Pennsylvania; has been living at Ashland since March, 1886; has always been a Republican, and has taken an active part in the politics of the district for a number of years, having frequently been a delegate to local and State conventions, and delegate to the national Republican convention at Chicago, June, 1904; was elected to the Fifty-seventh and Fifty-eighth Congresses, and reelected to the Fifty-ninth Congress, receiving 17,419 votes, to 12,005 for H. O. Haag, Democrat, 239 for W. H. Zweizig, Prohibitionist, and 679 for M. E. Doyle, Socialist, a plurality of 5,414, the largest ever given to any candidate for any office on any ticket in this district.

MR. PATTERSON'S FAMILY.

Mr. PATTERSON'S mother has been a resident of Washington for several years. His father, who was a Presbyterian minister of honorable Revolutionary ancestry, has been dead for some years. He had no brothers or sisters.

His immediate family consists of his widow, who was Mary, daughter of James R. Cleaver, of Ashland, one of the pioneer coal operators of this region, and one son and one daughter, Granville and Esther, who are about 12 and 7 years of age, respectively.

PROMINENT SOCIETY MAN.

Mr. PATTERSON was a charter member of Ashland Lodge, No. 384, Benevolent and Protective Order of Elks, and was also a member of Sheridan Council, No. 1128, Royal Arcanum; of Washington Camp, No. 84, Patriotic Order Sons of America, and of Shenandoah Aerie, No. 129, Fraternal Order of Eagles.

MR. PATTERSON'S DEATH.

On Tuesday, March 20, 1906, Mr. PATTERSON reached Washington shortly after 9 o'clock, from his home at Ashland, Pa., and went direct to his mother's home at No. 1745 Q street NW., where he met his private secretary, Burd W. Payne. They spent a couple of hours going over the mail and talking on business matters, after which Mr. Payne went home and Mr. PATTERSON retired about midnight. He had not complained of feeling unwell beyond being tired after his long ride from Ashland. About 5 o'clock this morning his mother heard him moving around, and going to his room she found him taking a dose of medicine, he saying that he was not feeling very well. She lingered with him for a few moments and then returned to her room again. About half an hour later she heard him moaning, and she again hurried to his room and found him still in bed and bleeding profusely from the nose. Recognizing that he was seriously ill she summoned help and a physician was called, but his services were of no avail, as Mr. PATTERSON expired in a few moments.

THE FUNERAL.

The funeral of the late GEORGE R. PATTERSON, Member of Congress from the Twelfth district of Pennsylvania, was marked by a great outpouring of people, not only from his home town, but all parts of the county and many sections of the State and nation, and was a fitting tribute to the respect and esteem in which the deceased was held. People from every walk of life turned out to pay their last sad tribute of respect to the dead, and long before the hour for the services began to gather at the family home. The remains, which had been prepared for interment at Washington, D. C., where he died on Wednesday last, reclined in a handsome broadcloth-covered casket with silver-barred handles, which was covered with a wealth of beautiful flowers, and on which was a heavy plate which bore the simple inscription:

GEORGE ROBERT PATTERSON.
November 9, 1863.
March 21, 1906.

The services, which were conducted at the house, No. 119 Center street, began at 1.30 o'clock and were very brief and simple in their character. Rev. Francis S. Hort, the pastor of the Presbyterian Church at South Bethlehem, Pa., and formerly of Ashland, was the officiating minister, and the services consisted of prayer, an appropriate scriptural reading, and a short discourse. The only music was a simple hymn, entitled "Some Sweet Day," by Towne, which was sung very beautifully and sympathetically by Mrs. Robert D. Heaton and Miss Ida Price, of the Presbyterian Church choir. In his discourse Reverend Hort drew a strong moral lesson from the mysteries of death and found much consoling thought for the sorrowing family. He also paid tribute to the memory of the deceased, and throughout the discourse was full of rich, soulful thought and taught the lesson of preparation for the life to come. Many wept silently during the sad service.

THE FLORAL DECORATIONS.

The floral decorations were most beautiful and profuse, and included offerings from Shenandoah Aerie, No. 103, Fraternal Order of Eagles; Ashland Lodge, No. 384, Benevolent and Protective Order of Elks; Lewistown Lodge, No. 663, Benevolent and Protective Order of Elks; Mr. and Mrs. D. M. Graham, Mahanoy City; Paul W. Houck, Shenandoah; J. B. Howell, Girardville; Mrs. Harry Freeman Clark, Mrs. Emma C. Clark, Harry Ellis, William Pedlow, Crawford Bennie, Captain and Mrs. Foote, Mrs. Mitchell, and Mrs. Tyson, Washington, D. C.; James A. McCarthy, Locust Gap; Hon. Wayne Parker, New Jersey; Miss Mary C. Weir, Wilkes-Barre; William Renn, William Egbert, Lewistown, Pa.; Burd Linder, Orwigsburg; S. Burd Edwards, Pottsville; Mr. and Mrs. Harry Hunter, Mr. and Mrs William S. Leib, William Berrang, Ashland, and many others. The floral offerings from the family and from the pallbearers were also profuse and beautiful.

Other floral tributes that came later were from "His Tamaqua Friends;" Miss Annie Eckert, Lewistown, and O. Blanchard, Washington, D. C.

The Congressional party also brought with them several beautiful floral tributes, the whole constituting the most elaborate floral display ever seen in Ashland.

THE CONGRESSIONAL DELEGATION.

The committee appointed by Congress to attend the obsequies embraced some of the most prominent men in public life, including Senators PHILANDER C. KNOX, of Pittsburg, Pa.; BOIES PENROSE, Philadelphia, Pa.; J. FRANK ALLEE, Dover Del.; NATHAN B. SCOTT, Wheeling, W. Va.; AUGUSTUS O. BACON, Macon, Ga.; FRED T. DUBOIS, Blackfoot, Idaho; and the following Members of the House of Representatives, colleagues of Mr. PATTERSON: Dr. EDMUND W. SAMUEL, Mount Carmel, Pa.; ANDREW J. BARCHFELD, Pittsburg, Pa.; MIAL E. LILLEY, Towanda, Pa.; GUSTAV A. SCHNEEBELI, Nazareth, Pa.; THOMAS S. BUTLER, West Chester, Pa.; MARCUS C. L. KLINE, Allentown, Pa.; HENRY C. LOUDENSLAGER, Paulsboro, N. J.; DAVID J. FOSTER, Burlington, Vt.; ROBERT F. BROUSSARD, New Iberia, La.; GEORGE W. PRINCE, Galesburg, Ill.; JOSEPH A. GOULDEN, Fordham, N. Y.; WYATT AIKEN, Abbeville, S. C.; and GILBERT B. PATTERSON, Maxton, N. C.

The party came from Washington on a special train over the Pennsylvania Railroad to Pottsville, where they were transferred to the Reading, reaching Ashland at 12.06 o'clock. They took dinner on the train, and afterwards proceeded to the house, but did not go to the cemetery, which is a rule on such occasions, so that their stay in Ashland was a brief one.

The only Senator to arrive was Senator BOIES PENROSE.

Of the Congressional party, SYLVESTER C. SMITH, of Bakersfield, Cal., was substituted for BUTLER, of West Chester; W. H. ANDREWS, of Albuquerque, N. Mex.; J. C. NEEDHAM, of Modesta, Cal., substituted for AIKEN, of South Carolina.

Ex-Congressman C. H. Dickerman, of Milton, and Dr. H. R. BURTON, of Lewes, Del., were with the party, as were also J. B. Roberts, of Sioux Falls, S. Dak., clerk for the Senate Committee on Pensions; Ralph Paxton, of Medicine Lodge, Kans., clerk for the Senate Committee on Census; Frank H. Barto, clerk for the House Committee on Pensions, of which Mr. PATTERSON was a member; J. S. Rogers, of Philadelphia, clerk in the file department; and Frank Samuel, of Mount Carmel, private secretary to his father, Congressman E. W. SAMUEL.

The party was in charge of Sergeant-at-Arms of the House Henry Casson, of Wisconsin, and his assistants, J. F. English, of California, and C. E. Morley, of Wisconsin.

The Twelfth Congressional district of Pennsylvania had no more popular and respected citizen than GEORGE R. PATTERSON.

His long residence there had made him known to all the people. He was the kind of a man whom people liked. His good nature was spontaneous and always put those about him in good humor. He was ever bright and cheerful, and gloom never had a part in his composition. He always had a good story and he knew how to tell it. And he was always a gentleman, ever courteous and agreeable. Kindness was one of his most marked traits. It was never too much trouble for him to do a favor for a friend, and no one will ever know of his innumerable acts of kindness, both in his political and private life. Wherever he was he was the life of the party. His goodness of heart and mind fully covered any fault, if there was any fault in him. GEORGE R. PATTERSON was a clean man. There was no blot or stain on his character, private or public. And now he is dead, cut down in the heydey of his usefulness.

Close the book; the story of a life is ended. It is only to remember.

The body of GEORGE ROBERT PATTERSON now lies peacefully at rest beneath the sod of a sun-kissed slope, clothed, as it is to-day, in a mantle of glistening white laid by nature and which reflects the purity of that beautiful city whose gates of pearl have opened wide to bid him welcome home, and where St. Paul tells us—

It doth not yet appear what we shall be: but we know that, when he shall appear, we shall be like him; for we shall see him as he is.

GEORGE ROBERT PATTERSON has solved the mystery of the future. We must wait to know what that means through our own experience. But such is the destiny of our departed friend, and it is ground for rejoicing amid our sorrow to-day. That he made errors is possible, for who, indeed, is exempt from that frailty? But if he did, he was like all the rest of his fellowmen. He had, however, strong virtues of head and heart. Strong convictions of principle and duty were conspicuous in his life. He never claimed perfection, but time, in sculpturing his character, produced one which merits a high meed of praise. It is only after men pass to "that bourne from whence no traveler returns" that a dispassionate, broad view is taken of their life and career. It is a great pleasure to-day to hear the candid and sincere praise bestowed upon our departed friend, even by those who sometimes differed with his judgment and convictions. He always fought a fair fight in the battle of life. It is not a difficult task to speak of him on this occasion, but he deserves a better eulogium than the writer is able to pronounce. We can comfort ourselves, however, with the fact that his life and character speak forcefully and eloquently for him. Death has made more vivid that which we felt was strong and symmetrical in him. It throws sunlight in among the shadows, so that we now appreciate him the more thoroughly.

His death falls with the heaviest severity upon his widow and two children. To them can only come now the memory of his devotion, his affection, his duty as a husband and a father, which must ever live as a sweet and never-dying fragrance. May this memory mitigate their grief and bring comfort to their hearts, now borne down by a great weight of sorrow.

Mr. KLINE. Mr. Speaker, I had not designed to take any part in these proceedings, but upon reflection I have thought that by reason of the contiguity of the respective districts represented by the deceased and myself it was due to the memory of the gentleman who has so recently and unexpectedly died that I should make a few observations.

I had no acquaintance with GEORGE R. PATTERSON, who formerly represented the Twelfth Congressional district of Pennsylvania, known as the "Schuylkill district," until a considerable period after my election to the Fifty-eighth Congress. The intercourse I had with him from and after my first introduction in Congress and outside of these walls was of a most agreeable and delightful character. In coming to and returning from Washington I frequently met him on the train, and found him to be a frank, hospitable, happy, and open-hearted gentleman. I found him to be a good companion, genial and of high and fascinating social qualities.

His sudden and unexpected demise was a surprise and shock to every Member of this House, and the great esteem in which he was held was evidenced by an adjournment immediately after the reading of the Journal and announcement of his death. To know him was to love him.

Chosen to fill the honorable public position as a Representative in Congress for three consecutive terms, which he held at the time of his decease, he continued to discharge the obligations imposed with firmness and fidelity to the last, ever enjoying the confidence, esteem, and affection of his constituency.

He represented a district in the heart of the anthracite coal region. His constituency represented numerous nationalities, engaged in numerous and diversified kinds of trade, occupation, and business, and by reason thereof the political sentiment of his people had been for many years of a fluctuating character. Whilst a large majority of the county officers in his district, including the judges of the several courts, are now and have been filled by men of Democratic faith, the popularity and esteem of the deceased was so great and manifest that he was for three consecutive terms elected over his Democratic competitors by increasing majorities.

His death was mourned by a large circle of friends, as was evidenced by the large number in attendance at his funeral, coming from all stations in life and from all parts of his district, in friendship's tribute to the memory of their deceased friend, neighbor, and Representative. Had you been in attendance at his funeral, in his home town of Ashland, in a mining locality, and witnessed the throng of thousands of his friends, neighbors, and those bound by fraternal union, who came from far and near to pay the last mark of respect to their deceased Representative; had you observed the profound impression which the recollection of his life and many good traits and virtues left upon an entire community, you would have concluded that there was something to live for beyond the attainment of political position. You would have realized that it is not all of life to live, nor all of death to die.

The deceased was engaged in business before his entrance in public life and election to Congress. He did not make any pretense of oratory, leadership, or statesmanship. He was faithful and diligent in committee work, conscientious and active in the performance of the work assigned to him. He was always ready to help a friend or colleague if it was right and consistent and the request was just and reasonable. He would never consent to become compromised or commit an act of which he couldn't approve at the time or ratify in the future. Neither the railings of a partisan press nor the taunts of political opponents could swerve or deter him from the performance of such official duty as conscience told him he ought to do, nor could such influences compel him to the performance of what conscience taught him ought not to be done. He was a man of most kind and generous impulses, firmly and warmly attached to his family, friends, and acquaintances; he was not vindicative, and these qualities combined to render him a most faithful Representative.

It is true, as was said by a gentleman on the floor of this House a few days ago, that "experience teaches us that the most effective work is done, not upon the floor of the House by the perpetual talkers, but by the quiet, active, and earnest Members who attend strictly to their committee work and give their thought and time to such legislation as properly comes before the committees to which they are assigned." Such a Member was the deceased. He was not a perpetual talker in the House, but did his most effective work in the committee room and in attending faithfully and promptly to the demands and requests of his constituents. In this manner he gained his popularity amongst the membership of the House.

Now, Mr. Speaker, it has frequently, through the later series of years, occurred to my mind that the man who is acknowledged by the community in which he lives to be an upright, conscientious, liberal, and honest man, enjoys the best reputation that a man can have. A man who has qualifications and ability may connect himself with public life; he may come into your legislative halls and establish a reputation as an orator or a statesman; he may pursue some literary calling; he may win a reputation that is coextensive with the world; but after all, when you come to form your estimate of the man, you must rely upon the character that he has established about his own threshold, at his own hearth, in his own family, and among his own neighbors. There is the standard by which we must measure a man after all is said and done. That is the corner stone of his building; that is the groundwork of his fame, let it be what it may, and no fame is worth having that is not based upon a reputation for social and moral virtues in the community where it is the man's destiny to live and perhaps his destiny to die. In his home, in his own community, amongst his neighbors and friends, GEORGE R. PATTERSON acquired and enjoyed his first fame and great popularity. There the foundations were laid for his entrance into public life, where he equally acquired and enjoyed the confidence and good will of all who knew him. He was strong and robust, active, busy, and energetic in life, but, like all who have preceded him, he, too, was mortal.

We who survive the deceased and who for a brief hour continue to strut upon this our public stage find it hard to stop and think, to realize that we, too, are mortal, and that our hearts—

> Like muffled drums, are beating
> Funeral marches to the grave.

It is but a bubble we are blowing. No matter how largely we swell in our conceit, how magnificent we expand our proportions, the bubble will finally burst for us, as it has done in the case of our illustrious predecessors, and we shall return to the obscurity from which we came, unhonored and unsung. And even if we succeed in securing public attention for more than one or two or three or more terms of our Congressional life, by a most persistent effort or efforts in blowing our bubble, others will soon crowd us off the scene of action and strut their brief hour of fancied greatness and renown.

> This is the state of man: to-day he puts forth
> The tender leaves of hopes; to-morrow blossoms,
> And bears his blushing honors thick upon him;
> The third day comes a frost, a killing frost,
> And when he thinks, good easy man, full surely
> His greatness is a-ripening, nips his root.

My object has been accomplished if I have succeeded in arresting the attention of my fellow-Members by this brief contemplation of the life and death of our late friend and colleague. Let us emulate his good qualities and realize that it is not all of life to reach public station, nor all of duty to distinguish oneself in the fitful notoriety of the passing hour.

Mr. HOGG. Mr. Speaker, our friend and colleague, GEORGE PATTERSON, has passed out of the shadows. Suddenly he stepped aside, and we know him no more forever.

Had our will been done he would have eased his burden down with feeble, trembling hands, and his last steps would have been taken falteringly. We would have given him the serenity and peace of old age at the end. It is so we judge of things.

He came from the field at noontime, and did not return to his task. The plow was left in the furrow when the darkness came.

I have seen the aged die, and it seemed well, for they were tired and worn; their day had been long and wearisome; they had wrought much and well, and the night and rest became the benediction of an infinite goodness.

With our friend it was otherwise, and he left his work unfinished, as we would measure it.

I had not known him long, but I knew him well, all that was worth knowing, the soul of him, and admired him much. Our view of him was not obscured, for it was a pleasing landscape, with the sunshine resting on it.

His nature was so open, generous, and manly that we instinctively gave him our tribute of sincerest friendship.

We shall strike no balance of his life, for friendship strikes no balances and carries no account against the dead.

Honest, just, and generous, with a great heart overflowing with warm human sympathy, GEORGE PATTERSON left the only fortune worth while, the memory of his kindliness. And so "it is well with the lad." It is not for us to speculate about that unknown country to which he has journeyed, for no word has ever come to the anxious, eager ears of hope and love. If it is well that there be a far country, it is—if not, it is still well. Resting in the security of infinite wisdom we shall be content. Our friend has gone his way alone, as we must all go, and there was no fear. To him we might have said with Aurelius: "Thou hast embarked, thou hast finished thy voyage, thou art come to shore. Get out."

Rest to his generous, lovable, manly soul. "The eternal years of God are his."

Mr. Speaker, he was my friend; I loved him; I would that he might come back from the land of silence.

Mr. DALE. Mr. Speaker, the birthplace of GEORGE ROBERT PATTERSON was Lewiston, Mifflin County, Pa. Born and reared amid the rugged and beautiful hills of Pennsylvania, the love for these hills was dominant and controlling throughout his life. I am inclined to believe that no person thus born and reared can ever forget these hills. No matter where he roams, no matter where necessity or duty places him, the call to the hills will ever and always follow him. The love for his native hills seems to enter into the very web and woof of his being. It is resistless; it is compelling; he can not get away from it; he can not dismiss it. Sometimes I think Samuel Francis Smith must have known and loved the wooded hills of Pennsylvania when he penned the words:

> I love thy rocks and rills,
> Thy woods and templed hills.

I know how intensely GEORGE R. PATTERSON longed for these hills; and so it is eminently fitting and altogether proper that all that is earthly of our honored friend should find its final resting place in the beautiful cemetery at Ashland, under the shadow of the mighty hills he so much loved.

Mr. Speaker, I understand that to other speakers has been assigned the privilege of reviewing in detail the life and work of GEORGE R. PATTERSON, but I can not let this occasion pass without noting one of his marked characteristics. I refer to his kindly spirit and gentle courtesy to the new Member. I remember when I came here he was one of the first to greet me and to offer his services to aid and help me. Over and over again his time, his wise counsel, and the benefit of his large experience have been freely and cheerfully given to myself and to other new Members. For his friends, no task was too heavy for him to attempt, no work too onerous for him to perform, no favor too great for his generous heart to grant. Surely his unselfish devotion to others, his ready willingness to sacrifice his own time and his own pleasure in the interest of others, entitled him to wear the princely motto, "Ich dien"—"I serve."

Mr. Speaker, directly in front of my place in this House there is a vacant seat. GEORGE R. PATTERSON has departed; his labors have ceased; his work has ended.

> The body may lie in moldering chancel or in crumbling vault, but the rumor of a noble life, the record of valor and truth, can never die, but lives on in the soul of the people.

An English author recently wrote these words:

> The years pass, the old wheel turns, and ever the thread runs out. The wise and the good, the noble and the brave, they come from the darkness and into the darkness they go, whence, whither, and why, who can say?

It appears to me the sentiment thus expressed is altogether too pessimistic. I boldly assert in our day and time it is more and more true that ever through the darkness breaks a ray of light, bringing hope and confidence that in the end "there shall be no more darkness."

That hope-giving light streams through the riven door of the new-made sepulchre of Joseph of Arimathea and rests upon the head of Him whose resurrection brought cheer and hope and life to hopeless humanity. "Though he were dead, yet shall he live."

Mr. AIKEN. Mr. Speaker, I desire to add a word to the splendid tributes that have been paid to the memory of the late Hon. GEORGE ROBERT PATTERSON, whose death brought sorrow to his colleagues here and to the thousands who mourn his loss at home.

The spirit prompting me is not that of one who, in recounting the deeds of great men, is flattered by the reflected halo of their recital. I am no Boswell nor was the deceased a Johnson. My humble tribute is a simple response to that geniality and sincerity of heart, so marked in the deceased,

which, unhampered by formalism, went direct to the hearts of his associates. It is of this one phase of his character that I desire to speak.

There are triumphs of eloquence and triumphs of organization, but that which elected our friend a Member of this body was the triumph of a warm and genial heart, coupled with that strong common sense and insight into human nature which traveling salesmen possess perhaps more than all other men. These, too, were the qualities which made him one of the most watchful and useful Members of the House.

However much some may discount membership in this body, it is a distinction, and may I add, without egotism, that its attainment is strong presumptive evidence of ability, possibly latent, but no less certain. It is a distinction that many of the ablest lawyers throughout this land have thought it not improper to strive for. Disguise it as some may, the confidence of a majority of your home people in electing you to a position of such responsibility could find lack of appreciation only in an ungrateful heart.

The deceased came not from the ranks of the professional class, so overwhelmingly represented in Congress, but he came from the people, elevated from amongst them, with the glow of popular demands fresh upon his mind and with a sympathy of interest that the formalism of professional life would almost make impossible. In this day of action rather than words, even in the American Congress his usefulness may not be discounted by the most profound constitutional lawyer of this body. Legislation is as much the result of the hand touch of the committee as the hair splitting of the forum.

We recognize the general proposition that education gives its possessor an advantage over illiteracy, and professional education tends to emphasize that advantage. But he who, with a simple English education, in a body largely dominated by professional men can set at naught legal quibblings and fully maintain the rights of his constituents must possess those qualities of mind less lustrous, but no less valuable, in the attainment of results than polished oratory. Such were the qualities of mind and heart with which our friend was endowed. Genial always, he was aggressive, yet unobtrusive; quiet, yet ever alert and untiring in the discharge of his duty to his constituents; a strict party man in so far as that obligation bound in reason, yet tolerant and reasonable in his dealings with the opposition.

Hailing from widely divergent sections of the United States, representing interests that have little similarity, with an acquaintance of only a few years, there was no tie, save such as the Creator had implanted in that generous heart, to bring me within the number of those who sorrow for his "taking away." "In the world's broad field of battle" these influences linked to him, here and there, the fellowship and sympathy of his associates, and though in "crossing the bar" into the great unknown ocean his temporal life fades from our view, we follow him with those feelings which can not die.

The brevity and uncertainty of life is strikingly illustrated in the passing away of this young man who seemed to be in the springtime of his career. Little more than two years ago he was one of the party which bore the remains of the late Hon. George W. Croft to his native State (South Carolina), to place them amongst those who sleep. While the memory of this event is as of yesterday, the summons comes again; passing over those who have long heard the breakers on a not distant shore, it knocked at the heart of our young friend, and it was still. Perhaps it is best that we do not know when we stand near the shadow.

In the vigor of young manhood, unbroken by the weight of years, he laid down life in its flower. If the contention of the psychologist is true, that thought is not even suspended in passing from this to the higher life, may we not hope that beyond the dividing line this life, pruned of earthly hindrances and transplanted in a more congenial soil, may go on in the enlarged exercise of those virtues that characterized it here?

Mr. GOULDEN. Mr. Speaker, in the fourth volume of his War and Peace Tolstoy likens life to an immense living globe, the surface of which is covered with drops closely crowded together, constantly pushing and pressing against each other, some expanding, others fusing or coalescing. In the center of the globe is God, and ever and anon, as some of these drops are crushed out of existence, their substance sinks back into the depths, while others expand to enormous size before being undermined or annihilated. Although not calculated to create any false impressions or charm us by the ideality of its conception, yet it is a very striking picture of mankind.

Its truth is brought very forcibly to mind when we consider the life and services of Mr. GEORGE ROBERT PATTERSON, who has represented his district in three successive Congresses. A Pennsylvanian by birth, he was thoroughly American in education and training, a product of that school system which is so distinctive a mark of our civilization. If in these days it be a reproach to be rich, then he was free from taint, for the worldly goods he possessed were obtained by hard work, by a strict attention to duty, and by honesty and fair dealing. He was a typical American business man, and was a valiant soldier in the ranks of that army which has won such creditable victories for American prosperity.

That he was respected by his friends and neighbors is attested by their selection of him to represent them in party councils and the nation's legislative halls; and as it is safe to say that the most reliable testimony to any man's worth is that of the people who live closest to him, then he needs no greater eulogy than the record of his three successive elections to Congress, the last by the greatest majority ever given to a candidate for any office in the district.

As he was only 43 at his death, he had reached but the prime of life. He had arrived at the stage when his knowledge and experience would have been of the greatest good to his constituents and fellow-citizens. He had been long enough in Congress to have thoroughly mastered its traditions, its intricate machinery, and its possibilities, and was therefore in a fair way to become one of its leaders and a credit to his State and the nation.

He was constantly growing in power and influence, but he did not exercise it in the Machiavellian fashion, which is characteristic of much of our party politics, but used it in the simple, old-fashioned, American way which endeared so many of our elder statesmen to the hearts of their followers. He was indeed like a drop on Tolstoy's globe, expanding into noble proportions, becoming a beautiful sight to all beholders. But death came to undermine him, and in a twinkling he was crushed out to sink back into the bosom of his Maker.

It is always unwise to push an analogy too far, and we can not therefore pursue the fatalism of the great Russian to its bitter end; although it would be wrong to close our eyes to the fact that in the reality of life there are no gaps, and our places are soon filled. Perhaps this is the sternest lesson which the philosophy of history has to teach us. But, in reviewing the career of our late colleague, we find that his passing does leave an aching void; at one stroke a son, a husband, and a father has been cut down, and a stanch friend and ally has been taken from his coworkers and constituents. But as he will be enshrined in the hearts and memory of all who knew him, he will thus, in all truth, continue to fill his own place.

And to the members of his bereaved family, consolation should be contained in those words of Landor, "He whom God smiteth, hath God with him."

It was my privilege to join with his late associates in attending his funeral at his home in Ashland, Pa. The appropriate services, simple, but impressive in character, were typical of the life of the late GEORGE ROBERT PATTERSON. The immense throng of sad faces that had gathered, with the closed places of business, all bore testimony to the esteem and regard in which he was held.

The SPEAKER pro tempore. Pursuant to the resolution already adopted, the House stands adjourned until to-morrow, at 12 o'clock.

Accordingly (at 1 o'clock and 35 minutes p. m.) the House adjourned.

SENATE.

MONDAY, *April 23, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

LANDS IN NEW MEXICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the governor of New Mexico, together with inclosures relative to the condition which exists in that Territory concerning certain lands that have accrued to it under the grants made by the act of June 21, 1898, and inclosing a proposed amendment to section 10 of the act of June 21, 1898, which will meet and remedy the difficulties pointed out by the governor in his letter; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary A. Brannan, widow of James A. Brannan, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Walter B. Dick *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Augustus Rodney Macdonough, administrator of Charles S. McDonough, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Edward J. Dorn *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Cumberland G. Herndon *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Aurore D. Kerlegan, administratrix of the estate of Lucien Meuillon, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

H. R. 11037. An act relating to the transportation of dutiable merchandise without appraisement;

H. R. 18198. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes; and

H. J. Res. 141. Joint resolution for the further relief of sufferers from earthquake and conflagration on the Pacific coast.

The message also transmitted to the Senate the resolutions of the House commemorative of the life and public services of Hon. GEORGE R. PATTERSON, late a Representative from the State of Pennsylvania.

The message further transmitted to the Senate resolutions of the House commemorative of the life and public services of Hon. GEORGE A. CASTOR, late a Representative from the State of Pennsylvania.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented petitions of the National Coopers' Association of St. Louis, Mo.; of Local Union No. 111, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Lynn, Mass., and of the Peerless Motor Car Company, of Cleveland, Ohio, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the American Free Art League, praying for the enactment of legislation to repeal the duty on works of art; which was referred to the Committee on Finance.

Mr. CULLOM presented a petition of Local Union No. 340, Musicians' Protective Union, of Freeport, Ill., praying for the enactment of legislation to prohibit Government musicians from competing with civilian musicians; which was referred to the Committee on Military Affairs.

He also presented a petition of the Domestic Art Club, of Benton, Ill., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of Clover Leaf Lodge, No. 469, Brotherhood of Railroad Trainmen, of Charleston, Ill., and a petition of Local Division No. 1, Order of Railway Conductors, of Chicago, Ill., praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented memorials of Local Division No. 308, of Chicago; of Local Division No. 228, of Joliet; of Local Division No. 416, of Peoria, and of Local Division No. 264, of Chicago, all of the Amalgamated Association of Street and Electric Railway Employees of America, in the State of Illinois, remonstrating against the repeal of the present Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. BURKETT presented the petition of Ross P. Curtice, of Nebraska, praying for the enactment of legislation to consolidate third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DRYDEN presented the memorial of Olive Branch Grange, No. 142, Patrons of Husbandry, of Matawan, N. J., remonstrating against the free distribution of seeds; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of R. D. Wood & Co., of Philadelphia, Pa., praying for the enactment of legislation providing a metric system of weights and measures; which was referred to the Select Committee on Standards, Weights, and Measures.

He also presented petitions of sundry citizens of Pompton, Pompton Lakes, Jersey City, Hopewell, and Raritan, and of Washington Camp, No. 62, Patriotic Order Sons of America, of Woodbury, all in the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. ELKINS presented a petition of W. B. Ryder Lodge, No. 232, Brotherhood of Railroad Trainmen, of Hinton, W. Va., praying for the enactment of legislation providing for an effective system of labor insurance, and also for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Division, Order of Railway Conductors of America, of Cedar Rapids, Iowa, praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented sundry papers to accompany the bill (S. 5430) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment; which were referred to the Committee on the Judiciary.

Mr. CLAPP presented a memorial of the Department of Minnesota, Grand Army of the Republic, of St. Paul, Minn., remonstrating against the enactment of legislation to exclude, on account of age, surviving ex-Union soldiers and sailors of the civil war from employment in the Executive Departments of the Government; which was referred to the Committee on Appropriations.

He also presented a petition of the Department of Minnesota, Grand Army of the Republic, of St. Paul, Minn., praying for the enactment of legislation granting a pension of $12 per month to the widows of ex-Union soldiers; which was referred to the Committee on Pensions.

Mr. BURROWS presented sundry papers in support of the bill (S. 5493) granting an increase of pension to Marcus Wood; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 5201) to acquire certain land in the District of Columbia as an addition to Rock Creek Park, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER. I am also directed by the Committee on the District of Columbia, to whom was referred the bill (S. 5289) to acquire certain ground in Hall & Elvan's subdivision of Meridian Hill for a Government reservation, to submit an adverse report thereon. This bill was made a part of the bill which has just been reported, and I therefore move its indefinite postponement.

The motion was agreed to.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 394) granting an increase of pension to Amanda Lucas; and

A bill (S. 4796) granting an increase of pension to Lorinda J. White.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 522) granting a pension to Emma Worrall, reported it with amendments, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3033) granting an increase of pension to Aaron F. Patten;

A bill (S. 4401) granting an increase of pension to George W. Tomlinson;

A bill (S. 5671) granting an increase of pension to Richard L. Delong;

A bill (S. 5579) granting an increase of pension to Henry T. Sisson;

A bill (S. 5704) granting an increase of pension to Ruth P. Pierce; and

A bill (S. 4177) granting an increase of pension to Harlan P. Cobb.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3040) granting a pension to Mary C. Wilsey;

A bill (S. 678) granting an increase of pension to Albert Butler;

A bill (S. 2467) granting an increase of pension to Martin Clark;

A bill (S. 5163) granting an increase of pension to John Marah;

A bill (S. 3483) granting an increase of pension to William L. Sheaff;

A bill (S. 4358) granting an increase of pension to Thomas McCormick;

A bill (S. 4005) granting an increase of pension to Michael Quill;

A bill (S. 5082) granting an increase of pension to David N. Winsell;

A bill (S. 4361) granting an increase of pension to John W. Daley;

A bill (S. 5523) granting an increase of pension to Thomas J. Pickett; and

A bill (S. 5349) granting an increase of pension to William H. H. Robinson.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4460) granting an increase of pension to Ann J. Thompson;

A bill (S. 5247) granting an increase of pension to Jacob Wigel;

A bill (S. 4457) granting an increase of pension to L. A. Tyson;

A bill (S. 3299) granting an increase of pension to Spencer C. Stilwell; and

A bill (S. 4692) granting a pension to Adaline M. Thornton.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5780) granting a pension to Lorenzo E. Johnson;

A bill (S. 5562) granting an increase of pension to John Hull; and

A bill (H. R. 3456) granting an increase of pension to David B. Ott.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 3271) granting an increase of pension to Margaret E. Brown, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 13881) granting an increase of pension to Amos Dyke, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5680) granting an increase of pension to Thomas J. Bowser, reported it with an amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 5754) granting a pension to Hannah McCarty, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5532) granting an increase of pension to Simon A. Snyder, reported it without amendment, and submitted a report thereon.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5735) granting an increase of pension to Andrew D. Danley;

A bill (H. R. 1953) granting an increase of pension to Susan S. Theall; and

A bill (H. R. 16972) granting a pension to Harriet L. Morrison.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 4488) granting an increase of pension to J. F. Amis, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5736) granting an increase of pension to Mary Clark, reported it with an amendment, and submitted a report thereon.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 557) granting an increase of pension to Mariot Losure; and

A bill (S. 869) granting an increase of pension to Baltzar Mowan.

Mr. BURKETT, from the Committee on Pensions, to whom was referred the bill (S. 5668) granting an increase of pension to George P. Sealey, reported it with amendments, and submitted a report thereon.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom was referred the bill (S. 5378) removing the charge of desertion from the name of William R. Garner, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3164) to correct the military record of Patrick F. McDermott, reported it with amendments, and submitted a report thereon.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5702) granting an increase of pension to Anna C. Bingham; and

A bill (S. 5522) granting an increase of pension to Charles E. Sischo.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 1508) granting an increase of pension to James A. Murch, reported it with amendments, and submitted a report thereon.

Mr. KITTREDGE, from the Committee on the Judiciary, to whom was referred the bill (S. 3403) granting an increase of compensation to circuit and district judges of the United States, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 5802) to correct the military record of Mirick R. Burgess; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HEMENWAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5803) granting an increase of pension to William H. Meadows;

A bill (S. 5804) granting an increase of pension to Nathaniel Wilder;

A bill (S. 5805) granting an increase of pension to Bryant L. Wakelee; and

A bill (S. 5806) granting an increase of pension to Joseph D. Armstrong.

Mr. MORGAN introduced a bill (S. 5807) for the relief of Leroy P. Walker, sole heir at law of Eliza D. Walker and L. P. Walker, her husband; which was read twice by its title and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 5808) granting an increase of pension to Washington Brockman; which was read twice by its title and referred to the Committee on Pensions.

Mr. McCUMBER (by request) introduced a bill (S. 5809) granting an increase of pension to Hannah C. Church; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5810) granting an increase of pension to Thomas McGowan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 5811) to amend section 3646 of the Revised Statutes of the United States, as amended by act of February 16, 1885, as amended by act of March 23, 1906; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

Mr. CLAY introduced a bill (S. 5812) for the relief of F. V. Walker; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURROWS introduced a bill (S. 5813) granting an increase of pension to Marshall T. Kennan; which was read twice

by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5814) for the relief of Rev. George W. C. Smith; and

A bill (S. 5815) for the relief of Myron Powers.

Mr. CLAPP introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5816) granting a pension to Nancy A. Underwood (with accompanying papers); and

A bill (S. 5817) granting an increase of pension to Milton Nelson.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5818) for the relief of Eloise A. Sickels (with an accompanying paper);

A bill (S. 5819) for the relief of the board of education of Harpers Ferry district, Jefferson County, W. Va. (with an accompanying paper); and

A bill (S. 5820) to reimburse the estate of Samuel Caldwell, deceased.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5821) granting an increase of pension to Oscar P. Myer (with accompanying papers);

A bill (S. 5822) granting an increase of pension to I. E. Miller; and

A bill (S. 5823) granting an increase of pension to Nelson Virgin.

Mr. ELKINS introduced a bill (S. 5824) to refund legacy taxes illegally collected; which was read twice by its title, and referred to the Committee on Finance.

Mr. DANIEL introduced a bill (S. 5825) to authorize the United States Government to participate in the Jamestown Tercentennial Exposition on the shores of Hampton Roads, in Norfolk County, Va., in the year 1907, and to appropriate money in aid thereof; which was read twice by its title, and referred to the Select Committee on Industrial Expositions.

Mr. ALGER introduced a bill (S. 5826) granting an increase of pension to Isaac C. Phillips; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 5827) for the relief of the estate of Mrs. Cassa Simpson, deceased; which was read twice by its title, and, with the papers on file in the Secretary's office, referred to the Committee on Claims.

SUSPENSION OF DUTY ON MATERIAL FOR CALIFORNIA BUILDINGS.

Mr. CULLOM. I introduce a joint resolution, and ask that it be read, printed, and referred to the Committee on Finance.

The joint resolution (S. R. 50) providing for the suspension for one year of the duty on structural steel for buildings for use in cities in California, was read the first time by its title and the second time at length, as follows:

Whereas in view of the fact there is a shortage in structural steel and other building material in this country to meet the needs of the people of San Francisco and other California cities destroyed or damaged by earthquake shocks on April 19 and conflagration that followed, and that everything should be done to facilitate the reconstruction of the stricken cities: Therefore, be it

Resolved, etc., That the duty on structural steel and other necessary material intended for use in buildings to be constructed in said cities be, and it is hereby, declared to be suspended for the period of one year.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Finance.

AMENDMENT TO GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. ELKINS submitted an amendment proposing to appropriate $600 to pay J. F. Sellers, S. A. Maryman, and F. L. Thompson $200 each for extra services rendered to the Committee on Interstate Commerce of the Senate during the consideration of the hearings on the regulation of railway rates, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REGULATION OF RAILROAD RATES.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table, and be printed.

ALICE VIRGINIA HOLLIS.

Mr. ELKINS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Alice Virginia Hollis, widow of C. R. Hollis, late assistant engineer under the Superintendent of the Capitol, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

SEYMOUR HOWELL.

Mr. BURROWS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the chief justice and the judges of the Court of Claims be, and are hereby, requested to return to the Senate the papers in the case of Seymour Howell.

RELIEF OF SUFFERERS IN CALIFORNIA.

The joint resolution (H. J. Res. 141) for the further relief of sufferers from earthquake and conflagration on the Pacific coast was read the first time by its title.

Mr. ALLISON. The Committee on Appropriations this morning considered the joint resolution, having a copy of it in advance of its being formally sent to the Senate. I ask that it may be immediately considered.

There being no objection, the joint resolution was read the second time at length, and considered as in Committee of the Whole.

Mr. ALLISON. On page 1, line 9, after the word "million" and before the word "dollars," I move to insert the words "five hundred thousand;" so as to read "the sum of one million five hundred thousand dollars."

The amendment was agreed to.

Mr. ALLISON. I also move to add at the end of the joint resolution a semicolon and the following words:

And for the purpose of defraying all extra cost to the War Department incurred in mileage of officers, transportation of troops, and all other expenditures which would not have been necessary but for the relief measures herein described and authorized.

The amendment was agreed to.

The VICE-PRESIDENT. The Chair would suggest to the Senator from Iowa that after the words "two million," in line 2, on the top of page 2, the words "five hundred thousand" should be inserted.

Mr. ALLISON. The words "five hundred thousand" should be added there.

The VICE-PRESIDENT. The additional amendment will be stated by the Secretary.

The SECRETARY. On page 2, line 2, after the words "two million" and before the word "dollars," insert "five hundred thousand."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The joint resolution as passed reads as follows:

Resolved, etc., That for the further relief of sufferers from earthquake and conflagration on the Pacific coast, as provided in the joint resolution approved April 19, 1906, as amended by the joint resolution approved April 20, 1906, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,500,000, or so much thereof as may be necessary; and authority is hereby specifically given to the Secretary of War to use this sum and the former appropriation for this purpose, amounting in all to $2,500,000, not only to buy additional supplies which may be needed for the relief of the sufferers as directed in said resolutions of April 19 and April 20, but also for the purpose of replacing by purchase such subsistence, quartermaster's, and medical supplies which may have been furnished by the Secretary of War for such relief from the stores on hand for the use of the Army; and for the purpose of defraying all extra cost to the War Department incurred in mileage of officers, transportation of troops, and all other expenditures which would not have been necessary but for the relief measures herein described and authorized.

HOUSE BILLS REFERRED.

H. R. 11037. An act relating to the transportation of dutiable merchandise without appraisement was read twice by its title, and referred to the Committee on Finance.

H. R. 18198. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

RELIEF OF SUFFERERS IN CALIFORNIA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was

read, and, on motion of Mr. PERKINS, was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I submit herewith a letter of the Secretary of War, with accompanying documents, including a form of a resolution suggested for passage by the Congress.

This letter refers to the appalling catastrophe which has befallen San Francisco and neighboring cities, a catastrophe more appalling than any other of the kind that has befallen any portion of our country during its history. I am sure that there is need on my part of no more than a suggestion to the Congress in order that this resolution may be at once passed. But I urge that instead of appropriating a further sum of $1,000,000 as recommended by the Secretary of War, the appropriation be for a million and a half dollars. The supplies already delivered or en route for San Francisco approximate in value a million and a half dollars, which is more than we have had the authority in law as yet to purchase. I do not think it safe for us to reckon upon the need of spending less than a million in addition. Large sums are being raised by private subscription in this country, and very generous offers have been made to assist us by individuals of other countries, which requests, however, I have refused, as in my judgment there is no need of any assistance from outside our own borders—this refusal of course in no way lessening our deep appreciation of the kindly sympathy which has prompted such offers.

The detailed account of the action of the War Department is contained in the appendixes to the letter of the Secretary of War. At the moment our concern is purely with meeting the terrible emergency of the moment. Later I shall communicate with you as to the generous part which I am sure the National Government will take in meeting the more permanent needs of the situation, including of course rebuilding the great governmental structures which have been destroyed.

I hope that the action above requested can be taken to-day.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 21, 1906.*

COMMUTATION FOR GOOD CONDUCT OF PRISONERS.

Mr. LODGE. I ask unanimous consent to take from the Calendar the bill (H. R. 15910) to amend the act entitled "An act to regulate commutation for good conduct for United States prisoners," approved June 21, 1902. It will not take any time.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection the Senate, as in the Committee of the Whole, proceeded to its consideration. It proposes to amend section 3 of the act entitled "An act to regulate commutation for good conduct for United States prisoners," approved June 21, 1902, so as to read:

SEC. 3. That this act shall apply to all sentences imposed subsequent to July 21, 1902, and to the sentences imposed prior thereto the commutation upon which is less than that provided in this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEASES IN THE YELLOWSTONE NATIONAL PARK.

The VICE-PRESIDENT. The Calendar under Rule VIII is in order.

The bill (S. 4433) to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park," was announced as first in order on the Calendar.

The VICE-PRESIDENT. The bill was heretofore passed, and the votes by which it was ordered to be engrossed and read the third time and passed were reconsidered. The Chair understands that the junior Senator from Idaho [Mr. HEYBURN] stated when the bill was last before the Senate that he would desire to propose an amendment to the bill. The junior Senator from Idaho is not in his seat.

Mr. KEAN. I ask that the bill may go over, retaining its place.

The VICE-PRESIDENT. At the request of the Senator from New Jersey, the bill will go over without prejudice.

APPALACHIAN AND WHITE MOUNTAINS FOREST RESERVES.

The bill (S. 4953) for the purpose of acquiring national forest reserves in the Appalachian Mountains and White Mountains, to be known as the Appalachian Forest Reserve and the White Mountain Reserve, respectively, was announced as next in order on the Calendar.

Mr. TELLER. Let the bill go over under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Colorado.

DAMS IN ROCK ISLAND COUNTY, ILL.

Mr. HOPKINS. I ask unanimous consent for the present consideration of House bill 14508.

Mr. HALE. The morning business has been concluded?

The VICE-PRESIDENT. The morning business is closed and the Senate is proceeding with the consideration of the Calendar under Rule VIII.

Mr. HALE. The Senate is now on the Calendar?

The VICE-PRESIDENT. The Senate is now on the Calendar. The Senator from Illinois asks unanimous consent for the present consideration of a bill, the title of which the Secretary will read.

The SECRETARY. A bill (H. R. 14508) permitting the building of dams across the north and south branches of Rock River, adjacent to Vandruffs Island and Carrs Island, and across the cut-off between said islands, in Rock Island County, Ill., in aid of navigation and for the development of water power.

Mr. HALE. I will not object to this bill, but after it is disposed of, I shall ask that the regular order be enforced and that we proceed with bills on the Calendar as we reach them.

The VICE-PRESIDENT. The Senator from Illinois asks unanimous consent for the present consideration of the bill indicated by him. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, on page 4, line 21, at the end of section 1, after the words "Carrs Island," to insert a colon and the following additional proviso:

And provided further, That the Secretary of War is hereby authorized, if in his judgment the interests of the United States will not be injured thereby, to permit the dam across the south branch of Rock River to be located and built on land belonging to the United States, under and subject to such terms and conditions as he may consider just and reasonable.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CORPS OF DENTAL SURGEONS IN THE ARMY.

Mr. PETTUS. I make a motion to take up for present consideration, temporarily laying aside the unfinished business during the morning hour, the bill (S. 2355) to reorganize the corps of dental surgeons attached to the Medical Department of the Army. The bill was once passed. It has been called up frequently.

The VICE-PRESIDENT. On February 5 last the bill was considered as in Committee of the Whole, read three times, and passed, and the votes on its third reading and passage were reconsidered. The question is on agreeing to the motion of the Senator from Alabama to proceed to the consideration of the bill.

The question being put, there were, on a division—ayes 18, noes none.

The VICE-PRESIDENT. The division discloses the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Clay	Gallinger	Nelson
Alger	Culberson	Hale	Newlands
Allison	Cullom	Hansbrough	Overman
Bacon	Dick	Hemenway	Perkins
Blackburn	Dillingham	Hopkins	Pettus
Brandegee	Dolliver	Kean	Piles
Bulkeley	Dryden	Kittredge	Rayner
Burkett	Dubois	Knox	Smoot
Burnham	Elkins	Lodge	Sutherland
Burrows	Foraker	McCumber	Taliaferro
Carter	Foster	Mallory	Teller
Clapp	Frazier	Martin	Tillman
Clark, Mont.	Frye	Money	Wetmore
Clark, Wyo.	Fulton	Morgan	

The VICE-PRESIDENT. Fifty-five Senators have answered to their names. A quorum is present. The previous division disclosed the absence of a quorum. The question recurs on the motion of the Senator from Alabama to proceed to the consideration of the bill, on which a division has been called for.

Mr. PETTUS. Mr. President, may I be allowed to make some remarks on this question?

The VICE-PRESIDENT. The Chair understands that debate is not in order pending the motion, except by unanimous consent.

The motion was agreed to; there being on a division—ayes 39, noes 7; and the Senate resumed the consideration of the bill.

Mr. PETTUS. Mr. President, this is a bill which was passed by the Senate on February 5. The next day the Senator from Maine [Mr. HALE], so soon as the Senate was called to order, after prayers, asked unanimous consent for a reconsideration of the vote by which this bill and another bill had been passed, and it was done by unanimous consent. Since then various efforts have been made to have the bill taken up, but they have been always objected to by the Senator from Maine. It is a bill in which I have no personal interest in the world. It is a bill of the War Department. It simply confers official rank on the class of learned men who are now employed as dentists in the Army, and gives them very limited rank, the highest being that of major. Bills on this line have been approved by

every Surgeon-General for the last eight years, and this bill is approved by the present Surgeon-General.

Mr. President, this Senate has treated me so kindly since I have been here—every member of it—including the Senator from Maine—that I have been really astonished at the manner in which I have been treated in reference to this bill. Every possible means has been taken during my absence—which was a matter of absolute necessity—to delay consideration, and even when the last call was made and the bill came up regularly on the Calendar, the Senator from Maine, though asked by a member of the Committee on Military Affairs to allow the bill to retain its place on the Calendar, refused to do so.

I have been amazed at the treatment I have thus received from the Senator from Maine. He has always heretofore been courteous to me—I am glad to acknowledge that—but in this particular instance he understands his own rights with a great deal of accuracy. I fear, however, he does not always consider sufficiently the rights of other people.

The bill, as I say, proposes to give rank to dental surgeons of the Army. It has been previously discussed, and I now simply desire a vote upon it.

Mr. HALE. Mr. President, I shall have no controversy with the venerable and distinguished Senator from Alabama [Mr. PETTUS], for whom I have the highest respect and regard. He has made himself in his service here agreeable in every way to Senators, and there is nothing but the kindliest feeling toward him felt by this great body. I share fully in the fact that this is the case, and that it is this feeling in regard to him and his desire to have this bill, which he has so much at heart, passed, which will carry the bill through. I do not think that on great measures, important measures, involving new legislation the Senate ought commonly to pass bills out of regard to the members of the body who desire to have them passed; but I can see plainly enough that as to this bill, in which the Senator has taken so much interest, the feeling that he is a good legislator, that he is patriotic, and that he is thoroughly in earnest about the bill, will carry it through.

I have not done anything—I am sorry the Senator thinks that I have—to unduly prejudice the bill. I think I have been bright enough to see from the beginning that the bill would go through. I think the Senator from Alabama, if he will look at the RECORD the other day when the bill went to the Calendar under Rule IX at my suggestion, will see that a half dozen of us, when measures came up that would involve contest, asked that the different bills be put on the Calendar under Rule IX. I did the same as to this bill; but I never expected that would stop the bill. This morning I could have stopped it for the time being, but I had no desire to do so. The Senator, I think, will see, he being the person who feels the responsibility of the bill, that I do not want to hold him obliged to be constantly on the lookout to try to get his bill up. While I am not in any way hopeful of defeating the bill, I do not think it ought to pass. I shall not vote for it. I do not think it is needed. Others think differently about it. The Senator, as I said, will get his bill through.

I had a little experience in the early part of this session in trying to stop another bill referring to the medical branch of the Army, and I got no votes. I was good-natured about it and took my discipline and medicine, as I shall now. I ran up against not only the committee but against the whole medical profession in the United States.

Doctor Reed, chairman of the committee on legislation appointed by the American Medical Association, stated that copies of the pending bill had been sent into each of the 3,160 counties in the United States with instructions to the receiver to obtain expressions of opinion thereon from leading physicians, medical societies, and prominent citizens. Replies strongly favoring the measure were received from more than 2,300 counties.

The doctors in the different counties properly enough took an interest in the matter and wrote to their Representatives and Senators. I was beaten, and badly beaten. Since then—it is not the fault of the Senator from Alabama—on this matter the dentists have been getting in their work, and I have letters, as other Senators have, from members of the profession in my State, men whom I regard very highly, writing to me and imploring me to vote for the bill the Senator from Alabama has in charge. That I can not do, because it is an innovation. I have just received a dispatch from the Surgeon-General of the Navy, who says there is no dental corps in the army or navy either of Great Britain, France, or Germany. It is, as I said about the other bill, a movement to increase the Army. I do not think this a good time to increase the Army. I said so then, but that was unavailing, as I realize that all I could do now would be unavailing. Some day the country will see, the Senator will see, and the other House will see that this is not a good time to increase the military establishment of the United States by bills providing for military rank which does not exist in other nations. I do not think that time has come now.

I want to say to the Senator from Alabama that I regret very much his feeling that I have sought in any way to interfere with his bill. When I am opposed to a bill I try to make my attitude plain here and vote against it. But I never supposed that this bill could be stopped; I do not suppose so now, and I think in advance I may congratulate the Senator from Alabama that he has got the Senate at his back, and if I stood here and argued during the day, as I did on the other bill, I should not get many votes. So I am not inclined to take any more time or to stand any further in the way of the Senator from Alabama.

Mr. LODGE. Mr. President, I am not opposed to this bill; in fact, I have the honor to be a member of the committee which reported it; but I think it requires an amendment in section 4, to which I understand the Senator from Alabama [Mr. PETTUS] has no objection. It seems to me to be very essential. Section 4 provides for the organization of a board of three examiners to conduct the examinations prescribed. I move, in section 4, page 3, line 6, after the word "prescribed," to strike out down to and including the word "examiner," in line 10, and insert "one of whom shall be a surgeon in the Army, and two of whom."

Mr. PETTUS. I have no objection to that amendment, Mr. President.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. In section 3, on page 4, line 6, after the word "prescribed," it is proposed to strike out "two of whom shall be civilians whose qualifications are certified by the executive council of the National Dental Association and whose proper compensation shall be determined by the Surgeon-General; and the third examiner," and insert "one of whom shall be a surgeon in the Army, and two of whom."

Mr. HALE. I ask that the Secretary state just how the text will read if amended as proposed.

The VICE-PRESIDENT. The Secretary will read the section as it will stand if the amendment shall be agreed to.

The Secretary read as follows:

SEC. 4. That the Surgeon-General of the Army is hereby authorized to organize a board of three examiners to conduct the professional examinations herein prescribed, one of whom shall be a surgeon in the Army, and two of whom shall be selected by the Surgeon-General from the contract dental surgeons eligible under the provisions of this act to appointment to the dental corps.

Mr. HALE. Mr. President, I think that is an improvement on the bill. It is a very fitting and proper amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. LA FOLLETTE. Mr. President, the opponents of the regulation of railway rates and services have skillfully conducted this debate almost from the beginning upon constitutional grounds. This has prevented the Senate from giving consideration to the provisions of the bill and the abuses which call for correction.

For many days the discussion has been confined to a consideration of the court procedure to test the orders of the Interstate Commerce Commission. The importance of this branch of the subject will depend entirely upon the character of the orders which the Commission is authorized to make. The importance of any order issued will depend upon the power conferred and the duties imposed by law upon the Commission. The authority of the Commission may be so limited that the procedure for the enforcement of its orders will be relatively of little public importance.

The scope of the bill will determine the importance of all orders and all court review. For these reasons, at the beginning of what I shall say to-day, I would bring the discussion back to the broadest consideration of the subject with which this bill proposes to deal.

THE RELATION OF GOVERNMENT TO COMMERCE AND TRANSPORTATION.

The commerce of a country is a measure of its material power. It is the product of all the labor and capital of the country—on the farms, in the mines, and factories, and shops, and every field of material production.

The labor and capital of a country employed in production upon a basis attaining to the upbuilding of any community is everywhere absolutely dependent on transportation.

The founders of this Government understood that commerce is vital to organized society; that the development of the country depends upon the ready exchange of commodities between its different communities and sections. And so they ordained that commerce should be free between the States.

The founders of the Government and those who followed them understood that transportation is properly a function of government, and so they built highways, and turnpikes, and dug canals, and improved rivers and harbors, and finally built State railroads and aided in the building of interstate railroads. These highways by land and water were paid for wholly or in part out of the public treasury and the public domain.

The vital interest of organized society in commerce and the public nature of transportation imposes upon government the duty to maintain a control over transportation as a public service. Hence upon the broadest ground of public policy, wholly apart from any power to control, dependent upon charter grants, government must exercise, as a sovereign right, absolute authority over all persons and all property engaged in transportation.

The public character of the transportation service and the inherent right in sovereignty to exercise control over it, imposes upon the Government the obligation to require the common carrier to render the service upon reasonable terms and upon equal terms. For the Government to fail in this duty, for it to turn over to railroad corporations the uncontrolled right to dictate the terms of service and its character, is to abandon a function of government and place the common carrier in the control of the commerce of the country. To permit the railroads to control the commerce of the country is, in the final analysis, to permit the railroads to control the country.

I maintain, then, that the authority of government to control transportation, both as to the character of the service and the rate of the service, is inherent as a right of sovereignty and that the obligation rests upon government to exercise this power.

I shall undertake now to show that the adjudicated cases fully sustain this contention.

OBVIOUSLY UNSOUND CONSTITUTIONAL ARGUMENTS.

The history of the effort of the States and of the United States to regulate commerce, like other questions of great moment when there is conflict of views, is associated with the struggle over the constitutionality of each advance step that has been taken.

In the framing of a great piece of legislation it is impossible to overestimate the importance of all sincere effort to insure its constitutionality and to make it conform to the decisions of the Supreme Court. But there is a distinction in such legal discussion that should be kept clearly in mind. There is always the effort of the friends of a measure to insure its standing the test of the courts, and there is sometimes a determined effort of opponents to defeat it by attacking its constitutionality.

The measure before us has been described as "drastic" and "revolutionary;" as "contrary to the spirit of our institutions;" as "raising some of the most important questions with which we have had to deal since the civil war." It has been suggested that it owes its origin to "public clamor," and that it never commanded any serious attention until the President mentioned it in his message. Yet it is quite significant that the fight against the bill has been over constitutional questions. No Senator has taken the floor of the Senate in open opposition to the regulation of railroad transportation.

In the discussion of constitutional questions well-wrought-out theories have been substituted for the settled conclusions of law, as declared in the great body of decisions rendered on these questions since the adoption of the Constitution. Arguments have been made in opposition to this legislation that have been rejected again and again by the Supreme Court, and declared *not* to be the law in a long line of undisturbed decisions.

It has been contended that rate making was not in the mind of the framers of the Constitution, and therefore the Constitution can have no application to it, in direct contradiction of the decision in the Dartmouth College case, where it was held, and has never been successfully controverted since, that—

> The case being within the words of the law must be within its operation likewise.

By the new standard now sought to be set up, the fourteenth amendment would apply only to negroes, since they were the only persons in mind when the amendment was framed. Likewise, the fifth amendment would not apply to corporations, since only natural persons were meant, as frequently asserted by the courts. The stress placed upon the argument that common carriers could not charge unreasonable rates at common law would, if carried to its logical conclusion, prove that all the progressive legislation, State and Federal, for the control of transportation was entirely unnecessary and could as well be wiped off the statute books.

The argument on the clause, "No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another," assumes, in direct opposition to repeated decisions, that the Commission must adopt a rate of so much per ton per mile as a reasonable rate.

Moreover, the discussion of this provision of the Constitution presumes that the railroads are conducting their business in direct violation of the intent and spirit of this clause of the Constitution. The moral obligation of the Government to exercise its power to prevent such violation is entirely ignored.

Taking the construction of the Constitution contended for by those who make this argument, is there not, then, an obligation on the part of the Federal Government, under any rational interpretation of the true meaning and spirit of this delegation of power, not only to give no preference, but to see that no preference is given? The States surrender all their commerce and all their power of regulation over it to the General Government, subject to the stipulation that in the exercise of that power no preference should be given to any power. Ought not the Government to protect the commerce of the States which have lost the right to protect it themselves? Ought not the Government to see to it that the transportation companies, over which the States have no control, which the Government alone can regulate, shall not do the very thing which the States expressly stipulated should not be done by the Government?

If the Federal Government permits a third party, subject to control by no one but the Federal Government, to do the very thing which it was expressly forbidden to do, is it not, in fact, doing the forbidden thing itself? Is it not, in effect, a violation of the spirit of this very provision of the Constitution for the Federal Government to allow the railway companies to give preference to the ports of one State over another by parceling out its commerce to suit themselves?

The contention that the power to regulate interstate commerce is identical with the power to regulate foreign commerce; that most of our foreign commerce is carried in foreign ships; that we can not regulate foreign ships; therefore we can not regulate nor prescribe the rates of railroads doing business in the United States, these and many other like arguments heard in this debate demonstrate the spirit of much of the constitutional discussion and opposition to the control of railway rates. Evidently the concluding paragraph of Mr. Justice Marshall's great opinion in Gibbon *v.* Ogden is as significant to-day as when delivered years ago:

> Powerful and ingenious minds * * * may, by a course of well-digested and metaphysical reasoning * * * explain away the Constitution of our country and leave it a magnificent structure, indeed, to look at, but totally unfit for use. This may so entangle and perplex the understanding as to obscure principles which were before thought quite plain, and induce doubts where, if the mind were to pursue its own course, none would be perceived.

POWER OF UNITED STATES OVER INTERSTATE COMMERCE SAME AS POWER OF STATES OVER STATE COMMERCE.

In the long conflict between the States and the corporations the railroads have resisted, step by step, the inevitable conclusion of law that *the State can fix the rates* of transportation.

What the railroad corporations most dread in this contest to-day is that Congress shall assert the same right for the National Government *to fix the rate for interstate commerce* that the States exercise over State traffic. If it is admitted that Congress has the same power over interstate commerce that the States have over State commerce, there is no ground for further litigation. Such an admission would sweep away all opportunity for long legal controversy. It would settle the issue.

The Senator from Ohio [Mr. FORAKER] says:

> The assumption that Congress has the power to fix rates as a part of the power to regulate commerce is largely due to the fact, no doubt, that the *States undeniably have this power.*

It follows that his contention that Congress has not the power to fix rates fails absolutely if the power of the United States Government over interstate commerce is the same as the power of State governments over State commerce.

The Senator from Pennsylvania [Mr. KNOX] speaks of "difference in radical relation of the States and of the nation to the subject of rate making."

It becomes very important to definitely determine, if possible, whether the power of the United States over interstate commerce is the same as the power of a State over State commerce.

In the case of Gibbon *v.* Ogden Mr. Justice Johnson, cited by

the Senator from Ohio as authority for his position, said (p. 225):

The "power to regulate commerce" here meant to be granted, was that power to regulate commerce which *previously existed in the States.* But what was that power? The States were, unquestionably, supreme; and each possessed that power over commerce, *which is acknowledged to reside in every sovereign State.*

And again (same page):

The history of the times will, therefore, sustain the opinion, that the grant of power over commerce, if intended to be commensurate with the evils existing, and the purpose of remedying those evils, could be only *commensurate with the power of the States over the subject.*

Chief Justice Marshall said, in his opinion of this case (p. 195):

The completely internal commerce of a State, then, may be considered as reserved for the State itself.

Plainly implying that all other power was conferred upon Congress, the sovereign power which existed in Parliament, and the federation passed to the National Government. Nor does he stop with this plain inference. He expressly states (p. 195):

If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States. The wisdom and the discretion of Congress, their identity with the people, and the influence which their constituents possess at elections are, in this, as in many other instances, as that, for example, of declaring war, the sole restraints on which they have relied to secure them from its abuse. They are the restraints on which the people must often rely, solely, in all representative governments.

In McCulloch *v.* Maryland (4 Wheaton, p. 405) Chief Justice Marshall says:

If any one proposition could command the universal consent of mankind, we might expect it would be this—that the Government of the Union, though limited in its powers, is supreme within its sphere of action.

And further (p. 410):

In America the powers of sovereignty are divided between the Government of the Union and those of the States. They are each sovereign with respect to the objects committed to it, and neither sovereign with respect to the objects committed to the other.

In Brown *v.* Maryland (12 Wheaton, 446) he said:

Those who felt the injury arising from this state of things, and those who were capable of estimating the influence of commerce on the property of nations *perceived the necessity of giving the control over this important subject to a single government.* * * * It is not, therefore, a matter of surprise that the grant should be as extensive as the mischief, and should comprehend all foreign commerce and *all commerce among the States.*

These basic principles upon which the authority of our Government rests, have all been cited again and again by our Supreme Court, whenever questions involving the right of Congress to regulate commerce have arisen.

Justice Harlan, in the Northern Securities case, after quoting the principle laid down by Justice Marshall in Gibbon *v.* Ogden, saying it had never been modified by subsequent decision, inquires (p. 341) whether there is any escape from the conclusion that—

The power of Congress over interstate and international commerce is as full and complete as is the power of any State over its domestic commerce.

Justice White, in his dissenting opinion in this same case, says (p. 339):

It can not be denied that the sum of all just governmental power was enjoyed by the States and the people before the Constitution of the United States was formed. None of the power was abridged by that instrument, except as restrained by constitutional safeguards, and hence *none was lost by the adoption of the Constitution.* The Constitution, whilst distributing the preexisting authority, preserved it all.

He says further in this case:

The right of Congress to regulate to the fullest extent, *to fix the rate to be charged for the movement of interstate commerce,* and to exert any power that flows from the Constitution is conceded.

So much has been said of a parenthetical remark by Mr. Justice Harlan in the Northern Securities case, that I feel warranted in taking time for an explanation which I believe an analysis of the opinion in the case will fully justify. In the first place the conclusion drawn from the interpolated sentence is contrary, not only to the citation just made, but to the whole tenor of Justice Harlan's reasoning on the power of Congress to regulate.

While widely differing as to other legal questions involved, Justices Harlan and White agree perfectly as to the fundamental power of Congress.

Mr. Justice Harlan argues that if a State may strike at combinations in restraint of trade within its exclusive jurisdiction, Congress has the power to protect interstate commerce against such combinations. Mr. Justice White no less emphatically asserts that the right of Congress is conceded to regulate to the fullest extent, *to fix the rate to be charged for the movement of interstate commerce,* and to exert every power that flows from the authority of the Constitution.

But on the other points in the case the two learned judges widely differ. If, instead of reading in cold type, their contending opinions, we imagine ourselves in the consultation room, we get new light on an apparent discrepancy. Justice Harlan says—I quote from his opinion:

Indeed, if the contentions of the defendants are sound, why may not all the railway companies in the United States that are engaged under State charters in interstate and international commerce enter into a combination as the one here in question, and by the device of a holding corporation obtain the absolute control throughout the entire country of rates for passengers and freight beyond the power of Congress to protect the public against their exactions? The argument in behalf of the defendants necessarily leads to such results, and places Congress, although invested by the people of the United States with full authority to regulate interstate and international commerce, in a condition of utter helplessness, so far as the protection of the public against such combinations is concerned.

Justice White replies—I quote from his opinion:

With the full power of the States over corporations created by them and with their authority in respect to local legislation and with power in Congress over interstate commerce, carried to its fullest degree, I can not conceive that if these powers *admittedly possessed by both be fully exerted, a remedy can not be provided fully adequate to suppress evils which may arise from combinations deemed to be injurious.* This must be true, unless it be concluded that by the effect of the mere distribution of power made by the Constitution partial impotency of governmental authority has resulted.

Obviously meaning that the fixing of the rates would suppress the evils complained of in the discussion.

Justice Harlan answers—quoting again from his opinion:

Will it be said that Congress can meet such emergencies by prescribing the rates by which interstate carriers shall be governed in the transportation of freight and passengers? If Congress has the power to fix *such* rates—and upon that question we express no opinion—it does not choose to express its power *in that way* or *to that extent.* It has, all will agree, a large discretion as to the means to be employed in the exercise of any power granted to it. *For the present* it has determined to go no further than to protect the freedom of commerce among the States and with foreign States by declaring illegal all contracts, combinations, conspiracies, or monopolies in restraint of such commerce, and make it a public offense to violate the rule thus prescribed. *How much further it may go we do not now say.* We need only at this time consider whether it has *exceeded its power in enacting the statute here in question.*

Taken in connection with the context, it is in accordance with the spirit, the reasoning, and the language of the great opinion to interpret the parenthetical remark to mean that if Congress has the power to fix *such* rates—as it undoubtedly has, but the question not being in issue we express no opinion—it does not choose to exercise its power *in that way* or *to that extent.* This view is sustained by—

How much further it may go we do not now say. We need only at this time consider whether it has exceeded its powers in enacting this power here in question.

While it has no relevancy to the legal merits of the case, it may be worth while to notice in passing that Justice Harlan at another point makes a similar parenthetical remark in the course of his argument. On page 351 he says:

But if nothing more can be said than that Congress has erred—*and the court must not be understood as saying that it has or has not erred*—the remedy for the error and the attendant mischief is the selection of new Senators and Representatives, who, by legislation, will make such changes in existing statutes as may be demanded by their constituents and be consistent with law.

On page 337 he says:

Undoubtedly there are those who think that the general business interests and prosperity of the country will be best promoted if the rule of competition is not applied. But there are others who believe that such a rule is more necessary in these days of enormous wealth than it ever was in any former period of history.

One almost feels warranted in believing the court did not think Congress had erred in spite of the parenthetical reservation. No more do I believe he thought or meant to say that the power of Congress to fix rates was an open question.

RIGHT TO FIX RATES NOT DEPENDENT ON FRANCHISE.

It is true that the States have emphasized the franchise as warrant and justification for the regulation of rates.

But the Supreme Court of the United States has decided that the right to regulate does not originate in the right to charter, but rests upon the broad principle that *when property is devoted to public use it is subject to control in the public interest.* Chief Justice Waite, in Munn *v.* Illinois (94 U. S. 113), after a thorough review of English and American authorities, settled beyond controversy that property devoted to public service was from the *nature of the business* subject to Government control.

In Chicago, Burlington and Quincy Railway Company *v.* Iowa (94 U. S., p. 161) Chief Justice Waite directly and explicitly applies the rule laid down in Munn *v.* Illinois to *railroad rate regulation:*

Railroad companies are carriers for hire. They are therefore engaged in a public employment affecting the public interest, and under the decision in Munn *v.* Illinois (supra, p. 113) subject to legislative control as to their rates of fare and freight, unless protected by their charters.

In Pick *v.* Chicago (94 U. S., p. 176):

In Munn *v.* Illinois (supra, p. 113) and Chicago, Burlington and Quincy Railway Company *v.* Iowa (supra, p. 155) we decided that the State may limit the amount of charges by railroad companies for fares and freights, unless restrained by some contract in the charter.

The power of Congress, therefore, to fix rates of fare and freight extends to all interstate commerce. It is not limited to the railroad it has incorporated. On the other hand, the only possible legal escape from regulation is in the case of roads that may have secured specific exemption from regulation under charters granted by the Government. The Supreme Court of the United States has decided that Congress has the same power over interstate commerce that the States have over State commerce. It has decided that the States can fix rates through a commission. What the States can do in regulating State traffic Congress can do in regulating interstate traffic.

The right to fix the rate is not, as has been assumed in this discussion, an extension of the power to regulate commerce. *It is included in, and inseparable from, the power to insure reasonable rates.* It is the means to an end. A rate is compensation for service. There is no difference in principle in fixing a maximum, a minimum, or an absolute rate. The fixing of the rate is but a *corollary* to the power to insure reasonable rates.

SUPREME COURT DECISIONS PRESERVE FUNDAMENTAL RIGHTS OF GOVERNMENT.

Corporate interests have little reason to expect aid and comfort from the Supreme Court. The opinion by Mr. Justice White in the Coal case, delivered in February, that by Mr. Justice Harlan in the Chicago Corporation cases, in March, and the opinion by Mr. Justice Brewer in the Michigan Tax case, rendered within a few days, are opportune illustrations of the conservation by the Supreme Court of the inherent rights of the people against the encroachment of corporate power. To the great honor of the court and to the preservation of Government, this final tribunal remains as unsullied and ideal to-day as when created by the Constitution. The great interests have not hesitated to corrupt legislation and propose its attorneys for judicial appointment, but its taint has never reached the Supreme Court of the United States.

Our system of courts is complicated. Decisions are numerous. The wisest men differ; sometimes err. Language can not be used so perfectly that misunderstanding may not arise as to its meaning. Even when principles of law have been well established there always remain isolated cases that can be cited to prove conflict of authority.

But, as has been ably shown in this debate, the long line of authoritative decisions by our Supreme Court in epoch-making cases, arising out of rate regulation for the past thirty-odd years, have been consistent and unwavering in the application of fundamental principles for the preservation of which our Government was founded.

More progress has been made through the court decisions than by specific legislation. The overbalancing control of State and national legislatures by public-service corporations has often resulted in weak laws. But the Supreme Court, in deciding questions arising under these laws, has settled important constitutional rights. The decisions furnish a solid basis upon which to legislate at this time.

The people have no need to fear the final judgment of the Supreme Court. Indeed, they have every reason to seek the final adjudication of questions involving public rights by our highest court. Again and again it has interposed the strong arm of the law between the people and the unlawful encroachment of corporate power.

When in the early seventies the struggle between the States and the railroads culminated in the so-called "Granger" legislation, it was the courts that rebuked the corporations for trampling on the rights of the people, and in language never to be forgotten illuminated this whole question. They showed that the great movement was not, as the Senator from Massachusetts [Mr. LODGE] has described this legislation to be—the result of "public clamor" nor "sporadic excitement"—but that it was an uprising against abuse of power, and was based upon fundamental rights.

In the Attorney-General *v.* The Railroad Companies (35 Wisconsin, 580), Chief Justice Ryan said:

We listened to a great deal of denunciation of chapter 273 which, we think, was misapplied. We do not mean to say that the act is not open to criticism. We only say that such criticism is unfounded. It was said that its provisions which have been noticed were not within the scope of the legislative function; *as if every compilation of statutes, everywhere, in all time, did not contain provisions limiting and regulating tolls;* as if the very franchise altered were not a rebuke to such clamor. It was repeated, with a singular confusion of ideas and a singular perversion of terms, that the provisions of the chapter amount to an act of confiscation; a well-defined term in the law, signifying the appropriation by the State, to itself, for its own use, as upon forfeiture, the whole thing confiscated. It was denounced as an act of communism. We thank God that communism is a foreign abomination without recognition or sympathy here. The people of Wisconsin are too intelligent, too staid, too just, too busy, too prosperous for any such horror of doctrine; for any leaning toward confiscation or communism. And these wild terms are as applicable to a statute limiting the rates of toll on railroads as the term "murder" is to the surgeon's wholesome use of the knife to save life, not to take it. Such objections do not rise to the dignity of argument. They belong to that order of grumbling against legal duty and legal liability which would rail the seal from off the bond.

And again, referring to the claim that the legislation was the result of passion, he said, if there be anger—

It is rather of the nature of parental anger against those *spoiled children of legislation, as our statute books abundantly show them to be, who, after some quarter of a century of legislative favors, lavishly showered upon them, unwisely mutiny against the first serious legislative restraint they have met.*

In 1876 Chief Justice Waite, in Munn *v.* Illinois and the Granger cases, made secure to the people the fundamental principle that "when property is devoted to public use it is subject to public regulation."

The spirit in which the courts administered the responsibility laid upon them in these cases is well expressed by Justice Waite in the closing words of his decision:

In passing upon the case we have not been unmindful of the vast importance of the questions involved. This and cases of a kindred character were argued before us more than a year ago by most eminent counsel, and in a manner worthy of their well-earned reputations. We have kept the cases long under advisement in order that their decision might be the result of our mature deliberation.

From the decision of those cases to the present time the trend of the interpretation, and of the application of the law by the courts of last resort to the multitude of cases that have arisen, has been a distinct gain for popular rights.

"BROAD" COURT REVIEW.

It should be remembered that effort to limit the jurisdiction of the courts within the constitutional right to limit is not an expression of distrust of the final adjudication of corporation questions by the Supreme Court.

The appointment of judges of the inferior courts upon the recommendation of United States Senators as a part of the ordinary official patronage is bad in principle, and one which has not been without occasional bad results. Where judges have been identified with corporate interests previous to their appointment upon the bench there is danger of bias in judgment, even though motives may not be questioned. With the great awakening to the dangers that threaten representative government through corporate influence, there undoubtedly exists some uneasiness as to whether even the sacred tribunals of justice have entirely escaped the entangling net of the "system" from which the nation is struggling to free itself.

Nevertheless, it is not the fear of the direct or indirect corruption of the courts that constitutes the primary motive back of this effort to limit the jurisdiction of the courts. It is fear of the *abuse of the right of litigation.*

It is common knowledge that whenever any legislation affects railroad interests—no matter how just and righteous it may be—they convert the machinery of the law into an instrument to defeat the purpose of the law.

Mr. President, I hope I am not prejudiced against any interests involved in legislation. The first duty of a legislator is to free his judgment from bias. I trust that long contention with the forces this legislation aims to control has not warped my standard. The organized wealth of this country is aggressive. It is unscrupulous. No power other than that of the Government can cope with it. I believe the existence of government—real, representative government for the people—is at stake. The sovereign right conferred on Congress to regulate commerce is the vantage ground in the struggle.

No matter how great the burden, how grievous the wrong, no State can go outside its boundaries to exercise the sovereign right to protect its citizens from tyranny of transportation companies. Even within their own boundaries the States are seriously handicapped by the constitutional limitations respecting State and interstate commerce, as everyone well knows who has attempted to do anything with the State problem.

The great bulk of commerce is interstate. The National Government has the exclusive power to regulate interstate commerce. It has the responsibility that goes with the power. Shall Congress use it freely, courageously, or timidly, cringingly, ineffectively?

The Supreme Court has decided that the Constitution fixes a limitation upon the power of Congress to establish rates. The fifth amendment provides that private property shall not be taken for public use without just compensation. The constitutionality of the orders of the Commission can always be tested on this ground, regardless of any express provision in the law to that effect.

Legally, it is as needless to provide that carriers may appeal to

the courts to test the constitutionality of a law affecting their interests as it would be to add that provision to each and every law that passes Congress. The question of providing a so-called "broad court review" has resolved itself into one of public policy. Shall Congress expressly or impliedly extend to the carriers greater privileges of litigation than the Constitution guarantees them, or shall Congress limit their opportunity of litigation in so far as the Constitution permits?

Why should Congress provide that the railroads shall have the right to appeal from the rate established by the Commission on any other than constitutional grounds? Is not the provision that their property shall not be taken without just compensation sufficient protection? Does any man fear the precedent? Is it not the same test that the private citizen must abide when the railroad, by the authority conferred on it by the State, takes his home, without regard to its precious associations, and awards him only just compensation?

Does any man fear that limiting railroad companies to their constitutional rights will work them any wrong? Consider that Congress might itself fix a schedule of rates and prescribe specific regulations. What does it do instead? It creates a Commission. The Interstate Commerce Commission is appointed by the President. It is confirmed by the Senate. It is charged with great responsibility and great power. It must be assumed that the President in appointing, and the Senate in confirming, will exercise great care. Their selection will be made with the same singleness of purpose with which the Supreme Court of the United States is chosen. Integrity, ability, fitness will be the consideration.

The members of the Commission, by the terms of the act, give all their time exclusively to the study of this single complex problem. They acquire expert knowledge. They reach definite well-grounded conclusions as to what constitutes reasonable rates and just practices in transportation. They are as conscientious as any court would be in the discharge of the duties assigned. Their judgment when finally reached is as deliberate, unbiased, and disinterested as that of any court. It is their duty to insure reasonable and just transportation rates to the public and to prevent unfair and discriminatory charges. That would be the duty of the court likewise. But the Commission presumably has a very much broader knowledge and deeper insight into the determining facts than any court could acquire in the course of a brief trial.

The Commission and the courts should complement each other. The Commission is the tribunal of the facts; the courts of the law. The Commission must always have consideration of the law in its application to facts. The courts must, of course, consider facts in the application of the law; but it is in the public interest that the judgment of the Commission on the facts should be final where possible.

There should be no unnecessary complexity in the solution of a great problem. There should be intelligent and economic division of work. The courts review the laws made by Congress to test their constitutionality. The Supreme Court has repeatedly said it does not pass upon the wisdom of laws.

The Commission may err. The judgment of the wisest, most conscientious, and most expert man is not always infallible. The conclusions of the court are not always infallible. But we must abide by them. For generations of time the judgment of juries as to facts has been accepted as final. How much more reliable the judgment of expert commissioners of the same high character and standing as the court. When the plain citizen must abide the verdict of the jury as to the facts, can it be seriously contended that the corporations should be accorded the privilege of having the facts adjudged by an expert commission tried over again in the courts? Is not their constitutional right a sufficient guaranty that they will not suffer serious wrong?

Does any man honestly believe the corporations are clamoring for a broad review in the interest of justice? Would they care for the privilege except as it gives opportunity for the endless delays of litigation that tend to defeat substantial justice?

PRELIMINARY INJUNCTION.

Within the past ten days the Senator from Texas [Mr. BAILEY] has made an argument that will be memorable in history. It is generally conceded that the adoption of his proposed amendment is no longer a constitutional question. It is now before the Senate as a question of public policy.

The acceptance of this amendment and the rejection of the proposition of a broad court review have the same sound basis.

The common-law right to preliminary injunction was to prevent "irreparable injury." The creation of a commission of this high order to investigate the subject and decide upon rates with the same deliberate judgment exercised by a court, precludes the necessity of this procedure.

There is much less danger of railroad companies suffering from the decisions of the Commission than of the shippers being wronged by the action of the court that grants the preliminary injunction. The order of the Commission is reached after full consideration of all the facts; that of the court for preliminary injunction is the judgment of one judge upon affidavit by an interested party.

I would not, in dealing with corporations, establish any precedent that might not be safely applied to protect the property rights of any citizen. But I would not be more careful, more cautious, more timid in dealing with corporations than in dealing with individuals. It has seemed to me that some who have spoken for this legislation have been too much on the defensive. They have been more eloquent and enthusiastic over their anxiety to defend the corporate interests from all harm than over their desire to frame a law that will bring railroad corporations back to their plain duties as common carriers, and protect the people from the existing intolerable abuses in transportation.

Prohibiting the use of preliminary injunction will enhance the value of this legislation beyond all computation. The operation of the law will be simplified and justice promoted.

To cut out this much-abused process will not confer autocratic power upon the Commission. Indeed, it will not in anywise affect the power of the Commission. It will put upon the railroad companies the burden of hastening instead of delaying the final judgment of the court if they are sincerely seeking to secure justice.

Mr. President, I pause in my remarks to say this. I can not be wholly indifferent to the fact that Senators by their absence at this time indicate their want of interest in what I may have to say upon this subject. The public is interested. Unless this important question is rightly settled seats now temporarily vacant may be permanently vacated by those who have the right to occupy them at this time. [Applause in the galleries.]

Mr. KEAN. Mr. President, I rise to a question of order.

Mr. LA FOLLETTE. I do not ask to have Senators called back here who feel no interest in what I have to say. I know that the country will take interest in the discussion that I shall make of the defects in this proposed legislation.

The PRESIDING OFFICER (Mr. LONG in the chair). The Senator from Wisconsin will suspend.

Mr. KEAN. I rise to a question of order.

The PRESIDING OFFICER. The Senator from New Jersey will state his question of order.

Mr. KEAN. I ask that the rules of the Senate be enforced, and that the galleries be cleared.

The PRESIDING OFFICER. The Presiding Officer will admonish the occupants of the galleries, that it is contrary to the rules of the Senate to express approval or disapproval of any remarks that may be made, and upon a recurrence of it the galleries will be ordered cleared.

HISTORY OF THE MOVEMENT.

Mr. LA FOLLETTE. Partisan politics should have no place in our discussion of this measure. It should influence no man's action. The question with which we are dealing goes too deeply into the life of the people of this country and the integrity of their Government to permit a single page of the record we are making to be stained with party strife for party advantage.

That this bill is before Congress to-day goes to the credit of no party, no platform, no man. It is here because the subject with which it purports to deal can no longer be suppressed. The principle back of this bill is not new. It was written in the Constitution in the beginning and asserted as a legislative power by four States in the upper Mississippi Valley more than thirty years ago. It is here to-day in the fullness of a generation of lusty growth, demanding not partial, but complete recognition.

Let us not mistake. This is no spasm of sentiment, no angry protest fired by agitation. It is the mature judgment of an enlightened public opinion, ripened by long experience and patient investigation. More than a score of years have passed since it became the settled conviction of the country—shippers, consumers, and producers alike—that the Federal Government had the absolute right and owed it as a duty to the public to regulate and control transportation charges on interstate commerce.

GRANGER STATE LEGISLATION.

Wisconsin, Illinois, Iowa, and Minnesota had led the way. The legislation of that period, known in the decisions and in history as the "Granger legislation," has suffered unjust criticism from that day to this. It was denounced as radical and revolutionary; as certain to demoralize business, drive out capital, stop all railroad construction, and arrest all develop-

ment within the limits of these four States. Determined to prevent the spread of that legislation to other States, the press and periodicals were enlisted, economic writers employed, statistical bureaus organized, and all the agencies which the carriers of the country could command were set in motion to that end.

The literature of that time teems with startling accounts of "Railroad construction at a standstill," the "Collapse of railroad business," the "Spoliation and ruination of railroad property," the "Checking of all development in the Granger States." In that period the railroads were almost wholly in command of the statistics essential to an intelligent discussion of the question. They falsified the figures and imposed upon the public. It is not strange that economic writers of reputation, accepting the data of that heated time, should have been misled.

It is due to the pioneers of that movement and pertinent to this discussion that the misstatements of fact which have stood for thirty years should be corrected.

The Granger legislation was a rational and conservative protest, in statutory form, against an arbitrary, unjust, and oppressive control of transportation and transportation charges by common carriers.

Mr. A. B. Stickney, president of the Chicago and Great Western Railroad, in his work on "The Railway Problem," written with an intimate knowledge of the conditions leading up to the Granger legislation, says of the methods employed by these corporations:

> The companies at first denied that they were common carriers or subject to the duties or restrictions imposed upon such carriers by the common law. * * * The managers claimed the right to charge such rates * * * as they deemed for the best interests of their respective companies regardless of their reasonableness or equality. They claimed and exercised the right to grant monopolies in business to favored individuals and firms * * * by exercise of their powers to discriminate in regard to rates and combinations. * * * They assumed the right to dictate to communities in what market town they would sell their produce and buy their supplies. Thus a community located 40 miles distant from St. Paul and 400 miles distant from Chicago was compelled to trade in Chicago, so as to give the railway the long haul, and in order to enforce this dictation they did not hesitate to make the rate for 40 miles as much or more than for 400 miles. * * * They believed they had the right so to make their schedule of rates, as to determine which of the villages on their line should become centers of trade beyond their local territory. * * * They also varied their schedules in such a way that they discriminated in regard to rates between individual merchants, manufacturers, miners, and other business men, so as practically to determine which should become prosperous and wealthy, and which should not.

As I shall have occasion to show later, the railroads of the country, excepting where partially restrained by law, have continued to the present time the identical wrongs and the same abuse of power which they practised upon the people in Wisconsin, Illinois, Iowa, and Minnesota, set forth in the quotation from President Stickney.

The Granger statutes, so long and violently condemned, were imperfect with respect to some of the provisions for their enforcement, but they were correct in asserting the principle of government control, and were reasonable in their terms, in so far as the railroads were concerned.

The Wisconsin law was enacted in 1874 and repealed in 1876, and Granger laws were enacted—Minnesota in 1871, Illinois in 1873, and Iowa in 1874. By the beginning of 1875 it may be assumed that the effect of these Granger statutes would be fairly felt in all of the Granger States. Michigan, Indiana, Missouri, and Nebraska are four States more nearly similar in development, character of industry, and population than any other States with which comparison could be instituted. These four last-named States were not affected by the so-called Granger legislation.

It is possible, therefore, by comparison, to ascertain the effect of the railroad legislation upon the four Granger States. I have also worked out a like comparison with the Middle Atlantic States, namely, New York, New Jersey, Pennsylvania, Delaware, Maryland, and West Virginia, in one group; the Southern States—Kentucky, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi—in another group; and, finally, broadened the entire comparison to and including the railway mileage of all the States in the Union. I was thus able to test the results of the Granger legislation upon the railroads of the Granger States, by comparing railroad development and railroad receipts between the Granger States and the four adjoining States, between the Granger States and the Middle Atlantic States named, between the Granger States and the Southern States named, and likewise a comparison of the progress of railroad building and railroad receipts in the four Granger States as compared with the country at large.

I submit a table showing the railway mileage for the years 1871 to 1880:

States.	1871.	1873.	1875.	1880.
Wisconsin, Illinois, Iowa, and Minnesota	12,401	14,627	15,515	19,428
Michigan, Indiana, Missouri, and Nebraska	9,168	10,932	11,381	14,336
Middle Atlantic States	12,030	13,643	14,455	15,949
Southern States	12,013	12,977	13,287	14,908
United States	60,293	70,278	74,096	93,671

Taking the railroad mileage for 1873, the year immediately preceding the legislation, and comparing it with the railroad mileage in 1875, by which time the effect of the Granger laws should have become clearly manifest, we find that railroad construction increased for the four Granger States 6.1 per cent; the four adjoining States, 4.1 per cent; the Atlantic States, 5.9 per cent; the Southern States, 2.4 per cent, and the United States, as a whole, 5.5 per cent.

It will therefore be seen that the Granger legislation did not stop railroad construction in the four Granger States. Indeed, they not only held their own, but increased their railroad mileage over their immediate neighbors, and the other groups with which comparison is made, as well as the country at large. Let us test the matter further.

The following table shows the gross earnings for the years 1871 to 1880:

States.	1871.	1873.	1875.	1880.
Wisconsin, Illinois, and Iowa	$54,994,114	$70,027,777	$69,621,065	$86,954,346
Michigan, Indiana, and Missouri	44,433,246	59,106,865	54,731,069	79,038,920
Middle Atlantic States	147,130,494	194,052,202	175,677,418	199,003,718
Southern States	41,772,102	53,696,409	50,399,227	48,317,754
United States	403,329,208	526,419,935	503,065,505	615,401,931

I found it impossible to include Minnesota and Nebraska in this comparison, for the reason that I could not procure complete data of the railway earnings of those States for the period named. For this reason, excepting those two States—Minnesota from the group of Granger States and Nebraska from the group of adjoining States—carrying out the same comparisons with the several groups of States included in the calculations with respect to railway mileage, I found that the gross earnings decreased in the Granger States from 1873 to and including 1875 one-half of 1 per cent; in the adjoining States, 7½ per cent; in the Middle States the gross earnings decreased 9½ per cent; in the Southern States, 6½ per cent; in the whole country, 4.4 per cent. It is shown, therefore, that during this period of general decline in the gross receipts of the railways the earnings in the Granger States were less affected than adjoining States or in the other groups and suffered vastly less than the country at large.

The comparison of net earnings is equally significant. In the Granger States from 1873 to 1875 there was a substantial increase in the net earnings. In the adjoining States there was a decline in the net earnings amounting to 3 per cent. It therefore appears that the railroads of the Granger States were able to withstand not only the "dire effects" of the Granger legislation, but the depression which began with the panic in the money and stock markets in 1873 and spread to every operation in finance and commerce, continuing until the end of 1878.

I have submitted in this connection but a small portion of the results of an investigation of this subject, every fact of which makes the demonstration stronger, that the Granger legislation neither retarded railway construction nor diminished railway receipts; that it did not demoralize business or stay industrial development anywhere within its jurisdiction. The hue and cry raised by the railroads in advance, and continued after the statutes were enacted, accompanied with threats and warning, served in some measure the purpose of the railroad companies.

Within two years they secured control of the Wisconsin legislature and repealed the Granger statute in that State. For twenty-eight years thereafter they were powerful enough in the legislature of Wisconsin to defeat the enactment of any law for the regulation of railway rates within that State. The Minnesota statute was likewise repealed. Illinois maintained her hold upon the legislation secured, and succeeded in strengthening it in some measure. In Iowa the struggle was protracted until 1888, when she enacted a new and in many respects a most excellent statute, under which rates were established by a commission which, at the time, were fair to the railroads and just to the people.

I shall have occasion later to refer to these States as bearing upon the proposition to invest a Federal commission with full power to ascertain and enforce reasonable rates.

FEDERAL LEGISLATION.

I come now to the consideration of Federal legislation. It was inevitable that the conditions which invoked State authority in regulation of State commerce should seek to secure the exercise of Government authority in the regulation of interstate commerce; and it was to be expected that the section of the country which had first proclaimed the right to control common carriers through State legislation should furnish the men to first assert that right in Federal legislation.

March 26, 1874, the House of Representatives passed a bill introduced by Mr. McCrary, of Iowa, which marks the beginning of positive legislative action upon the broad question of railway rate regulation.

It has been asserted in this debate that the first bill ever introduced in Congress upon that subject was introduced by Mr. Charles Sumner. As no copy of that bill can be found in the files of Congress, and as the title is somewhat misleading, it is quite natural that that statement should have been made. An investigation of contemporary publications, however, discloses the fact that the Sumner bill had reference solely to the transportation of troops and did not deal at all with the question under consideration by Congress at the present time.

The McCrary bill, considering the early date of its adoption in the House—thirteen years before the final passage of the interstate-commerce act—was a very comprehensive measure and merits some attention in this connection. Referring only to the main provisions respecting the regulation of rates: It provided that no interstate carrier should receive more than a fair and reasonable rate of compensation for any transportation service. It proposed to create a board of railroad commissioners of nine members. The commissioners were empowered to investigate thoroughly freight and passenger charges, and the reasonableness thereof, and prepare schedules of reasonable maximum rates, and to change and revise the same "so often as circumstances may require." Penalties were provided for charging more than reasonable rates, and it was made the duty of the Commission to bring suit, upon ascertaining facts warranting such action, for the enforcement of said penalties. If upon trial of said suit it should appear that the defendant had charged more than provided for in such schedules, it was provided that—

> In that case such defendant shall be deemed and held guilty of extortion and liable therefor, unless such defendant shall show affirmatively that the rate charged * * * was nevertheless fair and reasonable.

The bill was so amended pending its consideration by the House as to make its penalties apply to discriminations as well as to unreasonable and extortionate rates. The McCrary bill did not pass the Senate.

From the passage of the McCrary bill by the House, March 25, 1874, neither branch of Congress passed any measure until 1878, when the House passed the Reagan bill. In the meantime the system of discriminations between persons, localities, and commodities, which were of secondary consideration when the McCrary bill was passed, had grown so aggravated in character as to become of primary interest by 1878. This is reflected in the new bills introduced from 1874 to 1878. It doubtless accounts mainly for the fact that the Reagan bill of this date was designed to prevent discriminations. The Reagan bill passed the House, but it did not pass the Senate.

Two years before the Reagan bill of 1878 passed the House, the Supreme Court had decided the Granger cases and the Munn case, and had settled great principles lying at the foundation of this important subject. Its decisions pointed the way for Congress. Yet no legislation was enacted until 1887, when the interstate-commerce law was finally passed.

The act of 1887 declared unreasonable rates unlawful, and imposed penalties for discriminations as to persons, places, and commodities. The report made by the Committee on Interstate Commerce presenting the bill to the Senate states the evils which the bill was intended to remedy, and among them enumerated the following:

> That local rates are unreasonably high as compared with through rates.
>
> That both local rates and through rates are unreasonably high at noncompeting points, either from the absence of competition or in consequence of pooling agreements that restrict its operation.
>
> That rates are established without apparent regard to the services performed, and are based largely on what the traffic will bear.
>
> That the stock and bonded indebtedness of the roads largely exceed the actual cost of their construction or their present value, and that unreasonable rates are charged in the effort to pay dividends on watered stock and interest on bonds improperly issued.

The report from which the foregoing is extracted is voluminous and is one of the important contributions to the literature of this subject.

RAILROADS AND TRUSTS.

Mr. President, I have sketched briefly the main facts in the development and history of legislation in relation to the transportation problem down to the date of the enactment of the interstate-commerce law in 1887. During this period—from 1870 to 1887—many events of great moment transpired with respect to the commerce and the industries of the country. The failure of Congress to give heed to the manifest relation of trust organization to transportation throughout the early period; the failure of Congress to broaden and strengthen the law of 1887 when its weakness became apparent, making it represent the full constitutional power of the Federal Government; the failure of Congress to repair even its fatal defects when plainly pointed out by the Supreme Court and the Commission, makes the mortifying recital of the next period in this history.

Contemporaneous with the history of thirty years' struggle for rate regulation is the history of the insidious growth of trusts and a single legislative attempt to cope with the resulting evils independent of railroad legislation.

There was a trust investigation in 1875–76 that revealed a suggestion of the truth with respect to the criminal compact between Standard Oil and the railroads. It was shown that John D. Rockefeller and his associates, aided by alliance with the transportation lines running through the oil regions, were crushing opposition and laying the foundation for the most powerful monopoly in the world.

The testimony of the Congressional committee of 1876, the Hepburn committee of 1879, the Senate committee of 1885, the House committees of 1888 and 1893, all demonstrated the evil nature of the alliance of the railroads with Standard Oil, with the beef, and with the coal combine. From 80 to 100 bills were introduced in Congress, but they did not get beyond the committees to which they were referred. Driven to cover and the exercise of greater caution by the partial exposure of their criminal methods, reorganizations were effected by the growing monopolies, names were changed, and public indignation was quieted.

But by 1890 it had become apparent that powerful influences were at work in the business world destroying equality of opportunity. Markets and prices were disturbed and established business enterprises forced out of the field. The public began to understand that combinations were forming, that trust organizations were being effected in many lines of production, and that these organizations were suppressing competition.

The current literature of that time makes interesting reading to-day. It was charged on the one hand that the trust was the offspring of the tariff. It was declared upon the other that the trust was a progressive business evolution, a legitimate effort to cheapen production. Two great national campaigns were waged mainly upon the issue that the tariff was the mother of trust and combination.

In the meantime a national statute had been enacted which was aimed at the trust and combination as an independent conspiracy. The lesson of the Standard Oil, the beef, and coal alliance with transportation seemed well-nigh forgotten. The Sherman Act was the work of a statesman and would have aided greatly if its violations had been vigorously prosecuted. But it was made apparent very early that the *root* of the evil can not be reached by striking at the trusts alone. It is the *railroads in combination with the trusts* that constitutes the great problem.

FAILURE OF INTERSTATE-COMMERCE LAW.

In May, 1897, the Supreme Court in the Maximum Rate case decided that it was not the intent of the interstate-commerce law to invest the Commission with authority to enforce its determination with respect to rates. This reduced the Commission merely to a body authorized to hear complaints, take testimony, and make recommendations. The legislative intent as determined by the court is not questioned. The fact remains, however, that many who participated in the legislation—the Commission, the railroads, and the public—understood that authority to supervise rates and to issue orders and decrees with respect to what a rate should be was conferred upon the Commission at the time the law was enacted.

This statement is of value at this time only as bearing upon the scope of the authority to be conferred upon the Commission by this Congress, the intent of which, it is hoped, will be made so clear as to leave nothing to require construction.

The first Interstate Commerce Commission, Judge Thomas M. Cooley, chairman, construed the law as giving to it supervision over rates and authority to issue orders as to what a rate should be. The first case decided after the Commission organized, the Walla Walla Grain case, in the decision of which Judge Cooley participated, placed this construction upon the law.

During the entire time that he continued as a member of the Commission and long thereafter the Commission construed the law in like manner as to all cases raising that issue.

The Commission in its annual report for 1897 thus states the fact with respect to the exercise of this supposed power:

> The Commission exercised this power in a case commenced in the second month after its organization and continued to exercise it for a period of more than ten years, during which time no member of the Commission ever officially questioned the existence of such authority or failed to join in its exercise.

It was so accepted by the railroads, and for years the question was not even raised. That the interstate-commerce act for a time exerted a wholesome influence upon carriers and shippers and, in a measure, checked the upbuilding of monopoly through discriminations the public was certainly led to believe. There was a show of compliance with the law following its enactment. But it soon became apparent that the practices prohibited by the law were being resumed. Passes were issued to favored individuals, rebates were again granted, substitutions for rebates were resorted to, and discriminations practiced in various ways.

RECOMMENDATIONS OF 1897.

In its report for 1897, after reviewing the result of this decision and those which had preceded it, each one further reducing its efficiency, the Commission presented the unfortunate situation as follows:

> There is to-day, and there can be under the law as now interpreted, *no effective regulation* of interstate carriers. If there is to be under this act it must be amended. From the best considerations we have been able to give the subject, we believe that the most essential features of such an act must be those previously enacted. A tribunal which regulates the common carriers by railroad of interstate traffic, which can stand for justice and fairness between these carriers and the people, must have the power to fix a maximum rate, to fix in certain instances a minimum rate, and its orders when made must mean something.

After carefully reviewing the decision of the court which denied to the Commission the right to continue in the exercise of the powers of regulation theretofore exercised, the Commission made careful and specific recommendations in its report for 1897 for the amendment of the act. It was recommended that the act be so amended as to empower the Commission to call in question any rate or charge, and issue an order upon the carrier, either *upon its own motion* or upon a complaint being made to the Commission to appear and "to show cause why said rate shall not be held to be unreasonable or otherwise in violation of law," and on such order and notification to the carrier to have a "full hearing." The amendment as proposed goes on to provide what I shall read.

I beg the attention of Senators here to what I shall now quote. It is the *specific recommendation* of this Commission as to what it is *necessary for Congress* to do if we are so to amend the law of 1887 as to *regulate railway rates and practices*. I read from the report of the Commission for 1897:

> If the Commission is of the opinion that the rates, fares, or charges as filed and published, or the classification, facilities, and regulations published in connection therewith are unreasonable or otherwise in violation of law, *it shall determine what are and shall be reasonable* and otherwise lawful rates and fares, charges, classifications * * * and *shall prescribe the same* and *shall order the carriers* to *file* and *publish schedules in accordance* with such decision.

And such orders were to be enforcible under the penalties provided in section 16 of the act. And it was further proposed to be provided that on full hearing the Commission could make any further reduction in such rates.

It was further proposed to amend the act in section 15, to provide that if, after a full hearing—

> It is determined that any carrier is in violation of the provisions of this act, the Commission shall make an order directing such carrier to cease and desist from such further violation, and shall prescribe in such order the thing which the carrier is required to do or not to do for the future to bring itself into conformity with the provisions of this act; and in so doing it shall have power—
>
> (a) *To fix a maximum rate* covering the entire cost of the service;
>
> (b) To fix *both a maximum and a minimum rate* when that may be necessary to prevent discrimination under the third section; * * *
>
> (d) To *make changes* in classification;
>
> (e) To so *amend the rules and regulations* under which the traffic moves as to bring them into conformity with the provisions of this act.

These are the recommendations of the Commission in 1897, ten years after it was established. With a decade of experience the Commission well understood what powers were vitally essential to an effective administration of the law. The authority to do these specific things they declared to be necessary if there was to be a regulation of railway rates and railway services.

This was, indeed, an urgent appeal. It seems well-nigh incredible that it should have failed to meet approval in either branch of the National Legislature.

COMMISSION'S RECOMMENDATIONS AUTHORITATIVE.

Mr. President, the Interstate Commerce Commission has, I believe, ever since that body was first organized, been composed of men distinguished for their ability, learning, and special fitness. Without exception they have been men of the highest character. I believe that they have been fearless and impartial in the discharge of official obligation. They are the appointees of Democratic and Republican Administrations. The Senate has consented to and approved their selection. The task of the Commission has been from the beginning a most arduous one. Dealing with great and complex interests, it constitutes a branch of the official service which enjoys the esteem and confidence of the American public. Bringing to the charge of official duty a varied training and experience, concentrating every faculty of thoroughly disciplined minds upon the questions involved in the regulation of interstate commerce of this great nation, it could not fail to become easily the highest authority in the special field of its employment.

Mr. President, the gifted and distinguished Senator from Texas, in support of his amendment to take from inferior courts the right to suspend by preliminary injunction the rates fixed by the Commission, urged that the expert knowledge of the Commissioners, acquired by constant application to all of the problems of transportation, made their judgment with respect to the reasonableness of the rates superior to that of the court. I think all who heard him were compelled to agree with that contention.

That which is true of the Commission's ability to judge wisely with respect to rates in the trial of a particular case is equally true with respect to all of the duties which they are constantly called upon to discharge. But, Mr. President, above all things is it true that the Commissioners are best able to judge wisely with respect to the law itself which they are called upon to administer. They go patiently through with every case, from the filing of the complaint to the final judgment rendered upon the record, and must consider well the law with respect to its every phase. They must study every section and sentence of the statute day after day and year after year; they hear it discussed and dissected and expounded by the able lawyers for the complainant and by the learned counsel of the greatest railroad corporations in the world.

Of all men they ought to be the ones best able to submit recommendations to Congress with respect to changes in the law; if it is defective, to point out the defects; if its faults can be remedied, to suggest the remedy. Their recommendations are without prejudice or bias. We can take them as we would the unanimous opinion of the judges of the Supreme Bench with regard to the faults and weaknesses and injustice of any law which the court is called upon to construe. Indeed the Commission has this advantage: Any court must hear many cases and pass upon different statutes; the Commission deals every day with the same law and with its relation to the same subject.

For these reasons the statesmen who framed the interstate-commerce law in 1887 provided:

> That the Commission shall, on or before the 1st day of December in each year, make a report, which shall be transmitted to Congress, copies of which shall be distributed as are other reports transmitted to Congress. This report shall contain such information and data collected by the Commission as may be considered of value to the determination of questions connected with the regulation of Commerce—

Now, mark what follows!—

> *together with such recommendations as to additional legislation relating thereto as the Commission may deem necessary.*

Congress therefore laid its commands upon the Commission to recommend legislation, the need for which should become apparent to them in administering the duties of their office.

RECOMMENDATIONS IGNORED.

Mr. President, I now call the attention of the Senate to the fact that these important recommendations have been urged again and again, and that they have been ignored by Congress year after year.

Congress having failed to act upon the recommendation of the Commission in 1897, to correct the defects of the law as shown by the Maximum Rate Case, the Commission again urged action upon those same recommendations in the report for 1898, saying:

> There is now no power, in the judgment of the Commission or in the judgment of the court, to restrain a railroad company from demanding and receiving unreasonable and unjust charges.

They said further:

> The power of establishing or fixing reasonable rates in advance is the only practical legal remedy for extortion and unreasonable and unjust charges.

In this report reference is made to the report of the previous year in the following language:

> We have not only set forth in general terms the necessity for amending the law, but have formulated and proposed the specific amendments which appear to us positively essential. With the renewal of these recommendations, no duty of the Commission in this regard remains undischarged.

Congress having failed to act upon this recommendation, the Commission, in its report for 1899, said:

Every consideration of private justice and public welfare demands that railway rates shall be reasonable, uniform to all shippers, and equitable between all communities. Until needful legislation is supplied that demand must remain unsatisfied.

Reference is made in this report to the recommendations previously made, the many indorsements of them received from agricultural, manufacturing, and commercial interests throughout the country, to which the Commission adds:

It is sufficient to say that the existing situation and developments of the past year render more imperative than ever before the necessity for speedy and suitable legislation. We therefore renew the recommendations heretofore made and earnestly urge their early consideration and adoption.

Congress having failed to act upon this recommendation, the Commission in its report for 1900 said:

The requests of the Commission for needful amendments have been supported by petitions and memorials from agricultural, manufacturing, and commercial interests throughout the country, yet not a line of the statute has been changed, and none of the burdensome conditions which called for relief have been removed or modified.

They say further in this report:

With reference to further legislation, the Commission has little to suggest, and nothing new to propose. * * * Recommendations, both general and specific, have been repeatedly made. The views heretofore officially expressed are believed to be justified alike by experience and reflection. They are confirmed by later and current observation.

Congress having failed to act upon this recommendation, in 1901 the Commission, in its report, urges again the amendments previously recommended, and adds:

The reasons for urging these amendments have been carefully explained, and repetition of the arguments at this time can hardly be expected. * * * Knowledge of the present conditions and tendencies increases rather than lessens the necessity of legislative action upon the lines already indicated, and in such other directions as will furnish an adequate and reasonable statute for the regulation of commerce among the several States.

Congress having failed to act upon this recommendation in 1902, after discussing the defects in the law, the Commission in its report for that year said:

The fullest power of correction is placed in the Congress and the exercise of that power is demanded by the highest consideration of public welfare. * * * If the representations already made do not induce favorable action, it is certainly not the fault of the Commission. * * * A sense of the wrongs and injustice which can not be prevented in the present state of the law, as well as the duty enjoined by the act itself, impels the Commission to reaffirm its recommendations, for the reasons so often and so fully set forth in previous reports, and before the Congressional committees.

Mr. President, it is worth while to pause here and note the warning that appeared in this recommendation of the Interstate Commerce Commission to the Congress and to the country, that the railroads *were combining* and the situation was growing more and more serious.

Moreover, in view of the rapid disappearance of railway competition, and the maintenance of rates established by combination, attended as they are by substantial advance in the charges on many articles of household necessity, the Commission regards this matter as increasingly grave, and desires to emphasize its conviction that the safeguards required for the protection of the public will not be provided until the regulating statute is thoroughly revised.

Still Congress failed to act upon these recommendations. It passed the Elkins law to provide against departures from the published rate. But it did nothing to give the Commission power to protect the commerce of the country against rapidly advancing rates.

At the beginning of the next session, in December, 1903, after referring to the Elkins law (passed February 19 preceding) at some length in its report, the Commission says:

It (the Elkins law) has added nothing whatever to the power of the Commission to correct a tariff rate which is unreasonably high or which operates with discriminating effect. It greatly aids the observance of tariff charges, but it affords no remedy for those who are injured by such charges, either when they are excessive or when they are inequitably adjusted. If the tariffs, published and filed as the law directs, are enforced against the shippers alike, the authority of the Commission to require such tariffs to be changed remains just as ineffectual as it was before this legislation was enacted. This is the point to which the attention of Congress has been repeatedly called. This is the defect in the regulating statute which demands correction. In previous reports this question has been frequently and fully discussed. We have commented at length upon the weakness and inadequacy of the law as its provisions have been construed by the courts. We have carefully pointed out the amendments which we deem essential, and explained in detail the reasons for our recommendations. We are unable to add anything of value to the presentation heretofore made. Our duty in this regard has been performed.

Attention is again called to the recommendations previously made, and these are reaffirmed. The need of this legislation is said to be all the more imperative as an indirect result of the Elkins law. The Commission says:

The effect of that legislation in many cases was to bring about an increase of railroad charges.

Again in 1904 the Commission reiterated its recommendations and renewed its warning; the previous discussions of the "weakness and inadequacy" of the interstate-commerce law are again recalled, and former "urgent recommendations" are once more cited to the attention of Congress. The enormous advances in freight rates as set forth in the reports for 1902 and 1903 are again cited as additional considerations calling for the enactment of these oft-repeated recommendations.

Congress having failed to act upon these recommendations, at the beginning of the present session in 1905, the Commission said, with respect to the granting of power to fix future rates:

We deem it unnecessary to discuss this question in the present report further than to reaffirm the facts heretofore expressed.

Mr. President, I have quoted from nine annual reports made by this Commission, each clear and explicit in its terms; each portraying the fatal weaknesses of the law; each strongly appealing for amendment to cure the defects. These nine reports have been issued since the decision of the Supreme Court rendered the Commission absolutely powerless to restrain a railway company from demanding and receiving unreasonable and unjust charges. These reports came from a body of men, each of whom the Senate had joined in selecting to administer the law and to recommend needed amendments from time to time. Until a few days ago I never understood why Congress had failed to act upon the important recommendations and the urgent appeals made year after year by the Commission for the repair of this broken-down statute. But it has been made plain at last. It was disclosed during the debate upon the 22d of March, when the Senator from Nevada [Mr. NEWLANDS] propounded the following question to the Senator from Massachusetts [Mr. LODGE]:

Mr. NEWLANDS. I wish to ask the Senator [Mr. LODGE] whether he bears in mind the fact that the original interstate-commerce act calls upon the Interstate Commerce Commission to make recommendations to Congress from time to time in regard to legislation?

Mr. LODGE. I had forgotten that they were called upon to make recommendations to Congress.

Here we have at last a possible explanation for the failure of Congress through all these years to legislate some vitality into the interstate-commerce act. Congress, like the Senator from Massachusetts, must have forgotten that the law required the Commission to make recommendations. It must have forgotten the existence of the Commission. Is it strange that with nine years of failure on the part of Congress to respond to these recommendations the Commission should, through magazines, the press, and the platform, address itself from time to time to the public in an effort to awaken Congress from its deep sleep?

But, sir, even if Senators, and indeed the entire Congress had forgotten that the Commission was required to make recommendations, even though it had forgotten its recommendations, and the very existence of the Commission, there were other reasons why it should have taken action upon this subject.

Soon after the decision of 1897, petitions, memorials, and resolutions, urging Congress to amend the interstate-commerce law and clothe the Commission with power to regulate rates, came pouring in upon the Congress from agricultural, manufacturing, and commercial interests throughout the country. State legislatures from every section of the country solemnly memoralized Congress upon the subject.

THE PRESIDENT URGES CONGRESS TO ACT.

The President of the United States had not forgotten that it was the duty of the Interstate Commerce Commission to recommend legislation. He had not forgotten the purpose of the act of 1887, and in his message to the Congress in December, 1901—away back four years ago—he said:

The cardinal provisions of that act were that railway rates should be just and reasonable and that all shippers, localities, and commodities should be accorded equal treatment.

He had evidently read and reflected upon the important recommendations made year after year by the Commission, for in this same message he said:

This act should be amended. The railway is a public servant. Its rates should be just to and open to all shippers alike. The Government should see to it, that within its jurisdiction, this is so, and should provide a speedy, inexpensive, and effective remedy to that end.

He waited three years for the Congress to act, and then in his message in December, 1904, after a general discussion of the subject, he said:

In my judgment the most important legislative act now needed, as regards the regulation of corporations, is this act to confer upon the Interstate Commerce Commission the power to revise rates and regulations, the revised rate to at once go into effect and stay in effect unless and until the court of review reverses it.

Another year passed by. No law was enacted enlarging the authority of the Commission and conferring upon it power to revise rates and regulations. At the beginning of the present session, December, 1905, the President again reminded Con-

gress of its duty to the public. He presented the relation of the railway problem to the control of transportation, and reiterated the urgency for prompt action in the following words:

As I said in my message of December 6 last, the immediate and most pressing need, so far as legislation is concerned, is the enactment into law of some scheme to secure to the agents of the Government such supervision of the rates charged by the railroads of the country, engaged in interstate traffic, and shall summarily and effectively prevent the imposition of unjust and unreasonable rates. It must include putting a complete stop to rebates in every shape and form.

Mr. President, I believe that the recommendations of the Interstate Commerce Commission should have the greatest weight with Congress, and should be followed in framing a law, unless there are controlling reasons for their rejection.

I believe that the failure to enact into law the recommendations of the Commission made and repeated year after year for a long decade has cost the American people hundreds of millions of dollars in excessive transportation charges, and hundreds of millions of dollars in the increased cost of trust-made articles, the monopoly element of which the railroads have conferred upon the trusts. This increased burden has fallen with the greatest weight upon the humbler homes, where the increased expense of living has made havoc with the savings of the family.

I believe that the recommendations of the Commission enacted into law, together with legislation logically corollary, followed by an appropriation of the money necessary to vigorous enforcement, would have preserved industrial independence for this generation of men.

INDUSTRIAL CONSOLIDATION.

What are the industrial conditions with which the nation is confronted to-day? What are the results of the failure of Congress to act in accordance with its power and its obligation? Great evils grow out of small beginnings. The railroads began by despising their common-law obligations to treat all shippers alike. They despised small traffic transactions. They were bound to have tonnage, more tonnage, bigger tonnage. They openly bought tonnage with rebates. They preferred to transact business with a few large shippers. They drove out the small dealers with advancing rates, forced them into retirement and turned their business over to the trusts.

To this end they were ready to defy State and Federal authority. They recognized one law, a law of their own making—the law of combination. Denied the right to pool by the interstate-commerce act they made traffic agreements to nullify the statute. Denied the right to make traffic agreements by the courts they nullified the decisions by combinations. They absorbed the small companies. They gathered their roads into trunk lines, the trunk lines into systems, the systems into great groups.

In order to convey some idea of the enormous combinations which have been formed in the railway world and of the unlimited power thereby centered in the hands of a few individuals, the following statement is submitted. The figures in this case are mostly taken from Moody's Manual of Railroads, a recognized authority:

The six great groups.

Classification.	Number of roads embraced.	Mileage of each group.	Capitalization of each group.
Vanderbilt group	132	21,868	$1,109,132,132
Pennsylvania group	280	19,300	1,822,402,235
Morgan-Hill group	225	47,206	2,265,116,359
Gould-Rockefeller group	109	28,157	1,368,877,540
Moore-Leeds group	91	25,092	1,059,250,939
Harriman-Kuehn-Loeb group	85	22,943	1,321,243,711
Total	922	164,586	9,006,068,916
Allied systems	250	13,721	380,277,000
Total under control	1,172	178,307	9,386,363,916

We have here nearly 90 per cent of the vital railway mileage of the country controlled by six sets of financiers, with an identity of interest which at will signifies practically a single control. No one can be so blind as not to see the purpose and the certain result of this consolidation. The country has been partitioned and apportioned among these great groups. Each group dominates in its own territory. With agreements as to classifications, rates, and divisions of traffic, the railway business ceased to be a competitive business. It has become a monopoly in fact, controlling the course and destination of transportation and its tolls and charges on all interstate commerce and on all State commerce excepting where interfered with by State control.

The transportation companies built up the great industrial trusts through transportation agreements. Their identification now became more pronounced. They became partners in interest. The railroads acquired ownership in the trusts. The trusts acquired ownership in the railroads. Coal, oil, iron, steel, shipping, telegraph, express, gas, beef, food products, and, indeed, the whole field of industrial production came rapidly into combination and unity of interest. They did not stop here. Banking, insurance, in fact the whole commercial system, was centralized. Less than one hundred men officered, controlled, and directed throughout the entire field. The identity of ownership could be seen in the appearance and reappearance of the same names, some in one group, some in another, massing and knitting together its vast organization. This was the inevitable result of turning over the highways to the common carriers unrestrained. Combination was bound to breed its own kind.

Are special instances required to sustain this conclusion? Is it necessary to review the history of the Standard Oil, coal, iron, beef, the grain, and elevator combines, each represented in railroad ownership? The records of courts, Congressional, and legislative investigation furnish abundant and enduring testimony of their crimes against the American people. They stand out against the dark background of thirty years of railroad history a menace and a reproach to government. They are but types of a whole army of railroad-made and railroad-fostered trusts.

Because of recent disclosures the sugar trust is of interest at this time, and furnishes a conspicuous example, illustrating the relation of the trust to railroad transportation.

Mr. John Moody, of New York City, recognized as an authority by those trading in trust and railroad stocks and securities, two years ago classified the trusts of the country as follows: The greater industrial trusts, the lesser industrial trusts, the franchise trusts, and the great railway groups.

The greater and lesser industrial trusts, comprising the most important industrial trusts in the United States, two years ago numbered 318 separate trust organizations, representing the consolidation of 5,288 plants or manufacturing establishments, with a total stock and bond issue of $7,246,342,533. These consolidations dominate practically every field of industrial enterprise in the United States, from the manufacture of railroad locomotives and pressed-steel cars to matches and chewing gum. Of the greater industrial trusts, all have been organized or reorganized since April 1, 1890. With the exception of the sugar trust, all were incorporated in the State of New Jersey.

The sugar trust was incorporated in its present form in 1901. It has acquired ownership or control of 55 corporations, representing 70 to 90 per cent of the entire sugar-refining industry of this country. The element of monopoly in this organization is very powerful, consisting of tariff benefits and practical control of the sources of raw material. It is capitalized at $145,000,000. Although this is vastly more than the investment represented, its virtual control of the market enables the trust to earn dividends averaging about 12 per cent on its capitalization. For fifteen years since it was organized the sugar trust has paid dividends ranging from 7 to 12½ per cent. The dividends actually earned during these years have been much higher than this, but the management have latterly adopted the policy of paying directly as dividends a modest 7 per cent. This course was prompted by the fear that the public patience would not endure the high prices on sugar necessary to pay the extravagant dividends which are actually being exacted from consumers upon the millions of dollars of watered stock in the trust.

Protected by the tariff from competition with foreign refineries the sugar trust is placed in a position of immense commercial advantage. With the aid of the transportation lines it is invested with an absolute monopoly, enabling it to control the prices upon this article of daily use in every home and tax every table at will.

On the 7th of February, 1906, Congressman WILLIAM R. HEARST submitted to the Department of Justice of the Federal Government sworn complaints charging a compact between the sugar trust and officers of the Pennsylvania, New York Central, the Delaware, Lacawanna and Western, the Philadelphia and Reading, the New York, New Haven and Hartford and several other railroad companies. Mr. HEARST has placed in the hands of the Attorney-General such an array of facts in support of his complaints that the Government has asked for the indictment of the head of the sugar trust and some of the most prominent railroad officials controlling nearly all of the trunk lines east of the Mississippi River.

In the case of the United States *v.* Armour & Co. et al.,

lately tried before Judge Humphrey at Chicago, Attorney-General Moody, in the course of his argument, said:

> Not long ago the enterprise of the proprietor of one of the New York papers discovered much information which tended to show that all the great trunk lines running out of New York City had been practicing discrimination in the form of rebates to the American Sugar Refining Company. With what I believe was rare self-denial and a high sense of public duty that evidence was offered to the Department of Justice. Out of it charges have grown against the railroads and against the sugar company, and they are now under consideration by the grand jury. I express no opinion whether the charges are true or false, there are ways of deciding that question when the time shall come. These rebates, amounting in the aggregate to hundreds of thousands of dollars, have been often given to the sugar company to aid it in its fight with the farmers who are conducting the struggling industry of producing sugar from beets. When the sugar company wanted to overcome the competition of the farmer, wanted to lay such stress upon him that he would give up the contest in despair and dispose of his property to the monopoly, it went to the railroads and borrowed a club by which it clubbed the farmer to death.

Let it not be supposed for one moment that the payment of rebates imposes any burden upon the railroad company. Whatever sums of money are necessary to enable the sugar trust to maintain its advantage over competitors and to aid in paying extravagant dividends costs the railroad company nothing. It is all taken out of the consumers and enough more with it to swell railroad surplus and pay profits on its inflated capitalization as well. For proof of this turn to the rate schedules of the railroad companies, and it will be found that they have increased transportation charges upon this article of prime necessity more than five and one-half million dollars since 1897.

Again and again the Interstate Commerce Commission, in their reports to Congress, called attention in unmistakable language to existing conditions and their helplessness under the law as construed by the court.

I quote the following from the report of the Commission of 1899:

> It is a matter of common knowledge that vast schemes of railway control are now in process of consummation and that competition of rival lines is to be restrained by these combinations. * * * If the plans already foreshadowed are brought to effective results and others of similar scope are carried to execution, there will be a vast centralization of railroad properties, with all the power involved in such far-reaching combinations yet uncontrolled by any public authority which can be efficiently exerted. The restraints of competition upon excessive and unjust rates in this way are avoided, and whatever evils may result will be remediless under existing laws.

In its report for 1900 the Commission says:

> One of the striking features of recent times in the industrial world has been the tendency to combine for the purpose of limiting or eliminating competition. In no branch of industry probably is the inducement to promote combinations of this sort greater nor the advantage to be hoped for from them more certain than in railway operations. * * * We should, however, hardly discharge our duty in a report to Congress upon the railway operations of this country if we did not call attention to these combinations and the effect which they are likely to produce.

In January, 1901, the Commission said in its report to Congress:

> More instructive than any argument are the results of an investigation just made at Chicago into the movement of packing-house products, a more detailed account of which hereafter appears. The facts developed upon that investigation, and upon a previous investigation into the movement of grain and grain products, which is also referred to later, are of such a character that no thoughtful person can contemplate them with indifference. That the leading traffic officials of many of the principal railway lines, men occupying high positions and charged with the most important duties, should deliberately violate the statute law of the land, and in some cases agree with each other to do so; that it should be thought by them necessary to destroy vouchers and to so manipulate bookkeeping as to obliterate evidence of the transactions; that hundreds of thousands of dollars should be paid in unlawful rebates to a few great packing houses; that the business of railroad transportation, the most important but one in the country to-day, paying the highest salaries and holding out to young men the greatest inducements, should to such an extent be conducted in open disregard of law, must be surprising and offensive to all right-minded persons. Equally startling at least is the fact that the owners of these packing houses, men whose names are known throughout the commercial world, should seemingly be eager to augment their gains with the enormous amounts of these rebates which they receive in plain defiance of a Federal statute. These facts carry their own comment, and nothing said by us can add to their significance.
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> * * * * * * *
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> The effect is to give these large packers an enormous advantage over their small competitors. * * * Already these competitors have, in the main, ceased to exist.
>
> We find in these disclosures a pregnant illustration of the manner in which secret concessions are tending to build up great trusts and monopolies at the expense of the small, independent operator.

In 1902 the Commission said in its report to Congress:

> The tendency to combine continues to be the most significant feature of railway development. The facts in this regard are matters of common knowledge, and little is gained by the mention of particular instances. * * * A law which might have answered the purpose when competition was relied upon to secure reasonable rates is demonstrably inadequate when that competition is displaced by the most far-reaching and powerful combinations. So great a change in conditions calls for corresponding change in the regulating statute.

THE HEPBURN-DOLLIVER BILL.

And so, Mr. President, after all these years of legislative delay demoralizing private business and imposing grievous burdens upon the country, we are at last offered the Hepburn-Dolliver bill. Does it meet the requirements of the country's commerce? Does it promise a remedy? Let us examine its provisions.

Mr. President, this bill will not solve the transportation problem. Unless greatly strengthened, it will not meet the expectations of the country. It will not dispose of the question.

Why should we temporize? Why should we approach this subject on tiptoe, with apology to special interests and apostrophe to property rights? Honest wealth needs no guaranty of security in this country. Property rightfully acquired does not beget fear—it fosters independence, confidence, courage. Property which is the fruit of plunder feels insecure. It is timid. It is quick to cry for help. It is ever proclaiming the sacredness of vested rights. The thief can have no vested rights in stolen property. I resent the assumption that the great wealth of this country is only safe when the millionaires are on guard. Property rights are not the special charge of the owners of great fortune. Even the poor may be relied upon to protect property. They have so little—the little they possess is so precious—that they are easily enlisted to defend the rights of property.

No one here need offer himself as a martyr to protect the property of railway corporations against the results of popular clamor. Property rights are safe. The ample power of the Constitution is the everlasting bulwark of property rights. We can do nothing if we would to put the property of any corporation in the slightest jeopardy. We shall do well indeed if we prevent the railway company from wronging the citizen. If we will use all the power we have under the Constitution, we may compel the carrier to desist from acts which encroach upon the rights of the citizen and community. We shall not be able to do more than that. We ought to be willing to do that much.

Thirty years of experience, thirty years of struggle for legislation, thirty years of judicial decision plead with us, and yet we make no advance. The committees of Congress spend a decade listening to appeals, filing away petitions, taking testimony, hearing arguments, traveling over the same ground session after session. In the meantime individuals are wronged by extortionate rates and their business handed over to monopolies enjoying the favor of the railroads. Towns and cities, with natural advantages and locations to make them commercial centers, are discriminated against to build up great markets and railway terminals at the end of the long haul.

Men have grown gray in this protracted struggle to free the commercial highways from tyranny and bring the railroads of the country back to their legitimate business as common carriers. Weary and heartsore they accept this bill, not because it is fair and just and goes to the core of the trouble, but, as they declare, "Because it is all we can get now. It is as far as Congress will go."

I think it is demonstrated that every man charged with any official responsibility with respect to this legislation owes it as a public duty to go to the limit of constitutional power in clothing the Government with authority to regulate railway rates and railway services.

Mr. President, the bill before the Senate does not measure the importance of the subject to which it relates. The junior Senator from Iowa, whose share in the framing of this bill authorizes him to speak for its scope, directed attention in his eloquent address to "the three conspicuous propositions with which this measure is concerned."

First. Broadening the meaning of the word "transportation" to include independent car lines and refrigerator companies "by requiring that every charge incident to the service shall be reckoned as a part of the public rate."

Second. By authorizing the Commission "where complaint is made that a rate is unreasonable or unduly preferential to require the carrier to observe as a maximum in such a case the rate which, in its judgment, is in conformity with law."

Third. Requiring "a detailed report of the business of the railways compelling common carriers engaged in interstate commerce to conform their systems of accounts to the regulations made by the Commission and to keep them open to reasonable inspection under public authority."

Excepting, then, as this bill provides for the new device of the private car and refrigerator companies, it goes no further than to patch up the rents made by judicial decision and clarify and strengthen the section relating to the keeping of railway accounts, and reporting thereon. Hence it may be said that this bill is a measure to correct the blunders of 1887.

Sir, it took thirteen long years of persistent and earnest effort to enact the statute of 1887. It is nine years since judicial decision took from that statute every element of protection which it had afforded the commerce of the country. The bill

before us offers no more in fact—indeed less than did the McCrary bill, the first measure which passed the House of Representatives for the regulation of interstate commerce in 1874.

We have made some progress: We better comprehend now the consequences of handing over the commerce of the country to the control of railway corporations than we did then. It is for this reason, I repeat, that this bill does not measure the importance of the subject to which it relates. The lesson which we have learned in the last generation of time is that the control of transportation is the control of commerce; that the control of commerce is the control of the commercial and industrial life of the American people; that the control of the commercial and industrial life of the American people is the control of their commercial and industrial freedom; that the control of their commercial and industrial freedom is the control of their political freedom; that this question, in its final analysis, goes to the integrity of our free institutions.

I do not disparage this bill in its present form. I credit it with everything it can accomplish. It is fair to say that it will aid directly and indirectly to equalize rates; that it will afford opportunity for associations and municipal organizations representing communities where rates are higher than more favored localities to apply, on that ground, for relief. This will, in a limited way, result in some reductions. I say in a limited way, because only the larger, wealthier, more enterprising and aggressive communities will be represented by active organizations with the courage and the means to make a fight against the railroads for better rates. It will be further limited by the fundamental defect in the plan which provides no way of ascertaining the reasonable rate, but only the comparatively reasonable rate, as I shall presently show.

But beyond this the larger shippers will derive the principal benefit from the bill if it is enacted in its present form. As a class they are mainly interested in equal rates for all shippers within the zone of competition. They are quite indifferent as to the amount of the rate, because in the end they do not pay it. While their complaints would undoubtedly result in some incidental reductions, they will not be filed with the Commission primarily for that purpose.

I protest that this is not a bill for the great body of the American people who constitute the consumers of the country. They do not buy freight of the railway companies at all. It has been suggested that the railroads have good cause to resent the designation of their charges as taxes upon the people. But they are taxes.

There are just and unjust taxes. Any excessive charges for the transportation of the necessaries of life should be as carefully guarded against as unjust taxes for sustaining government. The Government is as truly obligated to protect the people from unjust freight charges as it is from unjust taxes to sustain the Government. Consumers do not deal directly with the carrier, and yet they pay practically all of the fifteen hundred millions collected by the railway companies annually for carrying the freight of the country. They pay this freight when they buy coal, lumber, clothing, and other supplies of the local dealer and merchant. The consumer does not know how much of the cost is a freight charge. He does know that prices are steadily advancing. He feels the increasing burden. He is certain that some one is wronging him. He believes that the railroads are directly responsible for a part of it and indirectly responsible for all of it. He wants relief. What does this bill do for him?

He can not make complaint in his own behalf. He has not the detailed knowledge upon which to base such complaint. The items of overcharge, if he could specify them, are small, but in the aggregate they are important to him. He could not afford to institute proceedings for reduction if he were able to formulate the specific allegations of a complaint.

If the legislation enacted at this session is to go no further than an endeavor to secure equal rates and not reasonable rates, then it ought to be so framed that there is some one upon whom rests an official obligation to act for the helpless consumer, for the millions who pay the freight. We should at least make an effort to secure equal rates for them until such time as we may secure reasonable rates for all.

So long as the Commission, under the law of 1887, exercised the power of enforcing orders with respect to rates, which the railroads and the public understood the law conferred upon them, they issued and enforced such orders on investigations instituted upon complaints filed with them, *and likewise upon investigations instituted upon their own motion.* One of the most important cases ever decided by the Commission, resulting in a reduction of rates upon foodstuffs, was upon an investigation prosecuted by the Commission upon its own motion.

This bill limits the Commission's authority to make a determination and issue an order *to cases upon complaint.*

Section 13 of the law of 1887 authorizes the Commission to institute an inquiry upon its own motion. This bill allows that to stand, but in section 15, as proposed to be amended by this bill, it does not authorize the Commission to make a determination and issue an order upon an investigation which it has conducted upon its own motion under authority of section 13. If it is wise to continue the authority of the Commission to make investigation, why is it deemed advisable to withhold from it the power to remedy any wrong disclosed by such investigation?

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. LA FOLLETTE. Certainly.

Mr. DOLLIVER. Consultation with the members of the Interstate Commerce Commission has led me to believe that with their power of investigating general rate conditions throughout the country, if they discover an abuse they will be under no inconvenience whatever under the provisions of section 15 in founding a proper complaint.

Mr. LA FOLLETTE. Mr. President, I noticed in the discussion in the House of Representatives that the member from one of the Maine districts raised that question and objected that there were provisions in this bill which might be so construed as to allow the Commission to issue an order upon the investigation which it had made on its own motion under section 13. I observed that a member of the House committee which framed the bill promptly declared that such construction could not be given to it.

Mr. DOLLIVER. I think the Senator from Wisconsin will agree with me that if we can secure an adjudication of every complaint that may be filed, we will have gone a long way toward curing, or at least securing jurisdiction of, most railroad abuses.

Mr. LA FOLLETTE. I am sorry to disagree with my friend the Senator from Iowa. I think we shall have gone only a *very little* way. Under the provisions of this bill I do not think we will go to the heart of this problem at all. I believe I shall be able to make this very clear, if Senators have the patience to hear me to the end.

If consumers are to be greatly benefited by securing even relatively reasonable rates, it would seem very clear that either the Commission should be authorized to act upon its own motion or the Government should provide some agency authorized to make preliminary investigation into the wrongs suffered by the consumers, file complaints, and prosecute the same before the Commission. Some communities and rural sections might, thus aided, secure at least a moiety of relief.

The whole history of this struggle for legislation, reaching back more than a score of years, reveals the fact that those who are strong through the power of organization and wealth fare the best.

Mr. President, it is on this broad ground of a just protection of public interest that the proposed bill seems to me narrow and far below the level demanded by experienced and enlightened public judgment. It is only designed to be amendatory of the law passed twenty years ago. In some respects it is less effective than the original law was believed to be by those who enacted it—by the public and railroad companies as well.

I will say, however, that in its amendments to section 20, with respect to the publicity of railroad accounts, I entirely and unreservedly commend it. It contains excellent provisions for the inspecting of railway accounts and for greater publicity concerning them. But, excepting as to private car companies and a limited provision with respect to relative rates and orders, it ignores the lessons of experience and fails to recognize the existing commercial and industrial conditions. It stands and "marks time" on the old camp ground of twenty years ago.

Sir, the bill takes little heed of the recommendations of the Interstate Commerce Commission to be found recorded in their annual reports to Congress. These recommendations are the result of nearly twenty years of accumulated wisdom in testing the law through administration. They should constitute the most valuable contribution to an intelligent solution of the great problem with which we have to deal.

RECOMMENDATION OF COMMISSION FOR LEGISLATION NOT PROVIDED FOR IN THE PENDING BILL.

I will present some of the more important recommendations for which this bill fails to make provision. I indulge the hope that the imperfections of the bill will be cured by amendment before it passes the Senate.

1. VALUATION OF RAILWAY PROPERTY.

The interstate-commerce law declares all unreasonable rates unlawful. The Supreme Court declares reasonable rates to be

such rates as shall afford just compensation to the carrier for the services performed. The Supreme Court has likewise held that "just compensation" is a *fair return* on the *fair value* of the railroad property.

The Commission has declared that—

No tribunal upon which the duty may be imposed, whether legislative, administrative, or judicial, can pass a satisfactory judgment upon the reasonableness of railway rates without taking into account the value of railroad property.

In its report for 1903 the Commission recommended Congress to authorize such a valuation to be made, and made an elaborate argument in support of such recommendation.

No such legislation has been enacted by Congress.

This bill makes no provision authorizing the Commission to ascertain the value of railroad property.

I shall endeavor to discuss this most important branch of the subject with some thoroughness before I conclude.

2. THE POWER TO REVISE AND FIX RATES, FARES, AND CHARGES.

The Commission has recommended year after year that it is necessary to the protection of the public that authority be conferred upon the Commission, acting either upon its own motion or upon complaint, to issue, and to enforce an order changing any rates, fares, or charges alleged to be unreasonable or otherwise unlawful after due notice and full hearing, upon a determination by the Commission that the rates, fares, and charges are unreasonable or otherwise unlawful.

The Commission informed Congress that these powers are "positively essential;" that until conferred upon the Commission its "best efforts at regulation must be feeble and disappointing;" that "knowledge of present conditions and tendencies increases rather than lessens the necessity for legislative action upon the lines indicated."

The pending bill does not confer upon the Commission the broad powers to revise rates, fares, and charges upon its own motion, or to fix absolute rates, fares, and charges under any circumstances whatever.

3. THE RELATION OF RATES.

For years extended discussions have been presented to Congress showing the necessity of considering the relation of rates in determining with respect to specific complaints. The reports are full of cases showing how vital this consideration is in the administration of justice.

The Commission has presented with great clearness and power its recommendations that this authority should be reposed in the Commission. Indeed, it is difficult to see how it can proceed to discharge the duties of its high office and dispense any measure of justice under the limitations of the proposed bill, which confers no power upon the Commission to issue orders upon its own motion, unless Congress shall vest it with full authority to pass upon the relation of rates.

This bill makes no provision granting such authority to the Commission.

4. THE CONTROL OF CLASSIFICATION.

The foundation of all rate making lies in classification. Sweeping changes are effected by a single order in classification, which the railroads make from time to time. The Commission has brought to the attention of Congress the fact that "many advances have been brought about by changes in classifications."

Changing the classification of an article of freight changes all the rates under which that article shall be shipped throughout the country. It is *wholesale* rate making. By comparison the powers proposed by this bill to be conferred on the Commission are only powers of *retail rate revision* to be exercised only on complaint and on the basis of comparisons with other rates fixed by the railroads.

The Commission has repeatedly recommended that when classifications are filed which the Commission find on investigation and full hearing to be unreasonable, it shall determine what shall be a reasonable classification and prescribe the same, and shall order the carrier or carriers to file and publish, on or before a certain day, schedules in accordance with the decision of the Commission, subject to right of review thereon; that when such classification shall be so established it shall not be departed from without the consent of the Commission upon application of the carrier after due notice and full hearing.

This bill makes no provision conferring such authority upon the Commission.

5. THE POWER TO FIX A MINIMUM RATE.

During the ten years that the Commission exercised their supposed power with respect to rates they found that great injustice resulted in many cases because the railroad companies would readjust rates for competing towns to a common market, so as to defeat the orders of the Commission in securing to a city or community a reasonable opportunity to compete in such common market.

This defect in the law was many times reported to Congress by the Commission and numerous cases cited in support of a recommendation that the Commission be given authority to fix a minimum rate.

This bill makes no provision to correct the law in this important respect.

6. LONG AND SHORT HAUL DISCRIMINATIONS IGNORED.

The long and short haul clause of the act of 1887 was designed to prevent a common form of most oppressive and unwarranted discriminations between places. The court has decided that this clause does not apply when the conditions are not alike at both points between which the discriminations exist. In practice there are no points at which conditions are alike. It lies in the power of the roads to make the conditions dissimilar whenever it suits their purposes. As a result this provision is without effect, and there is no authority in the Commission to prevent any such unwarranted discriminations. Such discriminations prevail generally throughout all sections of the country.

Under the basing-point system a rate to a given point is computed by adding to the rate from the point of origin to the basing point the local rate from the basing point to the point of destination, or an arbitrary amount or a percentage of the rate to the basing point. This is done for *points between the point of origin and the basing point*, thus making the rate to such points higher than the rate to the basing point beyond. For example, rates on some commodities from New York to Salt Lake are more than twice as high as to San Francisco, a thousand miles farther and over the same line. From New Orleans to Charlotte, N. C., the rates are twice as high as to Virginia cities twice as far distant, the Virginia traffic passing through Charlotte. Most absurd discriminations of this sort prevail against Danville, Va. Shippers in western Wisconsin wishing to ship grain and live stock to Chicago are actually forced, to get the best rates, to ship west to St. Paul and then reship to Chicago, the return shipment passing through the town from which it started.

The Commission has called attention to the defect in the law which permits these unwarranted discriminations. It has recommended that it be given the power to determine what conditions are dissimilar and what discriminations are warranted.

The proposed bill ignores these recommendations and the necessity of their enactment into law. It does worse than that; it reenacts the bad provisions of the old law.

7. THE TRICK OF WITHHOLDING TESTIMONY.

It is a fact that railway companies have withheld important testimony upon the hearings before the Commission; that they have subsequently offered the testimony on the trial before the court, and have thereby succeeded in reversing and discrediting the Commission and in delaying the administration of justice; that this practice has been so prevalent as to call forth rebuke upon the railroad companies from the Supreme Court.

The Commission has reported these facts to Congress and recommended that legislation be enacted to correct this abuse.

This bill makes no provision to prevent the continuance of this wrongful practice on the part of the railway companies.

8. IMPRISONMENT FOR VIOLATIONS OF LAW.

The Commission advised against exempting railroad officers and agents from imprisonment for violating the law. The railroads advised Congress to amend the law and grant immunity from imprisonment. Congress adopted the recommendations of the railroads and passed the Elkins law, exempting railroad officers and agents from imprisonment for violations.

In its report the Commission calls attention to violations of the Elkins law, and states that such violations are "liable to increase unless effectively restrained."

This bill contains no provision restoring the penalty of imprisonment and offers no remedy to "effectively restrain" such violations.

9. THE KILLED AND INJURED EMPLOYEES AND PASSENGERS.

For the fiscal year ending June 30, 1905, the railroads killed and injured 10,617 passengers and 48,487 employees. The list of killed and injured of both passengers and employees has steadily increased from year to year. The record is an appalling one.

We annually kill relatively three times and injure twenty-five times as many railway employees, and kill relatively six and one-half times and injure twenty-nine times as many passengers as do the Prussian railroads.

Day after day we place those who are dearer to us than life in the safekeeping of the men who run the railroad trains of the country. Patient, courteous, watchful, brave—there are no stronger, finer types of character and courage in American life. Out on the "iron trail" these men grimly meet death, day and

night, to save the trainload of humanity in their charge. The gruesome list of fatalities reveals the startling fact that more than one engineer out of every four dies upon his engine, his hand gripping throttle and lever.

For seven years the trainmen of America have maintained a representative here to plead for legislation, giving a little measure of justice to their families, when the dark hour comes, for which they ever wait with dread anxiety. For seven years their bills have died in the committee rooms of Congress.

The Interstate Commerce Commission has each year urged legislation to reduce the long and increasing roll of this awful slaughter of employees and passengers.

This bill makes no provision for the adoption of the block system, or other well approved safety appliances, or for any other progressive legislation, for the preservation of life.

OTHER CHANGES DEMANDED BY EXPERIENCE AND PUBLIC INTEREST—THE INIQUITY OF THE FREE PASS.

The interstate-commerce law prohibited discriminations and made the issue and use of railroad passes unlawful. The law was weak and inefficient. It was evaded for a time and then openly violated. This vicious and insidious form of influencing public sentiment and official action has been widely prevalent for years. A prominent and experienced railroad auditor has stated that 10 per cent of all railroad travel in this country is upon free transportation. Those who pay to ride must bear the burden of this free transportation, amounting to over $50,000,000 annually.

The free pass is furnished to public officers to influence official action. It may be accepted innocently, but, consciously or unconsciously, it colors judgment and ultimately and finally controls action.

No legislative body can act impartially upon any measure involving contention between the railroads and the public when such legislators accept and use free transportation furnished by the railway companies.

The late Collis P. Huntington spoke out of an abundant experience when he said of an official who was looking after legislation at the national capital that the gentleman had "many advantages with his railroads running out from Washington in almost every direction, on which he gives free passes to everyone whom he thinks can help him ever so little."

Mr. Paul Morton says: "Passes are given for many reasons, almost all of which are bad."

President Stickney, of the Chicago Great Western Railroad, said, in an address given in 1905 in this city, speaking of the provision of the interstate-commerce law against the use of free passes, that "Congressmen and Presidents, with rare exceptions, have ignored its provisions."

Whatever individual opinion may be entertained by Senators and Representatives upon this subject, the odium of violating laws which Congress has enacted ought in itself be sufficient to pass and enforce the most drastic legislation which can be framed, making it an offense punishable by imprisonment for anyone, be he public official or private citizen, to accept or use free transportation in any form.

EXPRESS COMPANIES NOT INCLUDED.

Every consideration that demands government regulation of the services and rates of railroad corporations demands the same regulation of the services and rates of express companies.

The bill should be amended as to clearly include express companies. The hearings before the Interstate Commerce Committee clearly established that there is just ground of complaint of these companies and need of effective regulations both as to services rendered and the rates charged.

"FAIRLY REMUNERATIVE."

The common carrier is entitled to make a just compensation. Just compensation is defined by the courts to be that compensation which will afford the carrier a fair return upon a fair value of its property. Again and again it has been held that a rate which does not afford just compensation is not a just and reasonable rate. The phrase "just and reasonable" has a clear and well defined meaning in the law. It measures what the public must pay. It measures all that the carrier is entitled to receive.

But the pending bill introduces a new qualifying term by which the carrier's rate is to be measured. The words "fairly remunerative" are added. What office are they to serve? For what purpose are they introduced? Are they to add something to the rate? If that is the purpose, they should be stricken from the bill. The carrier is entitled to nothing more than a just and reasonable rate. If the words "and fairly remunerative" are not designed to increase the rate, then they serve no purpose and should go out. These words introduce another element over which there will be controversy in the courts. The words will require judicial construction. For every reason they should be omitted.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. LA FOLLETTE. Certainly.

Mr. DOLLIVER. Mr. President, I wish to say that those words were suggested to the Senate Interstate Commerce Committee by the Interstate Commerce Commission in the bill which they framed and forwarded to us. For myself I think I ought to say that they are after mature deliberation omitted from the bill which I had the honor to introduce.

Mr. LA FOLLETTE. I am glad to learn that the Senator is not personally in favor of incorporating into the bill the added words.

Mr. President, perhaps I ought to say, with reference to the recommendation of the Interstate Commerce Commission at this session of Congress, as indicated and limited by the draft of a bill which was printed as coming from them, that I concede freely that it omits many of the recommendations which they have made year after year for a decade as being vital to the protection of the interstate commerce of this country.

I know that back of that change and other changes in their recommendations there is a world of significance. Since 1897 they have submitted their reports to Congress, always urging the same legislation as vitally necessary. They have appeared personally before the committees of Congress, arguing and pleading to have their recommendations enacted into law. If at last they have been driven to believe that they must take this bill or nothing, that they must take but a little fraction of that which is really essential to protect the people of this country against extortion and abuse, it does not annul, contradict, or overturn the recommendations which they have incorporated year after year for ten long years in their reports and urged in person upon the committees at every opportunity. I could say much more with respect to this matter. It is not necessary to do so at this time.

Attention is called to other changes that seem worthy of consideration when the bill is taken up in detail.

The bill, in extending the time for notice of changes in rates, provides that the carrier making such notice shall give "public notice." The word "public" would seem indefinite. Provision for notice to the Commission is not provided. In extending the time for notice of changes in rates in joint tariffs "public" is omitted and notice to the Commission is provided. It would seem that in both cases public notice and notice to the Commission should be required and the manner of public notice specified.

To empower the Commission to issue orders after full hearing and investigation upon its own motion, the words "upon complaint" should be omitted in the amendment to section 15. The scope of such orders should include all classifications and regulations affecting rates and services.

Likewise the Commission should be empowered, when any rate or classification has been found unreasonable or unjust, to substitute maximum, minimum, or absolute rates, or to substitute such other classification or regulation as shall be necessary to secure just rates and regulation in conformity with the requirements of the law.

In the amendment proposed to section 16 it provided that when "upon such hearing as the court may determine to be necessary, it appears that the order was regularly made and duly served," the court shall enforce obedience to such order. This provision may be construed as limiting the court to consideration of the *regularity of making* and *serving the order*, and to exclude consideration of the question whether the order is confiscatory. Any doubt with respect to this provision can be remedied by inserting after the word "served" the words "*and not in violation of any of the constitutional rights of the carrier.*"

In addition to the specific enumerations in the bill, the report should show separately the receipts from and the operating expenses for interstate and State traffic. The report should show, in such detail as the Commission may direct, the amount and character of the freight and passenger traffic, and the hours of labor of all employees, and to what degree certain classes of employees are required to be on duty continuously for such length of time as may jeopardize the public safety.

Friday, April 20, 1906.

Mr. LA FOLLETTE. Mr. President, when I concluded, late in the session yesterday, I was discussing certain features of this bill which seemed to me very defective, and I wish briefly at the outset this morning to review the propositions covered in what I said yesterday.

I had considered what I conceived to be unsound constitutional arguments. I had discussed what seemed to me to be unsound propositions which would limit the right of Government to base its control of transportation upon franchises issued by the sovereign power. I had discussed the broad court review and preliminary injunction. I had called attention to the history of the movement which culminated in the passage of the act of 1887. I presented for consideration the weakness and lack of vitality of that statute, and the urgent need of its amendment.

Following that, Mr. President, I traced briefly the development of industrial combination in this country and showed, as I believe logically, its relation to transportation. I think it was made plain that all of the industrial and commercial centralization of this country is closely related to the transportation problem. I submitted the recommendations and arguments of the Interstate Commerce Commission which it had presented to Congress session after session to secure legislation to control transportation charges and regulate service, to the end that industrial and commercial monopoly should no longer be fostered by especially favored transportation rates and regulations. I believe it was made clear that the country had suffered greatly because Congress had failed to respond to the recommendations made by the Interstate Commerce Commission with respect to the constantly increasing power of monopoly through railway concessions and privileges.

And then, Mr. President, coming down to what we are trying to do here to-day, I had begun to suggest the particular respects in which the pending bill fails to meet the recommendations of the Commission and the urgent needs of the commercial and industrial interests of the country.

I called attention to the fact that the Commission had recommended the valuation of railroad properties, and that this bill does not provide for it; that they had recommended the power to revise and fix rates and fares and charges upon their own motion, and that this bill does not provide for it; that they had recommended and had cited many cases showing the absolute necessity of conferring upon the Commission power to control the relation of rates, and that this bill does not provide for it; that they had made plain to the Congress and to the country the importance of giving the Commission authority over classification, and that this bill does not provide for it; that they had cited innumerable instances where it was important to the administration of justice with respect to the commerce of the country that they should have authority to fix minimum rates or an absolute rate, and that this bill does not provide for it; that they had pointed out the ability of the railroads of this country to nullify that section of the statute of 1887 with respect to the long and short haul clause, and that this bill does not in the least strengthen it.

Mr. President, in the course of this discussion the Commission has been much criticised because so many of its decisions have been reversed in the courts. The true reason for these reversals may be found in the annual reports of the Commission to Congress. Attention has again and again been directed to the fact that the railroad companies withheld testimony upon the trial of the case before the Commission and then introduced it when it came to a trial of the case before the court. Upon this new evidence the court often reversed the Commission. The railroads were thus enabled to embarrass the Commission and delay the administration of justice under this law. These reversals have often been cited on the floor of both Houses of Congress as showing the incompetence of the Commission. Yet the reports of the Commission to Congress have recommended that the law be so amended as to prevent this practice. This bill does not contain any such amendment.

Then, Mr. President, I called attention to the fact that the Interstate Commerce Commission had questioned whether great injury would not result from so amending the law that no imprisonment should be imposed as a penalty for its violation; but that the railroad companies had for years pleaded before the committees here in Congress that imprisonment as a punishment for violation of the law might be abrogated. The Commission, in its reports and before the committees of Congress, gave admonition and warning that such amendment would in all human probability result in opening the doors wide for violation of the law. But Congress heeded the insistence of the railroad companies that imprisonment for violation of law should be abrogated, and the Elkins law was passed.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. I do, sir.

Mr. FORAKER. I understand the Senator from Wisconsin to be saying that the provision of law abrogating imprisonment for violation of the interstate-commerce act was contrary to the recommendation of the Interstate Commerce Commission. Am I correct?

Mr. LA FOLLETTE. I say this: After long years of pleading with the Committees on Interstate Commerce of both Houses, the Interstate Commerce Commission has been pushed from position to position with respect to its recommendations.

Mr. FORAKER. Mr. President——

Mr. LA FOLLETTE. Wait a moment. I say that finally, after warning Congress that the abrogation of punishment by imprisonment would, in its judgment, be a dangerous thing, the Commission finally said if, in the opinion of Congress, it is deemed advisable—I am not quoting the exact words of the Commission, of course—we yield that point. I say that means this, and this only: The Commission has been pushed by the attitude of the committees of Congress from pillar to post, and that finally, in its extremis, it was ready to accept almost any legislation which it could get, provided it contained some provisions that would tighten up and make more stringent certain of the sections with respect to violations of the law.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield further to the Senator from Ohio?

Mr. LA FOLLETTE. I do.

Mr. FORAKER. The Senator well said that he was not quoting the exact language of the Interstate Commerce Commission in what he has just now set forth. The fact is, as anyone can ascertain by reference to the official reports of the Interstate Commerce Commission, that repeatedly prior to the act of February, 1903, known as the "Elkins law," the Commission recommended that the law be so changed as to do away with imprisonment for offenses against it. In their seventeenth annual report, which was the first report after that law had been enacted, they dwell upon that and call attention to the fact that the change in the law was in accordance with their recommendation, made repeatedly on their own motion, without any desire on the part of anybody, so far as I am aware, that they should make it, and they speak of that provision of the law as one of its exceptionally good features.

Now, I do not want to interrupt the Senator from Wisconsin while he is in the midst of his argument——

Mr. LA FOLLETTE. It is all right.

Mr. FORAKER. But if he will allow me to do so, for I am sure he does not want to misrepresent the attitude of the Commission on that subject——

Mr. LA FOLLETTE. Oh, no.

Mr. FORAKER. I will ask that the Secretary read what the Commission said about the Elkins law in their report of December 15, 1903.

Mr. LA FOLLETTE. I think I incorporate that a little bit later in what I have to say.

Mr. FORAKER. If the Senator objects to this——

Mr. LA FOLLETTE. And I do not care to have it injected into the speech at this point.

Mr. FORAKER. Well, I should not think the Senator would care to have incorporated in his speech what the Commission have set forth.

Mr. LA FOLLETTE. Let me say to the Senator from Ohio that I am willing to have embraced in the RECORD here everything that bears pertinently upon this discussion. I shrink from nothing that hews to the line, sir.

Mr. FORAKER. Of course the Senator does not, but if the Senator does not desire to have the whole of this incorporated, will he object——

Mr. LA FOLLETTE. I do not know how much the Senator proposes to send up. He says if I object to the whole of it. If he proposes to send up the whole volume which he has in his hand, I do object to having it injected into the middle of my speech.

Mr. FORAKER. I am asking the Senator whether he has any objection to my reading from the official report of the Interstate Commerce Commission what they say upon that particular charge that he has been dwelling upon?

Mr. LA FOLLETTE. I call particular attention in what I have prepared to say here, to exactly what the Interstate Commerce Commission has recommended with respect to that proposition. Therefore I choose to have it come in regular order and in its proper relation to this whole subject.

The VICE-PRESIDENT. The Senator from Wisconsin objects to the reading of the report.

Mr. FORAKER. I do not want to read all of the report. I would not trespass unduly on the Senator from Wisconsin; but he has made a very important statement, and if he will allow me to read a paragraph he will perhaps desire to change the statement he has made, if I correctly understood him.

Mr. LA FOLLETTE. No; I would not. I am familiar with everything the Senator would read. There is nothing on this subject in the reports of the Interstate Commerce Commission with which I am not entirely familiar. Let me say that, and then I will proceed to address myself to this question.

Mr. FORAKER. I am glad to know somebody who is entirely familiar with everything that the Commission has said on this subject.

Mr. LA FOLLETTE. The Senator from Ohio will have ample opportunity, if he desires——

Mr. FORAKER. Yes; I will have.

Mr. LA FOLLETTE. To challenge anything I may wish to say here. He will have ample opportunity to do it in his own time. I do not mean by that to cut off any reasonable interruption.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield further to the Senator from Ohio?

Mr. LA FOLLETTE. I do not just at this time.

The VICE-PRESIDENT. The Senator frim Wisconsin declines to yield.

Mr. FORAKER. Will the Senator allow me to read one paragraph?

Mr. LA FOLLETTE. Oh, yes.

Mr. FORAKER. That is all I want.

Mr. LA FOLLETTE. I will consent to that.

Mr. FORAKER. I should think the Senator would not object to that.

Mr. President, the Commission, in the course of their discussion of the Elkins law, the whole of which, notwithstanding the Senator's familiarity with it, I commend to him for rereading, say this:

> The amended law has abolished the penalty of imprisonment, and the only punishment now provided is the imposition of fines. As the corporation can not be imprisoned or otherwise punished for misdemeanors than by money penalties, it was deemed expedient that no greater punishment be visited upon the offending officer or agent. The various arguments in favor of this change have been stated in former reports and need not here be repeated. Whether the good results claimed by its advocates will be realized is by no means certain, but the present plan should doubtless be continued until its utility is further tested.

And so they go on at considerable length, showing, as reference to their former reports shows, that they have been on their own motion repeatedly recommending that identical legislation before ever it was enacted by Congress.

Mr. LA FOLLETTE. Mr. President, I deny that the report read by the Senator or any of the reports of the Interstate Commerce Commission recommend the abolition of imprisonment as a penalty for violation of the law. I assert that they have always maintained in their reports to Congress, notwithstanding the insistence of the railroad companies that it should be done, they doubted that it would be the means of bringing into court offenders against the law, which the railroad companies always professed to believe, in trying insidiously to get the committees of Congress to incorporate into the law the provision that punishment by imprisonment should be abrogated. The arguments referred to in previous reports are the arguments of the railroads, not the arguments of the Commission. I furthermore assert that in the last report made by the Interstate Commerce Commission, the report for 1905, they say that whatever they have said heretofore in commendation of the Elkins law they now desire to qualify. I am not quoting their language, but its import. Oh, I know, Mr. President, that it will be possible for the Senator from Ohio [Mr. FORAKER]—and he has already done so—as it will be possible for other Senators here to quote the Interstate Commerce Commission in approval of the Elkins law. I know it will be possible to quote Mr. Bacon, from my own State, and Mr. Cowan, of Texas.

Mr. President, I am impelled by the interruption to say that the records of Congress show that for nine years the Interstate Commerce Commission has cooled its heels around the corridors and about the doors of the committee rooms of Congress. Cowan, of Texas; Bacon, of Wisconsin; Call, of California—any number of men have been here pleading for legislation that would relieve the commerce of the country from the oppression under which it suffers.

And when finally this committee or the committees of Congress reported favorably the Elkins law, it occasioned a good deal of rejoicing among those men. It is possible to quote from Bacon and Call and Cowan and the Interstate Commerce Commission in commendation of the Elkins law. That is true; I concede that. The stir of life in the recesses of the committee room having charge of this legislation, of which the report of that measure gave evidence, was a great encouragement to these gentlemen, who had waited about here and had made their arguments, who had shown that the industries of this country were being oppressed, who had shown that the commerce of the country was languishing under the burdens imposed upon it by the railroads.

I say it was natural, Mr. President, that they should give some manifestations of joy that there had finally issued from the committees of Congress having charge of this subject of legislation evidences of life and interest. They had waited for nine or ten years, and they said many things at that time, the Commission said some things in their reports, which a careful reading of subsequent reports will show they are now seeking in a measure to qualify or retract. Take the very last report of the Commission, that for 1905, which is just laid on the desks of Senators. I do not quote its exact language, but it says, in substance, that many of the commendations heretofore given now have to be qualified. The Commission are coming to understand that the Elkins law did not do what they believed and hoped it would do; that it did not stop the payment of rebates; that it did not prevent the granting of privileges.

Mr. President, let me say that an investigation made while I had the honor to be governor of Wisconsin with respect to the effect of the Elkins law resulted in some important and startling disclosures.

In Wisconsin since 1854 the railroads, under a law which they succeeded in passing through the Wisconsin legislature, have paid taxes based upon their own report to the State of the amount of their gross earnings. You can see very readily that this law would give the railroad companies of that State the opportunity to determine for themselves the amount of their taxes. If they chose to report their gross earnings at a sum less than they actually were for the business of the State, they could correspondingly reduce their taxes.

Strongly suspecting that this was being done, by special message I urged the legislature of the State to authorize investigations into the books and accounts of the railroad companies doing business in Wisconsin to find out whether they were reporting the full amount of their earnings. That was during the session of the legislature of 1903. That was just about the time of the passage of the Elkins law, which was approved on the 19th of February, 1903.

The legislature passed the law providing for such an investigation, and under it there were installed by the State, in the principal offices of the railroad companies doing business in Wisconsin, experts to examine their books, and determine whether they were reporting their full earnings to the State of Wisconsin. Of course that took the cover off completely.

Now, Mr. President, it was disclosed by this investigation that the railroads had withheld, in reporting for taxation their gross earnings on Wisconsin business, over a period of six years, more than ten and one-half million dollars; and of this amount more than $7,000,000 were deductions for rebates paid in violation of the interstate-commerce act and the Elkins law. Of this amount, $6,180,000 was rebates on freight and $972,000 was rebates on passenger traffic.

This investigation was begun on October 1, 1903, and continued through that year and through the year 1904. The Elkins law went into effect on the 19th of February, 1903. The amount of rebates shown by this investigation to have been paid by one of the leading roads, on Wisconsin business alone, month by month through the year 1903, was, in round numbers, as follows:

January	$37,000
February	57,000
March	47,000
April	36,000
May	25,000
June	13,000
July	101,000
August	32,000
September	46,000
October	9,000
November	666
December	2,032

Mr. President, notwithstanding that the Elkins law went into effect February 19, more rebates were paid in February than in January, and more were paid in March than in January, and in July nearly three times as much was paid in rebates as in January; and the rebates only began to diminish, not in obedience to the Elkins law, but in recognition of the fact that there were experts from Wisconsin looking into their books. From the beginning of the investigation, October 1, the rebates were very perceptibly reduced.

Furthermore, Mr. President, the investigation showed that one of the leading roads paid more in rebates in 1903 than it had paid in 1902; while the other leading road doubled its rebates in 1903, paying that year $200,000 more rebates than in the year before the Elkins law was passed.

So I say, Mr. President, we have there in that one State indubitable evidence, admitting contradiction from no man, of the failure of the Elkins law as a restriction on the payment of rebates or the granting of privileges.

I agree with what I contend is at least the strong intimation of the Interstate Commerce Commission, that taking away all authority to administer punishment by imprisonment is manifestly one of the reasons why the railroad companies have violated the Elkins law with impunity.

So I say, Mr. President, that the Interstate Commerce Commission does well in modifying its former indorsement of the Elkins law. Study their reports carefully and you will see that they are getting away from the unqualified approval which they gave it the first two years after its enactment. The time will come when they will be obliged to confess that they were mistaken in everything they said in approval of it—very nearly, not entirely; there are good provisions in it; but so far as stopping rebates is concerned it has failed.

The demonstration made by the investigation of the railroads doing business in Wisconsin was that the rebates increased after the Elkins law was passed. The penalty of imprisonment had been taken away. That is what was the matter. That is what the railroads insisted upon before the committees of Congress, and that is what, if you will read with fairness the recommendations of the Interstate Commerce Commission, the Commission had urged should not be done. But that is what the committees finally did, and as the result of it you have, as shown by the investigation of the railroad companies' books with respect to business done in Wisconsin, an increase of the payment of rebates under the Elkins law; and I have reason, as a result of that investigation, to assert my belief that the payment of rebates has increased under the Elkins law rather than diminished. I believe that ultimately an investigation of that subject will drive every man whose mind is open to honest conviction to that conclusion.

Mr. President, I started out at the opening of my remarks to recapitulate what I had said yesterday in order to get back to a point of beginning for to-day. So I must not give way to the call which every one of these questions and issues makes upon me to digress into the field of discussion of this great question which in every phase is as broad as the country, and which goes deeply and vitally into the interests and lives of all the people.

Mr. President, I find here upon my desk one of the passages in the last report of the Commission, issued December 14, 1905, for which I sought a few moments ago in my notes. It reads as follows:

> In our annual report for 1903 we endeavored to explain the changes in the regulating statute effected by the Elkins law, so called, which was approved in the previous February, and made some favorable comments upon its operation. A similar opinion was expressed in the report made a year ago. Further experience, however, compels us to modify in some degree the hopeful expectations then entertained. Not only have various devices for evading the law been brought into use, but the actual payment of rebates as such has been here and there resumed.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. I do, sir.

Mr. FORAKER. Will the Senator read the whole of that paragraph?

Mr. LA FOLLETTE. Well, I do not know how extended it is——

Mr. FORAKER. The next two or three sentences.

Mr. LA FOLLETTE. It may go clear through the report.

Mr. FORAKER. No; there are only two or three other sentences. If the Senator will allow me, I will read them.

Mr. LA FOLLETTE. I will read them.

Mr. FORAKER. I have them before me.

Mr. LA FOLLETTE. I will say to the Senator from Ohio I will read them.

> Instances of this kind have been established by convincing proof, on which prosecutions have been commenced and are now pending. More frequently the unjust preference is brought about by methods which may escape the penalties of the law, but which plainly operate to defeat its purpose. This does not imply any want of satisfaction with the act of 1903, which we regard as a most admirable measure, nor any belief that there is a general return to former practices, for the fact is undoubtedly otherwise; but it does mean that this type of evil has by no means disappeared and that it is liable to increase unless effectively restrained.

Let me say to the distinguished Senator from Ohio that when the Interstate Commerce Commission have had the opportunity to investigate the books of the railroad companies as freely and thoroughly as we have in Wisconsin with respect to Wisconsin business they will not put any reservations upon their language as they did there.

Mr. FORAKER. Mr. President——

Mr. LA FOLLETTE. They will easily be driven to the position that the violations of law under the Elkins Act with respect to discriminations have not been checked or stopped at all. Indeed, Mr. President, as shown by the patient and careful investigation made by the experts of Wisconsin they increased under the Elkins law. And let me say this——

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. FORAKER. Will the Senator allow me to ask him one question before he gets away from that subject?

Mr. LA FOLLETTE. Oh, certainly. But I will not get away from it; I like it.

Mr. FORAKER. Would the Senator expect evil practices to cease without an enforcement of the law? The law by itself being simply put on the statute books could not, of course, break up anything.

Mr. LA FOLLETTE. Yes, Mr. President; I would expect the eminent gentlemen who are running the railroads of this country to obey a law passed by Congress which makes an act of theirs criminal before they have been called to the bar of the court to answer in a criminal proceeding.

I remember a few days ago in the discussion here that the Senator from Ohio rose in his place and said to some one—I do not remember who it was—that the railroad officials of this country are not criminals. I say to the Senator that the records, so far as they have been exposed, show that the railroad officials of this country are, with rare exceptions, criminals under the statute.

Now, I mean what I say. I see Senators on that side smile; but let me say to you, gentlemen, that when in Wisconsin we summoned the railroad companies into court to answer for having juggled the reports of their annual gross earnings, which they were required by law to make under oath to the State official, when they appeared before the court and the testimony of the State was but partly offered, when the arguments over certain law propositions had been concluded, those officials—and they are just as honorable as the officials of any railroad companies in the United States—came into court and stipulated that they had violated the law, and went to the supreme court on a question of the statute, as to whether or not, to state it specifically, their report to the State officer and its acceptance by that officer, even if the report was a violation of the statute, had not bound the State. That is what they did. They confessed a violation of the statute; they confessed having under oath reported their gross earnings short of the true amount as required by the statute; and they are just as honorable as the railroad officials of any State in this Union.

Mr. President, before I concluded yesterday I called the attention of the Senate to the list of killed and injured in this country—railway employees and passengers—and I presented the facts to show that such accidents are many times more numerous here than in Prussia, where the railroads are operated in the interest of the public welfare; and I ask, on that ground, consideration for an amendment which I shall offer before this bill is disposed of to prevent this needless destruction of life and limb.

I also called attention, Mr. President, to certain other defects where amendments, it seems to me, are required in the pending bill, if it is to be within constitutional limitation and if it is to be made effective for the protection of the commerce of this country.

I do not reflect upon any of the gentlemen who have prepared this bill, but I desire to ask members of the Senate who would see a measure framed that shall in all its provisions be guarded with respect to constitutional violations to scan every line and section of it.

And now I come, sir, to a more extended discussion of certain powers which should be conferred upon the Interstate Commerce Commission.

BROAD POWERS DEMANDED.

Reason and experience alike compel the conclusion that any supervision or regulation of railway rates or services, to be of material benefit to the public and adequate protection from railway abuses, must be the fullest and most complete regulation. It must not stop with conferring authority to prevent only a part of the evils of which there is complaint. It must meet and satisfy all just complaints. It must anticipate those devices of the future which would seek to circumvent and defeat its purpose. Unless it does these things, it will be found in the hour of need that it is too weak to prevent even those abuses against which it is directed.

To attain these ends, broad powers must be conferred upon the Commission. It must be assumed that the Commission in its exercise of these powers will not exceed that which is wise

and necessary in the public interest. The Commission is accountable in the event of any such excess or abuse of power to the courts and to the public.

To accomplish these results the system of regulation must be right in principle; it must rest on the broad foundation that the *Government shall possess powers of correction coextensive with the railway corporation's powers of abuse.* Whenever the railroad makes, in respect to its service, any rates, classification, or regulation whatsoever which are unjust or unreasonable as compared with any other rate or regulation or which are of themselves unreasonable or excessive, or does any other thing or pursues any policy at variance with the public interest and the general welfare, then the Government should have and exercise the power to set aside and prohibit such injustice or abuse and institute and enforce in lieu thereof any other rate, classification, regulation, thing, or policy that will best subserve the general welfare.

Whatever powers are conferred, their exercise should not in any manner be made solely to depend upon the complaints of any individual or class of citizens. In the benefits of this legislation all are entitled to share. The welfare of all the people as consumers should be the supreme consideration of the Government. It should be the chief concern of the Commission.

I am driven to protest against the attitude in which the proposed bill approaches the subject of railway regulation. The bill has been heralded to Congress and to the public as a measure to increase the powers of the Interstate Commerce Commission and to confer upon the Commission the authority and the power to enforce the provisions of the interstate-commerce act that all rates shall be just and reasonable. *In fact*, the bill, if passed in its present form, will *not so* increase the powers of the Commission. The provisions which should be in this bill to that end are made conspicuous by reason of their omission.

Even this bill, with its powers limited to a provision for publicity and for equalizing relatively unfair rates on complaint only, meets with formidable opposition in this Senate. Senators have contended in debate, day after day, that even these powers should not become effective without providing that every order of the Commission should in every item and particular be completely retried and reheard, de novo, in the courts.

If we view this attitude with the utmost consideration and respect for its exponents, the best we can say of it is that it expresses profound distrust of any system of Government regulation of railroads. The logical conclusion of such a position is that it is unsafe to confer upon the Commission the powers that are vital and essential to any system of regulation in the public interest that will reach and correct unreasonable and unjust rates. The distrust that results in the omission of vital and essential powers from the bill differs only in degree from the distrust that would prevent any powers conferred from becoming effective.

The effort that seeks to prevent the real exercise of any additional power has at least the merit of consistency with the attitude of distrust, to which it is a response. If the Commission can not safely be intrusted with the power to regulate rates with respect to their reasonableness, it can not safely be intrusted with the power to determine the relation of rates of which it may receive complaints. If we apprehend that the Commission will not exercise a given power wisely and in good faith, that power should not be conferred, whether it be great or little. Any legislation which does not proceed upon the basis that it is a wise, just, and safe exercise of legislative power can not achieve any enduring good. Without these supporting considerations, such legislation can be urged only on grounds of political expediency. But let no man be misled by the expectation that any half-way measure will serve even the end of political expediency. The public will not accept from its servants any compromise of the full discharge of their official obligation. It experienced one great disappointment in railway legislation, which failed to enact that which was demanded by the conditions and that which it was supposed to enact. It will not require another ten years to discover the deficiencies in this legislation. They will be recognized at once.

THE RELATION OF RATES.

That powers to regulate the relation of rates and to determine rates for the future, if conferred, would not be exercised by the Commission wisely and in good faith, is suggested on every hand. The magnitude of such power is urged against intrusting it to the Commission. The Senator from Iowa [Mr. DOLLIVER] indorses the decision of the court in the Maximum Rate case, not only as a correct interpretation of the language of the statute, but also because that decision, in his opinion, stopped the Commission from the further exercise of the great and dangerous powers—

> To bring into judgment a score of railways, serving different sections of the country, and a hundred cities seeking access to the same market, and to balance their claims and pass sentence upon their commercial opportunities.

No one can dispute with the Senator the magnitude of this far-reaching power. But is this power of any less magnitude or capable of any more dangerous application when exercised by railroads than if exercised by the Commission? He says further:

> We are not, therefore, attempting to restore the power which the Commission lost by that decision. No careful student of this problem would do that if he could, and no Congress, in my opinion, will ever enact a law to take the development of widely separated regions, the interests of competing markets, the growth of rival seaports contending for the prizes of the ocean, out of the hands of the railways, which have grown up with them, and the natural laws of business which have created them, and stake their worldly prospects on the decision of any earthly tribunal, even if its salary were raised to correspond with the size of such a job.

Just what distinction can be made between the exercise of this power by the railroads and its exercise by a Government commission? It is clear that such a commission would be an "earthly tribunal." Are we to conclude that there is something more than earthly about railroad managers; that they, perhaps, exercise these enormous powers by some divine right and interpret the "laws of business" under the guidance of divine inspiration?

I submit that we can not progress in this legislation on any other basis than on the assumption that the powers proposed to be conferred will be exercised honestly and in good faith. At the worst those intrusted with the exercise of these powers will be agents of the Government and accountable to the Government, to the public, and to the courts for any misuse of their power. A private railway management is accountable to no one. All the outrages chargeable against any form of management or possible to commit in the conduct of the transportation business of the country have been repeatedly and constantly perpetrated by our free and unregulated railway managements without accountability and with scarcely even so much as any attempt at concealment. The experience of the American public in its efforts to secure fair treatment at the hands of the railroads has been a record of the most bitter disappointment. It is inconceivable that on this record there should be an appeal to the people against Government regulation on the ground that such regulation might be administered in subservience to selfish ends and not in the interest of the general welfare.

There is nothing in the record of railway domination of the industrial development of this country which should deter us from taking that domination "out of the hands of the railways." On the contrary there is much to demand such action. The mainspring of the railway policy that decides which centers shall succeed and which shall fail, is the selfish interest of the carrier. It has no concern in the promotion of commerce in the public interest. The social economy of serving a given territory from the center which would serve it best and cheapest, the economy of the multiplication of convenient centers of trade and industry, of the building up of many small cities well distributed over the country, is wholly disregarded. It does not suit the schemes of the traffic managers. Their aim is the long haul, the big tonnage, the large revenues, and the dividend. To these considerations all else is sacrificed.

In the interest of this policy the bulk of the country's commerce is centralized for distribution at four points across the continent, the Atlantic coast, the head of the Great Lakes, the Missouri River, and the Pacific coast. The railroads are fighting every interior center between the Atlantic coast and the head of the Great Lakes; every center between the Great Lakes and the Missouri River; every center between the Missouri River and the Pacific coast. Only where water competition enters to restrain the rapacity of carriers is there peace or feeling of security. From the Southeast to the Northwest the complaints come; and from the Northeast to the Southwest. In every locality it is the most important industries and lines of trade that are attacked and are suffering.

A few of these oppressed interior localities have laid their grievances before the committees of Congress. They are merely types of scores of communities similarly situated. These, however, are important of themselves, and of vast significance. For the most part they are cities of considerable size, and represent large sections of country. These cities are distributed from the Atlantic coast to the Pacific. There is Danville, in Virginia; Atlanta, in Georgia; Nashville, in Tennessee; St. Louis, in the Mississippi Valley; Denver, on the Great Plains; and Spokane, in the Far West. They simply represent types.

The smaller places do not complain so much—not because they do not suffer; they suffer most, as a matter of fact—but because they are without commercial organization and without recourse in their industrial plight.

The complaints of shippers and representative citizens before the committees of Congress showed in detail the nature of the discriminations between localities. It covers discriminations in all the various forms between persons and commodities. It shows the enormous advances in freight rates. It sets forth the abandonment by the railways of an enormous traffic to irresponsible private corporations, freight line, refrigerator car, and express companies, and the discrimination and oppression practiced by those corporations.

I have prepared a brief review of this evidence in a condensed and related form, which I shall append to my remarks, and, if it is necessary in order to obtain that privilege, I suspend now and ask it. I have condensed the testimony taken before the committees, and I portray in some seventy-four typewritten pages the iniquities under which the commerce of the country suffers because it has been given over to the domination of the corporations. It is an array of fact that refutes utterly the claim made in this debate that the railways should be permitted to control rates, regulations, and the destination of our commerce. I ask leave, sir, to print that as an appendix to my remarks. (Appendix A.)

The VICE-PRESIDENT. Without objection, leave is granted.

Mr. LA FOLLETTE. It will be convenient as a reference for those who are interested in these facts and conditions.

Mr. President, I think perhaps I ought to say that it is my personal belief that not only the junior Senator from Iowa [Mr. DOLLIVER], but many other Senators, when they come, as they will come, because of their interest in this important subject, to consider every phase of it, as bearing on the welfare of the people of this country, will be found standing for that which the interests of this country demand.

I recall, in the course of the eloquent and able address delivered early in the debate by the Senator from Iowa, the statement, which may have escaped others, but which I noted, that his opinions with respect to this question, though perhaps it was more particularly with respect to the Commission itself, had undergone somewhat of a change in the last year or so. I am sure that he approaches this question to-day with an open mind.

When any man who cares for his country comes to realize the true significance of the control of commerce upon the development of all industry, the location of markets, the building of cities, the density of population, the tremendous influence upon the economic and social life of the people, with all its consequence to this generation and the generations to come, he will be shocked that it should all be left in the hands of the traffic managers of railroads. The control of commerce—its regulation, its rates, its distribution and destination—go to the upbuilding of the State, the nation. It must be controlled unselfishly, controlled with the highest patriotism, upon a broad, national policy.

When this idea is once grasped, when it once possesses the American people, does the Senate believe, does anyone believe that they will permit the destiny of this nation to be controlled by a board of managers of consolidated railways?

Sir, I say to the Senate here to-day that nothing, *absolutely nothing*, can prevent the ultimate government ownership of the railroads of this country except a strict government control of the railroads of the country. [Manifestations of applause in the galleries.]

The VICE-PRESIDENT. The Senator from Wisconsin will suspend while the Chair warns the occupants of the galleries against further violation of the rules of the Senate, which forbid applause or demonstrations in the galleries. The Senator from Wisconsin will proceed.

Mr. LA FOLLETTE. I next invite attention to the arguments and misstatements which have been made in this debate with respect to the regulation of railroads abroad.

FOREIGN RESULTS MISSTATED.

For the purpose of limiting the scope of legislation and the powers to be conferred upon the Commission, faults and failures in government regulation abroad have been alleged in the course of this debate. The argument is scarcely a legitimate one, unless all of the conditions are known and presented, so that just comparison may be instituted. However, since it has been made so prominent a feature of the discussion by the Senator from Massachusetts [Mr. LODGE], it demands consideration. I regret, Mr. President, that I am not honored with the presence of the Senator from Massachusetts [Mr. LODGE].

Much the same arguments to the same effect were used with reference to several foreign countries. All were offered as examples of the dire effects of government regulation which is strong enough to regulate. It will be entirely fair, therefore, to test his conclusion by examination of any one of the typical countries cited by him to sustain his contention.

As an example, the Prussian system may well be considered. In Prussia governmental regulation of railways has gone to the extreme of government ownership and operation. It is contended by those opposed to effective government regulation that all the evils resulting from government interference are found intensified in the German system. Another reason why these representations of the Prussian system may very properly be made the test of all the foreign comparisons introduced into this discussion is the availability in the case of Prussia of abundant reliable information showing the actual conditions existing.

The chief criticisms preferred against the Prussian, as well as other foreign systems, are: First, that the administration of the railways and the making of rates are perverted to serve the political ends of the officials having charge; second, that the rates are adjusted on an inflexible, arbitrary basis, which is prohibitive for important commodities and long distances; third, that the system does not subserve the general interest and the needs of commerce.

The assertion that under the Prussian system the rate-making powers of the Government are exercised in subservience to political ends and not honestly in the public interest may be dismissed with the briefest consideration. It is probably sufficient to say that no satisfactory evidence warranting such a conclusion has been thus far offered. It is manifestly improper for us, strangers to all the facts and conditions, to here pass judgment condemning the acts and motives of public officials highly esteemed in their own country.

I stop a moment, Mr. President, to read a few lines from a contribution made to the Journal of Political Economics in February, 1906, by B. H. Meyer. B. H. Meyer was a professor in the Wisconsin University. He was at the head of the transportation department of the department of economics of that university. He had been offered, Mr. President, I may say, at a very much higher salary, a like position in two different leading universities of the East. He declined these offers because of his devotion to the State in which he was born. He had been offered the editorship of one of the leading railway publications of the country at a salary amounting to three times that which he received from the University of Wisconsin. He declined it. He consented to accept, at my hands, an appointment upon the railway commission of Wisconsin, established under the law of 1905, because he saw an opportunity to serve in a public way the State which had given him birth, which had educated him, and which had helped to make him one of the foremost authorities upon the transportation problem in the world to-day.

And let me say, Mr. President, that Professor Meyer returned to take his position upon the Wisconsin railway commission from a trip abroad, in which he made a study of this great question in foreign countries.

With respect to the political phase of railroad regulation in Prussia, I wish to read from Professor Meyer the following. Speaking of the conflict of politics in railway regulation in this country as compared and contrasted with the conflict of politics in Prussian regulation under government ownership, he says:

> In the invidious American sense of the word, the Prussian railways are most emphatically not in politics. There are no paid lobbyists, no subsidized newspapers, no partisan publication bureaus, no "rake offs." I have been able to discover only one instance of dishonesty and faithlessness, and that was a case of a subordinate employee who had appropriated railway scrap to his own uses. The case was tried only a few months ago. The man was sentenced to the penitentiary for a term of five years.
>
> Who will venture to say what would happen if the books of the American railway companies were to be subjected to the tests of the Prussian, with the same consequences in the courts? In all the testimony taken before the Senate Committee on Interstate Commerce I do not remember having seen a single statement something like this:
>
> Question. "Mr. ———, does your road discriminate?"
>
> Answer. "No, sir."
>
> Question. "Mr. ———, do you pay rebates?"
>
> Answer. "No. And I wish to say to you, Senators, that if you desire to convince yourselves of the truth of my statements, I cordially invite you to appoint expert accountants to investigate the books of my company."

There is quite a difference apparently, Mr. President, between the conditions existing with respect to political bias in Prussia and in this country.

The statement that the basis of railway rates established under government administration in Prussia is arbitrary and inflexible and not adjusted to meet the legitimate requirements of commerce is not borne out by an examination of the facts. The Senator from Massachusetts [Mr. LODGE], in describing the Prussian rate system, dismisses some sixty special and commodity tariffs with little more than the passing statement that "government rate making in Prussia has resulted in giving discriminations to this traffic." If by discrimination we mean the unequal treatment of different commodities and places, basing this inequality upon a careful study

and analysis of the concrete economic conditions under which the traffic is conducted, it is true that more than 80 per cent of the Prussian traffic is carried at discriminating rates. But this is not the sense in which "discrimination" is used in describing American abuses in railway management. If the German use of "discrimination" is made the test, every rate and every classification which departs from a yardstick rule of making classification and rates is a discrimination.

It is interesting to note in passing that the opponents of government regulation of rates have based many of their arguments on the contention that under such regulation these discriminations would be impossible.

The following is a summary of the special and commodity tariffs in force on the Prussian state railways and the per cent of the total traffic which in 1902 moved under the tariffs in each class, respectively:

	Per cent.
Special tariffs 1, 2, and 3	24.3
Commodity tariffs, 5 to 10 tons	.5
Commodity tariffs, 10 tons and over	64.2

The remainder of the traffic is handled under the general-class tariffs.

The development of the commodity tariffs is shown by the fact that the traffic moved under them increased from 45.5 per cent in 1890–91 to 64.2 per cent in 1902.

This goes to show that the system is not inflexible, but that it develops with the needs of the country's commerce.

Among the important commodity tariffs is the raw-materials tariff, which embraces, among other things, timber, stone, potash, bituminous coal, coke, briquettes.

You see how the Government in Prussia considers everything pertaining to the development of particular sections of the country that have it within them industrially to build up specific industries. While the rates under those commodity tariffs vary with the distance, as they undeniably should, the rate is not simply a mileage rate. The scale varies for different commodities; for the same commodities for different distances and in different sections and in different directions. Among the many commodity tariffs made up in like manner are the following: Wood, iron pyrites, zinc ore, chicory root, potash, stone, salt, artificial manures (4 tariffs), road-building materials, stones (10 tariffs), coal, coke, briquettes, and coal ashes (5 tariffs), iron ore and iron-ore slags—which are used for agricultural manures—(3 tariffs), slate, alcohol (6 tariffs), grain and mill products (2 tariffs), slate, alcohol, kerosene, petroleum, and naphtha. There are also distinct scales for export shipments of grain, potatoes, starch, fabrics, iron and steel articles, glass goods, iron, vitriol, etc., as well as import tariffs on cotton and similar raw materials. Besides those special tariffs as above, there are special scales in the tariffs for commerce into the German Levant and East Africa.

Under the policy of the Prussian railway ministry in respect to tariffs on raw materials and other commodities of importance in industrial development and general welfare of the country, this traffic has been developed with signal success. The following figures, taken from the official publications, show the enormous increase in the railway traffic in a number of such commodities from 1885 to 1903:

	Per cent.
Iron ore	189
Bituminous coal, coke	117
Iron articles	241
Mine timber, lintels	145
Lignite	184
Cut timber	126
Rough stone, brick	247
Paper and pulp board	289
Burnt lime	224
Artificial manures	405
Mill and milling fabrics	190
Refined sugar	173
Cement	418
Potatoes	194
Beets (sugar)	168
Pottery	137
Pig iron	178
Glass, glassware	193
Cellulose and celluloid	224

These figures show how they have built up great industries and developed special lines of traffic under strict government regulation in Prussia.

It is to the further credit of the Prussian management that those increases in traffic were brought about with constantly decreasing charges and constantly increasing revenues to the state, and without any of that harrowing economic labor such as has been represented by some investigators of this subject.

It becomes of interest to consider the manner in which such adjustments and reductions are brought about under the Prussian system. Bear in mind, in the meantime, the familiar forces and inducements which, in this country, secure from the railways special concessions, commodity rates, and rebates, in the interests of big and influential shippers, and tariff concessions to favored localities.

It has been stated by the Senator from Massachusetts [Mr. LODGE] of the Prussian commodity rates that—

> These reductions can not be governed by economic reasons, but are in the main brought about by the pressure of political and industrial interests, and there must be, and indeed there is, a constant struggle between these interests to secure for each its share of the favors of low rates.

When it is asserted that "these reductions can not be governed by economic reasons," I beg to ask upon what other reasons do they rest? The proceedings of the various bodies which have to do with the making of such rates show that it is exactly the economic reasons which govern these changes. Other reasons may occasionally enter, but if there is one factor which above all others determines these reductions, it is the economic factor. Various economic forces struggle for control there as they do here. In the United States this struggle is frequently a one-sided one. When parties are unequal in strength, the railroad invariably decides in favor of the stronger party, irrespective of the justice in the controversy. In Germany, the Government, on the basis of wise and carefully formulated legislation, decides the rules under which this struggle shall take place.

Practically all reductions represented in the Prussian special and commodity tariffs are the result of a well-established, systematic procedure, in which all interests are fairly and fully and publicly heard. This system, after being tried in Prussia, has come to be adopted in most continental states.

Mr. President, I stop a moment to ask the attention of the Senate again to what Professor Meyer, to whom I am under special obligations with respect to this phase of the discussion, says, as a result of his investigation. The character of the investigations of complaints, the openness and publicity on all contested matters before government officials in Prussia, is in striking contrast to the methods employed by the railway officials controlling transportation in America. Professor Meyer states that there are conflicts there between different industrial centers and interests as there are here. He says:

> Such a conflict of interests exists in Prussia. It exists also in the United States. In Prussia all these conflicts take place in the full light of publicity. The proceedings of councils and committees and the legislature reveal every phase of every railway rate question which is brought forward.
>
> In Prussia every interest, no matter how small, has an opportunity of being heard publicly on every railway question which affects it, and the decision is made public and known to all. In the United States only the strong and importunate ones are sure of consideration. There are no public deliberations. There is no public decision. Little or nothing may become known to those who would profit by such knowledge.

The Prussian state railways are divided for administrative purposes into 21 groups or managements. In the territory of each of these managements there are public, semiofficial boards, in which the chambers of commerce, the chiefs of the various mercantile corporations and unions of manufacturers or producers, and the unions or lodges of agricultural, forest, and other extractive industries have their representatives. These boards, constituted as indicated, cooperate with the local railway managements in each district in determining the needs of commerce. They meet at stated periods, and on motion of the persons in interest may be called together at any time as need arises. Their deliberations pass ultimately to the central railway council for the state. In this way changes and adjustments are brought about in a public manner, all interests being heard fully, and reforms are worked out in such a manner as not to injure the general interest of the state and to give each interest represented in the various districts its proper weight and the rates and classifications called for by its economic needs. One of the results of this deliberate method of arriving at and determining changes in rates and regulations is that the rates so established are never afterwards raised, and stability, which is so important a factor in business relations, is thereby secured.

As going to show the high esteem in which the German method of rate adjustment is held by impartial and well-informed authorities, I quote the following from the London Statist:

> The German Government, true to its tendency, is never weary of accelerating their progress by assisting trade in every way possible. In Prussia, for example, the railways are all state property, and they are worked, not to bring in the most revenue possible but to promote trade to the utmost.
>
> Moreover, traders are encouranged and assisted in forming all kinds of societies calculated to promote their interests, and the Government continually consults representatives of the different trades. Over and above this, the Government is always ready to use its great influence, not only to open up new markets but likewise to acquire markets for its traders.

Recently there have been two authoritative studies of our railway system by representatives of the German Government. In reporting one of these, Mr. G. Franke (Archiv für Eisenbahnwesen) makes a most instructive comparison of American and German methods of rate adjustment from the German standpoint.

Mr. Franke is a Prussian governmental official of long experience, having had charge in the technical affairs of railway administration.

I shall quote a few paragraphs from Mr. Franke's report, because, as I remember it, the Senator from Massachusetts particularly arraigned the Prussian system as having demonstrated that a large government control is a most harmful thing for the industrial development of the country. Mr. Franke came to this country and made a study of our institutions, of our commercial and industrial development, of our railroad systems, and he contrasted them with those of Prussia. He says, in part:

We Germans nowadays especially arrange all our tariffs and make changes in them exclusively to further general economic needs of all the people by reductions. In a very subsidiary degree we give effect to considerations of revenue.

Of course where you leave it to the railroads the first consideration is revenue—dividends, surplus.

* * * Per contra, *in American considerations of getting the utmost for the railways is the fundamental basis of rate making.* * * * *Rates are never made to serve the general interest of all the people. They obtain consideration only indirectly or covertly in so far as it answers the purpose of filling the strong box of the railways*, as, for example, in cases where a railway makes a rate to *hold tonnage* or to help some city or a certain market or is forced to meet competition of certain products in the world's markets.

In respect to the interests of shippers he says:

This one-sided view of regarding the railways as private enterprises can not permit the shippers to have *as a right* a voice in the determination of rates as is the case in Germany. *In the case of mammoth industries this is provided for by the community of interest of the great financiers. Except for this identity of control there is no regard paid to the interests of the shippers at large. In consequence thereof there is continually a bitter conflict of interests going on between the tariff policy of the railways and the needs of commerce, industry, and agriculture.* The general impression received from interviews with shippers, a study of the pleadings and decisions of the Interstate Commerce Commission, and reading the testimony and reports of the Congressional committees lead one to the conclusion that *the great industrial combinations are of course well satisfied with the railway rate, but that the great mass of shippers whose livelihood is dependent on the proper adjustment of a railway rate are utterly dissatisfied and often greatly embittered at their position.* From this conclusion it will be seen that it is unfair, as is sometimes done in Germany, to take a few rates for iron ore, coal, or some other crude materials of the great industrial combinations and place in contrast thereto our rates and to draw conclusions from these paper rates, quite apart from the fact that a great number of them have no real significance because of the *union of the railway and industrial interests in a common purse.*

As, for instance, the Chesapeake and Ohio Railway Company in coal as reported in an important decision handed down by the Supreme Court only a few days ago.

The greed for profits and the disregard of public interest which characterize American railway management is well reflected in the lack of proper provision for the safety of passengers and employees. The chief cause of this condition of affairs is the greed of American railways for profits, which keeps them from employing enough men to properly discharge their duties and the utter insufficiency, as compared with the German standard, of the number of persons employed to guard against accidents.

This is indeed a serious arraignment of our let-alone policy in contrast with absolute government control. I follow it up with some very important and significant facts.

The latest German report on our railways, just published a few weeks ago by Hoff & Schwabach—the Librarian of Congress was kind enough at my request to cable for some copies of the work, which arrived several days ago and may be consulted by those interested in pursuing this investigation.

In this report by Hoff & Schwabach, it is computed that if the American railways were as carefully guarded as the German we would have employed for that purpose 636,000 men, whereas we actually have less than 50,000, or less than 8 per cent of that number. It is further pointed out that our railways employ relatively fewer men in the maintenance of way and structures. These conditions, taken in connection with the lack of safety devices and our exposed and unguarded grade crossings, result in many unnecessary accidents. It is computed in this report that, relatively, the railways of the United States kill six and one-half times as many and injure twenty-nine times as many passengers as the Prussian railways, while the proportionate number of employees killed is more than three times, and the injured twenty-five times as great on the railways in the United States as in Prussia.

Both of these German reports point out that all rate comparisons between the two countries on the ton-mile basis are entirely misleading. The Hoff & Schwabach report says in this connection:

The conditions in America are fundamentally different from ours and make *unrestricted* comparisons regarding the level of rates impossible.

When *due allowances* are made for differences arising from capitalization, mail and express service, companies' freight, etc., it is the conclusion of the authors that the Prussian passenger rates are *less than one-half of the rates on our roads, and the freight rates are also considerably lower.*

The Senator from South Carolina [Mr. TILLMAN] directed the attention of the Senate and the country to that fact on the very day the Senator from Massachusetts [Mr. LODGE] concluded his address. The Senator from South Carolina, who is in charge of this bill, and who is alert in the public interest, rose promptly and presented a newspaper dispatch which referred to the contents of this volume, and noted the fact that when the necessary corrections are made to secure a legitimate basis for comparison of rates between America and Prussia they enjoy the lower rates and fares.

Professor Meyer, of the Wisconsin railway commission, to whom I have before alluded, who has made a very careful study of transportation matters here and abroad and is an authority on this subject, says of these comparisons that "no such careful comparisons have ever before been made."

The report expresses astonishment at some of the peculiar and mistaken views current here regarding German railways. One of these mentioned was the idea expressed to them by an American railway official that German railways are controlled in matters of policy and rates by political considerations.

This American railway official seems to entertain the same views respecting this subject as the Senator from Massachusetts.

After diligent and unprejudiced study of American conditions these German investigators say:

The descriptions in the preceding chapters will bear testimony to the fact that we earnestly endeavored to acquaint ourselves with the conditions of the railways in the United States without prejudice. With full recognition of the arrangements and services of the railways in the United States, their great work in the development of the country, we found nothing surprisingly grand or overwhelming; there may be found there as everywhere in the cultured world for the observing well-informed traveler, that which is better and that which is less good than what we have.

In Mr. Franke's article is made a detailed study of the many factors and conditions which invalidate comparisons of rates on the ton-mile basis as a criterion of the relative reasonableness of transportation charges in the two countries. Insomuch as it has been sought by such comparison to make it appear that our rates are reasonable it may be well to enumerate briefly some of these differences as given by Mr. Franke. He says:

It is well to state at the outset that it is impossible to arrive at reliable average freight rates for German and American railways. This is due to the difference of the fundamental basis on which the rates are established. All the more so as in the United States, the rates vary extraordinarily for the various species of freights, depending on the kind of traffic, whether local or through traffic, and still more dependent on the character of the railway. For this reason typical freights reduced to units of haul can not be established for separate classes of freight.

Among the reasons given by Mr. Franke why the "statistical average income per ton per mile is not adapted for bases of comparison" are the following:

(a) The average ton-mile rate on American railways is unduly depressed by the large proportion of transportation *wasted by circuitous routing.* The final report of the Industrial Commission gives examples of such circuitous routing by which 60 per cent—formerly as high as 250 per cent—of the transportation necessary is wasted.

(b) In the traffic statistics of the United States, companies' freight is included. This increases the tonnage without correspondingly increasing the revenues. This is not done in the German reports.

(c) The German statistics embrace large revenues from a comparatively small tonnage of high rate freight which is handled by the railroads there, but in this country is handled by express, fast freight, and private car lines companies, and the earnings of which is not included in the reported railroad revenues.

(d) The average length of haul for freight traffic in Germany on all Government roads regarded as a system is 78 miles (125 kilometers). In the United States, on all railways regarded as a system, the length of haul is about three times as great or (1901) 252 miles. It is a well-understood principle that the average rate per mile decreases with the length of the haul.

(e) *The statistical average on American roads does not represent the average of what the people have to pay, but a "lower rate than the public ever get." It is the average of the high rates charged the general public and the special rates to favored*

shippers after the rebates are deducted. The German average represents the rates that all the people pay.

In addition to the foregoing enumerated factors there are many other considerations that invalidate comparisons of rates per ton per mile and which are not taken into account in the railroad arguments. Foremost of which is the fundamental difference in the character of the traffic handled by railways here and in Europe. The proportion of ton-miles of cheap, bulky, heavy traffic, such commodities as soft coal and iron ore, carried by our roads is much greater, relatively, than abroad. While the quantity of this class of traffic has been greatly increased on the Prussian railways owing to the policy of low rates to the points having no water transportation, the proportion of such traffic is very much less than in this country, where coal alone constitutes about one-third of the total tonnage. In the countries of Continental Europe, where for centuries have been maintained extensive systems of river improvements and canals, the bulk of such traffic is carried by water because that is the cheapest known transportation. The omission of this great volume of the low-grade traffic from railroad tonnage of Germany obviously invalidates the average gross revenue per ton per mile as a basis of comparison of rates of the two countries.

The Senator from Massachusetts makes repeated reference to the fact that a large volume of the freight traffic of continental countries is carried by waterways. He refers to this fact as evidence of the failure in Government management or control of the railways. He says the commerce of these countries is driven to the waterways. The fact is that the waterways carried the freight traffic of these countries for centuries before the advent of railways. It would be just as pertinent to suggest that the inefficiency of the railways of this country or their mismanagement had driven commerce to the Great Lakes.

It would be a peculiar economic policy, indeed, which would seek to supplant in either country these magnificent waterways as carriers of heavy traffic with railroad transportation at far greater cost to the community. Especially so in Europe, where those waterways are the work of centuries and represent untold expenditures. The development of this class of traffic by the railways of Prussia has been mainly in an effort to supplement the water transportation, particularly to points not well supplied in this respect. When it is remembered that the waterways are maintained for the use of commerce, it must be conceded that the dissemination of industry and the development of this commerce at interior points is greatly to the credit of Prussian railway management, in so far as it has been done at all. I have already shown how greatly this character of traffic has been developed by the Prussian railways.

While the Senator from Massachusetts recognizes that in all European countries a vast part of the bulky traffic is carried by waterways, he makes no allowance for this fact in his statements of average railroad freight rates. The figures which he offers for the foreign countries in comparison with ours represent entirely different traffic and entirely different services. To use the English statistics of railways, for instance, which the Senator himself says are not to any considerable extent reliable, in comparison with our statistics is only to draw unwarranted conclusions. The authority which he quoted, Mr. Ackworth, in a contribution to the Journal of the Royal Statistical Society a few years ago, affirmed that comparative statistics in which English statistics of railways are a basis of comparison are practically worthless. Here, too, the Senator omits all consideration of the vast differences in the character of the service in the two countries, the much shorter haul in England; that the English freight rate includes cartage and storage, and, finally, he ignores entirely the effect of the peculiar geographical situation of England. It has an area of only about 50,000 square miles, or less than the area of North Carolina, nearly completely surrounded by sea, so that, according to parliamentary testimony, perhaps three-fifths of all the shipping points within England are subject to influence of water transportation which naturally appropriates a large portion of the cheap, heavy traffic. Fundamental differences of this kind are ignored by the Senator throughout his argument and his comparisons with foreign countries.

Surely, in the face of all these fundamental differences in the traffic conditions, all of which tend to show that the comparisons are wrong and to discredit the conclusions sought to be deduced therefrom, no one will contend that such arguments prove that government regulation is a failure in Germany, nor elsewhere, where the arguments are based on like disregard of fundamental conditions.

With our widely different institutions, our complex system of State and National Government, our marvelously rapid growth and development, the intense struggle for wealth and industrial centralization which has recently taken place in this country, the control of transportation in the United States is distinctively an American problem.

Investigation into foreign systems of management may offer comparisons of value, but it will not afford a basis for solution of the questions confronting us.

There is one very important lesson to be learned from the most casual review of the European countries. The line of difference as to policy is between government ownership and the strictest government control. None of the progressive countries of Europe adopts the let-alone policy. No authority on the subject contends that the public interest should be left at the mercy of the selfish control of private corporations. In view of the protection afforded by foreign countries to the people from the monopoly of transportation, the mild, inadequate power conferred on the Commission by this bill seems hardly to the credit of our boasted free institutions. In view of our industrial condition, that this legislation should fail to express the full power of our Government, of our Congress, as the measure of relief, is the best evidence that the public good is not the governing consideration, and is outweighed by the very influences with which the Government should cope.

I do not believe government ownership either the necessary or the best solution of the transportation problem as it exists in the United States to-day. But, as I trust I have made clear, for my whole argument is based on that premise, I believe that the Government of the United States is bound to exercise all the power of a sovereign nation to the end that the regulation and control of its commerce shall be just and equitable, not only to shippers, but to the whole public. It is bound to see to it that the country is not handed over to monopoly and to selfish interests.

VALUATION OF RAILWAY PROPERTY NECESSARY AS A BASIS FOR ESTABLISHING REASONABLE RATES.

Mr. President, I now ask the Senate to consider more fully a recommendation of the Commission, to which I made brief reference yesterday.

This recommendation lies at the very foundation of any system of government regulation, which is to secure just and reasonable rates. Unless this recommendation be adopted, and the bill amended in conformity with it, the Senate and the country might as well understand that the railroads are to be permitted to continue to advance rates without let or hindrance.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. LA FOLLETTE. I do, sir.

Mr. DOLLIVER. I call the attention of the Senator to the fact that it is one of the purposes of section 15 of the pending bill to deal with rates that are unreasonably high.

Mr. LA FOLLETTE. Yes.

Mr. DOLLIVER. I know of no reason why the Interstate Commerce Commission may not consider whether a rate complained of is excessive, and deal with it on that basis.

I further desire to call the Senator's attention to the fact that the Committee on Interstate Commerce requested the Interstate Commerce Commission to send here a bill representing their matured convictions of what legislation ought to be had at this time, and that in the bill which they sent here the provisions for the valuation of all the railroads of the country did not appear, a circumstance which led me at least to think that the Commission, dealing with rates complained of as unreasonably high, if given the authority to reduce them would without further legislation be able to take into account the very question to which my friend refers.

Mr. LA FOLLETTE. I am aware, as I suggested yesterday, Mr. President, that the Commission submitted a bill to the committees of Congress, as stated by the Senator from Iowa; but when you lay that bill side by side with the recommendations which they submitted in 1897, which they reaffirmed in 1898, which they declared imperative in 1899, which they said were necessary to the protection of commerce in 1900, which they said were essential in 1901, and 1902, and 1903, and 1904, and 1905—when anyone compares that bill with all of those recommendations it can only mean that, unable to get what is necessary to a regulation of commerce, they are finally constrained to ask for what they think they can get.

Mr. President, I said yesterday that gentlemen who have been here for years supporting the recommendations of the Commission have not hesitated to say that they accept this bill because it is the best they can get; that they hope it is the entering wedge, and that it would ultimately lead on to legislation which would meet the demands of the country. I am not permitted to report what has been said to me by others,

but I may properly say this: That it is a fair inference, from a comparison of the reports of the Interstate Commerce Commission with the bill which they submitted to the committees of this Congress, that the bill so submitted goes only as far as the Commission thought the committees and Congress would permit the legislation to go at present. They were apparently not far wrong, because the bill, as they originally submitted it, was pretty badly trimmed up before it got out of the House Committee on Interstate Commerce.

Mr. DOLLIVER. Now, Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. LA FOLLETTE. I do, sir.

Mr. DOLLIVER. Without undertaking to debate with the Senator from Wisconsin, I feel considerable interest in this bill, and I confess that I approached the subject in the present Congress from the standpoint of one who desired to have something done rather than from the standpoint of representing all my own views and opinions in respect to these propositions.

Mr. LA FOLLETTE. Well, Mr. President, when having "something done" means turning back the clock twenty years, when you reflect that in the last ten or fifteen years the industrial life of the people of the United States has been wholly changed, producer and consumer are oppressed, that the door of opportunity stands open no longer to individual enterprise, I say that legislation which only goes as far as the legislation of 1887 was understood to go (except as it embraces the private car companies and grants larger power with respect to publicity) is not "something" which the people of this country are entitled to have "done" at this time. I very much fear that simply getting a little "something done" is perhaps delaying for another ten years getting that which will liberate the industries and commerce of this country.

Now, Mr. President, I had started out to say, when interrupted, that the only restraint which will be interposed under the law, as proposed to be amended by this bill, will be that they will be required to keep the rates reasonably level. The rate line may be high, but it must be relatively just and equal.

And I think I will make it clear to the Senate that, under the bill as it stands to-day, rates can not be brought to the *reasonable rate* level, but only to the *equal rate* level—that is, the railway may impose any burden it pleases, provided the burden be reasonably distributed, the rates *relatively* equal.

There is a vast difference between *reasonable rates* and *equal rates.*

Mr. DOLLIVER. Why does my friend from Wisconsin ignore the fact that the bill is also framed for the purpose of preventing excessive rates?

Mr. LA FOLLETTE. Let me ask my good friend from Iowa to be patient with me a little. I know it takes me quite a good while to make my points clear; I am inclined to be discursive; I know that; but if you will just bear me for a little while I believe I will make it plain to you that under this bill you can not get reasonable rates.

I know that there is a provision in it that says the Commission shall, upon a complaint being made, ascertain whether the rates are just or reasonable, but I purpose to show the Senate that it does not do that, and I was proceeding to say that there is a vast difference between *reasonable* rates and *equal* rates.

This bill is framed to enable the Commission to determine and enforce *equal rates.* It makes no provision for determining and enforcing *reasonable rates.*

Mr. President, what are just and reasonable rates? The Supreme Court has defined just and reasonable rates to be such rates as afford "just compensation." The railroad is entitled to "just compensation;" it is entitled to no more.

It was held in Smythe *v.* Ames (169 U. S., 546):

> The utmost that any corporation operating a public highway can rightfully demand at the hands of the legislature when exerting its general power is that it receives what, under all the circumstances, is such compensation for the use of its property as will be *just* both to it and to the public.

How shall this "just compensation" be ascertained? In the case of St. Louis and Santa Fe Railway Company *v.* Gill (156 U. S., 649) the court said:

> The effect on the entire line of railroad is the correct test of the reasonableness of rates of fare which are attacked as taking of property without "just compensation" or due process of law.

The Supreme Court gave us, in the case of Smythe *v.* Ames (supra) a very clear indication of the course to be pursued on the part of Government in determining reasonable rates. Mark the language:

> If a railroad corporation has bonded its property for an amount that exceeds its fair value, or if its capitalization is largely fictitious, it may not impose upon the public the burden of such increased rates as may be required for the purpose of realizing profits upon such excessive valuation or fictitious capitalization.
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> * * * * * * *
>
> If a corporation can not maintain such a highway and earn dividends for stockholders, it is a misfortune for it and them, which the Constitution does not require to be remedied by imposing unjust burdens upon the public.
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> * * * * * * *
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> We hold that the basis of all calculations as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanction must be the fair value of the property being used by it for the convenience of the public. And, in order to ascertain the value, the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stocks, the present as compared with the original cost of construction, the probable earning capacity of the property under particular rates prescribed by statute, and the sum required to meet operating expenses are all matters for consideration, and are to be given such weight as may be just and right in each case. We do not say that there may not be other matters to be regarded in estimating the value of the property.

The court does not attempt to fix the limits of the investigation which must be made in each case. To deal justly between the railroads and the public the Commission will necessarily take into account every fact and circumstance which is entitled to consideration in fixing just and reasonable rates for the road under investigation.

This, then, is the law which has been laid down by the Supreme Court. This is the test which will be applied whenever the Commission makes rates and the railroads resist their enforcement. The corporation will deny that they are lawful rates; that they are reasonable rates; that they will afford them just compensation for the services rendered. The Commission must meet proof with proof. Otherwise the railroad company will overwhelm it in court and set aside the rates prescribed. Manifestly the Commission must be prepared to prove the fair value of the property of the railroad, its receipts from all sources, the sum required to meet operating expenses, and the probable earnings under the rates prescribed.

The interstate-commerce law declares unreasonable rates unlawful. The Supreme Court held that it provided no way to enforce the orders of the Commission. This bill makes provision for enforcing the orders of the Commission with respect to reasonable rates, but *it does not provide for ascertaining what are reasonable rates.*

It authorizes the Interstate Commerce Commission to make an investigation upon complaint that rates are unreasonable, but when the Commission shall have exhausted all its power under the law as proposed to be amended by this bill, it will still be unable to determine whether the rates complained of are reasonable or unreasonable, except as compared with other existing rates, fixed by the railroads—the reasonableness of which are known only to the railroad company itself. Here the bill stops. It provides no specific method by which it is made the plain duty of the Commission to ascertain the reasonableness of rates based upon all the facts by which its determination will be tested by the court.

I contend, therefore, that preliminary to ascertaining the lawful rate—that is, the reasonable rate—the Commission must, as a basis for its work, know the value of the property of the corporation in question, its cost of operation, and all of the facts necessary to enable it to form a just judgment with respect to what shall constitute a reasonable profit on the investment. Without this the Commission can have no lawful standards with which to compare challenged rates. Without this the Commission is inevitably driven, in any case of complaint, to institute comparisons with other rates fixed by the railroads, having no knowledge whatever with respect to the reasonableness of the rate so selected for comparison. Neither the interstate commerce statute nor this proposed amendment makes any provision whatever under which the Commission is required to master the facts and secure the material for a foundation upon which to erect a standard of lawful or just and reasonable rates. If the statute is to provide no means of ascertaining the reasonable rate, then it were worse than folly to declare an unreasonable rate unlawful. No one will contend that the law of 1887, as amended by the acts of 1889 and 1891, confers specific authority upon the Commission and imposes upon it the duty to ascertain the value of railroad property in accordance with the rule laid down in Smythe *v.* Ames and other cases.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. LA FOLLETTE. I do.

Mr. DOLLIVER. I must confess that my honored friend from Wisconsin, while he has relieved himself from the charge of being discursive, is very far from being conclusive.

Mr. LA FOLLETTE. Well, I have not got through yet by a good deal. [Laughter.]

Mr. DOLLIVER. The Senator paid, in the early part of his speech, a fine tribute to the Interstate Commerce Commission as to their exercise of the powers conferred upon them by the

act of 1887, and has referred to several cases in which the Interstate Commerce Commission has actually reduced rates because they were unreasonable. Now, so far as my knowledge and investigations of this problem go, I do not see how much power the Interstate Commerce Commission would have to establish a standard after they knew the value of the railroad property.

Mr. LA FOLLETTE. I am going to try to make that clear before I get through.

Mr. DOLLIVER. Because all parties agree that in dealing with individual rates we have no method of determining their relation to the cost of the railroads or the total earning of the railroads, certainly no method as to value; and I know of no reason, if you charge the Interstate Commerce Commission with the business of finding out whether a rate is just and reasonable, why they may not go into all these questions just as fully as a court could go into them in passing upon them.

Mr. BAILEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. LA FOLLETTE. I do.

Mr. BAILEY. Mr. President, it seems to me that if the railroad commission were first furnished with accurate and reliable information as to the value of the entire railroad, then, measuring all the rates by that, it would be very easy by comparison to determine the value of any particular service or any single rate. If it is not possible to determine the reasonableness of any particular rate or whether any particular rate affords a just compensation, then this bill might as well never have been written, because it authorizes the Commission to do that. If it authorizes and empowers the Commission to perform an impossibility, it seems to me it needs correction along the line which the Senator from Wisconsin [Mr. LA FOLLETTE] is now indicating.

Mr. LA FOLLETTE. Mr. President, the Senator from Texas [Mr. BAILEY] has anticipated much that I should have said in reply to the Senator from Iowa [Mr. DOLLIVER]. I think—I venture to say so again—that before we get through with this proposition it will be made plain that the bill is defective in this particular. It is certain that the Commission—I had just said this when I was interrupted, and I will have to go back and take up the thread of my argument.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. LA FOLLETTE. Yes; I do.

Mr. BEVERIDGE. Does the Senator propose an amendment to the bill to remedy this defect which he alleges is in the bill?

Mr. LA FOLLETTE. I shall offer an amendment. I hope if any better amendment can be drawn, that some other Senator will offer one, but I shall offer an amendment to meet this particular fault in the bill and I hope such an amendment will be adopted. I believe the Senator from Iowa [Mr. DOLLIVER] desires to see this bill a strong and effective measure. If it is made plain to him that such an amendment will add strength and efficiency to this bill, I am very certain he will give it his strong support.

Mr. DOLLIVER. Mr. President, I certainly sympathize with the notion of the Senator from Wisconsin that the Interstate Commerce Commission in passing upon what rates are just and reasonable will be governed by the considerations, in part at least, to which he has referred. For myself I do not doubt that in determining such a question they would deal with it exactly along the line suggested by the decision of the Supreme Court to which the Senator has referred.

Mr. LA FOLLETTE. Yes; Mr. President, but I think I shall be able to make it clear that they can not deal with it in that way without additional legislation. I shall prove to the Senate that the Commission appealed to Congress to give them the legislation under which they could make this valuation of the railroads as necessary to a proper basis of rate making under the decisions.

I have to resume the thread of my discourse. I had said that no one will contend that the law of 1887, as amended by the acts of 1889 and 1891, confers specific authority upon the Commission and imposes upon it the duty to ascertain the value of railroad property in accordance with the rule laid down in Smythe *v.* Ames and other cases.

The law of 1887 and the amendments proposed by this bill will invest the Commission with power to require of the railroads a full report with respect to the valuation of their property. But, Mr. President, that is not sufficient. The Government must not be compelled to accept the railroad company's statement of the value of its property, and stop with that. In addition to the railroad company's valuation the Government must be authorized to make a thorough and complete valuation. There is at the present time no law under which the Government can do that work.

It is certain, I say, that the Commission has never construed the law of 1887 as giving them authority to make a valuation of railroad property; and I say furthermore that Congress has never so construed the law, because Congress has never yet made an appropriation which would enable the Commission to proceed to do that thing. It is equally certain that the pending bill contains no specific provision granting such authority and imposing such a duty upon the Commission.

No one will argue that such an important duty should be left to doubtful construction or to be implied from other powers or obligations.

The bill should be so amended as to make it the duty of the Commission to proceed with this work of valuation, and Congress should make the necessary appropriation to carry it forward promptly. It should not be left optional as to whether this work shall be done or when it shall be done. There must be no obscurity or uncertainty about it. The broadest power should be granted. The employment of engineers, accountants, experts, practical and experienced men in every department of railroad engineering, construction, operation, and accounting should be authorized. The appropriation of whatever sum is necessary to inaugurate and vigorously prosecute this undertaking should be made at this session, and if it be required, it should be made mandatory on the Commission to act at once.

I shall offer an amendment to the pending bill, drawn with a view of giving the Commission full authority and imposing upon it the duty of ascertaining the value of the railway property of the United States, and reporting the progress upon the work at the beginning of each regular session of Congress. If we are desirous of giving the public assurance that Congress has taken hold of this subject with sincerity of purpose, that an intelligent, economic basis is to be established for thoroughly and justly dealing with the great interests involved, we shall embody such a provision in this law.

In its report for 1903 the Commission recommends additional legislation to enable the actual value of railroad property to be ascertained. It says:

> Among the subjects which deserve the attention of Congress is the need of a trustworthy valuation of railway property.

After devoting several pages to a presentation of the reasons which make it imperative to secure this information and the necessity of additional legislation to this end the discussion closes with the following:

> A large number of questions incident to the valuation of railway properties suggest themselves in addition to those which have been mentioned. This report can not, however, enter into further detail. Sufficient has been said to indicate the importance of an authoritative determination of railway values. It is respectfully recommended that Congress take this matter under advisement with a view to such legislative action as may be deemed appropriate.

Respecting the vital importance of ascertaining the reasonableness of rates the Commission in the report of 1903 says:

> To determine what are just and reasonable rates for public carriage is a governmental function of the highest utility. This is the central idea of regulation and the special field of its usefulness.

Oh, Mr. President, in the passing of a bill now to correct the errors of twenty years ago, surely we should not leave out the central idea of regulation.

Respecting the vital importance of ascertaining the value of railway property as the first step in determining the reasonableness of rates, the Commission says further, in the same report:

> No tribunal upon which the duty may be imposed, whether legislative, administrative, or judicial, can pass a satisfactory judgment upon the reasonableness of railway rates without taking into account the value of railway property.

The recent convention of State railway commissioners in this city favored the valuation of the railway property of the country. The Washington Post of April 5 says:

> The resolution offered Tuesday by Commissioner B. H. Meyer, of Wisconsin, declaring it to be the sense of the association that the Congress of the United States should authorize and direct the Interstate Commerce Commission or some other department of the Federal Government to ascertain the *inventory value* of all railways in the United States, and to *fix a valuation* on the railway property of each State separately, was adopted unanimously.

Now, I come to the point to which my friend from Iowa directed attention in one of his questions.

I do not claim that the Commission will be able to determine with *mathematical exactness* the cost of the service in shipping a single article carried with a mass of other freight. The traffic manager can not do that. But I contend that the Commission can ascertain the fair value of the property of the railroads; the cost of the maintenance and operation; the fair profit, interest, or return which it is entitled to receive, and the full amount which it does receive. I contend that upon this

as a basis, giving due consideration to all other material circumstances, the Commission can determine reasonable rates that will afford the carrier "just compensation" for the services performed, and that with this knowledge the Commission would be able to form a *just* judgment—I do not say a mathematically exact determination of the cost, but a just judgment—with respect to a reasonable rate for a single shipment.

I contend that the Commission can in no other way determine a reasonable rate—a rate that is reasonable to the consumer, the man who pays the freight, that it can in no other way determine rates that are certain, if resisted by the railroad, to be sustained by the court.

I go further. I contend that it is the only way in which a fair approximation to justice can possibly be approached. The Government must deal fairly by the railroad, the shipper, the producer, and the consumer. This can not be done by a "first-come-first-served," "catch-as-catch-can" method of attacking a rate here and a rate there, giving a benefit to this man, an advantage to that community, while the railroad is free to recoup by advancing its rates on some other man or some other commodity. Awarding a complainant a rate adjudged to be reasonable, because it more nearly agrees with a rate which the carrier has established for some one else, is giving the complainant *relative* justice instead of *real* justice.

Mr. President, what is to be the result of this "hit-and-miss" method when you come to apply it in practice? Place in the hands of the Commission the power to enforce its orders, but withhold from them the authority and the means to get the actual value of railroad property, and by so doing the just basis for real instead of apparently reasonable rates, and what is almost certain to follow? The railroads must realize that every relatively low rate will at once become the basis by comparison for a complaint to reduce any rate which it can be judged ought to be equally low. They will for self-protection speedily advance the relatively low rates, in order to take away the standards which would be seized upon as a cause for complaint and a basis for the judgment of the Commission in ordering a reduction.

Indeed, so far as the shipper is concerned, this would be quite as satisfactory as an order of the Commission lowering his rate to the level of his more-favored competitor. It is of no concern to the shipper that he secure an absolutely reasonable rate. All he cares for is a relatively reasonable rate. He wants a rate equal to his competitor. He is quite as well satisfied if this be secured through raising his competitor's rate, as by lowering his own rate to the level of the competitor. Once invest the Commission with power to equalize rates and the complaining shipper will not find it necessary to apply to the Commission for equal rates. He will complain to the railroad company as less expensive and more expeditious. He will cite the fact that a competitor has an advantage in rates. The railroad, knowing that if the Commission is appealed to it may adjust the difference by lowering the higher rate, will promptly adjust it by advancing the rate of the competitor. What will the competitor do with this advanced rate? Excepting upon such articles as have a fixed and unvarying price in the trade, the competitor will simply add the increased freight charge to the price and pass it on to the jobber. The jobber will add it to the price to be paid by the retail merchant. The retail merchant will hand it over to the consumer as an added charge to his purchase. As the consumer can not pass it on, he must pay it himself.

If this bill is to have far-reaching results—if it is to protect the *consumer* as well as the shipper—then the foundation must be laid for ascertaining the *reasonable rate;* that is, on the rate which in and of itself *is reasonable.* The system of government regulation which is to have a just regard for the consumer must not be based on the relatively reasonable rate.

The ascertainment of the value of the railroads is the very corner stone of any great and enduring service which this legislation is to accomplish for the people of this country.

STATE VALUATIONS OF RAILROAD PROPERTY.

It can not be said in answer to this demand for a valuation of railway property that such a valuation is impossible or impracticable. In three notable instances such valuations of railway property have been made by States. In these cases every item of material and labor entering into the cost of the roadways and rolling stock of the roads have been enumerated and appraised. These valuations cover every mile of road within the States of Michigan, Wisconsin, and Texas. Obviously, a work that can be undertaken and accomplished by a State for all the lines within its boundaries can be accomplished by the Federal Government for the whole country. Furthermore, any work that is undertaken along this line in the future will have a great advantage in the knowledge obtained from the previous experience of these several States.

MICHIGAN AND WISCONSIN VALUATIONS.

The valuations of Michigan and Wisconsin were made for the purpose of assessment of ad valorem taxes. In each case the determination of physical values and nonphysical values were made separately. In each case the State had the benefit, in arriving at its valuation, of the cooperation of the railway companies themselves. In the Wisconsin valuation the initial appraisement was made by the roads, the State merely making such valuations and determinations as were necessary to verify and correct the valuations as made by the companies.

In the Wisconsin valuation the expense to the railroads was probably less than $11 per mile on the average. The Chicago and Northwestern Company spent an average of about $10.60 per mile on 1,784 miles of line. The average expense to the State for all lines did not exceed $7 per mile. It is safe, therefore, to predict that the total cost to both the Government and the roads of making such a valuation for the whole country, will not exceed $20 per mile, or for the entire mileage of the country considerably less than a total of $5,000,000. This amount, taken in consideration with the magnitude of the public interests depending on such valuation, is not a large sum. Its expenditure ought not to be in any degree a bar to the prosecution of so great and so necessary a public work.

The results of these valuations are an indication of what would be the results of a like valuation of the railway property of the country. So far as I have been informed there has been no protest against these valuations on the part of the railroads, except to contend that the valuations were too high. In the case of the Wisconsin valuation the values placed on the property by the roads were, in nearly every instance, increased by the board of assessment, and in some cases considerably increased.

I believe anyone who has ridden over the lines of Wisconsin or of Michigan will say that upon the average they are the equal of the lines of the country. I know that the two principal roads of Wisconsin, in the matter of curves and double track and ballast and equipment and everything that enters into railroad values, are the equals of the great trunk lines of this country.

The final determination of the average present value, per mile of line, by the States of Wisconsin and Michigan was as follows:

MICHIGAN, 1900.

7,813.27 miles, value per mile $21,396

WISCONSIN, 1903.

6,656.88 miles, value per mile 25,501

MICHIGAN AND WISCONSIN.

14,470.15 miles, value per mile 23,231

It is interesting to compare with the results of the Wisconsin valuation the average capitalized value per mile for a few of the leading companies.

The average value as determined by the company for the Saint Paul lines in the State (1,691 miles) was $26,340 per mile, and as finally fixed by the State, $30,004. The capitalization amounted at the same time to $33,321 per mile.

The company's valuation of the Omaha lines (737 miles) was $26,639 per mile, and the State placed it finally at $27,464. At the same time the floating capitalization was equal to $44,649 on the entire line (1,521 miles).

The average value of the Chicago and Northwestern road in Wisconsin (1,784 miles) as appraised by the railroad engineers was $25,382; as finally determined by the board of assessors, $29,063. The average capital per mile of this road for the year ending June 30, 1904 (which practically coincides with the time of the appraisement), was $32,180.

The Wisconsin Central appraised its property, three-fourths (723 miles) of which is in Wisconsin, at an average of *$19,930* per mile. This valuation was increased by the State board to *$22,711* per mile. The capitalization of this road per mile was *$58,275*, or about three times as much as its own valuation and over *250 per cent of its value*, as *determined by the State board.*

To the appraised values of the railway property, there were added for taxation certain amounts to cover franchises, and the value of the property as an organized, going concern. But these additions would not properly be considered in determining a valuation for fixing rates.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. LA FOLLETTE. Certainly.

Mr. NEWLANDS. I wish to ask whether the valuation was made for taxation or for the purpose of regulating rates.

Mr. LA FOLLETTE. It was made for taxation. I shall later call attention to the basis of the capitalization per mile upon which the railroads have assessed rates to the people of Wisconsin for the last twenty-eight or twenty-nine years.

Mr. NEWLANDS. I wish to ask the Senator whether he contends that the franchise should be valued as a part of the property of the corporation for purposes of taxation and should not be considered in the determination of rates. Did I understand him so to contend?

Mr. LA FOLLETTE. As I shall presently show, there is a broad distinction upon economic principle to be made between the valuation of property for taxation and the valuation of the property of a public carrier for fixing rates.

Mr. NEWLANDS. And that one might include the value of the franchise and the other not?

Mr. LA FOLLETTE. Yes, sir. Of course I will say in reply that it might be contended by a corporation that they ought to be allowed something for the franchise where they have "paid something to get it."

I recall one notable instance, the case of a street car company in Philadelphia, I believe, where the common council was about to vote the franchise to the street car company "for nothing." A protest went up from the citizens, and finally Mr. Wanamaker, I believe, wrote out his check for two and a half million dollars and sent it to the common council, saying, "Do not give this franchise away to the corporation. It is worth a good deal to the public. Make the corporation pay for it. I am not a railroad man and am not in the street-car business, but as an earnest of my belief that public franchises are worth something and ought to be paid for when they are secured by public-service corporations I tender my check for two and a half million dollars," I think it was. "Give me the franchise. I can turn it over to some corporation and make a good commercial transaction out of it."

I believe history records that the common council sent him back his check; did not sell him the franchise, but voted it to the public-service corporation "for nothing," at least, so far as is known. There might be cases, of course——

Mr. NEWLANDS. I do not believe for a moment that the value of the franchise ought to be considered in determining rates; but I am at a loss to know how it can be that it is not to be regarded as of value in the determination of rates and yet can be assessed for purposes of taxation. It strikes me that the true rule and the just rule would be to exclude it from consideration in the determination of both rates and taxes.

Mr. LA FOLLETTE. I shall hope to recur to this subject again before I conclude my argument. For the present, if agreeable to the Senate, I will proceed for a little time, and then I shall ask that I may be permitted to discontinue for the day and continue my remarks on Monday.

It is a curious fact in railway conditions that the roads having the least value often have the greatest capitalizations. Capitalization merely reflects the policy of a particular management, or, more correctly, the series of managements through whose hands the road may have passed. It is quite apparent from these few Wisconsin examples that capitalization has no relation whatever to true value or investment.

It can not be objected that the foregoing valuations of railway property, embracing only the cost of the physical property, is not a sufficient basis for determining the value of the property on which the roads would be entitled to earn a profit. It may be cited that certain nonphysical elements of railway value should be added in determining the valuation on which profits are to be allowed, just as such additions were made to the physical valuations in Michigan and Wisconsin to determine a basis for taxation. A moment's reflection and consideration of the nature of these elements of nonphysical value will show that this contention is unsound.

General property is taxed, on the ad valorem basis, according to an assessment on its market value. It is obvious, therefore, that in order to tax railroad property on the same basis as general property a determination of all the factors entering into its commercial value must be had. It is perfectly clear that certain *nonphysical elements*, such as *franchise* and *earning power*, enter into this *commercial value*, and in determining a valuation for purposes of taxation an allowance for these elements is entirely proper.

But in determining a value on which profits are to be allowed this is not the case. The determination of these nonphysical values for the Michigan valuation was made by Mr. H. C. Adams, of Michigan University, and statistician of the Interstate Commerce Commission. The bases of this valuation have been made public. While the method of this determination is somewhat involved, it is based in the final analysis on the amount of the net earnings which the carrier is earning over and above 4 per cent on the value of the physical property. In other words, the nonphysical value of railroad property is, in the last analysis, the value of its power to charge excessive rates for transportation. It is quite obvious that this value can not properly be included in a valuation made as a basis for determining reasonable rates.

Furthermore, a consideration of all the elements on which a nonphysical value can be based, as enumerated by Mr. Adams in his work, does not reveal any element entering into such valuation which is in any sense an investment on which the carrier has a right to demand a profit.

TEXAS RAILWAY VALUATION.

The valuation of railway property by the State of Texas possesses a particular interest because its primary purpose was the regulation of railroad capitalization and charges. The constitution of the State of Texas, as well as particular statutory enactments, prohibit fictitious railway capitalization. The railroad commission law of that State provides that the commission shall "ascertain, and in writing report to the secretary of state, the value of each railroad in this State, including all its franchises, appurtenances, and property."

The Hon. John H. Reagan, chairman of the railroad commission of Texas, testifying before the industrial commission, described the work of the commission in valuing the Texas railroads. The investigations of the commission as to the cost of the many items entering into the roads was most thorough and comprehensive. Liberal allowances were made to cover the cost of procuring franchises and defraying the expenses of engineering, as well as to cover interest on the investment during the time of construction. When the valuation was finally determined, it was noticed to the several companies and forty days' time given in which such valuation might be contested. Said Mr. Reagan:

> We have done this in every case of valuation, and not one of our valuations of all the railroads of Texas has been contested. By our plan of valuation, if contested, we could ask what item in it was complained of, and from our files show the proof on which it was based.

Under this valuation the value of all the railroads of Texas constructed prior to 1893 had been, at the time of Mr. Reagan's testimony, finally determined by the commission. The average value per mile of all these roads was $15,759. The aggregate value of all the roads so valued amounted on the 30th of June, 1899, to $141,157,176. The aggregate capitalization of the railroad companies, stocks and bonds, was $362,953,383, or more than two and one-half times the actual value. (This excessive capitalization was created prior to the passage of the stock and bond law, 1893.)

I say the actual value, because when these companies were served with a notice that this valuation of a little over $15,000 a mile had been fixed for each mile of their road in that State, and when they knew that that valuation was to be made the basis of the rates which they were to be permitted to collect on the traffic of that State, they never appeared to contest the valuation. So it may be accepted, it seems to me, as an admission on the part of the railroads that up to that time it was a fair valuation of their property within the State of Texas.

Since the date of this valuation considerable improvements have been made on the old lines. A liberal estimate of the cost of these improvements, by the engineer of the commission, is from $4,000 to $8,000 per mile. These roads are fairly representative as to cost for railroads generally in the Southwest. And it is safe to say that the average actual cost of all the roads in that section did not exceed $25,000 per mile, and in fact was probably very much less.

In valuing new roads at the present time the policy of the commission is a very liberal one, so that the present valuation is almost without exception in excess of the actual cost of the road. A new road recently valued comprises 300 miles of one of the principal lines of the International and Great Northern Railroad Company. This piece of railroad is in every respect modern, and the grade has been reduced to the maximum of three-tenths of 1 per cent, and the road will carry the heaviest equipment. With heavy grading and the usual number of bridges and culverts, the actual cost of constructing and equipping this road with the best modern equipment was from $25,000 to $27,000 per mile.

Will it be said that this policy of ascertaining the physical value of all railway property of the United States will be *too expensive*? Governments, like individuals, may be penny wise and pound foolish. The Senate voted at this session to spend $2,600,000 a year for ship subsidies. Shall we hesitate to provide all that is necessary to place the regulation of railways on a solid foundation, and to lift the great burden of extortionate charge from the consumer.

In the creation of a railroad commission and tax commission in Wisconsin, and in the effort to compel the railroads to pay their proportionate taxes, there was the constant objection of the expense. But the results have already saved thousands of dollars where one has been expended. And what has been

already saved is small in comparison with what will follow from the exercise of the power of the State vested in a commission to protect the citizens of Wisconsin from overcharges and favoritism to persons and places.

Mr. President, in concluding upon this branch of the subject I will venture to say that the question will never be settled in this country until it is settled upon a basis of the fair valuation of the railroad property of the country. I believe that we should start now and start right in clothing this Commission with full authority to ascertain this basis for establishing reasonable rates.

I will now yield the floor with the hope that I may conclude my remarks on Monday.

Monday, April 23, 1906.

Mr. LA FOLLETTE. Mr. President, when I surrendered the floor on Friday afternoon I had brought the discussion up to the point of a consideration of existing rates. I think I had shown that rates which are really *reasonable* rates can not be established and enforced without first ascertaining the true value of the property of the railroads as a basis for fixing the reasonable rates which will yield a fair return upon the property of the railroad company.

I now propose to show, sir, that railway rates in this country are at the present time excessive.

I know it is urged on all sides that rates are reasonable; that no reductions of importance will be necessary under any law which we may enact; that the important consideration for this body is to frame legislation that will insure equality of rates rather than reasonable rates; that no reductions of importance being required, there will be no necessity for a provision in this bill for the valuation of railway property and no necessity of expending the money and the labor necessary to secure that valuation.

The President has been quoted as saying in at least one public address that "there has been comparatively little complaint to me of the railroad rates being actually too high." Members of the Commission have been quoted as saying that complaint is made against unequal rather than against unreasonable rates, and Senators upon both sides of this debate have repeatedly declared that there is little complaint as to unreasonable rates, but that the chief complaint is against discrimination. Granting this, it establishes nothing except the wide prevalence of complaint as to unjust discrimination. It does not seem to have occurred to anybody that this proves nothing with respect to the reasonableness of existing rates.

Can anyone fail to see that there is small chance for the public to know whether rates are reasonable or extortionate? The whole matter is in the hands of the carriers. They have the facts upon which to predicate any approach to exact knowledge. If anyone knows the actual value of their property, they know it. They know the actual cost of operation, and they make the rate without check or hindrance. Is there any reason to suppose that they do not charge all the traffic will bear?

We have complaints on all sides of discriminations in violation of law and at the risk of heavy penalties. The railroads can make rates unreasonably high without fear of any punishment. Is it to be believed that they are guilty of violating the law against discrimination by rebates and otherwise, risking all the penalties it imposes, and that they fail to charge all the traffic can bear when there is not the slightest danger of punishment for so doing?

Ah, but why, then, is it that we have complaint of discrimination in almost every community, and no complaints of unreasonably high charges? It seems to me that the reason is so obvious as scarcely to require statement. There is a standard of comparison in one case. There is none in the other. Complaint is made of discriminations because the rate paid in one instance can be compared with the rate paid in another. There is some basis for comparison, and strong incentive for complaint. But what standard have we for comparison by which to test the question whether rates are too high? What information has the shipper, the producer, the consumer, upon which to base complaint? He does not know what profit the carrier is making. All of the facts essential to form a judgment and lodge a complaint are beyond his reach. Because he formulates no complaint, prosecutes no action, proves neither that he is satisfied nor that he is without cause for complaint.

Give the public some criterion, based upon the rules laid down by the Supreme Court, then it will know whether its rate is just and reasonable, then it will be prepared to resist wrong. Make it the bounden duty of this Commission, arm it with full authority, furnish it ample assistance and money necessary to ascertain the actual value of railroad property, the actual cost of operation, and all the facts upon which to base a standard of reasonable rates. If complaints do not follow, it will then mean something when the President, the Commission, or anybody else says that there are "few complaints with respect to high rates."

But, Mr. President, I venture to say that rates are unreasonably high, and that if the opportunity is ever presented to ascertain the value of railroad property, it will result in markedly reducing transportation charges generally throughout the country. Before offering the direct evidence that rates have enormously advanced throughout the country in the last few years I wish to offer some significant testimony, dating from the Granger legislation.

Illinois established a warehouse and railway commission with authority to fix maximum rates in 1873. The commission appointed under this law established and has maintained a schedule of transportation charges. Iowa, in 1888, enacted a law creating a commission authorized to make rates. This commission promulgated a complete schedule of railway charges for that State. No effort has ever been made to amend this legislation, and the railway companies have acquiesced in the rates established by the commission. Under the law the carriers could have gone into court in Illinois or Iowa, attacked and set aside the rates fixed by these two commissions, if it had been possible for them to make it appear that such rates were unreasonable and that they did not afford just compensation for the services rendered. That the rates established by this commission have stood unchallenged by the railroad companies in both States through all the years, must be taken as an admission on the part of the railroads that the rates are not open to complaint on their part.

Wisconsin lies immediately north of Illinois and east of Iowa. In 1874 a law was enacted in Wisconsin fixing maximum rates and creating a commission authorized to make changes in the same from time to time. Two years later the railroads secured control of the legislature and repealed that law. From that time until 1905, or for a period of twenty-nine years, these corporations have been powerful enough to defeat all legislation to regulate transportation charges in that State. We have, therefore, an opportunity to compare rates in Wisconsin, where the railroads have controlled for twenty-nine years, with rates in Illinois and Iowa, where they have been controlled and established by State authority. This comparison offers, therefore, I submit, a most excellent test as to whether railroad companies may be trusted, when left without supervision and control, to make rates with due regard to the public interests.

The two principal railroads in Wisconsin are the Chicago and Northwestern and the Chicago, Milwaukee and St. Paul. These railway lines likewise run through the States of Illinois and Iowa. With a view to instituting comparison between the railroad-made rates of Wisconsin and the State-made rates of Illinois and Iowa I arranged all the stations on the St. Paul road and all the stations on the Northwestern road in Wisconsin in tables, showing the number of miles to each station from the principal market. From the published schedules of the railroad companies I obtained and placed in the tables opposite the name of each station the cost of shipping in and out every class and kind of freight, whether in carload lots or less than carload lots, including commodity rates, between each station and its principal market within the State. I then placed side by side with the Wisconsin rates, Iowa rates, fixed by the Iowa commission, for the shipment, in like manner of an equal quantity of the same kind of freight the same distance in that State. The rates for a like number of stations in Illinois equally distant from market in each case with the Iowa and Wisconsin stations were next obtained and incorporated into the table.

I was then in a position to ascertain the exact difference between the so-called "reasonable rates" established for Wisconsin by the railroads without State regulation with the reasonable rates established under State control in Iowa and Illinois. The comparison thus worked out clearly demonstrated that the railroad companies were exacting from the people of Wisconsin from 20 to nearly 70 per cent higher rates than they received in Iowa and Illinois for a like and equal service. I may add that the rates in Illinois have been considerably reduced by the commission of that State since these comparisons were made, as is shown by the following telegram recently received in response to an inquiry which I addressed to Governor Deneen:

SPRINGFIELD, ILL., *April 1, 1906.*

Hon. R. M. LA FOLLETTE,
Washington, D. C.:

Twenty per cent reduction was made on first five classes on December 5, 1905, went into effect on January 1, 1906. No railroad has appealed to the courts against it. Commission has under consideration question as to whether reduction should be made in remaining five classes.

CHARLES S. DENEEN.

So Senators will see that in view of the reduction recently made in the Illinois rates, as stated by Governor Deneen, it is clearly manifest that the Illinois rates, with which I instituted comparison, in 1903, were themselves above the reasonable rate level. Furthermore, it should be borne in mind that the Iowa rates were instituted as maximum reasonable rates in 1888, and since that time there has been no substantial reduction. But there have been enormous increases in the traffic and in the carrying efficiency of the roads which naturally result from the industrial development of a great and rapidly growing State like Iowa. As a consequence of these changes, the cost of handling the traffic has decreased, and rates that yielded a fair profit in 1888 yielded more than a fair profit in 1903, when I used these rates as a standard of comparison to test the reasonableness of rates in Wisconsin. Notwithstanding the fact, Mr. President, that the Illinois and Iowa rates were without doubt higher than a reasonable standard, the Wisconsin rates, over which there was no State control, were higher than the Illinois and Iowa rates by 20 to 70 per cent.

Whether the rates in Iowa and Illinois are reasonable in themselves is known only to the railroad companies in those States. Neither the commission of Iowa nor the commission of Illinois ascertained the value of the railroad property of their respective States, thus establishing a basis upon which to fix rates reasonable *per se*. As before stated, that they are, on the whole, considerably above the reasonable rate line, may be safely assumed; otherwise the railroads would have brought action to set them aside as not offering just compensation for the services performed.

I have cited these comparisons because they prove conclusively that it is never safe to assume that the railroads uncontrolled make reasonable rates.

It might have been possible to furnish proof that the railroad-made rates of Wisconsin were unreasonably high without going into the other States for comparison. But few States in the Union are more richly endowed than Wisconsin with magnificent water powers. With her splendid waterways well distributed over the State, her wealth of raw material for diversified manufacturing near at hand, her factories would naturally be so located as to utilize the free power furnished by nature.

But with the defeat of all effort to reestablish State control of railway rates, the only check upon excessive transportation charges for the whole Commonwealth is that afforded by the water transportation of the Great Lakes system. Nineteen of the seventy-two counties of Wisconsin border upon Lakes Michigan and Superior. For three hundred miles along her lake shore many splendid natural harbors offer water communication with the outside markets. Along the lake shore, through these nineteen counties, the railroad rates have always responded to water competition, and rule much lower than rates in the interior of the State. It is a significant fact that more than seventy per cent of the capital invested in manufacturing in Wisconsin is located in the nineteen counties situated on Lakes Michigan and Superior. Except for the fact that water transportation influences to their advantage freight charges by rail, these nineteen counties afford no better location for manufacturing plants than most of the other counties of the State, where are located the abundant supplies of raw materials and magnificent water powers. Indeed, many excellent water powers have been abandoned and hundreds left undeveloped because the high freight rates in the interior have forced nearly three-quarters of the manufacturing into a little more than one-fourth of the lake shore counties of the State.

Mr. President, there is no warrant for the belief that people of the country are, upon the whole, enjoying reasonable rates. This view has been skillfully engrafted upon the credulous public. But, sir, the known facts demonstrate its falsity. The Supreme Court has determined that the carrier is entitled to a *fair profit*, based upon a *fair valuation* of his property. Is this the basis upon which the railroads fix their charges to-day? By no means.

No one will deny that, at the outset, they bond and stock their properties away in *excess* of a fair value. Then they tax transportation to pay a "*fair return*" on this *inflated* value. From that time forward, as rapidly as the traffic can possibly bear the burden, additional stocks and bonds are issued without additional investment, and transportation is further taxed to pay a "fair return" upon this added inflation. Again and again this process is repeated. It is an endless-chain system.

I again offer a specific illustration furnished by recent history in Wisconsin of the imposition of excessive charges for transportation by railroads. It happened that while the State was making an effort to ascertain the fair value of railway property, for the purpose of enforcing the just taxation of such property, it was at the same time prosecuting an investigation of *transportation charges* and railway earnings as a basis for legislation to regulate rates.

The average annual net earnings for the Chicago and Northwestern Railway Company on its Wisconsin traffic, as stated in its official report to the State, amounted to $3,919 per mile. The net earnings thus amount to a 6 per cent income on $65,317 per mile. In other words, the people of Wisconsin were paying *freight charges which netted the Northwestern Railway Company 6 per cent on $65,317 a mile.* The State board of assessment, authorized by statute to ascertain the value of the railroad property of the State as a basis for taxation, notified the Northwestern Railway Company to submit the valuation of its property to such board. This it did.

The *fair valuation* of the property of the Northwestern Railway Company in Wisconsin was thus shown *by the corporation to amount to $25,382 per mile.*

The average net earnings for the St. Paul Railway Company in Wisconsin for the same period amounts to 6 per cent on $62,633 per mile. Wisconsin traffic was therefore charged at *a rate high enough to produce a net income upon $62,633 per mile.* This company, when called upon by the board of assessment to furnish the true value of its property for taxation, submitted such statement, by which the road *proved the value of its property in the State to be $26,340 per mile.*

Mr. President, nothing could be more conclusive as evidence of the fact that railroads are charging the people rates high enough to pay interest and dividends on more than twice the fair value of their property.

TRANSPORTATION CHARGES ADVANCING.

With the carriers free from any governmental supervision of their charges, and with all restraints of competition eliminated by combination, the natural and inevitable result is the *advance of transportation charges* to the public. The experience of the past few years *shows* how *unwise* it is, in the absence of these positive *restraints*, to rely upon the *railroads* to *interpret* the "laws of business" in the interests of the country and the industrial development of the communities which they serve.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. BEVERIDGE. Will the Senator from Wisconsin permit me to ask him a question?

Mr. LA FOLLETTE. Yes.

Mr. BEVERIDGE. Were these railroads actually capitalized up to sixty-two or sixty-five thousand dollars a mile?

Mr. LA FOLLETTE. No, they were not in this particular instance—that is, two were not—but they were capitalized some thousands of dollars per mile more than they gave as their true value. Another road in Wisconsin was capitalized at nearly the sum mentioned. I simply used that illustration in this connection to show to the Senate and the country, taking these two leading roads of Wisconsin, that it is never safe to trust the railroads to fix reasonable rates.

Mr. BEVERIDGE. I understand that point. But the point to which my mind was going was that made by the Senator immediately preceding this, to wit, that here there had been the issuance by a railroad company of stocks and bonds beyond anything that justified it, as the Senator said, and then the assessment of rates to pay dividends upon that overcapitalization.

Mr. LA FOLLETTE. Yes.

Mr. BEVERIDGE. Assuming that to be true, has the Senator thought out any remedy for it? That is to say, suppose a railroad company has issued stock far beyond what it should have issued, far beyond the value of the road; that those stocks are bought by the innocent public, by innocent holders, and are held by them as an investment, and that in order to pay dividends upon those stocks the railroad charges what the Senator claims are excessive rates. Has the Senator thought out any remedy for that situation?

Mr. LA FOLLETTE. I think as I progress in this discussion it will be apparent to my friend, the Senator from Indiana, what the real remedy is so far as all the people of this country are concerned.

Mr. BEVERIDGE. I did not mean to anticipate the Senator.

Mr. LA FOLLETTE. No; I understand.

Mr. BEVERIDGE. I think every person who has given any attention at all to the question of overcapitalization and the assessment of charges to pay dividends upon the overcapitalization has been confronted at the very outset by the difficulty which is presented by the fact that the securities are held by an innocent public on the one hand, and on the other hand the innocent public are paying the overcharges. I thought perhaps the Senator had thought out a remedy for that.

Mr. LA FOLLETTE. I think, if I may anticipate in just a

sentence what I intend to say a little more fully later on, the Supreme Court has suggested an answer to the question of my distinguished friend from Indiana, and that is this: If a railroad line has had issued bonds and stocks away in excess of the investment of the fair value of the property, the public can not justly be taxed to pay dividends upon stock and interest upon bonds thus issued. In other words, the old rule that puts every man when he makes a purchase upon his inquiry as to the value of the property he purchases requires that the man buying stocks and bonds shall know whether there is back of those stocks and bonds in which he invests his money that value which is specified on their face.

Mr. BEVERIDGE. If the Senator will permit me further, it would strike me right here that in the matter of fixing railway rates would come the question of just compensation, or even of confiscation.

Mr. TILLMAN. We are interested in this discussion, and I suggest that the Senator from Indiana raise his voice a little.

Mr. BEVERIDGE. I will.

Mr. TILLMAN. And that he change his position so that his voice will be sidewise to us instead of his back being to us. We should like to hear what he is saying.

Mr. BEVERIDGE. I was addressing the Senator from Wisconsin. However, I will try to comply with the suggestion of the Senator from South Carolina.

Suppose that here is the overcapitalization to which the Senator refers, and rates are based upon it in order to pay dividends upon that capitalization. This overcapitalization has been absorbed by the innocent purchasing public. Upon the theory that the railroads should charge rates which would pay a fair return upon the actual just value of the road no dividends whatever would be paid upon the overcapitalization. Therefore, when such rates were fixed, the road would at once say "this is the taking of property without just compensation." That is the point to which I wish to direct the Senator's attention.

Mr. LA FOLLETTE. In response to that question the Supreme Court would say, as it has said heretofore, that it is not required of the public to pay dividends and interest on water, no matter who owns it, but that it shall pay dividends and interest on the fair value of the property, and nothing more. The Supreme Court has said that if any railroad company has issued stock and bonds in excess of the fair value of its property it must suffer, and those who hold the stock and bonds must suffer the consequences of such action; that it is unjust to impose that burden upon the public. If railroad companies are to be permitted to issue stocks and bonds without limit, if there is to be no restriction whatever, and none has been imposed except in the State of Texas, so far as I am advised——

Mr. DOLLIVER. And Massachusetts.

Mr. LA FOLLETTE. Massachusetts; yes. There is State regulation in Massachusetts, but with these exceptions the directors of a railroad company may, without any limitation whatever, burden the public with transportation charges to pay interest and dividends, not upon capital invested in the business of transportation, but upon any figure they choose to put upon the paper certificates they issue.

Mr. MALLORY. May I ask the Senator from Wisconsin a question?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Florida?

Mr. LA FOLLETTE. I do.

Mr. MALLORY. I understood the Senator, a while ago, to refer to the case of a reduction of 20 per cent in the rates on certain classes of freight in Illinois. Was that contested?

Mr. LA FOLLETTE. No; and I am informed by Governor Deneen that there has been no intimation on the part of the railroad companies that they would go into court and contest this further reduction of rates in Illinois.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. LA FOLLETTE. Certainly.

Mr. NEWLANDS. In considering the question as to the attitude of innocent purchasers of overcapitalized stocks to this question, does not the fact that thus far Congress has been absolutely apathetic and indifferent as to legislation upon this subject, and whilst it has had the power, has never yet taken steps to check overcapitalization, prevent us from legislating in such a way as to deprive these innocent purchasers of overcapitalized stock of revenue upon their investment?

In this connection let me suggest to the Senator further, that the Supreme Court, in laying down the rule which shall govern regulating bodies in the determination of rates, has announced that the right of the corporation is to have a fair return upon a fair valuation of its property. But in treating of the question of valuation the Supreme Court has indicated, in Smyth v. Ames, that the Commission can take into consideration not only the mere cost of reproduction, but can also take into consideration the amount of stocks and bonds issued, and can also take into consideration the income received by the corporation from the existing rates. It indicates that these things ought to be considered, and that many other things might be considered in reaching a valuation.

Will the Senator bear with me a moment longer? I think this is a very important question, and I am quite in sympathy with his general view. I believe we should have a valuation of the railways, and I believe the railroad companies should be confined in the future to a fixed percentage upon that valuation; and I believe if we can only have a fair valuation now, even if it includes these excessive issues, even if it is a valuation based upon excessive rates, if we can have a starting point now and protect ourselves against overcapitalization in the future, we will do a great service to the entire country.

But we should bear in mind, upon this question of capitalization, that the total capitalization of all the roads in the country, in bonds and stocks, is about six billions and a half in bonds and six billions and a half in stock, and that that is approximately in bonds per mile a little over $30,000 and in stock per mile a little over $30,000. If the valuation in all of the States is based upon the cost of reproduction, it means that the value of all the roads of the country will be put at just about the amount of the existing bonds, namely, six billions and a half, and then, if we should allow the roads a fair rate of interest upon the $6,000,000,000, sufficient to pay the interest upon the bonds, there would be hardly anything, perhaps nothing, left to the stockholders. Can we contemplate the entire obliteration of 6,000,000,000 of stock throughout the entire country, and turn over these roads to the bondholders, and would not the readjustments created by a destruction of those great values be more serious in consequences than the reduction of rates would be a benefaction to the country?

There is just another suggestion, and that is when these railroads were started, what rate of interest would we have allowed had we limited the return by law? Probably 10 per cent, as we did in the case of the Union Pacific Railroad.

Now, 10 per cent upon $6,000,000,000, the actual cost of reproducing these roads, would yield just $600,000,000 net, and that is the amount that all the railroads now realize, after the payment of operating expenses and taxes. It would be entirely fair to value these roads at the absolute cost of reproduction, if we allow them the rates of interest prevailing at the time the enterprises were inaugurated, and if that were 10 per cent, it would yield these companies $600,000,000 annually, just as it does now, and 10 per cent paid upon $6,000,000,000 of valuation would immediately make the market value about $12,000,000,000, which is approximately the present capitalization in bonds and stocks of all the railroads of the country.

The value of all these securities is based upon the prevailing rates of interest. To-day if a share of stock, representing $100 par value, receives dividends at the rate of 10 per cent it immediately doubles in its market value to $200, whereas thirty years ago 10 per cent would simply have held the stock at par.

I will state that I have put in an amendment for the valuation of roads, and I believe in it, for the cost of reproduction is a factor in the determination of rates. Yet the Interstate Commerce Commission, it seems to me, following this rule laid down in Smyth *v.* Ames, should have some regard to the actual value of bonds and stocks and should have regard to the high rates of interest prevailing when these enterprises were inaugurated and should value the roads at approximately the market value of the stocks and bonds and, taking that as a basis, fix the future rate of interest so low—say, 4 or 5 per cent—as to give the entire country the benefit of the gradual reduction of rates resulting from the large increase in the business which is certain to occur.

Mr. LA FOLLETTE. Mr. President, I will endeavor to recall the question my friend the Senator from Nevada propounded at the beginning of his remarks, which bears upon the rights of the "innocent purchaser." I will say, with reference to that question, I know of no reason, sir, why a different rule should be applied to the man who purchases railway stocks or railway bonds than the rule which is applied to every man who makes a purchase of any kind of property in this country. Any man who purchases other kinds of property, if he goes into court to contend that he has paid more than that property is worth, is confronted with the rule of law that he who buys must inquire as to the value of the property he buys.

Railway stocks and bonds are purchased for the purposes of

speculation quite largely. There is always the element of speculation in the investment which induces the purchaser to take some chances. Is there any reason why the men who invest in railway stocks should have applied to them and to their investments a different rule than the man who purchases a farm or a horse or any other piece of property? That would certainly be very unjust.

I say, therefore, that those who hold railway stocks and bonds in the United States to-day hold them under the rule of law which requires them to know that they have invested their money in property which is worth the purchase price.

Mr. MONEY. Will the Senator permit me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. LA FOLLETTE. I do, sir.

Mr. MONEY. Sympathizing entirely with the Senator from Wisconsin, I should like to ask him a question right at this point. Has Congress or the legislature any authority to make any inquiry into the value of the road except for the purpose of one of two things—one to fix the rate of taxation and the other to fix the rate of tariff for carriage? If Congress should undertake to investigate that subject with any view whatever of protecting the investor in railway stocks and bonds and investments in their property, has Congress any authority whatever to do it?

Mr. LA FOLLETTE. Most assuredly not. And no government has either the legal or the moral right to impose upon its people the payment of transportation charges upon any other basis than that suggested by the interrogatory of the Senator from Mississippi—the fair value of the property of the carrier.

When the opposition raise the question of the confiscation of watered stocks and bonds, I remind them that every dollar taken from the people who pay the freight which goes to pay interest and dividends on overcapitalization, is taking exactly that much more than "just compensation" for the transportation service, and is a confiscation of the money—that is, the property—of the people, the innocent public who are thus overtaxed on transportation.

I now remember that I did not answer one question asked by the Senator from Nevada [Mr. NEWLANDS]. He asks, If Congress has heretofore neglected its duty in respect to this matter, are we not committed to policies which have been pursued by other Congresses? That is, if Congress in the past has failed in its duty to the public, are we not, therefore, bound to continue to impose burdens on the generations to come? Are we not bound to follow the bad precedent of violation of public trust? I say no, sir; most positively no.

We have a duty——

Mr. NEWLANDS. Mr. President——

Mr. LA FOLLETTE. I beg the Senator's pardon. We have a duty to perform, a present duty. We should faithfully execute the public trust for those who have commissioned us to protect their interests without respect to the violations of obligation of which any preceding Congress may have been guilty.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. LA FOLLETTE. I do, sir.

Mr. NEWLANDS. The Senator from Wisconsin has misapprehended me if he thinks I claim that we are committed at all to the policy which has hitherto prevailed. My query was as to values built up in this country in the market on an income of these railroads permitted by Congress when it had the regulating power, and those values now in the hands of innocent purchasers, people who had nothing whatever to do with the overcapitalization, whether that does not constitute a consideration which would prevent us from taking action that would absolutely obliterate the $6,000,000,000 of value in this country so held.

Mr. MONEY. They are not values.

Mr. LA FOLLETTE. I will simply say in answer, as suggested by the Senator from Mississippi, that they are not values, and that the people who made the purchases were bound to know whether they were buying water or buying property of value.

Mr. NEWLANDS. Yes; but the Senator——

Mr. LA FOLLETTE. I am very anxious to conclude to-day, if I can.

Mr. NEWLANDS. I will take only a second.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield further to the Senator from Nevada?

Mr. LA FOLLETTE. I do, sir.

Mr. NEWLANDS. I am not talking now about the par value of the overcapitalized stock, but the market values, and the Senator must recollect that these values are built up and based on the revenues of the companies; that the companies enjoy their revenue from rates, and that these rates have been fixed by these common carriers with the sanction or permission or as the result of the inaction of Congress. We gave them the right, in the first place, to fix their own rates and placed no restriction upon their charges, and we never yet have exercised the absolute power of fixing rates. So the rates were rates fixed under the law and the income had its basis upon lawful rates, even though they might have been excessive, and the present market value is based on such income.

Mr. LA FOLLETTE. Mr. President, the income did not have its basis upon lawful rates. An unreasonable or excessive rate has always been an unlawful rate. Without any action upon the part of Congress, every unreasonable rate at common law was an unlawful rate. Because these corporations may have been able to prevent Congress, derelict in its duty, from enacting legislation which would protect the public against extortion, are we forever to continue giving sanction and approval to the great wrong? I say, Mr. President, that the market value of the water in securities represents the power to charge extortionate rates to the public, and nothing more. There can be no "innocent purchaser" of a share in the proceeds of this unjust and unlawful extortion.

No, sir. If we undertake to follow such a precedent as that I venture to suggest to my friend that there will come a Senate and a House of Representatives commissioned directly from the people who will better represent the public interest.

Mr. President, I was just saying when interrupted that the experience of the past few years shows how unwise it is in the absence of these positive restraints to rely upon the railroads to interpret the "laws of business" in the interest of the country and the industrial development of the communities which they serve.

The menace of combination of carriers has been called to the attention of Congress by the Interstate Commerce Commission from the beginning. The advances in rates were predicted, and when they were made they were announced by the Commission. The report of the Commission for 1900 contained the following warning:

> It is idle to say that freight rates can not be advanced. During the past year they have been, by concerted action upon a vast volume of traffic, advanced in every part of the country. It is equally idle to say that they will not be advanced. It is both human nature and the lesson of history that unlimited power induces misuse of that power.

Again, in its report to Congress in 1903, the Commission said:

> One of the most significant things in recent railway operation is the steady advance of the cost of transportation of freight by rail. A few years ago the impression was general that freight rates could not, and would not, be advanced. Railway traffic officials frequently affirmed this in testimony. When the Commission had under consideration certain consolidations of railway property, the eminent gentleman who brought them about stated, under oath, that the purpose was not to advance, but rather to reduce rates. Recent history belies these predictions.

This statement was followed in the report by specific statements of these advances in rates. It was pointed out that in a few instances class rates had been advanced so as to be higher than ever before in the history of the Commission. To quote the Commission:

> The rates upon those commodities that constitute the bulk of interstate traffic have been advanced in nearly all sections. Coal rates have almost without exception been increased. The same is true of iron schedules. Rates upon grain and its products, lumber, live stock and its products are generally higher to-day than four years ago.

Advances had been effected by the advance of hundreds of important commodities in the classification and also by the classification of traffic formerly given reduced commodity rates.

In the evidence taken before the committees of Congress there is a great body of complaint against such advances in rates. In all this complaint there is the underlying idea that the rates are advanced to the point of unreasonableness. Of course the complainant is not in a position to prove that rates are in fact unreasonable because Congress has never provided for a valuation of railway property. When that is done these people will demonstrate that their rates are unjustly high. The conditions represented, however, merit the consideration of those who have not yet heard any complaint of rates unreasonable per se. These complaints represent, among others, the great agricultural interests of the Central States, the great cattle interests of the West, the great lumber interests of the South, and the great paramount interest of the whole consuming public.

The advances in rates are in force in every section of the country. They are in force on nearly every important article of freight shipment. Many of them were put in force through advances of articles in the classifications. Of the three classifica-

tions covering the country one shows 572 commodities so advanced another 531, and the third 240. In addition to these advances there were very great advances in commodity rates on several important articles of shipment, such as iron and steel, soft coal, and lumber. Besides these advances in rates the public burden has been increased by the greatly increased cost of transportation by private-car and refrigerator companies.

Among the commodities advanced in the official classification, hay was advanced from sixth to fifth class. The representative of the National Hay Association declared that this advance made the rates on hay prohibitive for long distances, and in effect practically excluded the hay crop of the North Central States from the Eastern markets. The change in the classification advanced the rate on hay, Chicago to New York, for instance, $1 per ton. The average advance is estimated by the Interstate Commerce Commission at 80 cents, which, applied to the annual tonnage effected, equals a total annual advance of $2,434,000, or a total to the date of the statement of about $10,000,000, and if continued to the present time $15,000,000. This is the result of only one of the 572 advances in one classification.

Another commodity similarly advanced in classification is sugar. The people have paid out, because of this advance, from $5,000,000 to $6,000,000 more than they would have paid if the advance had not been made.

Of course, this advance does not make much difference in the homes where incomes are large and luxury prevails. But, Mr. President, the additional burden falls with great weight upon the little homes, for a few dollars, more or less, is a matter of great importance in the strict economy which is necessary to the very existence of the home life.

The most vigorous complaint before the Congressional committees against advances and overcharges in freight rates was that made by the live-stock associations.

I suppose, Mr. President, it was vigorous because the live-stock associations represent large interests and are able to present their cases strongly and fight them out before the Congressional committees and the Interstate Commerce Commission.

These excessive rates for the transportation of live stock vitally affect the prosperity of the whole agricultural West. The agriculture of nearly all of this whole section derives the largest part of its money income from the sale of live stock. Live stock is the most valuable single finished product of the whole agricultural industry. It constitutes about 12 per cent of the total tonnage of the traffic of the western roads.

This great interest has spent thousands of dollars in prosecuting its complaints before the Interstate Commerce Commission and in trying to get relief from the oppression of the railroads. The complaints show advances in the rates for shipment of cattle to northwestern feeding grounds from $55 per car to $100 per car—advances on which the railroads have extorted not less than $3,000,000. They present the advances by the addition of a terminal charge of $2 per car for delivery at the Union Stock Yards at Chicago—an extortion amounting through the years to over $6,000,000. The complaints further show that the rates to markets have been advanced from 4¼ cents to 9½ cents per 100 pounds, or from 12 per cent to 31 per cent, and that the rates in force are higher than they have ever been in twenty years, or since the filing of tariffs and the establishment of the Interstate Commerce Commission give us a record upon which to base accurate statement of specific rate changes.

The cattlemen complained that all these rates are "unjust, unreasonable, and unlawful." They supported their complaints with comparisons of these rates with the maximum reasonable rates established by the State of Texas, and showed that the interstate rates for like services were 37 to 41 per cent in excess of the rates fixed in Texas.

Further, the cattlemen complained that these increases in the rates had been accompanied by marked deterioration in the service, causing great losses to the shippers.

When these complaints of the cattlemen were presented to the railway managers, they answered, with supreme assurance: "Oh, we expected them to complain." They did complain. The complaints have been prosecuted at great expense of time and labor. At great trouble and expense these complaints of "unjust, *unreasonable*, and unlawful" rates have been laid before Congress.

In February, 1903, an advance was ordered by the roads of 2 cents per 100 pounds, or $8 per car, in all rates on southern pine lumber from all southern producing points from Georgia to Texas, inclusive, to all markets north of the Ohio River, to all points in the Middle and Eastern States—to practically all outside markets to which the lumber is shipped. This advance 20,000,000 tons. On this traffic the total increased charge amounts to $8,000,000 annually, and if figured from the time the advance was made to the present time this advance amounts to not less than $25,000,000.

Not only is there complaint of this advance in the rates to northern markets, but in the lumber districts of the South there is the most vigorous complaint of the unreasonableness of the rates for the distribution of lumber locally. Comparison is made with the State rates of Texas to emphasize the necessity of a law to prevent unreasonable rates on interstate traffic, but this complaint, like that of the cattle raisers, will not be satisfied by simply giving them relatively equal rates. They are entitled to real justice, not merely relative justice.

These are only a few of the many advances in rates of which we find complaint in the hearings. The Interstate Commerce Commission reported advances of 10 cents per ton on soft coal and amounting on the traffic affected to $10,000,000 annually. Advances on iron and steel articles were estimated by the Commission to amount to $4,000,000 per year.

Mr. President, I shall next consider one of the defenses which the railroads make when charged with having greatly advanced their rates.

INCREASE IN TON-MILE REVENUE.

Notwithstanding that specific advances have in recent years been made in the rates on many important commodities, and general advances have been made through classifications, it is contended that the average freight revenue per ton-mile shows that rates have been reduced. Senators well understand that the per ton-mile rate means the average revenue from hauling a ton of freight 1 mile. This contention is suported with comparisons of the rates per ton per mile for various years, so selected as to support that claim. While it is true that the ton-mile rate shows a decrease from many years ago, since the year 1899, which marks the inauguration of the great period of combination and the elimination of competition, the ton-mile rate, even, shows a constant upward tendency year after year.

For these years the statistical reports of the Interstate Commerce Commission show the following average revenue per ton-mile:

	Cents.
1899	0.724
1900	.720
1901	.750
1902	.757
1903	.761
1904	.780

The increase, now, mark you, from year to year on each ton-mile is not large, but the aggregate increase when applied to the total traffic which it affects is enormous. The increase from 1899 to 1904 amounts to 0.56 of a mill per ton-mile. This increase, on the traffic of 1904 (175 billion ton-miles), equals a hundred million dollars. This is the amount the public paid in additional freight charges on the traffic of that year alone more than they would have paid had the rate of 1899 not been advanced.

But the increase in freight rates is only partly measured by the increase in the ton-mile revenue. The revenues are the product of the rates and the traffic. Both of these quantities are variable. The rates, as we have seen, have been advanced to increase the average revenue per ton per mile. The traffic, on the other hand, has undergone certain changes which tended to *decrease* the revenue per ton per mile. If there had been no advance in rates, the changes in traffic conditions would have lowered the per ton-mile revenue. Thus the tendency of traffic changes has been to offset and conceal the effect of the increases in rates on the revenue per ton per mile. The net result of these changes in the traffic conditions from earlier years to 1904 is that a ton-mile of traffic represents a less valuable service in 1904. In other words, the public in buying this unit amount of traffic in 1904 get *less* for the price paid. The principal traffic changes producing this effect are that the ton-mile of transportation service in 1904 represents, as compared with former years, (1) a greater proportion of low-grade, cheap traffic; (2) a greater proportion of long-haul traffic; (3) a greater proportion of carload (as against less than carload) traffic.

INCREASED TRAFFIC AND ECONOMY.

The foregoing enormous advances in rates have been made in the face of every known force in transportation conditions which tend naturally to reductions in rates. The density of traffic has increased enormously. The average length of haul has increased. The efficiency of road and equipment to handle traffic economically has been vastly increased. The public has

every right to demand lower rates as the traffic increases and industrial development brings about greater efficiency and economy in the cost of performing transportation services. The common carrier is in any case entitled to only such profits as will yield a fair return on the fair value of the property employed.

How the rates have been advanced I have already shown. Now, I wish to present a few facts to show why the rates should have been reduced.

It is a fundamental principle in the laws of transportation cost that the average cost per ton per mile varies inversely with the number of ton-miles hauled. Or to state it more plainly, if less exactly, that the greater the amount of traffic hauled the less the cost of hauling each ton-mile. It does not cost twice as much to haul a carload of 20,000 pounds as to haul a carload of 10,000 pounds; it does not cost twice as much to haul a carload 100 miles as to haul it 50 miles. Based on this fact, every test applicable demands a lower cost, and therefore lower rates in 1904 than in 1897.

The most significant factor in determining the ton-mile cost is the average number of tons of freight hauled in each train. You can haul a train of thirty loaded cars 100 miles at very much less cost per car than you can haul a train of ten cars the same distance. That must be very apparent to everyone. Mr. Woodlock, in his book "The Anatomy of a Railroad Report," analyzing the cost per ton per mile, concludes that the train load is the supreme factor in the determination of ton-mile cost; that it is the test of economical railroading, and that it "determines a larger proportion of the ton-mile cost than all other factors put together."

The number of trains run directly affects about 60 per cent of all operating expenses. The larger the train load the fewer trains will be required to handle a given amount of traffic. Hence it may be said, roughly speaking, that 60 per cent of the average cost per ton-mile is reduced in direct proportion as the number of tons hauled in each train load is increased. There are other minor factors, such as tons per car, tons per locomotive, etc., which affect the ton-mile cost in a less degree, but when all such factors have a common tendency, the effect of each factor augments the force of all the factors in combination.

The statistical reports of the Interstate Commerce Commission show that the average numer of tons of freight carried per train load in 1897 was 204 tons, and in 1904, 307 tons, or an increase of 50 per cent, and representing the relative decrease in the cost of handling the traffic per ton per mile. In like manner, the average number of tons hauled per each freight car in operation increased 27 per cent, and per each locomotive 33 per cent.

Perhaps the force of these changes in traffic conditions as tending to reduce the cost per ton per mile will be more readily appreciated if stated conversely. Given 1,000,000 tons of freight to be moved in 1897 and 1904, the changes in traffic density and other conditions effect the following savings in the amount of equipment necessary and services required:

	1897.	1904.	Savings in 1904.	
			Number.	Per cent.
Services.				
Train loads	4,902	3,257	1,645	50.5
Train men	218	194	24	12.3
Equipment.				
Cars required	1,647	1,292	355	27.5
Locomotives	27.5	20.6	6.9	33.2

Further consideration of freight traffic conditions only serve to emphasize the showing made by the above figures. The total number of tons of freight carried increased 76.6 per cent; the number of tons carried 1 mile—the total number of absolute units of traffic—the increase during the seven-year period, 83.4 per cent. The traffic density, i. e., the number of tons carried 1 mile per mile of line, shows the remarkable increase of 60 per cent, and in the face of all the conditions the best argument the roads have to offer in defense of the charges is the statement that their average revenue per ton-mile has been reduced from 7.98 mills in 1897 to 7.80 in 1904, a reduction of 0.18 mill, or 2.26 per cent.

In respect to passenger traffic it is sufficient to point out that the same tendencies, only slightly less in degree, are true, as in the case of freight traffic. As an offset to this, the average rate per passenger per mile shows a reduction of 0.8 of 1 per cent. The figures are given in detail in the following table:

Increase in traffic.—A percentage conclusion based upon the increase in the volume of traffic and the efficiency of the road to handle the traffic.

Item.	1897.	1904.	Increase.
Average number of tons carried:			*Per cent.*
Per freight train load	204	307	50.50
Per freight car	607	774	27.51
Per freight locomotive	26,362	48,463	83.28
Per employee	901	1,011	12.22
Per trainman	4,596	5,160	12.27
Number of freight cars	1,221,730	1,692,194	38.51
Tons carried	741,705,946	1,309,890,165	76.61
Tons carried 1 mile	93,139,022,225	174,582,089,577	83.44
Tons carried 1 mile per mile of line	519,079	829,476	59.80
Average number of passengers carried:			
Per train load	37	46	25.15
Per passenger car	14,556	17,997	23.64
Per passenger locomotive	48,861	63,582	30.13
Number of passenger cars	33,626	39,752	18.22
Passengers carried	489,445,198	715,419,682	46.17
Passengers carried 1 mile	12,256,939,647	21,923,213,536	78.86
Passengers carried 1 mile per mile of line	66,874	104,198	55.81

INCREASED COST—WAGES.

It is claimed by railroad representatives that the economies effected by changes in traffic conditions have been in part offset by advances in the cost of materials and wages during the period covered. Advances in the cost of the materials can not be determined in the present state of public information as to railway expenditures.

My authority for that statement is the reports of the Interstate Commerce Commission, in which they state that they have been unable to obtain from the railroad companies under the present law such information as to permit them to place before the public the exact conditions with respect to operating expenses.

The railway reports of the Interstate Commerce Commission purport to give the amounts expended for labor employed in railway operation, and from such reports it appears that the total amount paid as wages and salaries by railroads increased from $465,601,581 in 1897 to $817,598,810 in 1904, or about 75 per cent. Railroad representatives frequently cite this statement as going to show an enormous increase in the wages paid to railway employees, and without further explanation allowing it to be inferred that it represents a large increase in the rate of wages. The fact is that the increase in this total reported expenditure for wages and salaries is less than the proportion of increase in the total traffic handled, and the increase in the average wage per employee is less than the increase in the average traffic per employee.

If the total compensation and the number of employees reported for the two years, respectively, be a reliable basis for computation, the average yearly earning per employee in 1897 was $565.28, and in 1904 $630.80, or an increase of about 11.5 per cent. But, according to the reports, the increase for the same period in the average amount of traffic handled per employee is 12.2 per cent. Therefore any advance in the rate of wages paid was more than offset by the increased service per employee.

While it is true that a higher rate of increase is reported in the average daily wages for some classes of employees, in other classes the rate of increase is very much less than the above figure. Thus, in four classes, aggregating about 250,000 employees, the increase is less than 5 per cent, and on only a few classes does the increase exceed 15 per cent. It would appear, therefore, that the above computed average increase in yearly earnings substantially agrees with the increase in the daily wages as reported, and, further, that the increase in the rate of wages on either basis is not greater than the increase in the average traffic handled per employee.

Compensation for services—Statistics of increase in wages and salaries paid by railroads, from the statistics of the Interstate Commerce Commission, years ending June 30, 1897 and 1904.

Total compensation reported:	
1897	$465,601,581
1904	$817,598,810
Increase:	
Amount	$351,997,229
Per cent	75.61
Average amount of compensation reported to each employee:	
1897	$565.28
1904	$630.80
Increase:	
Amount	$65.52
Per cent	11.5

Comparative summary of average daily compensation of railway employees for the years ending June 30, 1897, and June 30, 1904.

Class.	Average daily compensation.		Increase.		Number of employees in each class in 1904.
	1897.	1904.	Amount.	Per cent.	
General officers	$9.54	$11.61	$2.07	20.8	5,165
Other officers	5.12	6.07	.95	18.6	5,375
General office clerks	2.18	2.22	.04	1.8	46,037
Station agents	1.73	1.93	.20	11.6	34,918
Other station men	1.62	1.69	.07	4.3	120,002
Enginemen	3.65	4.10	.45	12.3	52,451
Firemen	2.05	2.35	.30	14.3	55,004
Conductors	3.07	3.50	.43	14.0	39,645
Other trainmen	1.90	2.27	.37	19.5	106,734
Machinists	2.23	2.61	.39	17.0	46,272
Carpenters	2.01	2.26	.25	12.4	53,646
Other shopmen	1.71	1.91	.20	11.7	159,472
Section foremen	1.70	1.78	.08	4.7	37,609
Other trackmen	1.16	1.33	.17	14.6	289,044
Switch tenders, etc	1.72	1.77	.05	2.9	46,262
Telegraph operators, etc	1.90	2.15	.25	13.2	30,425
Employees—account floating equipment	1.86	2.17	.31	16.7	7,495
All others and laborers	1.64	1.82	.18	11.0	160,565
Total					1,296,121

From the foregoing consideration it is evident that the average rate of wages paid was not increased from 1897 to 1904 more than 12 per cent. Surely this is true if the increase in officers' salaries is not included. The *apparent* increase in the average amount of traffic handled per employee was 12 per cent; the real increase in the amount of traffic handled per employee was much greater than 12 per cent. This fact is made evident by the following considerations:

1. The average traffic per employee is computed by dividing the total traffic by the total number of employees.

2. If the number of employees reported be greater than the number actually employed in railway operation, this computed average traffic handled per employee will be proportionately understated.

3. The total number of employees reported for 1904 greatly exceeds the number actually employed in *handling the traffic*, because there are included in the number so reported *thousands of employees* engaged in the *construction of betterments* and *additions to the property*, but charged to *operating expenses*.

While there were probably some employees engaged in the construction of betterments charged to operating in 1897, the number was very small, as compared with 1904. It is chiefly in times of great prosperity that railway improvements are made out of earnings and charged to operating expenses. Later I shall give instances of millions of expenditures made in this manner in the last few years.

In addition to this well-known fact, there is evidence in the railway reports indicating a large increase in the numbers of employees engaged in improvements and charged to operating expenses.

Railway employees whose compensation is charged to operating expenses are classified, exclusive of general administrative employees, under the following departments: Maintenance of Way and Structures; Maintenance of Equipment; Conducting Transportation.

With the great increase in the volume of traffic, we should expect a considerable increase in the number of persons required in the conduct of transportation. There would also be an increase in the number of persons required to maintain the condition and efficiency of way and equipment, though these departments would be less directly affected by the increase in traffic than would the transportation department. On the other hand, employees engaged on improvements charged to operating expenses would naturally be reported in the maintenance department. If the number of employees improperly charged in this manner was large enough it might result in a greater increase in the number employed in the maintenance departments. This is precisely what the reports show.

The number of persons employed in conducting transportation increased as a consequence of increased traffic only 50 per cent. But the number of employees in maintenance departments increased 67 per cent, as a result not only of increased traffic, but on *account of improvements and betterments made*. Of course, this increase affects the increase in the total number of employees and results in an improper reduction in the average traffic per employee.

Assume that the increase in the number of employees properly chargeable to maintenance should be as great as the increase in conducting transportation—say 50 per cent. Then all over 50 per cent are improperly charged, and should be deducted. When figured out, this difference amounts to nearly 70,000 employees. And it is evident that at least this number of the employees charged as engaged in operating the railways are actually engaged on improvements and additions to the property.

If this correction and reduction be made in the number of employees reported, and a new computation made of the average traffic per employee, the result shows that the average traffic per employee, in 1904, instead of being 1,011 tons, was, at least 1,067 tons, or an increase over the average for 1897 of 18.4 per cent—an increase in the traffic handled per employee more than one-half greater than the increase in the rate of wages per employee. In the face of this fact it is idle for railway representatives to contend that the increases that have been made in wages in any degree justify the advances in freight charges. Whatever the amount of such increases in wages may have been, it is a perfectly safe conclusion that they have been entirely provided for by the increase in the traffic handled.

Persons employed, classified by department of service, 1897–1904.

Department of service.	Total number employees.	
	1897.	1904.
General administration	31,871	48,749
Maintenance of way	244,873	415,721
Maintenance of equipment	160,667	261,819
Total maintenance	405,540	677,540
Conducting transportation	378,261	566,708
Unclassified	7,704	3,073

OVERCAPITALIZATION.

Mr. President, the railroad is entitled to "just compensation" for its public services.

Reasonable rates are held to be such rates as afford "just compensation."

The Supreme Court has determined that reasonable rates affording "just compensation" are such rates as pay a fair return on a fair value of railway property.

We shall settle nothing then, respecting reasonable rates and just compensation until we ascertain the fair value of the railroad property of the country.

The railroads are capitalized at $13,213,124,679 (1904).

The public believes that this capitalization grossly exceeds the fair value of the property; that it has been wrongfully "watered" and inflated; and that the producers and consumers of the country are unjustly taxed on transportation to pay an income upon a false and fradulent valuation. The railroads deny this claim. That makes a sharp and conflicting issue between the public and the railroads.

I shall, therefore, present in this connection evidence of the over capitalization, inflation, and "watering" of many of the railroad properties of the country. I shall go into the subject fully enough to impeach the standing capitalization of the railroad property of the country. I shall present such an array of facts as shall enforce the public demand for an accurate valuation of the railroad property of the country.

The falsity of any representation which speaks of railway capitalization as "railway investment" becomes readily apparent when a few instances are cited to show the nature and source of capitalization of some of our leading railroads. Only a few days ago the case of the Wilmington and Delton, a North Carolina railroad was cited here. This road was originally capitalized on such a basis that its stock afterwards sold at $40 per share. The earnings were forced up, however, and when the road became important it was merged into the Atlantic Coast Line and $400 of new stock issued for every $100 of the old stock, which had in past years been selling at $40 per share.

Probably everyone is familiar with the history of the making of millions of Erie stock by Daniel Drew, the treasurer of the road, to pay a gambling debt. He had sold short to Vanderbilt, who was trying to get entire control of the road, and when Drew found that Vanderbilt had cornered all the stock in sight he got a printing press and made enough more Erie stock to satisfy his obligation. And this generation is asked to fix transportation charges high enough to pay interest and dividends on railroad securities created in this manner.

An examination of financial newspaper files will show regularly, advertisements of reorganization committees announcing about as follows:

The reorganization committee will issue $1,000 of new 6 per cent bonds; $1,000 of 6 per cent preferred stock, and $1,000 of new common stock in exchange for each $1,000 of 6 per cent old bonds.

Some interesting evidence on this question was given before the Cullom committee in 1886. Mr. O'Donnell, of the New York State Railroad Commission, called attention to the wa-

tered capitalization of the Erie Railroad in the following language:

They increased their capital one year over $30,000,000, and the reason they gave was that they had to lay down steel rails. In the vernacular of the newspapers at that time they spelled steel rails "s-t-e-a-l."

Mr. H. V. Poor, the author of "Poor's Manual" of railroads, in his statement before the Cullom committee, 1886, pointed out that the most of this fictitious capitalization has been issued in defiance of law and in violation of charter provisions. He says, in part:

The reasons for such provisions are obvious. Railroads have virtually the power of taxing the people. * * * The object of such provisions is to limit this power of taxation to a fair return on the capital actually invested. The *common way* in which such a wholesome provision of the law is avoided is by contracts for construction in which the promoters of the railroad to be built are really the contractors, receiving a gross amount of stocks and bonds, twice or thrice greater, perhaps, than the cash cost of the road.

As illustrations of such fictitious capitalization Mr. Poor cited the Pacific roads chartered by Congress. In the act chartering the several companies it was provided that the share capital should be subscribed for bona fide, and that the full nominal value of the same should be paid in in cash.

A Congressional investigation of the Union Pacific showed that the stock of the company was issued chiefly to the directors of the road under a contract for construction *without consideration.* The committee reported to the House that the issue of this stock in violation of law justified the abrogation of the company's charter. It was not abrogated.

The Northern Pacific Company, under like charter restrictions, divided the whole nominal amount of $100,000,000 of its capital stock among the promoters of the enterprise, little or nothing being paid thereon, before any considerable expenditure was made on the road.

The Central Pacific was likewise constructed by its promoters, and the greater part of the stock issued went to them as a gratuity.

The water in the Erie was described by Mr. Poor as the difference between the par value of $55,000,000 *of bonds* ($1,000 each) and the price, $350 each, at which they were sold, or in all about $36,000,000.

The New York Central secured a special act of the New York legislature which allowed some $48,000,000 of water to be added to the capitalization of that property, in violation of statutory and charter provisions. The promoters of the New York, West Shore and Buffalo Railroad divided the $40,000,000 capital stock of that company as a part merely of their profits to be received under a construction contract.

The greater part of the share capital, $50,000,000, of the New York, Chicago and St. Louis Railroad was issued in like manner as a profit to the promoters.

Says Mr. Poor:

Another mode of issuing "water" was that adopted by the East Tennessee, Virginia and Georgia Company, which, without the payment of any considerable sum into the treasury, increased its share capital from $1,900,000 to $44,000,000, the occasion of the increase being the purchase of or consolidation with some other line.

Previously, in his Manual for 1884, Mr. Poor had given careful attention to this question, and as a result of his investigations stated that the true investment in our railroads did not exceed the amount of the bonded indebtedness. In a subsequent estimate, before the Cullom committee, Mr. Poor somewhat reduced the proportion of the fictitious capitalization in the foregoing statement, but he was particular to state that in this later estimate no allowance was made for the enormous amount of water in the bonds.

In the course of his statement Mr. Poor quoted Mr. Charles Francis Adams, writing in 1869 of the capitalization of the Union Pacific Railroad. The statement is all the more interesting in that Mr. Adams later, and at the time of Mr. Poor's statement, was president of the road. Mr. Adams said:

The line from Chicago to New York represents now but $60,000 to the mile, as the result of many years of inflation, while the line between Omaha and San Francisco begins life with a cost of $115,000 per mile. It would be safe to say that this road cost considerably less than one-half of this sum. The difference is the price paid for every vicious element of railroad construction and management. Costly construction, entailing future taxation on freight; tens of millions of fictitious capital; a road built on the sale of its bonds and with the aid of subsidies; every element of real outlay recklessly exaggerated, and the whole of it some future day to make itself felt as a burden on the trade which it is to create.

By exacting earnings from the public on the basis of this fictitious capitalization, Mr. Poor says:

The Union Pacific and the Central Pacific together divided or carried to the credit of profit and loss over $100,000,000 over and above a fair return upon the capital invested in them. The water in the New York Central equaled $48,000,000 or thereabouts. Upon this sum dividends at the rate of 8 per cent were paid for fifteen years, the water and the dividends on the same equaling over $100,000,000.

Mr. Thurber, a New York wholesaler, who testified before the Cullom committee, criticised Mr. Poor's estimate of railroad fictitious capital in this language:

I know there are so many instances where that is so very much short of the mark that it is absurd. I think he said the New York Central was about half water. Why, the New York Central had been watered three times prior to 1867–68, and at that time they doubled it. They put forty-seven millions of water into the New York Central and Hudson River Railroad in 1867–68, and they paid 8 per cent dividends on that forty-seven millions until last year (1885). I think last year they paid 6 per cent.

Mr. Thurber submitted as an example of "how excessive capitalization operates as a mortgage upon the industry of the country" a computation of the amount of these dividends, with interest, over the period of fifteen years, which aggregated over $100,000,000.

In the statement of Mr. Simon Sterne, who testified before the Cullom committee as the representative of the Board of Trade and Transportation of New York, we obtain some interesting information as to the manner in which these stock issues and some other questionable items find their way into the *construction accounts* of the railways.

I shall presently show how the whole system of railway accounting has been built up with a view of concealing these transactions and of concealing the earnings of the railways from year to year up to the present time. Sir, I should not care to trespass upon the time of the Senate to present the facts of the false and fraudulent capitalization of the railroads of these earlier years, except that the villainous system still survives. The methods of Gould, and Fiske, and Vanderbilt, and Huntington are the methods of Morgan, and Rockefeller, and Hill, and Harriman. It is the same old game. The stakes are bigger now. The system of accounts and the other details are much more adroit and clever.

As an example, Mr. Sterne cites the expenditure *one year* by the Erie of *$700,000* as a *corruption fund and for legal expenses*, which was carried to the "india-rubber account" and charged to the cost of construction. After the capital of the New York Central was doubled in 1869 they had a stock account, "which," says Mr. Sterne, "was out of all harmony with their construction account, and, for ten years following, every year *varying*, from 3 to 8 per cent of this water was artificially carried into the construction account, and the capital account balanced. * * * In the same way the balances were forced in the Erie Railway Company when Mr. Gould took $40,000,000 of stock of the Erie Railway Company, out of its books, and sold it *on the street*, and appropriated the money to his *own use*, and there was not a *dollar's worth of construction to represent it;* and when reorganization took place the balance of the Erie Railway Company was forced to meet *that violence done to the stock account.*"

Is it to be supposed that the people of this country will consent to be taxed to the end of time upon capitalization of that sort?

In the final report of the Industrial Commission, is cited the purchase of the Chicago and Alton Railway, in 1899. The road had been capitalized at $30,000,000. The purchasing syndicate issued in the purchase a total capitalization of $94,000,000.

Another case cited is that of the St. Paul and Manitoba Company (Great Northern Company, Lessor). The property of this company had previously been bought at foreclosure at $3,600,000, and some years later the capitalization reached $84,550,000. In the Great Northern rate case of the Minnesota commission, the Minnesota court made an appraisal of this property to determine the reasonableness of rates, and held that the cost of reproduction of all property of the company at that time, 1896, could not exceed $44,000,000.

The Interstate Commerce Commission, in its decision in the Danville case, said of the $120,000,000 of common stock of the Southern Railway:

This common stock was issued as a part of a reorganization scheme, under which the Southern Railway Company came into existence. It does not appear that the persons to whom this stock was originally issued ever paid one dollar in actual value for it. It simply appears that the stock is outstanding.

In like manner, the capital of the Atlantic Coast Line was increased $50,000,000 without any additional investment, merely to enable Mr. Morgan to get the control of the Louisville and Nashville from Mr. Gates, whom he considered not a "proper person" to control the destinies of that road.

Mr. James J. Hill testified, in an investigation of the Northern Securities merger by the Interstate Commerce Commission, that in the purchase of $108,000,000 of Burlington stock by the Great Northern and Northern Pacific Companies, $216,000,000 new 4 per cent bonds were issued and that the purchasing companies which guaranteed the interest on these bonds, *intended to make the property earn not only enough to pay* 4 per cent on this *doubled capitalization*, but a *dividend on the old stock as well.* Mr. Hill further testified that in the merger there were issued on the capital of the Northern Pacific $22,500,000, and on

that of the Great Northern $39,500,000, or a total of $62,000,000 of securities in excess of the old capital.

In the recapitalization of the Rock Island $75,000,000 Rock Island stock was converted into $75,000,000 of bonds and $137,000,000 new stock.

Current financial journals are discussing a proposed new issue of one hundred million dollars of New York Central stock.

The Senator from South Carolina presented here a few days ago a letter from a competent engineer estimating the cost of railway construction. As a basis for this estimate, the railroads of Massachusetts were selected, because of the more efficient railway regulation of that State, and because the conditions there require relatively large investment for equipment.

After making most liberal allowances for equipment and architectural work, and adding to the average standard costs of construction, the engineer arrived at an average cost per mile of $25,200, which, he said: "I have no doubt substantially exceeds the true costs of railways." On the same mileage the roads of the State are capitalized at $52,000 per mile—"51½ per cent water, probably more."

The writer gives as his conclusion, after thirty-four years of experience and investigation, "that, outside of Massachusetts," * * * "the equipment rarely costs as much as $5,000 per mile, and we are liberal in putting the cash cost of construction and equipment of all roads at an average of $20,000 per mile," making about five billion six hundred million dollars for the investment in all the roads of the country, in 1903, and leaving the seven billion additional capital to represent water. Every example of extraordinary cost of construction that may be cited is more than offset by hundreds of miles of railway which have been built at a cost much less than $17,500 per mile.

To quote directly from the language of Engineer Marks on the cost of construction—

> You may, and probably will, have many instances of extraordinary cost of construction brought to prove to you the higher cost of our railways. Many of these instances are both unwise and unnecessary expenditures. Do not forget that for every such case there are hundreds of miles of railway which honestly have not cost $17,500 per mile to construct and equip; on the contrary, very much less.

The most comprehensive statement of the fictitious capitalization of the American railroads, and the most extensive investigation of this question of "water," are probably embodied in the work of Mr. Van Oss, of London, entitled, "American Railroads as Investments," published in 1893. While the information here presented is for the benefit of investors primarily, the facts are equally valuable for our purpose. The conclusions are all the more reliable in consideration of the fact that they are offered largely in commendation of our railway securities as investments, and are not open to such criticism of radicalism as are usually made, by railway interests, in answer to statements of this kind. I wish to say that Mr. Van Oss is an investment banker of London. He is late editor of the Investor's Chronicle. He published, in 1892, "American Railroads as Investments;" in 1893, "American Railways and British Investors;" in 1896, "A Decade of Finance." He has written and still writes articles for various leading reviews on the subject of finance and investments. The added fact that Mr. Van Oss's work is used extensively in the Final Report of the Industrial Commission, gives it a certain authoritative standing, and warrants the extended consideration which I wish to give certain statements and conclusions and the adoption of its final results as the basis for computing an estimate of the actual investment represented by present railway capital.

Mr. Van Oss classifies the different ways of inflating capital of American railways as follows:

1. By fraudulent issues of bonds and shares as a downright swindle or for speculative purposes.
2. By paying too much for construction.
3. By purchasing property at excessive prices.
4. By buying superfluous competing lines.
5. By selling bonds and shares at a discount.
6. By declaring stock dividends.

As an example of stock issued for speculative purposes the history of the Erie Railroad is cited. The capital of this road was increased between 1868 and 1872 "from $17,000,000 to $78,000,000, mainly to manipulate Wall Street." And President Watson, "a few years later, doubled the funded debt, it is said, also chiefly for his own benefit."

As an illustration of the construction company frauds, the incident of the South Pennsylvania Railroad is given. This road was started by Vanderbilt to compete with the Pennsylvania, and it was, says Mr. Van Oss,

> proven to have cost actually $6,500,000, and a responsible contractor had offered to build it at that price. Yet a construction company, composed of Vanderbilt's clerks, received $15,000,000 to complete it, and the syndicate of capitalists which supplied this money got $40,000,000 in bonds and shares, so that for every dollar of actual cost over $6 of bonds and shares were issued.

In the same manner, though not in the same proportion, the thing was worked all over the Union. * * * The builders of the Central Pacific, for instance, commenced with the modest sum of $159,000, and, taking this as a nucleus, they completed the road, gathering a capitalization of $139,000,000. * * * The Government commission on Pacific Railroads in its report to Congress says that $58,000,000 would have been a very good price for the railway.

Of the extent to which was carried the practice of selling to railway companies property of officers and directors at excessive prices, in stocks and bonds, Mr. Van Oss says:

> Until twelve or fifteen years ago the majority of purchases of auxiliary concerns used to be permeated with fraud.

Parallel lines of railway were built to force their purchase at excessive prices, as a sort of blackmail, backed by the threat of competition. Such purchases added great amounts to the capitalization, but little or nothing to the earning power of the properties. Thus Vanderbilt was forced to lease the West Shore and buy the Nickle Plate, and the Pennsylvania, in turn, had to come to Vanderbilt's terms to preserve its monopoly from competition of the South Pennsylvania.

To secure capital it was a common practice to allow liberal discounts on bonds, "and shares were frequently given into the bargain. * * * The railroads would have outgrown the payments of excessive rates for money if their affairs had otherwise been conducted with honesty and integrity." But they were not. Hence, "shares not being much sought after, it mattered little to the promoter whether he gave shares into the bargain or not." The majority of companies realized nothing for the shares they issued in their early days. The Missouri, Kansas and Texas Railway Company, for instance, gave $21,400,000 in shares to a construction company, in addition to the payment made in bonds. The New York Central, Erie, Reading, St. Paul, Chicago and Northwestern—in short, almost every railway company received nothing for the earlier issue of its ordinary shares. * * * Instances are given of fictitious capital resulting from the payment of stock dividends, as follows:

In December, 1868, the New York Central distributed a stock dividend of 80 per cent, and eleven months later, when consolidation with the Hudson River Railroad followed, a further stock dividend of 27 per cent was declared, while the Hudson River shareholders received one of 85 per cent.

The Reading paid a script dividend of 10 per cent in 1846, one of 12 per cent in 1847, while between 1871 and 1876, upon a capital of $32,200,000, more than half water, $15,700,000 was paid in dividends, mostly scrip.

The Erie made still larger payments of stock dividends; the Chicago, Burlington and Quincy in 1888 paid 20 per cent, and the Santa Fe in 1881 paid 50 per cent.

The practice—

declares Mr. Van Oss—

> may be said to have been general, and is still resorted to in numerous cases.

The aggregate amount of water in the five hundred million capitalization of the Central, Erie, and Reading companies is variously estimated from $200,000,000 to $300,000,000.

Poor's Manual for 1884 points out that the increase of capitalization of American railways for the three years ending December 30, 1883, was $2,093,000,000, or $70,000 per each mile of new road. Mr. Poor said:

> The cost of the mileage construction certainly did not exceed $30,000 per mile. The whole increase of the share capital and a portion of the funded debt was in excess of the cost of construction.

Referring to this statement of Mr. Poor, Mr. Van Oss says:

> Some writers even go so far as to allege that the estimate of Mr. Poor, whom they deem a spokesman of the railways, is moderate and conservative, and the fictitious capital is said by some, among others by Mr. Hudson, to amount perhaps to fully two-thirds of the total capitalization.

Some sound reasons are given by Mr. Van Oss why this view is not improbable.

As a result of his investigation of American railway history and capitalization, Mr. Van Oss arrives at two important conclusions: First, that the average amount originally received in actual value for American railway bonds probably did not exceed 67 per cent. Second, that the original investor in American railway stocks certainly paid not more, on the average, than 10 per cent of their face value, and probably less.

If an estimate of the actual investment on American railroads is computed on the basis of these final percentages given by Mr. Van Oss on the capitalization of 1904 as reported by the Interstate Commerce Commission, we get the following result:

Stock, 10 per cent of $6,339,899,329	$633,989,932
Bonds, 67 per cent of $6,873,225,350	4,605,060,984
Total investment represented by $13,213,124,679, total capital	5,239,050,916
or, in round numbers	5,000,000,000

The remaining $8,000,000,000 odd are entirely fictitious capitalization, and can not be considered in discussion of railway earnings. This gross estimate of cost equals $23,500 per mile of line and exceeds the average true value per mile of all the railroads of Michigan, Wisconsin, and Texas, as actually determined, and is substantially as high as the value placed on the roads of Massachusetts in the engineer's estimates before quoted.

Now, Mr. President, if I am not overtaxing the patience of Senators, I wish to call attention to the methods by which these great and excessive earnings are concealed by the railroad companies of the country.

BETTERMENTS AND SURPLUS OUT OF PROFITS.

To understand the inadequacy of any dividend statement as an index to railway profits, it is only necessary to give attention to a few simple elementary facts. The railroads themselves report annually millions of net earnings in excess of the amounts distributed to bond and stock holders. Enormous sums are every year carried to surplus and devoted to additions, betterments, and improvements out of profits. A tabulation, showing such expenditures for additions to property out of profits, as stated in recent reports of some thirty-two of our leading railways, is hereto appended. [Appendix B.]

I need not pause to say that it is wholly wrong to tax transportation of the people of this country high enough to enable the railroad companies to pile up a great surplus and to make out of their profits improvements and investments for which they should provide with new capital. In other words, they make the public furnish the new capital, and then make them pay interest and dividends upon it. Among the roads included, the Baltimore and Ohio, from 1899 to 1905, spent out of profits over $19,000,000 for improvements; the Delaware, Lackawanna and Western, 1901–1904, over $13,000,000; the Erie, 1902–1905, over $5,000,000; the New York Central, 1899–1904, over $9,000,000; the Pennsylvania, 1899–1904, over $50,000,000; the Chicago and Northwestern Railway, 1900–1905, over $26,000,000; the St. Paul, 1900–1905, nearly $10,000,000; the Omaha, 1899–1905, over $16,000,000; the Santa Fe, 1896–1904, $30,000,000; the Great Northern, 1898–1905, nearly $16,000,000; the Northern Pacific, 1899–1905, about $20,000,000, and the Union Pacific, 1900–1905, over $13,000,000.

Every one of these cases represents excessive taxation of transportation, which, under the Supreme Court decisions, is unlawful. The railroad companies of the country have a right to tax transportation—and I remind the Senate of it again—only enough to pay operating expenses and give them a fair interest or return on the fair value of their property. This is the limit of their lawful profits, and again I remind the Senate that they take out of the people, the producers and consumers of this country, besides their legitimate profits, enough additional and unlawful profits to enable them to accumulate a great surplus. Out of this surplus they make extensive improvements and investments, for which they should pay their own money. Then they "capitalize" these investments and improvements so wrongfully accumulated out of the profits on excessive rates, and, in turn, *make this the basis* for *charging* still *higher rates*. How much longer is the public to wait for Congress to act, while this process of capitalizing extortionate rates goes on? Is it to be expected that the country will patiently accept a bill that does not pretend to touch the source of this infamous wrong?

It is true that these enormous profits do not go to the owners of railway securities directly as interest or dividends, but usually it is the practice of railway companies to capitalize these improvements, and to favor the stockholders in the distribution of the new stock. These improvements add to the earning power of the roads. No further justification is offered by railway magnates for the issue of new capital than that the traffic and the earning power—that is, the traffic and the rates chargeable—can be made to pay interest and dividends on such capital. This was the justification offered by Mr. Hill for the $216,000,000 new railway capital issued in the so-called "purchase" of the Burlington by the Great Northern and Northern Pacific companies. Nothing is omitted to be done in the interest of railway promoters for the want of a pretext. An example is the case of the Chicago and Northwestern road. This road for several years has been making extensive improvements out of profits. From 1900 to 1905, inclusive, it has made such improvements to the amount of $26,500,000. In 1903, $36,000,000 of common stock was issued to buy the "franchises," etc., of the Fremont, Elkhorn and Missouri Valley Railroad Company, of which company the Northwestern already owned all the stock; in other words, the complete title to the road, franchises, and all, excepting such mortgages as were a lien on the property.

When such stock is sold to stockholders of the company issuing it, usually it is sold at about half its value in the market. The favored purchasers may then turn around and sell it to "investors" at the market price. The investors, in turn, expect the value of the new stock to be maintained by the payment of dividends to be earned by charging the public as much as the traffic will bear.

The relation between return on railway securities and the rates charged is very clearly set forth in the London Statist. In an article in June, 1904, urging advantages of American railway securities, the following language is used:

> In recent years there have been few new railroads constructed, and the density of traffic has grown very rapidly. Hence rates have been restored (i. e., to the basis enforced preceding the competitive period of previous years) and with but unimportant exceptions have been firmly maintained. These conditions, moreover, appear likely to be permanent.

TRUE RAILROAD PROFITS NOT KNOWN.

It is a common practice with our railroads in their financial reports, by improper charges to operating expenses, to grossly understate their net earning. Nowhere is there any public information that will furnish a basis for a true determination of the true profits of railroads. Respecting this situation, the Interstate Commerce Commission, in its report for 1903, has the following statement:

> In order to determine whether railroad charges are reasonable or unreasonable, it is necessary to know what measure of profit the carrier is deriving from the rate imposed and what amount of money is received and in what way it is expended. It makes a wide difference whether the revenues of the carrier are used up in necessary cost of operation or are employed in adding to the permanent value of its property.

Of the reports furnished by the carriers, the Commission adds:

> If carriers do not make report or fail to make full report no penalty is provided. As a result certain railways have habitually refused to state what permanent improvements are charged to operating expenses. Others, while professing to distinguish, evidently do not. The result is that the net earnings given in our statistical report do not show the actual net earnings of our railways as a whole, and this is especially so of the last few years, during which most improvements have been made.

This criticism is true generally of all figures and reports furnished by the railroads.

Notwithstanding all the economies resulting from changes in traffic conditions, the ratio of *operating expenses* to *gross earnings* has been maintained in the reports. In 1897 the operating ratio stood at *67.06* per cent, and in 1904 at *67.79*. The manner in which this is accomplished is indicated in the notations to Mr. Floyd W. Mundy's Investor's Manual for 1906, "The Earning Power of Railroads." In these notes you will read of the Delaware and Hudson: "For years a large amount" expended for improvements has been charged to operating expenses; of the Northern Central Railway Company that: "Operating expenses have for years been liberally charged for betterments;" of the Pennsylvania that: "Operating expenses have for years been heavily charged for improvements;" of the Southern Pacific that from 1905 operating expenses were charged with the cost of renewing with heavy steel rails twenty-seven hundred miles of line; and you will read that the Michigan Central "has for years *adjusted its expenses to its earnings*," i. e., charged betterments to operating expenses to whatever amount was necessary to maintain a constant operating ratio.

Sometimes partial statements of such improper charges to operating expenses are given in footnotes in reports to stockholders. Financial writers, who make a study of these matters upon careful analysis of such reports, are able to estimate partly the amount of such charges. In Mr. Mundy's manual, "The Earning Power of Railways," for 1906 are given in notes at the back of the book such statements for a number of companies. Some of these instances are set down in the following table:

Table showing instances of expenditures for improvements and additions to property charged to operating expenses.

[Mundy, "Earning Power of Railroads," notes.]

Name.	Years.	Amounts.
Central Vermont Railway	1899–1905	$1,398,236
Maine Central Railway	1901–1905	2,211,727
New York, New Haven and Hartford Railroad	1901–1903	7,697,340
Delaware, Lackawanna and Western	1902–1904	4,836,366
Erie Railroad	1900–1902	3,588,437
Lehigh Valley	1902	1,676,974
New York Central and Hudson River	1902–1904	8,553,970
Ann Arbor Railroad	1893–1904	2,766,236
Lake Shore and Michigan Southern	1902–1904	16,064,973
Louisville and Nashville	1895–1905	12,913,557
Nashville, Chattanooga and St. Louis	1900–1905	3,741,401

In England the practice of charging betterments to operating expenses, which prevails here, is unknown. English financial writers find it necessary for the information of foreign investors

to correct the reported net earnings of the American railways by the addition thereto of the amount of such improper charge against operating. In analyzing the profits of a few of our leading railways, the London Statist, in 1904, had a tabulation showing net earnings corrected in this manner. Such corrections made in the reported net earnings of nine roads for the year 1903 amounted to $21,263,000 on a total reported net earning of $135,367,000. The correction on these nine roads taken together amounted to 16 per cent of the total net earnings reported. The details are set forth in the following table:

London Statist corrections of reported net earnings of nine American railways for the fiscal year 1903.

[Statist, London, 1904.]

Company.	Net income, 1902-3.	Add betterment outlays charged to expenses.	Net income corrected.
Chicago, Milwaukee and St. Paul	$18,045,000	$2,333,000	$20,378,000
Denver	6,885,000	120,000	7,005,000
Great Northern	22,651,000	1,443,000	24,004,000
Lake Shore [a]	10,354,000	6,315,000	16,669,000
Louisville and Nashville	12,601 000	2,006,000	14,601,000
The New York Central	29,419,000	3,256,000	32,675,000
Reading	15,946,000	2,196,000	18,142,000
Southern	13,763,000	2,500,000	16,263,000
Wabash	5,793,000	1,100,000	6,893,000
Total	135,367,000	21,263,000	156,630,000

[a] Year ending Dec. 31, 1903.

PRESENT RAILWAY PROFITS GROSSLY EXCESSIVE.

It becomes desirable in this discussion to estimate, as best we may, in some measure the amount to which railway charges are, on the whole, excessive. If railway interests have any complaint to make against any such estimates as are offered, it should be remembered that it is the railways themselves who, by their practice of manipulating railway accounts and statistics and by their issues of billions of watered capital, make it necessary that this discussion proceed upon the unsatisfactory basis of mere general estimates instead of exact knowledge which the public has a right to have. These are public-service corporations. If it be true that the public should pay transportation charges to yield a fair profit on a fair value, then the public is entitled to know not only the value of railway property, but the exact cost of operation and every other fact pertaining to the conduct of the business which in every way bears upon the cost or the character of the service.

Transportation and transportation charges affect the daily life of every man who must support a family in this country. The head of the household is the freight payer in the United States. From the time he begins to have any responsibility in the maintenance of a family he must pay freight on every single article that enters into the economy of the household or the material life of the family.

I do not expect that an estimate of the actual investment in railways, as computed on the basis of Mr. Van Oss's investigations will pass without criticism. But the comprehensive and thorough character of the investigations certainly entitle his conclusions to respectful consideration. I believe that they are fair and conservative. In any computation of reasonable railway profits, based upon this estimated value, it should be kept in mind that no deduction is made for that part of the value of our railway which was donated by the public.

Mr. President, when so much sympathy is expressed for "innocent purchasers" of watered stocks and bonds, I think it is worth while for the Senate, for the Congress, and for the country to consider the vast amounts of money that have been given by private donation, by State appropriation through municipal bonds, by State donation through land grants, and by lavish donations through land grants made by the Federal Government. These enormous contributions by the innocent public add another argument demanding that the interests of the general public shall be the first and paramount consideration in this legislation.

The total amount of such donations is variously estimated as high as $2,000,000,000. Furthermore, any computation of railway profits must, for want of better information, accept as a basis of railway profits the net earnings as reported by the company. Such net earnings are very much understated, probably to the extent of 15 per cent of the total net earnings reported.

If there is a disposition to contend that railway capital issued subsequent to Mr. Van Oss's report represents a larger proportion of actual investment than determined by him at that time, I ask that the above facts be given consideration. It is not admitted that later issues of capital represent more real investment; but if this be so, the error in our conclusions which this may tend to produce will be fully offset by the inclusion of the enormous amounts of railway value which have been literally given by the public, and the acceptance of the understated net earnings of the railways as a basis of computing their profits. Finally, I wish to call attention to the fact that an estimate of $5,000,000,000 as the actual value of American railways is equal to $23,500 per mile on the mileage of 1904. *This is more than the average value per mile for all the roads, the value of which has been actually determined by the States of Michigan, Wisconsin, and Texas.* With a knowledge of the roads of Michigan and Wisconsin, I do not hesitate to say that they fairly represent the average cost of the roads of the country.

The total net earnings of the railways of this country as reported for 1904 amounted to $685,205,467. This net earning equals an annual return of 13.7 per cent on a total investment of $5,000,000,000. Money is seeking investment to-day where the security is adequate for a return of 4 per cent and even less. I believe that under an efficient Government control there would be no place where honest investment would be more secure than in the railroad development of this country.

If 4 per cent is a fair rate of earning, the railroads of this country are charging annually at least $485,000,000 more for transportation than is a fair return upon their investment and a just compensation for the services rendered. This amount is nearly 25 per cent of their total gross charges. It amounts to $6.06 per capita for every inhabitant of the country, or $38.50 for each family.

If 5 per cent is a fair rate, the roads are charging annually at least $435,000,000 more than is fair and reasonable, or an amount equal to 22.7 per cent of their total gross charges—$5.43 per capita, or over $25 per family.

If 6 per cent is a fair rate, the carriers are exacting annually at least $385,000,000 more than is fairly reasonable, or nearly 20 per cent of their total gross charges. In other words, on this rate of profit the gross charges are practically 25 per cent in excess of just and reasonable charges. This excess amounts to $4.81 per capita, and $22.60 for each head of the family.

If the carriers are entitled to earn 8 per cent, they are now overcharging by at least $285,000,000 annually. This is an annual tax upon the people over and above any possible fair or reasonable charge for the service rendered amounting to over $3.65 per capita, or about $17 for every head of a family in the United States.

These rough estimates are not submitted as final statements, but are subject to revision in the light of additional information, but no hesitancy is felt in expressing confidence that an exact knowledge of the facts involved will require a revision of these estimates to show a larger measure of extortion than is here suggested. It is not the purpose of these figures to present a measure of this extortion so much as to make clear the conditions which demand that a true and actual measure of such extortion shall be determined, and finally to demand that power be lodged in some competent and disinterested tribunal to correct it.

PUBLIC AID TO RAILWAY CONSTRUCTION.

We sometimes hear it stated that the cost of reproduction of railway property would not fully and fairly represent the actual investment. On the contrary, present values, as represented by the cost of reproduction, or almost any other measure by which the roads may be valued, would be more, by hundreds of millions of dollars, than the actual investment in the property on which the stocks and bonds were based. A large part (estimated as high as two billions of dollars) of the actual investment, which was about five billions, was not furnished by the owners of the railroads, but was furnished by the public. These donations were in the form of enormous land grants, of State and Federal subsidies of cash and credit, rights of way, cash bonuses by towns and counties, and subscriptions to the capital stock.

Frequently we hear it urged that railroad owners should be allowed a profit on more than the actual investment, because of the risk which they assume in constructing the road. The contention is unsound, because in the majority of cases, the railroad builders did not assume this risk. In recent railway construction there is practically no considerable risk. In the earlier period of construction, and to a less degree in the later, substantially all the risk involved was assumed by the community in which the roads are built.

The amount of land granted by State and Federal governments in the aid of railways is expressed only by figures so large as to be totally incomprehensible. In twenty years prior to 1871 the Federal Government granted in aid of railway construction 155,000,000 acres of land. Several States granted, in addition to this amount, a sum sufficient to equal about 200,000,000 acres of land. While a considerable amount of the Federal grants were forfeited, the railways have received from

this source about 100,000,000 acres, and will receive many millions more. The amount actually received from the State and National governments will aggregate an area equal to five States the size of Pennsylvania.

In addition to these enormous land grants many millions of dollars in national and State bonds were issued in the aid of railway construction. The United States Government issued to the Pacific road Federal bonds to the amount of $16,000 a mile to the base of the Rocky Mountains and $48,000 to $32,000 per mile through the mountains to the Pacific coast. This loan was secured to the Government by a second mortgage on the road, which was subject to a prior mortgage for a like amount per mile. In this manner the Federal Government loaned to the Union Pacific, the Central Pacific, the Western Pacific, the Kansas Pacific, and two smaller companies about $65,000,000. This does not include the interest on the bonds, which for years was paid by the Government, and which was never fully repaid.

Several of the States made grants of many millions of dollars in similar manner. The State of Missouri spent thirty-two millions, of which it never recovered but six. Tennessee spent thirty millions. Half of the States in the construction period increased their bonded debts for the aid of railways. Among the larger contributors were Illinois, Indiana, Michigan, Georgia, Tennessee, North Carolina, South Carolina, Missouri, Virginia, and Louisiana.

Counties and municipalities issued their bonds in like manner. The census of 1870 shows that there were still outstanding in county bonds issued in the aid of railway construction not less than $185,000,000. In New York State alone county and municipal aid amounted in 1870 to no less than thirty millions. And in Illinois, in 1873, it was determined that there had been spent $20,000,000 in this manner. This practice was common throughout the country.

As a general rule, the programme in railway construction was for the community to assume the first and greatest risk. In his History of the Chicago, Milwaukee and St. Paul Railway Company, John W. Cary, for thirty years general counsel of that company, says of the projectors of the first line of that great system:

> There were many active, energetic men ready to engage in the work, but without money.

When these "active, energetic men" had secured a charter; when they had secured Federal, State, or municipal aid; when the terminal city had loaned the company its credit in city bonds; when right of way and depot grounds had been donated to the company; when the towns along the right of way had put up bonuses; when the farmers had made subscriptions to the capital stock; when the success of the venture was practically assured, and sufficient security in the form of property and privileges was gathered in the company, then these "active, energetic men" could go to the financial centers and sell the mortgage bonds of the company. These bonds furnished enough additional money to build the road—and usually many snug fortunes besides, which on one pretext and another found their way into the pockets of promoters, together with a goodly number of bonds. As a regular part of the high-finance methods of railway construction, most of these construction companies went through foreclosure proceedings, and farmers and towns subscribing to stock and municipalities that had made loans on inferior mortgages found their securities worthless.

As an example of these practices I offer a few instances, taken from Mr. Cary's History of the St. Paul Company. These instances all relate to lines now within one company and lying within a small district in the southeastern part of the State of Wisconsin. The same territory is served by two other roads with similar histories. And the conditions represented were typical, not only for the entire system of these companies, but generally for all railway construction in the country down to very recent years. It still continues to some extent.

About the first step taken toward the construction of the Milwaukee and Mississippi Railroad, the first line of the St. Paul system, was to induce the city of Milwaukee to issue bonds.

The Milwaukee and Fond du Lac Company began business by securing the loan of the city's (Milwaukee) credit of $114,000, secured to the city by a second mortgage on the proposed line, to be subject to a prior mortgage of $10,000 per mile.

The above company was consolidated with the Milwaukee, Fond du Lac and Green Bay Railroad. The city of Milwaukee loaned this company $200,000.

When the Fond du Lac and Green Bay Company had secured its loan of Milwaukee city bonds and depot grounds, it in turn consolidated with the La Crosse and Milwaukee Railroad Company.

The Milwaukee and Watertown Railroad Company secured similar aid from the city in the amount of $200,000.

The Milwaukee and Horicon Railway Company in like manner secured $166,000.

The Milwaukee and Mississippi Railway Company in 1867 began the extension of its line west of Janesville. The funds consisted of cash subscriptions to the stock, farm mortgages, and Milwaukee city bonds. Of these bonds there were issued for this company $300,000 on a second mortgage, and $250,000 for which the city received only common stock. On the subsequent foreclosure only $96,000 was received for the benefit of all stockholders.

In 1852 the Racine, Janesville and Mississippi Railroad Company was organized, and started to raise money to build from Racine to Janesville. Racine city issued bonds and subscribed to the capital stock to the amount of $300,000. Janesville failed to subscribe, so the charter was amended and the line changed to go through Beloit, and Beloit issued bonds and subscribed for $100,000 of stock. The town of Delavan subscribed for $25,000; the town of Racine for $50,000. As laid out, the line proposed to omit the towns of Burlington and Elkhorn, but upon their subscription to the stock they were included. The little town of Elkhorn paid $15,000 for the privilege of seeing the cars go by.

Mr. Cary says:

> The farmers along the line of road subscribed to the capital stock to quite an amount, and gave in payment of their subscriptions their notes secured by mortgages on their farms.

As, on subsequent foreclosure sales, the amount realized was less than the aggregate of the several mortgages the stockholders necessarily lost.

On its line constructed from Milwaukee to Portage, 96 miles, the La Crosse and Milwaukee Railroad Company raised $1,100,000, or more than $11,000 per mile in farm mortgages alone. The method by which these farm-mortgage subscriptions were raised is described by Mr. Cary as follows:

> The Milwaukee and Mississippi Railroad had adopted the plan of raising funds by procuring farmers to subscribe to the capital stock of the company, and mortgaging their farms as security for their notes given for such subscriptions, and a considerable amount had, prior to the construction of the La Crosse road been realized in that manner on the Mississippi Railroad.
>
> This mode of procedure became quite common with several of the roads of Wisconsin, and it was adopted, among others, by the La Crosse company, and prosecuted most vigorously and successfully so far as obtaining mortgages from the farmers was concerned.
>
> Deacon Clinton, who had been engaged on that branch of business on the Mississippi road, was employed as a special director of the La Crosse road, and devoted his entire time to the matter of procuring subscriptions from the farmers on this plan.
>
> Such mortgages were procured to some extent in Washington County, very largely in Dodge County, and in Columbia and other counties along the line of the road.
>
> In all, over $1,100,000 of this class of subscriptions were obtained for the La Crosse company.
>
> The modus operandi was for the farmer to subscribe to the stock, give his note for the amount of the subscription, payable to the order of the company, secured by a mortgage on his farm, bearing from 8 to 10 per cent interest. The company then attached to said note and mortgage its bond guaranteeing the payment of the note and mortgage, principal and interest, and in and by the terms of the bond the note and mortgage were assigned to the holder, and such note, mortgage, and bond were sold in the market together as one security, and not separately, the note not indorsed. An agreement was also given to the farmer by which the company agreed to pay the interest on the note until it became due, in consideration of which the farmer made an assignment of his prospective dividends on the stock so subscribed for sufficient to pay said interest.
>
> It is needless to say that this stock proved worthless and that the farmers were compelled to pay their mortgages, and in very many cases lost their farms.

CONCLUSION.

Sir, this extended review of the evidence of increasing rates and vicious discrimination, of the methods of railroad building, overcapitalization, and reckless speculation, demonstrates the necessity of the valuation of railroad property as an indispensable basis for securing to the people of this country just and reasonable rates. Before this bill becomes a law I trust that the amendment which I shall offer, or some better one, will be incorporated, making full and complete provision at an early date for the true valuation of all the railroad property of the United States.

I can not refrain from suggesting, Mr. President, that the railroads of this country can no longer afford to oppose this valuation. It is best for them that it should be known. They contend that their railroads are worth the amount for which they are capitalized. The public contends that the capitalization is grossly in excess of the fair value and not a lawful basis for taxing transportation. This great issue between the public and the railroads can be juggled with no longer. It can not be settled by legislation which palliates the wrong. It must be settled by getting the true value, the fair value of railway property. If there is to be an end of antagonism and dissension between the people and the transportation companies, it can be found, sir, in no other way.

Mr. President, when it is remembered that the Interstate Commerce Commission is the only tribunal that stands between the

railroads and the public; when it is considered that the power conferred upon the Commission is the power of Congress itself; that the Commission really represents the Government of the United States, and when we test the bill before us by the obligation of Congress to guard in full measure the public interest with all the sovereign power of the Federal Government, does not the proposed law seem to fall short of a just and comprehensive treatment of a great subject of legislation?

I would not be unfair. The bill is not bad in its provisions, but weak because of its omissions. I do not believe that the bill is framed to meet the demands of "special interests." Nor has any broad consideration of public interest dominated its construction.

It has neither ill intent nor high purpose. Expediency seems to have been the controlling factor in framing it.

It seems a response to the impelling necessity for *some* legislation.

It is probably just to the members of the committee who joined in reporting this bill to the Senate to say that it is their measure of the willingness of Congress to legislate on the subject; that it is as strong a bill as they believe could pass the Senate. But if this bill is not amended to meet the public need, if it should pass without being strengthened and improved, so as to make it a basis upon which to build substantially in the future, then it may as well be understood now that it will not quiet public interest nor prevent further demands. It will become *the issue* of a *new campaign*, more certain, more definite, and more specific than ever before.

This session of Congress will be but the preliminary skirmish of the great contest to follow. On the day that it is known that only the smallest possible measure of relief has been granted the movement will begin anew all over the country for a larger concession to public right. That movement *will not* stop until it is completely successful. The only basis upon which it can be settled finally in a free country is a control of the public-service corporations *broad enough, strong enough, and strict enough* to insure justice and equality to all American citizens.

Why pursue a shortsighted, temporizing course? Is it not worse than folly to believe that a country like ours, with all its glorious traditions, will surrender in this war for industrial independence?

Mr. President, the people of this generation have witnessed a revolution which has changed the industrial and commercial life of a nation. They have seen the business system of a century battered down, in violation of State and Federal statutes, and another builded on its ruins.

They know exactly what has happened and why it has happened.

The farmer knows that there is no open, free competitive market for anything he may produce upon his farm. He knows that he must accept the prices arbitrarily fixed by the beef trust and the elevator combination. He knows that both of these organizations have been given control of the markets by the railroads.

The independent manufacturer knows that he no longer has an open field and a fairly competitive chance to market his product against the trust with its railroad interests.

The consumer knows that his prices are made for him by those who control the avenues of trade and the highways of commerce. The public has suffered much. It demands relief.

Mr. President, Senators in this discussion have avowed that they were not to be influenced by popular clamor; that they have no sympathy with bigotry that is blind to great railway enterprise and the value of the services which these corporations render to the public. It has been denounced as meddlesome interference for anyone to question the right of the railways to fix the markets of this country and to control the destination of its commerce. Public discussion in support of this legislation is rebuked as "noisy declamation," and we are advised that public opinion should be scorned; that it is as shifting as the sands of the sea.

It has been suggested by the Senator from Massachusetts [Mr. LODGE] that we might safely, from time to time, adopt "certain loose and general propositions" in the form of harmless resolutions, "which thunder in the index, and show that we are properly aroused to the dangers arising from corporations generally and from railroads in particular, and which do not commit us to any specific legislation."

Sir, I respect public opinion. I do not fear it. I do not hold it in contempt. The public judgment of this great country forms slowly. It is intelligent. No body of men in this country is superior to it. In a representative democracy the common judgment of the majority must find expression in the law of the land. To deny this is to repudiate the principles upon which representative democracy is founded.

It is not prejudice nor clamor which is pressing this subject upon the attention of this body. It is a calm, well-considered public judgment. It is born of conviction—not passion—and it were wise for us to give it heed.

The public has reasoned out its case. For more than a generation of time it has wrought upon this great question with heart and brain in its daily contact with the great railway corporations. It has mastered all the facts. It is just. It is honest. It is rational. It respects property rights. It well knows that its own industrial and commercial prosperity would suffer and decline if the railroads were wronged, their capital impaired, their profits unjustly diminished.

But the public refuses longer to recognize this subject as one which the railroads alone have the right to pass upon. It declines longer to approach it with awe. It no longer regards the railroad schedule as a mystery. It understands the meaning of rebates and "concessions," the evasions through "purchasing agents" and false weights, the subterfuge of "damage claims," the significance of "switching charges," "midnight tariffs," "milling in transit," "tap-line allowances," underbilling," and "demurrage charges." It comprehends the device known as the "industrial railway," the "terminal railway," and all the tricks of inside companies, each levying tribute upon the traffic. It is quite familiar with the favoritism given to express companies, and knows exactly how producer and consumer have been handed over by the railroads, to be plundered by private car and refrigerator lines, in exchange for their traffic.

The public has gone even deeper into the subject. It knows that transportation is vital to organized society; that it is a function of government; that railway lines are the public highways to market; that these highways are established under the sanction of government; that the railway corporation dictates the location of its right of way, lays its tracks over the property of the citizen without his consent, and that he must market the products of his capital and his labor over this highway, if at all, on the terms fixed by the railway corporation. Or, to say it arrogantly and brutally, as did the president of the Louisville and Nashville Railway Company in his testimony before the Interstate Commerce Commission, that the public can pay the charge which the railroad demands, "or it can walk." In short, sir, the public has come to understand that the railway corporation is a natural monopoly, which has been created by act of government, and that under existing conditions the public is completely at the mercy of this natural monopoly.

Because it is a natural monopoly, because it is the creature of government, it becomes the duty of government to see to it that the railway company inflicts no wrong upon the public, to compel it to do what is right, and to perform its office as a common carrier.

Sir, it is much easier to stand with these great interests than against them. This was true when Adam Smith wrote his Wealth of Nations, and it is true in 1906. Writing of the struggle with monopoly in the eighteenth century, he said:

> The member of Parliament who supports every proposition for strengthening monopoly is sure to acquire great reputation for understanding trade, and also great popularity and influence with an order of men whose numbers and wealth render them of great importance. If he opposes them, on the contrary, and still more, if he have authority enough to thwart them, neither the most acknowledged probity, nor the highest rank, nor the greatest public service, can protect him from the most infamous abuse and detraction, from personal insults, nor sometimes from real danger arising from the influence of furious and disappointed monopolists.

At no time in the history of any nation has it been so difficult to withstand these forces as it is right here in America to-day. Their power is acknowledged in every community and manifest in every lawmaking body. It is idle to ignore it. There exists all over this country a distrust of Congress, a fear that monopolistic wealth holds the balance of power in legislation.

Mr. President, I contend here, as I have contended upon the public platform in Wisconsin, and in other States, that the history of the last thirty years of struggle for just and equitable legislation demonstrates that the powerful combinations of organized wealth and special interests have had an overbalancing control in State and national legislation.

For a generation the American people have watched the growth of this power in legislation. They observe how vast and far-reaching these modern business methods are in fact. Against the natural laws of trade and commerce is set the arbitrary will of a few masters of special privilege. The principal transportation lines of the country are so operated as to eliminate competition. Between railroads and other monopolies

controlling great natural resources and most of the necessaries of life there exists a "community of interests" in all cases and an identity of ownership in many. They have observed that these great combinations are closely associated in business for business reasons; that they are also closely associated in politics for business reasons; that together they constitute a complete system; that they encroach upon the public rights, defeat legislation for the public good, and secure laws to promote private interests.

Is it to be marveled at that the American people have become convinced that railroads and industrial trusts stand between them and their representatives; that they have come to believe that the daily conviction of public officials for betrayal of public trust in municipal, State, and national government is but a suggestion of the potential influence of these great combinations of wealth and power?

During this debate there has been much talk about the country having "hysteria." Magazine writers and press correspondents have been denounced, and there would seem to be an agreement that they are to be pursued and discredited, lest they lodge in the popular mind a wrongful estimate of the public service.

Sir, it does not lie in the power of any or all of the magazines of the country or of the press, great as it is, to destroy, without justification, the confidence of the people in the American Congress. Neither can any man on earth, whatever his position or power, alter the settled conviction of the intelligent citizenship of this country when it is grounded on fact and experience. It rests solely with the United States Senate to fix and maintain its own reputation for fidelity to public trust. It will be judged by the record. It can not repose in security upon its exalted position and the glorious heritage of its traditions. It is worse than folly to feel, or to profess to feel, indifferent with respect to public judgment. If public confidence is wanting in Congress, it is not of hasty growth, it is not the product of "jaundiced journalism." It is the result of years of disappointment and defeat. It is the outgrowth of a quarter of a century of keen, discriminating study of public questions, public records, and the lives of public men.

In the Supreme Court, midway between the Senate and the House, Mr. Justice Brewer has, for a quarter of a century, investigated, analyzed, and construed the legislative work of Congress. A keen and critical observer of men and events, he can speak with wisdom on the development and tendencies of the day, and no man will dare to say that he speaks in passion or with any ulterior purpose.

In an address on "The ethical obligation of the lawyer as a lawmaker," before the Albany Law School, June 1, 1904, he said:

> No one can be blind to the fact that these mighty corporations are holding out most tempting inducements to lawmakers to regard in their lawmaking those interests rather than the welfare of the nation.
>
> Senators and Representatives have owed their places to corporate influence, and that influence has been exerted under an expectation, if not an understanding, that as lawmakers the corporate interests shall be subserved. * * *
>
> The danger lies in the fact that they are so powerful and that the pressure of so much power upon the individual lawmaker tempts him to forget the nation and remember the corporation. And the danger is greater because it is insidious.
>
> There may be no written agreement. There may be, in fact, no agreement at all, and yet, when the lawmaker understands that the power exists which may make for his advancement or otherwise and that it will be exerted according to the pliancy with which he yields to its solicitations, it lifts the corporation into a position of constant danger and menace to republican institutions.

For the first time in many years a great measure is before this body for its final action. The subject with which it deals goes to the very heart of the whole question. Out of railroad combination with monopoly and its power over legislation comes the perilous relation which Mr. Justice Brewer says "lifts the corporation into a position of constant danger and menace to republican institutions."

Sir, we have the opportunity to meet the demands of the hour, or we may weakly temporize while the storm continues to gather.

On Plymouth Rock eighty-six years ago Daniel Webster, looking with prophetic vision into the century beyond, uttered these words, which fall upon this day and generation as a solemn mandate:

> As experience may show errors in our establishments we are bound to correct them, and if any practices exist contrary to the principles of justice and humanity within the reach of our laws or our influence, we are inexcusable if we do not exert ourselves to restrain and abolish them.

Mr. President, our responsibility is great; our duty is plain. If a true spirit of independent, patriotic service controls Congress, this bill will be reconstructed on the broad basis of public interest.

I thank Senators for their attention throughout this protracted address. [Applause in the galleries.]

The VICE-PRESIDENT. Manifestations of applause by the occupants of the galleries are forbidden by the rules of the Senate.

APPENDIX A.

Reviews of evidence submitted before committees of Congress, 1902–1905, showing condition of railway service and abuse of monopoly power by common carriers—discriminations and overcharges.

The complaints made to the Interstate Commerce Commission and to the committees of Congress have established three propositions.

First, discriminations are made by common carriers; second, transportation charges have advanced; third, the railroads delegate to others—private-car, freight, and refrigerator lines—important functions which should only be performed by Government or responsible common carriers. These companies do with impunity that which if done by common carriers would be criminal.

The evidence brought to light the many forms of discrimination which are practiced. There were instances of discriminations against places, against persons, and against commodities. There were discriminations shown in the published tariff rates and in the commodity rates and classifications. It was established that rebates, direct and indirect, special concessions providing additional servece or regular service at less than the published rates, were given to favored shippers. Manufacturer and jobber, producer and consumer complained. The complaints were confined to no one section of the country. They came from every section. Every section suffers in some particular and some in every particular.

DISCRIMINATIONS AGAINST LOCALITIES.

Probably the greatest amount of complaint made before the committees of Congress was of discriminations against localities. The railroads, following the policy of centralizing trade and industry, so as to give to them the greatest amount of transportation and the longest haul of freight, established a system of discriminations designed to ruin all centers or localities not so situated as to serve these ends and to promote and build up those centers and localities which would satisfy their requirements in these particulars. The public interest was not considered. The social economy of serving a given territory from the center which naturally would serve it best and cheapest was rejected as heresy. The railroad managers demand large tonnage, long hauls, large gross revenues.

The railroads are fighting nearly every interior center between the Atlantic coast and the head of the Great Lakes; every center between the Great Lakes and the Missouri River, and every center between the Missouri River and the Pacific coast. Only where water competition enters to control the rapacity of carriers is there any peace or feeling of security.

Interstate Commerce Commissioners testified that hundreds of complaints against the railroads are received which are never heard of because the complainant wants to know, before making the complaint formal, whether the Commission can grant the relief and afford protection from the wrath of the railroad. The railroad is a corporation and may be without a soul and without sentiment, but it has a policy. That policy spells ruin for any helpless enterprise or locality or individual which shall attempt to interfere with its programme of selfish aggrandizement.

DISCRIMINATION AGAINST CITY OF DANVILLE, VA.

This illustration of the city of Danville is possibly somewhat extraordinary. But there are certainly many other equally aggravated cases. The circumstances and conditions are typical of hundreds of places all over the United States. The city of Danville officially submitted, through Judge Aiken, of that city, a petition passed by the common council and the board of aldermen and signed by the city officials. This petition sets forth the exact nature of the situation. It is concise and to the point. It is as follows:

DANVILLE, VA., *April 15, 1905.*

To the Senate and House of Representatives of the United States:

The petition of the city of Danville respectfully represents that it is situated in the southern part of the State of Virginia, in Pittsylvania County, on the Dan River, at a point on the Southern Railroad where the different branches of that common carrier from Alexandria to the north, Richmond to the northeast, Norfolk to the east, and the line from the south and west unite, and has a population of 18,000 or 20,000 inhabitants, and numerous manufacturing and mercantile enterprises, besides being a large market for the sale of leaf tobacco. That its principal commercial rivals are the cities of Lynchburg and Richmond, Va., the former 65 miles to the north, and the latter 140 miles to the northeast of Danville.

Prior to the year 1886 petitioner enjoyed equal freight-rate advantages with the said cities of Lynchburg and Richmond through the competition of the railroad runnings north from Danville to Alexandria, known as the "Virginia Midland Railroad," but in that year the Southern Railroad Company purchased the Virginia Midland and deprived petitioner of the competing line and of its equal freight-rate advantages.

That in the year 1890 petitioner, to obtain another competing line of railroad, subscribed a large sum to the construction of a railroad from Norfolk to Danville, which road was built, but after operation a few years as an independent line it was purchased by the said Southern Railroad Company, and since said purchase the petitioner—the city of Danville—has had no competing line of railroad, but in the matter of freight and passenger rates has been entirely subject to the will and mercy of said Southern Railroad Company.

That the said Southern Railroad Company, and its connecting railways and steamship lines engaged in interstate commerce, have, by an agreement between them, established in the State of Virginia certain favored points to which they deliver commodities transported by them from the several States for less rate of transportation than they demand and receive for the transportation of similar commodities under similar conditions to other points in the State of Virginia, the haul and distance to said other points being shorter than to the favored points, by which the said lines of railway and steamship lines give undue preference and advantage to the persons and localities at said favored points. Two of these favored points are the said cities of Lynchburg and Richmond; and petitioner, the city of Danville, and the said two cities have been for many years active competitors for trade in the same territory, and the territory from which petitioner, by

reason of its natural and superior location in the tobacco-growing region of Virginia and North Carolina, has for more than one-half a century drawn its patronage and trade support.

Petitioner states the said Southern Railroad and its waterway connections between Norfolk and the various cities of New England and the Middle States have established and put in force rates of transportation by which commodities and merchandise are transported by them from said northern and eastern points by way of Norfolk and Pinners Point through the city of Danville and delivered for less rates of transportation than similar commodities and merchandise from the same point over the same route are transported and delivered in the city of Danville.

To illustrate the excessive rate of discrimination against the city of Danville, petitioner will state that the said carriers classify freight for transportation, and on class 1, 2, 3, 4, 5, 6, class A, B, C, D, E, F, and H, from Boston and Providence via Norfolk over the said railroad through Danville to Lynchburg, the long haul, the rate is, respectively, 54, 47, 38, 25, 22, 18, 18, 22, 18, 22, 36, 25, 25, and 18 cents per 100 pounds. On the same classes from the same point to Danville, the short haul, the rate is 75, 63, 52, 38, 34, 29, 29, 32, 29, 27, 34, 56, 38, 71, and 26 cents per 100 pounds, making a discrimination against Danville, in favor of Lynchburg, of 39, 34, 37, 52, 54, 61, 68, 45, 61, 50, 56, and 44 per cent on the respective classes. From New York, Philadelphia, and Baltimore over the same route substantially the same rate of discrimination is made against Danville and in favor of Lynchburg on the different classes of freight.

Corresponding rates of discrimination are also enforced against the city of Danville and in favor of the cities of Lynchburg and Richmond on all property transported by the said Southern Railroad and its connections from points south and west of Virginia, the property being carried by said railroad through the city of Danville, the short haul, to the said favored cities, the long haul. Whenever merchandise destined for Danville from points in the West and Northwest over carriers connecting with the said Southern Railroad at Lynchburg reaches Lynchburg, the said Southern Railroad takes advantage of the carrying monopoly it has over property going to Danville and adds on most unreasonable rates from Lynchburg to Danville. For example, the rate on pork and bacon from Chicago to Lynchburg is 27 cents per cwt.; to Danville, 40 cents per cwt. The Southern Railroad charges 13 cents per cwt. for hauling 65 miles that which other roads charge 27 cents for hauling over 1,000 miles. The rate on refined sirup from Chicago to Lynchburg is 27 cents per cwt.; to Danville, 43 cents per cwt. The Southern Railroad charges 16 cents per cwt. for hauling 65 miles for what other roads haul over 1,000 for 27 cents per cwt. A carload of matches is shipped from Detroit to Lynchburg for 24½ cents per cwt. Danville is charged 47½ cents per cwt. The Southern Railroad charges 23 cents for hauling 65 miles what other roads haul 600 miles for 24 cents. On all other commodities, including grain, flour, ship-stuff, and other staple necessities purchased by Danville merchants in the West, as soon as they reach the Southern Railroad the same unreasonable and oppressive rates of freight are enforced against them. Thus it is shown that petitioner, the city of Danville, and its inhabitants are hedged on every side by the discriminating and unreasonable freight rates imposed by the said Southern Railroad Company, and are absolutely barred from the privilege of competing with their commercial rivals for the trade of the public.

Petitioner further shows that several years ago it presented its petition and complaint, setting forth in detail the wrongs herein stated, to the Interstate Commerce Commission, and after a hearing upon evidence the Commission decided that the rates put in force against the city of Danville should cease, and at the same time prescribed what it considered a reasonable rate to Danville; but said Commission not having power to enforce its order the said Southern Railroad did not obey it, but, on the contrary, continued to demand and receive from petitioner and its inhabitants the discriminating and unreasonable rates complained of. Petitioner begs to refer to the record of the case of the city of Danville against the Southern Railroad Company, recorded in the eighth volume of the Interstate Commerce Cases, in support of the allegations of the petition. And petitioner further avers that the rates in force then are in force now against the city of Danville and its inhabitants. The rate from Philadelphia, New York, and other northern markets via Norfolk over the water and railway lines of the Southern Railroad through Danville to Lynchburg, the long haul, on sugar is 21½ cents per cwt., while the rate over the same route to Danville, the short haul, is 26½ cents per cwt. On leather over the same route to Lynchburg the rate is 47 cents per cwt., and to Danville 64 cents per cwt. On coffee over the same route to Lynchburg the rate is 25 cents per cwt., and to Danville 36 cents per cwt. On hardware over the same route to Lynchburg the rate is 47 cents per cwt., and to Danville 62 cents per cwt.

That from New Orleans over the lines of the Southern Railroad through Danville to Richmond and Lynchburg the rate on molasses is 26 cents, sugar 32 cents, coffee 40 cents, rice 32 cents, and on the same articles to Danville 37, 63, 43, and 51 cents.

That from Atlanta, Ga., the rate on furniture to Lynchburg is 34 cents per cwt., and to Danville 64 cents per cwt.

That on grain from Louisville and Cincinnati over the same line through Danville to Lynchburg the rate is 12 cents per cwt., and to Danville 21 cents per cwt.; on flour 12 cents per cwt. to Lynchburg and 24 cents per cwt. to Danville; on meat and lard to Lynchburg 15 cents per cwt., and to Danville 27 cents; and that from every point in the South and West and on all commodities the rate of discrimination is of similar proportion against the city of Danville.

Besides the cities of Lynchburg and Richmond, with which Danville has traded in competition for over fifty years, the said Southern Railroad has begun to discriminate against Danville in favor of two small towns of not more than one-quarter of the population of Danville—the towns of Martinsville, 40 miles to the west, and South Boston, 30 miles to the east, where the Norfolk and Western Railroad competes with the Southern—and said Southern Railroad is now transporting commodities through Danville to both of those points at a less rate of freight than to Danville.

Petitioner in conclusion states that the wrongs and injuries complained of, by which these favored cities, its nearest commercial rivals, trading in the same territory to which Danville looks for trade, are given an unjust advantage of the latter, have been going on for eighteen years and until the consequence is becoming disastrous to Danville. It is depriving it of its trade, cutting down its population, increasing the cost of living to its people, diminishing the value of its real estate, and increasing the burden of taxation on its citizens in order to meet the interest on its corporate debt and the expense of its municipal government. Petitioner asserts that new business enterprises and capitalists seeking investments will not come to the city of Danville on account of the freight discrimination against it, and that extensive enterprises have refused to come and have gone elsewhere for that reason.

Petitioner is advised that railroads are public highways, and the fundamental characteristic of public highways is the right of all persons to use them upon equal terms. For railroads to deny this equality is a misuser of their franchises, and to permit them to build up one city or community at the expense of another, or to oppress the inhabitants of one community with burdens in order that favors may be bestowed upon others, is, it is respectfully submitted, an indefensible act of government.

This petitioner therefore prays that the interstate-commerce act may be so amended as to prohibit such undue advantages as are given the said favored cities over the city of Danville, and as to allow the Interstate Commerce Commission not only to decide what are discriminating and unreasonable rates on freight, but to prescribe and fix rates and to enforce its orders and judgments when they are made.

And petitioner will ever pray, etc.

CITY OF DANVILLE, VA.,
By E. L. SWAIN,
President of the Board of Aldermen of the Council of the City of Danville.
W. P. HODNETT,
President of the Common Council of the City of Danville.

The introduction of this petition occasioned an interesting controversy before the committees of the Senate. The Southern Railway Company, so it is generally believed at Danville at least, procured the appearance before the committees of six citizens of Danville, representing, as they declared, the "big business" interests of Danville. While they did not deny the statements of discriminations as presented by the petition and by Judge Aiken, they declared that Danville was not suffering from these discriminations and that in their business they found the rate satisfactory. This petition they declared was passed at a secret meeting of the city council and represented a manufactured sentiment.

The news of this stroke of railroad diplomacy, received at Danville, aroused a storm of public indignation. A mass meeting was held the following night, at which practically the entire citizenship of Danville, excepting the "six gentlemen," was represented. This mass meeting unanimously denounced the action of these "big business representatives" as "prejudicial and detrimental to the best interests of the city and especially to its mercantile and commercial growth and prosperity." They sent a representative of the city before the committee to expose the incentives of the six self-appointed representatives and the malice of their misstatements. And it developed that in no particular did these gentlemen correctly represent the conditions or their effects. Moreover, it appeared that of these six men three were directors in branch lines of the Southern Railway and also directors in a cotton milling company, which was generally believed to receive special rates on transportation from the Southern Railroad. One of these three was also a merchant and generally believed to be favored in his transportation service by the Southern Railway. A fourth member of this delegation was a director in another cotton milling company, which likewise received special rates, and also president of a bank which had recently been given the Southern Railway's account. The fifth member was a manufacturer of furniture also receiving special rates, and the sixth man was a politician, one of the two members in the city council of thirty who voted against sending the petition to Congress.

Mr. Withers, who appeared to represent the city and the mass meeting, showed that, with reference to outgoing freights, which these gentlemen had said were reasonable, leaf tobacco was the most vitally important of this traffic, constituting about 45,000,000 pounds per year. Much of this is consigned to Louisville, Ky., for manufacture. The rate from Lynchburg and Richmond was 24 cents per 100 pounds, while from Danville—66 to 140 miles less distance and over the same line—the rate was 40 cents.

Being questioned by the committee with reference to the coal rates, Mr. Withers declared that the discriminations on coal to Danville from the various western fields were absolutely prohibitive except from a single source, over a single line—the Norfolk and Western. He said: "We never see a pound of Chesapeake and Ohio coal * * * we never see a pound of Southern Railroad coal. We are not permitted to haul any of the Tennessee coal, the West Virginia coal, the Pocahontas, or from other western fields, and, further, the haul from Lynchburg to these fields is $1.60 per ton, while the haul to Danville is $2.30, a discrimination of 70 cents for a 65-mile haul." And he filed with the committee the coal tariffs, which are full of these discriminations.

This example of Danville illustrates the situation. Danville is an old offender. It refused to accept the yoke of the Southern Railway. In three instances has it attempted by subsidizing competing lines to Danville to break the power which the Southern Railway held over that city. The aggregate municipal indebtedness incurred for this purpose amounts to about $400,000 and constitutes over a third of the total interest-bearing indebtedness of Danville. Each time a competing line has been so built it has finally passed into the control, by lease or ownership, of the Southern Railway. The city is to-day without any benefit from these great expenditures, and it is appealing to Congress for some protection from the reprisals of the Southern Railway.

DISCRIMINATIONS AGAINST THE CITY OF ATLANTA, GA.

Atlanta, like Danville, is situated advantageously for industrial and commercial intercourse with a large surrounding territory—advantageously in all respects except railroad transportation. Atlanta has offended. It has complained. Its rates have been raised; its business has been taken away and bestowed upon favored competitors. It suffers most in competition with the coast city of Savannah, which is protected by water competition; but it also complains of discriminations as compared with other interior cities. Atlanta submits that the average distance to seventy-eight southeastern towns of 4,000 population is from—

	Miles.
Atlanta	288
Savannah	360
Nashville	450
Birmingham	319

Despite the central location of Atlanta, the general and systematic discrimination in freight tariffs precluded the development of the jobbing and manufacturing business. An instance cited before the Commission was the removal of the Pittsburg Plate Glass Company from Atlanta to Savannah, taking with it a weekly pay roll of about $1,000 and 300 to 500 of the city's population. The rate on glass from Pittsburg was 66 cents per 100 pounds to Atlanta, as against 31 cents to Savannah. Because of this discrimination the company could ship to

Savannah and distribute its product into Atlanta territory at so much better advantage than from Atlanta that it was constrained to move its plant.

As illustrating the discriminations against Atlanta jobbers, the rates on boots and shoes from Boston to Atlanta and neighboring centers were cited: Atlanta, $1.14; Augusta, $0.96; Charleston, $0.70; Jacksonville, $0.73; Knoxville, $1; Macon, $1.09; Memphis, $1; Mobile, $0.75; New Orleans, $0.95, and Nashville, $0.91.

These discriminations are maintained in the face of the fact that Atlanta handles about 50 per cent more boots and shoes than any one of the other points. It is notable that these discriminations are not so much in favor of any particular point, but particularly against the city of Atlanta.

DISCRIMINATIONS AGAINST THE CITY OF ST. LOUIS.

The city of St. Louis, in many lines of its business, affords a remarkable example of the policy of the railroads in limiting, so far as within their power lies, the number of basic points or commercial centers. At the city of St. Louis there is the Merchants' Exchange, an organization with a membership of 1,790. It is said to be "the leading commercial organization of the Mississippi Valley." There is also the St. Louis Manufacturing Association, embracing 250 of the principal manufacturing concerns of St. Louis. These two organizations appeared through a common representative, Mr. William Kennett, before the committee of the Senate. Mr. Kennett presented the situation, showing that the rates at St. Louis were in many respects unreasonable, discriminatory, and unstable. He submitted a series of exhibits prepared by the St. Louis Traffic Bureau, setting forth this situation in detail. The St. Louis Traffic Bureau is jointly supported by the Merchants' Exchange and the Business Men's League of that city.

One of these exhibits, for instance, gives the rates on bags and burlap, C. L. and L. C. L., from St. Louis and from New Orleans to forty-three manufacturing centers and consuming points distributed over Illinois, Kentucky, Indiana, Ohio, Missouri, and Wisconsin. Throughout this statement, when the great discrepancy in distance is taken into account, there appear unwarranted discriminations in the rates against St. Louis as compared with New Orleans.

Examples of these rates on carload shipments are as follows:

To Cairo, Ill., from New Orleans, 555 miles, 13 cents per 100 pounds; from St. Louis, 149 miles, 14½ cents per 100 pounds.

To Hickman, Ky., from New Orleans, 521 miles, 13 cents per 100 pounds; from St. Louis, 214 miles, 18 cents per 100 pounds.

To Louisville, Ky., from New Orleans, 789 miles, 13 cents per 100 pounds; from St. Louis, 271 miles, 17 cents per 100 pounds.

To Cincinnati, Ohio, from New Orleans, 830 miles, 14 cents per 100 pounds; from St. Louis, 336 miles, 17 cents per 100 pounds.

To Milwaukee, Wis., from New Orleans, 997 miles, 17 cents per 100 pounds; from St. Louis, 365 miles, 20 cents per 100 pounds.

Examples of these rates on less than carload shipments are as follows:

To Cairo, Ill., from New Orleans, 555 miles, 25 cents per 100 pounds; from St. Louis, 149 miles, 19 cents per 100 pounds.

To Evansville, Ind., from New Orleans, 709 miles, 25 cents per 100 pounds; from St. Louis, 162 miles, 19 cents per 100 pounds.

To Cincinnati, Ohio, from New Orleans, 830 miles, 27½ cents per 100 pounds; from St. Louis, 336 miles, 25 cents per 100 pounds.

To Lexington, Ky., from New Orleans, 748 miles, 27½ cents per 100 pounds; from St. Louis, 376 miles, 38½ cents per 100 pounds.

Another exhibit sets forth that St. Louis is discriminated against in neighboring southeastern cities as compared with Atlantic seaboard and other interior points. Rates are quoted comparatively from St. Louis and from Richmond, Lynchburg, and Norfolk, Va., to six leading business and commercial centers in Alabama and Georgia. This exhibit embraces about 290 rates, and without notable exception these rates uniformly indicate this situation of the discrimination against the city of St. Louis as contended by Mr. Kennett. These rates are given on the six merchandise classes in each instance. I have computed the average rate and the average discrimination on the several classes per 100 pounds of freight in a few typical instances.

For example, the distance from St. Louis to Florence, Ala., is 378 miles, and from Cincinnati is 427 miles. The St. Louis rates average 6½ cents higher per 100 pounds. Similarly the rates to Florence from St. Louis average 14.8 cents higher than from Louisville, Ky., and 7½ cents higher than from Savannah, Ga.

To Birmingham, Ala., from St. Louis, 499 miles, these rates average 6½ cents higher than from Cincinnati, 481 miles, and 15.8 cents higher than from Savannah, 423 miles.

To Montgomery, Ala., the rates from St. Louis, 609 miles, average 6½ cents higher than from Cincinnati, 577 miles, and 24½ cents higher than from Richmond, Va., 754 miles.

To Atlanta, Ga., from St. Louis, 611 miles, the rates average 27 cents higher than from Richmond, Va., 555 miles.

To Macon, Ga., from St. Louis, 699 miles, the rates average 14.8 cents higher than from Cincinnati, 580 miles; and 14.8 cents higher than from Louisville, 560 miles, and 26.2 cents higher than from Richmond, 611 miles.

To Columbus, Ga., from St. Louis, 657 miles, the rates average 23.7 cents higher than from Richmond, Va., 676 miles.

Because the railroads fail to make a through tariff of reasonable rates from St. Louis into the "Cotton Belt" territory of Arkansas, it is cheaper to ship goods—cotton piece goods, for instance—into Arkansas on the local rate, and then to rebill to destination within the State on the Arkansas State railroad commissioner's tariff. For example, the through rate from St. Louis to Fordyce, Ark., is $1.15 per 100 pounds. The rate from St. Louis to Pine Bluff, Ark., is 60 cents per 100 pounds, and the rate from Pine Bluff, Ark., to Fordyce, Ark., under the State railroad commissioner's tariff is 24 cents. The total of the two local rates making 84 cents. This gives the excess representing the unreasonableness of the through rate at 29 cents. A similar situation is shown to prevail with respect to some fifteen other points in this territory.

Another statement submits the rates from St. Louis, from Richmond, Lynchburg, and Norfolk, Va., to the same points. The distance from the Atlantic seaboard and other Virginia cities is about twice as great as from St. Louis. The rates on less than carload shipments from the Virginia cities range from 80 cents to 53 cents per 100 pounds, while from St. Louis they range from $1.17 to 74 cents per 100 pounds. Similar discriminations prevail on commodity rates. For instance, on L. C. L. shipments of bagging the rate from the Virginia cities is 84½ cents, and from St. Louis, one-half the distance, 74 cents per 100 pounds. On canned goods from the Virginia cities it is 70 cents, and from St. Louis 74 cents per 100 pounds; on roasted coffee from the Virginia cities 63 cents, and from St. Louis 74 cents per 100 pounds.

Another statement shows comparatively the rates on wheat, corn, and oats from St. Louis and from Kansas City to eighty or ninety consuming points in Arkansas and Louisiana. The Kansas City rates presented range all the way from 28 to 12 cents per 100 pounds. In every instance the St. Louis rate is exactly 2 cents per 100 pounds higher, representing a discrimination of from 7.2 to 16.7 per cent against St. Louis in favor of the Missouri River points. This discrimination amounts to 0.64 cent per bushel on oats, 1.12 cents on corn, and 1.2 cents on wheat. When grain men have testified that from one-sixteenth to one-eighth of a cent per bushel on grain will determine where the business will go, it is evident these discriminations are sufficient to exclude St. Louis from competition in the distribution of grain to these Arkansas and Louisiana points.

Similarly the roads discriminate against St. Louis in the rates on grain from producing points as compared with the rates to Chicago and New Orleans. This is done in many instances by refusing to make a through tariff from producing points to St. Louis. The accepted reasonable differential from Kansas, Nebraska, Oklahoma, and Indian Territory to Chicago, on account of the much greater distance, is 3 cents per 100 pounds over St. Louis. But the Santa Fe refuses to make through tariffs from many points in these States to St. Louis. The rates from these points therefore must be made up by combinations of local rates. The totals of these locals to St. Louis in such cases gives rates on wheat 1, 2, 2½, and even 3 cents per 100 pounds higher than to Chicago, and 1½, 2, 3, 3½, 4, and even 5 cents per 100 pounds higher on grain.

Another feature of the rate situation at St. Louis which occasioned much serious complaint, is the instability of the differential maintained between the rates from St. Louis to neighboring and distant markets and the rates from Kansas City and other Missouri River points to the same markets. During a recent so-called "rate war," most violent fluctuations occurred in the relation between these rates on grain, owing to discriminations and rate cutting in favor of Kansas City, St. Joseph, Atchison, and Leavenworth, as against St. Louis. Normally (that is for the greater part of the time) a reasonable differential is maintained favoring St. Louis to nearer points, but at times, and without warning, these differentials are destroyed and sometimes even substituted by differentials favoring Missouri River. For example, during the period in question, the normal differential of 4 cents per 100 pounds favoring St. Louis as against the Missouri River in the rate to Memphis, which is only about 300 miles down the river from St. Louis, was changed to a differential of 1 cent per 100 pounds against St. Louis. To New Orleans the differential favoring St. Louis of 7 cents per 100 pounds on grain for export was reduced to only 2 cents per 100 pounds. To Newport, Ark., as well as Hoxie, Walnut Ridge and Nettleton, the favorable differential for St. Louis of 2 cents was changed to an adverse differential of 4 cents. To New York, Boston, Philadelphia, Baltimore, and Newport News the differential favoring St. Louis of 8 cents per 100 pounds on grain was changed to a differential against St. Louis of 3 cents per 100 pounds. And similar fluctuations were complained of as compared with Omaha.

DISCRIMINATIONS AGAINST DENVER, COLO.

The city of Denver is another one of those intermediate points, surrounded by a large consuming territory, which it could serve economically and to the mutual advantage of producer and consumer as a jobbing center. But the railroads have decreed that it shall not be. They have established distributing centers on the Missouri River, and ocean transportation has established others on the Pacific coast. The discriminations in the freight tariffs prohibit any extensive jobbing business between these extremes. Aside from purposes of favoratism to Missouri River cities, this discrimination obviously subserves the railroad interests by preventing the development of adequate jobbing centers in the Denver section, and thereby perpetuating the long-haul traffic in the less than carload freight at high rates from the Missouri River to all this territory.

It is the selfish interests of the railroads only that are considered. The consumers want a convenient jobbing center; it is demanded by the public interest generally. Naturally, Denver wants to do this business and feels keenly the injustice which denies this privilege to which its right is clear.

The Denver Chamber of Commerce and Board of Trade and the Denver Freight Bureau, a shipper's institution, united in sending Mr. William A. Hover to Washington to lay the situation before the committee of the Senate. Mr. Hover submitted a most exhaustive statement, setting forth in hundreds of illustrations and freight-rate comparisons the systematic discrimination which prohibits the commercial development of the city of Denver.

Through all this extensive territory lying about Denver, extending over Wyoming, Utah, New Mexico, and parts of Idaho and Montana, there is no jobbing center of importance. The bulk of all merchandise and supplies to all this territory must be shipped in by the retail dealer from the head of the Lakes, Missouri River, or the Pacific coast, at rates of freight ranging from $1 to $4 per 100 pounds. This condition is maintained by the refusal of the carriers to make reasonable rates to and from Denver, based on its relative nearness to the sources of supply and its central location with reference to consuming points. Rates to Denver from eastern points are higher than to the Pacific coast and as high as the rates to other interior points several hundred miles farther west. The local rates from Denver to tributary points are so high that, when added to the rates to Denver, the combination is absolutely prohibitive of the distribution of traffic through this center. As illustrations of this situation with reference to Colorado consuming points, I take the following from Mr. Hover's statement:

"In making these comparisons I will in most cases, in order to save time and a useless array of figures, speak in terms of first class.

"From Denver to Douglas the distance is 275 miles, from Omaha to Douglas 584 miles, over a territory of about the same character and at about the same cost of construction. The rate from Denver is $1.11½ per 100 pounds; from Omaha, $1.86. Adding to the Denver rate the Colorado common-point rate of $1.25 makes the Denver combination $2.36½ to Douglas. The Denver rate to Douglas is built up as follows: The Union Pacific and Colorado and Southern combine on a rate to Orin Junction, distant from Denver 261 miles, of 80 cents. To this is added a prohibitive local by the Fremont, Elkhorn and Missouri Valley Road of 31½ cents arbitrary from Orin Junction to Douglas, a distance of 14 miles.

"To Casper the Denver rate is $1.52, distance 328 miles; from Omaha, $1.90, distance 637 miles. Combination via Denver, $2.77, with a prohibitive local from Orin Junction of 72 cents for a 67-mile haul."

With reference to discriminations against Denver in the nearby consuming territory of Wyoming, a similar situation is set forth.

Similar discriminations are also presented for those portions of Idaho, which, because of the direct railway connections are in a measure tributary to Denver, as a distributing center.

In the case of Utah points, a still more aggravated situation is depicted. Mr. Hover said:

"It is in dealing with the Utah situation that we find the most extreme instances of discrimination. Utah can more properly be considered Denver territory in competition with Missouri River points than can localities in either Wyoming, Idaho, or Montana. The State of Utah bounds Colorado on the west, and depends for transportation of westbound commodities on two lines of railroad owned and controlled by two of our great transcontinental systems—namely, the Harriman system and the Gould system—by the former over the Union Pacific from Omaha to Ogden, and by the latter over the Rio Grande Western from Grand Junction, Colo., to Salt Lake City, the Rio Grande Western being the outlet for both the Colorado Midland and the Denver and Rio Grande at Grand Junction. From Denver, through the medium of the two latter roads, we have direct connection with Utah, and a certain percentage of the westbound tonnage consigned to Utah points passes through Denver over one or the other of these two lines. Therefore Denver can justly claim the right of distribution into this territory on the same terms that are accorded Missouri River towns, St. Louis, Chicago, and other eastern points. On the present basis of rates, however, Denver merchants can not even get into Utah on as favorable a basis as the merchant located in San Francisco who ships his goods through Denver to San Francisco and back again to Salt Lake City, which fact I will later prove.

"The following are the competitive class rates to Utah common points, consisting of Ogden, Salt Lake City, Spanish Fork, and intermediate points:

	First.	Second.	Third.	Fourth.	Fifth.
From Chicago and Duluth	$3.10	$2.65	$2.15	$1.75	$1.45
From Missouri River	2.30	2.00	1.70	1.43	1.18
From San Francisco and California common points	1.72½	1.50	1.27½	1.07	.88½
From Denver	1.85	1.60	1.36	1.15	.96
Denver combination based upon the Missouri River	3.10	2.60	2.16	1.80	1.46

"In other words, the Denver merchant is discriminated against in favor of the merchant located on the Missouri River to the extent of 80 cents, first class; 60 cents, second; 46 cents, third; 37 cents fourth, and 28 cents, fifth, and this discrimination extends clear back to Atlantic seaboard territory. Such commodities as we produce in Denver are likewise discriminated against in favor of eastern centers. For instance, beer from our Denver breweries takes a 70-cent commodity rate to Utah common points, and the same rate applies from the Missouri River, notwithstanding that Denver is distant from Omaha 572 miles and from Kansas City 640 miles. On packing-house products the rate from Denver is 73½ cents, against $1.18 from the Missouri River. Generally speaking, however, it is on the class rates that the greatest discrimination exists. This difference against Denver diverts practically all the business moving under class rates from Denver to eastern centers. The situation as applied to Utah is particularly aggravated in view of the fact, as before recited, that San Francisco merchants can ship through Denver, through Salt Lake City, to San Francisco on a commodity rate and return the same goods to Salt Lake City on the local rate, and for less than the same goods can be unloaded in Denver and reshipped to Salt Lake City, notwithstanding the fact that San Francisco is distant from and beyond Salt Lake City 826 miles, while Denver lies 627 miles to the east of that point. Referring to the above table of rates you will note that Denver pays $1.85 to Salt Lake City, a distance of 627 miles, against a return rate of $1.72½ from San Francisco and California common points to Salt Lake City, a distance of 826 miles.

"I will now proceed to show how the application of this combination of rates will admit of the possibility, as above set forth; for instance, a mixed car of drugs, patent medicines, chemicals, etc., takes a commodity rate from New York of $1.40 a carload to California common points. This rate, combined with the local back of $1.72½, lays the goods down in Salt Lake City for $3.12½. To Denver the same commodities take a water rate via Galveston of $2.33 per 100 pounds, or an all-rail rate of $2.72 per 100 pounds. Adding to these rates the local out of Denver to Salt Lake City of $1.85 brings the cost of these commodities when shipped to and from Denver to $4.18, when the water rate is taken advantage of, and $4.15 on the all-rail rate. I will take the case of a wholesale boot and shoe dealer doing business in Denver and in San Francisco; rubber boots and shoes take a commodity rate from New York to San Francisco of $1.35 a carload. Adding to this the local first class back to Salt Lake City of $1.72½, and the cost is to the Salt Lake dealer $3.07½. To Denver the wholesaler pays for his good coming by way of the water line via Galveston $2.33, and if they come by all rail $2.72. Adding to these figures the local of $1.85, it will cost to lay them down in Salt Lake City $4.18 in the one instance, and $4.57 in the other instance, as against the San Francisco rate of $3.07½. These comparisons can be multiplied almost indefinitely and will apply to nearly every commodity handled by wholesalers located at either point. The conditions as pertaining to Utah business are more fully set forth, and comparisons more completely made in a table which is marked 'Exhibit G.'"

Similar discriminations are set forth in detail in the other exhibits covering the rest of this Denver territory.

DISCRIMINATIONS AGAINST SPOKANE, WASH.

At Spokane a rate situation in many respects worse, if possible, than at Denver is shown. Mr. Brooks Adams, who appeared before the Senate committee on behalf of the Chamber of Commerce at Spokane, presented a situation of grossest discrimination against Spokane as compared with the coast cities 318 to 400 miles farther west. One reason for this discrimination is the competition which exists at coast points with water transportation.

The rates on all supplies from eastern sources to Spokane are made up by adding together the rates from the point of shipment to the coast plus the local rates from the coast back to Spokane. This makes the cost of all commodities for consumption at Spokane much greater, and the cost of living therefore much higher, than at the coast cities, which receive supplies and material over the same lines and through the city of Spokane. On class freight the amount of these discriminations per 100 pounds is as follows: First class, $1.48; second class, $1.33; third class, $1.02; fourth class, 82 cents. On the carload classes it ranges from 50 to 70 cents per 100 pounds; that is, it costs the receiver of freight at Spokane this amount per 100 pounds more on these several classes on all freight from points east of the mountains than the cost of hauling the same freight through Spokane 400 miles farther to the coast.

The carload traffic moves largely under commodity rates, and as illustrations of the situation with regard to this traffic a table was submitted showing these commodity rates, side by side, for Spokane and the coast cities. This table embraces 83 commodity rates from Boston, New York, Chicago, and the Missouri River points to Spokane and to the coast cities, and covers carload shipments of 76 different commodities. In every instance the rates to Spokane are very much higher than to the coast cities about 400 miles farther west. A few examples of these rates are as follows:

Commodity.	Rates per 100 pounds.		Excess for Spokane.	
	Coast.	Spokane.	Amount per 100 pounds.	Per cent.
Agricultural implements from New York and Boston	$1.25	$1.75	$0.50	40
Building paper from New York	.75	1.29	.54	72
Wrapping paper from New York	1.20	2.00	.80	67
Agricultural implements from Chicago	1.25	1.65	.40	32
Canned goods from Chicago	.95	1.35	.40	42
Coffee from Chicago	.90	1.38	.48	53
Clothing from Chicago	1.50	2.35	.85	57
Dry goods, etc., from Chicago	1.00	1.85	.85	85
Cotton, duck, and denim from Chicago	.90	1.75	.85	94
Nails and wire from Chicago	.65	1.10	.45	69
White lead from Chicago	.80	1.21	.41	51
Agricultural implements from Missouri River points	1.15	1.45	.30	26
Average of 83 commodity rates to above points	1.231	1.957	.726	59

On ten important commodities selected at random from the table submitted to the Senate committee there is in every instance gross and unwarranted discrimination against Spokane. On these ten commodities the rates to the coast cities range from 65 cents to $1.50 per 100 pounds, and to Spokane from $1.10 to $2.35 per 100 pounds. The excess in the rates for Spokane ranges from 30 cents to 85 cents per 100 pounds, and the per cent of excess against Spokane ranges from 26 to 94 per cent. On the whole 83 rates presented in Mr. Adams' table the average of the rates to the coast is $1.231, and to Spokane $1.957, showing an average overcharge for Spokane of 72.6 cents per 100 pounds, or 59 per cent. That is, on the average carload shipment under the commodity rates Spokane pays about 60 per cent more freight charges than the coast cities are charged for 400 or 500 miles greater service over the same line, a large proportion of the coast freight passing through Spokane en route.

It is not only as a consuming and distributing point that Spokane complains of discrimination in freight rates, but as a manufacturing center as well. Manufacturing growth is prohibited, and that development already attained is being undermined and destroyed by these systematic discriminations and overcharges. The discriminations submitted—for instance the rates on iron and steel articles—are prohibitive of any industry in which these commodities enter as important raw material. On most of this material the rates to Spokane from the Pittsburg district are about $10 per ton more than to the coast. On plain castings from Chicago the Spokane rate exceeds the coast rate by an amount equal to $14 per ton. An incident in this connection was related by Mr. Adams in this language:

"Up until a little over a year ago the freight rate on pig iron from Alabama to Spokane was $21.50 per ton, or $6.80 per ton more than the coast rate from the same point. The only way local manufacturers were able to force a reduction of the rate was to buy the pig iron in the foreign market, have it shipped as ballast to Portland, and thence by rail to Spokane. By this arrangement they were enabled to get their pig iron laid down in Spokane at a cost of $27.80 per ton, against $30.80 per ton if shipped from Alabama. The railroads seeing that a reduction would have to be made to meet the so-called 'water competition, secretly made a rate of $13 per ton, the coast rate, which rate was later published."

Similarly, the sash and window manufacture as an extensive industry at Spokane has been killed by the freight rate discrimination on window glass from Pittsburg. The following is Mr. Adams's statement:

"In the manufacture of sash the pine and cedar lumber of eastern Washington is much superior to the coast fir, yet, while there are five factories engaged in the manufacture of sash in Spokane, they manufacture only for local trade, and there are two concerns in the city which compete with the local factories and buy their sash from coast factories. The rate on window glass from Pittsburg to Spokane is $1.38½ per 100 pounds. The rate to Portland, Seattle, and other coast points is 90 cents, thus enabling the coast manufacturers to furnish the finished product for the price of glass to the Spokane manufacturer. The William Musser Lumber and Manufacturing Company, which started in business here in 1902, would have invested $75,000 in a sash factory and employed 50 hands, if it would have been possible to get a 90-cent rate on glass. The railroads also allow the coast manufacturers to ship sash in mixed carloads with lumber, which takes the lumber rate, hence enabling them to lay down manufactured sash in Spokane for $1.10 freight charges against $1.38½, the rate charged for glass to Spokane manufacturers. Every sash factory in Spokane would be forced out of business if it were not for the steady local market demanding special sizes, which are included in the regular millwork for new buildings. The wonderful building activity of Spokane in the past five years made it possible for the mills to manufacture sash. As it is, the coast manufacturers supply the local market for nearly all sash in regular sizes."

Discriminations in the rates against the lumber industry at Spokane are presented by Mr. Adams in the following comparisons:

"The rate on lumber from Portland, Oreg., Seattle, Wash., and kindred territory to Spokane, Wash., is 20 cents via the northern lines.

"The rate on lumber from Spokane, Wash., and kindred territory to Portland, Oreg., Seattle, Wash., and like territory is 26 cents via the northern lines."

* * * * * * *

"The rate on lumber from Portland, Oreg., via the Northern Pacific, to St. Paul, Minneapolis, and Duluth, Minn., is 40 cents.

"The rate on lumber from Spokane and kindred territory to the same points, is 40 cents, although the haul is in no case less than 540 miles shorter and in some cases 625 miles, via the same line."

* * * * * * *

"The rate on lumber, via the Great Northern, from Seattle and kindred territory to St. Paul, Minneapolis, and Duluth, Minn., is 40 cents.

"The rate on lumber from Spokane and kindred territory, via the Great Northern, to St. Paul, Minneapolis, and Duluth is 40 cents, although the haul is on an average of 400 miles shorter."

* * * * * * *

"The greatest distance lumber is hauled east from Portland, Oreg., on a 20-cent rate is not less than 687 miles.

"The greatest distance lumber is hauled east over the Northern Pacific from Spokane on a 21-cent rate is 385 miles, and this rate is made by various combinations which do not include all articles manufactured from lumber included in the regular classification."

* * * * * * *

"The greatest distance lumber is hauled east from Seattle, via the Great Northern, is 348 miles on a 20-cent rate.

"The greatest distance lumber is hauled east from Spokane, via the Great Northern, on a 20-cent rate is 216 miles."

As an illustration of a manufacturing industry being driven away from Spokane by the freight-rate discriminations, after it had been established and was doing an extensive business from Spokane, the experience of the Pacific Coast Pipe Company was submitted by Mr. Adams in the following statement:

"The Pacific Coast Pipe Company started to manufacture wired wooden pipe in the spring of 1900. The company owns patents on the machinery it uses, and started with four hands. There was at that time but one factory of this kind on the north Pacific coast, located at Seattle. The rate on manufactured pipe from Seattle to Spokane was 46 cents per 100 pounds C. L. plus the local rate from Spokane to all points east. This rate was entirely satisfactory and enabled the Spokane factory within a little over three years after beginning operations to increase its plant to 50 hands, with an investment of $50,000. The Seattle factory, backed by the big lumber firms on the coast, finding a serious competitor in the Spokane field, got the railroads to put manufactured pipe under the lumber classification, thus reducing the rate from Seattle to Spokane from 46 to 20 cents per 100 pounds.

* * * * * * *

"Prior to the cut rates in favor of the coast the Spokane factory had as territory all of eastern Washington, Idaho, and Montana, and, as stated above, was shipping pipe at the rate of two carloads per day. The loss of the factory here means the loss of fifty families and a pay roll of about $3,000 per month. It is needless to say that water competition did not enter into this rate discrimination, as no wood pipe is shipped via ocean to interior points. You must understand that while the railroads, under the protest of the local factory, put back the rate to 46 cents from Seattle to Spokane, refused and are still refusing to adjust the rate to points east of Spokane; hence wood pipe manufactured on the coast takes the lumber rate in all territory east of Spokane, thus making it impossible for a Spokane factory to compete in this territory. Considering the increased cost of manufacture at Spokane and the fact that there is not sufficient business to maintain a factory without outside territory, the Spokane factory had to be abandoned."

THE SMALLER PLACES.

The foregoing illustrations, taken from the testimony, give some idea of the discriminations in freight rates in force, as they affect a few of our larger cities. These are cases in which the evidence is definite, clear-cut, and all to the same effect. They are conspicuous examples. Less conspicuous, perhaps, but far more important to the consuming public, is the far-reaching, systematic discrimination which exists against the smaller cities, towns, and hamlets in every State. The small place is hopeless and helpless. There is no railroad competition at these points. In most instances there never has been any. It is the common practice to make the rates to such places just as high as the rates to the big commercial center beyond, with little reference to how much farther it is beyond. Frequently, particularly in the western part of the country, this rule is varied so that the small place pays the rate to the competitive point beyond plus the local rate back. In other words, over large sections of the country, small places are in substantially the same position with reference to the larger places that Spokane holds with reference to the Pacific coast terminals.

This situation was set forth by Judge Cowan in his testimony, as follows:

"Let me call your attention to the fact that a merchant situated in a little town east of a given commercial emporium in thousands of cases in this country must pay the rate of freight to the farther distant point and the local rate of freight back."

Interstate Commerce Commissioner Fifer appeared before the Senate committee and submitted several illustrations of this form of discrimination. One of these instances was the case of the city of Charlotte, a city of 20,000 population, lying half way between New Orleans and the Virginia cities—Richmond, Lynchburg, and Norfolk. In this case the rates from New Orleans to Charlotte were twice as high as from New Orleans to the Virginia cities, to which the traffic passed through Charlotte. That rate per ton per mile in these cases was four times as great to Charlotte as to the Virginia cities.

Another illustration of the same thing is the "blanket" or postage-stamp schedule, applying from all territory between the Atlantic Ocean and the Missouri River to the Pacific coast. The rate generally is exactly the same from Omaha, Chicago, Pittsburg, or New York, or any other point in all this territory to the coast, even though the distance be twice as great in one case as in the other. Commissioner Fifer declared that under the law as at present interpreted by the court there was no corrective for this sort of discrimination.

DISCRIMINATION AGAINST COMMODITIES.

By classification.—Conspicuous examples of discrimination against commodities are found throughout freight classifications. The hundreds of changes in classification of commodities from one class to another by the railroad classification committees in the last few years bear testimony to this fact.

Classification of freight is based on what the traffic will bear. It is a part of the rate. There is scarcely any evidence in the classifications that any rule of reason or science has been applied. It is a case of "cut and try." The tariff expert puts the commodity in a class, and then, if the complaint is too vigorous, he probably lowers it, and if not he raises it until he thinks it yields all the revenue the traffic will bear. Thus the classification of a commodity often depends largely upon the financial strength of the concerns principally interested in its production and distribution. Such a system could not but lead to discriminations. Moreover, it leads to confusion. Very often the railroad officials are themselves unable to agree as to the meaning of the classifications.

Mr. Wagner, a manufacturer of North Milwaukee, gave the committee an instance in his experience in attempting to "deal directly with the railroads," which is illustrative of the success in such undertakings of small shippers who are not favored. In part, Mr. Wagner said:

"We are making large quantities of rough, unfinished hardware, which we have been shipping out to our customers for a number of years as 'iron forgings,' taking a fourth-class rate. Last year the inspectors raised all our shipments to 'ferrules,' taking a third-class rate, and making a difference of about 50 per cent in our freight rates. We took samples of these goods and submitted them to the Chicago, Milwaukee and St. Paul officials here, also, to the Milwaukee official of the railroad inspection bureau, and they both agreed with us in calling the goods 'iron forgings,' entitling them to the fourth-class rate. We then corresponded with the chairman of the official classification committee, who has control of the inspection, giving him data which showed that according to the value per pound, weight per cubic foot, and finish of the goods the fourth-class rate should apply. The railroads claim that these three items are what determine the classification of an article.

"Our communication was not acted upon favorably, and as there was a meeting of the committee at Chicago, the writer went down there and saw Mr. Gill, the chairman, personally, but without doing any good. He remarked to me at the time that this difference in classification on that portion of our product would amount to only a few hundred dollars a year, and if I would spend the same time and energy in some other branch of our business it would bring better returns financially. In the light of our previous experience of four or five years in endeavoring to secure equitable rates, etc., his remark was certainly true, but is it not a sad commentary on the state of affairs in a country like ours that this should be the case?

"Aside from the justice or injustice of our claims, is it not placing a tremendous power in the hands of one man, or let us say a committee of a dozen men, all paid and controlled by one of the interested parties—that is, the railroads—to determine absolutely whether any shipper or consumer shall pay a just rate or something far higher? Where is there a more powerful trust than this little committee which is accountable to no one but its masters, who are interested in securing high rates, and which controls this subject absolutely without appeal over the greater part of our country?"

There was another instance of similar character presented to the committee. In this case the complainant was a large manufacturing concern with over a million dollars invested, who tried to "deal directly with the railroads," too. This manufacturer gets out a sectional bookcase. This case is capable of compact crating in small pieces. It was entitled, seemingly, to a lower classification than the common bookcase, which is big, clumsy, and occupies much space in proportion to its weight. The roads refused to allow any reduction from the regular classification that had applied to bookcases for a quarter century—namely, one and one-half times first class. In view of the argument that the making of rates should be left with the roads in the interest of facility of business between shipper and carrier—that changes may be promptly made to meet changing conditions, etc.—it seemed to this manufacturer that he would do well to persist. So he tried to see the chairman of the "Official Classification Committee." He said, "I assure you he was harder to get at than the Czar of Russia. A shipper stood just as good a chance of interviewing that man as he would to interview the Czar of Russia."

Still another illustration of this point is the case of Mr. Cabot, who testified before the committee. Mr. Gregory S. Cabot, the largest manufacturer in the United States of carbon black (dry color for printing ink), testified that while the market value of his product had gone down from 60 cents to 4 cents per pound, its classification by the railroad companies had been advanced and the cost of transportation thereby increased, and this in spite of the fact that the method of packing had been so changed that it is possible to carry practically twice as many pounds per carload.

"In less than carload, the classification was in the beginning first class; in 1887 it was advanced to one an one-half times first class. In carloads, 1887, the classification was sixth class, same as other forms of dry paint; in 1889 it was advanced to third class and maintained until January, 1905, when it was raised to second class, rule 25, or an advance of about 10 per cent. And all this time there was a constantly and rapidly increasing quantity of traffic in this commodity."

Discriminations against live stock.—One of the most far-reaching and damaging discriminations brought to the attention of Congress in these hearings was the discrimination against live stock and in favor of packing-house products and dressed meat. Live stock furnished about 12 per cent of the entire traffic of the Western roads. The rates on live stock vitally affect the entire agriculture of all this Western country, from the breeding country in the south to the feeding country in the north. Every man that grows stock, or that grows crops to be fed to stock, is interested in this matter. In all this country the freight rate to the central market is taken out of the pocket of the producer and the grower. The live stock to the market is the property of the farmer and the ranchman; he pays the freight, or, if he sells locally, it is taken out of his price. Packing-house products and fresh meats are the property of the beef trust.

Uniformly throughout the country there is an unwarrantable discrimination against live stock as compared with these trust products. At the same time, the trust product is the more expensive of transportation. From St. Paul to Chicago the proportional rate on dressed meat was cited by a representative of the Chicago Live Stock Exchange as 13½ cents per 100 pounds, while the rate on live stock was just twice as high.

Judge Cowan, representing the Texas Cattle Raisers' Association, cited a case brought by the Chicago Live Stock Exchange "before the Commission, involving the right of the railroads to charge the shippers a higher or greater rate for the transportation of cattle than they charge the packing houses on the Missouri River for a longer distance. That case was decided a few days ago, and it was held that such a discrimination was unjust and unlawful and that the shippers are entitled to a rate of 18½ cents per 100 pounds for the shipment of cattle to Chicago if the packers are entitled to 18½ cents per 100 pounds for the dressed product. The decision was manifestly just and ought to be enforced."

The beef trust, which could stand a fair rate, is favored; the grower and feeder, whose business yields a small profit, sometimes a loss, and

is at best always precarious, must stand the high rate, the extortion. Mr. Fifer, of the Interstate Commerce Commission, calling attention to the importance of just rates to consumers and producers before the Senate committee, declared:

"You take a man on the plains of the West—a cattle raiser who has a thousand head of cattle; he markets them in Chicago or New York; the rate may be ever so high. Perhaps a million human beings eat that beef, and the excessive rate is divided up to that extent. A load under which a single man will stagger two will carry with ease and ten will not feel it at all.

"But how is it with the producer who has the thousand head of cattle? All he has in the world is perhaps invested in his herd, and it is a matter of the most vital importance whether he pays 50 cents a hundred or whether it is 5 cents higher, making 55 cents a hundred. He is the man that feels the excessive rate."

Discriminations against grain and American milling.—Still worse, if possible, than this discrimination against live stock is the discrimination against grain, particularly against wheat for domestic consumption, as against the shipments of the same commodities for export to foreign countries. It is answered by the railroad that this discrimination opens the foreign market to our grain. This is true, but the same market would take our grain as finished product in the form of meal and flour if the preference were shown these commodities instead. But the purpose of this discrimination is not benevolent. So the direct opposite condition prevails in this respect, and flour receives an adverse rather than a favorable discrimination.

The purpose of these discriminations is to force our wheat and grain into foreign hoppers to be ground in order to give the grain-elevator trust complete control of our cereal crops from the field to the consumer abroad. This is a railroad-made trust. Through elevator concessions and other forms of railroad favoritism it has come about that one elevator company has a monopoly of the grain business on each line of railroad. As the several lines of railroad are built together by joint ownerships, "communities of interest," etc., these several elevator companies are built together and directed with a perfect comity and accord of business policy. There is practically no competition among them. They constitute, outside of the milling industry, in effect, one purchaser of the great cereal crops of the country.

The milling business is one of the leading industries of the country. It has developed a capacity probably twice our entire wheat crop. It is distributed over thirty-three States. Neither its ownership nor control are as yet centralized to any important degree affecting competition. The mill market is a really competitive market for the producer of American cereals. This milling industry is therefore a thorn in the side of the grain-elevator trust, and is marked for destruction by the railroads. It is deliberately proposed to ruin a large portion of this great industry through systematic discrimination. A reduction in the milling capacity of the country such as is contemplated will give the grain trust absolute power to fix the price on our surplus cereal products.

From the statement before the House committee by F. H. Madgeburg, representing the Millers' National Association, I quote the following as showing the effectiveness of these discriminations:

"In 1900 the aggregate flour exported was 96 per cent of the entire export of wheat, while in 1901 (after the discriminations were established favoring wheat) it had dropped from 96 per cent to 55 per cent, owing to the discrimination practiced."

Mr. B. O. Eckart, a Chicago miller, representing the Board of Trade and the Illinois Manufacturers' Association, declared before the committee:

"That it is unfair and unjust to a great industry of this country to compel us to pay a tariff rate of 17½ cents a hundred on flour from Chicago, for instance (i. e., to New York), and at the same time to carry wheat on a secret cut rate of 8 or 10 cents per 100 pounds. It practically means confiscation of so much milling property."

Mr. E. P. Bacon testified that wheat from Missouri River points was carried to New York for export in competition with the Gulf ports at a rate of 13 cents per 100 pounds, "and the bill of lading in stating that rate had indorsed upon it a statement that if used for domestic consumption at New York" the rate should be 25½ cents per 100 pounds, or practically twice the export rate.

Because of the discrimination in favor of grain shipped for export, because similar advantages are not given to flour shipped for export, because such flour is not given the benefit of milling in transit rates the milling industry of this country is not permitted to compete in foreign markets upon the same footing as the grain trust.

The significant feature of this discrimination is that its object is to build up and perfect a monopoly.

The purpose of this monopoly is to control the market of the cereal produce of the American farmer, and when it is perfected the growers of grain will be in substantially the same position as the producer of crude petroleum in Pennsylvania.

DISCRIMINATIONS AGAINST PERSONS.

It was asserted by the railroad, and accepted by the Interstate Commerce Commission, that under the operation of the Elkins law the practice of giving rebates to favored shippers was for the most part discontinued. The railroad company is no longer dividing its income to any considerable extent with any of its patrons through the direct rebate. The railroad representatives profess to be glad of this. If true, it certainly would save the roads much money, and it would probably also operate to greatly increase indirectly the amount of the transportation taxed upon the people, paid in the price of supplies and manufactured articles.

But still there are favored shippers who through various occult influences maintain with the railroads friendly relations which enable them to obtain special concession and favors which give them very material business advantages as against their competitors not similarly favored. Every great industrial trust is inseparably bound up through the "community of interest" with one or more of the great railroad groups of the country. The comity of business policy and relations existing among these railroad groups is such that a trust is a privileged shipper on practically every railroad in the United States.

Discriminations in tariffs.—These discriminations take various forms. Sometimes they appear as discriminations in the published tariff rates. It is set up by the railroad attorneys before the United States court that the only test of the lawfulness of a rate is the fact that it is published; and the court sustains their case.

In competition with such favored shippers a small business has little chance. The roads refuse to consider the complaint, in some instances even failing to accord a courteous hearing of the complaint.

There appeared before the committee of the Senate a manufacturer of Milwaukee, who was making hardware specialties, among them springs and axles for children's vehicles. He said his principal competitors were at Toledo and Pittsburg. He had to get his raw material from Pittsburg at a rate of 18½ cents per 100 pounds. He was seeking to build up a market at St. Paul and Minneapolis. From Milwaukee to the twin cities, 335 miles, the witness testified that his rate on axles and springs was 40 cents per 100 pounds. His Toledo competitor reached the same market, a distance of 600 miles, for a rate of 37 cents on axles and 42 cents on springs; and the Pittsburg competitor, 800 miles away, at 37 cents on axles and 48 cents on springs. The combination of rates on the raw material to Milwaukee plus the rate on finished product effected a discrimination such as to practically exclude the Milwaukee manufacturer from competition in that market. "As a result," he said, "we must see business that belongs to us go to competitors several hundred miles farther away from this district than we are, or give up a large profit to hold the trade."

"Subterfuges" for rebates—"Concessions."—Attention is directed to the testimony before the Senate committee, on April 29, 1905, of Mr. James H. Hiland, third vice-president of the Chicago, Milwaukee and St. Paul Railway Company, relating to the giving of rebates:

"Senator CULLOM (of the committee). Is there any subterfuge that enables them (the railroads) to give a rebate without making it a rebate?

"Mr. HILAND. There are subterfuges that can be adopted and made the means and channels for concessions in rates. They are not rebates.

"Senator CULLOM. Are they means of concessions that ought not to be granted under the law? Are the railroads, in other words, living up to the law?

"Mr. HILAND. I would like to answer that, Senator, by saying they are concessions. Whether they are lawful concessions or not I do not know."

There are "concessions" and there are "subterfuges" through which certain shippers are favored. Whether they are in violation of law, Mr. Hiland, third vice-president, in charge of traffic of one of the greatest railroad systems in the country, had not found out from his legal department. It should not require recourse to the legal department for Mr. Hiland to know that these "concessions" and "subterfuges," if not rebates in a technical sense are precisely to the same effect, and in fact are practices which the law was framed to prevent. It is not a question of the name, but of the thing itself. And these subterfuges are the same, and in fact are the things which the act of Government has stamped as pernicious and made punishable as a criminal offense.

Some illustrations of the nature of these "subterfuges" and "concessions" I take from the testimony given by Mr. C. W. Robinson, a lumber manufacturer, who came before the committee on behalf of the New Orleans Board of Trade and the Central Yellow Pine Association:

Rebates through purchasing agents.—Railroads use large quantities of lumber and timber for building and construction purposes. In fact, the railroad companies are about the largest purchasers by contract of such material that ever enter the market. "Very generally," says Mr. Robinson, "purchasing agents have been instructed to buy supplies from parties who are large shippers over their respective lines, and there is a great possibility of the direct rebate being given through the office of the purchasing agent." It may be added that there are many other lines of supply, of which the roads are extensive buyers, such as iron and steel, coal, and lubricating oils. Most of the latter is said to be purchased of the Standard Oil Company.

Switching charges.—Another one of these "subterfuges" which is very fruitful of special advantage to large shippers, particularly at competitive points, is "the absorption of switching charges at terminal points on shipments which originate at competitive points, and the refusal to absorb switching charges where the shipment originates at noncompetitive points."

The following is an instance of this practice cited by Mr. Robinson in the lumbering business:

"At Cincinnati there is a large buyer of lumber whose yard is on 'Hazen's switch.' Said switch is located on the Cincinnati, Lebanon and Northern Railway, and to reach such switch from the tracks of the Louisville and Nashville road cars must pass over the Eggleston Avenue track of Pittsburg, Cincinnati, Chicago and St. Louis Railway, and thence over the Cincinnati, Lebanon and Northern Railway. These roads charge the Louisville and Nashville $6.50 to $9 per car for switching, and on lumber which originates at noncompetitive points, on the Louisville and Nashville Railway, the producer must pay this switching in addition to the regular published tariff rates; but if the lumber originates at a competitive point, then the Louisville and Nashville pays this switching charge and by so much depletes its tariff rate."

"The midnight tariff."—A commonly practiced method of discrimination between persons, particularly in the lumber business, is the promulgation of special, or what are sometimes called "midnight tariffs." Mr. Robinson cites the following as an example in his knowledge. To quote Mr. Robinson: "Early in the year 1905 the Southside Elevated road, of Chicago, was in the market for about 400 carloads of sawed and planed cross-ties, and bidders are asked to name a price f. o. b. Chicago.

"The blanket rate on ties and lumber (and such ties are nothing but one kind of lumber) from the entire yellow-pine belt to Chicago is 26 cents per 100 pounds. A number of bids were submitted to the Southside Elevated road, and, so far as I can learn, all the bids were rejected as being too high. Effective March 22, 1905, the Illinois Central Railroad issued its tariff, D-12013, I. C. C. No. 3153, in which tariff a rate of 26 cents per tie is named on yellow-pine ties to Chicago from (points) Luzon, La., to Pearl, Miss. (a distance of about 100 miles). The tariff contains a provision reading 'cars must be loaded to the full loading capacity, but not in excess of 10 per cent beyond their market-weight capacity. Ties to be billed at 165 pounds per tie.' On April 6 the Illinois Central promulgated another tariff (C-12013, I. C. C. No. 3171), canceling the previous tariff. The new tariff named the same rate per tie, the only difference being that the weight is given as 130 pounds per tie, instead of 165 pounds. Assuming that the weight per tie, as given in the last tariff, is correct, this makes a cut from the regular tariff on lumber of 6 cents per 100 pounds, or reduces the lumber rate from 26 cents per 100 pounds to 20 cents per 100 pounds on this particular class of lumber and on this particular piece of road."

Any manufacturer located on this particular piece of road who had been favored by the Illinois Central Railroad (and the presumption is warranted that there were such) with advanced information of the cut rate which would prevail during this comparatively short time would, of course, be in a position to underbid competitors and furnish the material. After shipment was made under this contract the rate went back to where it stood before. There have been instances of this kind cited in which the cut rate remained in effect not longer than a week. Some of the lumber of the favored shippers was loaded ready for shipment when the tariff issued.

Abuse of "rebilling rate" (from Mr. Robinson's testimony).—"An-

other abuse is what is known as the 'rebilling rate.' By rebilling rate is meant a rate by which goods received in unbroken carload lots over one railway can be rebilled over the same or another line, completing one continuous trip of the same commodity, simply changing the consignee and altering the destination of the identical shipment, without unloading or handling of freight. Such rates or privileges are greatly abused, and are the source of a great amount of indirect rebating. To illustrate—and I must ask you to pardon the use of a fictitious road, but which really and truly represents several roads—on the St. Louis and Cartersville road, not many miles out of St. Louis, is the town of Hawkinsville, Ill., which town has a population of about 1,000 people. The blanket rate on yellow-pine lumber to Hawkinsville from all points in the yellow-pine belt is 24 cents per 100 pounds.

"To St. Louis, Mo., the blanket rate is 20 cents per 100 pounds, but on lumber consigned to Hawkinsville the roads south of the Mississippi River are allowed 18 cents of the through rates, the St. Louis and Cartersville road receiving the remaining 6 cents of the through rate. At Hawkinsville there is no agent of the car-service association. By a secret understanding between the St. Louis and Cartersville road and certain favored shippers, cars may be held at Hawkinsville, for, say, fifteen days without any car service accruing, and then be billed or reshipped to any point in the central traffic association territory, and the name of the consignee changed. Let us assume that lumber shipped to Hawkinsville is rebilled to Johnsonville, in the extreme northern part of Ohio, the through rate to Johnsonville from the yellow-pine belt being 31 cents. The St. Louis and Cartersville road, with its connecting lines, gets 12 cents per 100 pounds from St. Louis to Johnsonville, the result being that the through rate is reduced from 31 to 30 cents, and no car-service charges to follow. Hundreds of carloads of lumber are shipped to Hawkinsville yearly, only to be rebilled as outlined, and in the States of Illinois and Ohio there are other points at which the same practice is in full force."

Abuse of "milling in transit."—Another form of special favor to shippers cited by Mr. Robinson is the abuse allowed by the railroads to be made by certain shippers of the so-called "milling in transit rates." Some roads make to some manufacturers of lumber, for example, a special rate, which comprehends the transportation of logs to the mill before manufacture and of lumber from the mill to market after manufacture. This device opens wide the door for favoritism and discriminations.

"Tap-line allowances."—A reduction in the rate called a "tap-line allowance" is made to lumber manufacturers having logging roads, the amount conditioned upon the length of the logging road, the amount of traffic, and any other condition which the railroad choses to consider. The conditions being different in each case, the opportunity is afforded in practice to make what amounts to a special rate to each manufacturer. The manufacturer who has the greatest commercial power secures the largest concession.

Mr. Robinson describes this form of discrimination, as follows: "For a number of years all the roads in the yellow-pine region west of the Mississippi River have given to sawmills operating on their lines and having logging roads an allowance of from 2 to 4 cents per 100 pounds of through rate; roads east of the Mississippi River, with the exception of the Mobile and Ohio Railroad, have declined to make to mills on their lines any allowance whatever, or allow them any participation in the through rate, notwithstanding that some of the mills in Mississippi have logging roads 30 to 40 miles in length. This practice is unfair and gives to the manufacturer of yellow-pine lumber enjoying such a participation in the through rate an advantage of from 60 cents to $1.80 per thousand B. M. in freight allowance."

At these hearings Mr. Gardner, a lumber manufacturer of Laurel, Miss., also testified that manufacturers east of the Mississippi were discriminated against as compared with manufacturers west of the river by an allowance called a "tap-line allowance," which was universally granted west of the river to manufacturers having logging roads on which traffic originated, but which was not granted to manufacturers east of the Mississippi. This discrimination amounted to from 2 to 6 cents per 100 pounds, or 60 cents to $1.80 per 1,000 feet of lumber. Mr. Gardner estimated that 50 per cent of the southern pine in five States west of the Mississippi moved at less than tariff rates because of these allowances. Further, he declared "that the methods of making rates down there through the South have a tendency to consolidate interests and make unreasonable rates and to make practically what are discriminations by allowances to originating roads. Some of them get as high as 6 cents out of a 16-cent rate, where the mill and the road are the same thing."

Underbilling.—A form of indirect rebate is what is known as underbilling. A shipment is carried by the railroad for a favored shipper, and when the waybill and expense bill are made out the weight of the shipment is put down as several hundred, or possibly several thousand, pounds less than the actual weight. The favored shipper gets free the amount of transportation represented by the difference betwen the actual and the "billed" weight. It is evident that a published tariff is no protection for any shipper from a discrimination of this sort.

A shipper, testifying before the Senate committee of facts within his own experience and knowledge, said: "A railroad company may publish rates, but there are ways of getting around those rates. For instance, a car is misrepresented—that is, the contents of it is—and I have asked the Interstate Commerce Commission to say that a railroad company should know what it is doing. A railroad man a little while ago told me that these goods were not billed right. Now, he therefore put the shipper in this position: That if the shipper is going to determine what he is going to pay he is going to deliver the car accordingly, and the railroads in many cases in the country don't know what goes into a car and don't know what goes out. I know of a point where 150 cases of strawberries was systematically loaded on a car upon which there was never any freight paid, and the rate was 21½ cents a crate. * * * It is done to-day."

The industrial railroad.—The industrial railroad is another loophole for the payment of indirect rebates. There is a switch, or possibly a spur track, quarter of a mile in length, running into the yards or works of a manufactory, mine, or jobbing warehouse. A paper railroad is organized by the industrial concern—a company to own this "railroad." Then this "railroad," which is really only a switch, becomes the "terminal road" for all traffic received at this plant and the "originating road" for all traffic shipped out. It is entitled to a division of the tariff rate on this traffic, a "proportional," as it is called. This proportional is big to the favored concern and small or nothing to the little one. It is in proportion to the "pull" or the bargaining power of the shipping concern. Every great industrial trust has a full complement of such "railroads."

There was a case of this kind before the Interstate Commerce Commission brought, I believe, by the independent salt mills at Atchison, Kans., involving gross discriminations in favor of the salt trust. The trust received from the railroad, according to Mr. Davies, about 35 per cent of the tariff rate on shipments merely for the use of a switch at the trust plant. The evidence in this case has been with the department of justice a year or two and nothing has been done. Presumably nothing can be done under the law. Mr. Davies, of Chicago, gives this illustration:

"In Chicago there is an Iroquois coal company. That coal company has its rate. They transport coke from Pennsylvania or West Virginia to that point. I think the distance is over 600 miles. The freight rate on that kind of coke is $2.60 per ton, and they deliver to the switch in Chicago on what they call 'Chicago Short Line,' and it is a very short line, because it is nothing more than a switch, into the Iroquois Iron Company's yards, and they pay that Iroquois Iron Company no less than 40 cents a ton."

Demurrage charge.—Similar to the absorption of switching charges, as already explained, is the discrimination in the charges for demurrage, so called. On all carload shipments there is a time limit set by the railroad companies, or through the organizations of the several railroads, known as "car-service associations," on the detention of cars at points for loading or unloading. A fixed per-diem charge is made for any such detention over twenty-four or forty-eight hours—that is, it is made to most shippers. For favored shippers this demurrage charge may be absorbed and nobody except the party to the transaction be the wiser. "In other words," to quote from the testimony, "in fixing the charges it is not the commodities that are shipped on the American railroads to-day that determine what the service is worth; it is the chromo of the shipper."

Organized industry favored.—Because of the "community of interest" existing among the "big business" enterprises of the country and the railroads of the country—because of the mutual graft, if you please—it is a settled policy of the roads to favor organized industry in almost every point. Said Mr. Davies in his testimony, "If you will organize a big trust and go to a railroad company and tell them that it is organized in that way, you can get 30 per cent reduction from the fact that you are organized." Being challenged to cite an example of this discrimination in his own knowledge and experience, he replied: "To my knowledge I paid more for the transportation of a carload of strawberries from Tennessee (to Chicago) than the through rates on the packing-house products from Kansas City to Liverpool, England. The rate to-day on bananas imported by way of New Orleans or Mobile gateway is 47 cents per 100 pounds, with an 18,000-pound minimum, as against the transportation of strawberries on the basis of 20,000-pound minimum at 51 cents, and that rate involves 15 cents per 100 pounds for icing, and there is a messenger carried on the banana train that is not carried on the other."

Interstate Commerce Commissioner Prouty appeared before the Senate committee. He declared that, in his judgment, the most serious form of discrimination that the country would have to contend with in the future is this discrimination as it appears in the open published tariff rates, and he cited the favoritism of the Standard Oil Trust. He declared, "You go out in New England to-day and you will find the 'freight' tariff put absolutely into the possession of the Standard Oil Company, every foot of the territory of the New York, New Haven and Hartford Railroad. You will find that class of discrimination all through this country. I think in the future that class of discrimination will probably be more serious than the question of rebates. That is really not a discrimination against localities. That is discrimination as between shippers. That is the adjustment of a tariff in such a way as to prefer one shipper to another."

On this subject Mr. Joseph Bartells, of St. Paul, a jobber of independent oil, cited the following discriminations with which he found it necessary to contend in his business in Minnesota. He said that the rates on oil had been raised by the railroads at the solicitation of the Standard Oil Company from 17½ to 19½ cents per 100 pounds between Pennsylvania and Chicago, and from 15 to 20 cents per 100 pounds between Chicago and St. Paul. This makes the total through rate for the independent product to St. Paul 29½ cents. The independent dealers are obliged to make their prices based on the freight rate. The Standard pipes its oil to Chicago, and also enjoys special concessions on freight shipments. It can therefore make its prices independently of the published freight tariff. For example, Mr. Bartells cited the Standard Oil prices in the middle of last April as 8 cents per gallon at St. Paul and 12 cents per gallon at Fergus Falls, Minn., while the difference in rate was only 1½ cents per gallon.

ENORMOUS ADVANCES IN FREIGHT RATES.

Since January, 1900, freight rates have taken great jumps. Directly or indirectly the entire industrial field has been affected. One result is that the people of the country are now paying annually about $200,000,000 (I. C. C. estimate $155,000,000, 1903) more per year for transportation service than they would pay were the old rates still in force. These advances are in force in every section of the country. They are in force on nearly every important article of freight shipment. Many of them were put in force through advance in classification of commodities for shipment. Of the three classifications covering the merchandise traffic of the country one shows 572 commodities so advanced, another 531, and the third, 240. In addition to these advances there were very great advances on several most important articles of shipment in commodity rates, such as iron and steel, soft coal, and lumber. Besides these the public burden has been increased by the greatly increased cost of transportation by private car and freight line companies.

Advance in rates on hay.—Among the most conspicuous and important commoditites directly affected by these advances in the classification of freights is hay. Mr. John B. Daish, representing the National Hay Association, stated before your committee that the trunk line railroads had carried hay and straw from the West to Eastern markets as sixth-class freight for thirteen years. The rate under this classification from Chicago to New York, for instance, was 25 cents per 100 pounds. With the advance of January, 1900, hay went to the fifth-class, rate, Chicago to New York, 30 cents per 100 pounds. At the same time grain was being carried to New York at 15 to 17½ cents.

These advances in the transportation of rates on hay, being made in the form of a classification, necessarily affected all shipments within the "Official Classification" territory. Mr. English, a dealer in hay for many years, submitted statistics showing that nearly one-half of the hay crop of the country was produced in Wisconsin, Minnesota, Iowa, Missouri, Nebraska, and South Dakota. He said, "I think in the last two years (i. e., since the advance) not one ton of that hay has

come East * * * to the seaboard markets. Taking this hay from the sixth class and putting it in the fifth class increases the freight on hay from $1 to $2.60 per ton, according to the distance of haul and the location Prior to that we in Baltimore frequently brought hay from west of the Ohio River. We shipped hay from Ohio and Illinois and Wisconsin and all the Western States. I have been in the hay business for well on to twenty years, and prior to this time we considered Illinois and eastern Iowa our best source of supply, but in the last two years (i. e., since the advance) I have not handled a carload of hay from Illinois and very little from Indiana."

In effect, this advance in the classification of hay has practically excluded the hay crop of the North Central States from the Eastern markets.

In April, 1904, the Interstate Commerce Commission, in compliance with the resolution of the Senate, presented a memorandum showing the effect of these advances in increased freight charges to the public. The advances were found to range from 40 cents to $1.50 per ton, and were estimated to average 80 cents per ton. The estimated shipments affected were 3,420,980 tons yearly, and the advance was placed at $2,434,000 annually. The total amount of this advance to the date of the report was placed at $10,000,000.

Advance in rates on sugar.—Another one of these advances in classification was sugar, which was likewise advanced from the sixth to the fifth class. And the people of the United States have paid out on this advance to date something over $5,600,000.

Advances in rates on live stock.—The most vigorous complaint before the Congressional committees against advances and overcharges in freight rates was that which was made by the live-stock interests. These excessive rates for the transportation of live stock vitally affect the prosperity of the whole agricultural West. The agriculture of nearly all of this whole section derives the largest part of its money income from the sale of live stock. Live stock is the most valuable, single, finished product of this great industry. It constitutes about 12 per cent of the total tonnage of the traffic of the western railroads. It is probably largely because of its great importance that the railroads have steadily advanced the charges for hauling and handling this traffic. Even a slight percentage of advance in the rates on traffic of so great volume and so high class would obviously yield an enormous increase of revenue to the carriers.

Most conspicuous among the complainants against these advances and overcharges was the Cattle Raisers' Association of Texas, represented by Judge Sam H. Cowan, of that State. The advances complained of by the cattle raisers of the Southwest affect almost equally all live-stock regions. The rates most complained of are those on which cattle are shipped from breeding grounds of the Southwest to feeding grounds in the Northwest. It is this character of overcharges that have bankrupted the stock-feeding industry of Iowa and other Western States. So extensive is this specialization by localities in the breeding and feeding branches of this industry become that any oppression of this traffic must necessarily operate most injuriously through the whole live-stock industry. Said Judge Cowan in his testimony, "That is an extensive business, and there have been some 400,000 head of cattle shipped that way in the last two or three years. When we had the trail and the cattle were driven the railroads thought it profitable to transport them at $55 per car. But the settlement of the country and the closing of the trail destroyed that competition, and so from time to time the railroads have advanced the freight rates, so that to-day the rate is $100 per car, for which they were glad at one time to accept $70 per car, and are even undertaking to pay rebates to get business."

Judge Cowan further declared that the advances in rates on this class of traffic alone amounts to not less than $3,000,000 annually.

The importance and character of the "cattle raisers' " complaints are best appreciated from an examination of their complaint submitted in the case brought by them before the Interstate Commerce Commission, a copy of which complaint is put in by Judge Cowan as part of his statement before the Senate Committee. The following important statements are made, the proof of which the Cattle Raisers' Association has laid before the Interstate Commerce Commission:

The Cattle Raisers' Association, of Texas, embraces about 1,500 members, engaged in all branches of the cattle business, principally in the States of Texas, New Mexico, Oklahoma, Arizona, and Indian Territory, and the States of Colorado and Kansas, and, to some extent, in Nebraska, Wyoming, South Dakota, and the Republic of Mexico. The membership of this association owns approximately 4,000,000 cattle in these States and Territories.

The principal markets named are Kansas City, St. Joseph, South Omaha, St. Louis, Chicago, Fort Worth, New Orleans, Denver, and Pueblo, Colo. Many shipments are made from the Southwest to the Northwest for grazing and feeding purposes.

The complaint charges that "all of the interstate rates applicable to all interstate shipments of cattle and other live stock from all points in said States and Territories are unjust, unreasonable, and unlawful," and that the rates put in force in 1899 and subsequently were "likewise unjust and unreasonable," and, as instancing the advances in freight rates on beef cattle in the preceding five years, the complainant submitted a statement of representative rates showing such advances from 1898 to 1903. From this statement it appears that from ten important shipping points representing Texas, Oklahoma Territory, and Indian Territory the rates to Chicago, St. Louis, and Kansas City markets had been advanced during this period in amounts ranging from 4¼ to 9½ cents per 100 pounds, or from 12 to 31 per cent.

The complaint further avers that the roads conspired and confederated to bring about these advances, charging that on February 1, 1899, a joint arrangement was made among them whereby the rates on beef cattle from all southwestern points to markets were advanced about 2½ cents per 100 pounds. It further charges that in like manner about December 15, 1899, the rates from all Texas, Indian Territory, and Oklahoma Territory and New Mexico were advanced about 3 cents per 100 pounds, and the rates from other points were advanced in like manner and for amounts not stated. Other advances have also been subsequently made, particularly about March, 1903, there was another advance of 3 cents per 100 pounds, making the cattle rates which have been maintained.

The complaint goes on to state that the rates in 1898, before the advances were substantially what they had averaged for the preceding ten years, and the increases which made the rates higher than for fifteen years were unwarranted. It is further offered that these interstate rates are from 20 to 30 per cent higher than the local rates within States where the rates are regulated by law. The following examples are cited:

Texas local rates, beef cattle or calves, 500–550 miles, 26½ cents per 100 pounds; 650–700 miles, 30 cents per 100 pounds.

Interstate rates, beef cattle and calves, Fort Worth and north Texas points to Kansas City, 500–550 miles, 36½ cents per 100 pounds.

North Texas points to St. Louis, 600–700 miles, 42½ cents per 100 pounds.

"And by the local distance tariff of the States of Illinois and Iowa, rates on cattle and other live stock are proportionally still lower than those of Texas, while local rates in Kansas, Missouri, and Nebraska are not substantially higher than local rates for similar distances in Texas."

The complaint also states that, in addition to these advances, the roads have ceased to grant free return passage for shippers to go with and care for their live stock in transit, but require the payment of the regular fare for the return passage.

The advances are not justified by advances in the value or price of live stock, "as is well known to the defendants, and are of less value on the markets to-day than at any time in many years, and the burdens of excessive rates of freight to-day bear more heavily upon the producers of cattle than at any time in the past, so that upon shipments from southwestern Texas, western Texas, New Mexico, and Arizona, the rates of freight to the markets, upon ordinary range cattle, which are the kind produced and shipped, take from 30 to 50 per cent of their value."

The complaint further declares that the advances are not justified by any improvements in the character of the service. "As to this, complainant says that the service has not improved; that cattle trains, as a rule, are not run at any greater speed; and, in fact, as complainant believes, the service is poorer than it was ten years ago, both in the manner of handling cattle and other live-stock shipments and in the time consumed in their transportation, and is therefore less valuable than it was ten years ago."

Attention of the Commission was called to the $2 terminal charge at Chicago, "imposed, charged, and collected, since June 1, 1894," by all roads entering Chicago. "Complainant avers and charges that the same was and is an unreasonable exaction added to and collected in addition to said unreasonable transportation charges, and that the service for which it purports to have been imposed, viz, for delivery to the Union Stock Yards at Chicago, was and is comprehended in the through rate.

"Complainant says that said through rate to Chicago at all times comprehended the service of transportation of live stock to said Union Stock Yards upon the Chicago rate from all points in said States and Territories, and that the same was at all times sufficiently high to afford a reasonable compensation for such transportation from points in such States and Territories to the Union Stock Yards at Chicago, including the delivery there of such live stock. That such terminal charge is therefore unjust and unreasonable, and in violation of section 1 of the act to regulate commerce. Complainants further show that no such charge is made at any of the other markets, and that under the circumstances the imposition of such charges at Chicago constitutes an undue and unreasonable prejudice and disadvantage to shippers who ship, or desire to ship, to said market, and is therefore in violation of section 3 of the act to regulate commerce."

In addition it is charged that the roads exact additional payments for the feeding of cattle on trains and that the charges so exacted are 50 per cent more than the value of such feed.

As evidence of the correctness of these statements regarding the advances in the rates, Judge Cowan submitted part of the testimony of Mr. Haile, freight traffic manager of the Missouri, Kansas and Texas Railway Company, in the hearing had before the Interstate Commerce Commission:

"Mr. COWAN. There has been a general complaint of an advance in rates, has there not?

"Mr. HAILE. Yes, sir; there has been complaint."

* * * * * * *

"Mr. COWAN. The advances which were made in those rates made them higher than they had ever been before?

"Mr. HAILE. I think they are.

"Mr. COWAN. Is it not a fact that for ten years previous to the advances made in 1899 the rate from Fort Worth, for example, which would be a fair one, had never been more than 31½ cents per 100 pounds?

"Mr. HAILE. I will tell you. I think that is substantially true, Mr. Cowan."

* * * * * * *

"I find that such rate was, in 1889, to Kansas City, 28½ cents, and it was advanced from that figure up to 33 cents, where it remained for a series of years, and was reduced again to 28 cents, and then advanced to 33½ cents, and then again to 36½ cents.

"Mr. COWAN. The 36½-cent rate to-day is a higher rate than has existed since the organization of the Interstate Commerce Commission, and since we have had a file of the tariffs with them?

"Mr. HAILE. Yes, sir.

"Mr. COWAN. What else could you expect, then, than that the cattlemen would complain of the advances in these rates?

"Mr. HAILE. Oh, I expect them to complain."

Mr. Murdo MacKenzie, a cattle raiser, operating one of the largest ranches in the country, appeared before the committee to complain of these advances in freight rates. He testified that at one time, under conditions of active competition, the rate per car from Amarillo, Tex., and common points to northern feeding grounds had been $55. He said:

"Next year they came to us and asked if we would not agree to raise the rate to $65 per car; that if we would agree to give them $65 the rate would be satisfactory to us, and that it would be perfectly satisfactory to them. That was a paying rate. * * * That was in 1890, if I remember well. This state of affairs continued up until 1898. In 1899 they increased our rate, and from year to year continued increasing our rate, until to-day we are paying them $100."

With reference to the deterioration in the service obtained, Mr. MacKenzie testified that it is necessary to unload cattle to feed more times in transit, because of the slower rate of travel, which is only ten to twelve miles per hour. The cattlemen ask that the rate be eighteen to twenty miles per hour. They say that such rate of speed is necessary to the welfare of their business, and it is certainly not excessive.

In this connection Mr. MacKenzie testified before the committee of the House, "Up to 1897 I could go to a railroad company and tell them that I would give them from ten to twelve cars on a train and they would give me a special train. But now they will not move any freight unless they get the full tonnage of a train—the full tonnage that the engine is rated to carry. In many instances they overrate their engines, so that they will not make more than seven to ten miles an hour. I have had shipments on the road—I have had from 3,000

to 5,000 cattle on the road—and I have got a service of from seven to ten miles per hour.

"Now, gentlemen, it would be impossible for me to tell you or explain to you the losses we entail unless you are cattlemen; in fact, I do not know about it myself * * * I do not know how these things are arrived at, but I know the loss to us is enormous."

The loss in the shrinkage of cattle on account of say 24 hours' delay is 25 pounds to 40 pounds per head. Mr. MacKenzie said, "I take it at 25 pounds, and deduct that from the weight of a steer that will sell for $4.50 per hundred, and you will see that we lose a little over $1 a head on every steer we ship to market. * * * Now, gentlemen, when you think of it, you may suppose that 25 pounds is a very small thing in the weight of a steer, and that it don't make any difference. But here is a poor little devil who has been working hard all the year feeding his cattle with high-priced corn, and with the poor price of cattle on the market he must lose $1 per head. What show has he got to go into the courts to make the railroads pay for this? He has none; and even if he does succeed it takes him years to get it, and costs him more than the whole thing is worth."

Mr. MacKenzie testified that the rates for shipment of cattle to market had been increased also by changing from a rate per carload to a rate per 100 pounds. This did not appear directly from the tariffs, but was none the less burdensome in fact. The rate per car had been $62.50 to Kansas City. The rate was changed to 28 cents per 100 pounds, and the minimum carload weight set at 22,000 pounds. Had this weight been fair and practicable in fact there would not have been necessarily any increase in the rate. But, as a condition of the proper shipment of cattle, it is necessary to load cars to a certain limit. This means about 25,000 pounds per car on the average, and at 28 cents per 100 pounds this meant $70 per car, or an increase of $7.50 per car. But the railroad tariff officials tried to make the shippers believe that the rate had not been raised.

In 1900 the rate per 100 pounds was raised to 31½ cents, making the rate $78.75, or $8.75 higher than after the first increase, and $16.25 higher than before the carload rates were withdrawn. In 1903 the rate per 100 pounds was again advanced, this time to 34½ cents per 100 pounds, making $86.25 per carload of 25,000 pounds, or $7.50 more than had been charged since 1900, and representing a total increase per carload of steers over the carload rate in force in 1898 of $23.75, or about 38 per cent.

As instancing the unreasonableness of these advances, Mr. MacKenzie related an experience with the traffic officials. At the time when the rate from Amarillo and common points to Kansas City, 500 miles, stood at 31½ cents (before it was raised the last time to 34½ cents), the shippers went to the roads and complained, citing the rate from Las Animas, Colo., to Kansas City, 500 miles, 23½ cents per 100 pounds. The roads admitted the discrimination and, to "help" the Texas cattlemen, raised the rate from Colorado to Kansas City to 26 cents, although the Colorado rate had previously been satisfactory to them, i. e., the roads.

Another witness who came before the Senate committee to complain of the railroad oppression of the live-stock industry was Hon. W. A. Harris, formerly United States Senator from Kansas, who appeared as representative of the American Short Horn Breeder's Association, an extensive live-stock organization. Mr. Harris strongly indorsed the correctness of the sentiments and statements of Judge Cowan. He declared that the cattle rates in the Southwest had in the last five or six years been advanced 25 or 30 per cent.

Another petitioner to the committee of the Senate was the Chicago Live Stock Exchange, which handles practically all the live stock received at this, the greatest live-stock market of the world. The statement of the exchange setting forth the "terminal charge" extortion at the Union Stock Yards, in part, follows:

"For the past eleven years this exchange has been fighting for its patron's interests against the extortion by the railroad companies in the matter of the 'terminal charge' of $2 per car, which, on June 1, 1894, was added to the freight on each and every car of live stock shipped into or out of the Union Stock Yards of Chicago on western railroads. This amount was put on by the railroads to cover a charge varying from 80 cents to $1.50 per car, begun at that date by the Chicago Junction Railway Company for the use, by the various railroads, of tracks connecting the terminals of said roads with the Union Stock Yards and owned by the Junction Railway Company. A storm of indignation arose, and every shipper protested, and the Chicago Live Stock Exchange, on behalf of those shippers, at once instituted proceedings to remove the charge. The matter was brought before the Interstate Commerce Commission as the proper tribunal to give redress, and, notwithstanding the efforts of the railroads, its decisions have always been favorable to the exchange, and at least one-half of the charge was declared unjust and unreasonable. The United States Supreme Court confirmed the Commission's view. * * *

"The exchange, however, has never been able to prevent the continued collection of this charge by the railroad. The hundreds of thousands of men who have suffered for eleven years and are still suffering this extortion feel that some means should be devised for their protection. There have been over $6,000,000 taken from them under this charge without one cent of additional benefit."

ADVANCE IN RATES ON LUMBER.

In February, 1903, an advance was ordered by the roads of 2 cents per 100 pounds, or $8 per car, in all rates on Southern pine lumber, from all Southern producing points, from Georgia to Texas, inclusive, to all markets north of the Ohio River, to all points in Middle and Eastern States—to practically all markets to which this lumber is shipped. So far as the evidence shows, no justification has been offered by the roads for this advance, except that the traffic is able to bear the burden of the higher rates.

Mr. Robinson, representing the New Orleans Board of Trade, before the committee of the House told of a hearing had at Atlanta to consider complaints of the lumbermen against these advances. He said: "Mr. Culp, traffic manager of the Southern Railroad, was on the stand. He was asked to explain why this raise of the rates on lumber was made. As nearly as I can remember his exact language it was this: The railroad companies, desiring to share in the general prosperity of the country, looked around to see who could stand an advance in rates. In their judgment—mark you, in their judgment—the manufacturers of lumber in the Southern States were prosperous and could stand a raise in rates. Therefore they raised the rates."

The statement before the Senate committee by Mr. Gardner, a lumber manufacturer of Mississippi, was to the same effect. There is no competition in this traffic. The only limit recognized by the roads is what the traffic will bear. Mr. Gardner went to Mr. Harrihan, general manager of the Illinois Central Railroad, to complain of excessive rates on lumber, and Mr. Harrihan's reply to Mr. Gardner, as he quoted it to the committee, was: "You people are prospering anyway, and when times get so hard that you can not do business, then we will reduce your rate."

This advance in the rates means an average increase of 60 cents per 1,000 pounds in the price of Southern lumber in the Northern market. It affects directly all the extensive consuming territory north of the Ohio River and east of the Mississippi. It is estimated by the Interstate Commerce Commission that this advance in freight rates applies to annual shipments of lumber amounting to 20,000,000 tons. On this basis, the total amount collected annually under this advance would be about $8,000,000, and, if it is figured from the time the advance was made, 1903, to the present time, this advance probably amounts to about $25,000,000. This is what it has cost the consumers of lumber to have the roads advance these rates. This is the significance of this little 2-cent advance in the freight rates.

Aside from these excessive rates to Northern markets, Southern lumber dealers complain bitterly of the rates for local distribution of this product. On this traffic the rates are often still more exorbitant. An illustration of this situation was given by a committee representing the Missouri, Kansas, and Oklahoma Territory Association of Lumber Dealers. The illustration shows how the roads use their monopoly power to extort exorbitant rates for transportation of freight at noncompetitive or nonfavored points in the distribution of Southern lumber to consumers in Kansas and Oklahoma. In this case the shipment originates in Texas. The committee statement is as follows:

"Let us suppose a train load of lumber originates at Conroe, Tex., on the Atchison, Topeka and Santa Fe Railroad, and let us suppose that this lumber is distributed along its line to Chicago, the distances and rates will be as follows:

	Distance.	Rate per 100 pounds.
	Miles.	*Cents.*
Gainesville, Tex	342	18½
Ardmore, Okla	382	25
Purcell, Okla	449	26½
Guthrie, Okla	513	28½
Wichita, Kans	653	28½
Topeka, Kans	815	28½
Lawrence, Kans	842	23
Kansas City, Mo	882	23
Chicago, Ill	1,340	24

"And all points between Carrollton, Mo., and Chicago on this line get a 24 cent rate. You will notice that the rate to Gainesville, Tex., and Ardmore, Okla., jumps up 6½ cents per 100 pounds in a distance of 40 miles, or 30¼ mills per ton per mile, whereas the through rate to Chicago is 3.6 mills per ton per mile. The rate increases in inverse ratio to the distance the lumber is carried. This is not an isolated case, but this is a fair sample of the lumber rates adopted by all the roads operating in the State of Kansas and in Oklahoma.

"Texas originates lumber within its own State, and has a stringent State railroad law. This accounts for the advance in freight as soon as the road strikes Oklahoma, and also emphasizes the necessity of an interstate railroad law. The distance from Conroe to Chicago is more than twice the distance from Conroe to Wichita, and yet the rate to Chicago is 24 cents, while the rate to Wichita, over the same road, under precisely similar conditions, is 28½ cents per 100 pounds."

ADVANCES ON SOFT COAL.

In the early part of 1903, advances in rates on soft coal were made throughout the official territory, which are estimated by the Interstate Commerce Commission, to average about 10 cents per ton. The tonnage affected is estimated to be something over 100,000,000 annually. Based on this amount, the advance of 10 cents per ton would be over $10,000,000 a year. And if this rate is maintained to the present time, the total increased charge collected would be in excess of $30,000,000 on this commodity alone.

ADVANCES ON IRON AND STEEL.

In this same memoranda the Interstate Commerce Commission state: "At the beginning of the year 1903, the rates on all iron and steel articles were advanced 10 per cent in the territories governed by official classifications. The annual reports of the carriers do not appear to include all iron and steel articles in the tables which give the separate tonnage for particular commodities." The total tonnage assigned to commodities to which this advance is applicable, however, amounts approximately to 20,000,000 tons annually. An advance of 10 per cent would equal from one-half to one and one-half cents per 100 pounds, and average probably about 1 cent per 100 pounds, or 20 cents per ton. On the basis of this tonnage the net annual increase in the freight charge because of this advance will be approximately $4,000,000.

Express companies.—The foundation of the abuse in the freight line, private car, and express company lies in the discrimination by the railroad company in favor of these institutions as against the public. This fact is well illustrated by the testimony of a Chicago shipper before the Senate committee with reference to the express companies engaged in the transportation of perishable fruit.

In the first place, the express company is not a common carrier; is not subject to the act to regulate commerce, and consequently there is no deterrent confronting it in its wrongdoing. This Chicago shipper is a representative of seventy associations of fruit growers and acts in the capacity of general consignee for these associations at Chicago. The point which he makes in this connection is that the managers of railways discriminate in favor of express companies because they have private interest therein.

The significance of this illustration, briefly stated, is this: Until recently the bulk of the Louisiana strawberry crop was brought north by express, and a very considerable portion is still so shipped. At the shipping points an official is employed by the railway company and the express company—by the railway on a salary and by the express company on a commission. The very system by which the local agents of the railroads are also constituted as agents of the express companies, but on a commission basis, is caluculated to induce them to maintain and promote the proportion of express business at the expense of freight or railroad business.

In the given illustration the cost per carload on strawberries by freight, including refrigeration, is $152 per car; time, fifty-two hours. In consequence of this slow schedule, or because of fruit being overripe or water-soaked, or because of the failure of the railroad companies to provide cars, or for other causes, it is frequently necessary that such fruits go forward by express. The cost by express—time, thirty-six hours—is $400 per car. Of this amount the railroad, which

furnishes 97½ per cent of the service, receives $180. The express company, which furnishes the 2½ per cent of the service, receives $220. The shippers say that they are willing to pay 25 per cent more than the present freight—say, $190—and they should be given a thirty-six hour service, such as the railroad gives the express company for $180, and that they should not be obliged to pay the express company more than twice as much for no additional service.

This discrimination favoring the express company gives them a very great advantage as compared with the ordinary shipper. These express companies are engaged in the commission business. They find customers for much of the traffic which they handle.

As another illustration of this discrimination, Mr. Davies submits the following instance: "A friend of mine, a solicitor in the freight business, went to a house in Chicago that had four carloads ready to ship to New York. The rate was $2.25 a hundred. The railroads were religious. They would not shade the rates, and it was a good line, and expected to get the business on the merits of the service. Two days afterwards he went up there, and the express company had hauled down the cars, and they were shipped to New York and delivered to the store at the other end, including the cartage, which they own, for $1.50, and the railroad companies, I presume, got 45 per cent of the $1.50 and were satisfied."

Private car lines.—From all parts of the country where perishable fruit is grown or shipped came complaints of the oppression of the private car and refrigerator car companies. Prior to the advent of the private car line in the Michigan fruit business a charge of 79 cents per 100 pounds covered the total cost of all service, including refrigeration, for the shipment of fruit to Boston. With the advent of the private cars, $20 per carload was added as an icing charge. When Armour secured an exclusive contract on the Pere-Marquette line, this additional charge was increase to $55 per carload, except at competitive points. Not only was this charge exorbitant, but it involves resulting discrimination as between the grower, who has a choice between the Armour car and the railroad car and the shipper who must use the Armour car. This discrimination maintains at present. In May, 1905, the Michigan Central withdrew from the Armour contract with the result that discrimination is restored as between competitive and noncompetitive points in the Michigan fruit belt. Mr. Mead, representing the National League of Commission Merchants, testified with reference to this condition: "One man who can ship fruit over the Michigan Central will get a rate of $25 (for icing) to Boston. The man who uses the Pere-Marquette road (where the Armour exclusive contract prevails) will have to pay $45."

Testimony was submitted in which it was declared that the rates for transportation of peaches from Georgia to northern markets is most exorbitant. The rates were cited, and from these rates on carload shipments of 20,000 pounds of peaches the charge per ton per mile is practically three and one-fourth times the average ton-mile rate on freight in the United States. The charge of $67.50 per car for refrigeration from North Georgia to New York was designated as "enormous."

Complaint from the citrus fruit growers of California set forth that in addition to the enormous rate for refrigeration many of the cars furnished are so small that they will not carry the required minimum carload rate without great damage to the fruit. This results in a necessary underloading of the cars and a consequent much higher rate of charge than is given in the tariffs.

Growers of California deciduous fruits complain still more of the excessive charges for refrigeration. Said their representative before the Senate committee: "This icing charge is exhorbitant, averaging about $106 per car, and believed by many to be all profit for the reason that the (Armour) Company can, as it does in some instances, put up its own ice or own a controlling interest in companies that may be permitted to furnish it with ice, consequently the profits acruing to such company ultimately find their way into the treasury of the Armour Company.

It developed in the testimony before the Senate committee that the rates for refrigeration from the Sacramento Valley to eastern points range from $80 to $120 per car and averaged about $106 per car. At the same time the Northern Pacific Railroad was shipping fruit from Washington and North Pacific Coast points under a charge for icing of $25 per carload.

Mr. Joseph H. Call appeared before the Senate committee on behalf the Southern California Fruit Exchange and the citrus fruit interests of California. Mr. Call stated that evidence in the rate cases in which he participated before the Interstate Commerce Commission established that the average costs to growers per 80-pound box of putting oranges aboard car is $1.10. The freight to eastern markets under a blanket rate amounts to 90 cents per crate, with the charge for refrigeration at $70 to $80 a car. The total cost of laying the fruit down in the eastern markets is $2 to $2.10 per box, and the average selling price for the past three seasons was as follows: 1902 to 1903, $2.20; 1903–4, $1.977; 1904–5, $2.13. So high are the freight charges and refrieration charges on this traffic that the margin of profit to the growers is very narrow and the business is indeed precarious. The total freight paid annually on this traffic to railroads is about $12,000,000, and is about ten times the total estimated profits to the growers on the product so shipped.

Not only are the rates for transportation and refrigeration under the private-car system uniformly exorbitant and unreasonable, but they are charged for a service that is often inadequate and unsatisfactory. Referring to the service in the shipment of the Georgia peaches, it was declared, "As to the refrigerator car service, in spite of the enormous charge of $67.50 * * * the service was bad, peaches spoiled en route and cars could not be had at many places for loading."

Mr. Mead submitted testimony that the service was inadequate, resulting in enormous loss to fruit and berry growers; that the refrigeration was imperfect, necessitating underloading of cars and consequently an increase of about 20 per cent in the already high freight and icing charges. In case of loss or damages he declared it well-nigh impossible to fix the responsibility, and that the freight bills were not in any way itemized so that the shipper could know how much he was paying for any part of the service nor to whom he was paying it. He cited one case in which Armour & Co. sued a receiver of freight for charges on a shipment shipped in an Illinois Central car, the only apparent connection being that it was shipped at the Armour rate; and another case in which the Chicago and Eastern Illinois Railroad sued a receiver for a freight charge on an Armour service. "In one instance the railroad is suing for that work and in the other Armour is suing for the work performed by the railroad."

Mr. Mead submitted in evidence of the failure of Armour & Co. to furnish efficient service where they have exclusive contracts to furnish all the equipment to move the traffic the following letter, by a pioneer trucker of North Carolina, to the Carolina Fruit and Truckers' Journal:

WALLACE, N. C., *May 5, 1905.*

Editor Carolina Fruit and Truckers' Journal:

During my thirty-five years' experience in the strawberry business in this section I have never seen anything to compare with the disastrous results of the present season. In fact, it looks now like this, the most valuable strawberry crop North Carolina has ever produced, will be lost on account of poor transportation facilities. Our association has done all it could to keep the transportation people posted as to existing conditions, and told them it would take 2,500 refrigerator cars to move the crop; yet the supply of cars gave out before we had been shipping ten days. Thousands of crates of berries have rotted at the railroad stations for want of cars, and many of our growers are ruined unless the transportation people stand the loss, as they should do.

The situation is terrible. We have had no refrigerator cars left at this station to be loaded in five days. What we had came by in the "pick-up" train, and with instructions to load for New York only. They packed them mostly without slats, 7 crates wide and 4 high, running about 450 crates to the car, and are being delivered one to three days late. The markets are taking good berries at good prices. The "pick-up" berries are selling for nothing to 8 cents, as to condition.

Growers are demoralized and about frantic. Yesterday there was one empty car on the "pick-up," which was givin to one party who had bill of lading for 300 crates. As soon as the car stopped other growers began to carry their berries into it, and for some time it looked like we would have a general hand-to-hand battle, while our clever agent, who has been worried until he looks like he is just out of a spell of fever, was powerless. "Forbearance has ceased to be a virtue" here, and we must have more cars or a heavy police force, for our boys want to fight.

The "pick-up" train as now managed will not do. You can not haul heavy loads of guano and strawberries successfully on the same train. One came by here so heavily loaded with guano it had to be cut in two, and took one part to Teacheys and engine came back after the remainder. I don't know how long it takes to get to New York that way.

The railroad people make a big difference between guano and strawberries when they make up the tariff, but when they make up their trains they all go together. Of course railroad people claim that freight must be higher on berries, as they are perishable. This is all right if they bear this in mind in their movement. The berries that are being packed in the "pick-up" cars, 450 crates to the car, had better be dumped into the creek. Three box cars loaded with berries left here yesterday, which berries had been picked up and lying at the station since Monday. Some of the crates were leaking when they were loaded, but they got about 500 in a car and they will be in bad shape when they are unloaded.

J. S. WESTBROOK.

Only about 600 cars were delivered, and Mr. Mead estimated the resulting loss "at least half a million dollars." (Mr. Robbins of the Armour car lines complainingly testified that the Armour Company would probably have to pay $75,000 damages.)

The commission men complain also that Armour & Co. engaged in the buying and selling of fruits and produce, and that these exorbitant rates work a gross discrimination against all other dealers and commission men, enabling the Armour establishments to drive them out of business. The advantage of the car-line company engaged in the fruit business is described as follows: "If Mr. Armour ships to-day in his own cars his own products he has the advantage of the commission men to the extent of the return he receives plus his car rental and less the actual expense of ice." Between Michigan and Boston, for example, this would amount to probably $50 per carload on peaches.

Since September, 1904, Armour & Co. advertised and caused to be generally circulated the announcement of their withdrawal from the produce and commission business. Mr. Mead, of Boston, testified, however, that Armour & Co. continued in this business, operating under the name of a dummy corporation. As an instance in his own personal knowledge he named the J. T. Kimball Company, of Boston, a concern organized and operated by Armour clerks. Similar complaints of the undue advantage to the car line engaged in the produce and commission business come from all sections of the country.

It was stated before this committee that rebates are paid and admitted by the Santa Fe Refrigerator Line. The testimony of Mr. Leeds before the Interstate Commerce Commission was cited on this point. He declared that his company had built a new refrigerator line and entered the fruit transportation business in California. He stated that he was then, June, 1904, paying rebates, sending money by checks to the shippers of fruit. He said he had to do it to get the business, because Armour & Co. had established the practice in their business in the same territory.

Mr. C. N. Brown, an orange grower, testified: "They paid us those rebates, and every one of them would stand in line to get to talk to us—for that $35 a car—with the cash in hand, too. We did not have to wait for it."

Mr. Stevens, testifying in this connection, said: "If they (the Santa Fe Railway Company) entered into competition with the Southern Pacific, as testified by Mr. Leeds, they gave a rebate of $25 for the short haul to Chicago and $35 for the long haul. But, as would be inferred and was implied by the gentleman this morning—and I had a talk with him afterwards—it would seem that that was given in the way of a reduction in refrigeration, and as a matter of fact that is not true. It was a rebate, and that rebate was handed over to one individual. If he saw proper to distribute it among the growers, all right. I justify the Santa Fe in that. I am opposed to rebates in any shape or form or manner, but if you are fighting the devil you will have to fight him with fire. The Santa Fe would not have received a carload of fruit from the Sacramento River in the way of tonnage to its system if it had made a reduction of $35 a car on refrigeration."

CALIFORNIA FRUIT TRUST.

The California Fruit Trust was described by Mr. Stevens, a fruit grower of Sacramento, Cal., who appeared before the committee as a representative of the Horticultural Convention of California, of the transportation committee of which organization he had for twelve years been chairman. Mr. Stevens declared that he represented on this subject the sentiment of 95 per cent of the fruit growers of his State. He described the organization of the "California Fruit Distributers." This association was formed in 1902, and represents a remarkable instance of the creation of monopoly power through railroad favoritism. The Southern Pacific Railroad gives an exclusive contract to the Armour

car lines. Through this contract the Armour lines control absolutely the shipment of fruit from the Sacramento Valley, except where the Santa Fe enters. On a basis of mutual advantage and community of interest the car line and the "distributers" are on such terms as enable the "distributers" to dominate the markets and all other important factors in the fruit industry.

The California Fruit Distributers is an organization which has all the attributes of a trust. It enjoys a powerful monopoly element, through its relationship with the Armour car line, and this is perpetuated through the exclusive contract granted the car line by the railroad company. As a condition of membership, limitations of the business are agreed to amounting, it would seem, to a combination in restraint of trade. The operation of this restriction is such as to place the control of this fruit business in the hands of three companies—the Earl Fruit Company, Porter Bros. Company, and the Producers' Fruit Company. These companies are all on most friendly terms with the Armour Car Company. This relation which they hold with the car lines enables them to control absolutely the markets and the distribution of California deciduous fruits. How they use this power to further their own interests and to the great detriment of the interests of the growers and public generally is set forth in detail by Mr. Stevens.

These big distributers are engaged in two forms of the fruit business. They ship fruit for the growers on a commission. They buy fruit from the growers, deducting a commission, and sell the fruit in the eastern markets for their own profit. In either case the grower has no voice in saying to whom and where the distribution of this product is proclaimed by the distributers themselves. They say they can prevent gluts. If this is true they can also create gluts, should it be to their interest to do so. Considering the two branches of their business, it is clear that on those consignments which they ship as their own property there are two forces which make for high profits for the distributers. In the first place, they must get a high price in the market in which they sell. In the second place, they must be able to buy the fruit f. o. b. California at a low price. These two objects are attained under this arrangement to a remarkable degree.

To secure good markets and good prices for their own shipments, the distributers have reserved a large proportion of the best markets in the country. They ship the bulk of the commission consignment—shipped for the grower—to the markets of Boston, New York, and Chicago. These are auction markets at which the competition is most severe, and the profits realized on these consignments by the growers are ordinarily small. But it is in the power of the distributers by consigning an unusual quantity to any given point to ruin the market entirely, resulting in loss to growers. This practice so discourages the growers that they are ready to sell f. o. b. California to the distributers at any price which the distributers shall designate.

Meanwhile the markets reserved by the distributers for their own product are paying them good prices for the fruit which they, because of the market conditions which they have created, are able to buy of the growers at their own prices.

In evidence of the correctness of these statements the attention of the committee was called to several statements setting forth in detail the facts as to distribution and prices in various markets of California of deciduous fruits in recent years. Several particular instances were cited by Mr. Stevens in which the growers ship consignments of this fruit at a considerable net loss. With reference to the distribution of consignment business, the following statement is offered: "Of these 3,664 cars shown here, there were 2,862 sold in New York, Chicago, and Boston, and only 802 sold in 120 other markets, as reported. I have here another table showing a comparison of the prices of 1903 and 1904, showing that the losses on the week ending August 5, 356 cars, averages $429, or an aggregate of $152,724. That is the cars sold in all the markets. That is not one market, or anything of that kind."

In other words, of the total of 3,664 cars sold by the distributers for growers on commision, 2,862 cars, or about 80 per cent of the total, were put into these three biggest auction markets of the country, where the most active competition prevails. Only 802 cars of the growers' shipments were allowed to go to the 120 other markets where fruit is bought in carloads. With this exception these markets were reserved exclusively to the distributers for the sale of the fruits which they had bought f. o. b. California, amounting to something over 3,000 cars. The distributers use these large consignments in auction markets to create gluts and demoralize prices, so that they can make the lowest possible price f. o. b. in California on their f. o. b. business. The greatest prosperity to the distributers is promoted by the destruction of profits to growers on consignment business, by forcing the largest possible amount of the product to be sold to them in California, and by so demoralizing the market that they can get this product at the lowest possible price. Then, by virtue of their absolute control of the distribution of the traffic, they sell the product in the markets which they have built up by this manipulation and restriction of supplies. And it should ever be remembered that the power of the fruit trust to do these things is founded in the relationship which it has with the car line, which in turn derives its monopoly power through the exclusive contract by which it enjoys discriminations in its favor at the hands of the railroads. The existence of this fruit trust, as the existence of every other trust, is traceable directly to the discriminations and favoritism of the railways.

APPENDIX B.

Betterments paid for out of profits and surplus.

[From Mundy's "Earning Power of Railroads," 1906.]

Name of road.	Years.	Amount.
Baltimore and Ohio Railroad	1899–1905	$19,007,460
Buffalo, Rochester and Pittsburg Railway	1899–1905	3,422,327
Central of New Jersey	1903–1905	4,362,848
Delaware, Lackawanna and Western	1901–1904	12,347,160
Erie Railroad	1902–1905	5,278,731
Lehigh Valley Railroad	1902–1905	4,144,023
New York Central and Hudson River Railroad	1899–1904	9,207,099
New York, Ontario and Western Railroad	1902–1905	2,500,000
Northern Central Railway	1900–1904	3,641,755
Pennsylvania Railroad	1899–1904	50,504,133
Pennsylvania Company (owned by Pennsylvania Railroad)	1900–1904	9,000,000
Philadelphia, Baltimore and Washington (consolidation of Baltimore and Potomac and Philadelphia, Baltimore and Washington railroads)	1903–1904	3,180,513
Reading Company	1905	2,710,618
Chicago and Eastern Illinois Railroad	1900–1904	2,374,300
Chicago and Northwestern Railway	1900–1905	26,422,041
Chicago, Milwaukee and St. Paul Railway	1900–1905	9,999,096
Chicago, St. Paul, Minneapolis and Omaha Railroad	1899–1905	$31,000,000
Cleveland, Cincinnati, Chicago and St. Louis Railway	1901–1904	2,479,486
Illinois Central Railroad	1900–1905	16,690,040
Pittsburg, Cincinnati, Chicago and St. Louis Railway	1900–1904	3,956,427
Wabash Railroad	1900–1905	4,087,398
Wisconsin Central Railway	1900–1905	2,218,755
Chesapeake and Ohio Railroad	1900–1905	6,599,842
Norfolk and Western Railroad	1900–1905	12,250,000
Atchison, Tepeka and Santa Fe Railroad	1896–1904	30,000,000
Missouri, Kansas and Texas Railroad	1903–1905	3,752,932
Missouri Pacific Railroad	1901–1903	6,474,200
Texas and Pacific Railroad	1900–1904	4,902,634
Great Northern Railway	1898–1905	15,850,000
Northern Pacific Railway	1898–1905	19,999,003
Union Pacific Railway	1900–1905	13,479,165

Betterments paid for out of profits and surplus—Continued.

DELEGATE FROM ALASKA.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with the following amendment, in lieu of and as a substitute for the amendment of the House, to wit:

"An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska.

"*Be it enacted, etc.*, That the people of the Territory of Alaska shall be represented by a Delegate in the House of Representatives of the United States, chosen by the people thereof in the manner and at the time hereinafter prescribed, and who shall be known as the Delegate from Alaska. Such Delegate shall at the time of his election have been for seven years a citizen of the United States, and shall be an inhabitant and qualified voter of the district of Alaska, and shall be not less than twenty-five years of age, and when duly chosen and qualified shall possess the same powers and privileges and be entitled to the same rate of compensation as the Delegates in the House of Representatives from the Territories of the United States: *Provided, however*, That such Delegate, in lieu of all other allowances, shall, in addition to his salary, receive the sum of one thousand five hundred dollars per annum, which shall cover all mileage and other expenses except stationery allowance and compensation for clerk hire.

"SEC. 2. That the first election for Delegate from Alaska shall be held upon the second Tuesday of August, in the year nineteen hundred and six, and that all subsequent elections for such Delegate shall be held on the second Tuesday in August in each year when there is a general election for Members of the House of Representatives, and that at said first election there shall be elected a Delegate who shall hold his office for the unexpired portion of the Fifty-ninth Congress, which term of office is hereinafter designated as the 'short term;' and also at said first election there shall be elected a Delegate who shall hold his office for the full term of the Sixtieth Congress, which term of office is hereinafter designated as the 'long term.'

"That the Delegate chosen at said first election for the short term shall hold his office from the date of his election certificate during the remainder of the Fifty-ninth Congress; and the Delegate chosen at said first election for the long term shall hold his office for the full term of the Sixtieth Congress; that the Delegate chosen at each subsequent election shall hold his office for the same term as the Members of the House of Representatives chosen at the general election in the same year.

"That the salary and allowances of the Delegate chosen for the short term at said first election shall begin with the date of his election certificate, and shall extend throughout and until the close of the Fifty-ninth Congress. The salary and allowances of the Delegate chosen for the long term at said first election shall begin at the commencement of the term of the Sixtieth Congress and extend throughout and until the close thereof. The salary and allowances of the Delegate chosen at

each subsequent election shall be for the full term of the Congress to which he is elected a Delegate.

"SEC. 3. That all male citizens of the United States twenty-one years of age and over who are actual and bona fide residents of Alaska, and who have been such residents continuously during the entire year immediately preceding the election, and who have been such residents continuously for thirty days next preceding the election in the precinct in which they vote, shall be qualified to vote for the election of a Delegate from Alaska.

"SEC. 4. That each incorporated town in the district of Alaska shall constitute an election district, and where the population of such town exceeds one thousand inhabitants the common council may, in their discretion, at least thirty days before the election, divide the district into two or more voting precincts and define the boundaries of each precinct; and the said common council shall also appoint, at least thirty days before the election, three judges of election and two clerks for each voting precinct, all of whom shall be qualified voters of the precinct; and no more than two judges and one clerk shall belong to the same political party. The common council shall also, at least thirty days before the date of the election, provide a suitable polling place for each voting precinct and give due notice of the election by posting a written or printed notice in three public places in each precinct, specifying the time and place of the election, and in case there are one or more newspapers of general circulation published in the town, then a copy of said notice shall also be published in one of such newspapers at least once a week for two consecutive weeks next prior to the date of the election.

"SEC. 5. That all of the territory in each recording district now existing or hereafter created situate outside of an incorporated town shall, for the purposes of this act, constitute one election district; that in each year in which a Delegate is to be elected the commissioner in each of said election districts shall, at least thirty days before the date of said first election and at least sixty days before the date of each subsequent election, issue an order and notice, signed by him and entered in his records in a book to be kept by him for that purpose, in which said order and notice he shall—

"First. Divide his election district into such number of voting precincts as may in his judgment be necessary or convenient, defining the boundaries of each precinct by natural objects and permanent monuments or landmarks, as far as practicable, and in such manner that the boundaries of each can be readily determined and become generally known from such description, specify a polling place in each of said precincts, and give to each voting precinct an appropriate name by which the same shall thereafter be designated: *Provided, however*, That no such voting precinct shall be established with less than thirty qualified voters resident therein; that the precincts established as aforesaid shall remain as permanent precincts for all subsequent elections, unless discontinued or changed by order of the commissioner of that district.

"Second. Give notice of said election, specifying in said notice, among other things, the date of such election, the boundaries of said voting precincts as established, the location of the polling place in each precinct, and the hours between which said polling places will be open.

"Said order and notice shall be given publicity by said commissioner by posting copies of the same at least twenty days before the date of said first election, and at least thirty days before the date of each subsequent election. Said copies shall be posted as follows: One at the office of the commissioner in said district, and three copies to be posted in three conspicuous public places in each of said voting precincts as established, one of which shall be the designated polling place in each precinct; and said commissioner shall also mail a certified copy of said order and notice to the governor of Alaska at his official residence.

"That at least thirty days prior to the date of the holding of such election the commissioner shall select, notify, and appoint from among the qualified electors in each voting precinct three judges of election for said precinct, no more than two of whom shall be of the same political party. Said commissioner shall notify all of said judges of election of their appointment as such, so that each and all of them shall receive said notice at least ten days before the date of the election.

"SEC. 6. That the judges of election of each voting precinct shall constitute the election board for said precinct, and shall supervise and have charge of the election therein. They shall secure and provide a place for holding the election and a suitable ballot box. They shall pass upon the qualification of the voter and, if he be found qualified, receive and deposit his ballot in the ballot box, and shall canvass and make a return of the votes cast, as hereinafter provided.

"That the members of said election board in each precinct, before entering upon the duties of their office, shall each severally take an oath, which shall be reduced to writing, before an officer qualified to administer oaths, to honestly, faithfully, and promptly perform the duties of their positions; and if no officer qualified to administer oaths be present or available, then any one of said duly appointed or selected judges of election may administer the necessary oath to said other two judges, and he shall afterwards in turn be sworn by one of them.

"That each of said judges shall have authority to administer any oath to the voter necessary or proper under this act, and said judges shall have equal authority; and in case of any question or disagreement over any matter during the course of said election the decision of the majority of said judges shall govern.

"That two of the three judges of election in each voting precinct, outside of incorporated towns, to be selected by a majority of said judges shall also perform the duties of clerks of election for that precinct; the two judges performing the duties of clerks shall be of different political parties; it shall be the duty of the clerks at each voting precinct to make a full written record of such election as held in that precinct, and each of them shall keep a correct duplicate register and enter therein the names of the voters and the fact that they have voted, or have offered to vote and were refused, and a brief statement of the reasons for said refusal.

"SEC. 7. That each of the candidates for the office of Delegate herein provided for, at any election held hereunder, shall be entitled to one watcher at each voting precinct, who shall be permitted to be present within the place of voting at such precinct, and in some place therein where he may at all times be in full view of every act done. Such watcher shall have the right to be so present at all times from the opening of the polls until the ballots are finally counted and the result certified by the election board. Each watcher shall be required to present to the election board proper credentials, signed by the candidate he represents, showing him to be the duly authorized watcher for such person.

"SEC. 8. That in case any of the judges of election selected as herein provided for any precinct shall fail to appear and qualify at the time and place designated for the election for which they shall be appointed, then, in that event, the qualified voters present may, by a majority viva voce vote, select a suitable person or persons to fill the vacancy or vacancies in said election board; and the person or persons so selected shall qualify and serve on said election board, with the same powers and in the same manner as if appointed as hereinbefore provided.

"SEC. 9. That the election boards herein provided for shall keep the several polling places open for the reception of votes from eight o'clock antemeridian until seven o'clock postmeridian on the day of election. The voting at said election shall be by printed or written ballot. The ballot at said first election shall be substantially in the following form:

"'FOR DELEGATE FROM ALASKA.

"'For the short term (here insert the name of the person voted for).

"'For the long term (here insert the name of the person voted for).'

"At all elections after said first election the ballot shall be substantially in the following form:

"'For Delegate from Alaska.

"'(Here insert the name of the person voted for.)'

"Such ballot shall be folded by the voter so as not to disclose the vote, and by him handed to any one of the judges of election, who shall immediately, in the presence of the voter and of all the members of the election board, deposit the same, folded as aforesaid, in the ballot box, where the same shall remain untouched until the polls are closed. At the time the ballot is so deposited the clerks of election shall each of them enter in his duplicate register the name of the voter and the fact that he has voted.

"SEC. 10. That any person offering to vote may be challenged by any election officer or any other person entitled to vote at the same polling place, or by any duly appointed watcher, and when so challenged, before being allowed to vote he shall make and subscribe to the following oath: 'You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age and a citizen of the United States; that you are an actual and bona fide resident of Alaska, and have been such resident during the entire year immediately preceding this election, and have been a resident in this voting precinct for thirty days next preceding this election, and that you have not voted at this election,' and further naming the place from which the

voter came immediately prior to living in the precinct in which he offers to vote, and giving the length of time of his residence in the former place. And when he has made such an affidavit he shall be allowed to vote; but if any person so challenged shall refuse or fail to take such oath and sign such affidavit, then his vote shall be rejected; and any person swearing falsely in any such affidavit shall be guilty of perjury and shall, upon conviction thereof, suffer punishment as is prescribed by law for persons guilty of perjury.

"SEC. 11. That the election board at each polling place, as soon as the polls are closed, shall immediately publicly proceed to open the ballot box and count and canvass the votes cast, and they shall thereupon, under their hands and seals, make out in duplicate a certificate of the result of said election, specifying the number of votes, in words and figures, cast for each candidate, and they shall then immediately carefully and securely seal up in one envelope one of said duplicate certificates and one of the registers of voters, all the ballots cast, and all affidavits made, and mail such envelope, with said papers inclosed, at the nearest post-office by registered mail, if possible, duly addressed to the governor of Alaska at his place of residence, with the postage prepaid thereon.

"The other duplicate certificate and register of voters, with the oaths of the judges of election, the judges of election shall at once seal up in an envelope addressed to the clerk of the district for the division in which the precinct is situate, at his place of residence, with the postage thereon prepaid. And the said clerk shall, as soon as he receives the said duplicate certificate, at once make out and duly mail to the governor of Alaska a certified copy of such certificate, and deposit the same in the nearest post-office, by registered mail, if possible.

"The clerks of the district courts for the various divisions of Alaska and the governor of Alaska shall each retain and carefully preserve all such documents received by them until the end of the term for which the Delegate chosen has been elected.

"SEC. 12. That the governor, the surveyor-general, and the collector of customs for Alaska shall constitute a canvassing board for the Territory of Alaska to canvass and compile in writing the vote specified in the certificates of election returned to the governor from all the several election precincts as aforesaid.

"The said canvassing board shall commence the performance of its duties at the office of the governor within ten days after the third Tuesday of October in each year in which an election is held under and by virtue of this act, and shall continue with such work from day to day until the same is completed; and said canvass shall be publicly made.

"In case it shall appear to said board that no election return as hereinbefore prescribed has been received by the governor from any precinct in which an election has been held, the said board may accept in place thereof the certified copy of the certificate of election for such precinct received from the clerk of the court, and may canvass and compile the same with the other election returns.

"Said board, upon the completion of said canvass, shall declare the person who has received the greatest number of votes for Delegate to be the duly elected Delegate from Alaska for the term for which he has been so elected, and shall issue and deliver to him in writing under their hands and seals a certificate of his election.

"SEC. 13. That each newspaper in Alaska authorized to publish the notice of election provided for herein, and having published the same according to law, shall be entitled to receive therefor not more than ten dollars for the entire publications of any one election; that each commissioner in the Territory of Alaska is authorized to contract for the proper posting of all election notices, as provided herein, in each voting precinct created in his said election district, and that not more than the sum of ten dollars shall be allowed at each election for the posting of said notices in any one voting precinct in Alaska; that not more than ten dollars at each election shall be allowed for the rental of a proper polling place in each voting precinct in Alaska; that each of the judges of election who shall qualify and serve as such in any precinct on said election day and each of the clerks of election in an incorporated town shall be entitled to a compensation of five dollars for all services performed.

"SEC. 14. That the compensation for said newspaper publications, the proper posting of said notices, the rental of said polling places, the fees of the judges and clerks of election in each precinct, together with the cost of securing a ballot box and the cost of necessary postage and stationery, shall be certified with proper vouchers and receipts attached by the various election officials to the judge of the district court in the said judicial division in which said voting precinct is situate, and the same shall be audited by said judge and shall be paid by the clerk of the court of said division out of the same fund and in the same manner as the incidental expenses of said district court are paid.

"SEC. 15. That any person who, by any means, shall hinder, delay, prevent, or obstruct any other person from qualifying himself to vote or from lawfully voting at any election herein provided for, or who shall knowingly personate and vote or attempt to vote in the name of any other person, or who shall vote more than once at the same election, or shall vote at a place where or at any time when he may not lawfully be entitled to vote, or shall do any unlawful act to secure an opportunity to vote, for himself or for any other person, or who, by or through any force, threat, intimidation, bribery, reward, or offer thereof, unlawfully vote himself or procures another to vote, or prevents or induces another to refrain from exercising his right of suffrage, or induces by any means any officer of an election to do any unlawful act or omit to do his duty in any manner, or who, directly or indirectly, in any manner shall fraudulently change or cause to be changed the returns or the true and lawful result of any election hereunder, or shall attempt to do the same, or who shall delay, cause to be delayed, or connive at the delay of election returns in any manner or attempt to do so, shall be guilty of a crime, and upon the conviction thereof shall be punished by a fine of not more than five hundred dollars nor less than one hundred dollars, or imprisoned not more than three years, or both, in the discretion of the court, and pay the costs of the prosecution; and every officer of an election held hereunder who neglects to perform or violates any duty imposed upon him as such officer, or knowingly does any unauthorized act with the intent to affect the election or the result thereof, or who shall permit, make, or connive at any false count or certificate of election, or who shall conceal, withhold, destroy, or willfully delay the returns of election, or connive at the same being done, or who shall aid, counsel, or procure any person to do or attempt to do any act made a crime hereinbefore, or shall attempt to do any of the acts hereinbefore mentioned, shall be guilty of a crime, and upon conviction thereof shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment of not more than five years, or both, in the discretion of the court, and shall pay all costs of the prosecution; and jurisdiction of all such matters is hereby conferred upon the district court of Alaska.

"SEC. 16. That this act shall take effect upon its passage."

Amend the title so as to read: "An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska."

KNUTE NELSON,
WILLIAM P. DILLINGHAM,
Managers on the part of the Senate.
A. L. BRICK,
JAMES T. LLOYD,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 141) for the further relief of sufferers from earthquake and conflagration on the Pacific coast.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907.

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. Certainly.

Mr. LONG. If the Senator from Minnesota will turn to page 44 of the bill, line 23, after the word "court," he will see that the amendment should be amended by inserting the words "to be known as recording district No. 30."

Mr. CLAPP. That amendment is accepted by the committee.

Mr. LODGE. Were not those amendments of the committee all passed over?

Mr. LONG. Yes; but we are turning back to make corrections.

Mr. LODGE. They are not being taken up now for disposition?

Mr. LONG. No; the committee amendment has been agreed to. This is a correction of it.

The VICE-PRESIDENT. In the absence of objection, the amendment of the committee on page 44, proposed to be amended by the Senator from Kansas [Mr. LONG], will be considered as open to amendment. The amendment of the Senator from Kansas will be stated.

The SECRETARY. On page 44, line 23, after the word "court," it is proposed to amend the committee amendment already agreed to by inserting the words "to be known as recording district No. 30;" so as to read:

That in addition to the places now provided by law for holding courts in the central judicial district of Indian Territory, terms of the district court of the central district shall hereafter be held at the town of Wilburton, and the United States judge of said central district is hereby authorized to establish by metes and bounds a recording district for said court, to be known as recording district No. 30.

The amendment to the amendment was agreed to.

Mr. LONG. On page 48 I move to strike out line 25 and all of page 49.

Mr. CLAPP. That is also agreeable to the committee.

The VICE-PRESIDENT. In the absence of objection, the amendment of the committee will be considered as open to amendment. The amendment of the Senator from Kansas to the committee amendment will be stated.

The SECRETARY. On page 48, after line 24, it is proposed to strike out:

That the present boundaries of recording district No. 18, in the Indian Territory, is hereby amended so as to read as follows: Beginning at a point at the South Canadian River where the same intersects the range line between ranges 3 and 4 east; thence south on said range line to a section line 3 miles south of the township line between townships 4 and 5 north; thence west on said line to the meridian line between ranges 4 and 5 west; thence north on said meridian line to the South Canadian River; thence down said South Canadian River, following the meanderings thereof, to the place of beginning. The place of record for district No. 18 shall be Purcell.

That the present boundaries of recording district No. 17, in the Indian Territory, is hereby amended so as to read as follows: Beginning at a point 3 miles south of the township line between townships 4 and 5 north where said line intersects with the range line between ranges 3 and 4 east; thence south along said range line to the base line; thence west on said base line to the meridian line between ranges 4 and 5 west; thence north on said meridian line to a section line 3 miles south of the township line between townships 4 and 5 north; thence east on said section line to the place of beginning. The place of record for district No. 17 shall be Pauls Valley.

Mr. CLAPP. There is no objection to that amendment on the part of the committee.

Mr. GALLINGER. It is a disagreement to the amendment of the committee.

The VICE-PRESIDENT. The adoption of the amendment would operate as a disagreement to the amendment of the committee.

The amendment was agreed to.

Mr. LONG. On page 50, line 3, after the word "numbered," I move to amend the amendment of the committee by striking out the words "seventeen, eighteen, and."

The VICE-PRESIDENT. In the absence of objection, the committee amendment will be considered as open to amendment. The amendment of the Senator from Kansas to the amendment will be stated.

The SECRETARY. On page 50, line 3, after the word "numbered," it is proposed to amend the committee amendment by striking out the words "seventeen, eighteen, and;" so as to read:

That it is further provided that all the provisions of the act of Congress approved February 19, 1903, shall apply to districts No. 27, where applicable. That all laws or parts of laws in conflict with the provisions hereof are hereby repealed.

Mr. CLAPP. There is no objection to that amendment on the part of the committee.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The Chair would suggest that the amendment last agreed to makes necessary an amendment changing the word "districts" to "district," in line 3.

Mr. LONG. That is right. On page 50, line 3, before the word "numbered," I move to strike out "districts" and insert "district."

The amendment to the amendment was agreed to.

Mr. OVERMAN. I desire to submit the amendment which I send to the desk.

The VICE-PRESIDENT. Is the proposed amendment to the pending bill?

Mr. OVERMAN. Yes, sir.

The VICE-PRESIDENT. Under the agreement, the committee amendments are to be first considered.

Mr. LONG. On page 48, line 11, I move to strike out the word "twenty-seven" and insert the word "twenty-nine."

The SECRETARY. On page 48, line 11, it is proposed to strike out "twenty-seven" and insert "twenty-nine;" so as to read:

That the territory next hereinafter described shall be known as recording district No. 29.

Mr. CLAPP. That is accepted.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The Chair will inquire of the Senator from North Carolina whether his proposed amendment is in connection with the committee amendments that are now under consideration?

Mr. OVERMAN. That is what I propose.

The VICE-PRESIDENT. Then the Senator's amendment is in order. It will be read.

The SECRETARY. On page 50, after line 6, it is proposed to insert the following:

That in addition to the places now provided by law for holding courts in the western judicial district of Indian Territory, terms of the district court of the western district shall hereafter be held at the town of Weleetka, and the United States judge of said western district is hereby authorized to establish by metes and bounds a recording district for said court.

That all laws regulating the holding of courts in the Indian Territory shall be applicable to the court hereby created in the town of Weleetka.

The VICE-PRESIDENT. Is there objection to the amendment proposed by the Senator from North Carolina?

Mr. CLAPP. There is no objection on the part of the committee.

The amendment was agreed to.

Mr. GALLINGER. Before the reading of the bill is resumed, I will state that when the bill was before the Senate on a former occasion I asked that the first amendment on page 2 be passed over. I wish to say now that I have no objection to the amendment, and it may as well be acted upon now as at any other time.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2 of the bill, the committee reported an amendment to strike out:

That no part of the moneys herein appropriated for fulfilling treaty stipulations shall be available or expended unless expended without regard to the attendance of any beneficiary at any school other than a Government school.

And in lieu thereof to insert:

Mission schools on an Indian reservation may, under rules and regulations prescribed by the Commissioner of Indian Affairs, receive for such Indian children duly enrolled therein the rations of food and clothing to which said children would be entitled under treaty stipulations if such children were living with their parents.

The amendment was agreed to.

Mr. CLAPP. While we are dealing with amendments, I observe on page 24 the committee reported an amendment to strike out lines 12, 13, 14, and 15 of the bill. I ask that they be reinstated. I am satisfied it was a mistake to strike them out.

Mr. KEAN. Do you propose to reinstate the same amount?

Mr. CLAPP. Yes.

Mr. GALLINGER. I was about to ask whether the Senator is aware of the fact that the Department thinks that $2,000 is sufficient, while the House inserted $8,000?

Mr. CLAPP. I was not aware of that.

Mr. KEAN. That is the reason why I asked whether the Senator proposed the same amount.

Mr. TELLER. What page is it?

Mr. KEAN. Page 24, lines 12, 13, 14, and 15.

Mr. GALLINGER. I have information that the Department would recommend $2,000. The Department thinks that is a sufficient sum.

Mr. CLAPP. I do not think there has been any recommendation. If there has been, it has escaped my attention. However, we can make it two thousand, and it can be changed in conference, if necessary.

Mr. GALLINGER. Exactly.

Mr. CLAPP. The clerks may enter it at $2,000.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 24, after line 11, the committee reported an amendment to strike out the following:

For the purpose of removing obstructions from the bed of the stream which drains into the Eel River in the Round Valley Reservation, Mendocino County, Cal., $8,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

The amendment was rejected.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will now be stated.

The SECRETARY. In line 14 it is proposed to strike out "eight" and insert "two;" so as to read "$2,000."

The amendment was agreed to.

The reading of the bill was resumed, beginning in line 7 on page 50. The next amendment of the Committee on Indian Affairs was, on page 50, after line 16, to insert the following:

That Leander J. Fish, an allottee of 200 acres of land in section 32, township 29, range 23 east, and of 40 acres in section 14, township 29, range 24 east, in the Quapaw Reservation, under the provisions of the act of March 2, 1895 (28 Stat. L., p. 907), and the act of March 3, 1901 (31 Stat. L., p. 1058), be, and he is hereby, authorized to alienate such portion of said land as he may see fit, not exceeding 120 acres, under such rules and regulations as the Secretary of the Interior may prescribe, and any conveyance of such land made by said Fish shall be executed subject to the approval of the Secretary of the Interior.

Mr. KEAN. I should like to have some explanation of this amendment in regard to Leander J. Fish. I understand the Department thinks that only a patent should be issued in this case.

Mr. CLAPP. The Senator will pardon me a moment. Does the Senator mean the first or second amendment?

Mr. KEAN. I mean the first one, beginning in line 17.

Mr. CLAPP. The evidence before the committee was that this man Fish is a very much advanced mixed blood; I think even in Government employ.

Mr. KEAN. My information, I will say to the Senator from Minnesota, is that it is rather in the nature of special legislation, and that the Department sees no reason why it should be enacted. It recommends only the issuance of a patent in fee.

Mr. CLAPP. That is all it provides for, is it not? He is "authorized to alienate such portion of said land as he may see fit, not exceeding a hundred and twenty acres." My recollection is that there is a bridge to be built on his land, and perhaps it would not require that amount; but he and his friends thought that he could get more if he could sell 120 acres than just the particular acreage required for the bridge. It is a matter that was very clear with the committee that there can be no objection to giving him the right.

The amendment was agreed to.

The next amendment was, on page 51, after line 6, to insert:

That the Court of Claims is hereby authorized to hear and adjudicate the claim of Joseph P. T. Fish, an Indian of nonage, born January 21, 1895, on the Quapaw Reservation, son of Leander J. Fish, a Shawnee by birth, who was duly enrolled on the Quapaw Agency rolls and an allottee of lands therein, to be enrolled and participate in the allotment of lands of the Shawnee-Cherokee Indians, and to have full jurisdiction to hear, try, and determine the claims of said minor child to enrollment, the judgment of said court to be certified to the Secretary of the Interior; and, if the court shall determine that the said minor child is entitled to enrollment with said tribe, the Secretary of the Interior shall cause his name to be so enrolled and lands allotted as to other minor children in said tribe.

Mr. LODGE. I wish to ask the Senator from Minnesota why this boy should not be put on page 41 with the others?

Mr. CLAPP. Page 41?

Mr. LODGE. Yes; where the Commissioner is authorized to add the names of certain persons to the roll of citizens by blood.

Mr. CLAPP. If the Senator please, that would hardly cure this case. I know of no holding that would relieve this case. This boy was born of a certain parentage, but born within a tribe other than that of his parents. He is now thrown out by the tribe of his parents, on the ground that he was not born there, and he is thrown out of the tribe in which he was born on the ground that his parents were not members of the tribe. Whether or not he should be enrolled where he was born is a question that is involved in a great many cases here, and we do not want to take it up until the Department of Justice gets through with it. We are perfectly willing that he should test his right to enrollment in the Court of Claims, and so it was put in that form. He can only bring a suit there and test his right to enrollment in the tribe of his parents.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, under the subhead "Seminoles (treaty)," on page 52, after line 17, to insert:

That the Secretary of the Interior is hereby authorized and directed to pay, out of any money in the Treasury belonging to the Creek Nation, to C. W. Turner, of Muskogee, Ind. T., Creek warrant No. 2671, drawn on the Creek treasurer on March 12, 1898, for $1,000, and now unpaid, which said warrant was drawn under an appropriation act of the Creek council, was presented to the Creek treasurer for payment, and is yet unpaid: *Provided*, That before any payment is made to said Turner he shall prove, to the satisfaction of the Secretary of the Interior, that he is an innocent holder of said warrant and was a purchaser of the same in good faith.

The amendment was agreed to.

The next amendment was, on page 53, after line 5, to insert:

That no person who has been or may hereafter be an employee of the Government under the Commission to the Five Civilized Tribes, or its successor, shall be permitted to practice in any manner as an agent or attorney before the Commissioner to the Five Civilized Tribes within two years after said person shall cease to be an employee of the Government.

Mr. CLARK of Wyoming. It occurs to me that there should be a change in line 6, so as to read: "That no person who is or may hereafter be."

There may be cases where men have within the last year or two left the employment of the Government and are now engaged in practice, and this would operate as an injustice to them.

Mr. CLAPP. There is no objection to the amendment.

The SECRETARY. After the word "who," in line 6, it is proposed to strike out "has been" and to insert "now is;" so as to read:

That no person who now is or may hereafter be.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment was, on page 53, after line 12, to insert:

That the Secretary of the Interior is authorized, under such rules and regulations as he may prescribe, to continue the publication of the Cherokee Advocate, at Tahlequah, Ind. T., until June 30, 1907, and to pay the expense of the same out of the tribal funds of the Cherokee Nation.

The amendment was agreed to.

The next amendment was, on page 53, after line 18, to insert:

That the Court of Claims is hereby authorized and directed to hear and adjudicate the claims against the Choctaw Nation of the heirs of Peter P. Pitchlynn, deceased, and of the heirs of Samuel Garland, deceased, and the claim of Chester Howe, his associates and assigns, against the Mississippi Choctaws, and to render judgment thereon in such amounts as may appear to be equitably due. Said judgments, if any, in favor of the heirs of Pitchlynn, and the heirs of Garland, aforesaid, shall be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, and said judgment, if any, in favor of Chester Howe, his associates or assigns aforesaid, shall be paid out of any funds due or to become due the defendants in said suit, said judgment to be rendered on the principal of quantum meruit for services rendered and expenses incurred under contracts with the defendants. Notice of said suit shall be served on the governor of the Choctaw Nation, and the Attorney-General of the United States shall appear and defend in said suit on behalf of said nation and said Mississippi Choctaws.

Mr. LODGE. I understand that the Senator from Iowa [Mr. ALLISON] would like to have the amendment passed over until he is present.

Mr. CLAPP. Very well.

The VICE-PRESIDENT. The amendment will be passed over.

Mr. TELLER. I ask the Senate to go back to page 26, and I wish to offer an amendment that should have been offered some time ago. After the words "one thousand dollars," in line 7, I desire to offer the amendment I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. On page 26, line 7, after the word "dollars," it is proposed to insert:

To Jarib L. Sanderson, of Boulder, Colo., the sum of $7,740, being the amount allowed him as surviving partner of the firm of Barlow, Sanderson & Co., on December 7, 1886, under treaty stipulations with the Cheyenne tribe of Indians, and not heretofore paid.

Mr. TELLER. I want to say, if anybody has any curiosity, that this is a judgment of the Court of Claims.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 54, after line 13, to insert:

That to enable the Red River Bridge Company, of Denison, Tex., to acquire land necessary to the proper conduct and operation of its property, Wyatt S. Hawkins, an intermarried citizen of the Chickasaw Nation, is hereby authorized to sell and convey the whole or any part of the homestead allotted to him as such intermarried citizen, and all restriction on the alienation of such homestead imposed by any existing law is hereby removed.

Mr. GALLINGER. I have occasion to know that the Indian Office, and very likely the Department itself, have some objection to giving this person the right to convey all of his homestead, and the suggestion has been made that if the right were given to dispose of whatever part of it was required for the operation of the bridge, it would be better legislation. I therefore submit the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from New Hampshire proposes an amendment to the amendment, which will be stated.

The SECRETARY. After the word "convey," in line 18, it is proposed to strike out the remainder of the paragraph and insert:

Such part of the homestead allotted to him as such intermarried citizen as may be absolutely necessary for the proper operation of the bridge, and all restriction on the alienation of such portion of said homestead imposed by any existing law is hereby removed.

Mr. CLAPP. I should like to offer a suggestion. It is not known how much of the land may be required. The amendment to the amendment would simply allow him to sell so much

as might be absolutely necessary, when with the bridge going there he could realize very much more per acre for his land if he were allowed to sell it all. It seems to me it is an unnecessary restriction upon him. It simply goes to the possible price he may get for his land. I do not care anything about it personally.

Mr. TELLER. This is a homestead of only 40 acres. There was some evidence that there would not be enough left of this land to be of any value after the bridge was erected. Therefore it was thought best to let him dispose of the whole of it, and allow the bridge company to buy it if it wanted to.

Mr. GALLINGER. I confess I had an impression that the homestead was larger than 40 acres.

Mr. TELLER. No; it is only 40 acres.

Mr. CLAPP. It is a little homestead.

Mr. GALLINGER. It is a matter in which I have no interest, of course. The rule ordinarily is that if a man sells a portion of his estate to a bridge company, he gets better pay for it—a larger relative value—than if he sells the entire tract.

So I think the point the Senator from Minnesota made would not hold in this or any other similar case. However, if the Senator in charge of the bill has considered it—and the Senator from Colorado knows more about it than I do—I thought it was a much larger homestead than 40 acres, I confess——

Mr. TELLER. No.

Mr. GALLINGER. If those Senators think the amendment is proper as it is in the bill, I have no objection to it.

Mr. TELLER. The first proposition was to allow him to sell 20 acres. We finally considered that it was better to let him sell all of it and get the money.

Mr. GALLINGER. As the matter will go to conference, I withdraw the proposed amendment to the amendment.

The VICE-PRESIDENT. The amendment to the amendment is withdrawn. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 54, after line 21, to insert:

That all restrictions as to the sale, incumbrance, or taxation of the lands heretofore allotted to William P. Ross, of Tahlequah, Maud W. Ross, Edward G. Ross, Mrs. Josephine Rider, William P. Ross, of Bartlesville, Nevermore Trainer, Annie C. Bennett, Nathan F. Adams, Annie Potts, Sam Spade, French Youngpig, and Mase Squirrel, all citizens of the Cherokee Nation, Indian Territory, and duly enrolled as such, be, and the same are hereby, removed.

Mr. LODGE. I should like to ask the Senator in charge of the bill whether I am correctly informed that, under the act of April 21, 1904, it is now within the Secretary's power to remove the restriction, so that the land may be sold for town-site purposes?

Mr. CLAPP. There are four or five of these cases, and the report is quite full with respect to them. As to the first one it says:

William P. Ross, Tahlequah, about 30 years old, one-fourth Cherokee, well educated, unmarried. Is in last stages of consumption and wants to realize on property so as to go West and try to regain his health.

Mr. LODGE. He also applied for the removal of the restriction, and his application has been approved. So he does not need——

Mr. CLAPP. I do not know whether it has been approved or not.

Mr. LODGE. The information I get from the Bureau is that it has been approved.

Mr. CLAPP. The report continues:

Maud W. Ross, about 30 years old, one-fourth Cherokee, married. Is graduate of the Cherokee Female Seminary, which institution she attended for ten years.

Edward G. Ross, 48 years old, one-fourth Cherokee. Attended the Cherokee schools and college for over ten years and was a student at Lawrenceville, N. J., for three years and afterwards for one year at the business college in St. Louis. He has tuberculosis and wants to realize on his property and go West to the mountains.

Mrs. Josephine Rider, age 57, one-fourth Cherokee. Has good common school education. Is now incurably insane, and in Hiawatha Insane Asylum at Canton, S. Dak. The money is needed for her comfort and support. Her son is in the United States Army, at Angel Island, Cal.

W. P. Ross, of Bartlesville, is 44 years old, one-fourth Cherokee. Attended the public schools and Cherokee Male Seminary for fifteen years, the Lawrenceville High School, at Lawrenceville, N. J., for three years. Is printer and editor by profession, and a business man of wide experience. Wants to handle his own property for the benefit of himself and family.

Nevermore Trainer, one-eighth Cherokee, 23 years of age. Graduate of the Cherokee Seminary, and at present a school-teacher.

Mr. LODGE. He has applied and has had the restriction removed.

Mr. CLAPP. All I know about it is this, Senator: These people wrote up here—the Senator from Wyoming [Mr. CLARK] had this matter in charge—and they asked to have these restrictions removed; and certainly I can see no objection to the removal of restrictions in respect of that class of people.

Mr. LODGE. Why is it necessary to do it in the bill? The act of April 21, 1904, has been on the statute books two years. Of the persons mentioned in the amendment only Ross, Trainer, Annie C. Bennett, and Nathan F. Adams have applied for the removal of the restriction on their allotments, and their applications have been approved.

Mr. CLAPP. If the Senator knew the trouble incident to getting the restrictions removed by application, he would understand why people are anxious to get them removed by legislation. If these people are ever to take their property, it is only an act of common justice, it seems to me, to give it to them.

Mr. CLARK of Wyoming. The Senator from Massachusetts is certainly misinformed as to some of the persons whom he has mentioned as having had the restrictions removed.

Mr. LODGE. I inquired of the Bureau, and I got the direct information that four of these people had applied, and that their applications had been approved; that none of the others had applied.

I also get the information that two of them are full-blood Indians, and that removing the restriction is a direct contradiction of the law we passed the other day, and sets a precedent in the Indian Territory which the Department say they consider very unfortunate.

Mr. CLARK of Wyoming. It has been done time and time again.

Mr. LODGE. French Youngpig and Mase Squirrel are full-blood Indians, and to remove their restrictions by legislative enactment seems to be in direct conflict with the policy Congress is pursuing, as the conferees' report of April 9, 1906 (Senate Document No. 307), on H. R. 5976, shows that section 19 of that bill has been amended by the conferees so as not to permit any full-blood Indian of the Five Civilized Tribes "to alienate, sell, dispose of, or encumber in any manner any of the lands allotted to him for a period of twenty-five years from the approval of the act." The Department further say it would establish an unfortunate precedent in the Indian Territory.

Mr. CLARK of Wyoming. I am sure the Senator is misinformed as to some of those whose applications he says have been approved.

Mr. LODGE. Very likely. I have no personal knowledge of it. Being very ignorant, I asked for some information.

Mr. CLARK of Wyoming. The peculiar circumstances connected with each one of these cases, as the report will show, will convince the Senator why there should be a legislative enactment.

Mr. LODGE. Does not the Senator think these two full-blood Indians ought to come out anyway, as it seems to be in direct conflict with the law passed the other day?

Mr. CLARK of Wyoming. Not if the particular circumstances are such that they should be made exceptions to the general law.

Mr. LODGE. Can that not be dealt with under the law of 1904?

Mr. CLARK of Wyoming. I do not think it can be. I will turn to it in just a moment. Here are the circumstances under which that is desired, I will say to the Senator:

Annie Potts, Sam Spade, French Youngpig, and Mase Squirrel, mixed blood adult Cherokees, who desire to dispose of their allotments to the Prairie Oil Company for an oil-tank farm. It is necessary that this should be disposed of in a body, as lands for tank-farm purposes must be contiguous.

It seems that the necessity is on the part of the industry.

Mr. LODGE. There is a conflict between that report and the one I am reading from. The report I get is that Youngpig and Squirrel are full bloods, and it appears the necessity is in order to sell their allotments to an oil company.

Mr. CLARK of Wyoming. That seems to be the necessity. If the Senator is acquainted with that necessity, he will appreciate that it is quite a material one to the growth of the country.

Mr. LODGE. Of course I have no desire in the matter whatever, except to protect the Indians' rights.

Mr. CLARK of Wyoming. I will say to the Senator that I know nothing whatever about those particular cases, but with respect to the others, as to whom he says his information is that their applications for removal have been approved, I am satisfied his information is erroneous.

Mr. LODGE. It says:

Of the persons mentioned in the amendment only William P. Ross, of Tahlequah, Nevermore Trainer, Annie C. Bennett, and Nathan F. Adams have applied for the removal of the restrictions on their allotments.

Under the law of 1904.

Mr. CLARK of Wyoming. Yes.

Mr. LODGE (reading). "Their applications have been approved."

Mr. CLARK of Wyoming. They had not been approved at the time this bill was framed. I can assure the Senator of that.

Mr. LODGE. Then the Commissioner goes on to say:

It is hardly probable that this request for the removal of restrictions originated with the persons whose names are mentioned in the amendment.

Mr. CLARK of Wyoming. I can not understand where that information comes from. If the Senator will read this amendment and the report——

Mr. LODGE. I have read the report. This information comes from the Indian Bureau. I have no other source of information.

Mr. CLARK of Wyoming. Why a man who has been the editor of a paper for ten years should not desire the restriction removed, and should wait until some other person interfered for him, is more than I can comprehend. The Senator will notice in looking over this list the reasons for it.

Mr. LODGE. I see the reasons. Did these people themselves ask for it?

Mr. CLARK of Wyoming. Some of them did to my knowledge.

Mr. LODGE. William P. Ross, of Tahlequah, of course, has made the request under the law, and it has been granted.

Mr. CLARK of Wyoming. That is where the Senator and I are unfortunately at odds. The request must surely have been granted after this legislation was proposed in the bill. So in regard to the other three he mentioned.

Mr. LODGE. There are apparently two William P. Rosses.

Mr. CLARK of Wyoming. I will say in regard to Nathan F. Adams that he is about 28 years of age. His request was made to the Department a long while ago, and up to the time at least when his request was presented to the committee, it had not been approved. As to the others, I can not say when they were——

Mr. LODGE. William P. Ross, of Tahlequah, is the one who has had his application approved. The other one has not applied. With respect to the one of whom the Senator spoke as editor, I will say that it seems very reasonable that such a man should have the restriction removed.

Mr. CLAPP. I ask the Senator in all fairness——

Mr. LODGE. It seems to me that full-blood Indians would be far safer protected by the Department, in a matter of that sort, in selling to an oil company than they would be if compelled to protect themselves.

Mr. CLARK of Wyoming. I will say to the Senator that, so far as I know, this is more for the benefit of the oil company, which has been referred to, than for the benefit of the individual Indians themselves. The Senator will observe that it is necessary, if the oil business is to be carried on, that there must be tankage provided, and if tankage is provided there must be land on which to locate it, and it is to be located, of course, at the most favorable point for the oil company. The Indians which the Senator designates as "full bloods" the report designates as "mixed bloods." That is the situation. I think it is quite proper, in an exceptional case like that, that even full bloods shall be allowed to alienate their land.

Mr. CLAPP. But these are designated as "mixed bloods." I understand that they are all mixed bloods.

Mr. LODGE. So they are spoken of in the report. Is that taken from the report?

Mr. CLAPP. It is taken from the document the Senator from Wyoming filed with me. I know but little about it more than the information given in that document. I do not think it could have been possible that these restrictions were removed when these people asked for it.

Mr. LODGE. Suppose we let the amendment go over. Of course I do not want to make any unreasonable objection at all.

The VICE-PRESIDENT. The amendment will be passed over.

Mr. FORAKER. I desire to ask the Senator why there could not have been incorporated in this same provision two other names—the names of Benjamin Marshall and John A. Jacobs? I understand that these are members of the Creek tribe, and only about half bloods, perhaps not of that much Indian blood. One of the gentlemen—Mr. Marshall—is a real-estate agent, an active business man, with large experience in handling real estate, and he wants to have the privilege of selling his property.

Mr. CLAPP. I will ask that the letters of the two gentlemen be read as some evidence of their ability.

Mr. FORAKER. Mr. Jacobs, I understand, is the vice-president of a national bank. It does seem unnecessary to tie up their land for the long period of twenty-one years.

Mr. LODGE. Of course, I do not object to anything of that sort as to the half bloods, but as to the full bloods it seems a direct contradiction of what we did the other day.

Mr. CLARK of Wyoming. I should like to ask the Senator from Massachusetts if it would not be sufficient for those whom he designates as "full bloods," if that amendment should be passed over, and let the others be incorporated in the bill?

Mr. LODGE. I do not see how we can do that very well. Does the Senator propose that we shall strike out those two names?

Mr. CLARK of Wyoming. No. I mean to pass over those who are designated in the communication as full-blood Indians.

Mr. LODGE. I mean that we can not pass over a part of the amendment and adopt any part of it; we must pass over the whole amendment.

The VICE-PRESIDENT. The amendment is passed over at the request of the Senator from Massachusetts.

Mr. CLAPP. I offer an amendment in this connection.

Mr. FORAKER. I ask the Senator from Massachusetts if he objects to an amendment respecting Marshall and Jacobs?

Mr. LODGE. No; I do not object to that.

Mr. FORAKER. Then I hope, if no one objects to it, that the amendment may be adopted.

The VICE-PRESIDENT. What is the desire of the Senator from Minnesota with respect to the two letters he has sent to the Secretary's desk?

Mr. CLAPP. I will not ask the Senate to hear them read at this time.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be stated.

The SECRETARY. After line 4, on page 55, insert:

That the restrictions upon the alienation of the homestead of Benjamin Marshall, a Creek Indian, it being the southeast quarter of the southwest quarter of section 28, township 16 north, and range 17 east of the Indian base meridian, in Indian Territory, containing 40 acres, be, and the same are hereby, removed.

That the restrictions upon the alienation of the homestead of John A. Jacobs, a Creek Indian, it being the southwest quarter of the southwest quarter of section 18, township 7 north, and range 9 east of the Indian base meridian, in Indian Territory, containing 40 acres, be, and the same are hereby, removed.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

The next amendment was, on page 55, line 6, after the word "authorized," to insert "and directed;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a fee-simple patent, etc.

Mr. GALLINGER. This clause relates to the issuing of patents to certain named Indians, and the amendment just read directs the Secretary of the Interior to issue those patents. I will ask the Senator from Minnesota whether he is sure that these are competent Indians?

Mr. CLAPP. As to those names we have now reached, I have only a letter from the Senator from Alabama [Mr. MORGAN]. He says he knows Mr. Richardville well, and feels authorized to indorse all that Mr. Lamar says about him.

Mr. LODGE. Why not leave it to the discretion of the Secretary?

Mr. GALLINGER. I am satisfied the Department would very much prefer to have the words "and directed" omitted from the bill and let it remain as it came from the House in that respect. The Secretary does not feel that he ought to be directed to do this when there might be circumstances connected with these Indians which would make it very unwise and unfortunate for him to do it. I hope the amendment inserting the two words "and directed" may be disagreed to.

The amendment was rejected.

Mr. GALLINGER. There is now no objection to the remainder of the paragraph as proposed to be amended.

The next amendment was, on page 55, line 6, after the word "to" where it occurs the second time, to strike out "Maynard C. Armstrong, Wyandotte allottee numbered 53; William Nichols, Seneca allottee numbered 185" and insert "Eulala Smith, Wyandotte allottee numbered 15; Thomas F. Richardville, Mary Richardville, Katherine R. Simpson, Western Miami Indians;" and in line 12, after the word "allotted," to strike out "him" and insert "them;" so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized to issue a fee-simple patent to Eulala Smith, Wyandotte allottee numbered 15, Thomas F. Richardville, Mary Richardville, Katherine R. Simpson, Western Miami Indians, for land heretofore allotted them, and the issuance of said patent shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

The amendment was agreed to.

The next amendment was, on page 55, after line 14, to insert:

For the care and support of insane persons in Indian Territory, to be expended under the direction of the Secretary of the Interior, $50,000, or so much thereof as may be necessary: *Provided, however,* That Indian citizens in said Territory shall be cared for at the asylum in Canton, Lincoln County, S. Dak.

The amendment was agreed to.

The next amendment was, on page 56, line 10, before the word "thousand," to strike out "twenty-five" and insert "thirty-five;" so as to make the clause read:

For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for transportation of pupils to and from said school, $135,250.

The amendment was agreed to.

The next amendment was, on page 56, line 20, to increase the total appropriation for the maintenance of the Haskell Institute, Kans., from $146,250 to $156,250.

The amendment was agreed to.

The next amendment was, under the subhead "Sacs and Foxes of the Missouri (treaty)," on page 50, after line 23, to insert:

That the Secretary of the Interior is hereby authorized to sell and convey, under such rules and regulations as he may prescribe, the tract of land located in Kansas City, Kans., reserved for a public burial ground under a treaty made and concluded with the Wyandotte tribe of Indians on the 31st day of January, 1895. And authority is hereby conferred upon the Secretary of the Interior to provide for the removal of the remains of persons interred in said burial ground and their reinterment in the Wyandotte Cemetery at Quindaro, Kans., and to purchase and put in place appropriate monuments over the remains reinterred in the Quindaro Cemetery. And after the payment of the costs of such removal, as above specified, and the costs incident to the sale of said land, and also after the payment to any of the Wyandotte people, or their legal heirs, of claims for losses sustained by reason of the purchase of the alleged rights of the Wyandotte tribe in a certain ferry named in said treaty, if, in the opinion of the Secretary of the Interior, such claims or any of them are just and equitable, without regard to the statutes of limitation, the residue of the money derived from said sale shall be paid per capita to the members of the Wyandotte tribe of Indians who were parties to said treaty, their heirs, or legal representatives.

The amendment was agreed to.

The next amendment was, on page 60, after line 22, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue patents in fee simple to the members of the Sac and Fox of Missouri and Iowa tribes of Indians for the lands heretofore allotted them in Kansas and Nebraska; and the issuance of such patents shall operate to remove all restrictions as to sale, taxation, and incumbrance of the lands so patented.

The amendment was agreed to.

The next amendment was, on page 61, after line 4, to insert:

That the Secretary of the Interior shall cause all the surplus unallotted lands of the Sac and Fox of Missouri tribe to be allotted to those members born since the completion of allotments to said tribe and alive and in being on June 30, 1906, as near as may be an equal quantity of land in acres, and to issue patents therefor in fee simple, or under the provisions of the fifth section of the act of Congress approved February 8, 1887, 24 Statutes at Large, page 388, in his discretion.

Mr. LODGE. I wish to ask the Senator from Minnesota why the Iowas in Nebraska, who are included in the same report, should not be included here, and whether it was a mere oversight?

Mr. CLAPP. My recollection is that the Department advised us that they had been settled with and ought not to be included. Now, that is merely my present impression.

Mr. LODGE. I asked about this amendment, and I will read the Senator what was sent to me from the Department in regard to it:

The legislation embraced in this part of the bill is identical with the legislation recommended in my report of February 10, 1906, except that the provision appropriating the capital fund of the Iowa Indians has been omitted; hence the legislation will authorize the closing up of the affairs of the Sac and Fox of Missouri Indians so far as these relate to the Government, but will leave the Iowas in Nebraska, who were included in the office report, still to be dealt with. It is true that the amendment authorizes the issuance of patents in fee to both tribes, but is it believed that the paragraph omitted from the office report should be included. It is presumed that this has been omitted through some error, and it is therefore repeated here in order that it may be inserted should the Senate think proper.

SEC. 3. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $57,500, to be placed in the Treasury of the United States to the credit of the Iowa tribe of Indians, to draw interest at the rate of 5 per cent per annum, being the balance due said tribe per ninth article of the treaty of May 17, 1854, and the Secretary of the Interior is hereby authorized to pay said sum to the Indians entitled in cash per capita subject to the provisions of the act of April 21, 1904 (33 Stat. L., p. 201.)

Mr. CLAPP. The Department asks now to have that inserted?

Mr. LODGE. That is what I understand is the request.

Mr. CLAPP. I have no objection, but I am very certain——

Mr. LODGE. I will hand this memorandum to the Senator. He can look over it and add it at any time.

Mr. CLAPP. Certainly.

The amendment was agreed to.

The next amendment was, on page 61, after line 14, to insert:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $157,400, to be placed in the Treasury of the United States to the credit of the Sac and Fox of Missouri tribes of Indians, to draw interest at the rate of 5 per cent per annum, being the amount due said tribe per article 2 of the treaty of October 21, 1837, and the Secretary of the Interior is hereby authorized to pay said sum to the Indians entitled in cash per capita, subject to the provisions of the act of April 21, 1904 (33 Stat. L., p. 201): *Provided,* That the rights or equities of any person whose claim to an allotment of the Sac and Fox of Missouri Reservation tribal land and who has already instituted proceedings in the United States circuit court for the district of Nebraska to determine such right shall not be affected by any of the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 62, after line 10, after the word "them," to strike out "William A. Margrave, Margaret Margrave, William C. Margrave, James T. Margrave, Earl I. Margrave, Julia Le Clere, and Willie Connell, Sac and Fox of Missouri allottees numbered 60, 61, 62, 63, 64, 58, and 27;" so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them, respectively; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Mr. CLAPP. I suggest that that paragraph be passed over for the present.

The VICE-PRESIDENT. The amendment will be passed over.

The reading was continued to page 64, line 15, the last line making the total of the items under the heading "Pipestone school," $45,000.

Mr. CLAPP. I think the total should be changed to $49,175.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 15, page 64, strike out "$45,000" and insert "$49,175;" so as to read:

In all, $49,175.

The amendment was agreed to.

The next amendment was, under the subhead "Chippewas of Minnesota, reimbursable (treaty)," on page 65, after line 18, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $197.50 to Martha A. Allen, widow of Hiram W. Allen, late additional farmer at Red Lake Indian Reservation, Minn., said sum being the amount of said Hiram W. Allen's salary withheld for the third quarter, 1885.

The amendment was agreed to.

The next amendment was, on page 66, after line 2, to insert:

To enable the Secretary of the Interior to pay to the heirs of Thomas Le Blanc, deceased, Sioux scout, the sum alleged to be due said heirs, $901.23.

The amendment was agreed to.

The next amendment was, on page 66, after line 6, to insert:

That the Secretary of the Interior is hereby authorized and directed to pay to D. C. Lightbourn, of Ada, Minn., the sum of $1,244.45; and to George D. Hamilton, of Detroit, Minn., the sum of $830, out of any moneys standing to the credit of the Chippewa Indians, of Mississippi, in payment for bills incurred in advertising; and the said sums are hereby appropriated for said purpose.

Mr. LODGE. I wish to know something about this claim. It is not a very large one, it is true, but on what is it based? I have looked in the report of the committee. Perhaps the Senator can refer me to the place in the report where it is explained. I can not find it mentioned in the index.

Mr. CLAPP. All these Minnesota matters would be under the heading of "Minnesota," in the index. There may be some of the items indexed separately. This came in very late, and it may not be in the report.

I will state the circumstances. These men advertised these lands for sale, under the direction of the agent there, but there is no authority to pay them out of any fund. Sooner or later, I presume, we shall have to enact some legislation to distribute the funds of those Indians and apply those portions which have been expended for these particular purposes against these particular Indians. But these people have rendered this work; they can not get their pay, and there is no reason why they should be made to undergo delay in getting the matter straightened out.

Mr. LODGE. Has the claim ever been investigated or approved by the Indian Office? Has the Senator anything to go on except the claim of the claimants?

Mr. CLAPP. I do not know that it has been approved any more than that the Office said they could not pay it, because they had no authority to use these funds for that purpose. There is no question, as I understand it, about the amount of the two bills. They were bills for printing.

Mr. LODGE. This item is, I think, subject to a point of order. It has not been estimated for by the Department.

Mr. CLAPP. But it comes out of the Indian funds.
Mr. LODGE. That covers only the cases of claims.
Mr. CLAPP. This will be a claim.
Mr. LODGE. This is an appropriation. I understood the ruling of the Senator from Maine to apply to the case of a private claim and not the case of an estimate.
The VICE-PRESIDENT. The Chair is of opinion that the point made by the Senator from Massachusetts is well taken.
Mr. LODGE. I will state the reason why I make the point of order.
Mr. CLAPP. Before the Chair makes a decision finally, I should like to look up the authority we had to use last year.
Mr. LODGE (reading)—

The records of the Indian Office do not show any claim or correspondence on this subject, and the item does not specify any date when the claim was incurred.

The Office says it never has been referred to it "for investigation or report."

The fact that it comes out of the Indian funds seems to me only additional reason to be careful about it. It is a very small amount, I know, but those funds are in the nature of a trust fund, and this has never been reported on by any authority.

Mr. CLAPP. Since the Senator has some information there from the Department, I will state that I talked over this matter with the Commissioner of Indian Affairs. We went over it, and I suggested to him that the only thing we could do was to pay these claims and then some time pass some legislation to distribute these funds. There was no point made by him and no suggestion on his part but that that was the proper thing to do. I certainly can not understand it if he has said anything adverse to that.
Mr. CARTER. Mr. President——
The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Montana?
Mr. CLAPP. Certainly.
Mr. CARTER. This seems to be a rather strange proceeding. Do I understand the chairman of the committee to say that the Commissioner of Indian Affairs did not supply certain facts to the committee and later on sent them to other Senators to be presented on the floor?
Mr. CLAPP. No; the chairman does not say so. The chairman says that in the committee room the chairman called the attention of the Commissioner of Indian Affairs to these items of printing of Lightbourne and Hamilton, and suggested that as there was no authority for him to take it out of the fund, the law which provided for printing the notices not having made ample provision in that respect, there was no reason why these men, who had done the work under the direction of the agent, should await the action of Congress until Congress made provision for distributing the fund, and that it seemed that the best plan was to pay them and then when we got to a bill distributing the fund the matter could be corrected as between the individual Indians. Without dissenting at all, I do not recall that he said anything, and it was a silent assent to the proposition. It certainly is surprising to me, in view of that conversation, if anything has been sent here adverse to the proposition.
Mr. LODGE. I merely make the point of order that it has not been estimated for.
Mr. CLAPP. I ask that it be passed over until I can get the case. I think I have the case we had last year that will dispose of the point of order.
Mr. LODGE. It was two years ago, and I think it applies only to private claims.
The VICE-PRESIDENT. The amendment will be passed over.
The next amendment was, on page 66, after line 15, to insert:

That the sum of $2,200, or so much thereof as may be necessary, is hereby appropriated, to settle the account of Charles H. Armstrong on contract No. 115 for survey of Indian lands in the State of Minnesota.

The amendment was agreed to.
The next amendment was, on page 66, after line 20, to insert:

That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $2,091.92, and the Secretary of the Treasury is hereby authorized and directed to pay said sum to Alice Fairbanks Mee, administratrix of the late George Fairbanks, formerly a member of the firm of Fairbanks Brothers, assignees of W. R. Spears, of claims against Chippewa Indian loggers on the Red Lake Reservation during the logging season of 1884 and 1885, said sum to be immediately available: *Provided*, That Alice Fairbanks Mee shall furnish satisfactory evidence to the Secretary of the Interior that she is the rightful owner of the claim, the amount being a balance due on time checks and supplies furnished said loggers engaged in logging under contract with Frank J. Johnson: *Provided further*, That no part of the amount to be charged against any funds belonging to the Chippewa Indians.

The amendment was agreed to.

The next amendment was, on page 67, after line 2[illegible], to strike out:

That the Secretary of the Interior is hereby authorized to pay from the proceeds of the sale of timber on ceded Chippewa lands in Minnesota, under the act of June 27, 1902, to the superintendent of logging appointed under said act $4 and to his assistant superintendents $2.50 per diem in lieu of subsistence while on duty, said allowances for subsistence to date from the date of appointment of such superintendent and assistants.

Mr. CLAPP. Mr. President, I wish to call attention to the fact that that language as it appeared in the bill as it came from the House of Representatives seemed to the committee to relate to back pay; but I have been advised by the Department that it does not, and that it ought to stand. Therefore, unless objection is made, I will ask that the Senate committee amendment which has just been stated be disagreed to.
The amendment was rejected.
Mr. KEAN. Mr. President, the next amendment of the committee, beginning on line 9 on page 68, is a long one, the consideration of which will take some time. I therefore suggest that we desist for the remainder of the evening.
Mr. CLAPP. I am ready to do so whenever the Senate is.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.
The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 24, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 23, 1906.

COLLECTOR OF CUSTOMS.

William F. Stone, of Maryland, to be collector of customs for the district of Baltimore, in the State of Maryland. (Reappointment.)

POSTMASTERS.

IOWA.

C. C. Baird to be postmaster at Malvern, in the county of Mills and State of Iowa, in place of John D. Paddock. Incumbent's commission expires June 10, 1906.

A. M. Phillips to be postmaster at Maquoketa, in the county of Jackson and State of Iowa, in place of Harry E. King. Incumbent's commission expires May 27, 1906.

KANSAS.

James M. Chisham to be postmaster at Atchison, in the county of Atchison and State of Kansas, in place of James M. Chisham. Incumbent's commission expires June 24, 1906.

Herman Jermark to be postmaster at Beloit, in the county of Mitchell and State of Kansas, in place of William C. Perdue. Incumbent's commission expired March 14, 1906.

Sidney H. Knapp to be postmaster at Clyde, in the county of Cloud and State of Kansas, in place of Sidney H. Knapp. Incumbent's commission expires April 25, 1906.

James E. Stevens to be postmaster at Goodland, in the county of Sherman and State of Kansas, in place of James E. Stevens. Incumbent's commission expires June 5, 1906.

MAINE.

F. Morris Fish to be postmaster at Hallowell, in the county of Kennebec and State of Maine, in place of Denny K. Jewell, removed.

MICHIGAN.

Oliver H. P. Green to be postmaster at Orion, in the county of Oakland and State of Michigan, in place of Oliver H. P. Green. Incumbent's commission expires June 30, 1906.

Winthrop A. Hayes to be postmaster at Rochester, in the county of Oakland and State of Michigan, in place of Winthrop A. Hayes. Incumbent's commission expires June 30, 1906.

William B. Kelly to be postmaster at Tawas City, in the county of Iosco and State of Michigan. Office became Presidential April 1, 1906.

MISSISSIPPI.

William F. Jobes to be postmaster at Brookhaven, in the county of Lincoln and State of Mississippi, in place of William F. Jobes. Incumbent's commission expired April 2, 1906.

MISSOURI.

Samuel B. Kiefner to be postmaster at Perryville, in the county of Perry and State of Missouri, in place of Archibald H. Cashion. Incumbent's commission expired April 10, 1906.

George W. Schweer to be postmaster at Windsor, in the county of Henry and State of Missouri, in place of George W. Schweer. Incumbent's commission expired January 22, 1906.

MONTANA.

C. C. Chaffin to be postmaster at Hamilton, in the county of Ravalli and State of Montana, in place of James E. Stevens, removed.

NEBRASKA.

Fred W. Barnhart to be postmaster at Hartington, in the county of Cedar and State of Nebraska, in place of Fred W. Barnhart. Incumbent's commission expired March 1, 1906.

Alonson F. Enos to be postmaster at Stanton, in the county of Stanton and State of Nebraska, in place of Alonson F. Enos. Incumbent's commission expired March 14, 1906.

NEW JERSEY.

Elias H. Bird to be postmaster at Plainfield, in the county of Union and State of New Jersey, in place of Elias H. Bird. Incumbent's commission expires May 28, 1906.

NEW MEXICO.

Otto F. Menger to be postmaster at Clayton, in the county of Union and Territory of New Mexico, in place of Otto F. Menger. Incumbent's commission expires May 2, 1906.

NEW YORK.

James M. Miller to be postmaster at Washingtonville, in the county of Orange and State of New York, in place of James M. Miller. Incumbent's commission expires June 24, 1906.

William N. Wallace to be postmaster at Gowanda, in the county of Cattaraugus and State of New York, in place of William N. Wallace. Incumbent's commission expires May 27, 1906.

Frank N. Webster to be postmaster at Spencerport, in the county of Monroe and State of New York, in place of Frank N. Webster. Incumbent's commission expires May 14, 1906.

OHIO.

E. L. Byers to be postmaster at Mechanicsburg, in the county of Champaign and State of Ohio, in place of Tulley McKinney. Incumbent's commission expires June 24, 1906.

E. A. Gordon to be postmaster at Upper Sandusky, in the county of Wyandot and State of Ohio, in place of William H. Frater. Incumbent's commission expires June 30, 1906.

Joseph A. Shriver to be postmaster at Manchester, in the county of Adams and State of Ohio, in place of Joseph A. Shriver. Incumbent's commission expired April 2, 1906.

L. E. Simes to be postmaster at Covington, in the county of Miami and State of Ohio, in place of Leonidas Conover. Incumbent's commission expires May 16, 1906.

OREGON.

Burtis W. Johnson to be postmaster at Corvallis, in the county of Benton and State of Oregon, in place of Burtis W. Johnson. Incumbent's commission expires June 30, 1906.

Guy Lafollette to be postmaster at Prineville, in the county of Cook and State of Oregon, in place of George Summers. Incumbent's commission expired December 20, 1904.

PENNSYLVANIA.

John P. S. Fenstermacher to be postmaster at Kutztown, in the county of Berks and State of Pennsylvania, in place of John P. S. Fenstermacher. Incumbent's commission expires June 2, 1906.

Preston E. Hannum to be postmaster at Christiana, in the county of Lancaster and State of Pennsylvania, in place of Preston E. Hannum. Incumbent's commission expired January 30, 1906.

Mary C. Patterson to be postmaster at Ashland, in the county of Schulykill and State of Pennsylvania, in place of Robert B. Clayton. Incumbent's commission expired April 3, 1906.

George W. Wright to be postmaster at Elizabeth, in the county of Allegheny and State of Pennsylvania, in place of George W. Wright. Incumbent's commission expired January 30, 1906.

TEXAS.

Robert McKinnon to be postmaster at Thurber, in the county of Erath and State of Texas, in place of Thomas A. Guthrie. Incumbent's commission expired March 14, 1906.

James M. Sloan to be postmaster at Navasota, in the county of Grimes and State of Texas, in place of James M. Sloan. Incumbent's commission expires May 19, 1906.

WEST VIRGINIA.

Henry W. Deem to be postmaster at Ripley, in the county of Jackson and State of West Virginia. Office became Presidential April 1, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 23, 1906.

UNITED STATES ATTORNEY.

Frank H. Watson, of Michigan, to be United States attorney for the eastern district of Michigan.

COLLECTOR OF CUSTOMS.

Frederick C. Harper, of Washington, to be collector of customs for the district of Puget Sound, in the State of Washington.

POSTMASTERS.

ARIZONA.

John L. Keister to be postmaster at Morenci, in the county of Graham and Territory of Arizona.

CALIFORNIA.

George B. Hayden to be postmaster at Upland, in the county of San Bernardino and State of California.

M. R. Stansbury to be postmaster at Pacific Grove, in the county of Monterey and State of California.

COLORADO.

Robert Wilkinson to be postmaster at Central City, in the county of Gilpin and State of Colorado.

IOWA.

Charles C. Bender to be postmaster at Spencer, in the county of Clay and State of Iowa.

C. B. Dean to be postmaster at Wall Lake, in the county of Sac and State of Iowa.

R. A. Hasselquist to be postmaster at Chariton, in the county of Lucas and State of Iowa.

ILLINOIS.

John H. Creager to be postmaster at West Chicago, in the county of Dupage and State of Illinois.

Francis M. Love to be postmaster at Lewistown, in the county of Fulton and State of Illinois.

William P. Richards to be postmaster at Jerseyville, in the county of Jersey and State of Illinois.

MAINE.

William O. Fuller, jr., to be postmaster at Rockland, in the county of Knox and State of Maine.

William G. Hubbard to be postmaster at Wiscasset, in the county of Lincoln and State of Maine.

MASSACHUSETTS.

Louis S. Cox to be postmaster at Lawrence, in the county of Essex and State of Massachusetts.

Louis C. Hyde to be postmaster at Springfield, in the county of Hampden and State of Massachusetts.

MICHIGAN.

Charles H. Boody to be postmaster at Hart, in the county of Oceana and State of Michigan.

Nannie Faucett to be postmaster at Laurium, in the county of Houghton and State of Michigan.

Clinton L. Kester to be postmaster at Marcellus, in the county of Cass and State of Michigan.

MINNESOTA.

Jacob Gish to be postmaster at Le Sueur, in the county of Le Sueur and State of Minnesota.

James M. King to be postmaster at White Bear Lake, in the county of Ramsey and State of Minnesota.

MISSISSIPPI.

Jasper Warren Collins to be postmaster at Ellisville, in the county of Jones and State of Mississippi.

MISSOURI.

William P. Glessing to be postmaster at Desloge, in the county of St. Francois and State of Missouri.

MONTANA.

James R. White to be postmaster at Kalispell, in the county of Flathead and State of Montana.

NEBRASKA.

C. K. Cooper to be postmaster at Humboldt, in the county of Richardson and State of Nebraska.

NEW JERSEY.

Alexander C. Yard to be postmaster at Trenton, in the county of Mercer and State of New Jersey.

NEW YORK.

Edwin P. Bouton to be postmaster at Trumansburg, in the county of Tompkins and State of New York.

George M. Mayer to be postmaster at Olean, in the county of Cattaraugus and State of New York.

NORTH DAKOTA.

Ellery C. Arnold to be postmaster at Larimore, in the county of Grand Forks and State of North Dakota.

OHIO.

Edward L. Davis to be postmaster at Garrettsville, in the county of Portage and State of Ohio.

Conrey M. Ingman to be postmaster at Marysville, in the county of Union and State of Ohio.

OKLAHOMA.

Thomas F. Addington to be postmaster at Yukon, in the county of Canadian and Territory of Oklahoma.

PENNSYLVANIA.

Christian W. Houser to be postmaster at Duryea, in the county of Luzerne and State of Pennsylvania.

TEXAS.

Thomas Breen to be postmaster at Mineola, in the county of Wood and State of Texas.

Morriss Mills to be postmaster at Somerville, in the county of Burleson and State of Texas.

Abram M. Morrison to be postmaster at Ennis, in the county of Ellis and State of Texas.

George E. Sapp to be postmaster at Pecos, in the county of Reeves and State of Texas.

Thomas D. Ward to be postmaster at Corpus Christi, in the county of Nueces and State of Texas.

WEST VIRGINIA.

Harrison A. Darnall to be postmaster at Buckhannon, in the county of Upshur and State of West Virginia.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 23, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT OVER UNTIL WEDNESDAY.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Wednesday next.

The SPEAKER. The gentleman from New York moves that when the House adjourns to-day it adjourn to meet on Wednesday next.

The question was taken; and the motion was agreed to.

SALE OF INTERNAL-REVENUE STAMPS IN PORTO RICO.

Mr. HILL of Connecticut. Mr. Speaker, I call up a privileged bill (H. R. 15071), and ask unanimous consent that it may be considered in the House as in Committee of the Whole.

Mr. WILLIAMS. I will be compelled to object to that, Mr. Speaker.

Mr. HILL of Connecticut. Then I move that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. WILLIAMS. What is the bill?

The Clerk read as follows:

A bill (H. R. 15071) to provide means for the sale of internal-revenue stamps in the island of Porto Rico.

Mr. HILL of Connecticut. It is a unanimous report from the Committee on Ways and Means.

The SPEAKER. The gentleman from Mississippi objects.

Mr. HILL of Connecticut. I move, Mr. Speaker, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. LITTLEFIELD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15071) to provide means for the sale of internal-revenue stamps in the island of Porto Rico.

Mr. HILL of Connecticut. Mr. Chairman, to save the time of the House, the bill is reported with an amendment in the nature of a substitute and to perfect the bill. I ask that the reading of the original bill be dispensed with. I move the amendment be adopted, and then the substitute be read.

The CHAIRMAN. The gentleman from Connecticut moves that the amendment recommended by the committee be adopted.

The motion was agreed to.

The CHAIRMAN. The Clerk will proceed to read the substitute.

The Clerk read as follows:

A bill (H. R. 15071) to provide means for the sale of internal-revenue stamps in the island of Porto Rico.

Be it enacted, etc., That all United States internal-revenue taxes now imposed by law on articles of Porto Rican manufacture coming into the United States for consumption or sale may hereafter be paid by affixing to such articles before shipment thereof a proper United States internal-revenue stamp denoting such payment, and for the purpose of carrying into effect the provisions of this act the Secretary of the Treasury is authorized to grant to such collector of internal revenue as may be recommended by the Commissioner of Internal Revenue, and approved by the Secretary, an allowance for the salary and expenses of a deputy collector of internal revenue, to be stationed at San Juan, P. R., and the appointment of this deputy to be approved by the Secretary.

The collector will place in the hands of such deputy all stamps necessary for the payment of the proper tax on articles produced in Porto Rico and shipped to the United States, and the said deputy, upon proper payment made for said stamps, shall issue them to manufacturers in Porto Rico. All such stamps so issued or transferred to said deputy collector shall be charged to the collector and be accounted for by him as in the case of other tax-paid stamps.

The deputy collector assigned to this duty shall perform such other work in connection with the inspection and stamping of such articles, and shall make such returns as the Commissioner of Internal Revenue may, by regulations approved by the Secretary of the Treasury, direct, and all provisions of existing law relative to the appointment, duties, and compensation of deputy collectors of internal revenue, including office rent and other necessary expenses, shall, so far as applicable, apply to the deputy collector of internal revenue assigned to duty under the provisions of this act.

SEC. 2. That before entering upon the duties of his office such deputy collector shall execute a bond, payable to the collector of internal revenue appointing him, in such amount and with such sureties as he may determine.

Mr. HILL of Connecticut. Mr. Chairman, Porto Rico is outside of the internal-revenue jurisdiction of the United States. All of the internal-revenue receipts there are now paid into the Porto Rican treasury. Articles coming from Porto Rico to the United States similar to those which are subject to internal taxation here must have United States stamps affixed here, and this is now done by deputies detailed for that work at the principal ports of entry. It is greatly to the inconvenience of the people of Porto Rico. This bill authorizes a deputy collector to be detailed to sell these stamps in Porto Rico instead of affixing them at the dock in New York and New Orleans. While the bill itself is in a form authorizing the appointment of one deputy, as a matter of fact it will simply transfer one out of three to San Juan and accommodate the people in Porto Rico by enabling them to have the work done there. If there is any further question, I will be glad to answer.

Mr. CRUMPACKER. Are all the Porto Rican products shipped from the port of San Juan, and can one deputy revenue agent accommodate the entire business?

Mr. HILL of Connecticut. I think so, substantially; they think so; and it is at their own request this is done.

Mr. CRUMPACKER. This, of course, in no wise affects the revenues?

Mr. HILL of Connecticut. Except that it will probably bring revenue to the United States.

Mr. CRUMPACKER. It is purely a matter of convenience for Porto Rico?

Mr. HILL of Connecticut. Convenience for them and economy for us, both. If no one else wishes to make any inquiry, I move that the committee rise and report the bill favorably to the House.

Mr. SULZER. Is this bill unanimously reported from the committee?

Mr. HILL of Connecticut. It is a unanimous report from the committee, and is approved by the Commissioner of Internal Revenue and the Secretary of the Treasury also. The bill was drawn in the Internal-Revenue Office.

Mr. SULZER. I have no objection to it.

Mr. HUMPHREYS of Mississippi. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will please state it.

Mr. HUMPHREYS of Mississippi. Is it in order to offer an amendment to this bill?

The CHAIRMAN. The committee has already agreed to the amendment suggested to the bill by the committee. It depends upon the nature of the amendment as to whether it will be in order.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk, as a new section to the bill.

Mr. HILL of Connecticut. Mr. Chairman, I am ready to hear the amendment read, but I do not yield for any other purpose.

The Clerk read as follows:

Insert as section 3:

"Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons, who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid, and shall make and preserve a duplicate of the tax receipt or receipts issued to any person, company, or corporation, and upon application of any person he shall furnish a certified copy thereof, as of a public record, for which a fee of $1 for each 100 words or fraction thereof in the copy or copies so requested may be charged."

Mr. HILL of Connecticut. Mr. Chairman, I make the point of order that that amendment is not germane to this bill.

Mr. PAYNE. And a further point is that the House has al-

ready adopted the amendment which the amendment seeks to amend. Of course no amendment will be in order to that.

Mr. HUMPHREYS of Mississippi. Will the gentleman from Connecticut reserve his point for a moment. I have to do this in order to get this matter considered at all. I can not wait to take the ordinary procedure, for I can not get the bill considered. I have been trying for several months to get this amendment, which is a bill I have introduced and which has been favorably reported, before the House in order to get an expression of the Members of the House on the subject. I hope the gentleman from Connecticut will not make the point of order, but give the House an opportunity to vote and express its opinion.

Mr. HILL of Connecticut. The very fact that the bill which the gentleman offers as an amendment has been reported by the committee and is itself an independent proposition on the Calendar, would seem to indicate that it is not germane to this bill.

Mr. HUMPHREYS of Mississippi. It is true exactly as the gentleman from Connecticut states. The bill is on the Calendar, and there is no prospect that it will ever be anywhere else. [Laughter.] We are absolutely unable to get it up for consideration except to offer it as an amendment. Let me ask the gentleman from Connecticut if he thinks there is a quorum here. I do not want to make the point, but I would like to have this matter considered and give the House an opportunity to express itself. It won't take ten minutes to vote on this proposition, and if it is right it ought to be on the statute book. The committee has made a unanimous report—the committee of which the gentleman from Connecticut is himself a member. It is a matter that this House ought to be permitted to vote on. I asked unanimous consent at one time and objection was made on the Republican side. I offered it as an amendment to the legislative bill and a point of order was made there, and that point of order came from the Republican side, and now I submit we ought to be permitted to vote on this proposition.

Mr. HILL of Connecticut. If the gentleman from Mississippi wants five or ten minutes, I will reserve the point of order.

Mr. WILLIAMS. Mr. Chairman, what is the point of order?

The CHAIRMAN. That the amendment offered by the gentleman from Mississippi is not germane to the bill. The only question for discussion before the committee now is on the point of order, unless it proceeds by unanimous consent. Does the gentleman from Connecticut desire to be heard further on the point of order?

Mr. HILL of Connecticut. I do not.

The CHAIRMAN. Does the gentleman from Mississippi wish to be heard further on the point of order?

Mr. HUMPHREYS of Mississippi. I do not, on the point of order.

Mr. HILL of Connecticut. Then, Mr. Chairman, I insist that the amendment is not germane.

Mr. WILLIAMS. Mr. Chairman, the Chair is well acquainted with the nature of the bill sought by my colleague to be attached to this as an amendment. Does not the Chair think it is so nearly akin to a bill of his own that it is always in order? [Laughter.]

The CHAIRMAN. The Chair appreciates perfectly well the equitable position that the amendment is in, and also the relation that the Chair sustains thereto in connection with another question, but the Chair likewise appreciates that that does not affect the legal situation before the committee.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS. Does the Chair think there is any other way to get any of these bills dealing with this subject-matter before the House of Representatives? [Laughter.]

The CHAIRMAN. The Chair thinks that inquiry is entirely immaterial and not germane. The Chair is ready to rule on the point of order if no gentleman desires to be heard further. The Chair sustains the point of order.

Mr. HILL of Connecticut. Mr. Chairman, I move that the committee now rise and report the bill and amendment to the House with a favorable recommendation.

Mr. CRUMPACKER. Mr. Chairman, before the motion is submitted I want to ascertain if this system of imposing internal-revenue tax is exclusive—that is to say, can goods be brought from Porto Rico and stamps affixed in this country, notwithstanding this bill?

Mr. HILL of Connecticut. Oh, certainly; but this would obviate the necessity of doing that.

Mr. CRUMPACKER. That is what I want to know, because you only provide for one deputy stamp agent.

The CHAIRMAN. The gentleman from Connecticut moves that the committee do now rise and report the bill, with the amendment, to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LITTLEFIELD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15071) to provide means for the sale of internal-revenue stamps in the island of Porto Rico, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended be passed.

Mr. HILL of Connecticut. Mr. Speaker, I demand the previous question.

The previous question was ordered.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. HILL of Connecticut, a motion to reconsider the last vote was laid on the table.

INVESTIGATION OF ST. ELIZABETH'S INSANE ASYLUM.

The SPEAKER. The Chair announces the following committee in pursuance of the House resolution for the investigation of the St. Elizabeth's Insane Asylum.

The Clerk read as follows:

Mr. OLCOTT of New York, Mr. SMYSER of Ohio, Mr. BARCHFELD of Pennsylvania, Mr. HAY of Virginia, and Mr. PADGETT of Tennessee.

EDES HOME.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S. 4046) to incorporate the Edes Home, which is on the Speaker's table as unfinished business.

The SPEAKER. The gentleman from Wisconsin calls up the bill S. 4046 as unfinished business, of which the Clerk will report the title.

The Clerk reported the title of the bill.

Mr. BABCOCK. Mr. Speaker, I would suggest that the bill has been once read, and that a reading of the bill be dispensed with.

The SPEAKER. The amendment offered by the gentleman from New York [Mr. OLCOTT] is pending. The Clerk will, without objection, report the amendment.

The Clerk read as follows:

Page 2, line 9, at the end of line 9, change the comma to a period, and strike out lines 10 and 11 to and including the word "held" and insert in lieu thereof the following:

"The property held by the said corporation actually and exclusively used and occupied for the Home provided in section 1 of this act shall, while and so long as so actually and exclusively used and occupied."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, read the third time, and passed.

AMERICAN CROSS OF HONOR.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S. 3045) to incorporate the American Cross of Honor within the District of Columbia, which is on the Speaker's table as unfinished business.

The SPEAKER. The gentleman calls up from the Speaker's table unfinished business. The Chair understands that the bill has been once read?

Mr. BABCOCK. Yes.

Mr. CRUMPACKER. Mr. Speaker, I think we ought to have the bill read.

The SPEAKER. The bill has been read on a previous day, but, without objection, the Clerk will again report the bill.

The Clerk read as follows:

Be it enacted, etc., That H. A. George, of Charlottesville, Va.; Richard Stocking, of Trenton, N. J.; John J. Delaney, of New York City, N. Y.; Andrew M. Taylor, of Rondout, N. Y.; Eugene Longstreet, of Brielle, N. J., and Thomas H. Herndon, of Washington, D. C., their associates and successors, are hereby created a body politic and corporate within the District of Columbia, by the name of the The American Cross of Honor, for the purpose of bringing into closer relations of fraternal fellowship the said body, and to cause to be perpetuated the memory of the gallant and heroic deeds of those persons upon whom the United States Government has bestowed the life-saving medal of honor.

Mr. FITZGERALD. Mr. Speaker, I wish to call the attention of the gentleman from Wisconsin [Mr. BABCOCK] to the fact that this bill has not the usual saving clause reserving to the Congress the right to alter, amend, or repeal.

Mr. KEIFER. Does not that follow as a matter of law?

Mr. BABCOCK. If the gentleman thinks that is desirable, I will be glad to accept the amendment.

Mr. FITZGERALD. I think the gentleman should put that provision in every charter that is granted by Congress.

Mr. BABCOCK. The courts have held that is not necessary, but if it will make the gentleman feel any better I will move that amendment.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert at the end of the bill the following:

"That Congress reserves the right to amend, alter, or repeal this act."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, read the third time, and passed.

BENEVOLENT AND PROTECTIVE ORDER OF ELKS.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 16730) to prevent the unauthorized wearing or use of badges, names, titles of officers, insignia, ritual, or ceremonies of the Benevolent and Protective Order of Elks of the United States of America, which I send to the desk and ask to have read.

The Clerk read as follows.

Be it enacted, etc., That any person who willfully wears the badge, insignia, or button of the Benevolent and Protective Order of Elks of the United States of America, incorporated in conformity with the Revised Statutes of the United States, relating to the District of Columbia, on the 19th day of June 1895, or uses the same to obtain aid or assistance in the District of Columbia, or willfully uses the name of such order or organization, the titles of its officers, or its insignia, ritual, or ceremonies, unless entitled to use or wear the same under the constitution and by-laws, rules and regulations of such order, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not to exceed $20 or imprisonment not to exceed thirty days, or both, in the discretion of the court.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

DISTRICT BUSINESS.

Mr. BABCOCK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills reported by the Committee on the District of Columbia now on the Calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for the consideration of bills reported by the Committee on the District of Columbia, with Mr. LITTLEFIELD in the chair.

CONDEMNATION OF INSANITARY BUILDINGS, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Chairman, I call up the bill S. 47.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 47) to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes.

Mr. BABCOCK. Mr. Chairman, I ask unanimous consent that the first reading of the bill may be waived, so that it can be open for amendment now if desired.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the first reading of the bill be waived, and the bill be open for amendment under the five-minute rule now. Is there objection?

Mr. CRUMPACKER. Mr. Chairman, I understand that does not dispense with the reading of the bill under the five-minute rule.

The CHAIRMAN. No; it will be read under the five-minute rule for debate and amendments. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FITZGERALD. Mr. Chairman, is the gentleman from Wisconsin going to make any statement in regard to the bill?

Mr. BABCOCK. I will be glad to do so after the bill is read.

Mr. FITZGERALD. The gentleman should do it before the bill is read, it seems to me.

Mr. BABCOCK. What does the gentleman say?

Mr. FITZGERALD. If the gentleman is going to explain the bill, he should do it before the bill is read.

Mr. BABCOCK. I think the committee will understand the bill much better after hearing it read.

Mr. FITZGERALD. The first reading of the bill has been dispensed with, and it is now being read under the five-minute rule, and I suggest the gentleman make a general statement of the purposes of the bill so the committee will understand it.

Mr. BABCOCK. I would say to the gentleman that practically this same bill has passed the House once before and failed in the latter days of last session to pass the other body.

The CHAIRMAN. Does the gentleman from Wisconsin desire to proceed to make a general statement in regard to the bill?

Mr. BABCOCK. I prefer having the bill read first.

Mr. BARTLETT. Mr. Chairman, the trouble about it is if we wait until the bill is read, we can not amend it under the five-minute rule after we find out what it is.

Mr. BABCOCK. Well, Mr. Chairman, I will yield to the gentleman who made the report [Mr. MORRELL].

Mr. MORRELL. Mr. Chairman, as was stated by the chairman of the committee, this bill passed the House last year. The bill provides that certain buildings which can not now under the law be entered upon for the purpose of examination as to their sanitary condition may now be entered, and if they are found to be in such a condition that they are incapable of being repaired, or after a specified time the owners refuse to repair them, then they will be demolished under the provisions provided for in the bill. I would like to offer to the committee and have shown to the members of it some photographs of the character of buildings that will be affected by the provisions of this bill. These photographs represent buildings of a character which I think the House will at one realize are a menace to public health [exhibiting photographs]. It is to avoid, Mr. Chairman, an epidemic which might at any moment crop out in these particular portions of Washington and blind alleys where these buildings now exist. Many of these alleys and consequent conditions are in the heart or within a stone's throw of the business and residential quarter, one or two within a few hundred yards of the Capitol itself.

Mr. CRUMPACKER. Will the gentleman explain the general principle of the bill? Does it provide for the condemnation and payment of the value of the insanitary buildings?

Mr. MORRELL. If the owners refuse to repair these buildings, the authorities may then proceed under the provisions of the bill which provides a monetary return for the condemnation to the extent of the value of the buildings.

Mr. CRUMPACKER. Well, does this bill include buildings that are dangerous on account of being in a dilapidated condition as well as insanitary buildings?

Mr. MORRELL. No, sir; in answer to the gentleman from Indiana I may say that that is now embraced in a separate bill which has already passed and is now the law.

Mr. CRUMPACKER. Suppose a building is insanitary because of lack of cleanliness on the part of the tenant; is there to be any public expense attached to putting that building in a proper sanitary condition?

Mr. MORRELL. The tenants of the buildings or owners have due notice to put their buildings in a proper state of cleanliness or repair, as the case may be.

Mr. CRUMPACKER. And if they do not, is the expense charged up to the building?

Mr. MORRELL. No; it is charged as a tax against the real estate.

Mr. HEPBURN. Mr. Chairman, I would like to ask the gentleman, if a building is demolished is there any provision in this bill for compensation to the owner?

Mr. MORRELL. The bill provides if the owner of the building is not satisfied with the amount that is given by the award, the owner can appeal to the supreme court of the District of Columbia for a modification or vacation of the order of condemnation.

Mr. HEPBURN. He is entitled, then, to compensation?

Mr. MORRELL. He is entitled to compensation. If he thinks this compensation is too small, he can appeal to the supreme court.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That there be, and is hereby, created in and for the District of Columbia a board to be known as the board for the condemnation of insanitary buildings in the District of Columbia, to consist of the assistant to the Engineer Commissioner in charge of buildings, the health officer, and the inspector of buildings of said District, and to have jurisdiction and authority to examine into the sanitary condition of all buildings in said District, to condemn those buildings which are in such insanitary condition as to endanger the health or lives of the occupants thereof or of persons living in the vicinity, and to cause all buildings to be put into sanitary condition or to be vacated, demolished, and removed, as may be required by the provisions of this act. Said board may authorize and direct the performance of any of the ministerial duties of said board by officers, agents, employees, contractors, and employees of contractors duly detailed or employed by the Commissioners of said District for that purpose. Said board, the members thereof, and all persons acting under its authority and by its direction may, between the hours of 8 o'clock a. m. and 5 o'clock p. m., enter into and upon any and all lands and buildings in said District for the purpose of inspecting the

same, and for the purpose of causing any such buildings to be vacated, demolished and removed, as may be required by the provisions of this act. Said board shall report its operations to the Commissioners of the District of Columbia from time to time as said Commissioners direct. Said Commissioners shall furnish said board such assistance as may be required for the proper conduct of its work, by details from various departments and offices of the government of said District.

The following committee amendments were read:

Page 2, line 7, strike out the words "and by its direction."

Page 2, line 9, insert after the word "postmeridian" the word "peaceably."

Page 2, strike out all commencing with the word "and" at the end of line 10 down to and including the word "act" in line 13.

The CHAIRMAN. The question is on the adoption of the amendments offered by the committee.

The question was taken; and the committee amendments were agreed to.

Mr. BABCOCK. Mr. Chairman, I move that the bill as amended be laid aside with a favorable recommendation.

The motion was agreed to.

LOTS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Chairman, I ask to call up for present consideration the bill (H. R. 15961) to quiet title to certain lots in the District of Columbia.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. BABCOCK. Mr. Chairman, the bill is reported by substitute, and I ask that the substitute be read instead of the original bill.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the amendment in the nature of a substitute be read in lieu of the bill. Is there objection?

Mr. SIMS. Mr. Chairman, we have so little order that I can not hear.

The CHAIRMAN. This is the bill H. R. 15961, and the gentleman from Wisconsin [Mr. BABCOCK] asks unanimous consent that the amendment in the nature of a substitute be read by the Clerk.

Mr. SIMS. What bill is it?

Mr. BABCOCK. It is the gentleman's substitute.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. SIMS] object?

Mr. SIMS. No; I only wanted to hear what was going on.

The CHAIRMAN. The Clerk will read the substitute.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SULLIVAN of Massachusetts having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments joint resolution of the following title; in which the concurrence of the House of Representatives was requested:

H. J. Res. 141. Joint resolution for the further relief of sufferers from earthquake and conflagration on the Pacific coast.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 15910. An act to amend the act entitled "An act to regulate commutation for good conduct for United States prisoners," approved June 21, 1902.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. ORVILLE HITCHCOCK PLATT, late a Senator from the State of Connecticut.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

LOTS IN THE DISTRICT OF COLUMBIA.

The committee resumed its session.

The Clerk read as follows:

Be it enacted, etc., That the United States hereby relinquishes all of its right and title in and to certain pieces or parcels of land in the District of Columbia known as lot 8, in block 1 of Meridian Hill, and lots 70 and 71, in the subdivision of the south grounds of Columbian University.

The following committee amendment was read:

Amend the title so as to read: "A bill to relinquish title to certain lots in the District of Columbia."

Mr. BABCOCK. Mr. Chairman, I will try and make a statement in reference to this bill, as the member of the committee who reported it is not present. This is one of those cases where the private parties have paid taxes on the property and been in undisputed possession for something like one hundred years—property to which the Government makes no claim. The United States attorney makes a full and complete report, in which he says the Government makes no claim, or has none, but that in the disposition of the property that the parties are trying to make it is a small cloud on their title. And the bill was reported by the committee to relinquish, not to any particular person, but any right the Government might have. I move the amendment be adopted.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BABCOCK] moves that the amendment reported by the committee be adopted.

The question was taken; and the amendment was agreed to.

Mr. BABCOCK. Mr. Chairman, I move that the bill as amended be laid aside with a favorable recommendation.

Mr. FITZGERALD. Mr. Chairman, I notice that the assessor of the District of Columbia states that one of these parcels is a piece of land that somebody claims by "right of discovery," and that he has been paying taxes on it ever since. Now, he claims title to the land, and this bill provides that the Government shall release its interest and vest title to the land in the persons now in possession. How does anybody get title to land in the District of Columbia by "right of discovery?"

Mr. BABCOCK. Mr. Chairman, I will yield to the gentleman from Washington [Mr. HUMPHREY], who is entirely familiar with the matter, as the member of our committee who made the report [Mr. TAYLOR] is absent.

Mr. HUMPHREY of Washington. May I ask the gentleman from New York what the question was?

Mr. FITZGERALD. A letter from the assessor of the District of Columbia states that—

Many years ago Mr. Robert C. Fox claimed this land by right of discovery, and for a long time it was designated on our records as "Fox's discovery."

It is proposed now that the United States shall release to the people succeeding to the title that was obtained by "discovery" the interest of the United States in this land.

Is it possible, if somebody goes out in the District of Columbia and discovers a piece of land and takes possession of it and pays taxes upon it, that thereafter the District Committee will recommend that the United States release whatever interest the United States has in that land to the discoverer of it? That seems to be what is purported to be done in this bill.

Mr. MANN. Was this discovery made subsequently to the discovery of America by Columbus?

Mr. WILLIAMS. I hope that the gentleman will not forget that Columbus discovered America.

Mr. FITZGERALD. Oh, yes; Columbus discovered America; but that was some hundreds of years ago. It seems that some very enterprising gentleman, not at the time of Columbus, and not at any day given in this report, happened to discover in the District of Columbia a piece of property, and he went and got it put upon the tax rolls, and this property is listed as "Fox's discovery;" and now the District Committee comes in and suggests that Congress pass a bill relinquishing the right of the United States to this gentleman or his successors in this piece of land thus discovered in the District of Columbia. I wish some explanation of this bill before it is put through in this energetic manner.

Mr. WILLIAMS. Was there any objection by the aborigines out there? Were there any aborigines around? And was there any request to pay the expense of the discovery, too?

Mr. SIMS. Mr. Chairman——

Mr. FITZGERALD. Before the gentleman proceeds I wish to read this further extract from the report of the assessor.

I have been unable to find any patent granted about the matter to Mr. Fox or anyone else by the United States for this land.

Mr. WILLIAMS. What is this land worth? Has the gentleman from New York any idea?

Mr. FITZGERALD. It does not say. The taxes assessed for 1905, still unpaid, amount to $262.

Mr. HUMPHREY of Washington. They are not due yet, and that does not have anything to do with this.

Mr. WILLIAMS. But it is an indication of what the land is worth.

Mr. FITZGERALD. Understanding something about the amount of taxes imposed in the District of Columbia, $15 on the thousand, it is very easy to figure out the value of this "discovery."

Mr. SIMS. Mr. Chairman, if I understand correctly, the Government claims no interest in this land, and claims no title to it; and I do not care whether the gentleman got it by discovery, purchase, descent, or any other way. The material point is that the Government claims no interest in it.

Mr. FITZGERALD. If somebody whose duty it was to look after the interest of the United States attempted to ascertain whether this particular piece of land was included in the land

originally donated to the Federal Government for the purpose of establishing a seat of government here it might be ascertained that, although nobody was claiming it on the part of the United States, nevertheless the United States had title to it; and simply because nobody sets up such a claim on the part of the United States is no reason that we should relinquish, without knowing something about the rights of the Government, the title and interest that the Government may have in this particular piece of land.

Mr. DALZELL. I have just been informed that the parties who have been in possession of this land have been paying taxes for a hundred years.

Mr. FITZGERALD. The report of the assessor does not state that.

Mr. DALZELL. I am so informed.

Mr. FITZGERALD. It appears to be in the name of William H. Lewis, executor and trustee, who acquired title from Alice S. Hill by will dated December 23, 1903, probated August 16, 1904.

Mr. DALZELL. Well, if it is true, it is true.

Mr. FITZGERALD. Now, it does not go back; the title to this land does not go back, so far as we are informed. The record title is from 1902.

Mr. HUMPHREY of Washington. Will the gentleman permit me to explain the bill to him, or does he want any information?

Mr. FITZGERALD. I should be very glad to have it.

Mr. HUMPHREY of Washington. I will say for the benefit of the gentleman, if he will look at the report that comes from the United States district attorney he will there discover that this property was donated to the District of Columbia and they made a transfer. There was some misdescription. Anyway, there was an old plat of the place on file that showed a road ran through a portion of this property. Now, it has been over a hundred years ago that the parties took possession of it, and for over fifty years there has been a building upon it, and the Government has received the taxes upon it ever since the District of Columbia was incorporated. I will say, further, for the information of the gentleman, that bills of this character have been passed to quiet the title of other pieces of property similarly situated. I will say also that the United States district attorney says that the Government has no title in this land.

Mr. FITZGERALD. I have not had a chance to read his opinion.

Mr. HUMPHREY of Washington. So does the corporation counsel say that the Government has no title.

Mr. SIMS. I was trying to suggest that the proper officers say that the Government has no title.

Mr. HUMPHREY of Washington. They all say that the Government has no title.

Mr. DALZELL. If the gentleman will turn to page 3 of the report, he will find that the United States district attorney says that in his opinion the Government has no substantial interest in the property covered by said bill and can suffer no loss by appropriately quitclaiming all right and title it may presumably have therein to the party or parties having an otherwise good and perfect title thereto, and furthermore, that there are no taxes in arrears.

Mr. FITZGERALD. I call the attention of the House to the report of the assessor of the District.

Mr. HUMPHREY of Washington. Where he states about the taxes, and says they are not due.

Mr. FITZGERALD. They are all paid, I understand, up to next May.

Mr. HUMPHREY of Washington. All are paid that are due. This property has passed into the hands of an administrator. Substantial buildings have been erected on this property for a number of years, the administrator has it in his hands, there are debts against the estate, and he wants to dispose of it, and this is the only cloud there is upon the title. The Government has been receiving taxes on this particular piece of property for a hundred years.

Mr. FITZGERALD. Mr. Chairman, that may be, but I simply call the attention of the committee to that part of the report that I have been able to examine in the hurry of this proceeding, and the assessor says specifically that the property was carried on the tax books as "Fox's discovery." Now, when the gentleman says the Government has received the taxes, he means that the taxes have been paid to the District of Columbia.

Mr. HUMPHREY of Washington. If the gentleman has time to examine the rest of the report, he will see that it is stated very elaborately——

Mr. FITZGERALD. I will be glad to have the gentleman state it.

Mr. HUMPHREY of Washington. I have tried to state it, but it is stated in detail on page 4 of the report.

Mr. WALDO. On page 4 you will find an abstract showing that the whole difficulty arises from a question as to how the old road ran. If the old road ran straight, then the Government has no interest whatever in it. If the old road ran with a crook, there would be a little elbow where the lot is situated. It has been in the possession of other people since 1792.

Mr. HUMPHREY of Washington. There was a plat filed with the committee.

Mr. WALDO. It is stated right there in the report.

Mr. FITZGERALD. This report says that this property has been listed for taxation since 1874—not over one hundred years, but since 1874—and that about $3,700 in taxes, besides the assessment for special improvements, have been paid on the property. Now, at the rate at which real estate is taxed in this city, this property is worth between $15,000 and $20,000, and if the Government has any good claim to the property it should be enforced, or if its claim is of any value, and it is to be released, it should be paid for, whatever its interest is worth.

Mr. HEPBURN. Let them go to the Court of Claims.

Mr. HUMPHREY of Washington. As I said to the gentleman a while ago, the officer whose duty it is to pass upon this question—the United States district attorney—says that the Government has no interest in the property.

Mr. FITZGERALD. The corporation counsel says:

> I am unable to make any decision from the report of the assessor in this case as to what ought to be done in the premises, but Mr. F. W. McReynolds has examined the title to this property and has furnished me with memoranda showing the various conveyances, which I transmit herewith as part of this report. Assuming the report of Mr. McReynolds to be correct, I have no hesitation in saying that there can be no objection to this bill.
>
> In this connection, however, it seems to me proper to say that some summary proceeding ought to be provided by legislation which will enable claimants against the United States to proceed in the supreme court of the District of Columbia to perfect titles needing correction of record under similar circumstances.

Now, the corporation counsel does not assume to state that the title to this property is good, but assuming that somebody else's report is correct, then there could be no objection to the bill. I would imagine that the committee, instead of reporting this bill, would have adopted the suggestion of the corporation counsel and reported a bill that would have enabled this question to be determined in a judicial proceeding.

Mr. HUMPHREY of Washington. Will the gentleman allow me to interrupt him?

I would suggest that the United States district attorney is the proper official, and if you will permit me I will read from the report what he says.

> Peters, and his heirs after him—

And that was in 1792 that Peters conveyed it to the District—

> Peters, and his heirs after him, and all subsequent owners have likewise so construed said deed, having held and possessed the land lying north of what was in truth said road, including these lots, and have never been disturbed by the assertion of any rights on the part of the Government or any of its officials.

Now, that is more than a hundred years ago.

> Taxes, both general and special, have regularly from that time to this been levied upon these lots and paid by the owners.
>
> I therefore am of the opinion that the Government has no substantial interest in the property covered by said bill, and can suffer no loss by appropriately quitclaiming all right and title it may presumably have therein to the party or parties having an otherwise good and perfect title thereto.
>
> You also request a statement of the amount of unpaid taxes and assessments, if any, standing against these premises. I am advised by the tax collector of this District that there are no arrears of taxes upon this property.
>
> The copy of said bill is herewith returned.

This is the man whose duty it is to pass on the title. It was submitted to the corporation counsel, although it was not his duty to pass upon it when the Government is a party. I submitted it out of abundant caution myself to both gentlemen, although it was not necessary.

Mr. FITZGERALD. I simply called attention to the point as stated in the report. The whole difficulty seems to be, according to the report of this Assistant Attorney-General, that Peters conveyed to the trustees in charge of the subdivision of the city of Washington "all his land lying south of the Georgetown and Bladensburg road."

As a matter of fact, the road was supposed to run straight, but instead of that it made a bend, and while he apparently conveyed a certain tract, the trustees of the District only took possession of a part of what was actually conveyed.

Mr. SMITH of Kentucky. I would like to ask the gentleman whether there is a doubt whether the land was included in the grant by Peters to the District of Columbia?

Mr. HUMPHREY of Washington. The Attorney-General's Office says that the Government has no claim on it and makes no claim on it.

Mr. SMITH of Kentucky. As I understand, the question involved here is as to whether this land was embraced in the land conveyed by Peters to the Government of the United States for the purposes of the District of Columbia. Now, it seems that Peters and those who claimed under him construed his conveyance not to embrace this land. Is that correct or not?

Mr. HUMPHREY of Washington. I can read what the report says in the deed.

Pursuant to this agreement, Robert Peters, an original proprietor, in 1792 conveyed all his land lying south of the Georgetown and Bladensburg road to said Commissioners. Upon an old official plat then extant this road is shown to run through what is now the property described in said House bill No. 15961. In fact, though, said road, as used from time immemorial, lay south of the road shown on said plat, its northern line being the southern line of the property in question. Florida avenue is the northern boundary of the city of Washington, and as it is in reality what was then in fact the old Georgetown and Bladensburg road, it will be seen that the northern limit of the city at this point was at the time of the deed aforesaid the old Georgetown and Bladensburg road and not the road appearing on the plat above mentioned.

In this deed Peters describes the land conveyed as all that lying south of the Georgetown and Bladensburg road, and then follows a description by metes and bounds which takes in all the land lying south of said road as laid out on said plat, and thus, through this ambiguous description, there appears upon the land records a possible interest of the Government in the property set out in said bill, and to this extent the title of the owners is clouded.

But inasmuch as it was the clear intention of all parties concerned that the Commissioners should only take title to such land as laid within the limits of the proposed "Federal City," it would appear that the intent of said deed was only to convey the land lying south of what was in fact the Georgetown and Bladensburg road and the northern boundary of the city.

Mr. SMITH of Kentucky. If you are governed by the rules of the deed, it included the land in the conveyance to the Government, taking the road as a boundary.

Mr. HUMPHREY of Washington. If you take the road as a boundary, it did not include this land; if you take it by metes and bounds, it did.

Mr. SMITH of Kentucky. Fox and those who claimed under him have construed this land as being without the deed made by Peters to the Government?

Mr. HUMPHREY of Washington. Yes.

Mr. SMITH of Kentucky. And the Government itself has acquiesced in that construction?

Mr. HUMPHREY of Washington. The Government has always acquiesced in the construction placed upon it by the owners, and the owners have had possession of it all the time.

Mr. SIMS. Mr. Chairman, I wish to say that this came in first as a direction to the Secretary of the Interior to make a direct conveyance, and it was stated to be a bill to quiet title. I objected to that because the Government claimed no title and had no title to it. It now is simply a bill to relinquish title. I do not care whether the Government has ever conveyed this land or not. It was thought so and understood so for over a hundred years. Now, if the Government had a clear title to it, I do not think this Congress would think about exercising it at this time against private individuals who have had control of it for a hundred years, thinking that the title was in them. This is merely a matter of relinquishment, and I think it ought to be relinquished, for the Government never claimed any title, and it was so understood by people who occupied the land for a hundred years.

Mr. SMITH of Kentucky. Well, I would like to ask the gentleman from Tennessee if he believes that if some individuals take possession of land belonging to the Government of the United States, and the Government takes no action to dispossess them of it, and it goes along and the people get the use of it all of this time, that that is any reason why we should give them the absolute title to it?

Mr. SIMS. No; not if they were mere trespassers. The intention in this case was to convey it, and it was so understood by the officials of the Government, and it was subsequently so treated and acted upon ever since. There was no trespass intended and no trespass in fact.

Mr. FITZGERALD. Is not the gentleman from Tennessee mistaken in his statement when he says that it was the intention to convey the land, and that in fact the land was conveyed to the Government, and if it was the intention to convey it to the Government, and it was in fact conveyed to the Government, then the title was and is in the Government? The people may have been construing it so that it was not intended to convey it to the Government. As a matter of fact the property was not listed for taxes until 1874.

Mr. SIMS. What I intended to say was that the Government made no claim to it. The Government has no title to it and does not claim it. Private individuals have asserted title to it and have occupied it in pursuance of that claim.

Mr. GAINES of Tennessee. How did they get title to it or get possession?

Mr. SIMS. Oh, that has already been explained, and it would take too long to go over it again.

Mr. BABCOCK. They bought the property years ago.

Mr. GILBERT of Kentucky. Mr. Chairman, I want to know whether these people who have all these years been in possession of the property have held it adversely or amicably. Have they claimed it as their own, or have they recognized the title of the Government?

Mr. SIMS. My information is they claimed it absolutely as their own, and have been in absolute use and occupation of it by improvements and buildings.

Mr. GILBERT of Kentucky. Does not that ripen into a grant according to all the laws of all the States?

Mr. GAINES of Tennessee. Not as against the Government.

Mr. SIMS. In Tennessee twenty years' possession presumes a grant.

Mr. GAINES of Tennessee. Not as against the Government.

Mr. SIMS. Yes; it does as against the Government and the State, or it ought to if it does not.

Mr. FITZGERALD. Mr. Chairman, I wish to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FITZGERALD. Whether a motion to recommit this bill, with instructions to the Committee on the District of Columbia to report a bill authorizing the supreme court of the District of Columbia to take jurisdiction of this matter and determine the question of title, has preference over the motion of the gentleman from Wisconsin [Mr. BABCOCK] to lay the bill aside with a favorable recommendation?

The CHAIRMAN. The inquiry of the gentleman is whether a motion to recommit to the committee with instructions to make further investigation——

Mr. FITZGERALD. To report a bill on certain other lines?

Mr. BABCOCK. It is not in order at this time.

Mr. FITZGERALD. I want to know whether it has precedence over the motion of the gentleman from Wisconsin?

The CHAIRMAN. The inquiry of the gentleman from New York contemplates a general law?

Mr. FITZGERALD. No; instructions to the committee to report the bill conferring jurisdiction upon the supreme court of the District of Columbia to hear and determine this particular case.

The CHAIRMAN. That is a different question.

Mr. BABCOCK. A motion to recommit would not be in order until we came to the passage of the bill. We are in the committee and not in the House.

Mr. SMITH of Kentucky. I suppose the Committee of the Whole can make such recommendations to the House as it thinks proper. It seems to me that would be the reasonable thing, at least.

Mr. FITZGERALD. Mr. Chairman, if the gentleman's motion is pending, I will move to amend his motion by striking out the language "with a favorable recommendation" and substituting this language: "with the recommendation that the Committee on the District of Columbia shall report a bill conferring jurisdiction upon the supreme court of the District of Columbia to hear and determine the questions of title involved in this matter."

Mr. BABCOCK. Mr. Chairman, I would like to ask the gentleman who they are going to sue if there is no adverse claim? Will he go before the court and represent the Government?

The CHAIRMAN. Let the Chair state the situation. The gentleman from New York moves that the motion of the gentleman from Wisconsin that the bill be laid aside with a favorable recommendation be amended so that the bill be laid aside with the recommendation that it be referred back to the committee with instructions, and the Chair would hold that that motion is out of order, but he would entertain a motion of the gentleman from New York, taking precedence of the motion of the gentleman from Wisconsin, to lay it aside with the recommendation that it be referred to the committee with instructions. Now the gentleman from New York moves that this bill be reported with the recommendation that it be referred to the Committee on the District of Columbia with instructions to report a bill referring this matter to the supreme court of the District of Columbia.

Mr. FITZGERALD. Conferring upon the supreme court of the District of Columbia jurisdiction to pass upon the questions involved.

The CHAIRMAN. With instructions to report a bill conferring upon the supreme court of the District of Columbia jurisdiction to determine the question involved in this bill, and that is the question before the committee at the present time. Is the committee ready for the question?

Mr. BABCOCK. Mr. Chairman, I move to lay that motion on the table.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that that motion is not in order. I will say briefly, Mr. Chairman, that the committee may understand just what is before it, this: In 1792 a tract of land was conveyed to the Federal Government by metes and bounds that carried it to a road which was supposed to go in a certain direction. As a matter of fact, the road as then used made a bend, and the only part of the property taken possession of by the Government was that part up to the road as then laid out. Other persons took possession of the land the other side of the road and up to the point where it was supposed to run, and they held possession of it, and not until 1874 was that property listed for taxation. Since that time it has been listed for taxation.

Now, it is claimed that the Government has concurred in the construction of the original deed, that it was only intended to convey the land up to the road as laid out at that time. The corporation counsel does not say that the title is good, but he says that if a certain report be correct he would have no objection to the bill.

Mr. GRAHAM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRAHAM. Is a motion to lay upon the table debatable?

The CHAIRMAN. The Chair does not understand that the motion to lay on the table is pressed.

Mr. GRAHAM. But the gentleman from Wisconsin moved that this motion be laid on the table.

Mr. BABCOCK. I withdrew that.

Mr. WILLIAMS. He could not make that motion if he wished to do so.

The CHAIRMAN. The Chair will state that debate upon the pending motion is, in the opinion of the Chair, proceeding by unanimous consent; that when action is taken upon the motion that the bill be laid aside with a favorable recommendation it is ordinarily after debate has been entirely exhausted upon the proposition, and the Chair is of opinion the motion of the gentleman from New York is in practically that parliamentary situation, and debate is now proceeding by unanimous consent.

Mr. FITZGERALD. The gentleman from Tennessee stated he wished to make a statement in opposition to the motion, and suggested that I make a brief statement in favor of it. That is the only thing——

Mr. BABCOCK. I will be glad to hear it.

Mr. FITZGERALD. Now, the corporation counsel, in his statement, suggests just the procedure I have asked the committee to adopt—that the supreme court of the District be given jurisdiction to determine this question. It is one that should be determined by a judicial proceeding, because it involves the construction of a deed to property. If the Government has no title, or has asserted no title, or desires to assert no title, the title of those who hold the property will be clear.

Mr. GAINES of Tennessee. Let me ask the gentleman a question. I think your motion is a very proper motion if the facts are as I understand them. You would have to give by a statute the party who claims the land the right to sue, because you can not sue the Government like an individual. That is the point of your proposition as I understand it.

Mr. FITZGERALD. And if the Government after further investigation ascertains and determines that it has a claim that it wishes to assert it can then assert it in this proceeding and the court can determine the amount of compensation that should be awarded to the Government in order to have its right in this land extinguished. I suggest that is a fair and proper way of conducting this proceeding.

Mr. MANN. Let me ask the gentleman, is there any difficulty in obtaining a decision of the court in regard to this title? If these parties are in possession it is a very easy matter for the Government to bring suit against them.

Mr. WILLIAMS. That will be a matter of detail in the bill itself which is to be drawn up by the committee.

Mr. MANN. I know, but the Government does not require a bill, I understand, to sue a man in possession of a piece of property claiming title to it.

Mr. FITZGERALD. The Government is not asking for anything. Here these parties claim title to the land and are asking the Government to relinquish something.

Mr. MANN. The Government would have to ask something if it set up a claim to the title, and if it wishes to make the claim to the title, why does it not bring suit?

Mr. FITZGERALD. This bill would give the right to the holder of the property to institute a suit and to have the title to the property cleared up.

Mr. MANN. I understand that.

Mr. WILLIAMS. They do that to remove a cloud from the title.

Mr. FITZGERALD. If these people have a claim they think valid and proper, they should be given an opportunity to have the title to the land cleared up by a judicial proceeding.

Mr. MANN. May I ask the gentleman, the question of title is between the party who claims and the Government, as I understand it?

Mr. FITZGERALD. Yes.

Mr. MANN. One or the other has the title. The Government has not asserted its title, and you wish to give the other party the right to commence a suit to assert title; but can not the law officers of the Government determine as well without a suit being instituted whether in their opinion the Government has the title or not, and, if in their opinion the Government has title, let the Government institute proceedings? It does not require an act of Congress to do that.

Mr. FITZGERALD. The trouble is this, that this land was unquestionably conveyed to the Government, but it did not take possession of it. Others have taken possession of it, and from 1792 until 1874 no taxes were paid upon it. It was then listed in the tax book as a "discovery," and since 1874 the persons in possession have paid taxes.

Mr. HUMPHREY of Washington. From what time did the gentleman state no taxes had been paid?

Mr. MANN. Up to 1874.

Mr. HUMPHREY of Washington. According to this report it has been paid since 1792.

Mr. FITZGERALD. I will call the gentleman's attention to the statement of Mr. McReynolds, on page 4, in which he states that it was listed for taxation in 1874, and in 1883 Fox subdivided it, and then in the assessor's report he made the statement——

Mr. HUMPHREY of Washington. It does not say there were any taxes paid upon it before that, but it was listed at that time. I ask——

Mr. FITZGERALD. He says that for many years Mr. Fox claimed this land by right of discovery, and for a long time it was designated on their records as "Fox's discovery;" so that unquestionably before 1874 it was not listed for taxation, and if it were not listed, assuredly no taxes were paid upon it.

Mr. HUMPHREY of Washington. The gentleman is wrong in his statement. At that time it was listed in his name as a subdivision of that property.

Mr. FITZGERALD. I beg the gentleman's pardon. It says that $3,700 has been paid in taxes, exclusive of special assessments, and the taxes for next year, due in May, are $262. And it is very apparent from the total taxes paid and from the amount levied for one year that there were not any taxes paid prior to 1874. I have said, Mr. Chairman, all I wish to say on this motion.

Mr. MANN. I wish the gentleman would try to make clear to the committee that if the United States has any claim at all to this property its law officers ought to know it, and if they do know it they ought to investigate it when the question is called before them. If upon their investigation they think the Government has title, it is their duty to institute a proceeding against the parties in possession. If upon their investigation they think the Government has no title and no chance of title, why should these parties be put to the expense of a suit?

Mr. FITZGERALD. Let me read what Mr. McReynolds says.

Mr. MANN. I do not pretend to say there has not been sufficient investigation.

Mr. FITZGERALD. He said:

> It will thus be seen that if the description by natural objects is to govern, then Lewis has an absolutely good title; but if the description by metes and bounds is to govern, then he has a good possessory title as against the Peter heirs, but the United States has a possible claim to every other lot in a possible subdivision of the land south of the dotted line "A–B." Considering, though, that they have slept on such possible rights for one hundred and fourteen years, and accepted taxes thereon for thirty-two years, and allowed the lots to be improved under a duly issued permit, equity would require that the present owners should not be disturbed and that the title be quieted in the manner sought.

Mr. MANN. On that statement does not the gentleman think the Government ought to release any title it had to this piece upon payment of an estimated amount of the taxes from the original time down to 1874?

Mr. FITZGERALD. I would not say that.

Mr. MANN. This property was increasing in value by reason of the increase of population here without the payment of taxes. Why should it not be taxed for that period of time?

Mr. FITZGERALD. I say this, that from this report it is clear, in my judgment, that the Government has some interest.

If it has no interest, that would be determined and the title would be clear. If it has an interest these people should compensate the Government for the relinquishment of that interest.

Mr. SIMS. Mr. Chairman, I am opposed to this motion to refer this back to the committee and have a suit brought. The suit would be tried upon technical principles—upon deeds and conveyances, etc. The Government having slept on its rights for one hundred and fourteen years, and received taxes since 1874—thirty-two years ago—and private individuals having occupied this land and improved it in good faith and not as trespassers, I think it would be the next thing to highway robbery to take this property away from them on ever so good a legal title.

Now, suppose you send it to the courts and the courts decided that the Government does have an interest there, the clear legal title. What would be the result? There would be a bill to release it just as this is, and what is the use of sending it to the court and having the expense of a lawsuit to ascertain whether possibly the Government has the pure legal title. I am opposed to the motion. I think the bill ought to pass. This great Government is not that bad off for a little piece of land, especially when it has been collecting taxes on it for over thirty-two years.

Mr. BABCOCK. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the motion of the gentleman from New York, that this bill be laid aside with a recommendation that it be recommitted to the Committee on the District of Columbia, with instructions to report a bill conferring upon the supreme court of the District of Columbia jurisdiction to hear and determine the rights of the parties involved.

The question was taken; and the motion was rejected.

The bill was ordered to be laid aside with a favorable recommendation.

Mr. BABCOCK. I move that the committee rise temporarily.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LITTLEFIELD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration sundry bills reported by the Committee on the District of Columbia, and had, with the exception of two, come to no resolution thereon.

FURTHER RELIEF FOR SAN FRANCISCO.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House joint resolution 141, making appropriation for aid to the people of San Francisco, with Senate amendments.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table House joint resolution 141, for the further relief of sufferers from earthquake and conflagration on the Pacific coast, with Senate amendments, which the Clerk will report. Is there objection? [After a pause.] The Chair hears none.

The Senate amendments were read.

Mr. TAWNEY. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. MANN. Can the gentleman inform the House what the effect of the amendments will be?

Mr. TAWNEY. The effect of one of the amendments of the Senate will be to increase the appropriation from $1,000,000 to $1,500,000. The effect of the other amendment will be to enable the War Department to defray the expense of administering these appropriations for the relief of the people in San Francisco and neighboring cities, amounting in the aggregate to $2,500,000, out of this appropriation, instead of paying such expense out of the general current appropriations for the Department.

The question was taken; and the amendments of the Senate were concurrend in.

DISTRICT BUSINESS.

Mr. BABCOCK. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of District business.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. LITTLEFIELD in the chair.

SALARIES OF SCHOOL-TEACHERS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Chairman, I call up for consideration the bill H. R. 18442, and I request that the first reading of this bill be dispensed with, and that it be read under the five-minute rule for amendment.

The CHAIRMAN. The gentleman from Wisconsin calls up the bill H. R. 18442, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the further reading of this bill be dispensed with.

Mr. WILLIAMS. To that request I must object.

The CHAIRMAN. Let the Chair first state the request.

Mr. WILLIAMS. It does not make any difference, if it is a request for unanimous consent.

The CHAIRMAN. The gentleman from Mississippi objects to any request for unanimous consent, and the Clerk will read:

The bill was read at length.

The CHAIRMAN (Mr. BLACKBURN). The gentleman from Pennsylvania is recognized.

Mr. MORRELL. Mr. Chairman, I would like to have read an amendment, which I will offer at the proper place. I ask now that it be read from the Clerk's desk.

The CHAIRMAN. The Clerk will read the proposed amendment in the time of the gentleman from Pennsylvania.

The Clerk read as follows:

On page 2, line 25, after the word "schools," insert as follows: "*Provided*, That the appointment, promotion, or dismissal of all white officers, teachers, and employees shall be made by the white members of the board of education, and that the appointment, promotion, transfer, or dismissal of all colored officers, teachers, and employees shall be made by the colored members of the board of education."

Mr. MORRELL. Mr. Chairman, I would like to make a short statement in connection with the bill which has just been reported, and also, as the sections of the bill are read under the five-minute rule, to offer some few amendments in the line of economy. I will say that the committee had some five bills on the subject of education, and gave them very careful consideration. Hearings were had, amounting to eighteen or twenty, and all lasting a long time. Everybody who desired to come before the committee was given an opportunity to be heard, and due consideration was given to the testimony that they gave. While it was the first impression of the members of the committee that a radical change was necessary in the school management of the District, yet, as the hearings progressed and the testimony was presented, we came to the conclusion that a sweeping change was not wise.

The one point, however, which seems to the committee to be of the most importance was the raising of the salaries of the school-teachers. The low rate of salaries which at present teachers receive in the District has resulted in the withdrawal of teachers of excellence who have been developed in our school system. They have been taken from us—from the city of Washington—to accept higher salaries in other cities of the country. To maintain the system at the point of excellence which was deemed but proper in the national capital of the country, the committee came to the conclusion that the salaries of the teachers ought to be raised at least to equal those which similar teachers of similar duties were given in other cities.

Another point which was brought very direct to the attention of the committee was the fact that there were a number of half-day schools, or, rather, pupils who only received half-day schooling above the second grade.

On investigation these were found to number 1,600, and the committee were of the opinion that this was not as it should be.

The committee then took up the question of the board of education, and it was deemed wise to increase their number to nine and to make their term of service three years instead of seven years, as it is at present, the members of the board going out three at the end of each year, thus having a rotation in the board. It was also deemed wise, in view of the increase in the membership of the board, that three members of that board should be of the colored race, there being in the present board two of the seven of the colored race. It was also deemed wise to limit the number of women on the board to three.

Mr. NORRIS. Will the gentleman permit a question in that connection?

Mr. MORRELL. Yes.

Mr. NORRIS. I notice you provide that there shall be three members of the board who shall be of the colored race.

Mr. MORRELL. Yes.

Mr. NORRIS. That would make it obligatory always to have three colored members of the board, as I take it.

Mr. MORRELL. That was the idea of the committee.

Mr. NORRIS. I am not finding fault with the committee at all in that respect, but it seems to me, as you have it now, the board might be composed entirely of colored members, but could not be all of the white race. Do you not think it would be advisable, if you are going to provide that they can not all be of

the white race, to provide also that they can not all be of the colored race?

Mr. MORRELL. I accept the suggestion of the gentleman, and if he will prepare such an amendment to that section as he thinks will make it more clear, I will be very glad to accept it.

Mr. CLARK of Missouri. I would like to ask the gentleman a question or two for information.

Mr. MORRELL. I yield to the gentleman.

Mr. CLARK of Missouri. On page 5, in classifying the salaries, I see that in class 1 the highest salary in $600; in class 2 the lowest salary is $600. The highest salary in class 2 is $700 and the lowest salary in class 3 is $650. Now, how does it happen that you have somebody in class 2 at the same salary that you have in class 1, or even at a smaller salary, and how does it happen that you have somebody in class 2 with a higher salary than somebody in class 3? And that peculiar feature runs throughout the entire classification.

Mr. MORRELL. In answer to the gentleman, I will say that the classification was arranged in this way so as not to discriminate against the teachers who taught the lower classes. That was the idea of the committee.

Mr. GOULDEN. Will the gentleman permit an interruption?

Mr. CLARK of Missouri. I would like to ask the gentleman another question.

Mr. GOULDEN. Go ahead.

Mr. MORRELL. I yield to the question.

Mr. CLARK of Missouri. On page 2, beginning with line 20, the sum and substance of it is that no appointment, promotion, and so forth, shall be made by the board of education except upon the written recommendation of the superintendent of schools.

Mr. MORRELL. Yes.

Mr. CLARK of Missouri. If that is to be the modus operandi, why not permit the superintendent of schools to make these appointments and promotions himself?

Mr. MORRELL. I will say to the gentleman from Missouri that the practice which is in vogue at present is the same as outlined in the bill—that all recommendations for appointments as teachers are made by the superintendent of schools; but while that has been supposed to be the practice, in some instances the reverse has been the case, and it was thought better that all recommendations should come from the superintendent of schools, for the reason that he is responsible for the teaching force under him.

Mr. CLARK of Missouri. If that is the case, why not put it in the bill that the superintendent shall make these appointments, transfers, promotions, and so forth, without any operation of the board of education whatever?

Mr. MORRELL. There may be one, two, three, four, five, or six different applicants eligible for a position. The superintendent of schools submits these applications to the board indorsing certain of them. The board investigates and takes into consideration the qualifications of the different individuals indorsed by the superintendent, and then acts upon the judgment of its members. In the opinion of the committee it would not be wise that one individual should have the power of making the selections for all the teachers in the schools.

Mr. GOULDEN. I would like to ask the gentleman how the schedule of salaries compares with those in cities of like population throughout the country?

Mr. MORRELL. The schedule of salaries in vogue in other cities of a like size of Washington compare favorably with the schedules submitted. As the bill proceeds, in taking up the salaries, I can explain that more fully.

Mr. GOULDEN. Another question: The bill provides that there shall be three of the colored race. How did the committee arrive at that particular number?

Mr. MORRELL. That was arrived at in view of the population of the city of Washington being in the ratio of 2 to 1. We thought that they should have a representative upon that basis.

Mr. GOULDEN. I agree with the gentleman.

Mr. CRUMPACKER. Mr. Chairman, I want to call the gentleman's attention to a section of the bill with a view of getting an explanation. It is a section that it seems to me will lead to a good deal of trouble. It is in relation to the appointment of a superintendent. It provides that the board of education shall appoint the superintendent, but it fixes no term for the superintendent. There is no provision in this bill for the removal of the superintendent, and it seems to me that that provision is liable to result in a good deal of friction and controversy. I know something about the experience that has been had in counties and cities in the western or in the middle part of the country respecting the term and tenure of the superintendent of schools, and it occurred to me that there ought to be fixed a term of employment and perhaps a maximum of period under which a contract might be made. The right to remove for cause, it seems to me, ought to be provided for in the bill.

There is nothing in the bill authorizing the board of education to get rid of an unsatisfactory superintendent, and this bill confers upon the superintendent of schools a very large power. No teacher can be appointed or transferred or promoted, except upon his written recommendation. Now, did the committee have in mind the possibility of a controversy arising over the power to remove a superintendent?

Mr. MORRELL. The committee were of opinion that that power was vested in the board without so specifically stating it. However, if the gentleman from Indiana thinks that the bill would be improved and strengthened by limiting the term of the superintendent, and specifically giving the board the power to remove, the committee will accept such an amendment.

Mr. CRUMPACKER. I had an impression that such limitations would improve the bill. I thought perhaps the committee may have had reasons why these limitations ought not to have been incorporated in it. I fear that this section, as it now stands, may result in a good deal of difficulty in the future. The power of the board over the superintendent, I think, ought to be contained in the bill, and there ought to be some term fixed for the superintendent.

Mr. MORRELL. As I say, the committee is quite prepared to accept any such suggestion or any draft of an amendment which will strengthen the bill in that particular.

Mr. GROSVENOR. Mr. Chairman, I would like to call the attention of the gentleman from Indiana to the part of the bill beginning on the twentieth line of the second page:

> No appointment, however, promotion, transfer, or dismissal of any director, supervising principal, head of department, teacher, or any other subordinate to the superintendent of the schools shall be made by the board of education except upon the written recommendation of the superintendent of schools.

It seems to me that that operates as a limitation upon the power of the board to remove the superintendent. I do not believe that they have the power under the statute.

Mr. CRUMPACKER. And it seems that the tenure is perpetual. There is no limitation upon him if the board has no power to remove him.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question about the very point that he is on now. Would it not be better either to fix the power to promote, transfer, etc., entirely in the board or entirely in the superintendent?

Mr. MORRELL. I would like to answer the gentleman in this way: As will be seen from the report, it was intimated, and very strongly intimated, that members of the board had in several instances, as it were, gone over the head of the superintendent of schools and had interfered in matters of actual school discipline, and the result was that the habit had grown up for the teachers, instead of going to the superintendent of schools, to go over the head of the superintendent and the assistant superintendent to the members of the board of education itself, and for that reason the committee thought that it would strengthen the hands of the superintendent and make him really what he is—the head of the teaching board—and that it would strengthen his discipline, if that was not possible hereafter.

Mr. CLARK of Missouri. Now, suppose this sort of case, which is liable to arise: That the superintendent and the board of education get at loggerheads. Then the superintendent apparently has the power of nominating and the board of education has the power of confirming.

Mr. MORRELL. Yes.

Mr. CLARK of Missouri. They can reject his nominations as much as they please.

Mr. MORRELL. Yes.

Mr. CLARK of Missouri. Then it ends at last in their compelling him to send in the names they want, does it not?

Mr. MORRELL. Not necessarily. I do not see why that should follow.

Mr. CLARK of Missouri. Suppose the board just simply loll back and say, "We reject this person," and then he sends in another name, and they reject that, and they keep on rejecting his nominations, which is practically notice to him that unless he nominates somebody they want they will not confirm him?

Mr. MORRELL. That might be said of the recommendations that come from the President of the United States.

Mr. CLARK of Missouri. That is just exactly what happens in the United States Senate every day. They make a log-rolling business over there, and compel the President to nominate certain persons whom they want.

Mr. GROSVENOR. Is it not at last necessary that the board shall control ultimately in the management of the schools of the District?

Mr. CLARK of Missouri. Yes; I think that is correct.

Mr. GROSVENOR. Now, then, if they have ample power to remove the superintendents, is not that a sufficient weapon or instrument in their hands to compel the superintendent to do what he ought to do?

Mr. CLARK of Missouri. Well, if the gentleman will permit me, without giving the names, because I do not want to advertise a fuss that seems to have been settled, I would state that last summer there was a prolonged investigation here about one of the principals of the schools. They first removed him—and I do not express any opinion whatever about the merits of the controversy—and said he should not be principal of that school. Then, in less than ten days, my recollection is—anyway, in a comparatively short time—they got together again and reinstated him. If that kind of process can go on, it means utter demoralization in the schools of Washington. That controversy should have been settled in a week instead of consuming months.

Mr. GROSVENOR. I suppose if they did wrong in the removal the least they could do was to put him back. I do not know anything about the case.

Mr. CLARK of Missouri. I want to ask the gentleman from Pennsylvania [Mr. MORRELL] another question. This bill provides for a superintendent. It then provides for two assistant superintendents. On page 4, beginning with line 7, it provides for a supervisor of high schools. On page 6, beginning with line 20, it provides for "head teachers" and "heads of departments." The question I want to ask, based on those statements, is, Is not the public school system in the District of Columbia liable to become top-heavy? If you have so many superintendents and assistant superintendents and supervisors and heads of departments and heads of schools, is it not liable to become top-heavy?

Mr. MORRELL. Mr. Chairman, in answer to the gentleman I may say that the bill in nowise increases the present organization of the schools, nor does it add to the supervision in any way, shape, or form. It is exactly as the present law is to-day.

Mr. GOULDEN. Mr. Chairman, may I say I thoroughly agree with the gentleman from Missouri [Mr. CLARK], and introduced a bill to cover that very point? I thought the system was top-heavy, based upon a long experience in connection with schools, but I realize this fact, that we can not get all at once.

Mr. CLARK of Missouri. I know that.

Mr. GOULDEN. Therefore it was a compromise measure, and I have agreed to support the bill because it is a compromise measure.

Mr. STAFFORD. Mr. Chairman, will the gentleman from Pennsylvania explain what is the method proposed as to promotions—whether it is intended to be optional at the recommendation of the school superintendent or whether it is compulsory?

Mr. MORRELL. Once in a class it is automatic within that class.

Mr. STAFFORD. Do I understand that every teacher will receive an additional allowance in the way of promotion each year of service until the teacher receives the highest amount in the particular class in which she is serving?

Mr. MORRELL. Yes.

Mr. STAFFORD. Then what is the purpose of that provision found at the bottom of page 2 which reserves in the superintendent of schools the right to recommend promotion? If there is to be a compulsory promotion wherein will the discretion be exercised that is vested in the superintendent as found in that clause?

Mr. MORRELL. That refers to the transfer from one class to another.

Mr. STAFFORD. The phraseology is broad enough to include all promotions, because it says that no appointment, promotion, etc., shall be made except upon the recommendation of the superintendent of schools.

Mr. MORRELL. Yes; but that is modified by sections later on, as the gentleman will see when we come to them.

Mr. STAFFORD. I would like to ask the gentleman, further, what is the present rule as to increases of salaries of teachers?

Mr. MORRELL. There is no present rule at all.

Mr. STAFFORD. Do they receive any promotion in the way of increase of salary?

Mr. MORRELL. No; a certain amount of money is appropriated, as the gentleman will remember, by the appropriation bill each year, stating how many teachers and appropriating a lump sum. Now, for instance, there were 120 teachers at $1,000 a year, 22 teachers at $950 a year, 40 teachers at $950 a year, and 40 teachers at $900 a year, and so on; 220 at $600. At the present time there is no real system of increasing the salaries of the teachers.

Mr. STAFFORD. Have there been many resignations from the teaching force during the past prior years by reason of inadequacy of salary?

Mr. MORRELL. The resignations from the teaching force for the last few years will be found on page 6 of this report, and the gentleman will see the number of high school teachers who have left Washington to accept better pay. There were about 1,200 teachers in the Washington elementary schools. During the past fifteen years eighteen teachers in the elementary schools have left Washington to accept better pay elsewhere. There are about 200 teachers in the Washington high schools. During the past fifteen years forty-eight high school teachers have left Washington to accept better pay. Twenty-one have left in the past three years. The average salary vacated was $1,083; the average salary received was $2,023.

Mr. STAFFORD. Can the gentleman furnish any figures or statistics as to the number of resignations in the graded schools?

Mr. MORRELL. The number of resignations in the graded schools, I think, as far as I remember, were not quite as many as from the high schools.

Mr. STAFFORD. Well, these resignations may be for other causes than inadequacy of salary.

Mr. MORRELL. No; they were practically on account of salary. Now, I will say to the gentleman, if he does not object to my reading this statement, in Washington the salary paid to principals of high schools, including the manual training schools, is $1,800 a year, which is next to the lowest; that is in a total of some fifty-odd cities, and there is no graded advance according to experience. The lowest average for both men and women was $800, paid in Washington; for men alone, Washington is still the lowest in that list of cities.

Mr. STAFFORD. Right there, if the chairman has the figures before him, can he give us statistics of the highest salaries or average salaries that are paid in the various cities of the size of Washington to teachers of the fifth, sixth, and seventh grades? In this bill you provide a maximum of $1,100 for teachers in those grades.

Mr. MORRELL. That is rather difficult to do. I have some figures here which may be in answer to the gentleman. Now, for instance, take the matter of principals to which I have just referred——

Mr. STAFFORD. I beg the gentleman's pardon, but I am calling attention to the salaries of the teachers in the fifth, sixth, and seventh grades. The bill provides for salaries in those grades ranging from $800 up to $1,100, and, as I understand the gentleman, they will receive an annual increase each year until they reach the maximum of $1,100.

Mr. MORRELL. Yes, sir.

Mr. STAFFORD. And it requires ten years' service in reaching the maximum. Now, can the gentleman give me any city in which teachers in the grades of fifth, sixth, and seventh are receiving as high a maximum salary or an average salary of $1,100?

Mr. MORRELL. In Milwaukee they get $1,700.

Mr. STAFFORD. Seventeen hundred dollars for teachers in the fifth, sixth, and seventh grades? I beg to question that statement.

Mr. MORRELL. Excuse me; that was principals: I got the wrong line. In San Francisco they get $1,200. In Boston——

Mr. STAFFORD. Are you now referring to salaries in the fifth, sixth, and seventh grades?

Mr. MORRELL. Yes.

Mr. STAFFORD. Do they all receive that, or does an exceptional teacher receive that as a maximum salary?

Mr. MORRELL. No; that is the average—that is, as far as I could make an average for those teachers.

Mr. STAFFORD. Then, as I understand you, from your statement the average pay of teachers in San Francisco in those three grades is $1,200, but some receive less and some more? Can the gentleman give the maximum salary paid in San Francisco in the fifth, sixth, and seventh grades?

Mr. MORRELL. I have not got that.

Mr. STAFFORD. There must be some receiving still higher than $1,200, if that is the average.

Mr. MORRELL. Yes.

Mr. STAFFORD. Can the gentleman give figures in other cities?

Mr. MORRELL. Principals in the grammar schools, for instance, in New York receive $3,500; teachers of the highest rank receive $2,400, and teachers of the lowest rank $900.

Mr. STAFFORD. Will the gentleman permit me? He is not answering the question. He is giving figures as to the principals or chief of teachers in these respective schools. I

would like to have the salaries of teachers in other cities who have in charge the fifth, sixth, and seventh grades, in which you provide a maximum of $1,100 after ten years of service that will be paid to all teachers, irrespective of their competency, and solely by reason of length of service.

Mr. MORRELL. In answer to the gentleman, I will say that the average for all the elementary teachers, for sixteen cities, is $676. This is at present. The lowest average being in New Orleans, $479, and the highest $941. Besides, many of them do not get the salary of $1,100 for having been in the service but ten years, many having been teaching a long time before this bill becomes a law. The bill, moreover, does not propose that any incompetent teacher shall remain in the service.

Mr. STAFFORD. Now, your average is $941, I understand?

Mr. MORRELL. Yes.

Mr. STAFFORD. Here you are creating a maximum salary of $1,100.

Mr. BABCOCK. Not the average; the highest, he said.

Mr. MORRELL. Those are the elementary schools to which I have referred.

Mr. STAFFORD. I understand the gentleman from Pennsylvania [Mr. MORRELL] to say that that was the average. The gentleman from Wisconsin [Mr. BABCOCK] says that it was the highest salary paid.

Mr. MORRELL. The average for sixteen cities is $676.

Mr. STAFFORD. Did you not mention a figure in the neighborhood of $900?

Mr. BABCOCK. That was the highest.

Mr. MORRELL. That was the highest.

Mr. STAFFORD. The highest average or the highest salary paid in those respective grades?

Mr. MORRELL. The lowest average being $479, in New Orleans; the highest average being $941, in Boston.

Mr. STAFFORD. What ground has the committee for recommending the large sum of $1,100, which all of these teachers will receive if they remain ten years in the service, for teaching the fifth, sixth, and seventh grades?

Mr. MORRELL. Mr. Chairman, in answer to the gentleman I can say that these tables of salaries were prepared by the board of education in conjunction with the superintendent of schools. They are practically the same salaries that were recommended in each one of the bills that were submitted to the committee. The committee went very carefully into this matter of increase, and I think it will be found that the increase asked for is only a just one.

Mr. STAFFORD. Then, do I understand the committee has accepted without change the recommendation of the board of education so far as salaries are concerned?

Mr. MORRELL. No; the committee has not.

Mr. STAFFORD. Wherein has the committee made any change in the recommendations of the board so far as salaries are concerned?

Mr. MORRELL. It has made many changes in the recommendations made by the board of education and those contained in the bills under consideration.

Mr. STAFFORD. Has it made any change in the recommendations so far as the salaries of the teachers of these three grades—the fifth, sixth, and seventh—are concerned?

Mr. MORRELL. What those are exactly I can not say, offhand, but from my recollection of it the committee did.

Mr. STAFFORD. Can the gentleman give any figures showing the average pay at present of teachers in these three grades in the schools in Washington?

Mr. MORRELL. I will come to that after those schedules are read. I have all those figures here. It just simply delays the time of the gentleman. I can say this: Now, for instance, you take the matter of kindergartens. Kindergarten assistants at the present time, which come in class one, receive $450.

Mr. STAFFORD. I am not criticising the salaries the bill provides for the kindergarten teachers, but I do believe that the maximum salary provided for teachers in these lower grades, the fifth, sixth, and seventh, are inordinately high, and I am trying to ascertain some data which justifies the committee in recommending that high increase. Can the gentleman give me the maximum salary paid at present to the teachers of the fifth, sixth, and seventh grades in Washington?

Mr. MORRELL. If the gentleman will turn to the tables in the report.

Mr. STAFFORD. I have a copy of the report.

Mr. MORRELL. If he will examine the tables which I prepared and which I have here he will find, for instance, that on page 68 it shows the table of salaries, placing the increases, the maximum increases and the maximum salary for the entire system. Now, take table 3; that shows increases for white schools. Table b, small, shows the table of salaries, placing the increases and the maximum increases for colored schools. Now, Table C on page 74 will show the increase in all of the different grades, if the gentleman will turn to that.

Mr. STAFFORD. Was the gentleman just referring to page 68?

Mr. MORRELL. And page 74.

Mr. STAFFORD. Just prior thereto.

Mr. MORRELL. Yes.

Mr. STAFFORD. Will the gentleman point out more specifically what table he was reading from. There are a good many table B's, as I find there—large B and small b.

Mr. MORRELL. The big B refers to the white schools and the small b refers to the colored schools.

Mr. STAFFORD. There are several small b's referred to on that page. Will the gentleman specify the table to which he is referring? He will find several small b's.

Mr. MORRELL. I do not understand the gentleman.

Mr. STAFFORD. What do the tables on page 68 cover?

Mr. MORRELL. That shows the salaries, placing the increases, the maximum increase, and the maximum salaries.

Mr. STAFFORD. Does it show the salaries paid to the teachers of the fifth, sixth, and seventh grades?

Mr. MORRELL. Not on that page.

Mr. STAFFORD. Where can those figures be found?

Mr. MORRELL. That can be found on page 76.

Mr. STAFFORD. Can the gentleman give the committee the salaries that are now paid to the teachers of the fifth, sixth, and seventh grades?

Mr. MORRELL. On page 73 the gentleman will find Table 3 C, elementary schools, eighth grade, total number of officers and teachers, six and seventh grades, twenty. The total of salaries for the fiscal year of these eighth-grade teachers was $20,450. Now, the placing of increases provided for $6,010, and the total salaries, maximum after ten years, is $32,340. Now, so on, a little lower down, the gentleman will find fifth, sixth, and seventh.

Mr. STAFFORD. In what place will I find the average paid to each of these respective grades? I find the totals only.

Mr. MORRELL. If the gentleman will just divide the total by the number of teachers he will find the average.

Mr. STAFFORD. I do not pretend to be a lightning calculator, but I believed the gentleman in charge of the bill would be able to give information as to the salaries now paid to these respective classes. The tables seem to be involved in a mass of uncertainty. I would like to find out something definite as to the pay of the teachers of these respective grades, and particularly those of the fifth, sixth, and seventh grades; and the gentleman can only refer me to the grand total, without any figures as to the average pay for each teacher.

Mr. RODENBERG. It gives the number of teachers.

Mr. GROSVENOR. Divide the total by the number of teachers and you have it.

Mr. MORRELL. Fifth-grade teachers get $700; sixth-grade teachers get $775; seventh-grade teachers get $825. Therefore the average, taking the highest and lowest and dividing by 3, equals $766.

Mr. STAFFORD. It is proposed to increase the salaries of those in the fifth grade from $700 in each instance to $1,100, those in the sixth grade from $775 to $1,100, and those in the seventh grade from $825 to $1,100?

Mr. MORRELL. That is after ten years' service, I may answer the gentleman. It is simply a reward that these teachers ought to get. The committee felt that after having been in service in the public schools of this District for that time, and many having been in the service many years before this bill will be enacted into law, that they ought to get a living salary.

Mr. STAFFORD. Without regard to the efficiency of their service?

Mr. MORRELL. Oh, no; not at all.

Mr. RODENBERG. The superintendent is the judge as to their efficiency.

Mr. STAFFORD. I understood the gentleman to say in the beginning that promotions were to be compulsory without regard to the action of the superintendent.

Mr. MORRELL. Oh, no; not without regard to efficiency. That never was contemplated.

Mr. STAFFORD. Do I understand that these teachers are to receive annual increases or not?

Mr. MORRELL. This bill provides for a yearly increase in the salaries of teachers provided that they do their work as they should.

Mr. STAFFORD. Where is that provision?

Mr. BABCOCK. Will the gentleman yield to me for a question?

Mr. STAFFORD. I believe the gentleman from Pennsylvania has the floor.

Mr. MORRELL. I have, and I have yielded to the gentleman from Wisconsin.

Mr. BABCOCK. I would like to ask the gentleman if he does not think the teachers in Washington are entitled to equal compensation with the teachers in his own city of Milwaukee?

Mr. STAFFORD. I think so.

Mr. BABCOCK. Does the gentleman know that the salaries that the teachers of Milwaukee have been receiving are about 25 per cent more than those paid in Washington?

Mr. STAFFORD. I do not believe any teachers in Milwaukee, in the fifth, sixth, and seventh grades, are receiving a maximum salary of $1,100.

Mr. BABCOCK. If the gentleman had taken time to read or look at the report he would have seen. Let me call his attention to the principals of the high schools in Milwaukee. They receive $2,400 and $2,500 a year, and in Washington $1,800.

Mr. STAFFORD. I have not been making any question about those.

Mr. BABCOCK (continuing). Elementary schools in Milwaukee, $1,700; in Washington, $1,000 and $1,200 a year. I would like to know what point the gentleman is trying to make. He is certainly willing that the teachers in this city shall have the same consideration that they have in our own State.

Mr. STAFFORD. If the gentleman had been listening, he would have found that I have been giving my attention particularly to the provision of the bill for the pay of the teachers of the fifth, sixth, and seventh grades; and I have been trying very assiduously to ascertain from the gentleman having the matter in charge what was the pay of the teachers of those grades in Washington; and I will now say to my colleague that in Milwaukee no salaries are paid as high as $1,100 to teachers in those grades, or anywhere else in the State of Wisconsin.

Mr. BABCOCK. High school teachers in Milwaukee, $1,700; in Washington, $1,200; elementary schools in Milwaukee—I suppose that includes the grades to which the gentleman refers——

Mr. STAFFORD. From what page is the gentleman reading?

Mr. BABCOCK. Page 7.

Mr. STAFFORD. Teachers of the highest rank, $900, as I find on page 7, I will inform the gentleman.

Mr. BABCOCK. That is in the elementary schools.

Mr. STAFFORD. Yes; the highest.

Mr. BABCOCK. And in Washington, $950. That is the only grade where they are equal in Washington.

Mr. STAFFORD. The gentleman has not advanced any reason why we should increase the compensation of the teachers in the fifth, sixth, and seventh grades to $1,100, and the gentleman can not cite the salaries paid to teachers in Milwaukee in confirmation thereof.

Mr. RODENBERG. Would the gentleman favor a proposition to have the salaries remain stationary, no matter how long and how efficient the services of the teachers?

Mr. STAFFORD. I have been trying to ascertain about two matters, one is whether this bill provides for compulsory promotions, which the gentleman from Pennsylvania [Mr. MORRELL] at the outset suggested it did, leaving no discretion in anybody; the next, the basis which the committee had in fixing the maximum rate of $1,100 for teachers in the graded schools in the fifth, sixth, and seventh grades. Now, if the gentleman can show any city in the country where they are paying $1,100 to teachers in the fifth, sixth, and seventh grades——

Mr. BABCOCK. Does the gentleman understand that they have to serve for years before they reach that point?

Mr. STAFFORD. For ten years; and I understand that teachers in other cities are serving as long as that and longer.

Mr. BABCOCK. The initial salary is several hundred dollars less than that.

Mr. STAFFORD. Starting in at $800, and reaching $1,100 after ten years' service.

Mr. RODENBERG. That is not excessive, is it?

Mr. STAFFORD. I think $1,100 is, as compared to the salaries in other cities, and I now ask the gentlemen of the committee to refer to any city where they are receiving as high a salary as $1,100 a year in those grades.

Mr. COCKRAN. Before the gentleman answers I hope he will allow me to say if it be the actual fact that no city of this country pays better salaries to the teachers in its public schools than it is proposed to pay the teachers of Washington by this bill, I hope that fact will not be disclosed on this floor, to the discredit of the American people. [Applause.]

Mr. STAFFORD. I do not think, Mr. Chairman, that the mere fact that there has been provided here a maximum of $1,100 for teachers in the District of Columbia could be any argument that that is the proper basis. We might just as well provide $1,500 or $2,000, and then say that that is a proper salary.

The question is, What should these teachers receive? What is a fair compensation for these teachers, considering their efficiency, their years of preparation? And in determining that we have a right to consider the salaries paid to teachers in other cities, because we have a right to say that other municipalities are just as regardful of the welfare of their teachers in the public schools as Congress is for the salaries of the teachers in the District of Columbia.

Mr. COCKRAN. I should like to ask if the gentleman who has just taken his seat considers the compensation provided in this bill would be excessive?

Mr. STAFFORD. I consider that the salary of $1,100 a year to teachers after ten years of service in the fifth, sixth, and seventh grades is a very high compensation.

Mr. COCKRAN. Excessive?

Mr. STAFFORD. That is merely a question of words.

Mr. COCKRAN. Oh, no; it is a question of fact. I hope it is high, and I also hope it is not excessive.

Mr. STAFFORD. I might even go to the extent of saying it is excessive, when compared with the salaries provided in this bill for the kindergarten teachers.

Mr. COCKRAN. You think it is?

Mr. STAFFORD. It is certainly high, and too high.

Mr. COCKRAN. If it is too high, surely it is excessive.

Mr. MORRELL. I might say, Mr. Chairman, that besides Providence, Newark, and Milwaukee, all the other cities mentioned in the tables on page 7 of the report, except Washington, show a higher rate of salaries for teachers. Now, in preparing this bill the committee tried to take in the justice of the situation, and tried to deal out justice to the teachers, whether they were teachers in the elementary schools, teachers of small children, or teachers in the high school—teachers of those beginning to realize the responsibilities of life. A teacher who spends his or her life and wears out his or her energy teaching small children, putting up with the annoyances of governing small children, is, Mr. Chairman, to my mind, just as much entitled to a living salary as the man who teaches the sciences and the higher grades of education in the high school. [Applause.]

Now, Mr. Chairman, I believe my colleague from Tennessee [Mr. SIMS] desires some time, and I will yield to him ten minutes.

[Mr. SIMS addressed the committee. See Appendix.]

Mr. MORRELL. Mr. Chairman, I ask unanimous consent that general debate on the bill be now closed and that the bill be taken up under the five-minute rule for amendment and discussion.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that general debate be considered as now closed and that the bill be read under the five-minute rule. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read as follows:

SEC. 2. That the control of the public schools of the District of Columbia is hereby vested in a board of education, to consist of nine members, only three of whom shall be women, and of the nine members three shall be of the colored race, one of whom shall be a woman, and all of whom shall have been for five years immediately preceding their appointment bona fide residents of the District of Columbia. The members of the board of education shall be appointed by the Commissioners of the District of Columbia for terms of three years each, except that the original appointments under this act shall be as follows: Three for one year, three for two years, and three for three years, and members shall be eligible for reappointment. The members shall serve without compensation. Vacancies for unexpired terms, caused by death, resignation, or otherwise, shall be filled by the Commissioners of the District of Columbia. The board shall meet for organization within thirty days after appointment. They shall appoint a secretary, who shall not be a member of the board, and they shall hold stated meetings at least once a month during the school year and such additional meetings as they may from time to time provide for. The organization meeting, and all meetings whatsoever thereafter, shall be open to the public, except committee meetings dealing with the character or appointment of teachers.

Mr. FOSTER of Vermont and Mr. SIMS rose.

Mr. MORRELL. I would suggest that the Clerk finish the section.

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. SIMS. To offer the amendment which I indicated.

Mr. MORRELL. I suggest to the gentleman from Tennessee that the Clerk finish the reading of the section first.

The CHAIRMAN. The Chair suggests that the section has not been read yet, and as soon as the reading of the section is finished the Chair will entertain the motion.

Mr. SIMS. I thought the section had been finished.

The Clerk read as follows:

No appointment, however, promotion, transfer, or dismissal of any director, supervising principal, principal, head of department, teacher, or any other subordinate to the superintendent of schools, shall be made by the board of education, except upon the written recommendation of the superintendent of schools.

The board shall determine all questions of general policy relating to the schools, shall appoint the executive officers hereinafter provided for, define their duties, and direct expenditures. All expenditures of public funds for such school purposes shall be made and accounted for as now provided by law under the direction and control of the Commissioners of the District of Columbia. The board shall appoint all teachers in the manner hereinafter prescribed and all other employees provided for in this act.

The board of education shall annually, on the 1st day of October, transmit to the Commissioners of the District of Columbia an estimate in detail of the amount of money required for the public schools for the ensuing year, and said Commissioners shall transmit the same in their annual estimate of appropriations for the District of Columbia, with such recommendations as they may deem proper.

Mr. MORRELL. Mr. Chairman, I would like to have my amendment read, which was pending.

The CHAIRMAN. The Chair was not aware the gentleman had presented an amendment. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 25, after the word "schools," insert the following: "*Provided*, That the appointment, promotion, transfer, or dismissal of all white officers, teachers, and employees shall be made by the white members of the board of education, and that the appointment, promotion, transfer, or dismissal of all colored officers, teachers, and employees shall be made by the colored members of the board of education."

Mr. COCKRAN. Mr. Chairman, I should like for the gentleman from Pennsylvania to give us the reason why he has submitted that amendment. It seems to me that it is practically creating two boards.

Mr. MORRELL. In answer to the gentleman——

Mr. NORRIS. Will the gentleman permit a suggestion? If the amendment of the gentleman from Tennessee is carried, then we will not have anything to do with this amendment, will we?

Mr. MORRELL. Oh, yes.

Mr. NORRIS. I note his amendment provided——

Mr. MORRELL. Oh, yes; I agree with the gentleman.

Mr. NORRIS. Withdraw that amendment, and let the gentleman from Tennessee offer his amendment, and we can discuss that.

Mr. MORRELL. I yield to the gentleman from Tennessee to offer his amendment first.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to withdraw his amendment temporarily. Is there objection?

Mr. MADDEN. Mr. Chairman, I move to amend——

Mr. FOSTER of Vermont. Mr. Chairman, I was recognized before.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania that he withdraw temporarily his amendment? The Chair hears none, and it is so ordered.

Mr. FOSTER of Vermont. Now, Mr. Chairman, I think I am recognized——

Mr. SIMS. Let the gentleman from Vermont offer his amendment.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. SIMS. I will yield to the gentleman from Vermont to offer his amendment to see what it is.

Mr. FOSTER of Vermont. I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. Does the Chair understand the gentleman from Tennessee yields to the gentleman from Vermont?

Mr. SIMS. Yes; to offer an amendment. I have not heard it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Vermont.

The Clerk read as follows:

After the word "members," in line 9, page 1, strike out everything down to the word "of," in line 4, page 2, and insert "all of whom shall have been for five years immediately preceding their appointment bona fide residents of the District of Columbia. The members of the board of education shall be appointed by the supreme court judges;" so that the passage will read as follows:

"SEC. 2. That the control of the public schools of the District of Columbia is hereby vested in a board of education to consist of nine members, all of whom shall have been for five years immediately preceding their appointment bona fide residents of the District of Columbia. The members of the board of education shall be appointed by the supreme court judges of the District of Columbia for terms of three years each, except that the original appointments under this act shall be as follows:"

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont.

Mr. FOSTER of Vermont. Mr. Chairman, for the first time in many years we are undertaking to adopt some general legislation in behalf of the school system of the District of Columbia. I have pointed out in public and in private, at divers times for these many months, the fact, which is apparent to every citizen of this great country of ours who is at all familiar with the situation, that the schools of the city of Washington, the capital city of the nation—the only schools under the direct and absolute care and control of the National Government—ought to be object lessons for the rest of the country. In legislating, therefore, for the schools of Washington we have two motives. In the first place, there is the desire to do our best by the boys and girls who are dependent upon these schools for their education. And then there is the additional motive—the desire to show what the National Government can do when upon it is placed the responsibility of organizing and maintaining a system of public instruction. So to-day when we take up this bill for consideration we ought to determine for ourselves whether it lays the proper foundation for the system which we hope to construct. We ought to examine the bill and determine whether, if enacted into law, it will result in a system of which we may be justly proud. We should ask ourselves in all seriousness whether the bill in its present form provides for the very best school system to be had for the capital city of the Republic.

In what I may say, Mr. Chairman, I do not wish to be understood as reflecting upon the individual members of the present school board of the city. When I refer to that board I refer to it as an official entity. But I am bound to say, Mr. Chairman, that the school board as an official entity has made during its existence a record for incapacity, for inability, for weakness, for indifference, that would be hard to be equaled in any other community of our country. On the first day of this session I introduced a bill providing for the reorganization of the school board and for reasonable compensation for the teachers in the schools and a system of annual promotions for those teachers. Up to that time no matter how many children a citizen of the city might have had in the schools, no matter how large a taxpayer he might have been, he could not attend any of the meetings of the board of education. They were all held behind lock and key. It is true that since that bill was introduced, and it appeared that there was likely to be a general shaking up, the board with great alacrity resolved to hold all its meetings in public. It wanted us to understand that it was going to be good. From that time all its meetings have been held in the open and the public has been invited to attend those meetings. So the board has confessed by its action the absolute absurdity of its previous course in shutting out the public from its meetings.

To show you that this record which the board of education has made for itself is a matter of common knowledge, let me read to you from the columns of the Washington Post of March 13 last. This is what it says:

The entire educational system of the District is in sore need of such amendment as is hardly to be looked for from those to whom the evils are largely due—the board of education. Happily, there is no question here of honesty, as honesty goes in public life. The board is not a betrayer of trust, but a discourager of hope. Its members are morally irreproachable, so far as anybody knows. They follow the light as it is given to them to see it; the trouble is they see it brokenly, and follow it into barren places and weary lands.

Not all the much-talked-of resignations of teachers are due to inadequate payment. The latest instance, in which the resigning teacher averred a "complete lack of support in matters of discipline," is not a solitary example of motive, however it may shine as indignant avowal. Lack of discipline in the public schools is too general to be ascribed to anything less than a general cause, always operative, and for that we must look higher than the loose methods of any supervisor, or "little Senate," to which any hardy director "gives laws." The board itself is in fault, and for proof one need not go behind its public acts in matters still fresh in memory. In one of these it patiently "investigated" the principal of a high school who was accused of insubordination to his pupils. The board acquitted him on every charge, gave him a high character for fidelity and efficiency, and solemnly ordered him out of his school—"transferred" him! True, the storm of criticism compelled a revocation of sentence, but a tardy accessibility to penitence under the lash is not a particularly conspicuous qualification for important public duty. In another case the accused principal of another school was found guilty on all the counts and retained—with only such diminution of authority and respect as naturally comes of a public reprimand, which would better have been withheld. With two such instances in mind, it is needless to multiply proofs of feebleness, indecision, and perversity.

By passing the Gallinger bill, which retires the present board and provides for a successor, appointed by and responsible to the President, Congress can make reform, if not probable, yet possible. The new broom would doubtless sweep clean for at least a little while, and it is permitted to us to entertain the hope that nepotic directors, boneless supervisors and principals, and an incalculable multitude of faddists and frillers would be found in the dust pan.

Let me say, in passing, that the provision in the Gallinger bill relative to the appointment of the school board is identical with the provision in my bill, which was introduced on the first day of the session.

Now listen to what the Washington Times said on February 28 last. The article is headed "Why a new board is needed."

But the Times does not hesitate—although it has reached the conclusion with great reluctance—to state its conviction on the other score. It is this: That while the school system may be, and probably

is, good in the main, and the corps of teachers is both loyal and capable, the administration of the system has not been businesslike at the top, and that an important change, the creation of a new board of education, is indispensable if that administration is to be businesslike in the future. The Times does not, in this connection, consider the members of the board individually. They are good citizens. Several of them would be worthy members of any body intrusted with any such responsibilities. But as a whole it is believed they operate as disadvantageously on each other as water on milk.

The basis of this conviction is the following:

1. That the board of education on June 29, 1905, voted to depose Principal Swartzell, of the Eastern High School, and assign him "to another position of equal grade in the public schools," on the ground that he was not suited to the duties of a principal.

That the next day, after voting Mr. Swartzell unsuited to control a school of 250 pupils, it voted to place him in charge of the Central High School, with 1,000 pupils.

That the next month, on July 20, it voted to continue him at the Eastern in the face of its own previous finding that he was not suited to the duties of that post.

2. That the board adopted a report on October 30, 1905, finding that the principal of the Colored High School, Mrs. Anna J. Cooper, had introduced text-books without authority; that she had more than once circumvented the orders of her superiors (including the board of education) specifically by continuing in the high school pupils ordered to be sent back to the graded schools; that what the principal herself called "sympathetic methods" had "resulted in too many and too frequent reexaminations of weak students in order to enable them to pass from one grade to another and to graduate, while in a few instances conditions have not been passed off as required;" that "she has not maintained that proper official relation, that strict loyalty to the director of high schools that should prevail in a well-organized system;" that the superintendent and director had erred in yielding ever so slightly to her "demands," and that, in the face of all these findings, but "in view of the very strong desire of the colored race in this District," the principal was maintained in her position, with an admonition that hereafter "in her official conduct she shall recognize the authority of her superior officer, the director of high schools, and conform her official conduct in all respects to the rules of the board."

3. That in spite of its censure of the superintendent and director of high schools and its own extraordinary direction that this principal must be subordinate it has since permitted her to deal directly with its individual members, among other things, as to the allotment of additional teachers to her school.

4. That in matters of such importance as the transfer of high school principals, as in the case of Mr. Swartzell, the appointment of teachers, as in the cases of H. M. Josephs, W. L. Smith, and M. P. Burrill, and the promotion of teachers, as in the case of C. M. Shippen, it has more than once neglected altogether to consult either the superintendent of schools or the supervisor in charge.

5. That it has appointed at least one teacher to the high schools—it is not needful to give her name in this place—avowedly as an act of charity and with no reasonable inquiry into the applicant's capability.

6. That the president of the board has more than once—it is said in his behalf that he has done so out of "kindly interest in the applicants"—undertaken to waive the formality of the regular inquiry into the fitness of pupils who have applied for admission to the high schools from other than the Washington public schools, and that he has done this even in the case of a boy dismissed from his old school as beyond the control of the teachers.

7. That the board, in spite of the explicit showing of the high school rolls that accumulated "deficiencies" have prevailed against the pupils concerned and still stand against those pupils, has compelled the director of high schools, against his strong remonstrance, to sign diplomas certifying that those pupils have "satisfactorily" completed the course of studies prescribed in the Washington schools.

8. That the effect of this administration is already manifest in the fact that of ten former students at the high school most affected—the Colored High School—who are now studying at normal schools or colleges and were asked to give the standing of the markings of the Washington high schools at those other schools, one did not answer, one was noncommittal, and eight were of the opinion that the passing mark of 75 points in 100, on which the diploma is based, is accepted elsewhere as worth about 50 points.

This is not the whole story, but it is enough. Surely, if these counts against the board are founded in fact—and they can all be verified by examining the board's own reports of its own proceedings, or examining its members separately, the superintendent, and the director of high schools—there is no escaping the conclusion that the board must be changed. There is no reason to believe that what has already happened in the M Street High School and to the diplomas issued from that school may not happen to the other high schools and the diplomas issued there and may not, and that soon, involve as disastrously the administration of all the graded schools. It is manifest the school organization is neither coherent nor harmonious. And the one defense that has been made in answer to these criticisms—that they are nothing more than mistakes—merely accentuates the danger.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for ten minutes.

Mr. FOSTER of Vermont. Mr. Chairman, I would like to continue until I finish. I will finish as soon as I can.

The CHAIRMAN. The gentleman from Vermont asks that he man continue until he has concluded his speech. Is there objection?

There was no objection.

Mr. WM. ALDEN SMITH. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Vermont yield?

Mr. FOSTER of Vermont. Certainly.

Mr. WM. ALDEN SMITH. Is it the purpose of the gentleman's amendment to legislate this board out of office?

Mr. FOSTER of Vermont. I recognize the fact that it is an unpleasant thing, an ungracious thing, to undertake to legislate a person out of office; and while my amendment does legislate the present board out of existence, I would not object if the appointing power which I name in my amendment should see fit to reappoint the members of this board.

Mr. WM. ALDEN SMITH. But evidently the object of the gentleman is to have a change in the board.

Mr. FOSTER of Vermont. The gentleman from Michigan [Mr. WM. ALDEN SMITH] is absolutely right. My single object is to have a change in the board, to have a change for the better in the board, to improve the board, to make it a board with sufficient capacity and practical business ability to conduct the schools of Washington in a proper manner. To this end I propose a change in the appointing power of the board so that the school system may be entirely divorced from the rest of the municipal government, just as the schools are divorced from the rest of the municipal government in almost every other community in this fair land of ours. At present, as the members of this committee well know, the school board is appointed by the District Commissioners.

Mr. WM. ALDEN SMITH. Now, if I heard the amendment correctly, I am unable to say to whom the gentleman referred as the appointing power, the supreme court of the District or the Supreme Court of the United States.

Mr. FOSTER of Vermont. My amendment makes the judges of the supreme court of the District the appointing power. I admit that this is not the ideal method. In my original bill I provided for the appointment of the members of the board by the President of the United States, who now appoints the District Commissioners. But the Committee on the District of Columbia, who had the bills in charge, spurned that proposition.

Mr. WM. ALDEN SMITH. Why not leave it with the Commissioners of the District?

Mr. FOSTER of Vermont. Simply because if you do that you will continue to have the same kind of a school board that we have had all these years.

Mr. WM. ALDEN SMITH. Surely the District Commissioners have as much interest in the welfare of the District and the schools of the District as any other officials.

Mr. FOSTER of Vermont. Well, I am not denying that they are patriotic and well-meaning individuals, but I do say to the gentleman from Michigan [Mr. WM. ALDEN SMITH], that we gave these District Commissioners the power to appoint the members of the school board. We have had many years of experience. And I repeat that that experience has resulted in a board whose record is one of weakness, of incapacity, of inability, of indifference. It is my humble opinion that this condition of things is due to the fact that the members of the board of education are appointed by, and are under the supervision of, this little body of "peanut politicians" to whom my friend [Mr. WM. ALDEN SMITH] refers as District Commissioners. [Laughter and applause.] Is it possible that Macfarland, the chairman of the District Commissioners, is the only Moses of this great capital city? Have we here in this city of 300,000 people no civic virtue except that which is bound by the limits of this District Commission?

Mr. WM. ALDEN SMITH. Mr. Chairman, the gentleman addresses an inquiry to me. I desire to go on record as saying that I do not believe a finer type of man exists in this District than Mr. Macfarland and his associates now upon the District Commission.

Mr. FOSTER of Vermont. Oh, well; I shall not quarrel with my good friend from Michigan [Mr. WM. ALDEN SMITH]. He has a perfect right to his opinion.

Mr. WM. ALDEN SMITH. And I expressed it.

Mr. FOSTER of Vermont. I am always glad to hear my good friend from Michigan [Mr. WM. ALDEN SMITH] express his opinion. But he sometimes forgets that his thinking it so does not make it so. [Laughter and applause.]

Mr. WM. ALDEN SMITH. It does in my judgment.

Mr. FOSTER of Vermont. But my friend [Mr. WM. ALDEN SMITH] does not constitute a majority. To show you that I am not exaggerating the situation when I declare that the record of the board of education is one of weakness and incapacity and indifference, let me call your attention to a matter which is now pending. You have all seen accounts of it in the daily papers. Several days ago ten or eleven teachers in the McKinley Training School filed their charges against the principal of that school. These charges are in part as follows:

We, the undersigned teachers of the McKinley Manual Training School, believing that conditions in that school have become so demoralized that they are harmful to the school system of the District of Columbia and to the healthful development of the mind and character of the pupils, and believing that the chief responsibility for this condition of affairs rests upon the principal, A. I. Gardner, do hereby respectfully request your honorable body to institute and conduct such an investigation of his administration as principal as may seem proper to you in order to fix the responsibility for the aforesaid state of affairs and to remedy it.

We base our request upon the following charges, all of which are

either known to be true by us personally or have been told us by fellow-teachers of the same school in whom we have confidence, as being within their personal knowledge:

He has repeatedly violated rules of the board of education, to wit: The rule concerning tardiness of teachers, the rule forbidding teachers to smoke inside the school building, the rule providing for substitute teachers, the rule against excusing pupils before the close of school in order to permit them to take private lessons outside.

DISCIPLINE ALLEGED TO BE DESTROYED.

He has completely destroyed the discipline in the school by failing to support teachers in their efforts to punish violations of the school rules; by granting permanent excuses for tardiness and absence during school hours; by granting excuses for absence upon slight pretext, and by a lack of supervision over pupils while they are under the care of the school. This last has resulted in the visiting of pool rooms on Seventh street by the boys of the school, in the smoking of cigarettes by boys near the school building, in the playing of baseball in the school yard during school hours, in the remaining of boys and girls in the school building until after 4 o'clock in the afternoon without supervision by any teacher, and in the giving of inadequately chaperoned dances in the school building at night.

He has caused the standard of scholarship to be greatly lowered by the admission of unprepared pupils, either without examination or by allowing them to enter after failure to pass the entrance examinations; by promoting pupils who, according to the rules of promotion which he himself had made, were not entitled to promotion; by giving an indefinite number of examinations to pupils in order to enable them to pass off conditions, and by allowing captains to drill their companies, although they had deficiencies against them and had been relieved of their duties by the military committee of the faculty pending the removal of their conditions.

He has permitted the moral tone of the school to degenerate by his unwillingness to investigate cheating and stealing; by his unwillingness to punish adequately the culprits when caught, and by hindering others who have tried to investigate on their own initiative.

Now, what would be done in almost any other community in the country? What would be done in any of the communities represented by my friend from Michigan [Mr. WM. ALDEN SMITH]? Why, the school board would meet at once, there would be a summary hearing in public, that the sunlight of truth might reach every detail. There would be a prompt finding of facts. Summary action would follow. Either the principal would be removed as a person unfit for the principalship of so important a school, as an improper person to be over the young of the community, or the teachers who filed the charges would be summarily dismissed for insubordination. Does the gentleman from Michigan [Mr. WM. ALDEN SMITH] deny this? No. But let us see what was done here.

Mr. WM. ALDEN SMITH. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Vermont yield to the gentleman from Michigan?

Mr. FOSTER of Vermont. Certainly.

Mr. WM. ALDEN SMITH. I am perfectly willing that the gentleman from Vermont should cross-examine himself, and ask and answer his own questions, but I object to his cross-examining me and then answering the questions for me.

Mr. FOSTER of Vermont. Well, if my good friend from Michigan [Mr. WM. ALDEN SMITH] will keep still, I will not do it any more. But let me ask again what was done here? Did the school board take prompt action? Oh, no; not at all. The members of the board had not the courage to take hold of the matter and do their duty fearlessly and effectively. They were afraid that if they should take action, and should find the facts against the principal, his friends might rush to Congress and ask that the power to appoint the school board be transferred from the District Commissioners to some other body. They were afraid that if they took action and decided against the eleven teachers that they and their friends would make a similar appeal to Congress. And so they just did nothing; but the superintendent of schools started out with a dark lantern to interview the teachers and to interview the principal and to interview the pupils. Instead of opening up the matter so that the sunlight of truth might illumine the case, he is worming about to find some way of saying that the eleven teachers are all right in their position, and that the principal is all right in his position, and that the pupils are all right in their position, and that the peace and tranquillity of the community, and particularly of the school board, require that nothing be done. He is seeking to gain time in order to get his whitewash brush ready for use.

Mr. WM. ALDEN SMITH. Well, now, the gentleman from Vermont has given us a case.

Mr. FOSTER of Vermont. I have not got through with the case.

Mr. WM. ALDEN SMITH. Is that the best case you have got?

Mr. FOSTER of Vermont. If my good friend from Michigan [Mr. WM. ALDEN SMITH] can see anything in the case to justify him in calling it "the best case," he is welcome to do so.

Mr. KEIFER. The gentleman from Vermont relies on the newspaper statements; and on that do you base your conclusions?

Mr. FOSTER of Vermont. Does the gentleman from Ohio [Mr. KEIFER] deny the facts to be as I have stated them about this pending investigation?

Mr. KEIFER. I discover that the gentleman is following the statement published and sent around to us here by some irresponsible parties, or in the newspapers, and knows nothing about the matter himself.

Mr. FOSTER of Vermont. I do not know who has been following up the gentleman from Ohio [Mr. KEIFER]. [Laughter.]

Mr. KEIFER. The gentleman is evidently making his speech on that, and does not know anything about the facts himself.

Mr. FOSTER of Vermont. I have stated the facts, and I challenge the gentleman to prove that they are not true.

Mr. KEIFER. I understand the gentleman does not pretend to know anything except what he gets out of the excerpts which he has read.

Mr. FOSTER of Vermont. The articles I read from the papers appeared long before this matter came up. Before reading those articles I distinctly told the committee that I read them simply to show that the existing condition of things in the school board was a matter of common knowledge. This McKinley School affair has all occurred within the last few days, and I have quoted nothing from any paper respecting it. I have stated, and I again repeat, that our school board, whose duty it was to investigate promptly the charges filed against the principal, with the incapacity and indifference which has characterized its conduct heretofore, neglected to take any action whatever, but left it to the superintendent to go groping about with his dark lantern, as if to keep the real facts from the public.

Mr. MADDEN. Does the gentleman refer to the condition of affairs at the high school that has compelled most of the scholars to leave there?

Mr. FOSTER of Vermont. I have no personal knowledge as to how many of the scholars have left.

Mr. KEIFER. You do not know of your own knowledge the facts as to what you are stating?

Mr. FOSTER of Vermont. The teachers made their charges in writing. Those charges are now on file. If the distinguished gentleman from Ohio [Mr. KEIFER] thinks he can befog the members of this committee by claiming that I have not personal knowledge of that fact, he is entirely at liberty to delight himself with the delusion. But if he has any better light to give, I shall be very glad to let him have the opportunity.

Mr. WM. ALDEN SMITH. Mr. Chairman——

Mr. FOSTER of Vermont. I am not quite through.

Mr. WM. ALDEN SMITH. You have plenty of time.

Mr. FOSTER of Vermont. Oh, well, yes.

Mr. WM. ALDEN SMITH. You say the gentleman from Ohio has no light. The only light you had is the lantern you put in the hands of the superintendent as he went around to do his interviewing.

Mr. FOSTER of Vermont. My friend from Michigan [Mr. WM. ALDEN SMITH] should not be too hasty. My torch may yet flame up and illumine the subject so that even he may see the truth.

On the 15th of April the Evening Star had what purported to be an interview with Mrs. West, one of the members of the school board. Let me say for the benefit of my distinguished friend from Ohio [Mr. KEIFER] and my distinguished friend from Michigan [Mr. WM. ALDEN SMITH] that I have no personal knowledge as to whether the interview which I am about to read ever took place. I have no personal knowledge as to whether Mrs. West ever said what she is purported in this article to have said. But I want to read to this committee the article. It is headed "Mrs. West's Views."

Mrs. H. L. West, Mrs. B. G. Francis, and Dr. Richard Kingsman form the industrial committee of the board. The former was seen this morning, and in the course of conversation said:

"Although Mrs. Francis is chairman of the committee, matters pertaining to McKinley School have been, by courtesy, in the main given to me. It is absurd to call the petition a bolt from the sky. My surprise has been that it has been so long delayed. I have been expecting it for more than a year, and I know from what Doctor Kingsman and Mr. Stuart have said that they have long been concerned about the school."

As I said, this interview appeared in the Star on the 15th of April, and there has been no denial in the public prints. If Mrs. West is correctly reported, we had the spectacle of a member of this school board publicly declaring that she has expected for more than a year an uprising on the part of the teachers in the McKinley School because of existing conditions. And then we have the spectacle of the same member of the same board of education, when the uprising finally comes, sitting supinely at home and contenting herself, so far as her official duties are concerned, with declaring that it was absurd for the other members of the board to call the petition of the McKinley School teachers "a bolt from the sky."

Mr. STAFFORD. Will the gentleman permit an interruption?

Mr. FOSTER of Vermont. Yes; certainly.

Mr. STAFFORD. Will you state whether Mrs. H. L. West is related to Commissioner West, of the District?

Mr. FOSTER of Vermont. Well, now, to be absolutely accurate, and so not to offend the distinguished gentleman from Ohio [Mr. KEIFER], I must admit that I have no personal knowledge as to the relationship which exists between Mrs. H. L. West and Mr. H. L. West, one of the District Commissioners, but I may be permitted to add that she is commonly reputed to be his wife. [Laughter.]

It has already been shown on this floor that this school board went through a similar experience last year. I will not repeat the details of that incident. The board removed the principal of one of the schools for incompetency. Then it made him principal of a larger school. Then there was so great an outburst of indignation that the board removed him from this second position and finally restored him to his original place. Meantime the community was kept in an uproar for months. These are only illustrations of the record which the board has made for itself—a record of weakness, of inefficiency. And now, Mr. Chairman, when we are asked to consider the proposition of pouring out more money for the maintenance of these schools, for the improvement of the schools, for the just compensation of the teachers in the schools, we ought to consider whether we can not devise a method by which a better board of education may be obtained.

Mr. CRUMPACKER. Does the gentleman believe that the supreme court of the District of Columbia would take sufficient interest in the administration of school affairs to see that the school board always did its duty? It seems to me that we had about as well put all the names of the inhabitants of the District in a hat and draw out nine of them.

Mr. FOSTER of Vermont. The members of the supreme court of the District of Columbia are distinguished American citizens. They are men of broad culture, of great learning, of unquestioned patriotism. I know some of them personally, and a say to my friend from Indiana [Mr. CRUMPACKER] unhesitatingly that I believe they would discharge their duty in this behalf in a manner eminently satisfactory to all concerned.

Mr. CRUMPACKER. They are busy men.

Mr. FOSTER of Vermont. Yes; they are busy men; but they are residents of the city. They come in close contact with the business and professional men of the community, with the very best people in the community. And let me say further to the gentleman from Indiana [Mr. CRUMPACKER] that the method has been tried in the great city of Philadelphia and has proved remarkably successful. The distinguished gentleman who has charge of this bill [Mr. MORRELL] can tell the gentleman from Indiana [Mr. CRUMPACKER] how well this method has succeeded in his city. There the members of the school board are appointed by the board of local judges, and I believe that the gentleman from Pennsylvania [Mr. MORRELL] who is in charge of the bill would personally favor the proposition of having the school board here appointed by the supreme court judges of the District. The Philadelphia school system is one of the very best systems in this country, and there is no reason to suppose that the supreme court judges of this city would not do as well in the selection of the members of the school board as have the local judges in the city of Philadelphia. There is no reason to suppose that they would not endeavor to find, and would not succeed in finding, the best persons for these positions. All that I am seeking to secure is the very best possible board to administer the school affairs of the city.

Mr. RODENBERG. Do the members of the present school board receive any pay for attending the meetings?

Mr. FOSTER of Vermont. Yes.

Mr. RODENBERG. What is their pay?

Mr. FOSTER of Vermont. Ten dollars for each meeting.

Mr. RODENBERG. Is there any limit upon the number of meetings they may hold?

Mr. MORRELL. They are limited to $500 each.

Mr. FOSTER of Vermont. That is correct.

Mr. RODENBERG. Then they may hold fifty meetings.

Mr. FOSTER of Vermont. Yes; and they do hold fifty meetings every year.

Mr. MORRELL. The bill under consideration provides that they shall serve without compensation.

Mr. MADDEN. And there is no compensation provided in the appropriation bill that has just passed.

Mr. KEIFER. This bill prohibits them from drawing any.

Mr. FOSTER of Vermont. This bill which is now under consideration, as the gentleman from Illinois [Mr. MADDEN] and the gentleman from Ohio [Mr. KEIFER] have indicated, provides that the school board shall serve without pay. This was one of the provisions in my bill which was introduced on the first day of the session. Everywhere else in the United States service upon the school board is considered a patriotic privilege, and no compensation, as a rule, is given. This bill which we are now considering has many good features. It is a great improvement upon existing conditions. But we should not be satisfied with a bill that simply improves existing conditions. We ought to perfect the bill and see to it that it is the very best possible bill to be had.

It would be no great task for the members of the supreme court to select the members of this board—only three each year. Why, it would not add enough to the duties of the members of this District court to make it worth considering for a moment as an objection to the method of appointment.

Mr. GOULDEN. Will the gentleman allow me?

Mr. FOSTER of Vermont. Certainly.

Mr. GOULDEN. Why have you substituted in your amendment the supreme court judges of the District of Columbia for the President of the United States, as was originally provided for in your bill?

Mr. FOSTER of Vermont. It is true that my bill provided for the appointment of the members of the board of education by the President of the United States. The Committee on the District of Columbia spurned that proposition. I have been trying to find some proposition that that committee would accept. Upon reflection, it seemed to me that on many grounds the appointment by the supreme court judges of the District is preferable to that by the President of the United States.

Mr. GROSVENOR. Will the gentleman from Vermont yield to me?

Mr. FOSTER of Vermont. With pleasure.

Mr. GROSVENOR. I have a good deal of sympathy with the gentleman from Vermont in his effort to remove these appointments from the Commissioners of the District of Columbia; but does not the gentleman think that the putting of a sort of political appointing power upon the court is a bad precedent to set? Would not the Secretary of the Interior or the Commissioner of Education be better?

Mr. FOSTER of Vermont. I have given this matter a great deal of consideration, and I can say to the gentleman from Ohio [Mr. GROSVENOR] that, in my humble opinion, the judges of the supreme court constitute the best appointing power to be found in the District of Columbia. I refer the gentleman from Ohio [Mr. GROSVENOR] to the gentleman from Pennsylvania [Mr. MORRELL], who lives in Philadelphia, who is familiar with the conditions there, and who can detail to him how successfully the school system has worked there. I am confident that he could convince the gentleman from Ohio [Mr. GROSVENOR] that this method of appointment has detracted nothing from the dignity and prestige of the local judges of Philadelphia, and that it has resulted in a board of education of high standing for integrity and efficiency. It has certainly resulted in securing for the city of Philadelphia one of the best school systems to be found anywhere.

Mr. GREENE. I would like to ask the gentleman from Vermont a question.

Mr. FOSTER of Vermont. I will gladly yield to my friend from Massachusetts [Mr. GREENE].

Mr. GREENE. In how many other States or Territories, aside from Pennsylvania, is the appointing power lodged in the judges of the court?

Mr. FOSTER of Vermont. Not in many. In nearly every community the very best method for the selection of the members of the school board prevails—the method of election by the sovereign people. Where that method prevails the board is responsible directly to the taxpayers, and broad, patriotic citizens are chosen to serve upon the board, and they are glad to give their services as a matter of patriotism for the benefit of the boys and the girls of their respective communities. And this is the method that I am finally in favor of here. I think that we must in the end return to that system in the District of Columbia. I shall be glad to follow the leadership of the distinguished gentleman from Ohio [Mr. KEIFER] and give the city of Washington the very best possible city charter constructed along modern lines. Then upon the citizens of the city would rest the responsibility for their schools as well as for their other municipal affairs. But for the present it seems to me we are taking a step in the right direction. We are endeavoring to extend the circle of civic responsibility. We are endeavoring to demonstrate that not all the civic virtue of the city of Washington is centered in the Commissioners of the District of Columbia, in whom my friend from Michigan [Mr. SMITH] has such unbounded faith, and for whom he has such unbounded admiration.

Mr. LACEY. Will the gentleman yield?

Mr. FOSTER of Vermont. Certainly I will yield to the gentleman.

Mr. LACEY. Conceding that you would improve the school board by having them appointed by the judges of the supreme court, has my friend considered the effect it would have upon the court itself to give it political power? I would like to call the gentleman's attention to a case directly in point. In the district of Alaska political appointments are made by the court.

Mr. FOSTER of Vermont. Oh, this is not a parallel case. We are not legislating for Alaska. We are legislating for the city of Washington, a city of 300,000 people, a city which boasts at least of some little advance in political science as well as in civilization in general.

Mr. LACEY. Every mistake made by a judge in Alaska reflected upon the court. The court was weakened because of the assaults upon its political power.

Mr. FOSTER of Vermont. Well, I dislike to repeat, but I will refer the gentleman from Iowa [Mr. LACEY] to a much nearer instance. I refer him to the city of Philadelphia, where the plan of having the members of the school board appointed by the local board of judges has worked admirably. I will leave it to the gentleman from Pennsylvania [Mr. MORRELL], who lives in Philadelphia, to demonstrate to the gentleman from Iowa [Mr. LACEY] how admirably the plan has worked there. And I will leave it to the other Members of this House whose homes are in Philadelphia [Mr. MOON and Mr. MCCREARY] whether there has ever been a word of criticism upon the courts of Philadelphia; whether their prestige has been in the least unfavorably affected because of the fact that the judges appoint the members of the school board of the city.

Mr. COCKRAN. Will the gentleman yield to me?

Mr. FOSTER of Vermont. With pleasure.

Mr. COCKRAN. I have a very high respect for everything which the gentleman from Vermont may say or offer for the consideration of the committee. He has said that at first he thought the best method of appointment would be to have it exercised by the President of the United States, but that the committee rejected his suggestion to that effect. Now he appears to have offered a suggestion that the appointments be made by the supreme court of the District of Columbia. Why has he not embodied in this amendment now pending his original idea that the school commissioners be appointed by the President of the United States?

Mr. FOSTER of Vermont. I have already explained that, Mr. Chairman. When I first introduced my bill, on the first day of the session, I provided that these school commissioners should be appointed by the President. I recognized that that was not an ideal method, for while the President of the United States comes into close contact with the Members of the House and the Senate and with the whole official circle here in Washington, he necessarily does not come into that close acquaintanceship with the business and professional men of the community which should be enjoyed by the appointing power in a case of this kind. Upon reflection I was forced to the conclusion that the Philadelphia method was better adapted to this city than the method which I had first suggested. I would, however, have clung to my first proposition had not, as I said before, that proposition been spurned by the Committee on the District of Columbia.

Mr. HUGHES. May I ask the gentleman a question?

Mr. FOSTER of Vermont. Certainly.

Mr. HUGHES. Mr. Chairman, the gentleman from Vermont has made certain statements here, especially in connection with Mrs. West. I want to know from him if he knows that Mrs. West was a member of this school board prior to her marriage to Mr. West?

Mr. FOSTER of Vermont. I do not know anything about it. But let me say to my friend from West Virginia [Mr. HUGHES] that in all this discussion, and in all the discussion of the matter outside the House of Representatives, it has been my earnest desire to say nothing against the personnel of the present board. I referred to Mrs. West simply because of the interview in which she was reported to have made an astounding statement, which I read to the committee. I am complaining of the school board as an official entity, and I am urging upon the committee the importance of making it possible for the city of Washington to have a better board.

Mr. HUGHES. Mr. Chairman, I just want to state for the information of the House that Mrs. West, prior to her marriage to Mr. West, was a member of this school board, and her appointment was only a reappointment.

Mr. SULZER. Mr. Chairman, I want to ask the gentleman from Vermont if he would be willing to accept a change in his proposed amendment so that the President would have the appointing power.

Mr. FOSTER of Vermont. I would be entirely willing to accept such an amendment. If this committee should prefer to make the President the appointing power, I would gladly acquiesce.

Mr. SULZER. I hope the gentleman will accept the amendment, and I believe if he will that it will be carried.

Mr. FOSTER of Vermont. My single purpose in this amendment is to provide for an absolute divorce of the school system from the rest of the municipal government. I believe that this is absolutely essential in order to secure the best results. I have no pride of opinion as to the selection of the appointing power. Only take the appointing power from the District Commissioners, and an improvement over present conditions will be assured.

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman if he does not believe that if the appointing power were given to the judges of the supreme court they might logroll so that each member of the court would appoint his own member of the school board, and in that way get a school board which might not be as good as could be had were the appointing power in some individual upon whom all the responsibility might rest?

Mr. FOSTER of Vermont. Well, as I have before indicated, I have no fears of bad results in case my amendment is adopted. I have profound faith in the integrity, the patriotism, and the honor of the distinguished gentlemen who comprise the supreme court of the District of Columbia.

Mr. GOULDEN. Mr. Chairman, the gentleman from Vermont has used the term "spurned," and as he and I were partners, each having introduced a similar bill, making the President the appointing power, I would like to say that the word "spurned" is perhaps a little severe. If the gentleman will pardon me, I would suggest that I would use the word "rejected" instead of "spurned," because I think he will agree with me that the committee was very courteous in its treatment of the various members who introduced bills. They did not agree with us always. We did not expect them to. But I could hardly use the term "spurned" myself, and I know that my colleague from Vermont [Mr. FOSTER] always desires to be courteous, and perhaps upon reflection he would withdraw the word and use "rejected."

Mr. FOSTER of Vermont. I make no complaint against the individual members of the Committee on the District of Columbia. It is the committee as an aggregate of which I complain [laughter]; it was the committee as an official entity that "spurned" my proposition. The individual members of the committee treated me courteously; they are my personal friends. The chairman of the subcommittee [Mr. MORRELL], who has the bill in charge, took up with me personally the various provisions of my bill. He has given the subject a great deal of attention. He has exhibited much industry in preparing the bill which is now under consideration. I believe that personally he does not look with disfavor upon my amendment. And I wish to do full justice by the committee. This bill which it reported is a good bill. It is a long step in the right direction. But there is nothing in all this to deter us from improving and perfecting the bill.

Mr. COCKRAN. Mr. Chairman, the gentleman from Vermont has made his meaning so entirely clear in answer to my last inquiry that I should like to put another for the purpose of gaining additional light on this question. As I understand it, the gentleman from Vermont is in favor of changing the method of appointment, because the present Commission, in his judgment, is wholly incapable of exercising this power of appointment.

Mr. FOSTER of Vermont. Mr. Chairman, I have not said it was wholly incapable of exercising this power.

Mr. COCKRAN. Then that it is unreasonable to expect that they would.

Mr. FOSTER of Vermont. I claim that it would be much better to divorce the school system of the District from the rest of the municipal government. I insist that what is good for every other community in the land is good for Washington.

Mr. COCKRAN. Now, that belief is based, as I understand it, upon some newspaper articles which the gentleman has read here to the committee.

Mr. FOSTER of Vermont. Mr. Chairman, I don't know what reason the gentleman has to assume that. I have not said so at all. I have stated more than once that my purpose in reading those articles was to show that the record of the present school board for weakness, for inefficiency, for indifference, was a matter of common knowledge.

Mr. COCKRAN. I want to know whether the gentleman has himself verified by personal examination the facts which he has spread before the committee, or whether he simply brings to

our attention reports that have been in general circulation. The gentleman must see that while anything he might say here upon his own authority would, in my judgment, be accepted unquestionably by every Member in the House, yet if he merely repeats current rumors then those rumors are entitled to no greater weight than their sources of themselves may justify.

Mr. FOSTER of Vermont. I sincerely thank the gentleman from New York for the compliment he pays me by indicating the confidence he would have in my judgment when based upon personal investigation. And of course the gentleman is entirely right as to the proper consideration that should be given my words if they were based upon mere rumor. But, Mr. Chairman, I am not quoting rumors; I am stating facts.

Mr. COCKRAN. Are these facts of the gentleman's own knowledge?

Mr. FOSTER of Vermont. Certainly they are. I have carefully indicated in my remarks whenever I had no personal knowledge of the matter discussed. I clearly stated, for instance, that I had no personal knowledge whether in point of fact Mrs. West ever made the statements imputed to her in the article I read from the Evening Star. But I did say that there had been no denial in the public press of the statements which she was alleged to have made.

Mr. COCKRAN. Now, do I understand the gentleman holds these men to be unworthy of any further confidence because certain members of the board did not think proper to deny certain statements in the newspapers? It is very important we should know just what facts we are proceeding on.

Mr. FOSTER of Vermont. Well, if the gentleman after listening to me this length of time has not understood what I am talking about, has not understood my reasons for asking for a change in the appointing power of this school board, then I fear that I can not make myself plain to him.

Mr. COCKRAN. Well, I think the gentleman does himself very faint justice. I think the gentleman has made perfectly clear exactly what he is proceeding on. It was through fear that I might have misapprehended the gentleman that I asked specifically whether he based his conclusion upon newspaper statements or upon personal examination of the facts with which the newspapers claim to deal.

Mr. FOSTER of Vermont. I will repeat that I vouch for what I have said, with the exception of the statement which Mrs. West is purported to have made. I insist that this board has made a record for itself, that that record is a matter of common knowledge, that it is a record of incompetency, of weakness, of incapacity, of indifference, and I have stated facts to corroborate my statements.

Mr. COCKRAN. Will the gentleman allow me to ask one more question?

Mr. FOSTER of Vermont. Certainly.

Mr. COCKRAN. I merely desire to ask were his statements here in reference to incapacity and incompetence on the part of these commissioners all based on newspaper articles?

Mr. FOSTER of Vermont. I repeat, emphatically, no; none of them except this statement with reference to Mrs. West.

Mr. COCKRAN. And the gentleman has personally examined the schools?

Mr. FOSTER of Vermont. Yes. I have had children in the schools. I have a personal acquaintance with a large number of the teachers and officers of the schools.

Mr. COCKRAN. And it is, then, upon that examination I understand the gentleman bases his statements.

Mr. FOSTER of Vermont. Upon this and upon a great deal more personal investigation. Why, Mr. Chairman, I am entirely disinterested in this matter. I have no ax to grind. I find no pleasure in standing here arraigning the school board of Washington. But I am interested in the system of public schools, for which we are absolutely responsible. I am interested in the boys and girls of this great city. I believe that it is our duty to see to it that they are afforded the very best system of public instruction. They are in our care. We are responsible for their education. I found upon investigation that up to and including the fourth grade no child in the District is given but half a day's schooling. Hundreds of these children are provided with only half a day's schooling. One teacher and her flock of pupils will file into a room and occupy it during the forenoon. Then she and her charge will file out, and another teacher and her flock will file in for the afternoon. I called the attention of the Committee on the District of Columbia to this fact. That committee investigated it. That committee found the facts to be as I now describe them. And there is incorporated in the pending bill a provision to correct this condition.

Mr. GAINES of Tennessee. May I ask the gentleman a question? Who employs the superintendent or teacher who has so deported himself that a great many of the pupils, as the gentleman from Chicago [Mr. MADDEN] states, have left the school? Who employs him—this board?

Mr. FOSTER of Vermont. The school board employs the superintendent of schools. And so, Mr. Chairman, in conclusion, let us give the Committee on the District of Columbia due credit for its painstaking labor in preparing the pending bill. But let us remember that it is the House of Representatives that is legislating, and that each Member of the House has a personal duty to perform in connection with this bill. We all have a personal interest in the capital city of the nation. Our constituents all have a personal interest in her welfare, her progress, and her development. The people of the United States desire to see Washington the finest city in all respects in our land. It is rapidly becoming a great educational center, and we should seek to give it the best public school system to be found anywhere. I appeal to you, therefore, to adopt this amendment, and thereby to lift the school system out of the slough in which we now find it. Let us widen the circle of civic responsibility. Let us widen the circle of civic virtue. Let us place the power to appoint the members of the school board in the hands of a body of men who will have an eye single to the welfare of the schools, who will consider it their patriotic duty to see to it that the best persons are found for that board—persons of the largest business ability, of wide educational experience, of the highest integrity, of unquestioned courage, of steadfast devotion, to administer this great system of public instruction. [Applause.].

Mr. MORRELL. Mr. Chairman, in answer to the gentleman from Vermont [Mr. FOSTER], I may say that the committee went very carefully into the subject of who should be the appointing power of the board of education. If the power of appointment was taken out of the hands of the Commissioners of the District and placed in the hands of, first, as was suggested, the President of the United States, it would be lifting simply that power one up, the President of the United States appointing the Commissioners of the District of Columbia, they in turn appointing the board of education. The Commissioners themselves and the people who appeared before the committee were unanimous in the desire that the appointing power should remain in the Commissioners, for the reason, the people argued, that the Commissioners were their representatives and that the Commissioners came closer to the people of the District than the President of the United States. They had a better chance of becoming more intimately connected with the people residing in the District and of judging as to whom would give the best service on the board. Moreover, the many and various duties of the President seemed to preclude his being able to give the time requisite to a careful decision. And it was for that reason that the committee did not consider the President as the appointing power. As far as the appointing power to be placed in the hands of the justices of the supreme court of the District is concerned, that might, from the experience I have had, be advisable, and I may say that I personally made that suggestion before the committee. However, it did not appeal to the members of the committee, and it was so finally decided and voted that the appointing power should remain where it is, in the hands of the Commissioners of the District of Columbia. Therefore, I sincerely trust that the amendment offered by the gentleman from Vermont will not maintain.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. MORRELL. As far as the provision of the bill providing for certain members of the board being of the colored race is concerned, I may say that the board of education as it is now constituted—with seven members of the board—two of them are of the colored race.

Mr. MADDEN. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. MORRELL. In one second I will. And that every colored educator and every colored person, and even the superintendent of the schools, argued that it should be specifically stated in the bill just what positions the colored people were to occupy and what their duties should be. I may state that it was for that reason that those who framed the bill were so specific in making use of the words "colored people."

Mr. DALZELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. MORRELL] yield to the gentleman from Illinois [Mr. MADDEN]?

Mr. MORRELL. I yield to the gentleman from Illinois.

Mr. DALZELL. Mr. Chairman, I wanted to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DALZELL. Is not the amendment offered by the gentle-

man from Vermont [Mr. FOSTER] divisible? The first part, as I understand, relates to the personnel of the board, and the second part relates to the appointing power. It seems to me it is divisible, and the committee ought to have an opportunity to vote on each branch of the proposition.

Mr. FOSTER of Vermont. There will be no objection to that.

The CHAIRMAN. The Chair is of the opinion that the amendment is divisible, because it contains two separate propositions.

Mr. MADDEN. Will the gentleman from Pennsylvania [Mr. MORRELL] tell the House whether the present board of education was appointed by the District Commissioners?

Mr. MORRELL. I am not sure of that, because I do not know whether any vacancies existed when the present board came into power. Some of these may have held over under the old law. It must be remembered that the members of the present board have terms of service of seven years—a length of term I do not approve of.

Mr. MADDEN. My reason for asking the question is, Mr. Chairman, that during the hearings before the District Appropriations Committee it was developed that the school to which the gentleman referred in his remarks was presided over by a principal whose conduct was such as to make it impossible for the children of the neighborhood to attend that school. The way this information was developed was from inquiry by members of the Appropriations Committee, in which they sought to ascertain how many children there were in the District of school age for whom facilities were not afforded. And it was shown that while there was room for some seven or eight hundred children in this particular school, there was not in attendance and had not been for a long time more than 400. I may not have the figures correct, but it would be in that proportion. It was also developed in that investigation that this principal was tried for misconduct.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. MORRELL] has expired.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word of the amendment.

It was developed in the trial of this man that he so conducted the affairs of the school that the children could not or would not attend it while under his supervision. He was reinstated on the promise, as I understand, that he would behave himself better in the future.

Mr. FREDERICK LANDIS. Did he do better?

Mr. MADDEN. I do not know what he did, but he drove all the children out of the school. That is one thing he did. Since reinstatement I understand that he has been conducting himself as he did before, and that now there is a protest against his occupying the position filed by a large number of the teachers of that school. The Board of the Commissioners of the District, if they had the appointing power, should have had some influence with the board of education—sufficient influence, I believed then and believe now, to compel the discharge of such a principal. If the children of the District were obliged to walk the streets because there was no room in the schools, some action should have been taken which would have at least afforded an opportunity for attendance in a building where there was plenty of room.

Mr. GAINES of Tennessee. Has this board declined to try him the second time?

Mr. MADDEN. I understand so.

Mr. GAINES of Tennessee. How long has the petition been filed?

Mr. MADDEN. Within the last week; perhaps longer than that. Now, Mr. Chairman, my point is that if such a bad condition exists in the board of education, appointed by the District Commissioners, some other appointing power should be created, and my judgment is that the best place to put that appointing power is in the President of the United States. To say that he is not in as close touch with the people as the District Commissioners is an absurdity, for if there is anybody in this country in close touch with the American people it is the present occupant of the White House. [Loud applause.]

Mr. CLARK of Missouri and Mr. PAYNE rose.

The CHAIRMAN. The gentleman from Missouri is recognized.

The Chair desires to state, in further answer to the parliamentary inquiry of the gentleman from Pennsylvania, that while as an original proposition the standing alone of the proposition would be clearly divisible, the Chair finds, on examination of Rule XVI, paragraph 7, that "a motion to strike out and insert is indivisible." The Chair would therefore hold that this amendment is not divisible. It is obvious, of course, the same purpose can be reached by an amendment to the amendment by striking out either one of the separate provisions. The Chair thought it necessary to make this statement.

Mr. CLARK of Missouri. Mr. Chairman, the situation in this House to-day demonstrates what I have frequently asserted to be the fact—that the Congress of the United States is utterly incompetent to conduct the local affairs of the District of Columbia.

We have pending here now four distinct propositions as to how these school trustees shall be elected or appointed. The committee recommends that the Commissioners of the District appoint them. The gentleman from Vermont [Mr. FOSTER] recommends that the supreme court of the District of Columbia appoint them. The gentleman from Illinois [Mr. MADDEN] wants the President of the United States to appoint them. Somebody suggested, although the proposition has not been put into concrete form, that the people of the District elect the trustees; and, gentlemen, when you get down to the bottom facts about it, that is the only one of these propositions that has any common sense in it. [Applause.]

I see the gentleman from Ohio, General KEIFER, applauded that statement. I will give him a piece of advice and some information very suddenly. The gentleman has a bill pending here now to do what I have introduced a bill in three Congresses to accomplish—to give these people local self-government. But you will be a great deal older than you are before you get that bill passed. [Laughter and applause.] I learned much by experience; my friend from Ohio will do likewise. I entered upon that crusade full of hope; but the longer I kept at it the more hope diminished, because the people who rule public sentiment in this city do not propose that that thing shall happen—not if they can prevent it.

It is commonly asserted that this is the best ruled city on the continent. I deny it. It is the worst ruled city on the continent. [Applause on the Democratic side.] I do not criticise the Commissioners. They do the best they can, no doubt. I inveigh against an evil system, for any system is bad that deprives people of their rights or relieves them from their responsibilities as citizens. The state of affairs that exists in the District of Columbia to-day, right under the shadow of the Dome of the Capitol, is the severest condemnation of our entire system of representative government that human ingenuity could devise. If I had my way about it, I would put the people of the District on a flat-footed equality, so far as home rule is concerned, with the rest of the communities of the United States, and they should work out their own salvation with fear and trembling. [Laughter and applause.] Give them back the right to vote; compel them to levy and to collect their own taxes and to disburse their own revenues. Then their ideas of economy will be much improved. Let them cease to be wards of the nation. Let them wrestle with the problems which influence their prosperity and happiness. It is not always a pleasant function to participate in public affairs, but it is a health-giving performance nevertheless. If the Congress could be induced to attend to its own business and the people of the District could be induced to attend to theirs, we would all be better off.

I congratulate the committee on bringing in this bill. It is not perfect—some of us want to perfect it—but it is a step in the right direction. In the last Congress the gentleman from New York [Mr. COCKRAN] and the gentleman from Vermont [Mr. FOSTER] led a crusade to reorganize these schools, and I was their humble coadjutor in that work. We extracted then from the Committee on the District of Columbia, or the Committee on Appropriations—whichever committee it was that had the bill in charge—a promise that at this session of Congress a proposition should be brought in to increase the teachers' salaries.

That is what ought to have been brought in here, without any of these complications about reorganizing the service. It is written that "the laborer is worthy of his hire," and there is no class of laborers in the wide, wide world better entitled to a good wage, a fair wage, a living wage, than the schoolteachers of the country. [Applause.] So far as that purpose has been accomplished in this bill, I am heartily in favor of it. I do not advocate extravagant or excessive pay for the teachers, but good pay. The most unprofitable performance known among men is to employ incompetent teachers, and competent teachers can be retained only by giving them adequate compensation.

So far as giving the President the right to appoint these trustees is concerned, I am opposed to it. I think that he already has duties enough to discharge. They are multitudinous and multifarious. By the time he runs Congress [laughter] and makes 300,000 appointments, and lectures "The man with the

muck rake," and educates husbands and wives as to their domestic relation, and roasts Federal judges for miscarriages of justice—God knows they need roasting—and establishes peace betwixt warring nations, and polices the Western Hemisphere, and attends to those other things of which he seems to take supervisory interest, I think he will have enough of the white man's burdens on his shoulders without assuming any more of them. [Applause and laughter.] I know that he is a remarkable man, in the very flower of his years; I recognize that he is a man of vast energy, a sort of human dynamo; but you need not expect to have that sort of a man in the White House forever and eternally. Suppose you put a man in there next time with only ordinary energy and ordinary powers of endurance, and then load him down with this new burden. It will be decidedly unhealthy for him. We are legislating for the average President and not on the theory that we will have President Roosevelt with us till the end of the world.

As far as the District Commissioners are concerned, I happen to know only one of them, Henry Litchfield West, and, in my judgment, he is as fine a man as there is in the city of Washington—honest, intelligent, industrious, faithful; but the Commissioners have enough to do if they discharge their legislative and executive functions in this town—because they exercise both.

Mr. SIMS. And do not forget their social functions.

Mr. CLARK of Missouri. And the social duties, and the oratorical duties, too, as the gentleman from Tennessee [Mr. SIMS] suggests. To have the judges of the supreme court of the District appoint the trustees is the proposition which strikes me most favorably of these three, for I can not get the trustees elected, as they ought to be. It seems to me that the most sensible proposition actually presented here is the one suggested by the gentleman from Vermont, to have the judges of the supreme court of the District of Columbia appoint these trustees. They are citizens here and citizens for life. In the very nature of things they become better acquainted in the District of Columbia than the President of the United States does, although it is certainly true, as the gentleman from Illinois [Mr. MADDEN] suggests, that the present occupant of the White House is very extensively acquainted with the people of the United States—too much so, as was demonstrated by the returns of the November election in 1904. [Laughter.] But while he may have a larger and more general acquaintance, he has not as intimate acquaintance in the District as these judges have.

I do not intend to criticise this present school board. The gentleman from Vermont says he has no personal interest in the matter. I have. I have a boy and a girl going to school; and, so far as I have been able to ascertain, the teachers are efficient, the schools are most excellent, and my children have learned very rapidly; but evidently there is something out of joint about the administration of the school affairs in this District.

I do not know who is to blame in that long-drawn-out controversy which they had last summer, but I do know this, that to have a controversy about whether a certain man shall be superintendent of one of those schools drag along for four or five months in the newspapers every day is absolutely ruinous in the end to the discipline of that school, no matter who was right or who was wrong. In that case the pupils were against the teacher. In this last case that is on the boards now the teachers are against the principal. I understand it by rumor—if the gentleman from New York [Mr. COCKRAN] will permit me to quote a rumor—I understand the fact to be that the boys in the McKinley School, and the girls, too, as far as I know, are enthusiastically in favor of that principal, whom eleven of the teachers have asked to have thrown out of there. The difficulty last summer could have been settled in a week, and it ought to have been settled in a week. This controversy about the McKinley School could be settled in a week, and it ought to be settled in a week; and if the present system of appointing trustees in this city does not get a board that will work out results in a reasonable lengh of time, then surely you ought to change the appointing power.

As far as the amendment of the gentleman from Tennessee is concerned—that is, to substitute the word "negro" for the words "colored persons," I do not care anything about it. It is immaterial and inconsequential. It does not make a bit of difference whether a man is called a colored man or a negro. One of those appellations is just as polite as the other. In the Roman Republic they had an officer whose titular designation was censor morum—censor of manners. The other day the gentleman from Massachusetts [Mr. GARDNER] set himself up as censor verborum—censor of words—and now my friend from Tennessee is following the example of the gentleman from Massachusetts.

What I want to see done here this afternoon is to amend this bill, improve it, perfect it, and pass it in order that the teachers of this city may receive the wages to which they are properly and justly entitled. [Applause.]

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. COCKRAN. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Pennsylvania [Mr. MORRELL] a few questions which are made pertinent by the range which the discussion has taken. If I understand it, the statement which has been voiced here by the gentleman from Vermont is based on facts which have been before the Committee on the District of Columbia. There is a plain intimation running all through this debate that for some reason or other the administration of these schools has practically fallen into demoralization; that the present trustees have permitted insubordination on the part of pupils, violent discussions and dissensions between teachers and principals, while, according to the gentleman from Illinois, there is in the background the shadow of some imputation suggesting the existence of grave scandal which has not been properly stated and defined on this floor. Now, I do not know any of these trustees, but if they have reached such a depth of incapacity that they can not be trusted to exercise the power of appointment provided for in this bill it seems to me they are hardly fitted to be left in office for any purpose. I think before we proceed to cast upon them an imputation so great as would be involved in the adoption of this amendment we ought to have some definite information about this charge or imputation of incapacity or worse before this committee. As the gentleman from Missouri [Mr. CLARK] has just said, some way or other there is demoralization. Now, if the committee has investigated that matter I think the gentleman from Pennsylvania ought to give us the benefit of the investigation.

Mr. MORRELL. Mr. Chairman, in answer to the gentleman from New York, I may say that no investigation was made by the subcommittee on the District of Columbia in relation to the alleged abuses in the schools. No charges of abuses in the schools, except in one instance, were made, and that instance was investigated by the committee to the extent of going over the testimony which had been taken by the board of education, having charge of that investigation, and we reviewed the findings from the facts presented. Those facts and the findings were such as did not warrant the subcommittee of the District of Columbia taking any action in the matter whatsoever.

The committee confined itself, as far as possible, in the deliberations to a discussion of the subject-matter of the different bills. If the gentleman had read over the hearings which were had before the subcommittee, he would see that these were the matters that were discussed, and that it was from these hearings that the bill was framed in the present shape in which it is presented to the House.

Mr. COCKRAN. The gentleman must see that in presenting a bill of this character, vesting the power of appointment in the Commissioners, it is practically certifying to the efficiency of the Commissioners of the District of Columbia for the performance of this duty.

Mr. MORRELL. That might be had it not been that no testimony was submitted to the subcommittee which gave them any reason to believe otherwise.

Mr. COCKRAN. The facts stated by the gentleman from Vermont were not before the committee?

Mr. MORRELL. We had no knowledge of them.

Mr. COCKRAN. They were not before the committee in any way?

Mr. MORRELL. They were not.

Mr. PAYNE. Mr. Chairman, I have been listening for the last hour to find out what the charge was against the present board of education. It is true the gentleman from Vermont [Mr. FOSTER] says they are all fine people, good citizens individually; he likes them, commends them, gives them a certificate of character, but he makes the general charge of incapacity, and so far as I have been able to find out he bases it upon that matter over at the McKinley School, which has been in the newspapers for the past two days. I never heard of that matter until about a week ago, or of what was done last summer, but I am informed that within the past week the board has referred the whole matter to the superintendent of schools, with power to make an investigation, and that he is now engaged in that investigation.

Mr. MORRELL. I would like to interrupt the gentleman from New York and inform him that the investigation that was made last summer was in relation to another matter and not in relation to this McKinley School.

Mr. PAYNE. I was misled, then, because some gentleman on the floor connected the two together, but it seems that they are

entirely different cases. I would like to ask the gentleman from Pennsylvania if the case that his subcommittee reviewed was the case that occurred last summer?

Mr. MORRELL. No; it was not.

Mr. PAYNE. Mr. Chairman, I submit to the House that the indictment and proof made by the gentleman from Vermont is not sufficient to turn out this board of education with the stigma upon them, with the allegation on the part of the House that they are incompetent and incapacitated to perform the duties of their office. I do not know how long they have held these positions. I believe—and the gentleman from Pennsylvania [Mr. MORRELL] will correct me if I am not stating it correctly—that the present term is seven years.

Mr. MORRELL. Seven years.

Mr. PAYNE. And some of them have held office for seven years.

Mr. MORRELL. I think that is a fact.

Mr. PAYNE. The majority of them were undoubtedly appointed before the present Commissioners of the District took office and were appointed by the previous board.

Mr. MORRELL. Yes; that is a fact.

Mr. PAYNE. The gentleman from Vermont [Mr. FOSTER] has no confidence in the District Commissioners and their capacity to appoint a good school board. He has confidence, which he has expressed, in the supreme court of the District, and yet both the District Commissioners and the judges of the supreme court are appointed by the President and confirmed by the Senate of the United States. They both get their offices in the same way and from the same source. Mr. Macfarland, whom he seems to condemn, was within the last three or four weeks reappointed a Commissioner of the District by President Roosevelt, who has had three years to see what sort of a Commissioner he has made and was so satisfied with him that he appointed him promptly, and the Senate promptly confirmed him. So I do not feel that the gentleman from Vermont [Mr. FOSTER] is justified in his general charge as to the capacity of the District Commissioners any more than he is justified in his indictment of the District Committee which he presented here. He says he has no charge against them individually, but he does not like their action as an entity. He characterized their voting down of his amendment as spurning the amendment. It seems to me we had better leave this matter right where it is, and in that view of it I take into consideration the fact that the judges of the supreme court of the District are entirely separate in their duties from any executive office or from the care of any executive affairs. They are appointed as judges. They are appointed because they are good lawyers and fit to be judges. They are not appointed to take in charge any executive affairs of the District. They are not appointed or selected for the purpose of selecting a board of education, which is simply of the executive department of the District and has no relation whatever to judicial functions. Therefore it is that I believe we ought to leave this thing right where it is—lodge it in the hands of the Commissioners of the District and leave it there.

Mr. SIMS. Mr. Chairman, I now move that all debate on this paragraph and the amendment offered by the gentleman from Vermont be now closed.

The CHAIRMAN. The Chair recognized the gentleman from North Carolina [Mr. GUDGER] to offer an amendment.

Mr. GUDGER. Mr. Chairman, I desire to change the amendment which I sent up to read from the word "members," in line 9. Strike out all the words after the word "members," in line 9, section 2, down to the word "and," in line 11.

The CHAIRMAN. The gentleman from Tennessee moves to close all debate upon the amendment offered by the gentleman from Vermont.

Mr. GUDGER. Mr. Chairman, I ask for a minute's time to explain this amendment.

The CHAIRMAN. The Chair will call the attention of the gentleman from Tennessee [Mr. SIMS] to the fact that the amendment offered by the gentleman from North Carolina [Mr. GUDGER] is first in order, because it is a perfecting of the text, and therefore the Chair imagines the gentleman may wish to withhold his motion to close debate. The gentleman from North Carolina is recognized.

Mr. GUDGER. Mr. Chairman, the words I propose to strike out in section 2 are as follows, in line 9: "only three of whom shall be women, and of the nine members three shall be of the colored race, one of whom shall be a woman." My purpose in striking that out is that whoever is named to appoint this board may have full power to appoint either all women or all men, or all white people or all colored people—in other words, that they must take the responsibility and use their judgment in the appointment of this board, because Congress and the people of the country will hold them responsible for the acts and the conduct of the board.

Mr. SIMS. Mr. Chairman, I now move that all debate on the amendment offered by the gentleman from Vermont [Mr. FOSTER] and other pending amendments be now closed.

Mr. MADDEN. Mr. Chairman, I think the Chair recognized me to introduce an amendment some time ago, and suggested that I could present it later.

The CHAIRMAN. Will the amendment of the gentleman from Illinois [Mr. MADDEN] perfect the text of the bill that it is proposed to have stricken out by the motion of the gentleman from Vermont?

Mr. MADDEN. No; it has nothing to do with that particular amendment.

The CHAIRMAN. Then the Chair thinks the gentleman had better withhold his amendment for the present.

Mr. MADDEN. Very well.

Mr. MORRELL. Mr. Chairman, I call for a vote upon the amendment which was last presented.

The CHAIRMAN. The gentleman from Tennessee moves that all debate upon the two pending amendments and the paragraph be now closed. The question is on the motion to close debate on the paragraph and two pending amendments.

Mr. MORRELL. On the two amendments.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee to close debate upon the two pending amendments.

The question was taken; and the motion was agreed to.

The CHAIRMAN. Now, the Clerk will report the amendment offered by the gentleman from North Carolina, which is first in order.

The Clerk read as follows:

Amend section 2 by striking out, in line 9, page 1, all after the word "members" down to the word "and," in line 11.

The words to be stricken out read as follows: "Only three of these shall be women, and of the nine members three shall be of the colored race, one of whom shall be a woman."

Mr. MORRELL. I hope that amendment will not pass, and I call for a vote.

The question was taken; and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. GUDGER) there were—ayes 84, noes 39.

So the amendment was adopted.

Mr. ALEXANDER. Mr. Chairman, tellers.

The CHAIRMAN. The question now recurs to the amendment offered by the gentleman from Vermont.

Mr. PADGETT. Mr. Chairman, I ask that that be again reported.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again reported.

The question was taken; and the Chair announced that the ayes appeared to have it.

On a division (demanded by Mr. NORRIS and Mr. CAMPBELL of Kansas), the ayes were 113 and the noes were 38.

So the amendment was adopted. [Applause.]

Mr. MADDEN. Mr. Chairman, I move to amend section 2, page 2, line 18, by striking out all after the word "public" and all of line 19.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 18, strike out all after the word "public" down to and including line 19.

Mr. MADDEN. Mr. Chairman, I think it is quite as important that all of the committee meetings held under the jurisdiction of the board of education should be held in public as it is that all meetings of the board itself should be public. This amendment seeks to compel the board of education or its committees to hold all meetings of every name and nature in the open, so that any person interested in any question that may be under consideration may have the right to be present and hear what is going on.

In the great city of Chicago the mayor of the city appoints the board. There are twenty-one members of this board, and the board appoints a committee on school management, and this committee on school management hears all cases of complaint. It elects or selects and recommends to the board the appointment of all teachers, and there are no star-chamber meetings held by the board or any committee of the board for any purpose whatever, and there is no good reason why a public body transacting public business supposed to be for the public good should hold its meetings behind closed doors. Everybody in the District of Columbia is interested in every act of every committee of this board, and every citizen of the District should be permitted to be in attendance at every meeting if

they choose. No committee should be permitted under any circumstances to hold a private meeting to transact public business, and if by any chance there may be teachers whose characters need investigation, as the language of this section would imply, the more publicity given to the investigation of those characters the better it would be for the public and for the teachers.

Mr. SAMUEL W. SMITH. Will the gentleman permit me to ask him a question?

Mr. MADDEN. Certainly.

Mr. SAMUEL W. SMITH. Do you object to the Senate going into executive session in the discharge of public business?

Mr. MADDEN. I have nothing whatever to do with what the Senate does——

Mr. SAMUEL W. SMITH. Do you object to the directors of a bank going into executive session to consider their business?

Mr. MADDEN. I have nothing to do with fixing the rules under which the Senate transacts its business, but to-day we, as representatives of the American people, are here to say what shall be done by a board which we are about to create.

Mr. MORRELL. Will the gentleman permit a question?

Mr. MADDEN. Certainly.

Mr. MORRELL. I would like to ask the gentleman if he disapproves of the meetings of the different committees of the House being held behind closed doors?

Mr. MADDEN. I understand that any person wishing to enter any room in which any committee meets at any time during the session of such committees would have the right to go into the room.

Several MEMBERS. Oh, no.

Mr. MORRELL. May I ask if that is the rule of the Appropriations Committee?

Mr. MADDEN. Certainly. Anybody can come in and see what we do. Even the gentleman from Pennsylvania [Mr. MORRELL] can be admitted.

Mr. MORRELL. That would be a concession, I grant.

Mr. MADDEN. At all events, Mr. Chairman, there certainly ought not to be any star-chamber meetings held by this board of education.

Mr. MORRELL. Mr. Chairman, I would say that the object of the committee, so far as that subject is concerned, was that public scandal should not be given publicity when it came to investigating the character of the teachers. It is not fair to the teachers, and for that reason the exception was made by the committee. I sincerely trust that that amendment will not prevail. [Cries of "Vote!"]

Mr. GOULDEN. Mr. Chairman, I want to say that I am opposed to the amendment offered by the gentleman from Illinois [Mr. MADDEN].

As an old school official in the city of New York we found it necessary for committees to go into executive session upon questions of the character and standing of the teachers. The fact is, that the board of education in that city has the power to go into executive session at its pleasure. We have seldom done so, and I think but once or twice in five years, but the power should be given at least to the committees under circumstances of this character as provided in the bill. The character of the teachers may be investigated, with the many ugly rumors current, usual in cases of this kind, so that I think it would be a serious mistake and a permanent injury to the school to permit it to take place in open meetings of the committee. I trust that the amendment will not prevail, to the end that impartial justice may be done the teacher and the educational system. [Cries of "Vote!"]

The CHAIRMAN. The question is on the adoption of the amendment submitted by the gentleman from Illinois [Mr. MADDEN].

The question was taken; and the amendment was rejected.

Mr. FOSTER of Vermont. Mr. Chairman, I wish to offer an amendment to correct the text, in view of the amendment that has just been adopted. In line 10, on page 2, strike out "the Commissioners" and substitute "the supreme court judges;" so that it will read:

Vacancies for unexpired terms, caused by death, resignation, or otherwise, shall be filled by the judges of the supreme court of the District of Columbia.

That is just to correct the text.

Mr. GILBERT of Kentucky. Mr. Chairman——

Mr. MORRELL. The committee accepts the amendment.

The CHAIRMAN. The gentleman from Vermont [Mr. FOSTER] offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 2, line 10, strike out the word "Commissioners" and insert "judges of the supreme court."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Vermont.

The question was taken; and the amendment was agreed to.

Mr. GILBERT of Kentucky. Mr. Chairman, before that question was put to the House I was clamoring to be heard in opposition to it.

The CHAIRMAN. The Chair begs the pardon of the gentleman.

Mr. GILBERT of Kentucky. I want to say a word or two in opposition now, because the committee can retrace its steps.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to be allowed to proceed. Is there objection?

There was no objection.

Mr. MORRELL. Mr. Chairman, I would like to ask how much time the gentleman wants?

Mr. GILBERT of Kentucky. Only two minutes. I just wanted to remind the committee that this bill, in my judgment, is clearly in violation of the Constitution. We had precisely a similar piece of legislation enacted by the legislature of Kentucky, conferring upon the court of appeals of Kentucky authority to appoint three commissioners like these. The court of appeals refused to exercise that function, refused to enforce that piece of legislation, and took the position that under the Constitution you could not thrust upon a judicial tribunal any legislative or executive function. The supreme court of the District of Columbia will say, "You are undertaking to load us up with certain nonjudicial duties, certain legislative and executive functions which do not harmonize with the duties of the court, and we will refuse to execute the statute."

Mr. KEIFER. Was not the decision the gentleman refers to a decision based on the provisions of the constitution of his State?

Mr. GILBERT of Kentucky. Of course, but that provision pervades the Constitution of the United States and separates the legislative, the executive, and the judicial functions.

Mr. KEIFER. I think we have had a similar decision in Ohio to the one the gentleman cites, but it was because of the peculiar language of the constitution of the State of Ohio. I am not familiar with the case in Kentucky.

Mr. GILBERT of Kentucky. It occurred to me that this same provision existed in substantially all the constitutions, the power to appoint the school officers creating a function that was not judicial in its character.

Mr. GARRETT. If the gentleman will permit me, a parallel case where the Supreme Court of the United States held in the early days of the Republic, when there was an act of Congress requiring of those judges that they perform certain duties, as I remember it, in pension claims——

Mr. GILBERT of Kentucky. Yes.

Mr. GARRETT. Of the Revolutionary war.

Mr. GILBERT of Kentucky. And they refused.

Mr. GARRETT. And they refused.

Mr. GILBERT of Kentucky. The same doctrine has been announced by the Supreme Court of the United States, by the supreme court of Ohio, and by numerous other supreme courts, and I take it the statute will be null and void if it is enacted. That is all I have to say.

Mr. FOSTER of Vermont. I call for the regular order.

The CHAIRMAN. The Chair would have been glad to recognize the gentleman from Kentucky, but in the confusion the Chair did not hear him address the Chair.

Mr. NORRIS. Mr. Chairman, in lines 12 and 13, page 2, there is a provision made for the appointment of a secretary to the board. There is no term fixed here for the secretary and no salary. I would ask the gentleman in charge of the bill if it would not be better to define the salary of the office and definitely the term of the office.

Mr. MORRELL. It was certainly not the intention of the committee to ask any gentleman to work for nothing. In fixing the salaries, outside of the other employees, the salary for the secretary of the board of education is fixed at $2,000.

Mr. NORRIS. Well, what about the term of office?

Mr. MORRELL. At the pleasure of the board.

Mr. NORRIS. Had the committee taken that into consideration, and does the gentleman think it advisable not to fix a definite term?

Mr. MORRELL. That has always been the course—at the pleasure of the board, and removal at the pleasure of the board.

The Clerk read as follows:

The board shall also appoint a superintendent of buildings and supplies, who shall give such security for the faithful performance of the duties of his office as the board of education shall prescribe. He shall have entire jurisdiction of the care of all school buildings and premises, and shall purchase and have the care and distribution of all supplies needed for the schools, under such regulations as the board of education shall prescribe. He shall have as assistants one clerk, who shall have charge of supplies, one inspector of janitors, and one stenographer and typewriter. The assistants to the superintendent of buildings and supplies shall be appointed by the board of education

upon the written recommendation of the superintendent of buildings and supplies.

Mr. FITZGERALD. Mr. Chairman, I move to strike out, on page 4, lines 12 down to and including line 24.

The Clerk read as follows:

Page 4, strike out all of lines 12 to 24, both inclusive.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the committee to the fact that the object of this provision is to provide a new and unnecessary office. It has no relation whatever to the question of providing adequate salaries for the school-teachers in the schools. This provision provides for the appointment of a superintendent of repairs and supplies. In order to understand this provision, it is well to call the attention of the committee to the fact that at present all school buildings are designed, erected, and taken care of by the Engineer Commissioner in charge of the District. A man in his office is in charge of the repairs of all buildings in the District of Columbia. There are about 200 buildings in the District of Columbia under his jurisdiction. One hundred and fifty of them are schools. He receives $1,500 a year. This superintendent of repairs and supplies is to receive, under another paragraph in this bill, $3,600. The committee has included under the jurisdiction of this man the clerk who is now authorized to take charge of all supplies, and who is now receiving a salary of $1,200 a year, which this bill provides this clerk shall receive. This also transfers to the jurisdiction of the superintendent of repairs the superintendent of janitors, who is also provided for in the present law. This provision adds two employees, the superintendent, at $3,600 a year, and a stenographer for that superintendent. If he be appointed, the only time he will have anything to do is during vacation period, because, as it appeared in the preparation of the appropriation bill, outside of the vacation period there are very few men under him, and during the two months of vacation about 200 men are employed in the work of repairing schools.

I wish to call the attention of the committee to the necessity of keeping the work of repairing the schools under the exclusive jurisdiction of the Engineer Commissioner in charge of this work. The Commissioners of the District submitted from the board of education a request for $40,000 to make repairs to the Central High School. In the hearings upon the appropriation bill the subcommittee directed the engineer in charge to personally examine that building and submit a report himself. After a personal examination of the building he came before the committee and stated that for $10,000 he could do all the work that was necessary to be done to put the school in first-class shape. This provision would take out of the jurisdiction of the Engineer Commissioner the repair of schools, while it would leave under his control the work and the duty of designing the schools and the erection of the schools. It should never have been incorporated in a bill providing for a readjustment of the salaries of the school-teachers. It is a vicious provision that should be eliminated.

Mr. JOHNSON. Will the gentleman allow me to ask him a question?

Mr. FITZGERALD. I will.

Mr. JOHNSON. Did not the bill which we passed last Saturday, making appropriations for the District of Columbia, provide all the necessary force for doing that work?

Mr. FITZGERALD. It did.

Now, in the department of buildings, which is under the Engineer Commissioner, there is ample force to do this work, and it is merely authorizing two employees not now authorized—one to receive a salary of $3,600, and a stenographer to receive a salary, as I recollect it, of $900 a year.

Mr. MADDEN. And then it reduces the duties of the man who is already provided for.

Mr. MORRELL. In reply to the gentleman from New York, I will say, on behalf of the committee, that we went very thoroughly into the question of examinations for repairs. Colonel Biddle, the Engineer Commissioner, came before the committee and explained the system as it now exists, which is that once in every year a blank is sent to each school principal, who fills out a statement of what in his opinion is needed. This is submitted to the superintendent of repairs. In the interim the officer attached to the Engineer Commissioner's office who has charge of repairs, visits at intervals these school buildings. The statement was made that considerable reliance was placed upon the janitors of the buildings, and even upon the school principals to send notice to the Engineer Commissioner's office when repairs were needed. Now, one instance was cited where a trapdoor had been left off the roof of one of the school buildings by the janitor, resulting in a leak which had failed to be reported, with the result that a great deal of damage was done to that building. It was thought that an officer who had no other duties to perform except of going from one school to another to ascertain what repairs are needed, would perform that duty better than it is being performed now, and would in the end save his salary. Moreover, the superintendent of repairs has all the other buildings—police, fire, etc.—of the District in his charge.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. MORRELL. Yes.

Mr. MADDEN. Did the gentleman learn from the Engineer Commissioner that, in addition to the superintendent of buildings, who has charge of the investigation, construction, and repair of all buildings within the District, there are under him fifteen building inspectors, whose duty it is to examine the buildings in the District, not only as to the method of their construction, but as to their character after they are constructed, and as to whether or not they are worthy to be considered as safe at any time and whether they need repairs?

Mr. MORRELL. Not as far as the schools were concerned. The impression left upon the minds of the committee by the Engineer Commissioner was to the effect that there was but one officer to perform that duty as far as schools were concerned and as far as looking after the necessary repairs to school buildings was concerned, so much so that the Engineer Commissioner entertained an addition to his force rather than the officer herein provided.

Mr. MADDEN. The fact is that in the appropriation bill passed last Friday provision is made for the salary of the man who has always had charge of the repairs of public buildings, including the schools; and an appropriation is also made for the salaries of fifteen building inspectors, whose duty it is to see that all buildings are in proper condition, and whose further duty it is to condemn any building that ought to be condemned as unsafe; and it seems to me, Mr. Chairman, that in view of the appropriations already made to cover the work of this kind that there is to be done this amendment offered by the gentleman from New York ought to prevail.

Mr. MORRELL. To go a little further in answer to the gentleman, also as far as this matter of supplies is concerned, the committee did not think that it should be a part of the duty of the superintendent of schools to have anything to do with these supplies. The superintendent of schools ought to devote all of his time to the actual instruction going on and to the charge of the teachers.

Mr. MADDEN. There is a man whose title is property clerk, is there not, of the board of education?

Mr. MORRELL. There is a clerk; yes.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MORRELL. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. MORRELL. In answer to the gentleman who asked me the question, I should like to read the following from the statement of Major Biddle, the Engineer Commissioner:

> Major BIDDLE. Yes, sir. We have a special man who is in charge, called the superintendent of repairs. He has in charge the repairs of all buildings in the District—all public District buildings. We rely a good deal, of course, on the statements of the principals of schools for information when anything goes wrong; they are there all the time and can give us that information, and if something appears to be very much out of order the repairs are made at once.

And then Colonel Biddle explained the method of the sending out of the blank, which I have already mentioned to the gentleman.

Mr. MADDEN. I want to say that in response to and in compliance with a suggestion made by the principal of, I think it was the Central High School, the District Commissioners requested that $40,000 be set aside for repairs in that school; believing this sum to be excessive the Committee on Appropriations requested the Engineer Commissioner to make a personal examination and report back to the committee. After the personal investigation was made he reported back to the committee that $10,000 was all that was needed instead of $40,000.

Mr. MORRELL. That is just what I wanted to get away from. I want to get away from the fact that the principals of the schools shall have anything to do with it.

Mr. MADDEN. That recommendation was made by the board of education at the request of the principal of the school.

Mr. MORRELL. I understood the gentleman to say the principal of the school.

Mr. GOULDEN. Mr. Chairman, in this connection I want to say that the amendment offered by the gentleman from New York [Mr. FITZGERALD] should not receive favorable considera-

tion. He terms it unnecessary, and, I believe, used the term "vicious." I want to say that in his own city of New York the superintendent of schools comes first, and next the superintendent of buildings, and we regard the latter as one of the most essential positions in the government of our schools. We have also had an allusion made by the gentleman from Illinois [Mr. MADDEN] to the fact that there are fifteen building inspectors. These are to inspect the buildings of the city, those of private individuals, firms, and corporations, and not public buildings.

Mr. FITZGERALD. In the city of New York the superintendent of buildings and supplies is charged with the designing and construction of the buildings. This provision does not give him any such power; all that it merely gives him is the charge of the repairs, which are insignificant.

Mr. GOULDEN. It gives him charge of the buildings and such other duties as the board of education may assign to him.

Mr. FITZGERALD. I beg the gentleman's pardon.

Mr. GOULDEN. Well, that is a matter of opinion. The proposed amendment of the gentleman from New York will strike out one of the most essential and important sections of the provisions for schools in the city of Washington. The Engineer Commissioner of the District of Columbia has enough responsibility and duties aside from the care of public school buildings and the erection of new ones. The matter of supplies is not in his department and will form an important part of the work of this proposed new official should the section be adopted. I trust that Members will think it of sufficient importance to vote down the amendment and stand by the proposed bill as it has been presented by the committee.

Mr. SIMS. Mr. Chairman, I move that all debate on this section be closed in ten minutes.

Mr. WILLIAMS. Mr. Chairman, if the gentleman makes the motion and it is adopted, it will shut off any amendments that are in contemplation. If he will confine it to this proposition, it will not cut off other amendments that gentlemen have in contemplation. I hope as the matter stands it will be voted down. There are other amendments to other parts of the section as well as to this proposition.

Mr. SIMS. I wish to say, Mr. Chairman, that my object is to expedite this bill. My desire is that we sit here all night, or until we finish it.

The CHAIRMAN. Will the gentleman from Tennessee state his motion?

Mr. SIMS. That all debate on the present section and amendments thereto close in ten minutes.

The question was taken; and the motion was disagreed to.

Mr. GARDNER of Michigan. Mr. Chairman, I want to read——

Mr. CRUMPACKER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CRUMPACKER. Debate on the pending amendment has long ago been exhausted and there are a number of gentlemen here who desire to offer amendments.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Indiana.

Mr. GARDNER of Michigan. Mr. Chairman, I move to strike out the last word. I want to read, for the information of the House, the hearings on this point before the Committee on Appropriations:

Question. What is the superintendent of repairs, whom you want to raise from $1,500 to $1,800?

Colonel BIDDLE (Engineer Commissioner). He has charge of the repairs of all of the District buildings. It takes, as you can readily see, a man of considerable executive ability to take charge of so much work. There are 200 District buildings scattered throughout the District that require a great variety of repairs.

This is the man who has a salary fixed at $1,500 that you want to raise to $3,600 to do precisely the same work. And further than that, the appropriation has been made, the man has accepted the provision, and Colonel Biddle says that he is an exceedingly competent man to do the work required. What more do gentlemen want? On the authority of the Engineer he is a competent man willing to do the work at $1,500. Now, gentlemen come in and want to make an appropriation of $3,600 to do precisely the same work.

Mr. JOHNSON. Will the gentleman yield to an interruption?

Mr. GARDNER of Michigan. Yes.

Mr. JOHNSON. We have already provided in the District appropriation bill for that man. This proposes to create another position for a man to be in charge of only part of these buildings, at a salary of $3,600 a year.

Mr. GARDNER of Michigan. And it is proposed to pay two and two-fifths times as much to do a part of the work as a man can do the whole work for. That is the situation.

Mr. JOHNSON. And we have already appropriated for it.

Mr. GARDNER of Michigan. I read further:

How many men does this superintendent have under him?

He has a few in the winter, but in the summer, while the school repairs are going on, sometimes he has about 200.

For nine months in the year but very little to do, the man that it is proposed to pay $3,600 a year to; and in the summer a considerable force for from ten to twelve weeks at the outside. I submit to the gentlemen of the House, is it not simply good business as well as economy to let the present arrangement stand, as long as there is no fault found with its efficiency?

Mr. WANGER. Is that superintendent a purchasing agent of the District—the distributer of supplies?

Mr. GARDNER of Michigan. No; he is not the purchasing agent. The purchasing agent is also provided for, and an appropriation made for that office.

Mr. WANGER. Are not those two offices combined in this provision?

Mr. GARDNER of Michigan. I think they are, but I doubt very much whether you can have a carpenter and a purchasing agent in one and the same man and have him efficient.

The CHAIRMAN. The time of the gentleman has expired.

Mr. POU. Mr. Chairman, this section in this bill was given careful consideration by the committee, and we decided that the establishment of this position of superintendent of buildings and supplies was necessary. We believed from the information obtained at the hearings before us that there was urgent necessity that a competent person should have supervision of the school buildings in the District of Columbia. It appeared to the committee that there was a positive need for the creation of this office. Personally I am opposed as a rule to the creation of new offices or the raising of salaries, but I hope that the amendment of the gentleman from New York [Mr. FITZGERALD], which I believe strikes out this provision, will not prevail.

Mr. MORRELL. Mr. Chairman, I call for a vote.

Mr. BURLESON. Mr. Chairman, the time has not yet expired. I desire to be recognized for a word or two on this proposition.

The CHAIRMAN. The Chair will recognize the gentleman from Texas.

Mr. BURLESON. Mr. Chairman, I certainly hope the amendment offered by the gentleman from New York [Mr. FITZGERALD] will prevail. The gentleman from North Carolina [Mr. POU] says that his committee gave this matter most careful consideration and attention, and that they reached the conclusion that there was a real necessity for the creation of this new place. I can not understand, if the District Committee did give this matter such careful consideration, how in the world it reached such a conclusion, because, as a matter of fact, the place already exists. The gentleman from North Carolina [Mr. POU] also says we need a competent man in this very necessary place. I can relieve his anxiety on that score also, for we have the assurance of the Engineer Commissioner, Colonel Biddle, that a most competent man is filling this place at this very time, and that he is drawing only $1,500 a year for discharging the important duties imposed upon him. Yet, Mr. Chairman, this cautious District Committee, that claims to have given most careful consideration to this matter, comes here and in this bill recommends the creation of this additional place, to be filled by some one who is to discharge the very duties, or only a part of the duties, that are now being discharged by the employee who is being paid only $1,500 a year, and this careful committee proposes in this bill to give the new man $3,600 a year.

Mr. TAWNEY. Mr. Chairman, will the gentleman from Texas permit a question?

Mr. BURLESON. Yes.

Mr. TAWNEY. Does the man who is now filling that position have assistants and a typewriter, and also a clerk?

Mr. BURLESON. Certainly he does not. He does not need them.

Mr. TAWNEY. Is the gentleman aware that this particular man shall have as assistants one clerk, who shall have charge of supplies, one inspector and a janitor, one stenographer, and one typewriter?

Mr. BURLESON. I suppose that item providing for these useless places was the result of that careful consideration given this item by the District Committee.

Mr. FITZGERALD. These employees now exist, with the exception of the stenographer, but they are transferred from the control of the secretary of the board into this man's jurisdiction so as to give an excuse for the creation of the new office.

Mr. BURLESON. I am prepared to believe it. Mr. Chairman, as a matter of fact, there is absolutely no necessity for the creation of this place, as has been shown to you from the Dis-

trict Appropriation Committee hearings read by the gentleman from Michigan [Mr. GARDNER]. The truth is we now have a most competent man filling this place, if the Engineer Commissioner can be believed. Not only have we a most competent man already filling this position, but he is drawing only $1,500 a year. Now, why should we, without imposing new duties upon him, give him $3,600? I hope that the amendment offered by the gentleman from New York [Mr. FITZGERALD] will be adopted and that this whole paragraph will be stricken out. It is not necessary, it constitutes no essential part of this bill, and it does not pertain to the reorganization of the school system. It has no bearing upon whether the salaries of the teachers should be increased or not. It is an independent paragraph that can be stricken out without injuring or impairing in the least the main features of this measure, and this should be promptly done.

Mr. MORRELL. Mr. Chairman, I call for a vote on the amendment.

The CHAIRMAN. The Chair will hold that debate is exhausted on this amendment. The question is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was agreed to.

Mr. SIMS. Mr. Chairman, I move that in lines 1 and 2, page 4, the word "colored," in the first and second lines, be stricken out and the word "negro" be inserted therein. I do not wish to discuss it, and I call for a vote.

Mr. MORRELL. Will the Clerk report the amendment?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 1, page 4, strike out the word "colored" and insert "negro," and the same amendment in line 2.

The question was taken; and the amendment was rejected.

Mr. CRUMPACKER. Mr. Chairman, I desire to offer the following two amendments.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Insert after the word "Columbia," in line 18, page 3, "who shall hold said office for a term of three years and."

Also insert at the end of line 23, page 3, "The board shall have power to remove the superintendent at any time for adequate cause affecting his character and efficiency as superintendent."

Mr. MORRELL. Mr. Chairman, the committee accept those amendments.

Mr. CRUMPACKER. The gentleman from Pennsylvania, in charge of the bill, announces that he is willing to accept the amendment.

The question was taken; and the amendments were adopted.

The Clerk read as follows:

SEC. 4. That the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia shall be as follows:

TEACHERS.

Class 1.	Class 2.	Class 3.	Class 4.	Class 5.	Class 6.
$500	$600	$650	$800	$950	$1,000
525	625	675	830	990	1,000
550	650	700	860	1,030	1,100
575	675	725	890	1,070	1,200
600	700	750	920	1,110	1,300 Group A.
		775	950	1,150	1,400
		800	980	1,190	1,500
		825	1,010	1,230	1,600
		850	1,040	1,270	1,700
		875	1,070	1,310	1,800
		900	1,100	1,350	
					1,900
					2,000
					2,100 Group B.
					2,200

Kindergarten assistants, class 1.
Assistants to eighth grade principals, classes 1 and 2.
Model teachers of first and second grades, and kindergarten, class 4.
Teachers of first and second grades, class 2.
Teachers of third and fourth grades, and kindergarten principals, class 3.
Teachers of fifth, sixth, and seventh grades, class 4.
Teachers of eighth grades, class 5.
Teachers of manual training, drawing, physical culture, music, domestic science, domestic art, in the graded schools, classes 1 to 5.
Assistants to directors of primary instruction, classes 4 and 5.

Mr. OLCOTT. Mr. Chairman, I desire to offer an amendment, which I ask the Clerk to read.

The Clerk read as follows:

Insert after the word "music," in line 14, page 5, the following: "Group A, class 6, and teachers of."

Mr. MORRELL. Mr. Chairman, the committee will accept the amendment offered by the gentleman.

Mr. WILLIAMS. What is the amendment?

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

The question was taken; and the amendment was adopted.

Mr. WANGER. Mr. Chairman, I move to strike out the word "four," page 6, at the end of line 8, and insert "five;" and in that connection I desire to ask that the Clerk read the letter which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 8, strike out the word "four" and insert the word "five."

The CHAIRMAN. The gentleman asks to have the following letter read in his time.

The Clerk read as follows:

Hon. IRVING P. WANGER.

DEAR SIR: Inclosed you will find the statement which you suggested I should make in regard to the salary of the librarian to the board of education.

The point I wished to make is that in proportion to the value of the work the salary is much too low. There are clerks in the employ of the present school system with little or no responsibility whose salaries range from eleven hundred to eighteen hundred dollars.

Now, the salary of librarian is given to a person whose value to the teachers of the schools is inestimable. Teachers from all parts of the city go to her for reference books upon all subjects, and are directed by her to those out of the 10,000 that will be of the greatest help.

Her ever-helpful cheerfulness and faithfulness, her elevating influence upon the young women of the Normal School, are not to be bought. They arise from beauty of character, faithful and conscientious devotion to duty.

As a normal graduate, and afterwards as a teacher in the schools, I feel competent to judge of the value of her services.

It seems that this position was undervalued by those drafting the Babcock bill, and in the cause of justice I have made bold to bring the matter to the attention of those in whose power it lies to reward real merit.

Very sincerely, yours, MIRIAM BANGS HILTON.

STATEMENT.

The librarian of the teachers' library, named in the proposed bill as "librarian to the board of education," receives at present a salary of $900.

Under the proposed bill she will, after twenty-three years of service, receive only $1,100.

She is a graduate of the Washington High and Normal schools, and has had special training in psychology, philosophy, and German at Wellesley College, Massachusetts.

In view of the fact that she has been in the service of the schools sixteen years—four years as a teacher in the graded schools and twelve years as librarian—and that hers is a single position entailing no other increase in salaries, it would seem that a "flat" salary of $1,200 a year would be just and advisable; or, if she is to be placed in a class, it should be class 5 and not class 4, as proposed.

Mr. WANGER. Mr. Chairman, I have no personal knowledge of the young lady who holds the position of librarian of the board of education, but this letter is the disinterested testimony of an estimable lady of this city who was a graduate of the Normal School and a teacher in one of the public schools of the District to the great value of the services rendered by the little German girl, as I understand she is, who acts as librarian of this most important library of the public school system of the District of Columbia—a library having 10,000 volumes—and who, by reason of her fine attainments and zealous devotion to duty is a daily aid and continuing inspiration to the teachers and scholars of this District. It seems to me that the testimony and appeal ought to be heeded, and that the increase granted is a very moderate one, the request for which should commend itself favorably to this committee and secure its favorable action, and I hope that my colleague will accept the amendment.

Mr. MORRELL. Mr. Chairman, on behalf of the committee, I may say that while in the judgment of the committee in the beginning that particular salary was placed in the class to which it belongs, in view of the explanation which has been made by my colleague from Pennsylvania [Mr. WANGER], it is the disposition of the committee to accept the amendment.

ENROLLED BILL SIGNED.

The committee informally rose; and the Speaker having resumed the chair, Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same.

H. J. Res. 141. Joint resolution for the further relief of sufferers from earthquake and conflagration on the Pacific coast.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I desire to report the agricultural appropriation bill, and give notice that I will ask for its consideration Wednesday, immediately after the reading of the Journal.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907.

Mr. WILLIAMS. I wish to reserve all points of order upon the bill.

The SPEAKER. The gentleman from Mississippi reserves all points upon the bill. The bill, with the accompanying report, will be ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

REGULATION OF SALARIES OF TEACHERS, SCHOOL OFFICERS, BOARD OF EDUCATION, DISTRICT OF COLUMBIA.

The committee resumed its session.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. WANGER].

Mr. MADDEN. May I ask the gentleman from Pennsylvania [Mr. MORRELL] a question?

Mr. MORRELL. Yes.

Mr. MADDEN. I would like to know what the duties of the librarian are?

Mr. MORRELL. The librarian of the——

Mr. MADDEN. To the board of education.

Mr. WANGER. That is a new title adopted in this bill. This is the librarian of the teachers' library, composed of 10,000 volumes—the library that is consulted by them daily, and not only by them, but by the scholars of the normal school.

Mr. MADDEN. What are all the other libraries that appear in this bill?

Mr. MORRELL. There is one at Central High School, one at the Eastern High School, one at the Western, and one at the M street; and I would like to say in further answer to the gentleman that under the old law these librarians came in under the term of "teachers," and were paid as teachers.

Mr. MADDEN. Are they teaching?

Mr. MORRELL. Simply to instruct teachers and pupils to familiarize themselves with the library and to care for the same, and were assigned to the work of the library generally.

Mr. MADDEN. Are they, as a matter of fact, teachers?

Mr. MORRELL. They are not, and for that reason they were specified in this bill as librarians.

Mr. MADDEN. Does the gentleman who has charge of this bill on the floor know any other place in this country where positions of this kind have been created or are in existence in connection with the public schools?

Mr. MORRELL. I can not answer the gentleman at the present time. I presume that there are. I can not see how the number of large school systems where they have school libraries can be managed without a librarian, besides the public libraries were established long after the establishment of the libraries in the high schools.

Mr. WANGER. If my friend will permit me, I understand this library is open at an earlier hour than the opening of the schools, until a later hour than the closing, and this lady has given up her life to this work. She has been a teacher for sixteen years—an actual teacher for four years (maybe only three years) and librarian of the teachers' library the remainder of the time under the designation of "teacher."

Mr. MADDEN. But they have a number of librarians here, and that is the thing I want to find out about, Mr. Chairman. Not this particular librarian, but the number of librarians. How many are there in the list?

Mr. WANGER. I think they are named in the bill. As I understand it they are at the different school buildings.

Mr. MADDEN. It seems to me, Mr. Chairman, that is an office that has nothing whatever to do with the conduct of public education in public schools—elementary schools—and that we can not afford to have librarians located in every building; and that we can not afford to have libraries located in every building which is being used for school purposes. It is evident that up to the present time no such position has been officially recognized, but that, without authority of law, somebody has assumed the right to appoint people who were intended to be engaged as teachers to positions as librarians. And now for the first time we discover that we have a library in every school in the District.

Mr. WANGER. Oh, no; not in every school.

Mr. MADDEN. How many have we?

Mr. WANGER. I think there are four high schools.

Mr. MADDEN. It does not say how many there are.

Mr. WILLIAMS. Four high schools.

Mr. MADDEN. Four schools. And this is a condition that does not exist in any other public educational institution in this country, I feel safe in saying. We have two hundred and fifty-odd thousand children attending school in the city from which I come, and no such position as this exists in the whole school system, and it ought not to exist here.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word. This seems to be a right important matter. It opens up a new vista for our consideration. It calls our attention to the fact of the existence of an entirely new sort of appendage to the public school system—four or more librarians that have to attend to libraries for the teachers of the District; and in a town, too, where a Carnegie library exists, and two or three others, as well as the Congressional Library. This is a new idea to me—somebody to keep a library for the teachers, and to let the teacher have books, and to advise them what books to get. It requires some degree of consideration, and I will suggest to the gentleman in charge of the bill that it is now half past 5, and that the committee had better rise, so that we can sleep over it.

Mr. MORRELL. Well, in answer to the gentleman from Mississippi, I would suggest that it is very advisable, if possible, to get through this particular section of the bill, a section which affects a great many hard-working, conscientious citizens here in the District who have been on tenter hooks a long time in regard to an increase in salary. And as we seem to be practically unanimous that an increase should be granted, I trust that the gentleman will be willing that we shall conclude the consideration of this section.

Mr. TAWNEY. The bill will not go into effect until July next.

Mr. MORRELL. I know.

Mr. TAWNEY. And Congress will be in session for some time yet.

Mr. WILLIAMS. Nobody objects to the increase of the teachers' salaries. I would not object to increasing them more than this bill does. This is a new question, and it ought to be looked into by the Members, and the only way for them to do it satisfactorily is for the matter to go over. I suggest again that the gentleman move that the committee rise.

Mr. MORRELL. Would it be in order for the section to be considered as passed with the privilege of returning to the question of librarians?

Mr. GROSVENOR. You might do that.

Mr. WILLIAMS. There are other provisions that gentlemen want to discuss in connection with this section. The House meets at 12 o'clock, but many of us have much to do before it meets and some of us have a great deal to do after it adjourns; hence I suggest again that the committee rise.

The CHAIRMAN. Debate is closed on this amendment.

Mr. FITZGERALD. I move to strike out the last two words. I wish to call the attention of the committee to these positions of librarians.

Mr. MORRELL. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LITTLEFIELD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15961 and the bill S. 47, and had directed him to report the same with amendments, with the recommendation that the amendments be agreed to and the bills as amended do pass; and also had under consideration the bill H. R. 14442, and had come to no resolution thereon.

CONDEMNATION OF INSANITARY BUILDINGS.

The first business reported from the Committee of the Whole House on the state of the Union was the bill (S. 47) creating a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes.

The amendments were agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

QUIETING TITLE TO CERTAIN LOTS IN THE DISTRICT.

The next business reported from the Committee of the Whole was the bill (H. R. 15961) to quiet titles to certain lots in the District of Columbia.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SAMUEL W. SMITH, a motion to reconsider the several votes by which the various bills reported from the Committee on the District of Columbia had passed to-day was laid on the table.

REQUEST FROM THE SENATE.

The SPEAKER. The Chair lays before the House the following request from the Senate.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4886) to simplify the issue of enrollments and licenses of vessels of the United States.

The SPEAKER. Is there objection to the discharge of the Committee on Merchant Marine and Fisheries from the further consideration of the Senate bill, and returning the bill according to the request of the Senate?

Mr. WILLIAMS. A parliamentary inquiry. Would this require unanimous consent?

The SPEAKER. In the opinion of the Chair, it would require unanimous consent.

Mr. WILLIAMS. I will be very sorry if it requires unanimous consent, because I will have to object.

The SPEAKER. The Senate bill has been referred to the Committee on Merchant Marine and Fisheries, and the Senate sends a request to have it returned.

Mr. WILLIAMS. I move that the request of the Senate be complied with.

The SPEAKER. In the opinion of the Chair, the bill having been referred to the Committee on Merchant Marine and Fisheries, the motion would not be in order; otherwise the Chair would be glad to entertain it.

Mr. FITZGERALD. Mr. Speaker, I think that this is a matter of the highest privilege, when a request is made from one House to return a measure to the other body. I think the Chair will find it is in order.

The SPEAKER. This involves discharging the committee from consideration of the bill. The Chair will see in a moment. The Chair would like to examine the question raised by the motion submitted by the gentleman from Mississippi; and submits the following personal request.

The Clerk read as follows:

Mr. GRONNA requests leave of absence indefinitely on account of sickness.

The SPEAKER. Without objection, the personal request will be granted.

Mr. WILLIAMS. I will have to object, Mr. Speaker.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4386. An act granting a pension to George Thomas;

S. 4440. An act granting an increase of pension to Joseph Kauffman;

S. 4432. An act granting an increase of pension to James Dreury;

S. 4409. An act granting an increase of pension to James W. Linnahan;

S. 4288. An act granting an increase of pension to William E. Anderson;

S. R. 7. Joint resolution authorizing the Secretary of the Navy to present the bell of the late United States sloop of war *Germantown* to the Site and Relic Society, of Germantown, Pa.;

S. 5520. An act to amend an act entitled "An act granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all of the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes," approved March 3, 1905;

S. 4339. An act to amend section 4502 of the Revised Statutes of the United States, relating to bonds and oaths of shipping commissioners;

S. 4925. An act to amend the act approved March 6, 1896, relating to the anchorage and movements of vessels in St. Marys River;

S. 4308. An act granting an increase of pension to Emilie Grace Reich;

S. 5323. An act granting an increase of pension to Newton G. Cook;

S. 5016. An act granting an increase of pension to Charles G. Polk;

S. 4986. An act granting an increase of pension to Alfred Beham;

S. 4972. An act granting an increase of pension to Sarah E. Hull;

S. 4877. An act granting an increase of pension to Amanda O. Webber;

S. 4834. An act granting an increase of pension to Octave Counter;

S. 4826. An act granting a pension to Sarah Agnes Earl;

S. 4817. An act granting an increase of pension to Delight A. Allen;

S. 5074. An act granting an increase of pension to James I. Mettler;

S. 5079. An act granting an increase of pension to Andrew J. Hunter;

S. 5287. An act granting an increase of pension to John M. Prentiss;

S. 5244. An act granting an increase of pension to Horace A. Gregory;

S. 5172. An act granting an increase of pension to John M. De Puy;

S. 5121. An act granting an increase of pension to James H. Haman;

S. 5324. An act granting an increase of pension to Peter Sloggy;

S. 4917. An act granting an increase of pension to Alfred B. Chilcote;

S. 3843. An act granting an increase of pension to Rollin T. Waller;

S. 3987. An act granting an increase of pension to Samuel H. Hancock;

S. 3985. An act granting an increase of pension to Matilda E. Nattinger;

S. 3984. An act granting an increase of pension to Sarah E. Yockey;

S. 3893. An act granting an increase of pension to David C. Howard;

S. 4088. An act granting an increase of pension to Charles E. Chapman;

S. 4146. An act granting a pension to John W. Hall;

S. 4124. An act granting an increase of pension to Alden Fuller;

S. 4110. An act granting an increase of pension to Absalom Wilcox;

S. 4106. An act granting an increase of pension to Katherine Wills;

S. 4102. An act granting an increase of pension to John A. Broadwell;

S. 4233. An act granting an increase of pension to Edward M. Barnes;

S. 4279. An act granting an increase of pension to Fannie E. Malone;

S. 4258. An act granting an increase of pension to James F. Hackey;

S. 4325. An act granting an increase of pension to Jabez Miller;

S. 4520. An act granting an increase of pension to Albert L. Calloway;

S. 4186. An act granting an increase of pension to Samuel G. Roberts;

S. 4247. An act granting an increase of pension to Carrick Rutherford;

S. 4548. An act granting a pension to Hannah E. Wilmer;

S. 4473. An act granting a pension to Hannah C. Peterson;

S. 4309. An act granting an increase of pension to Adele Jeanette Hughes;

S. 4541. An act granting an increase of pension to Benson H. Bowman;

S. 4360. An act granting an increase of pension to John P. Dunn;

S. 4424. An act granting an increase of pension to Nettie E. Tolles;

S. 4650. An act granting an increase of pension to Thomas McDonald;

S. 4797. An act granting an increase of pension to Jacob Franz;

S. 4556. An act granting an increase of pension to William Jandro;

S. 3996. An act granting an increase of pension to David Morehart;

S. 4180. An act granting an increase of pension to William C. Quigley;

S. 4324. An act granting an increase of pension to James H. Noble;

S. 4786. An act granting an increase of pension to George W. Coughanour;

S. 4785. An act granting an increase of pension to Nehemiah M. Brundege;

S. 4775. An act granting an increase of pension to Thomas A. Maulsby;

S. 4717. An act granting an increase of pension to Ellen A. Gibbon;

S. 4691. An act granting an increase of pension to Aaron J. Burget;

S. 4689. An act granting an increase of pension to John Brown;

S. 4683. An act granting an increase of pension to William McCann;

S. 4675. An act granting an increase of pension to Fannie P. Norton;

S. 4622. An act granting an increase of pension to Isaiah McDaniel;

S. 4315. An act granting an increase of pension to Elizabeth A. Vose;
S. 4301. An act granting an increase of pension to Louisa Arnold;
S. 4612. An act granting an increase of pension to Jesse A. Thomas;
S. 4228. An act granting an increase of pension to Joel S. Weiser;
S. 4557. An act granting an increase of pension to John R. McCrillis;
S. 4606. An act granting an increase of pension to Kate Gilmore;
S. 4551. An act granting an increase of pension to John F. White; and
S. 1248. An act granting a pension to Elizabeth B. Bean.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 229. An act providing for the purchase of metal and the coinage of minor coins, and the distribution and redemption of said coins;
H. R. 11976. An act for the relief of the Compania de los Ferrocarriles de Puerto Rico.
H. R. 17987. An act making an appropriation for the improvement of the mouth of the Columbia River;
H. R. 13103. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes;
H. R. 14591. An act to authorize the construction of a bridge across the Cumberland River in or near the city of Clarksville, State of Tennessee;
H. R. 14592. An act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.;
H. R. 8158. An act granting an increase of pension to Lemuel P. Storms;
H. R. 13572. An act granting an increase of pension to Saturnino Baca;
H. R. 8892. An act granting an increase of pension to Malek A. Southworth;
H. R. 15691. An act granting an increase of pension to Jerry W. Tallman;
H. R. 5931. An act granting an increase of pension to Robert L. Narron;
H. R. 11046. An act granting an increase of pension to Helen G. Heiner;
H. R. 10298. An act granting an increase of pension to Oliver C. Redic;
H. R. 17135. An act providing that the State of Montana be permitted to relinquish to the United States certain lands heretofore selected and select other lands from the public domain in lieu thereof;
H. R. 18334. An act making an appropriation to supply a deficiency in the appropriation for bringing home certain remains of officers and men of the Navy and Marine Corps who die abroad;
H. R. 16133. An act to simplify the issue of enrollments and licenses of vessels of the United States; and
H. R. 5976. An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10152. An act granting certain lands to the city of Biloxi, in Harrison County, Miss., for park and cemetery purposes; and
H. R. 15910. An act to amend the act entitled "An act to regulate commutation for good conduct for United States prisoners," approved June 21, 1902.

CHANGE OF REFERENCE.

Reference of the bill H. R. 18417 was changed from the Committee on the District of Columbia to the Committee on Appropriations.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 35 minutes p. m.), in accordance with resolution previously made, the House adjourned until Wednesday.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the Acting Secretary of the Treasury, transmitting an estimate of amount of distinctive paper required for currency—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting, with a copy of a letter from the Secretary of War, an estimate of appropriation for subsistence of the Army—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GREGG, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 16558) providing for the promotion of assistant paymasters in the Navy, reported the same without amendment, accompanied by a report (No. 3407); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18235) granting a pension to Ida M. Warner, reported the same without amendment, accompanied by a report (No. 3404); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18149) granting an increase of pension to S. Horace Perry, reported the same with amendment, accompanied by a report (No. 3405); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18094) granting an increase of pension to William G. Melick, reported the same without amendment, accompanied by a report (No. 3406); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1192) granting a pension to George B. Hess, reported the same with amendment, accompanied by a report (No. 3407); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18147) granting an increase of pension to Perry F. Belden, reported the same without amendment, accompanied by a report (No. 3408); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18075) granting a pension to Anna E. Kingston, reported the same with amendment, accompanied by a report (No. 3409); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18067) granting an increase of pension to Joseph Guiott, reported the same with amendment, accompanied by a report (No. 3410); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18056) granting an increase of pension to Moses Davis, reported the same with amendment, accompanied by a report (No. 3411); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17996) granting an increase of pension to Alonzo Wells, reported the same with amendment, accompanied by a report (No. 3412); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17939) granting an increase of pension to Robert A. Seaver, reported the same with amendment, accompanied by a report (No. 3413); which said bill and report were referred to the Private Calendar.

Mr. GUDGER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17921) granting an increase of pension to James Reppeto, reported the same with amendment, accompanied by a report (No. 3414); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17826) granting a pension to Wincy A. Lindsey, reported the same with amendment, accompanied by a report (No. 3415); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17711) granting an increase of pension to John Dietz, reported the same with amendment, accompanied by a report (No. 3416); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17526) granting an increase of pension to Richard Dunlap, reported the same with amendment, accompanied by a report (No. 3417); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17361) granting an increase of pension to Margaret McGiffin, reported the same with amendment, accompanied by a report (No. 3418); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17333) granting an increase of pension to Esek W. Hoff, reported the same with amendment, accompanied by a report (No. 3419); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17268) granting an increase of pension to Charles L. Westfall, reported the same with amendment, accompanied by a report (No. 3420); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17175) granting an increase of pension to Andrew E. Kinney, reported the same with amendment, accompanied by a report (No. 3421); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17162) granting an increase of pension to Scott Ruddick, reported the same with amendment, accompanied by a report (No. 3422); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17035) granting an increase of pension to Samuel Smith, reported the same with amendment, accompanied by a report (No. 3423); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16857) granting an increase of pension to Jeremiah Y. Antrim, reported the same with amendment, accompanied by a report (No. 3424); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16810) granting a pension to Henry C. Jackson, reported the same with amendment, accompanied by a report (No. 3425); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16749) granting an increase of pension to Henry A. Jones, reported the same without amendment, accompanied by a report (No. 3426); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16699) granting an increase of pension to Louis P. Chandler, reported the same with amendment, accompanied by a report (No. 3427); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16586) granting an increase of pension to William Mattison, reported the same with amendment, accompanied by a report (No. 3428); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16423) granting an increase of pension to Andrew J. Roe, reported the same with amendment, accompanied by a report (No. 3429); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16285) granting an increase of pension to Henry Johnson, reported the same with amendment, accompanied by a report (No. 3430); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16255) granting an increase of pension to James S. Brand, reported the same with amendment, accompanied by a report (No. 3431); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15748) granting an increase of pension to Jacob R. Deckard, reported the same with amendment, accompanied by a report (No. 3432); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15695) granting a pension to John T. Wagoner, reported the same with amendment, accompanied by a report (No. 3433); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15274) granting an increase of pension to E. W. Bell, reported the same with amendment, accompanied by a report (No. 3434); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14982) granting an increase of pension to Isaac N. Long, reported the same without amendment, accompanied by a report (No. 3435); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14237) granting an increase of pension to Isaac Kindle, reported the same with amendment, accompanied by a report (No. 3436); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14169) granting an increase of pension to Bettie Stern, reported the same with amendment, accompanied by a report (No. 3437); which said bill and report were referred to the Private Calendar.

Mr. GUDGER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14118) granting an increase of pension to Edward Delaney, reported the same with amendment, accompanied by a report (No. 3438); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13337) granting an increase of pension to Joseph W. Hersh, reported the same with amendment, accompanied by a report (No. 3439); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13026) granting an increase of pension to J. Bailey Orem, reported the same with amendment, accompanied by a report (No. 3440); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13022) granting an increase of pension to Sarah L. Ghrist, reported the same with amendment, accompanied by a report (No. 3441); which said bill and report were referred to the Private Colendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12762) granting an increase of pension to Jesse H. Brandt, reported the same with amendment, accompanied by a report (No. 3442); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12727) granting an increase of pension to Benjamin D. Bogia, reported the same with amendment, accompanied by a report (No. 3443); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11985) granting an increase of pension to F. M. Hinds, reported the same with amendment, accompanied by a report (No. 3444); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11552) granting an increase of pension to Abraham G. Leiser, reported the same without amendment, accompanied by a report (No. 3445); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11062) granting an increase of pension to Samuel W. Harlan, reported the same without amendment, accompanied by a report (No. 3446); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10525) granting an increase of pension to Artemas D. Many, reported the same with amendment, accompanied by a report (No. 3447); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10246) granting an increase of pension to John Harrison, reported the same with amendment, accompanied by a report (No. 3448); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10029) granting an increase of pension to Abraham Higbee, reported the same with amendment, accompanied by a report (No. 3449); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8954) granting a pension to George Cunningham, reported the same with amendment, accompanied by a report (No. 3450); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8737) granting an increase of pension to Horace A. Manley, reported the same with amendment, accompanied by a report (No. 3451); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8552) granting an increase of pension to Elisha G. Horton, reported the same with amendment, accompanied by a report (No. 3452); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8140) granting a pension to Lucy Thomas, reported the same with amendment, accompanied by a report (No. 3453); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8056) granting an increase of pension to Nathaniel N. Winslow, reported the same with amendment, accompanied by a report (No. 3454); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5571) granting an increase of pension to William Cary, reported the same with amendment, accompanied by a report (No. 3455); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15523) granting a pension to Jose N. Luers, reported the same with amendment, accompanied by a report (No. 3456); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6546) granting an increase of pension to Samuel A. White, reported the same with amendment, accompanied by a report (No. 3457); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5804) granting an increase of pension to Joseph A. Noyes, reported the same without amendment, accompanied by a report (No. 3458); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5222) granting an increase of pension to Lewis R. Stegman, reported the same with amendment, accompanied by a report (No. 3459); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3694) granting an increase of pension to Joseph D. Emery, reported the same with amendment, accompanied by a report (No. 3460); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3482) granting an increase of pension to Edwin W. Reed, reported the same with amendment, accompanied by a report (No. 3461); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3345) granting an increase of pension to Christina White, reported the same with amendment, accompanied by a report (No. 3462); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2791) granting an increase of pension to Mary E. Adams, reported the same with amendment, accompanied by a report (No. 3463); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1182) granting a pension to Ezekiel Bridivell, reported the same with amendment, accompanied by a report (No. 3464); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 718) granting an increase of pension to Hamilton D. Brown, reported the same with amendment, accompanied by a report (No. 3465); which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the House (H. R. 1668) for the relief of the administration of the estate of Gotlob Groezinger, reported the same without amendment, accompanied by a report (No. 3466); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 13) granting an increase of pension to Hautville A. Johnson, reported the same without amendment, accompanied by a report (No. 3469); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 556) granting an increase of pension to William H. Egolf, reported the same without amendment, accompanied by a report (No. 3470); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 591) granting a pension to William C. Banks, reported the same without amendment, accompanied by a report (No. 3471); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 834) granting an increase of pension to Lucian W. French, reported the same without amendment, accompanied by a report (No. 3472); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 918) granting an increase of pension to Edwin N. Baker, reported the same without amendment, accompanied by a report (No. 3473); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 971) granting an increase of pension to William H. Hackney, reported the same without amendment, accompanied by a report (No. 3474); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1013) granting an increase of pension to William H. Odear, reported the same without amendment, accompanied by a report (No. 3475); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1260) granting an increase of pension to Frank Pugsley, reported the same without amendment, accompanied by a report (No. 3476); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1514) granting an increase of pension to George W. Wicks, reported the same without amendment, accompanied by a report (No. 3477); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1564) granting an increase of pension to Leander C. Reeve, reported the same without amendment, accompanied by a report (No. 3478); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1605) granting an increase of pension to Richard H. Lee, reported the same without amendment, accompanied by a report (No. 3479); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1628) granting an increase of pension to Christian H. Goebel, reported the same without amendment, accompanied by a report (No. 3480); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1691) granting an increase of pension to Alice S. Shepard, reported the same without amendment, accompanied by a report (No. 3481); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1692) granting a pension to Ellen H. Swayne, reported the same without amendment, accompanied by a report (No. 3482); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1728) granting an increase of pension to Joseph H. Allen, reported the same without amendment, accompanied by a report (No. 3483); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1818) granting a pension to Edward T. White, reported the same without amendment, accompanied by a report (No. 3484); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1913) granting a pension to Clara F. Leslie, reported the same without amendment, accompanied by a report (No. 3485); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill ot the Senate (S. 2021) granting a pension to Juliet K. Phillips, reported the same without amendment, accompanied by a report (No. 3486); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2759) granting an increase of pension to William B. Mitchell, reported the same without amendment, accompanied by a report (No. 3487); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2767) granting a pension to Sarah S. Etue, reported the same without amendment, accompanied by a report (No. 3488); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2977) granting an increase of pension to David B. Neafus, reported the same without amendment, accompanied by a report (No. 3489); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2985) granting an increase of pension to George W. Bodenhamer, reported the same without amendment, accompanied by a report (No. 3490); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2886) granting an increase of pension to Martha Hoffman, reported the same without amendment, accompanied by a report (No. 3491); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2959) granting an increase of pension to William R. Gallion, reported the same without amendment, accompanied by a report (No. 3492); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2799) granting an increase of pension to Willis H. Watson, reported the same without amendment, accompanied by a report (No. 3493); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3119) granting an increase of pension to Francis A. Beranek, reported the same without amendment, accompanied by a report (No. 3494); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3130) granting an increase of pension to George B. Vallandigham, reported the same without amendment, accompanied by a report (No. 3495); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3178) granting an increase of pension to Daniel Shelly, reported the same without amendment, accompanied by a report (No. 3496); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3230) granting an increase of pension to William C. Bourke, reported the same without amendment, accompanied by a report (No. 3497); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3272) granting an increase of pension to John Hirth, reported the same without amendment, accompanied by a report (No. 3498); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3273) granting an increase of pension to Abisha Risk, reported the same without amendment, accompanied by a report (No. 3499); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3308) granting a pension to Sarah Lovell, reported the same without amendment, accompanied by a report (No. 3500); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3415) granting an increase of pension to William Triplett, reported the same without amendment, accompanied by a report (No. 3501); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3454) granting an increase of pension to William Wilson, reported the same without amendment, accompanied by a report (No. 3502); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3468) granting an increase of pension to Myra R. Daniels, reported the same without amendment, accompanied by a report (No. 3503); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3549) granting an increase of pension to Martha H. Ten Eyck, reported the same without amendment, accompanied by a report (No. 3504); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3551) granting an increase of pension to Solomon Jackson, reported the same without amendment, accompanied by a report (No. 3505); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3555) granting a pension to Alice A. Fray, reported the same without amendment, accompanied by a report (No. 3506); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3655) granting an increase of pension to Mary A. Good, reported the same without amendment, accompanied by a report (No. 3507); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3720) granting an increase of pension to Smith Vaughan, reported the same without amendment, accompanied by a report (No. 3508); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3759) granting an increase of pension to Henry D. Miller, reported the same without amendment, accompanied by a report (No. 3509); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3765) granting an increase of pension to Charles R. Frost, reported the same without amendment, accompanied by a report (No. 3510); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3883) granting an increase of pension to Ferdinand Hercher, reported the same without amendment, accompanied by a report (No. 3511); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4010) granting an increase of pension to Bridget Egan, reported the same without amendment, accompanied by a report (No. 3512); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4018) granting an increase of pension to Ebenezer Lusk, reported the same without amendment, accompanied by a report (No. 3513); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4112) granting an increase of pension to Henry Swigart, reported the same without amendment, accompanied by a report (No. 3514); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4126) granting an increase of pension to Willard Farrington, reported the same without amendment, accompanied by a report (No. 3515); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4193) granting an increase of pension to Calvin D. Wilber, reported the same without amendment, accompanied by a report (No. 3516); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4231) granting an increase of pension to Owen Martin, reported the same without amendment, accompanied by a report (No. 3517); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4359) granting an increase of pension to Mary E. Lincoln, reported the same without amendment, accompanied by a report (No. 3518); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S 4392) granting an increase of pension to Cornelia A. Mobley, reported the same without amendment, accompanied by a report (No. 3519); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4511) granting an increase of pension to William Hoaglin, reported the same without amendment, accompanied by a report (No. 3520); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4576) granting an increase of pension to William Monks, reported the same without amendment, accompanied by a report (No. 3521); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4582) granting an increase of pension to Seth H. Cooper, reported the same without amendment, accompanied by a report (No. 3522); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4688) granting an increase of pension to Noel J. Burgess, reported the same without amendment, accompanied by a report (No. 3523); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4739) granting an increase of pension to Benjamin F. Burgess, reported the same without amendment, accompanied by a report (No. 3524); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4745) granting an increase of pension to Susan J. F. Joslyn, reported the same without amendment, accompanied by a report (No. 3525); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4759) granting an increase of pension to Oliver M. Stone, reported the same without amendment, accompanied by a report (No. 3526); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4760) granting an increase of pension to John B. Lee, reported the same without amendment, accompanied by a report (No. 3527); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4763) granting an increase of pension to Harrison Randolph, reported the same without amendment, accompanied by a report (No. 3528); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4901) granting an increase of pension to Joshua M. Lounsberry, reported the same without amendment, accompanied by a report (No. 3529); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5055) granting an increase of pension to Melvin Grandy, reported the same without amendment, accompanied by a report (No. 3530); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5077) granting an increase of pension to Gabriel Cody, reported the same wthout amendment, accompanied by a report (No. 3531); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5091) granting an increase of pension to Sallie Tyrrell, reported the same without amendment, accompanied by a report (No. 3532); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5092) granting an increase of pension to Mary C. Feigley, reported the same without amendment, accompanied by a report (No. 3533); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5093) granting an increase of pension to Josiah F. Staubs, reported the same without amendment, accompanied by a report (No. 3534); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5094) granting an increase of pension to Samuel F. Baubletz, reported the same without amendment, accompanied by a report (No. 3535); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5095) granting a pension to Jeremiah McKenzie, reported the same without amendment, accompanied by a report (No. 3536); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5114) granting an increase of pension to Lizzie B. Cusick, reported the same without amendment, accompanied by a report (No. 3537); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5146) granting a pension to Mary J. McLeod, reported the same without amendment, accompanied by a report (No. 3538); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5173) granting an increase of pension to William S. Garrett, reported the same without amendment, accompanied by a report (No. 3539); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5186) granting an increase of pension to Robert Staplins, reported the same without amendment, accompanied by a report (No. 3540); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5189) granting an increase of pension to Margaret F. Joyce, reported the same without amendment, accompanied by a report (No. 3541); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5192) granting a pension to John H. Stacy, reported the same without amendment, accompanied by a report (No. 3542); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5205) granting an increase of pension to John F. Alsup, reported the same without amendment, accompanied by a report (No. 3543); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5219) granting an increase of pension to David N. Morland, reported the same without amendment, accompanied by a report (No. 3544); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5255) granting an increase of pension to John D. Cutler, reported the same without amendment, accompanied by a report (No. 3545); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5291) granting an increase of pension to Elijah A. Smith, reported the same without amendment, accompanied by a report (No. 3546); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5337) granting an increase of pension to Samuel M. Tow, reported the same without amendment, ac-

companied by a report (No. 3547); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5338) granting an increase of pension to David Buckner, reported the same without amendment, accompanied by a report (No. 3548); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5342) granting an increase of pension to Mary E. Johnson, reported the same without amendment, accompanied by a report (No. 3549); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5344) granting an increase of pension to Sophronia Roberts, reported the same without amendment, accompanied by a report (No. 3550); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5355) granting an increase of pension to Annie M. Walker, reported the same without amendment, accompanied by a report (No. 3551); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5366) granting an increase of pension to John Beatty, reported the same without amendment, accompanied by a report (No. 3552); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5375) granting an increase of pension to Frances L. Porter, reported the same without amendment, accompanied by a report (No. 3553); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5439) granting an increase of pension to George W. Dunlap, reported the same without amendment, accompanied by a report (No. 3554); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5453) granting an increase of pension to Jacob M. Pickle, reported the same without amendment, accompanied by a report (No. 3555); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5455) granting an increase of pension to Emily J. Alden, reported the same without amendment, accompanied by a report (No. 3556); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5517) granting an increase of pension to William H. H. Shaffer, reported the same without amendment, accompanied by a report (No. 3557); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1413) granting a pension to John Crawford, reported the same with amendment, accompanied by a report (No. 3558); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1482) granting an increase of pension to Philip Cook, reported the same without amendment, accompanied by a report (No. 3559); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1719) granting an increase of pension to William N. Whitlock, reported the same with amendment, accompanied by a report (No. 3560); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2226) granting an increase of pension to George F. Long, reported the same with amendment, accompanied by a report (No. 3561); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2234) granting an increase of pension to Jacob W. Gersteneker, reported the same with amendment, accompanied by a report (No. 3562); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2816) granting an increase of pension to James C. Town, reported the same with amendment, accompanied by a report (No. 3563); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3686) granting an increase of pension to Henry R. Cowan, reported the same with amendment, accompanied by a report (No. 3564); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4240) granting an increase of pension to James F. Chipman, reported the same with amendment, accompanied by a report (No. 3565); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6114) granting an increase of pension to Andrew J. Douglass, reported the same without amendment, accompanied by a report (No. 3566); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6498) granting an increase of pension to I. C. France, reported the same with amendment, accompanied by a report (No. 3567); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9923) granting a pension to Joseph J. Mishler, reported the same with amendment, accompanied by a report (No. 3568); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10993) granting an increase of pension to Samuel Jones, reported the same with amendment, accompanied by a report (No. 3569); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12088) granting an increase of pension to L. F. Spielman, reported the same with amendment, accompanied by a report (No. 3570); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12135) granting an increase of pension to William Landahn, reported the same with amendment, accompanied by a report (No. 3571); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12238) granting an increase of pension to Helen S. Brown, reported the same without amendment, accompanied by a report (No. 3572); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14731) granting a pension to Ezra H. Wiggins, reported the same with amendment, accompanied by a report (No. 3573); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16267) granting a pension to Catharine Piper, reported the same with amendment, accompanied by a report (No. 3574); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16751) granting an increase of pension to Samuel Hough, reported the same with amendment, accompanied by a report (No. 3575); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16807) granting an increase of pension to Isabella Ellis, reported the same without amendment, accompanied by a report (No. 3576); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17173) granting an increase of pension to Thomas J. Davis, reported the same with amendment, accompanied by a report (No. 3577); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17209) granting an increase of pension to Alva D. Smith, reported the same with amendment, accompanied by a report (No. 3578); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17373) granting an increase of pension to William T. Stott, reported the same with amendment, accompanied by a report (No. 3579); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17782) granting

an increase of pension to Aaron K. Clark, reported the same without amendment, accompanied by a report (No. 3580); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17933) granting an increase of pension to Harriet E. Vandine, reported the same without amendment, accompanied by a report (No. 3581); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17950) granting an increase of pension to James W. Hager, reported the same with amendment, accompanied by a report (No. 3582); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18158) granting a pension to Isaac Cope, reported the same with amendment, accompanied by a report (No. 3583); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18169) granting a pension to Margaret Stevens, reported the same with amendment, accompanied by a report (No. 3584); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18175) granting an increase of pension to Jeremiah Van Riper, reported the same without amendment, accompanied by a report (No. 3585); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18237) granting an increase of pension to Rachel Egeness, reported the same with amendment, accompanied by a report (No. 3586); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18325) granting an increase of pension to John W. Schofield, reported the same without amendment, accompanied by a reoprt (No. 3587); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 18525) to establish an assay office at Santa Fe, Territory of New Mexico—to the Committee on Coinage, Weights, and Measures.

By Mr. MAHON: A bill (H. R. 18526) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and to provide for the payment of French spoliation claims recommended by the Court of Claims under the provisions of the acts approved January 20, 1885, and March 3, 1891—to the Committee on War Claims.

By Mr. GAINES of Tennessee: A bill (H. R. 18527) for the relief of sufferers by earthquake in the State of California—to the Committee on Ways and Means.

By Mr. FLACK: A bill (H. R. 18528) authorizing and empowering the Secretary of War to convey to the Delaware and Hudson Company and its subsidiary companies certain lands and premises within the United States military reservation at Plattsburg, in the county of Clinton and State of New York, for railroad purposes, in exchange for the conveyance to the United States by the Delaware and Hudson Company and its subsidiary companies of certain lands, hereditaments, rights of way, and franchises within the said United States military reservation—to the Committee on Military Affairs.

By Mr. LITTLE: A bill (H. R. 18529) to authorize the sale of certain lands to the city of Mena, in the county of Polk, in the State of Arkansas—to the Committee on the Public Lands.

By Mr. THOMAS of North Carolina: A bill (H. R. 18530) to amend the postal laws of the United States, and permit newspapers, one copy to each actual subscriber, to go free through the mails in the county in which they are issued, whether printed in said county or not—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: A bill (H. R. 18531) to enable the associated executive committee of the Society of Friends on Indian Affairs now occupying lands for religious or educational purposes in the Territory of Oklahoma to purchase the same and to receive patents in fee therefor—to the Committee on Indian Affairs.

By Mr. ELLIS: A bill (H. R. 18532) to authorize the Kansas City, St. Joseph and Excelsior Springs Railway Company to construct a bridge across the Missouri River—to the Committee on Interstate and Foreign Commerce.

By Mr. OVERSTREET: A bill (H. R. 18533) pertaining to the duties of the division of dead letters, Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOWLAND: A bill (H. R. 18534) to exempt from duty supplies for the sufferers from the earthquake and fire in San Francisco, Cal.—to the Committee on Ways and Means.

Also, a bill (H. R. 18535) to exempt from duty supplies for the sufferers from the earthquake and fire in San Francisco, Cal.—to the Committee on Ways and Means.

By Mr. MONDELL: A bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. WADSWORTH, from the Committee on Agriculture: A bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907—to the Union Calendar.

By Mr. MADDEN: A joint resolution (H. J. Res. 142) suspending for one year the duty on structural steel and other necessary building material to be used in the stricken cities on the Pacific coast on account of the recent earthquake and the conflagration that followed—to the Committee on Ways and Means.

By Mr. SPIGHT: A memorial of the legislature of Mississippi, memoralizing the Congress of the United States to endeavor to create broader markets for cotton and cotton goods—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 18538) granting an increase of pension to Hannah E. Hartford—to the Committee on Invalid Pensions.

By Mr. AIKEN: A bill (H. R. 18539) granting an increase of pension to Angeline R. Lomax—to the Committee on Pensions.

By Mr. ANDREWS: A bill (H. R. 18540) granting an increase of pension to Mary J. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18541) granting an increase of pension to Bernardo Salazar—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 18542) granting an increase of pension to Sarah Ann Day—to the Committee on Pensions.

By Mr. BOWERSOCK: A bill (H. R. 18543) granting an increase of pension to James M. Follin—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 18544) granting an increase of pension to John W. Coates—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 18545) granting an increase of pension to David Upham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18546) granting an increase of pension to Daniel M. Vertner—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 18547) granting an increase of pension to Oscar V. Davis—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 18548) granting an increase of pension to John S. Ferris—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 18549) for the relief of Thomas Eaton and Edwin Smith—to the Committee on Claims.

By Mr. FOSTER of Indiana: A bill (H. R. 18550) granting an increase of pension to Franklin Turpin—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 18551) granting an increase of pension to W. D. Drawn—to the Committee on Pensions.

By Mr. HALE: A bill (H. R. 18552) for the relief of Margaret Emma Brown, Kate D. Jarnagin, John Jacob Hubbard, and George B. Teague, heirs of Mary Jane Hubbard, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18553) granting a pension to Swanzy N. Kennedy—to the Committee on Pensions.

Also, a bill (H. R. 18554) to remove the charge of desertion against Plesant M. Chapman—to the Committee on Military Affairs.

By Mr. HOLLIDAY: A bill (H. R. 18555) granting an increase of pension to James M. Jarred—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18556) granting an increase of pension to William H. De Breuler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18557) granting an increase of pension to Jacob Gilbrech—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18558) granting an increase of pension to Abner P. Ray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18559) granting an increase of pension to Silas V. White—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 18560) granting an increase of pension to John Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18561) granting an increase of pension to Jonathan Skeans—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 18562) granting an increase of pension to James A. Walter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18563) granting an increase of pension to George W. Welsh—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 18564) granting an increase of pension to Lucien A. Foote—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 18565) granting an increase of pension to Martha L. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18566) granting an increase of pension to Harvey Becker—to the Committee on Invalid Pensions.

By Mr. McCARTHY: A bill (H. R. 18567) granting an increase of pension to Levi C. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18568) granting an increase of pension to Ellen Sheehan—to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 18569) for the relief of William W. Stewart—to the Committee on Claims.

Also, a bill (H. R. 18570) for the relief of Michael Curley—to the Committee on Claims.

Also, a bill (H. R. 18571) granting an increase of pension to Ann O'Neil—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 18572) granting an increase of pension to Allamanza M. Harrison—to the Committee on Pensions.

Also, a bill (H. R. 18573) granting an increase of pension to John M. Quinton—to the Committee on Pensions.

Also, a bill (H. R. 18574) granting an increase of pension to Levi Miles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18575) granting an increase of pension to John Q. Boner—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 18576) granting a pension to Nehemiah Ordway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18577) granting an increase of pension to Henry C. Van Fleet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18578) granting an increase of pension to Charles H. Rydman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18579) granting an increase of pension to Daniel Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18580) granting an increase of pension to David Williams—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 18581) to grant an extension of certain letters patent to assignees of John A. Gunn—to the Committee on Patents.

By Mr. WEEMS: A bill (H. R. 18582) granting a pension to Josephine Hoffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18583) granting an increase of pension to David McMath—to the Committee on Invalid Pensions.

By Mr. WOOD of Missouri: A bill (H. R. 18584) for the relief of Laura S. Gillingwaters—to the Committee on Military Affairs.

Also, a bill (H. R. 18585) for the relief of Charles W. Howard—to the Committee on Military Affairs.

Also, a bill (H. R. 18586) for the relief of Bartholomew Buckley—to the Committee on Military Affairs.

Also, a bill (H. R. 18587) granting a pension to Catherine Bausman—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 1444) for the relief of the estate of F. Z. Tucker, deceased, and it was referred to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROOKS of Colorado: Petition of citizens of Colorado, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BROWN: Petition of 66 artists of America, for repeal of the duty on art works—to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Petition of citizens of Oelrichs and Union County, S. Dak., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DALZELL: Petition of the Western Pennsylvania Audubon Society, for legislation to protect birds—to the Committee on Agriculture.

By Mr. ELLIS: Paper to accompany bill for relief of Abby B. Cloud—to the Committee on Pensions.

By Mr. FULLER: Paper to accompany bill for relief of Thomas Garrett—to the Committee on Invalid Pensions.

Also, petition of the Chicago Historical Society, for repair and preservation of the frigate *Constitution*—to the Committee on Naval Affairs.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Dames of 1846, for increase of pensions of veterans of the Mexican war—to the Committee on Pensions.

Also, petition of S. L. Glasgon, for bill H. R. 8989, to create in the War Department a special roll known as the "volunteer list"—to the Committee on Military Affairs.

Also, petition of Local Union No. 495, Carpenters and Joiners of America, of Streator, Ill., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Columbus Club, of Syracuse, Ill., for an appropriation to investigate the industrial condition of women in the United States—to the Committee on Appropriations.

By Mr. GARDNER of Massachusetts: Petition of citizens of Amesbury, Mass., favoring an appropriation by the National Government of $5,000,000 for relief of citizens of San Francisco—to the Committee on Appropriations.

By Mr. GILLETT of Massachusetts: Petition of Amherst (Mass.) Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GROSVENOR: Petition of officers of the Survivors' Association of the Fifteenth Pennsylvania Volunteer Cavalry, for bill H. R. 17627, providing for the erection of a memorial to Gen. William S. Rosecrans—to the Committee on the Library.

By Mr. HALE: Paper to accompany bill for relief of heirs of Mary Jane Hubbard, of Jefferson County, Tenn.—to the Committee on War Claims.

By Mr. HASKINS: Petitions of Clarence J. Allen and 25 others, of Boston, and the Society of Daughters of Vermont, of Boston, Mass.; J. C. Tinkham and 32 others, of Rochester, Vt.; Cornelia M. Needham and 39 others, of Rutland, Vt.; Mrs. Charles D. Edgerton and 32 others, of the Reading Club, Northfield, Vt.; Ida M. Martin and 49 others, of Barre, Vt.; Milford Hale Smith and 30 others, of the Woman's Club of Rutland, Vt.; Henry Fairbanks and 345 members of several clubs of St. Johnsbury, Vt.; Rebecca P. Fairbanks, representing 200 members of the Woman's Club of St. Johnsbury, Vt.; J. V. Sturtevant and 43 others, of Royalton, Vt.; Mrs. F. B. Packard and 304 others, of the Woman's Club of Bennington, Vt.; A. G. Coolidge and 25 others, of Rutland, Vt.; Emma C. Sargeant and 43 others, of the Review Club, of Chester, Vt.; Mr. A. D. Paige and 47 others, of the Shakespeare Club, of Lyndonville, Vt.; Annie L. Mower and 49 others, of the Woman's Club of Morrisville, Vt., and Mrs. L. A. Butterfield and 176 others, of the Woman's Club of Brattleboro, Vt., for forest reservations in the White Mountains and the Appalachian Mountains—to the Committee on Agriculture.

Also, petition of H. W. Sargent and 17 others, of Brattleboro, Vt., against bill S. 529 (the ship subsidy)—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAYES: Petition of the Associated Charities of San Jose, Cal., regarding the sanitary condition of the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Woman's Club of Palo Alto, Cal., for an appropriation to investigate the industrial conditions of women in the United States—to the Committee on Appropriations.

Also, petition of the California Club, of San Francisco, for bills S. 50, H. R. 4462, and S. 2962, relative to child labor and a children's bureau in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Daughters of Liberty of San Francisco, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of San Jose, Cal., for relief of the landless Indians in California—to the Committee on Indian Affairs.

By Mr. HILL of Connecticut: Petition of the Connecticut Branch of the Woman's American Baptist Home Mission Society, against bill to take the conduct of the Alaska schools out of the hands of the United States Bureau of Education—to the Committee on Education.

By Mr. HINSHAW: Petition of A. S. V. Mansfelde, against the contemplated amendment to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KEIFER: Petition of J. C. Barnes and 32 others, citizens of Gilmore, Ind. T., for admission of Oklahoma and Indian Territory to statehood—to the Committee on the Territories.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of Eleanor Alexander—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George E. Yager—to the Committee on Pensions.

Also, paper to accompany bill for relief of Charles A. Hubbard—to the Committee on Claims.

By Mr. LINDSAY: Petition of Robert S. Waddell, against the powder monopoly—to the Committee on Military Affairs.

By Mr. LITTAUER: Paper to accompany bill for relief of Harvey Becker—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: Paper to accompany bill for relief of Larkin H. Davis—to the Committee on War Claims.

By Mr. McNARY: Paper to accompany bill for relief of Ann O'Neil—to the Committee on Invalid Pensions.

Also, petition of Carrie M. Goulding et al., against the conditions prevailing in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. MACON: Petition of Craighead County Union, No. 35, F. E. & C. U. of A., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERSTREET: Petition of Rock Elm Grange, of East Jordan, Charlevoix County, Mich., for increased powers of the Interstate Commerce Commission relative to adjustment of railway rates—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Kentucky: Paper to accompany bill for relief of the trustees of the Cumberland Presbyterian Church of Russellville, Ky.—to the Committee on War Claims.

By Mr. RUPPERT: Petition of 66 artists of America, for repeal of the tariff on art works—to the Committee on Ways and Means.

By Mr. SOUTHARD: Petition of Henry Davenport, Company F, Eighteenth Iowa Regiment, for the Dalzell bill (H. R. 9) to pay ex-prisoners of war confined in rebel prisons $2 per day for the time of confinement—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: Petition of the Merchant Marine League of the United States, favoring the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Hanscon Brothers, of Fall River, Mass., against the Littauer bill relative to the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Charles H. Phillips Chemical Company, for bill S. 3704, relative to the practice of dentistry in the Territories—to the Committee on the Territories.

Also, petition of the Brotherhood of Boiler Makers and Ironship Builders, favoring the Gallinger bill relative to marine shipping—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York Board of Trade and Transportation, for an appropriation to deepen Coney Island channel—to the Committee on Rivers and Harbors.

Also, petition of the Merchant Marine League of the United States, favoring the marine subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Forest City Woolen Mill Company, against the Littauer bill (the metric system)—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Beebe-Webber Company, against the Littauer bill (the metric system)—to the Committee on Coinage, Weights, and Measures.

Also, petition of Edwin A. Abbey and 64 other artists, for repeal of the duty on art works—to the Committee on Ways and Means.

Also, petition of Robert S. Waddell, against the powder monopoly—to the Committee on Military Affairs.

Also, petition of Gens. Green B. Raum, L. A. Grant, C. D. Macdougall, Samuel J. Crawford, and Birney, for bill S. 2162, relative to a volunteer retired list—to the Committee on Military Affairs.

By Mr. WOOD of Missouri: Paper to accompany bill for relief of Bartholomew Buckley—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of E. E. H. Howard, son of Charles W. Howard—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Catherine Beauman—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Laura S. Gillingwaters—to the Committee on Military Affairs.

By Mr. WOOD of New Jersey: Petition of the Globe Knitting Mills, Rambo & Regas (Incorporated), against the Littauer compulsory metric-system bill—to the Committee on Coinage, Weights, and Measures.

Also, petition of the American Free Art League, of Boston, Mass., favoring bill H. R. 15268, for removing the duty from art works—to the Committee on Ways and Means.

Also, petition of the Central Supply Association, of Chicago, Ill., against the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Chicago Branch of the National Metal Trades Association, against the Littauer bill (compulsory metric system)—to the Committee on Coinage, Weights, and Measures.

SENATE.

TUESDAY, *April 24, 1906.*

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

COASTWISE TRADE OF PHILIPPINE ARCHIPELAGO.

Mr. LODGE. I ask unanimous consent to call up House bill 18025—the Philippine bill—which was taken up, read, and considered, and then held back on the request of the Senator from Pennsylvania [Mr. PENROSE], who informs me that he has no further objection to the measure.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18025) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes.

Mr. GALLINGER. Mr. President, I desire to make a single suggestion in reference to this bill.

Some time ago the Senate passed a bill commonly known as the "shipping bill," and the provisions of the bill now under consideration were a part of that measure. It is a matter of extreme regret to me that the body from which this bill came has not seen proper to take up the bill which was sent to it from the Senate and pass it in its entirety. That bill contemplates action which would result, in the judgment of some of us, in the revival of American shipping.

This particular provision is, in a sense, hostile to the shipping interests of the country, and were it not for the fact that there are adequate reasons why this action should be taken, I should feel it my duty to oppose its enactment. But under existing conditions I shall withhold any opposition to the passage of the pending bill and content myself by expressing the hope that in due time the other branch of Congress will see that it is the plain duty to a great industry of this country to pass the bill which was favorably acted upon by the Senate a few weeks ago.

Mr. LODGE. The Senator from New Hampshire is of course aware that I agree with all he says most entirely and fully; but this bill is made necessary by the situation of the other bill and the near approach of the expiration of the time in which the coastwise law must go into effect in the Philippine Archipelago.

Mr. GALLINGER. That is as I understand it.

Mr. FRYE. Mr. President, I wish to concur entirely in the statement made by the Senator from New Hampshire.

Mr. CULLOM. I wish to have one of the Senators or some one else explain exactly what the bill does.

Mr. FRYE. It simply extends the provisions of the coastwise trade in regard to the Philippines.

Mr. LODGE. The bill passed the House unanimously. It is simply to postpone the operation of the coastwise laws between the Philippine Islands and the United States.

Mr. CLAY. What committee does the bill come from?

Mr. LODGE. It comes from the Committee on the Philippines with a unanimous report.

Mr. CLAY. Very well.

Mr. PERKINS. I will ask to what period it extends the time?

Mr. LODGE. It extends it to the expiration of the Spanish treaty.

Mr. GALLINGER. To the year 1909.

Mr. LODGE. April 11, 1909.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALARIES OF POSTMASTERS IN COLORADO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 6th ultimo, a statement from the Auditor for the Post-Office Department showing salary accounts of certain former postmasters in Colorado in the terms between July 1, 1864, and July 1, 1874, etc.; which, on motion of Mr. TELLER, was, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

FRENCH SPOLIATION CLAIM.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Abby*, Harding Williams, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Alphonse Mouillon *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 47. An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes;

S. 3045. An act to incorporate the American Cross of Honor within the District of Columbia; and

S. 4046. An act to incorporate the Edes Home.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 15071. An act to provide means for the sale of internal-revenue stamps in the island of Porto Rico;

H. R. 15961. An act to relinquish title to certain lots in the District of Columbia; and

H. R. 16730. An act to prevent the unauthorized wearing or use of badges, names, titles of officers, insignia, ritual, or ceremonies of the Benevolent and Protective Order of Elks of the United States of America.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

S. 1248. An act granting a pension to Elizabeth B. Bean;

S. 1308. An act granting an increase of pension to Emilie Grace Reich;

S. 3843. An act granting an increase of pension to Rollin T. Waller;

S. 3893. An act granting an increase of pension to David C. Howard;

S. 3984. An act granting an increase of pension to Sarah E. Yockey;

S. 3985. An act granting an increase of pension to Matilda E. Nattinger;

S. 3987. An act granting an increase of pension to Samuel H. Hancock;

S. 3988. An act granting an increase of pension to David Morehart;

S. 4088. An act granting an increase of pension to Charles E. Chapman;

S. 4102. An act granting an increase of pension to John A. Broadwell;

S. 4106. An act granting an increase of pension to Katherine Wills;

S. 4110. An act granting an increase of pension to Absalom Wilcox;

S. 4124. An act granting an increase of pension to Alden Fuller;

S. 4146. An act granting a pension to John W. Hall;

S. 4180. An act granting an increase of pension to William C. Quigley;

S. 4186. An act granting an increase of pension to Samuel G. Roberts;

S. 4228. An act granting an increase of pension to Joel S. Weiser;

S. 4233. An act granting an increase of pension to Edward M. Barnes;

S. 4247. An act granting an increase of pension to Carrick Rutherford;

S. 4258. An act granting an increase of pension to James F. Hackney;

S. 4279. An act granting an increase of pension to Fannie E. Malone;

S. 4288. An act granting an increase of pension to William E. Anderson;

S. 4301. An act granting an increase of pension to Louisa Arnold;

S. 4309. An act granting a pension to Adele Jeanette Hughes;

S. 4315. An act granting an increase of pension to Elizabeth A. Vose;

S. 4324. An act granting an increase of pension to James H. Noble;

S. 4325. An act granting an increase of pension to Jabez Miller;

S. 4339. An act to amend section 4502 of the Revised Statutes of the United States, relating to bonds and oaths of shipping commissioners;

S. 4360. An act granting an increase of pension to John P. Dunn;

S. 4386. An act granting a pension to George Thomas;

S. 4409. An act granting an increase of pension to James W. Linnahan;

S. 4424. An act granting an increase of pension to Nettie E. Tolles;

S. 4432. An act granting an increase of pension to James Dreury;

S. 4440. An act granting an increase of pension to Joseph Kauffman;

S. 4473. An act granting a pension to Hannah C. Peterson;

S. 4520. An act granting an increase of pension to Albert L. Callaway;

S. 4541. An act granting an increase of pension to Benson H. Bowman;

S. 4548. An act granting a pension to Hannah E. Wilmer;

S. 4551. An act granting an increase of pension to John F. White;

S. 4556. An act granting an increase of pension to William Jandro;

S. 4557. An act granting an increase of pension to John R. McCrillis;

S. 4606. An act granting an increase of pension to Kate Gilmore;

S. 4612. An act granting an increase of pension to Jesse A. Thomas;

S. 4622. An act granting an increase of pension to Isaiah McDaniel;

S. 4650. An act granting an increase of pension to Thomas McDonald;

S. 4675. An act granting an increase of pension to Fannie P. Norton;

S. 4683. An act granting an increase of pension to William McCann;

S. 4689. An act granting an increase of pension to John Brown;

S. 4691. An act granting an increase of pension to Aaron J. Burget;

S. 4717. An act granting an increase of pension to Ellen A. Gibbon;

S. 4775. An act granting an increase of pension to Thomas A. Maulsby;

S. 4785. An act granting an increase of pension to Nehemiah M. Brundege;

S. 4786. An act granting an increase of pension to George W. Coughanour;

S. 4797. An act granting an increase of pension to Jacob Franz;

S. 4817. An act granting an increase of pension to Delight A. Allen;

S. 4826. An act granting a pension to Sarah Agnes Earl;

S. 4834. An act granting an increase of pension to Octave Counter;

S. 4877. An act granting an increase of pension to Amanda O. Webber;

S. 4917. An act granting an increase of pension to Alfred B. Chilcote;

S. 4925. An act to amend the act approved March 6, 1896, relating to the anchorage and movements of vessels in St. Marys River;

S. 4972. An act granting an increase of pension to Sarah E. Hull;

S. 4986. An act granting an increase of pension to Alfred Beham;

S. 5016. An act granting an increase of pension to Charles G. Polk;

S. 5074. An act granting an increase of pension to James I. Mettler;

S. 5079. An act granting an increase of pension to Andrew J. Hunter;

S. 5121. An act granting an increase of pension to James H. Haman;

S. 5172. An act granting an increase of pension to John M. De Puy;

S. 5244. An act granting an increase of pension to Horace A. Gregory;

S. 5287. An act granting an increase of pension to John M. Prentiss;

S. 5323. An act granting an increase of pension to Newton G. Cook;

S. 5324. An act granting an increase of pension to Peter Sloggy;

S. 5520. An act to amend an act entitled "An act granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes," approved March 3, 1905;

H. R. 10152. An act granting certain lands to the city of Biloxi, in Harrison County, Miss., for park and cemetery purposes;

H. R. 15910. An act to amend the act entitled "An act to regulate commutation for good conduct for United States prisoners," approved June 21, 1902;

S. R. 7. Joint resolution authorizing the Secretary of the Navy to present the bell of the late U. S. sloop of war *Germantown* to the Site and Relic Society, of Germantown, Pa.; and

H. J. Res. 141. Joint resolution for the further relief of sufferers from earthquake and conflagration on the Pacific coast.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the legislature of the State of Mississippi, praying for the enactment of legislation creating a broader market for cotton and cotton goods; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

[By Breland, of Neshoba County.]

A joint resolution memorializing the Congress of the United States to endeavor to create broader markets for cotton and cotton goods.

Resolved by the house of representatives of the State of Mississippi (the senate concurring), That the Congress of the United States is hereby respectfully memorialized and requested to give its influence and support to any measure tending to broaden the markets for cotton and cotton goods, thereby creating a demand for same and bringing about a more reasonable and stable price for this great staple; and also, that it use its influence with the President in bringing about these results.

Resolved further, That the Members of Congress from Mississippi are earnestly requested to place this matter before that body and use all fair means in their power to secure some action in the matter at this session of Congress.

Adopted by the House January 22, 1906.

L. PINK SMITH, *Clerk of House.*

Adopted by the Senate April 18, 1906.

JOHN Y. MURRY, *Secretary of Senate.*

Signed by the governor April 20, 1906.

JAS. K. VARDEMAN, *Governor of Mississippi.*

The VICE-PRESIDENT presented a joint resolution of the general assembly of the State of Virginia, conveying thanks to the President of the United States and to Congress for the restoration to that State of Confederate flags, etc.; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

Joint resolution adopted by the general assembly of Virginia.

Whereas the United States have recently, in a spirit of fraternity and good will, restored to the State of Virginia many of the flags under which the sons of the old Commonwealth performed heroic and patriotic services during the years of 1861 to 1865; Therefore, be it

Resolved by the house of delegates (the Senate concurring), That the keeper of the rolls of Virginia be directed to convey the thanks of this general assembly and of this State to the President of the United States, the Congress of the United States, and to Representative Lamb, of Virginia, who introduced the bill under the provisions of which this restoration was possible, for this gratifying action.

Agreed to by the senate February 23, 1906.

JOS. BUTTON, *Clerk of Senate.*

Agreed to by house of delegates February 23, 1906.

JOHN W. WILLIAMS, *Clerk of House of Delegates.*

The VICE-PRESIDENT presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying for the ratification of the proposed treaty between the United States and Santo Domingo; which was referred to the Committee on Foreign Relations.

He also presented a petition of the American Free Art League, of Boston, Mass., praying for the enactment of legislation to remove the duty on works of art; which was referred to the Committee on Finance.

Mr. GALLINGER presented the petition of John B. Sleman, of Washington, D. C., praying for the enactment of legislation to establish public playgrounds in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BULKELEY presented a memorial of the Woman's American Baptist Mission Society of Voluntown, Conn., remonstrating against the enactment of legislation providing for the education and care of the Indians and Eskimos of Alaska; which was referred to the Committee on Territories.

He also presented a memorial of Local Division No. 281, Amalgamated Association of Street and Electric Railway Employees of America, of New Haven, Conn., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of the Connecticut Chapter of the American Institute of Architects of Hartford, Conn., praying for the enactment of legislation to remove the duty on works of art; which was referred to the Committee on Finance.

He also presented a petition of Plainville Grange, Patrons of Husbandry, of Plainville, Conn., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

Mr. PENROSE presented a petition of the General Federation of Women's Clubs of Philadelphia, Pa., and a petition of the New Century Club of Coudersport, Pa., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of Barbara Frietschie Council, No. 84, Daughters of Liberty, of Shenandoah, Pa., and a petition of Washington Camp, No. 374, Patriotic Order Sons of America, of Orbisonia, Pa., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented memorials of 44 citizens of Milton, of the Woman's Christian Temperance Union of Milton, and of the congregation of the United Brethren in Christ of Milton, all in the State of Pennsylvania, remonstrating against the enactment of legislation providing for an extension of time in the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation providing for the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the T Square Club, of Philadelphia, Pa., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Trades League, of Philadelphia, Pa., remonstrating against the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Camp De La Loma, No. 6, Army of the Philippines, of Uniontown, Pa., praying for the enactment of legislation providing special medals to all officers and enlisted men who served beyond their legal enlistment to suppress the Philippine insurrection; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of the Territory of New Mexico, praying for the enactment of legislation requiring that notices of selections of public lands be amended so as to require such notice to be posted at the post-office nearest the land so selected; which was referred to the Committee on Public Lands.

He also presented a memorial of the Alumnæ Association of

the Girls' High and Normal Schools, of Philadelphia, Pa., remonstrating against the repeal of the so-called "Morris law" for the protection of the forests of the United States; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Alumnæ Association of the Girls' High and Normal Schools, of Philadelphia, Pa., praying for the enactment of legislation to establish national forest reserves in the Appalachian and White mountains; which was ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 5999) for the relief of Annie E. White Shipp and the heirs of Patrick White; which were referred to the Committee on Claims.

Mr. PROCTOR presented a petition of the Woman's Club, of St. Johnsbury, Vt., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

Mr. BRANDEGEE presented a petition of the Hartford Branch of the Connecticut Children's Aid Society, of Hartford, Conn., and a petition of the Saturday Club, of New London, Conn., praying for the enactment of legislation providing for an investigation into the industrial condition of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a memorial of Local Division No. 281, Amalgamated Association of Street and Electric Railway Employees of America, of New Haven, Conn., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of the Business Men's Club, of Cincinnati, Ohio, praying for the enactment of legislation providing for the acquisition of forest reservations in the Appalachian and White mountains; which was ordered to lie on the table.

Mr. LONG presented sundry papers to accompany the bill (S. 4552) for the relief of William Fletcher; which were referred to the Committee on Claims.

He also presented the petitions of I. D. Hibner and 19 other citizens of Olathe, Kans., and of Charles M. Johnston and 5 other citizens of Caldwell, Kans., praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

Mr. KNOX presented petitions of W. Siminton, of Washington; E. T. Thomas, of Sharon; T. C. Peterson, of Sharon; James Smith, of Sharon, and J. M. Smith, of Sharon, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of the New Century Club, of Coudersport; the Civic Club, of Bloomsburg; Philadelphia Section, Council of Jewish Women, of Philadelphia, and the Review Club, of Oak Lane, Philadelphia, all in the State of Pennsylvania, praying that an appropriation be made for a scientific investigation into the industrial condition of women in the United States; which were referred to the Committee on Education and Labor.

He also presented petitions of Local Council No. 84, Daughters of Liberty, of Shenandoah; Local Council No. 140, Daughters of Liberty, of Falls of the Schuylkill; of Washington Camp, No. 374, Patriotic Order Sons of America, of Orbisonia; Local Lodge No. 225, Brotherhood of Railroad Trainmen, of Pittsburg; Local Council No. 906, Junior Order United American Mechanics, of Akron; of Washington Camp, No. 404, Patriotic Order Sons of America, of Philadelphia; Local Council No. 1022, Junior Order United American Mechanics, of Dunmore; John L. Johnston, of Allegheny City; Bartley Fuller, of Scranton; H. B. Sears, of Scranton; H. H. Kreiser, of Aliquippa; Harry M. Steiner, of Greensburg; Henry J. Geisel, of Philadelphia; H. C. Stiefel, of Pittsburg; John Pfeiffer, of Tower City, and Eugene Horn, of Tower City, all in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of Rossell Brothers Company, of Philadelphia; A. B. Farquhar Company, of York; Pooley Furniture Company, of Philadelphia; William Wuerthele, of Pittsburg; The Scranton Bedding Company, of Scranton; The Lancaster Silver Plate Company, of Lancaster; Columbia Grange, No. 83, of Columbia Crossroads; Hubbard & Rupp, of Philadelphia; Knowlton & Co., of Philadelphia; H. Kleber & Bro., of Pittsburg; Heywood Brothers & Wakefield Company, of Philadelphia, and Frank Schoble & Co., of Philadelphia, all in the State of Pennsylvania, and of Brotherhood of Painters, Decorators and Paper Hangers of America, of Lynn, Mass., praying for the enactment of legislation to remove the duty on alcohol used for industrial purposes; which were referred to the Committee on Finance.

He also presented memorials of D. C. Greenewald, of Bradford; Thomas L. Kane, of Kane; Wright & Miller, of Nansen; C. A. Anderson, of Colegrove; Custer City Chemical Company, of Custer City; Alton Chemical Company, of Bradford; Wyman Chemical Company, of Bradford; Bradford Chemical Company, of Bradford; The Nansen Supply Company, of Nansen; W. H. Powers, of Bradford; National Chemical Company, of Bradford, and Nansen Chemical Company, of Nansen, all in the State of Pennsylvania, remonstrating against the enactment of legislation to remove the duty on alcohol used for industrial purposes; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, reported an amendment proposing to appropriate $250,000 for the construction of a steam vessel for the purpose of destroying wrecks, derelicts, and other floating dangers to navigation, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MARTIN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 8952) for the relief of the trustees of Weir's Chapel, Tippah County, Miss.; and

A bill (S. 350) for the relief of the heirs of Joseph Sierra, deceased.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 17945) authorizing the Borderland Coal Company to construct a bridge across Tug Branch of Big Sandy River, reported it without amendment.

Mr. BURKETT, from the Committee on Claims, to whom was referred the bill (S. 553) for the relief of J. W. Patterson, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, reported an amendment proposing to increase the compensation of patrol drivers, Metropolitan police of the District of Columbia, from $600 to $720 each per annum, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. ANKENY, from the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the bill (H. R. 14184) to extend the irrigation act to the State of Texas, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 4926) for the relief of Etienne De P. Bujac, reported it without amendment, and submitted a report thereon.

Mr. BACON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 11501) to amend an act to provide for circuit and district courts of the United States at Albany, Ga., reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 11029) to authorize the holding of a regular term of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Va., reported it without amendment, and submitted a report thereon.

Mr. McCUMBER (for Mr. PATTERSON), from the Committee on Pensions, to whom was referred the bill (S. 4569) granting an increase of pension to Augustus A. Nevins, reported it without amendment, and submitted a report thereon.

He also (for Mr. PATTERSON), from the same committee, to whom was referred the bill (S. 1513) granting an increase of pension to Harriet A. Rawles, reported it with amendments, and submitted a report thereon.

He also (for Mr. PATTERSON), from the same committee, to whom was referred the bill (S. 4718) granting an increase of pension to George W. Gilson, reported it with an amendment, and submitted a report thereon.

COASTING DISTRICTS.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5572) to amend section 4348 of the Revised Statutes, establishing great coasting districts of the United States, to report it favorably without amendment, and I submit a report thereon. The bill is a short one, and I ask for its present consideration.

The Secretary read the bill.

Mr. FULTON. I would be pleased to be informed by the Senator from Maine what change the bill makes.

Mr. FRYE. It is simply a consolidation of three districts on the Atlantic coast.

Mr. FULTON. It makes no change on the Pacific?

Mr. FRYE. It does not.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It proposes to amend section 4348 of the Revised Statutes so as to read:

SEC. 4348. The seacoasts and navigable rivers of the United States and Porto Rico shall be divided into five great districts, the first to include all the collection districts on the seacoasts and navigable rivers between the northern boundary of the State of Maine and the southern boundary of the State of Texas; the second to consist of the island of Porto Rico; the third to include the collection districts on the seacoasts and navigable rivers between the southern boundary of the State of California and the northern boundary of the State of Washington; the fourth to consist of the Territory of Alaska; the fifth to consist of the Territory of Hawaii.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FRYE. I ask that the report of the committee and the letter from the Secretary of Commerce and Labor be printed in the RECORD.

There being no objection, the report and letter were ordered to be printed in the RECORD, as follows:

The Committee on Commerce, to whom was referred the bill (S. 5572) to amend section 4348 of the Revised Statutes, establishing great coasting districts of the United States, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Commerce and Labor Department, as will appear by the letter of the Secretary, which explains the purpose and effect of the measure.

The only direct change effected by the bill is to consolidate the three great coasting districts of the Atlantic into one, thus relieving our vessels sailing from one to another of these of numerous restrictions, including the filing of manifests when carrying certain cargoes.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, April 23, 1906.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

SIR: The Department has received your letter of the 10th instant, inclosing S. 5572, to amend section 4348 of the Revised Statutes, establishing great coasting districts of the United States.

Replying to your request that I furnish the committee with such suggestion as I may deem proper touching the merits of the bill and the propriety of its passage, I have to state that the Department favors the bill.

The great coasting districts of the United States are now divided as follows:

First. East limits of the United States (Maine) to southern limits of Georgia.

Second. River Perdido (west boundary of Florida) to the Rio Grande.

Third. Southern limits of Georgia to river Perdido (exclusively the State of Florida).

The numerical order in section 4348, Revised Statutes, does not now follow the geographical order of customs districts, because Florida was annexed later to the United States than Louisiana.

Fourth. Pacific coast—no specific authority of law.

Fifth. Alaska. (Sec. 4358, Rev. Stat., "Navigation laws," p. 247.)

Sixth. Hawaii. (Act of April 30, 1900; sec. 98, "Navigation laws," p. 235.)

Seventh. Porto Rico. (Act of April 12, 1900, sec. 9, "Navigation laws, pp. 238–239.)

The first purpose of the bill is to bring into one concise section the various scattered statutory definitions of the great districts.

The second purpose is to simplify the legal requirements relating to the Atlantic coasting trade, confined to American vessels, and to obviate the complicated requirements of law governing the coasting trade between Atlantic and Gulf ports by consolidating the three Atlantic and Gulf districts into one great district, similar to the Pacific coast. These complicated requirements are found particularly in sections 4349, 4350, 4351, 4352, 4353, 4354, 4355, 4356, Revised Statutes. ("Navigation laws," pp. 226–230.) These sections are portions of the act of February 18, 1793, and are one hundred and thirteen years old. The conditions of the times when they were enacted have passed away, and as an examination of the sections cited will show they impose dilatory conditions no longer necessary, especially in the coasting trade of the State of Florida.

American shipping in the coasting trade, especially along the Atlantic coast, is now in keen competition with the railroads, which did not exist in 1793. The Department favors the bill as a measure of relief for American shipping.

Respectfully,
LAWRENCE O. MURRAY,
Acting Secretary.

BILLS INTRODUCED.

Mr. RAYNER (for Mr. GORMAN) introduced a bill (S. 5828) for the relief of the heirs of Benjamin T. Hodges; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 5829) to correct the military record of Uriah Yingling; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5830) providing for the taking of testimony in cases at law or in equity now pending or hereafter to be brought in the circuit courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5831) for the relief of Frances M. Egan, administratrix of Patrick Egan, deceased, surviving partner of Donnelly & Egan; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5832) granting a pension to Bridget Nolan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 5833) granting an increase of pension to Daniel Hanesworth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 5834) granting an increase of pension to Charles F. Sheldon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BRANDEGEE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5835) granting an increase of pension to Jonathan K. Bucklyn;

A bill (S. 5836) granting an increase of pension to Daniel Loosley;

A bill (S. 5837) granting an increase of pension to Oliver W. Gates;

A bill (S. 5838) granting an increase of pension to Charles F. Reynolds;

A bill (S. 5839) granting an increase of pension to David Wight;

A bill (S. 5840) granting an increase of pension to Esther A. Turner; and

A bill (S. 5841) granting an increase of pension to William C. Gardiner.

Mr. LONG introduced a bill (S. 5842) granting a pension to Marie G. Lauer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DICK introduced a joint resolution (S. R. 51) providing for the erection of a statue of the late Hon. Edwin M. Stanton, Secretary of War under Presidents Lincoln and Johnson; which was read twice by its title, and referred to the Committee on the Library.

GRADING OF PENNSYLVANIA AVENUE EAST.

Mr. RAYNER (for Mr. GORMAN) submitted an amendment proposing to appropriate $5,000 for continuing the grading of Pennsylvania avenue east from Branch avenue to the District line, intended to be proposed by Mr. GORMAN to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $1,732 for the purchase of lot 143, square 1282, adjoining the Jackson School building, for a playground for that school, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $25,000 for bronze medals to be presented by the Secretary of War to such volunteer officers and enlisted men as served beyond the terms of their enlistment to help to suppress the Philippine insurrection, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FLINT submitted an amendment authorizing the Postmaster-General to use the average weight of mails ascertained during the period from February 20 to April 17, 1906, in adjusting the compensation, according to law, on such railroad routes as, in his judgment, may have been affected by the earthquake calamity in California on April 18, 1906, etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. DRYDEN, it was

Ordered, That a letter from W. E. Hoyt, on file with the Senate Committee on Pensions, in connection with the bill to pension locomotive engineers, be withdrawn from the files of the Senate, no adverse report having been made on that measure.

JAMES D. VERNAY.

Mr. WARREN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2325) for the relief of James D. Vernay.

INSURANCE CONVENTION IN CHICAGO.

On motion of Mr. BULKELEY, it was

Ordered, That there be a reprint of Senate Document No. 333, Fifty-ninth Congress, first session, being a "Message from the President of the United States, transmitting the report and recommendations, with accompanying papers, of the insurance convention which met in February last at Chicago," which was printed April 17, 1906, and referred to the Committee on Judiciary.

HOUSE BILLS REFERRED.

H. R. 15071. An act to provide means for the sale of internal-revenue stamps in the island of Porto Rico, was read twice by its title, and referred to the Committee on Finance.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

H. R. 15961. An act to quiet titles to certain lots in the District of Columbia; and

H. R. 16730. An act to prevent the unauthorized wearing or use of badges, names, titles of officers, insignia, ritual, or ceremonies of the Benevolent and Protective Order of Elks of the United States of America.

CONDEMNATION OF INSANITARY BUILDINGS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 47) to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, which were, on page 2, line 7, to strike out "and by its direction;" on page 2, line 9, after the word "postmeridian," insert "peaceably;" and on page 2, line 10, strike out all after "same" down to and including "act" in line 13.

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

THE EDES HOME.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4046) to incorporate the Edes Home; which were, on page 2, line 9, to strike out the comma and insert a period; and on page 2, strike out line 10, down to and including "held," line 11, and insert "The property held by the said corporation actually and exclusively used and occupied for the home provided in section 1 of this act shall while and as long as so actually and exclusively used and occupied."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

THE AMERICAN CROSS OF HONOR.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3045) to incorporate the American Cross of Honor within the District of Columbia, which was, on page 1, after line 15, insert "Congress reserves the right to amend, alter, or repeal this act."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

LAND IN PORT ANGELES, WASH.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (H. R. 16954) providing for the reappraisement of certain suburban lots in the town site of Port Angeles, Wash.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with an amendment, to add at the end the following proviso:

Provided, That no patent shall issue to any of the lots so reappraised until the purchaser thereof has proven to the satisfaction of the Secretary of the Interior that he has expended not less than $300 in permanent improvements on each lot purchased by him.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause the reappraisement of all unsold and undisposed-of suburban lots not reserved for public purposes in the town site of Port Angeles, Wash., and all of said lots so reappraised to be subject to sale at private entry only at such reappraised price: *Provided*, That no patent shall issue to any of the lots so reappraised until the purchaser thereof has proven to the satisfaction of the Secretary of the Interior that he has expended not less than $300 in permanent improvements on each lot purchased by him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CONDEMNATION OF LAND FOR STREETS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 17217) to amend an act entitled "An act to establish a code of law for the District of Columbia," regulating proceedings for condemnation of land for streets.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT PASSAIC, N. J.

Mr. DRYDEN. I ask unanimous consent for the present consideration of the bill (S. 5581) to provide for the purchase of a site and the erection of a public building at Passaic, N. J.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 4, before the word "feet," to strike out "twenty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase by private sale, secure by condemnation, or otherwise acquire a site for and cause to be erected thereon a suitable building, with fireproof vaults therein, for the accommodation of the United States post-office in the city of Passaic, in the county of Passaic and State of New Jersey. The plans, specifications, and full estimates for said building shall be previously made and approved, according to law, and shall not exceed, for the site and building complete, the sum of $100,000, which is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELECTRIC POWER PLANTS IN FOREST RESERVES.

Mr. FLINT. I ask unanimous consent for the consideration of the bill (H. R. 11490) granting the Edison Electric Company a permit to occupy certain lands for electric power plants in the San Bernardino, Sierra, and San Gabriel forest reserves, in the State of California.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMY CHAPLAINS.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (S. 5648) to amend section 12 of the act approved February 2, 1901, "An act to increase the efficiency of the permanent military establishment of the United States."

The Secretary read the bill.

Mr. KEAN. What is the "one for Corps of Engineers?"

Mr. BULKELEY. A chaplain.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. I have no objection to its consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, after the word "artillery," at the end of line 6, to insert "wherever the same occurs in said section;" so as to make the bill read:

Be it enacted, etc., That section 12 of the act approved February 2, 1901, "An act to increase the efficiency of the permanent military establishment of the United States," is hereby amended by inserting, after the word "artillery," wherever the same occurs in said section, the words "and one for the Corps of Engineers."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF FERNANDO J. MORENO.

Mr. MALLORY. I ask unanimous consent for the present consideration of the bill (S. 352) for the relief of the heirs of Fernando J. Moreno, deceased.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, on page 1, line 7, before the word "dollars," to strike out "five thousand" and insert "nine hundred;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mrs. Louisa Moreno, Mrs.

W. A. Blount, Mrs. E. T. Hunt, Fernando Moreno, Mason S. Moreno, and Miss Louisa Moreno, heirs of Fernando J. Moreno, deceased, the sum of $900, out of any money in the Treasury not otherwise appropriated, in full compensation for services rendered by said Fernando J. Moreno in guarding and caring for 1,430 African slaves brought to Key West, Fla., by the United States vessels Crusader, Mohawk, and Wyandotte in the year 1860, the said Moreno being requested and directed to perform said service by the authorities of the United States while he was holding the office of United States marshal for the southern district of the State of Florida.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. Mr. President, if it is agreeable to Senators at this time, I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 66, after line 8, to insert:

That section 5 of an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," as amended by the act of Congress approved on the 27th day of June, 1902, entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," is hereby amended in line 92 by inserting, after the word "lakes," the words "excepting Cooper Island in Cass Lake," and in line 94, after the word "Interior," by inserting the sentence "And Cooper Island in Cass Lake composed of the following-described pieces of land situate in the State of Minnesota, to wit: Lots 1 and 2 of section 25; lot 1 of section 26; the southeast quarter of the southeast quarter, and lots 5 and 6 of section 27; lots 1, 2, 3, and 4 of section 34; the west half of the northwest quarter, the northwest quarter of the southwest quarter, the southeast quarter of the southwest quarter, and lots 1, 2, 3, 4, 5, 6, 7, and 8 of section 35; lots 1, 2, 3, and 4 of section 36; all in township 146 north, range 31 west; also lot 1 of section 1; lots 1, 2, 3, and 4 of section 2, of township 145 north, range 31 west, is hereby reserved for and granted to the State of Minnesota, to be used as a State forest reserve or public park, upon condition that if at any time the State shall cease to use the said island so reserved and granted for forest reserve or park purposes the title to the same shall be forfeited and shall revert to the United States.

Mr. GALLINGER. I will ask the Senator from Minnesota if the note I have here is correct, that there are six allotments on the island named in that amendment? If so, I assume that those people can not be deprived of their property without compensation in some form.

Mr. CLAPP. They certainly can not be. This provision of the bill can not take their allotments away from them.

Mr. GALLINGER. So that if they are there, the amendment, if adopted, would not dispossess them in any way?

Mr. CLAPP. It could not.

Mr. GALLINGER. If that is clear, I have no objection.

Mr. CLAPP. To avoid any question as to that, I will say to the Senator that there is no objection to the insertion of a proviso to that effect, although I am very clear on the point.

Mr. GALLINGER. I think, if the Senator would accept a proviso of that character, it would be more satisfactory. Do I understand the Senator will move to insert such a proviso?

Mr. CLAPP. I will attend to the matter in conference.

Mr. GALLINGER. Very well.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 69, line 20, after the date "1889," to insert "and an act entitled 'An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota,' approved February 20, 1904;" and on page 70, line 7, after the word "much," to insert "thereof;" so as to read:

That the Secretary of the Interior is hereby authorized to cause to be made a drainage survey of the lands ceded by the Chippewa Indians in the State of Minnesota under the act of Congress entitled "An act for the relief and civilization of the Chipewa Indians in the State of Minnesota," approved January 14, 1889, and an act entitled "An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota," approved February 20, 1904, which remain unsold, and are wet, overflowed, or swampy in character, with a view to determining what portions thereof may be profitably and economically reclaimed by drainage, the number, location, cost, and extent of drainage ditches, canals, or improved natural water courses required to afford drainage outlets; and whether a sufficient fund for such improvement could be provided by an increase in the price at which such unsold ceded lands should be sold in the future, and the sum of $15,000, or so much thereof as may be necessary, etc.

The amendment was agreed to.

The next amendment was, on page 70, after line 17, to insert:

That all restrictions as to sale, incumbrance, or taxation for allotments within the White Earth Reservation in the State of Minnesota, now or hereafter held by adult mixed-blood Indians, are hereby removed; and as to full bloods, said restrictions shall be removed when the Secretary of the Interior is satisfied that said adult full-blood Indians are competent to handle their own business affairs.

Mr. GALLINGER. I will ask the Senator from Minnesota if, in removing these restrictions on allotments, as provided for in this amendment, there ought not to be a provision to issue patents in fee to those people?

Mr. CLAPP. That is a matter as to which I should have no objection one way or the other. I will put in a provision to that effect if the Senator so desires.

Mr. GALLINGER. I should like to have the amendment amended in that particular.

Mr. CLAPP. That is, with the understanding that they have the right to patents.

Mr. GALLINGER. Precisely.

Mr. CLAPP. Not that it shall be discretionary?

Mr. GALLINGER. Oh, no; but that they have the right to patents.

Mr. CLAPP. I will attend to that.

The VICE-PRESIDENT. Without objection, the amendment will be considered as agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Northern Cheyennes and Arapahoes (Treaty)," on page 73, after line 8, to insert:

For the purchase of heifers and bulls for the Indians on the Northern Cheyenne Indian Reservation, Tongue River Agency, Mont., $30,000: *Provided*, That the expenditure of this money shall be under the direction of the Secretary of the Interior, who shall purchase the cattle and regulate their distribution according to such rules and regulations as in his discretion he may deem best.

The amendment was agreed to.

Mr. CLAPP. There is no objection to the reading of the next amendment, beginning in line 16, on page 73, in relation to the Blackfeet Reservation, at this time, Mr. President, but the Senator from Montana [Mr. CARTER], who seems to be absent at this moment, asked that it be passed over for to-day.

The VICE-PRESIDENT. The amendment will be passed over.

Mr. CARTER entered the Chamber.

The VICE-PRESIDENT. The Senator from Montana is present.

Mr. CARTER. Let the amendment be read, Mr. President.

Mr. CLAPP. Very well; let it be read. I have no objection to that.

The next amendment of the Committee on Indian Affairs was, on page 73, after line 15, to insert:

BLACKFEET RESERVATION.

That so soon as all the lands embraced within the Blackfeet Indian Reservation shall have been surveyed the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and may rightfully belong on said reservation: *Provided*, That all water rights and privileges on or connected with streams within or adjoining said reservation shall be subject to the laws of the State of Montana, and all proceedings in any pending suit commenced by the United States praying for an injunction to enjoin the use of the waters of any such stream shall be suspended, and no like suit shall hereafter be commenced or prosecuted by the United States against any person or company actually using the water of any of the streams aforesaid for a beneficial purpose: *And provided further*, That there shall be allotted to each adult or head of family 80 acres of irrigable land and 120 acres of additional land valuable only for grazing purposes, or at the option of the allottee, the entire 160 acres may be taken in land valuable only for grazing purposes, and to each person under 18 years of age one-half of such acreage, respectively: *Provided further*, That the Holy Family Mission on Two Medicine Creek is hereby granted 320 acres of land, to be selected by the authorities of said mission, embracing the mission buildings and improvements thereon, and the Secretary of the Interior may reserve such lands as he may deem necessary or desirable for agency, school, and religious purposes; also such tract or tracts of grazing and timber lands as he may deem expedient for the use and benefit of the Indians of said reservation in common; but such reserved lands, or any part thereof, may be disposed of from time to time in such manner as the said Secretary may determine.

That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior, said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians, and the other two resident citizens of the State of Montana.

That within thirty days after their appointment said commissioners shall meet at some point within the Blackfeet Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk, at a salary of not to exceed $5 per day.

That said commissioners shall then proceed to personally inspect and classify and appraise, by the smallest legal subdivisions of 40 acres each, all of the remaining lands embraced within said reservation. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land;

fourth, timber land, and fifth, mineral lands: *Provided*, That mineral lands shall not be appraised.

That said commissioners shall be paid a salary of not to exceed $10 per day each while actually employed in the inspection and classification of said lands, such inspection and classification to be completed within nine months from the date of the organization of said commission.

That when said commission shall have completed the classification and appraisement of all of said lands and the same shall have been approved by the Secretary of the Interior, the land shall be disposed of under the general provisions of the homestead, mineral, and town-site laws of the United States, except such of said lands as shall have been classified as timber lands and except such sections 16 and 36 of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections or parts thereof is lost to the State of Montana by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other lands not occupied or reserved within said reservation not exceeding 2 sections in any one township, which selections shall be made prior to the opening of the lands to settlement: *Provided*, That the United States shall pay to the said Indians for the lands in said sections 16 and 36 so granted, or the lands within said reservation selected in lieu thereof, the sum of $1.25 per acre.

That the lands so classified and appraised shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars and the Philippine insurrection, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged, but no entry shall be allowed under section 2306 of the Revised Statutes: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by said commission, which in no case shall be less than $1.25 per acre for agricultural and grazing lands and $5 per acre for timber lands; but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-fifth of the appraised value in cash at the time of entry and the remainder in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence, and shall have all the required payments aforesaid, he shall be entitled to a patent for the lands entered: *Provided*, That he shall make his final proofs in accordance with the homestead laws within seven years from date of entry, and that aliens who have declared their intention to become citizens of the United States may become such entrymen, but before making final proof and receiving patent they must receive their full naturalization papers: *And provided further*, That the fees and commissions at the time of commutation or final entry shall be the same as are now provided by law where the price of land is $1.25 per acre: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, or to make final proof within seven years from date of entry, all rights in and to the land covered by his entry shall at once cease, and any payments theretofore made shall be forfeited and the entry shall be forfeited and canceled: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made.

That if, after the approval of the classification and appraisement, as provided herein, there shall be found lands within the limits of the reservation under irrigation projects deemed practicable under the provisions of the act of Congress approved June 17, 1902, known as the "reclamation act," said lands shall be subject to withdrawal and be disposed of under the provisions of said act, and settlers shall pay, in addition to the cost of construction and maintenance provided therein, the appraised value, as provided in this act, into the reclamation funds: *And provided further*, That all lands hereby opened to settlement remaining undisposed of at the end of five years from the taking effect of this act shall be sold to the highest bidder for cash, at not less than $1.25 per acre, under rules and regulations prescribed by the Secretary of the Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest bidder, for cash, without regard to the minimum limit above stated: *Provided*, That not more than 160 acres of land shall be sold to any one person or company.

That the lands within said reservation not already previously entered, whether classified as agricultural, grazing, or timber lands, shall be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws, at the prices therein fixed, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to an Indian.

That lands classified and returned by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under sealed bids to the highest bidder for cash at not less than $5 per acre, under such rules and regulations as he may prescribe: *Provided*, That the said timber lands shall be sold in tracts not exceeding 40 acres, with preference right of purchase to actual settlers, including Indian allottees residing in the vicinity, at the highest price bid.

That after deducting the expenses of the commission of classification, appraisement, and sale of lands, and such other incidental expenses as shall have been necessarily incurred, including the cost of survey of said lands, the balance realized from the proceeds of the sale of the lands in conformity with this act shall be paid into the Treasury of the United States and placed to the credit of said Indian tribe. Not exceeding one-third of the total amount thus deposited in the Treasury, together with one-third of the amount of the principal of all other funds now placed to the credit of or which is due said tribe of Indians from all sources, shall be expended from time to time by the Secretary of the Interior as he may deem advisable for the benefit of said Indians, in the construction and maintenance of irrigation ditches, the purchase of stock cattle, horses, and farming implements, and in their education and civilization. The remainder of all funds deposited in the Treasury, realized from such sale of lands herein authorized, together with the remainder of all other funds now placed to the credit of or that shall hereafter become due to said tribe of Indians, shall, upon the date of the approval by the Secretary of the Interior of the allotments of land authorized by this act, be allotted in severalty to the members of the tribe, the persons entitled to share as members in such distribution to be determined by said Secretary; the funds thus allotted and apportioned shall be placed to the credit of such individuals upon the books of the United States Treasury for the benefit of such allottees, their legatees, or heirs. The President may, by Executive order, from time to time order the distribution and payment of such funds or the interest accruing therefrom to such individuals members of the tribe as in his judgment would be for the best interest of such individuals to have such distribution made, under such rules and regulations as he may prescribe therefor: *Provided*, That so long as the United States shall hold the funds as trustee for any member of the tribe, the Indian beneficiary shall be paid interest thereon annually at the rate of 4 per cent per annum.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $65,000, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency and school purposes, at the rate of $1.25 per acre; also the sum of $75,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to survey, classify, and appraise the lands of said reservation as provided herein, and also to defray the expense of the appraisement and survey of said town sites, the latter sums to be reimbursable out of the funds arising from the sale of said lands.

That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections 16 and 36 or the equivalent in each township that may be granted to the State of Montana, the reserved tracts mentioned in section 2 for agency and school purposes, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks not less than 80 acres of said land at or near the present settlements of Browning and Babb, and each of such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements. Such town sites shall be surveyed, appraised, and disposed of as provided in section 2381 of the United States Revised Statutes: *Provided*, That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter at any time prior to the day fixed for the public sale, and at the appraised value thereof, such lot and any one additional lot of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *Provided further*, That before making entry of any such lot or lots the applicant shall make proof to the satisfaction of the register and receiver of the land district in which the land lies of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proof as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *Provided further*, That in making their appraisal of the lots so surveyed it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry in their regular order with the other unimproved and unoccupied lots: *Provided, however*, That no lot shall be sold for less than $10: *And provided further*, That said lots when surveyed shall approximate 50 by 150 feet in size.

The VICE-PRESIDENT. The amendment will be passed over.

Mr. CLAPP. On page 82, line 22, in the amendment of the committee, after the word "Montana," are the words "the reserved tracts mentioned in section 2." That should be changed so as to read "the reserved tracts hereinbefore mentioned." I think there will be no objection to making that change now.

Mr. LODGE. Certainly not. I understand the committee amendment goes over, and I reserve the point of order upon it.

The VICE-PRESIDENT. The proposed amendment will be stated by the Secretary.

The SECRETARY. On page 82, line 22, after the word "tracts," it is proposed to amend the amendment of the committee by inserting the word "hereinbefore;" and after the word "mentioned," in the same line, by striking out the words "in section 2;" so as to read:

That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections 16 and 36 or the equivalent in each township that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned for agency and school purposes, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The committee amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Winnebagoes (Treaty)," on page 86, after line 4, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed, under such rules and regulations as he may prescribe, to pay to the Santee Sioux Indians in Nebraska and the Ponca Indians in Nebraska the shares of said Indians in the principal permanent fund

appropriated and placed in the Treasury of the United States to the credit of the Sioux Nation of Indians by the seventeenth section of the act of Congress approved March 2, 1889 (Stat. L., vol. 25, p. 895): *Provided*, That the shares of minors until they become of age, and the shares of incompetents, shall remain in the Treasury, and the interest on such shares may, in the discretion of the Secretary of the Interior, be paid to the parents or legally appointed guardians of such minors and incompetents under such regulations as he may prescribe; or he may direct that the share of any minor or incompetent be paid to the parent or legal guardian, on the recommendation of the Commissioner of Indian Affairs, if deemed necessary for their best interests: *Provided further*, That the Secretary of the Interior may withhold any of the payments herein provided for if in his judgment it would be to the best interests of the member entitled to said payment to do so. And so much of the act of April 21, 1904 (vol. 33, Stat. L., p. 201), as relates to retaining minors' and incompetents' shares in the Treasury is hereby amended so as to permit the shares of the tribal trust funds belonging to minors or incompetents to be paid in like manner to the parents or legal guardians.

The amendment was agreed to.

The next amendment was, on page 87, after line 8, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert H. Raynolds or his personal representatives, out of any money in the Treasury not otherwise appropriated, the sum of $2,290.49, for and on account of two United States Indian vouchers in the amounts, respectively, of $907.98 and $1,382.51, issued on the 26th day of March, 1877, to Dwight J. McCann, an Indian freight contractor, and cashed by the said Albert H. Raynolds, and which said vouchers were allowed for payment by the Commissioner of Indian Affairs on the 2d day of May, 1877, and afterwards refused.

The amendment was agreed to.

The next amendment was, on page 88, in line 1, after the word "them," to insert "Reuben Cabana, Lewis Dick, Margaret La Flesche Diddock, Henry Warner, Roy Owens D. Stabler, Ne ka ga he, or Noah La Flesche, Ta in ge na Cook, James B. Atkin, Omaha allottees;" in line 4, after the word "allottees," to strike out "Louis Dick and Ida C. Shott, Elsie Grace Pilcher, William H. Campbell, Henry Guitar, Harriet L. Pilcher, Me khu bae, or Anna Mary Walker, Omaha allottees Nos. 962, 916, 492, 892, 420, 366, and 369, respectively; David St. Cyr, Daniel Rice, Alexander St. Cyr, Charles Raymond, Louis Armell, Louis St. Cyr, Mrs. Elsie E. Paulson, nee Perry, Mrs. Henrietta Lemmon, and Henry Lemmon, Winnebago allottees Nos. 248, 419, 139, 338, 237, 245, 509, 132, and 136, respectively; Mary Whiting, Ponca (Nebraska) allottee No. 11; Rosa Baker, Emma N. Post, Mary Knudsen;" in line 22, after the name "Mary Knudsen," to insert "Bertha F. Knudsen;" and in line 22, after the name "Bertha F. Knudsen," to strike out "Buffalo Chip, White Dog, Frank Sherman, Runs Bowing or William Elk, William Bear, and Mary Lesor, Ponca (Nebraska) allottees Nos. 39, 106, 20, 2, 100, 88, 84, 95, and 133, respectively; Josephine Amell, Winnebago allottee No. 235; Zally Rulo, Ponca (Nebraska) allottee No. 83; George W. Dupuis, Koyakewin, William Holmes, Mary Rockwood, Henry Ross, Frank H. Young, Samuel Baskin, John Hoffman, David Thomas, Joseph Coursoll, jr., Samuel Thomas, Cecilia Coursoll, Julia Rouillard, Frederick A. Dupuis, Amelia Jones, Eliza Rouillard, Edward Mackey, Andrew Jackson Felix, David Mazakute, Henry Felix, Wakinyangi or Samuel, Alfred Dupuis, Samuel Campbell, Mary Coursoll, Thomas Whipple, Jannie Cox, Reuben H. Cahney, Sarah Sheridan, Tae hu tam be or Harvey Warner, Ge u ka or Charles Stabler, Peter Felix, jr., Hin han skaden or Thomas Whiteowl, Dennie Felix, James Hemans, Charles Wicanhpidutawin, Bushman Chapman, Wacanga, George Goodteacher, Asdohewin, John Halfiron, David Boy, Hupojanjanwin, Samuel Stone, Andrew Sherman, Wospimaniwin, Phillip Webster, Joseph Paypay, Sarah Jones, Cantanna or Thomas Whipple, Wihaki or Lina Whipple, Thomas Rouillard, Samuel Whipple, August Trudell, John Ross, and Joseph Samuels, Santee Sioux allottees Nos. 195, 32, 839, 179, 758, 99, 844, 359, 427, 53, 425, 76, 831, 71, 816, 830, 677, 710, 394, 709, 386, 194, 821, 74, 807, 246, 314, 292, 508, 396, 708, 468, 714, 363, 375, 650, 15, 100, 344, 204, 788, 349, 311, 379, 50, 326, 472, 126, 809, 810, 828, 396, 548, 513, and 826, respectively; on page 90, line 23, after the word "respectively," to insert "Edward Blacksmith, Maud N. Dupuis, Louis Frenier, Nagiiyoptewin, David Whale, Charles Hedges, allottee No. 46; John B. Wapaha, allottee No. 234; Samuel Hoffman, allottee No. 343, Santee Sioux schedule;" and on page 91, line 3, after the word "schedule," to strike out "Fannie Baker, Rosebud Sioux allottee No. 1, Sioux Ceded Tract; James Garvie, Santee allottee No. 15;" so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: Reuben Cabana, Lewis Dick, Margaret La Flesche Diddock, Henry Warner, Roy Owens D. Stabler, Ne ka ga he, or Noah La Flesche, Ta in ge na Cook, James B. Atkin, Omaha allottees; Bertha F. Knudsen; Edward Blacksmith, Maud N. Dupuis, Louis Frenier, Nagiiyoptewin, David Whale, Charles Hedges, allottee No. 46; John B. Wapaha, allottee No. 234; Samuel Hoffman, allottee No. 343, Santee Sioux schedule; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

The amendment was agreed to.

The next amendment was, on page 91, after line 7, to insert:

That the Secretary of the Interior may, in his discretion, issue patent in fee to Good Hawk, Ponca (Nebraska) allottee No. 199, for such portion of the land allotted him as he may so approve, to be sold under direction of said Secretary and the issuance of said patent shall operate to remove all restrictions as to the sale, incumbrance, or taxation of the land so patented.

The amendment was agreed to.

Mr. CLAPP. In this connection and at this point I desire to offer the amendments I send to the desk which have been sent here by the Department. The paper will show where the respective names of allottees ought to be inserted.

The VICE-PRESIDENT. The proposed amendments will be stated.

The SECRETARY. On page 62, line 10, after the word "them," it is proposed to insert the words "John Dupins, Sac and Fox of Iowa allottee;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: John Dupins, Sac and Fox of Iowa allottee, etc.

The amendment was agreed to.

The SECRETARY. Also on page 88, line 4, after the word "allottees," it is proposed to amend the amendment of the committee by inserting the words "Millie Neff, Sac and Fox allottee;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: Reuben Cannba, Lewis Dick, Margaret La Flesche Diddock, Henry Warner, Roy Owens D. Stabler, Ne ka ga he, or Noah La Flesche, Ta in ge na Cook, James B. Atkin, Omaha allottees; Millie Neff, Sac and Fox allottee, etc.

The amendment to the amendment was agreed to.

The SECRETARY. Also on page 113, line 18, after the word "allottee," it is proposed to amend the committee amendment by inserting the words "Minnie Plumb, Mississippi Sac allottee;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands hertofore allotted them: Per mam su or Comanche Jack, Comanche allottee No. 2025, Mary McCoy, Sac and Fox allottee, Isaac McCoy, Ottawa allottee, Minnie Plumb, Mississippi Sac allottee, etc.

The amendment to the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 91, after line 14, to insert:

That John Oldman, Santee Sioux allottee Nos. 162 and 163, to whom a patent has been issued containing restrictions on alienation, may sell and convey his allotment, but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser the same as if a final patent without restrictions had been issued to the allottee.

The amendment was agreed to.

The next amendment was, under the subhead "Carson School," on page 92, after line 21, to insert:

That in addition to the allotment in severalty of lands in the Walker River Indian Reservation in the State of Nevada, and the selection and setting apart for the use in common of the Indians nonirrigable, grazing lands therein, as provided by the joint resolution of June 19, 1902 (32 Stat., p. 744), the Secretary of the Interior shall, before any of said lands are open to disposition under any public-land law, select and set apart for the use in common of the Indians of said reservation such tract or tracts of timber land therein at one or more places as will subserve the reasonable requirements of said Indians for fuel and improvements.

The amendment was agreed to.

The next amendment was, on page 93, after line 8, to insert:

For the purpose of purchasing from the State of Nevada lots 2, 3, and 4, section 13, township 47 north, range 38 east, Mount Diablo meridian (48.8 acres), for allotment to Pah Ute Indians in connection with adjoining public land, $70, or as much thereof as may be necessary.

The amendment was agreed to.

The reading of the bill was continued to the end of line 2, on page 94.

Mr. CARTER. While the Senator from Massachusetts [Mr. LODGE] is present I desire to recur to the amendment, on page 39, concerning which I made a brief statement the other day of possible conditions which the amendment is intended to meet. On the day following that brief discussion I was called upon by Mr. Hemphill, formerly a member of the House, and at present a practicing lawyer in this city, who advised me that the conditions outlined briefly were substantially the actual conditions this amendment was intended to meet and cover.

It will be observed that the amendment directs the Court of Claims to determine the reasonable value of certain services rendered to the Indians named in the amendment. Mr. Hemphill advised me that contracts were made in the year 1902 between the Indians and a firm of lawyers in the city of Cincinnati, Pogue & Pogue. By the terms of the contracts referred to each Indian—and there were a great many of them; hundreds, possibly thousands—was to pay $5, and likewise the tribe was

to pay 25 per cent upon the aggregate amount involved or saved in the course of the proceeding.

It became obvious that the fee thus provided for would in the aggregate be very exorbitant and unusual, and to avoid controversy in connection with the matter and to secure what seemed to be a just and equitable fee in lieu of that specified in the contract this proposed reference to the Court of Claims was devised as a means of reaching a fair estimate of the value of the services rendered. Should this amendment not be adopted, as I understand from Mr. Hemphill's statement, the provisions of the contract will apply, and the fee under the contract will reach very large proportions.

It seems to me under such circumstances the amendment is intended to protect the Indians against a contract improvident in its terms as to them and inconsiderately executed at the time of its execution. In this view the amendment seems to be a meritorious one, and I believe the judgment of the Court of Claims will probably be for a less amount than the contract calls for.

Mr. LODGE. I do not recall that I opposed the amendment. If I did——

Mr. CARTER. I understood a point of order was opposed to the amendment.

Mr. LODGE. The amendment on page 39?

Mr. CARTER. On page 39, authorizing and empowering the Court of Claims——

Mr. LODGE. No.

The VICE-PRESIDENT. The Chair will say to the Senator from Montana that no point of order seems to have been recorded against the amendment.

Mr. LODGE. I do not recall making any opposition to those amendments.

The VICE-PRESIDENT. The amendment was passed over.

Mr. CARTER. It was passed over?

The VICE-PRESIDENT. Yes.

Mr. CARTER. As I understood, the Senator from Minnesota [Mr. CLAPP] at the time desired that the point of order be withheld.

Mr. LODGE. I made a point of order on a later amendment; that in regard to certain Cherokee allottees. I do not think I made any point of order on this amendment. I do not recall it.

Mr. CARTER. This is the matter to which my attention was directed.

Mr. LODGE. I have no objection to this amendment, and I do not recall making a point of order against it.

Mr. CLAPP. To the amendment on what page does the Senator from Montana refer?

Mr. LODGE. The amendment on pages 39 and 40 is the one the Senator from Montana was speaking about. I do not recall making any objection to the amendment. I have none, and I do not remember making any point of order.

Mr. CLAPP. I understood the Senator from Massachusetts to object and to make the point of order, and the amendment was passed over, although the question I asked to be heard on——

Mr. LODGE. I raised the point of order on a later amendment. The request that it be passed over must have been made by some other Senator.

Mr. CARTER. I presume, then, there is no objection to the amendment.

Mr. LODGE. So far as I am concerned there is not. I do not know whether any other Senator made the point.

The VICE-PRESIDENT. Is there objection to the amendment at the end of page 39? The Chair hears none; and without objection, it is agreed to.

Mr. McCUMBER. While we are on this portion of the bill, I wish to present an amendment to be inserted on page 41, after line 22.

The VICE-PRESIDENT. The Senator from North Dakota proposes an amendment, which will be stated.

The SECRETARY. After the committee amendment already adopted on page 41, after line 22, it is proposed to insert:

Every full-blood Cherokee, Creek, Seminole, Choctaw, or Chickasaw, who heretofore has been or hereafter shall be identified as such by the Commission or Commissioner, shall be allotted by the Commissioner to the Five Civilized Tribes, prior to the final closing of the citizenship rolls by the Secretary of the Interior, and no personal neglect on the part of such full-blood Indian to apply for allotment or to make the proof necessary to the enrollment or allotment of such Indian shall prevent the said allotment.

Mr. CLAPP. There is no objection to the amendment to the amendment.

The VICE-PRESIDENT. The Chair will regard the amendment of the committee as open to amendment; the amendment proposed by the Senator from North Dakota to the amendment, without objection, is agreed to; and the amendment as amended is agreed to.

Mr. CLAPP. In this connection I desire to offer an amendment. It is possible the one just offered covers the point. If it does, we can fix it in conference.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be stated.

The SECRETARY. After the amendment just adopted, after line 22, on page 41, it is proposed to insert the following:

No distinction shall be made in the enrollment of full-blood Mississippi Choctaws who have been identified by the United States Commission to the Five Civilized Tribes, and who have removed to the Indian Territory prior to the closing of the rolls by the Secretary of the Interior, and who shall have furnished proof thereof, but such Choctaws shall be treated in all respects as other Choctaw Indians resident in the Choctaw Nation.

The VICE-PRESIDENT. The Chair will regard the amendment just adopted as still open to amendment; the amendment proposed by the Senator from Minnesota to it is agreed to, in the absence of objection; and the amendment as amended is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 94, after line 19, to insert:

That the sum of $20,000, or so much thereof as may be necessary, shall be appropriated, out of any money in the Treasury not otherwise appropriated, to construct an additional building to the Indian school at Santa Fe, N. Mex., the building to be used for the purposes of a dining room.

The amendment was agreed to.

The next amendment was, on page 97, after line 11, to insert:

WAHPETON INDIAN SCHOOL.

For the support and education of 100 Indian pupils at the Indian school at Wahpeton, N. Dak., $16,700.

For pay of superintendent of said school, $1,500.

For minor improvements, $5,000.

For purchasing live stock and equipment of building, $6,000, or so much thereof as may be necessary.

In all, $29,200.

The amendment was agreed to.

The next amendment was, on page 98, after line 10, to insert:

That a part of the land reserved by General Orders, No. 17, of the War Department, dated August 28, 1876, for military purposes, but now abandoned, and subject to disposal under the act of Congress approved July 5, 1884 (23 Stat. L., p. 103), to wit: Part of sections 30 and 31, township 153 north, range 65 west, and part of sections 25, 26, 27, 35, and 36, in township 153 north, range 66 west (known as "Grahams Island"), in the State of North Dakota, be, and the same is hereby, restored to the public domain and declared to be public lands of the United States: *Provided*, That the lands so restored shall, in the discretion of the Secretary of the Interior, be held for a period of twelve months, subject to allotments to the Turtle Mountain band of Chippewa Indians, in accordance with the provisions of the amended agreement with said band approved April 21, 1904 (33 Stat. L., p. 194).

The amendment was agreed to.

The next amendment was, on page 99, after line 12, to insert:

That until otherwise provided by law, all water for the use of the Indian school located at Bismarck, N. Dak., shall be furnished by the Bismarck Water Company at such price as may be agreed upon between said company and the Secretary of the Interior, not exceeding 30 cents per thousand gallons. And there is hereby appropriated for the purchase of such water, for the year ending June 30, 1907, the sum of $400, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 99, after line 21, to insert:

That Michael Okinyanwastena, Devils Lake allottee No. 207; Johnnie Heikoyagmani, Devils Lake allottee No. 209, and Wasicuka, Devils Lake allottee No. 526, to whom trust patents have been issued containing restriction on alienation, may sell and convey all or part of their allotments under such rules and regulations as the Secretary of the Interior may prescribe, and any conveyances made hereunder shall be subject to his approval and when so approved shall convey full title to the purchasers the same as if a final patent without restrictions had been issued to the respective allottees.

The amendment was agreed to.

The next amendment was, on page 101, line 19, before the word "dollars," to insert "five hundred;" so as to make the clause read:

For support and civilization of the Kansas Indians, Oklahoma Territory, including agricultural assistance and pay of employees, $1,500.

The amendment was agreed to.

The next amendment was, on page 103, after line 13, to insert:

KICKAPOOS.

That the Secretary of the Interior be, and he hereby is, directed to immediately cause to be paid to those Kicking Mexican Kickapoo allottees who, under the act of Congress of March 3, 1893, elected to leave in the Treasury their share of the fund provided for in Article V of said act, the sum of money to their credit, together with interest thereon, as provided by said act, and as also provided by the act of June 10, 1896; the shares of minors to be paid to the parents or next of kin having the care and custody of said minors, the shares of deceased persons to be paid to their heirs; all of said payments to be made upon claim through the Border National Bank, of Eagle Pass, Tex.; and for the purpose of carrying this provision into effect there is hereby appropriated the sum of $40,000, or so much thereof as may be necessary, out of any funds in the Treasury of the United States not otherwise appropriated, the same to be immediately available.

Mr. LODGE. Reserving the point of order, which clearly lies against this amendment, I wish to offer an amendment to the amendment. I move to strike out, on page 104, lines 1 and 2, the words "all of said payments to be made upon claim through the Border National Bank, of Eagle Pass, Tex."

The VICE-PRESIDENT. The Senator from Massachusetts proposes an amendment to the amendment, which will be stated.

The SECRETARY. After the word "heirs," in line 1, page 104, it is proposed to strike out the following:

All of said payments to be made upon claim through the Border National Bank, of Eagle Pass, Tex.

Mr. TELLER. I should like to know why the Senator from Massachusetts desires to strike out those words.

Mr. LODGE. For the following reasons, which were furnished me by the Interior Department, and which seem to me very sound reasons: This paragraph directs that all these payments shall be made through a certain bank, the Border National Bank, of Eagle Pass. Thus those Indians who are in Oklahoma must send their claims to the Border National Bank before they can be paid. Whether, as is suggested by the Department, this is—

intended as an inducement to get those who desire to stay on their lands in Oklahoma to go to Mexico, or else suffer a great inconvenience in getting the money that the paragraph carries, it should not be overlooked that the Border National Bank has been concerned in the payments heretofore made to these Indians in Mexico, and if the statements of responsible officers of the Department can be believed it has been a party to a most outrageous course of procedure. When these payments were made, the Indians, through their conservator, were brought to this bank, where the checks were cashed and the Indians given the number of dollars called for in Mexican money—

That is, they were United States checks, and the bank paid the Kickapoos living in Mexico in Mexican dollars. They were entitled to United States money, of course, which they could take over the border and get twice as much for as they could for a Mexican dollar—

Thus they received approximately half the value of their checks. Moreover, the cashier of this bank is the party before whom the discredited deeds taken by Martin J. Bentley for the allotments of seven Kickapoos near Shawnee were executed. The evidence connects him as a party with the entire transaction, and this Office has recommended his prosecution, because it believes that the acts he did in these cases were criminal.

Those are my reasons for objecting to it, and I think they are good reasons. I think the Department can be trusted to select a bank.

Mr. TELLER. This bank was selected at the request of the Indians, because they have been in the habit of doing their business through that bank, and because the bank officers speak Spanish. There is not a particle of evidence worthy of any consideration that in the slightest degree reflects upon any man connected with that bank. We brought before the committee men of as high character as anybody connected with the Indian Office—a Member of Congress from Texas and other gentlemen living in the neighborhood—who testified to the high character of all these gentlemen; and there is not any foundation for that statement, whether it comes from the Secretary or the Commissioner or anybody else.

These Indians, with the exception of a few, have left the United States. They have gone into Mexico, and intend to remain there. A decided effort has been made by the Department to prevent them from going there to live as they want to live. The committee, after a careful examination and, as they supposed, with the approval of the Commissioner of Indian Affairs—at least I so understood, and I think other members of the committee did—finally agreed that this payment should be made in this way.

Mr. LODGE. I understand the Department is very anxious to have these Mexican Indians eliminated entirely from the bill, paid off and disposed of. The fact that they live in Mexico does not seem to be any good reason why they should not get the face value of their checks.

Mr. TELLER. There is no danger that they will not get the proper value of their checks.

Mr. LODGE. Mr. President——

Mr. TELLER. Wait a moment.

Mr. LODGE. Certainly. I thought the Senator was through.

Mr. TELLER. The Department is deprived of no privilege or right whatever as to the payment of this money. They are allowed to pay it simply through that bank.

Mr. LODGE. They are compelled to pay it through that bank.

Mr. TELLER. Well, they are compelled to pay it through that bank.

Mr. LODGE. There are other banks in Eagle Pass. It is very unusual in passing laws here to pick out a bank and say——

Mr. TELLER. I do not know whether there is any other bank in Eagle Pass.

Mr. LODGE. The Department says there are other banks. It can easily be determined.

Mr. TELLER. If the Department object to that bank, they should have objected to it before the committee. They did not object.

Mr. LODGE. Whether the Department objects or not, I object to selecting one bank and saying that that bank shall have the Government business in that town. My liberty of objection is not taken away from me because——

Mr. TELLER. This is a matter——

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. TELLER. I do.

Mr. McCUMBER. I wish to ask the Senator from Colorado whether it is not a fact that the Commissioner of Indian Affairs was before the committee upon this subject, and whether he gave any evidence whatever relative to these Indians heretofore not having been paid the full sum called for by their checks?

Mr. TELLER. There was no evidence of that kind offered by anybody, as I understand.

Mr. McCUMBER. And yet I understand that the Commissioner was brought before the committee, and did testify before the committee, in order that we might learn of any objections he had or the Department might have to the removal of these Indians or the payment of these Indians or their treatment by Mr. Bentley. I heard no evidence of that character.

Mr. TELLER. The statement made by the Senator from North Dakota is absolutely correct.

For one, I do not hesitate to say here and now that I was not pleased with the conduct of the Commissioner. He had some objection to Mr. Bentley, and undoubtedly he had some prejudice against Mr. Bentley, and he had every opportunity to present any grievance that he had against Mr. Bentley. He did not present it. Through some agent there was an attack made upon Mr. Bentley, that Mr. Bentley's character was sustained beyond a question before the committee.

I say again there is no evidence on which to found that statement. There was none before the committee; and if there was such evidence, the Commissioner was very derelict if he did not bring it before us.

Mr. LODGE. I do not want to delay the bill. I make the point of order that this involves an appropriation from the Treasury of the United States and is not estimated for, and that it is general legislation, also.

Mr. TELLER. There is nothing in the point of order. This is money belonging to the Indians.

Mr. LODGE. I think the Senator will find there is something in it before he gets through.

Mr. TELLER. This is money belonging to the Indians. It is private money. It does not belong to the tribe; it belongs to the Indians. It is their lease money we are talking about now—money that was put into the Treasury when Senator Pettigrew was chairman of the committee.

Mr. LODGE. It certainly is a very unusual thing to describe it as "any funds in the Treasury of the United States not otherwise appropriated."

Mr. TELLER. Oh, well, of course it is the appropriation of money, but it is the Indians' money—money standing to their credit.

Mr. LODGE. It is not so described here.

Mr. TELLER. It is just as we always make these appropriations; precisely.

Mr. LODGE. That does not affect the point of order that it is not estimated for.

Mr. CLAPP. I call the attention of the Senator from Massachusetts to the recital of the bill itself.

Mr. LODGE. Yes; I see.

Mr. CLAPP. The Indians elected to leave this money in the Treasury, and this provides for paying it over to them.

That the Secretary of the Interior be, and he hereby is, directed to immediately cause to be paid to those Kicking Mexican Kickapoo allottees, who, under the act of Congress of March 3, 1893, elected to leave in the Treasury their share of the fund provided for in Article V of said act—

Mr. LODGE. Yes; I see that. The amendment is open to the point of order that it is general legislation.

Mr. GALLINGER. I should like to ask the Senator a question. If these Indians are paid this money, it will be paid to them in checks of the United States. Those checks are good in Mexico as well as in Eagle Pass, Tex., are they not?

Mr. CLAPP. The reason for designating that the payment should be made at Eagle Pass, as I remember it, is this: Those Indians are in Mexico. I think there was a serious complaint that they should not be compelled to come up to Oklahoma.

Mr. LODGE. The Oklahoma Indians are in Oklahoma.

Mr. CLAPP. There are very few of them.

Mr. LODGE. They will have to go to Eagle Pass.

Mr. CLAPP. They are on their way; and it certainly would be a convenience to pay them down there somewhere.

Mr. LODGE. Why should this one bank be selected, and why should it be provided by law that the Indians shall be paid through this one bank? It is most unusual legislation.

Mr. TELLER. I will tell the Senator why.

Mr. LODGE. Why not say "any bank?" What is the objection to saying "any bank in Eagle Pass?"

Mr. TELLER. I do not know whether there is another bank there.

Mr. LODGE. We can easily ascertain. I will soon find that out.

Mr. TELLER. This is the bank through which the Indians have been paid before.

Mr. LODGE. I will soon inform the Senator on that point.

Mr. CLAPP. I will state why this particular bank was selected. The committee having this matter in charge spent several days on it. One of the questions involved was with respect to this bank, and during the progress of the examination it developed that this is a bank which is managed by men of high character and standing, and we knew of no other bank there.

Mr. LODGE. Against one of whom the Department recommended prosecution.

Mr. TELLER. Without the slightest evidence on the face of the earth.

Mr. LODGE. Mr. President, I do not know anything about it. I have not studied the case.

Mr. TELLER. We have.

Mr. LODGE. But I know perfectly well that a prosecution has been recommended.

Mr. TELLER. That is all there has been. There has been no attempt to prosecute anybody. There was no offense whatever.

Mr. LODGE. But why select a bank against which a criminal prosecution has been recommended and not allow any other bank in the same town to do the business?

Mr. TELLER. There was no objection made to it by the Commissioner.

Mr. LODGE. I meant a prosecution against Bentley, an officer of the bank. I did not mean against the bank; I meant against the cashier. I want to be exact.

Mr. TELLER. The Commissioner was before the committee, I think, practically every day for two weeks, and, at least so far as I am concerned, we never heard any objection to paying it through this bank. If he made any, I never heard of it.

Mr. LODGE. The Commissioner further says:

> If it is decided that these Indians must be paid at Eagle Pass, why should this bank be designated when it is a fact that there are other banks in that city which have refused to countenance the practices usually prevailing when the Indians were paid in that city?

They make the distinct charge that those Indians were paid in Mexican dollars on the United States Treasury.

Mr. TELLER. There is not any evidence of it, and it is not true, either.

Mr. LODGE. He says the evidence is the reports of the officers of the Department. I know nothing more than that. Of course it is easy to say that there is no evidence.

Mr. CLAPP. Mr. President, I should like to say a word about this matter.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. TELLER. Certainly.

Mr. CLAPP. When this matter came up I was greatly prejudiced against Mr. Bentley. It was on the ex parte statements that had been made to us. We spent days on this matter. We had the Commissioner with us days there. When we got through, while it may not be of any value to anybody else, I became satisfied that this man Bentley was acting in the utmost good faith with these Indians. There never was a suggestion before the committee that the Indians had been paid in any improper manner or that they had been paid in Mexican money, nor was there the slightest objection made to making this bank the agency through which the payments should be made.

The bank happened to be selected because in the course of the investigation we had occasion to make inquiry about this bank, and found that the men in charge of it were men of high character, and we naturally selected them. There was no other reason for mentioning this bank any more than any other bank. But the charge now as to misconduct on the part of this bank is rather a singular procedure in view of the long time spent in this investigation, and the Department being represented so much before the committee in the investigation.

Mr. LODGE. There are two banks there—the Border National Bank and the First National Bank. The First National Bank is the older bank of the two, with larger deposits, larger capital, and so on. It seems to me that it is unusual to select one bank where there are two, and to say it must be paid through that bank.

Mr. DUBOIS. Mr. President, it is not unusual, I think, if the Senator will recall that they are doing the business in this bank.

Mr. LODGE. I mean it is unusual to do it by the law. Of course the Treasury and other Departments have to make payments to a bank and they select the bank, but here Congress comes in and says it shall be paid through a particular bank, to which the Department objects.

Mr. DUBOIS. Of course this does not exactly answer what the Senator is saying, but there has been a good deal of trouble regarding the payments to the Kickapoo Indians. There are in the Treasury about $33,000 which belong to them individually. Other Indians of the same band have been paid their individual money, amounting to two or three hundred dollars apiece. These Indians did not want to take the money individually. They refused to take it out of the Treasury. It was appropriated to them, but they wanted to buy land with it. The Departments have caused them no end of trouble. Sometimes they make them go away back to Oklahoma from this place to get their money. These men can draw this money at any time they want, but they have not drawn it for the reason stated. For convenience, in order to acquire the land in Mexico where they desire to reside, and on which they have an option, there was no apparent reason why the committee should not indicate that they should do their business through this bank there. They are certainly entitled to this money per capita and to have it paid to them in any way that they select, it seems to me.

The committee wants to get rid of them and let them go to Mexico and stay there, and they want to get rid of the United States.

Mr. LODGE. So does the Department. The Commissioner says he is anxious above all things to have these Indians eliminated and get them out of the bill and out of the law, and get them into Mexico.

Mr. TELLER. He has done all he could to keep them from going; that is certain.

Mr. LODGE. I do not see how it keeps these Indians from going or gets rid of them by prescribing that their money shall be paid at a particular bank. It seems to me that if you paid them the money they would find ways to cash it. It is not very difficult to cash a check.

Mr. DUBOIS. It is very difficult for them to cash a check where they are; there is not enough money around in that immediate vicinity. This is 109 miles, I understand, from where they are located in Mexico, and Eagle Pass is the nearest point, I think, where they can have checks cashed.

Mr. LODGE. There are two banks there. A national bank is very ready always to cash a Government draft.

Mr. DUBOIS. But a check for them, where they live, is rather an inconvenient piece of property.

Mr. LODGE. Provide that they shall be paid at Eagle Pass, if that is thought best, but why specify the bank?

Mr. McCUMBER. I wish to say, Mr. President, that there can be no question, so far as the evidence establishes the fact, that the Department and the Indian agent where these Indians were located, sought by almost every possible means to keep them in the United States and prevent them from going over to Mexico. One of the means that was adopted was not to pay them any of the lease money which belonged to them unless they came all the way from Mexico to Oklahoma to get their pay. They could not get it at any place on the border. That was established by evidence satisfactory, I think, to every member of the Committee on Indian Affairs.

In the very best of faith, as has been suggested by the chairman, after having investigated the matter of the character of the owners of this bank, or those who are in the corporation, that name was inserted. But inasmuch as the Commissioner seems to have raised the question, and as the only object of the committee was to see that the payments were made at some convenient place for the Indians, I suggest to strike out the words "the Border National Bank" and insert in lieu thereof "some bank in Eagle Pass, Tex., to be selected by the Secretary of the Interior."

Mr. LODGE. That suits me perfectly well. I withdraw my amendment.

The VICE-PRESIDENT. The Senator from Massachusetts withdraws his point of order.

Mr. LODGE. No; not the point of order. I withdraw my amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts to the amendment is withdrawn.

Mr. GALLINGER. I suggest to the Senator from North Dakota that it should read "the First National Bank, or the Border National Bank, of Eagle Pass, Tex.," there being those two banks at Eagle Pass.

Mr. McCUMBER. Are there only two banks there?

Mr. TELLER. Is that satisfactory?

Mr. McCUMBER. I understood that there were other banks there.

Mr. LODGE. There are only two—the Border and the First National.

Mr. McCUMBER. That would be entirely satisfactory.

Mr. TELLER. Are both national banks?

Mr. LODGE. Both are national banks; the First National Bank is the oldest and largest.

Mr. GALLINGER. Let it be done through either the First National Bank or the Border National Bank.

The SECRETARY. Amend the amendment on page 104, line 2. Before the word "Border" insert the words "First National Bank or the."

Mr. TELLER. Now, if that is satisfactory to the Senator who has this bill in charge—I do not refer to the Senator from Massachusetts.

Mr. CLAPP. I have no objection.

Mr. LODGE. I have not this bill in charge.

Mr. TELLER. I know that.

Mr. LODGE. But the Senator from Colorado seems to think that I am not entitled to discuss this bill.

Mr. TELLER. Oh, no.

Mr. LODGE. I am entitled to discuss this bill or any other bill.

Mr. TELLER. I thought you might think I was referring to you. I said I was referring to the Senator from Minnesota [Mr. CLAPP].

Mr. CLAPP. Inasmuch as the evidence before the Senate would seem to indicate that perhaps the First National Bank is the better of the two there is no objection to the amendment to the amendment.

Mr. TELLER. I do not object to it.

The amendment to the amendment was agreed to.

Mr. TELLER. There is an amendment or two that I desire to make here.

The VICE-PRESIDENT. Does the Senator from Massachusetts insist upon his point of order?

Mr. LODGE. No; I do not make the point of order, Mr. President.

Mr. TELLER. I understood the Senator to say that he was satisfied with that change.

Mr. LODGE. I am satisfied with that change and that clause. There should be a change in the next clause. I want to suggest a change there.

The VICE-PRESIDENT. Does the Senator from Colorado propose an amendment to the amendment before the Senate? The question is on the amendment as amended.

The amendment as amended was agreed to.

The next amendment was, on page 104, after line 7, to insert:

All restrictions as to sale and incumbrance of all lands, inherited and otherwise, of all adult Kickapoo Indians, and of all Shawnee, Delaware, Caddo, and Wichita Indians affiliating with said Kickapoo Indians nonresident in the United States, who have been allotted land in Oklahoma are hereby removed: *Provided*, That any such Indian allottee in Oklahoma who is a nonresident of the United States may lease his allotment without restriction for a period not exceeding five years: *Provided further*, That the parent or the person next of kin having the care and custody of a minor allottee may lease the allotment of said minor as herein provided, except that no such lease shall extend beyond the minority of said allottee.

Mr. TELLER. On page 104, line 11, after the words "Kickapoo Indians" and before the word "nonresidents," I move to insert "now or hereafter."

Mr. CLAPP. The Senator from Mississippi [Mr. MONEY] has a very short amendment, and we may have some discussion on the pending amendment. I ask that it may be acted on now.

Mr. MONEY. I send up an amendment that I ask to have adopted.

The VICE-PRESIDENT. Is it an amendment to the amendment just under consideration?

Mr. MONEY. It is an amendment to a paragraph already passed.

Mr. CLAPP. It is an amendment on page 41.

The SECRETARY. On page 41 it is proposed to amend, in line 14, by inserting, after the words "Nancy Bigknife," the words "Alice Owen and her children."

Mr. CLAPP. There is no objection to that amendment.

The VICE-PRESIDENT. Without objection, the amendment of the committee will be regarded as open to amendment, and the amendment proposed by the Senator from Mississippi agreed to. The amendment as amended is agreed to without objection.

Mr. TELLER. On line 11, page 104, after the word "Indians," I move to insert the words "now or hereafter."

Mr. CLAPP. I have no objection to that amendment to the committee amendment.

The amendment to the amendment was agreed to.

Mr. LODGE. I should like to ask the Senator in charge of the bill why is it not just as well to strike out those provisos? The Department wants to get rid of these Indians, and all the Senators on the committee have said it is desirable to get rid of the Indians. Why is it well to hold them on by these leases? Why not leave it absolutely free and strike out those provisos?

Mr. CLAPP. I do not think the committee would have any objection to striking them out. I think they were put in there rather as a suggestion.

The VICE-PRESIDENT. Does the Senator from Massachusetts move to strike out the provisos?

Mr. LODGE. Yes; I move to strike out the two provisos.

The VICE-PRESIDENT. The amendment of the Senator from Massachusetts will be stated.

The SECRETARY. After the word "removed," in line 13, page 104, strike out the colon and insert a period, and strike out the remainder of the paragraph.

Mr. McCUMBER. Mr. President, I shall have to object to that amendment to the amendment for reasons that appear plain to me. A number of these Indians are going over to Mexico. We do not always know exactly what influence is being brought to bear upon them in order to gain their consent to change their domicile. It is not always easy to ascertain whether or not an absence of a month or two months or six months or even a year amounts to a change of residence. No time is given, and it seems to me that it will be better to allow this restriction to remain until we become certain that the Indian has changed his residence. I greatly fear that the mere absence of an Indian will be taken as a basis for some designing person who wants his land to secure a deed. I hope the provisos will remain in the bill until we can give it further consideration.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. Certainly.

Mr. TELLER. I believe it would be better to leave it in anyway until the conference committee can deal with it and see whether we should take it out or not.

Mr. LODGE. Along the line which the Senator from North Dakota is speaking, there is no provision here for the issuance of patents in fee simple, and the point is made in a note I got from the Department.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. NELSON. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. LODGE. Then they would fall into the hands of the very adventurers and speculators the Senator from North Dakota was speaking about, because they would be the only ones who would know the right Indian, and other people would feel that it would be impossible to get the right or proper title. The Commissioner says:

So, practically, only parties to the scheme would be able to procure a deed from the right Indian.

It seems to me something would be needed to protect them further.

Mr. McCUMBER. My position simply was that by putting in an amendment now we are hurrying matters and may be doing something we would wish we had not acted quite so hastily upon. It seems to me we ought to know certainly that the Indian is a nonresident, and if left in this condition for a year or two the Department may have evidence sufficient to justify it in holding that the party is a nonresident.

Mr. KEAN. Would it not be better to leave out the whole paragraph?

Mr. McCUMBER. No; I think not.

Mr. CLAPP. In regard to this matter of patent, I have had it brought up here two or three times in this bill where we remove restrictions. There is no objection to it, nor is there any earthly use in it. These Indians have already a deed called

the "trust deed." We convert that into a patent by removing the restriction, and it is purely surplusage to provide for an additional patent when we remove all the restrictions that are contained in the existing instrument. There is no objection to putting it in if anybody desires it.

Mr. LODGE. I withdraw the motion to strike out those provisos.

The VICE-PRESIDENT. The Senator from Massachusetts withdraws his motion, and the question is on the amendment as amended.

Mr. TELLER. I move to insert after the word "Oklahoma," in line 12, the words "or Indian Territory." These people are mixed, some being in one place and others in another.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 104, line 12, after the word "Oklahoma," insert the words "or Indian Territory."

Mr. CLAPP. There is no objection to that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Indian Affairs was, on page 104, after line 20, to insert:

That there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $215,239, the same being the difference between the 32½ cents per acre to the Kickapoo tribe of Indians and the amount obtained by the United States for said lands: *Provided*, That there shall first be a roll of said Kickapoo tribe of Indians, embracing all persons who are members of said tribe by blood and who may be living on the 1st day of May, 1906, whether residing in the United States or not, made under the supervision of the Commissioner of Indian Affairs. And the said sum of money hereby appropriated shall then be immediately distributed per capita to the members of the said Kickapoo tribe so enrolled and be paid to the said members of said tribe, either through an agent appointed by said Commissioner, or, if so designated by him, the American consul whose office may be most accessible to the members of said tribe not residing in the United States. The shares of minors shall be paid to the parent or next of kin having the care and custody of said minor. And the receipt, the form of which to be prescribed by the Commissioner of Indian Affairs, by such parent or custodian for such minors, and the receipt of such members of said tribe shall be deemed to be a receipt in full for all demands of every kind whatever of such persons against the United States, and shall be considered and deemed a final settlement of all claims of said Indians against the United States. And thereupon such Indians and their descendants who have permanently left or who may hereafter permanently remove from the United States shall thenceforth be no longer wards of the Government and shall not be recognized by any department thereof as being entitled to any benefits as Indians. Should any member of said tribe die between the said 1st day of May, 1906, and the time of payment, his such share shall be paid to the lawful heirs of such claimant upon satisfactory proof being made to the Commissioner of Indian Affairs.

The VICE-PRESIDENT. Is there objection to the amendment?

Mr. KEAN. I certainly object to agreeing to this amendment.

The VICE-PRESIDENT. The amendment is open to consideration.

Mr. KEAN. I make the point of order, in the first place, that it is general legislation. In the next place, I want to call the attention of the Senate to the fact that this is a claim that has been paid by the Government of the United States, as I am informed, about three times. I have here what the Commissioner says and what he recommends in his letter dated April 5, 1905, to the chairman of the Senate Committee on Indian Affairs, in which he opposes the payment of the money over again.

Mr. GALLINGER. Read it.

Mr. KEAN. I will read it:

This paragraph has been before the office several times, former Commissioners Browning and Jones both reporting adversely on bills of this character on the ground that the Indians have been paid everything that they were entitled to receive and that they had no title to the lands for which it is now proposed to pay them the second time, and that this would be the third time the Government has paid for the land, as it bought said land in the first place from the Creeks for 30 cents an acre. Each Commissioner took the ground that it was not the proper thing to do; but if Congress sought to deal thus liberally with these particular Indians they did not feel called upon to interpose any very serious objection. In a letter to the chairman of the Senate committee, dated April 5, 1906, I took a similar position. It should be added that probably there are few Indian tribes whose lands have been opened to settlement that could not present a better claim for additional payment. I believe that one of the grounds upon which it is urged that equity demands that they be paid the second time is that they were deceived and a fraud was perpetrated in the preparation of the agreement. It would be interesting to know the effect such a precedent as this would have on a claim submitted by the Kiowa, Comanche, and Apache Indians, because their agreement was changed without their consent by Congress. There are other similar cases.

I trust the amendment will not be agreed to.

Mr. CLAPP. Does the Senator make a point of order against the amendment?

Mr. KEAN. I make the point of order that it is general legislation.

Mr. CLAPP. I think perhaps in this case that point is well taken.

Mr. TELLER. The amendment may be amenable to a point of order. The chairman of the committee seems to think it is. The Government of the United States bought this land from these people, who had the title, and sold it. The Supreme Court of the United States declared in a similar case that the Government must respond as trustee to the Indians for the full amount it received for the land. Ordinary rules of law would always require the trustee to do that. The law does not allow the trustee to make any money out of the ward's property, and that is all there is in this claim.

Mr. CLAPP. Will the Senator allow me a moment?

Mr. TELLER. Certainly.

Mr. CLAPP. Is not this a case where the evidence showed that a man came up here with one Indian and negotiated a treaty and got $5,000 for negotiating it, and the money was paid him by the Government?

Mr. TELLER. That is exactly what did happen in this case. It was a most scandalous affair under any phase of it. Only one man came here who was really an Indian, and a man who was representing the Indians, and he was paid $5,000 for securing this treaty.

But independent of that, Mr. President, the Government of the United States was dealing with its wards. It took its title from its wards and then sold the land for a different sum from what it responded to these Indians. The Supreme Court of the United States, in a case some years ago, entitled, as I recollect, "The New York Indians," settled that question. I need not say to lawyers here that it is the rule that a trustee is never allowed to make any money out of the property of his ward. He is not allowed to deal with them in that way.

It was thought best to close up this entire affair. I do not know what the Senator from New Jersey reads from, whether it is something from the Interior Department or where.

Mr. KEAN. It is from the Commissioner of Indian Affairs.

Mr. TELLER. The Commissioner of Indian Affairs was before the committee, and I understood him to say that he thought it was a just and proper claim against the Government. He seems to have had one opinion at one time and another opinion at another time. I think if there was any way by which he could deprive these Indians of getting what belongs to them he would be pretty industrious in that direction.

Mr. KEAN. Mr. President, I insist on the point of order.

The VICE-PRESIDENT. Does the Senator from Minnesota withdraw the amendment?

Mr. CLAPP. Well, I am inclined to think the point of order is well taken.

The VICE-PRESIDENT. The Chair sustains the point of order.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the subhead of "Sacs and Foxes of the Mississippi (treaty)," on page 108, after line 4, to insert:

That the claim made by holders of Kaw or Kansas interest-bearing scrip certificates, filed in the Department of the Interior on or before the 1st day of March, 1890, that they be paid from the Treasury of the United States a balance found due upon computing interest at 6 per cent, as promised on the face of said certificates, be, and the same is hereby, referred to the Court of Claims, to determine whether, in the opinion of said court, their claim should be allowed. The Government shall be represented by the Attorney-General.

The court shall inquire into the circumstances of the issuance of said scrip certificates, the sale of lands, the application of the proceeds thereof, and the several acts of Congress appropriating money to liquidate the amount due on said scrip certificates. The court may take into account the relation of the United States to said lands in the nature of a trustee, and determine, upon principles of fair and equitable dealing, whether any obligation may properly rest upon the United States to pay to the bona fide holder of said scrip certificates interest according to the terms of their original issue, and report its findings to Congress: *Provided*, That one or more holders of said scrip certificates, or his or their duly authorized attorney, shall file a petition in said court as a test case or cases within six months after the approval of this act.

The amendment was agreed to.

The next amendment was, on page 109, after line 4, to insert:

That the boundary line between the Creek Nation, Indian Territory, and the Territory of Oklahoma, as surveyed by Frederick W. Bardwell in 1871, and reestablished by the Geological Survey in 1895 and 1896, is hereby declared to be the west boundary line of the Creek Nation.

The amendment was agreed to.

The next amendment was, on page 109, after line 11, to insert:

That the Secretary of the Interior shall cause to be appraised, at their cash value, all lands lost by said surveys by the Creek Nation, and payment therefor shall be made by him to the nation. Upon the relinquishment to the Creek Nation, and to the United States, of the lands within the boundary of the nation, as herein provided, improperly patented to homestead claimants in Oklahoma, and the surrender of the patents, the Secretary of the Interior is authorized and directed to have issued new patents for the portions of the homesteads in Oklahoma, and to pay to such claimants, after appraisement, the cash value of the land relinquished. The sum of $30,000, or so much thereof as

may be necessary, is hereby appropriated, out of the moneys in the Treasury of the United States not otherwise appropriated, for carrying out the provisions hereof.

The amendment was agreed to.

The next amendment was, on page 110, after line 2, to insert:

The Secretary of the Interior is hereby authorized to examine the accounts of William R. Little, formerly a trader at the Sac and Fox Agency, and to pay to the said William R. Little or his heirs such sums as he may be satisfied are equitably due from Indian members of the said Sac and Fox tribe to the extent of any funds in his hands or to come into his hands and control belonging respectively to such Indians.

The amendment was agreed to.

The next amendment was, on page 112, after line 20, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to issue patents in fee, severally, to No wa hi, Darwin Hayes, Red Plume and Shoe, Cheyenne and Arapahoe Indians, for not to exceed 40 acres of the lands heretofore allotted to them, respectively, in the Territory of Oklahoma, and the issuance of said patents shall operate as the removal of all restrictions as to the sale, incumbrance, or taxation of said lands.

The amendment was agreed to.

The next amendment was, on page 113, after line 3, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to issue patents in fee, severally, to Massie Chandler and Nannie Chandler, Kiowa, Comanche, and Apache Indian allottees, numbered, respectively, 209 and 210, for the lands heretofore allotted to them in the Territory of Oklahoma, and the issuance of said patents shall operate as the removal of all restrictions as to the sale, incumbrance, or taxation of said lands.

Mr. GALLINGER. I will ask the Senator in charge of the bill if he has any objection to having inserted in line 5, after the word "authorized," the words "in his discretion?"

Mr. CLAPP. Personally I have no objection, but the object of these provisions is to give these men their titles without their going to the expense and delay of applying to the Department. As that is the policy which is being pursued, there is no use of putting that amendment in.

The VICE-PRESIDENT. Does the Senator from New Hampshire move the amendment?

Mr. GALLINGER. I move that amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 113, line 5, after the word "authorized," it is proposed to insert "in his discretion;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue patents, etc.

Mr. CLAPP. I will not object to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 113, line 16, after the word "them," to insert "Per mam su or Comanche Jack, Comanche allottee No. 2025, Mary McCoy, Sac and Fox allottee, Isaac McCoy, Ottawa allottee;" and in line 18, after the word "allottee," to strike out "Victoria Ezell (nee Bradley), Glen Bradley, Alexander B. Peltier, Lincoln Kennedy, John B. Bruno, Lucy A. Lourane, Zoe Rhodd, Nellie Finley, Eliza J. Neiswender, Davis Hardin, Daniel Chilson, Amanda Nadeau (nee Toupin), R. W. Dike, Doshia E. Phillips (nee Kennedy), Joseph Bertrand, Benjamin Bertrand, Dan. O'Brien, Philip Wickens, and William Frapp, Citizen Pottawatomie allottees No. 180, 182, 113, 1351, 121, 210, 104, 563, 17, 41, 702, 98, 738, 371, 140, 772, 774, 109, and 583, respectively; Albert M. Clardy, John B. Bergeron, Catherine (nee Bourbonnais) Peltier, and Anthony Bourbonnais, jr., Citizen Pottawatomie allottees in Oklahoma No. 1363, 37, and 34, respectively; Julia Lazelle and Phillip Wickens, Citizen Pottawatomie allottees No. 117 and 583, respectively; heir of Horace P. Jones, Kiowa allottee No. 2356;" so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: Per mam su or Comanche Jack, Comanche allottee No. 2025; Mary McCoy, Sac and Fox allottee; Isaac McCoy, Ottawa allottee; Minnie Plumb, Mississippi Sac allottee, and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Mr. CLAPP. At the request of the Department, I wish to offer an amendment to the amendment. On page 13, line 16, after the word "them," I move to insert: "Frank O. Jones, Sac and Fox allottee, No. 10."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. I will ask the Senator in charge of the bill if he has any objection to going back to page 112 and inserting, after the word "authorized," in line 22, the words "in his discretion?" I notice those words are in all the items which came from the other House relating to patents, and I think it is well enough for us to follow that form.

Mr. CLAPP. I will say, for the Senator's benefit, that I have no particular interest in the matter; but since this bill passed the other House another bill has passed that body, and is now pending here, to give that discretion. The amendment put on in the Senate was adopted with a view of allowing allottees——

Mr. GALLINGER. This simply makes the bill uniform, and I will move that amendment, if the Senator has no objection to it.

Mr. CLAPP. I have no objection.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 112, line 22, after the word "authorized," it is proposed to amend the amendment heretofore made by inserting "in his discretion;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue patents in fee, severally, to No wa hi, Darwin Hayes, Red Plume and Shoe, Cheyenne and Arapahoe Indians, for not to exceed 40 acres of the lands heretofore allotted to them, etc.

The VICE-PRESIDENT. That amendment of the committee, which has heretofore been agreed to, will be considered as open to amendment, in the absence of objection. The question is on the amendment to the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KEAN. I understand that on page 13, line 5, an amendment inserting those same words was agreed to.

Mr. CLAPP. Yes; that amendment was made.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 114, after line 20, to insert:

That jurisdiction is hereby conferred upon the Court of Claims to hear and determine the claim for services rendered by Clement N. Vann and William P. Adair, late of the Indian Territory, to the said Osage Nation of Indians, in defeating a treaty between the said nation and the United States, executed in 1868, commonly known as the "Drum Creek treaty," and certain proposed legislation injurious to the Osage Indians for the sale of their lands in Kansas, and in procuring the enactment of other legislation favorable to said Indians for the sale of said lands.

That a petition may be filed by the executor or administrator of the estates of said Adair and Vann, respectively, in said courts within forty days from the approval of this act against the Osage Nation of Indians, and service of said petition shall be had by delivering a copy thereof to the Secretary of the Interior and to the governor or principal chief of said nation, with a notice to answer within the time herein prescribed; and said answer shall be filed in said court within ninety days after the service of the petition.

The court may receive and consider all papers, depositions, records, and documents heretofore filed either in said court or the Executive Departments of the Government, together with any other evidence offered by either party to the case, and shall render a judgment or decree against the Osage Nation of Indians for such amount, if any, as the court shall find legally or equitably due for the services of said Adair and Vann, either upon contract or upon a quantum meruit, provided said court shall determine that a plea of quantum meruit may be interposed and considered, not exceeding $180,000. The court shall enter judgment for the total amount found to be due, if any, and shall specify therein the amounts payable to any person or persons under any contract or assignment made since September 26, 1902, covering any portion of said claim. The amount necessary to pay said judgment is hereby appropriated out of the funds in the Treasury of the United States to the credit of said Osage Nation.

Said cause shall be advanced on the calendar of said court. The amount for which judgment may be rendered by the Court of Claims, when paid to the parties named in said judgment, shall be received in full and final settlement of the claim for said services of said Adair and Vann against said nation of Indians: *Provided*, That the Osage tribe be, and are hereby, authorized to employ counsel, with the consent of the Secretary of the Interior, to represent them in said cause.

Mr. KEAN. I will ask the Senator from Colorado [Mr. TELLER], who has examined this case very carefully, whether this is merely a proposition to refer this matter to the Court of Claims?

Mr. TELLER. That is all there is of it—referring it to the Court of Claims. The Indians have for several years past exerted their utmost endeavors to have this case disposed of, and this, I think, will effect a final disposition of it.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, at the top of page 117, to insert:

That the Secretary of the Interior is hereby authorized and directed to pay to Lorenzo A. Bailey $6,155.22, out of any money in the Treasury of the United States belonging to the Osage Nation or tribe of Indians, for his retainer fee and his contingent fee in the Watson Stewart case, under his contract with said nation bearing date February 29, 1904, and such further sum as the Court of Claims may hereafter determine to be a fair and reasonable fee to him under said contract.

The amendment was agreed to.

The next amendment was, on page 117, after line 10, to insert:

That the Indian appropriation act of March 3, 1901 (31 Stats., p. 1065), be amended so as to read as follows: "That it shall be unlawful hereafter for the traders upon the Osage Indian Reservation to give credit to any individual Indian, head of a family, to an amount greater than 75 per cent of the next quarterly annuity to which such Indian will be entitled."

The amendment was agreed to.

The next amendment was, under the head of "Oregon," on page 118, after line 3, to insert:

Whereas James McLaughlin, an Indian inspector for and on behalf of the Secretary of the Interior, under and by virtue of an act of Congress approved July 1, 1898 (30 U. S. Stat. Laws, p. 571), entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1899, and for other purposes," did, on the 17th day of June, 1901, make and conclude an agreement with the Klamath and Modoc tribes and Yahooskin band of Snake Indians, residing on the Klamath Indian Reservation, in the State of Oregon, which agreement is as follows:

This agreement, made and entered into on the 17th day of June, 1901, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Klamath and Modoc tribes and Yahooskin band of Snake Indians, belonging to the Klamath Indian Agency, in the State of Oregon, witnesseth:

ARTICLE I. The said Klamath and other Indians belonging to the Klamath Agency, Oreg., for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Klamath Indian Reservation lying between the boundaries described in the treaty with said Indians concluded October 14, 1864, and proclaimed February 17, 1870, as confirmed by the Klamath boundary commission in their report to the Secretary of the Interior, dated December 18, 1896, and the reservation boundary lines as established by the survey approved in 1888 by the General Land Office, the tract of land hereby ceded and relinquished comprising 621,824 acres.

ART. II. In consideration of the land ceded, relinquished, and conveyed by Article I of this agreement, and in full of all claims and demands of said Klamath and other Indians arising or growing out of the erroneous survey of the outboundaries of their reservation in 1871, the United States stipulates and agrees to pay to and expend for said Indians, in the manner hereinafter provided, the sum of $537,007.20, being at the rate of 86.36 cents per acre, the price awarded for said lands by the Klamath boundary commissioners in their report to the Secretary of the Interior, dated December 18, 1896.

ART. III. It is agreed that of the amount to be paid to the said Klamath and other Indians, as stipulated in Article II of this agreement, the sum of $25,000 shall be paid in cash pro rata, share and share alike, to each man, woman, and child belonging to said Klamath and other tribes and under the jurisdiction of the Klamath Indian Agency within one hundred and fifty days from and after the date of the ratification of this agreement, and the sum of $350,000 shall be deposited in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of 5 per cent per annum, which interest shall be paid to said Indians annually per capita in cash, and that the remainder of said sum of $537,007.20, after the payment of the legal fees of attorneys having duly approved contracts, shall be expended for the benefit of said Indians, under the direction of the Secretary of the Interior, upon requisition of the Indians through the United States Indian agent, in the drainage and irrigation of their lands and the purchase of stock cattle for issue to said Indians, and for such other purposes as may, in his opinion, best promote their welfare: *Provided*, That beneficiaries whose allotments will not be benefited by the irrigation systems constructed under this provision shall not bear any of the expense of such irrigation construction, and shall, as nearly as practicable, receive an equivalent in value of the stock cattle or other articles herein contemplated, that each beneficiary may thus receive his or her proportionate share of the benefits of this provision: *And provided further*, That in addition to the interest on the fund deposited in the United States Treasury, the Secretary of the Interior may, in his discretion, expend for the benefit of said Indians, including reasonable cash payments per capita, not to exceed 10 per cent per annum of the principal fund upon a majority of the male adult Indians of Klamath Agency petitioning for same through the Commissioner of Indian Affairs.

ART. IV. It is understood that nothing in this agreement shall be construed to deprive the said Klamath and other Indians of the Klamath Agency of any benefits to which they are entitled under existing treaties not inconsistent with the provisions of this agreement.

ART. V. This agreement shall take effect and be in force when signed by United States Indian Inspector James McLaughlin and by a majority of the male adult Indians parties thereto, and when approved by the Secretary of the Interior and accepted and ratified by the Congress of the United States.

For the purpose of carrying into effect the foregoing agreement the sum of $537,007.20 is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the said agreement is hereby ratified and confirmed. Of the said sum so appropriated, $350,000 shall be deposited in the Treasury of the United States to the credit of said Indians and the remainder shall be expended as provided in the third article of said agreement.

The VICE-PRESIDENT. The Chair would call the attention of the Senator from Minnesota to line 24, on page 119, where there is a typographical error in the amendment, the word "eighth-six" appearing in place of "eighty-six."

Mr. CLAPP. That should be corrected.

The VICE-PRESIDENT. That correction will be made. The question is on the adoption of the amendment as thus amended.

The amendment as amended was agreed to.

Mr. FULTON. I offer the amendment which I send to the desk, to be inserted after the word "agreement," in line 9, on page 122.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "agreement," following line 9, on page 122, it is proposed to insert the following:

That the Secretary of the Interior be, and is hereby, authorized, in his discretion, to exchange the whole of the odd-numbered sections and parts thereof in the Klamath Indian Reservation in the State of Oregon, now held in private ownership under the final decree and decision of the Supreme Court of the United States, affirming the title of the California and Oregon Land Company thereto, in the suit of the United States against said company as reported in volume 192, at page 353, of the decisions of said court, and aggregating 111,385 acres, for other lands not exceeding 87,000 acres, situate in one or more compact bodies, in townships 31 and 32 south, of ranges 11, 12, and 13 east in said reservation, said lands so taken in exchange to be selected, subject to the approval of the Secretary of the Interior; and in order to facilitate such exchange and the development of the lands to be so taken thereunder there may also be selected in like manner and as part of the quantity aforesaid other lands in said reservation for the location, construction, and operation of mills and power plants, and with the right to construct railroads, dams, reservoirs, and power-transmission lines, subject to the provisions of existing law and such rules and regulations as the Secretary of the Interior may prescribe thereunder. And when such exchange is effected patents for the lands so selected and approved shall issue therefor.

Mr. CLAPP. There is no objection to that amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Models (treaty)," on page 123, after line 8, to insert:

That the Secretary of the Interior is hereby authorized and directed to investigate the following claims against the United States, namely, the claims, respectively, of the Waukikum bands of the Chinook Indians of the State of Washington, of the Nuc que clah we muck band of the Chinook Indians of the State of Oregon, of the Chehalis tribe of Indians of the State of Washington, and of the Wheelappa band of the Chinook Indians of the State of Washington; and to report said investigation, with a recommendation, to the second session of the present Congress; and the said Secretary is authorized and directed to ascertain, if he can, what said claims can be settled for, and to report the same with his recommendations.

The amendment was agreed to.

The next amendment was, on page 123, after line 21, to insert:

That the Secretary of the Interior is hereby authorized and required, subject to such regulations as he may prescribe, to permit owners of sheep to cross the Umatilla Indian Reservation, in the State of Oregon, with their flocks in going to and returning from summer ranges.

Mr. CLAPP. After the word "sheep," in line 24, page 123, I move to amend the amendment of the committee by inserting the words "and cattle."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 123, line 24, after the word "sheep," it is proposed to insert "and cattle;" so as to read:

That the Secretary of the Interior is hereby authorized and required, subject to such regulations as he may prescribe, to permit owners of sheep and cattle to cross the Umatilla Indian Reservation, in the State of Oregon, with their flocks in going to and returning from summer ranges.

Mr. GALLINGER. In reference to that amendment, as I understand the matter, the Indian Office is now negotiating for the purpose of trying to have an agreement satisfactory to all parties made in regard to this matter. This amendment requires him to close it out. Why should he make regulations to allow this thing to be done? Is the Senator in charge of the bill certain that that is a wise thing to do, under the circumstances?

Mr. CLAPP. The chairman of the committee thought it was in reporting the measure. It is an amendment that came from the State of Oregon, I think, and was brought to the attention of the committee by the Senator from Oregon [Mr. FULTON]. I see no reason why the Secretary of the Interior should not be required to make provision, so that men can get their flocks over this reservation.

Mr. FULTON. If the Senator will permit me, the occasion for this amendment grows out of conditions that exist in the State of Oregon, in the vicinity of the Umatilla Indian Reservation. There are something over 100,000 head of stock which must go across this reservation in order to get to their summer feeding grounds, or they must go around the reservation. They can cross it by traveling about 15 miles, whereas to go around the reservation would require a journey of nearly 100 miles.

The amendment simply requires that some provision shall be made allowing the crossing of this reservation, subject to regulations made by the Secretary of the Interior. It is true that negotiations are on foot between the Department of the Interior and these Indians looking to an adjustment of the matter, and I have no doubt they will be consummated; but I think the authority should be given; indeed, I think the Secretary of the Interior should be required to authorize this crossing. Even if the Indians become unreasonable and refuse an agreement, he should be required to do so, it seems to me. If the Senator knew the situation that exists there I am sure he would not object.

Mr. GALLINGER. I think likely, Mr. President, that there is a necessity for this, but the memorandum before me says that the Indians object to it because the stockmen break down their fences and destroy their crops when the animals are passing over this reservation. If that be so, of course it is a valid objection on the part of the Indians. To require the Secretary of the Interior arbitrarily to do this thing, whether the Indians object or not, it seems to me is going farther than we ought to go in that direction. I will suggest that I think this ought to

be left in the discretion of the Secretary, and not make it an arbitrary regulation.

Mr. CLAPP. If the Senator will listen for a moment, I think the Department misapprehends the use of the word "required" here. There is no occasion for being sensitive about that, because that does not apply so much as to the requirement of the Secretary as to giving him absolute authority if the Indians should not agree to it. It is safeguarded by providing that he may make all the rules and regulations that may occur to him in regard to security, the payment of damages, or anything else. Without the requirement, it is doubtful whether the Secretary could force a right of way over this reservation. That was the object of the use of the word.

Mr. GALLINGER. I will ask the Senator from Minnesota, Mr. President, if he is sure that the provision giving the Secretary the power to make regulations would cover the matter of damages? If it does, I certainly have no objection; but I had an impression that it might not go so far as that.

Mr. CLAPP. That would depend upon the regulations to be prescribed. The provision reads, "subject to such regulations as he may prescribe."

Mr. GALLINGER. If the Senator thinks he would prescribe?

Mr. CLAPP. I think so clearly. If he does not, I would want to protect them.

Mr. GALLINGER. If it goes to that extent, I certainly shall not object to it. I think the rights of the Indians ought to be safeguarded. We can readily understand that if flocks of sheep and droves of cattle are permitted to cross the reservation where the Indians have fences and where they have crops, considerable damage might be done.

Mr. FULTON. That is very true; but I will say, if the Senator will permit me, that the stockmen have offered to pay Indian police to go along and guard against the stock getting within the inclosures of the Indians or away from the road. What the Indians are doing is endeavoring to take advantage of the situation and insist on an exorbitant price, notwithstanding these Indian police go along.

Mr. GALLINGER. I think upon that statement the matter ought to remain as it is.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Minnesota.

The SECRETARY. In line 24, page 123, after the word "sheep," insert the words "and cattle."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 125, after line 12, to insert:

For the improvement of the Indian school at Crow Creek Agency, S. Dak., by the erection of necessary buildings, and for repairs and improvements, $30,000.

The amendment was agreed to.

The next amendment was, under the subhead "Chamberlain School," on page 126, line 1, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For general repairs and improvements, for fire house and equipment, for two reservoirs or water tanks, and for changing sewer, $12,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Flandreau School," on page 126, line 13, before the word "thousand," to strike out "six" and insert "and for industrial and domestic school building, seventeen;" so as to make the clause read:

For general repairs and improvements, and for cement veneer for old buildings, and for industrial and domestic school building, $17,000; $2,500 to be immediately available.

The amendment was agreed to.

The next amendment was, on page 126, line 15, after the word "silo," to insert "and equipment thereof;" so as to make the clause read:

New silo, and equipment thereof, $2,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 126, line 17, to increase the total appropriation for the maintenance of the Flandreau School, South Dakota, from $72,425 to $83,425.

The amendment was agreed to.

The next amendment was, on page 127, after line 15, to insert:

For the purchase of 1,000 acres of land and springs and water right for a permanent water supply for the Indian school at Rapid City, S. Dak., $8,650.

The amendment was agreed to.

The next amendment was, on page 127, line 20, to increase the total appropriation for maintenance of the Rapid City School, South Dakota, from $48,350 to $57,000.

The amendment was agreed to.

The next amendment was, under the subhead "Sioux, Yankton tribe (treaty)," at the top of page 130 to insert:

For laundry, $6,000, to be immediately available; for water system, $3,500, to be immediately available.
In all, $34,500.

The amendment was agreed to.

The next amendment was, on page 130, after line 4, to insert:

That the sum of $5,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to put down an artesian well or wells at or near Lake Andes, on the Yankton Indian Reservation, S. Dak., at such place or places as he may determine, for the purpose of supplying said Indians with water for domestic purposes, for stock, and for irrigation purposes.

The amendment was agreed to.

The next amendment was, on page 130, line 16, before the word "hundred," to strike out "two thousand five" and insert "three thousand two;" and in the same line, after the word "dollars," to insert "$3,200, and for the completion of the survey of said reservation, $1,000. In all, $4,200;" so as to make the clause read:

For clerical work and stationery in the office of the United States surveyor-general required on surveys within the Pine Ridge Indian Reservation, S. Dak., the sum of $3,200, and for the completion of the survey of said reservation, $1,000. In all, $4,200.

The amendment was agreed to.

The next amendment was, on page 130, after line 18, to insert:

That jurisdiction be, and hereby is, conferred upon the Court of Claims in Congressional case No. 22524, on file in said court, entitled "The Sisseton and Wahpeton bands of Sioux Indians against the United States," to further receive testimony, hear, determine, and render final judgment in said cause, for any balance found due said bands, with right of appeal as in other cases, for any annuities which would be due to said bands of Indians under the treaty of July 23, 1851 (10 Stat. L., p. 949), as if the act of forfeiture of the annuities of said bands, approved February 16, 1863, had not been passed; and to ascertain and set off against any amount found to be due to said Indians all payments or other provisions of every name or nature made to or for said bands by the United States, or to or for any members thereof, since said act of forfeiture was passed, which are properly chargeable against said unpaid annuities.

Upon the rendition of such judgment and in conformity therewith the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at the time of the passage of this act, excluding therefrom the names of those found to have participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita to the persons borne on the said roll; and the court shall consider the evidence now on file in said cause in connection with such other evidence as may hereafter be adduced therein, and the said cause shall be advanced on the docket of the Court of Claims and of the Supreme Court of the United States if the same shall be appealed; and the court shall fix and determine, after full hearing, the amount that shall be deemed reasonable and just to be paid to the attorneys for said Indians for services rendered or to be rendered in said cause, and the Secretary of the Treasury is hereby directed to pay the said sum of money to the said attorneys immediately upon the rendition of final judgment, out of the proceeds of said judgment and when an appropriation for the payment thereof is made by Congress; and the Secretary of the Interior is hereby authorized and directed to apply, and there is hereby appropriated, out of any funds standing to the credit of said Indians, the sum of $1,500, or so much thereof as may be necessary, to be expended under the direction of the attorneys for said Indians now conducting said cause for the taking of testimony therein and for defraying the expenses of printing incidental thereto.

Mr. KEAN. I make the point of order that the amendment is general legislation. It has formerly been held to be general legislation.

Mr. McCUMBER. Mr. President, I have not closely examined the amendment with reference to the point of order. The fact that it is intended to restore the payment of annuities that have been declared forfeited, it seems to me, would make it one peculiarly proper on the pending bill.

In explanation of the amendment I will simply call attention to the fact that in 1851, I think it was, a treaty was made with the Wahpeton and Sisseton band of Sioux Indians, and this treaty was afterwards modified to some extent by a new treaty in 1868. This treaty ceded to the United States a large tract of land in the State of Minnesota. The Government was to pay for that cession of land certain annuities running over forty years, I think, although I am not certain as to the number of years. But twelve of those payments were made prior to 1862.

In the spring of 1862 occurred the Sioux outbreak, or what is known as the Minnesota massacre, of that year, in which certain of these bands of Sioux, notably those in the western and southern parts of Minnesota, took a conspicuous part; and it is undoubtedly true also that a large number of the Wahpeton and Sisseton bands were engaged in that insurrection.

I simply desire to call attention to one part of the agreement. There was a provision in one of the treaties—I do not remember which one it was; it makes no difference, because they were both for the payment of some lands—to the effect that those Indians should remain at peace with the people of the United

States, and it contained a provision, not to be found in every treaty, to the effect that, in case of any disobedience of the laws by the Indians or any injury done to persons or property of the people of the United States by the Indians, the damages should be charged against the annuities of the Indians. So you see there was provision absolutely made for the payment of injuries or damages resulting from any character of depredation.

Mr. President, this was the condition at the time of the outbreak in 1862. There were a great many people murdered during this episode. It lasted somewhere in the neighborhood of about one month; possibly a little over. The first Congress thereafter, I think, forfeited all of the balance of the annuities. They forfeited it upon the only ground it would seem to me upon which it could be forfeited, that a war had really existed, and that they were treating not with wards of the Government, but treating with an independent nation. They had no authority, in my opinion, under the treaty that was made with these Indians, to forfeit those annuities, because provision was made to take from the annuities any sum of money that was found to be necessary to offset any depredations committed by the Indians. The Wahpeton and Sisseton tribes furnished very few members to that insurrection. In a number of other cases where a forfeiture has been made, the Government has since paid the sum of money to the Indians, after deducting any sum the Government has been compelled to pay to those injured by such depredations.

This amendment provides that the annuities shall be reinstated, practically; that the Court of Claims shall determine the extent of the injury to any property by reason of this uprising, and offset it against any claims for annuities. Upon the face of it the amendment seems to me to be fairly just and proper. The great majority of the tribe were not implicated in this massacre, but on the other hand furnished scouts and a great many of their young men to assist in quelling the disturbance. Justice has been meted out to every one of the Indians who engaged in that uprising. Some thirty-odd were hanged in New Ulm, I believe, during the same year. A number of them escaped and went to Canada and never returned to the United States. Others have been punished by long imprisonment. I doubt if there is a single man now living in that reservation who was in any way directly or indirectly implicated in or who took part in that general massacre. But in order to guard against the possibility of giving any reward to those who were engaged in that serious outbreak, the provision of the amendment is that the Secretary of the Interior shall determine whether or not any of those living there now were so engaged, and if so, they shall not be considered in the payment of these annuities.

I merely give this brief statement of the matter so that Senators may understand it, and especially the Senator who raised the point of order. In my opinion this money is justly due to those Indians. We have declared it forfeited. If this sum is due, it is a sum made due by treaty, and certainly, where the treaty itself provides for the payment of a sum of money, we have a right to appropriate the necessary amount to pay it. It is not new legislation; it is not general legislation, because the treaties are still extant under which the payment is to be made.

Mr. KEAN. Mr. President, I call the attention of the Senator from North Dakota to the finding of the Court of Claims in this case. This is part of the second finding:

> That the proportion of such members, if there were any, who were not so concerned in the said depredations, or some of them, does not appear, and it is impossible from the evidence to find such proportion. If such proportion could be pointed out, there could be no proper distribution of the annuities to loyal members, for the reason that the individual members who were loyal, or who were not so concerned in said depredations, and who would be entitled to such distribution, do not appear, as stated in finding I.

Mr. McCUMBER. The Senator is reading from the findings of the Court of Claims, under a bill that differed very materially from this amendment, because that bill required the Court of Claims not only to find out who were implicated, and it seemed impossible for them to ascertain, but also who were the children of those who were implicated, because the old bill denied any payment even to the heirs of those who were engaged in the insurrection.

Mr. KEAN. That is the case in which the court did make the findings.

Mr. McCUMBER. It is made upon the same subject-matter, but upon an entirely different bill. This amendment simply allows the Department to go ahead and pay out the annuities, and to pay them to the tribe generally without reference to the old act of forfeiture which was passed by Congress in 1862, I think.

Mr. KEAN and Mr. GALLINGER. 1863.

Mr. McCUMBER. 1863; the Senator from New Hampshire corrects me. The amendment certainly, it seems to me, is not subject to the point of order.

Mr. GALLINGER. The Senator from North Dakota is familiar with this case, and I should like to ask him what bands engaged in this insurrection?

Mr. McCUMBER. There were what were known as the "Upper Santee" and "Lower Santee" bands, and another band or party in western Minnesota, the name of which I do not remember. It is possible the Senator from Minnesota remembers the name better than I can.

Mr. CLAPP. The Medawakantons.

Mr. McCUMBER. The Medawakantons.

Mr. GALLINGER. The Senator from North Dakota says the former bill on which the finding of the Court of Claims was made denied compensation to the heirs of those engaged in this massacre.

Mr. McCUMBER. The descendants. Yes; that is my understanding.

Mr. GALLINGER. The descendants. Does not the Senator think if this amendment is not guarded in that respect it ought to be? Does the Senator think the heirs ought to be compensated?

Mr. McCUMBER. I do, for this reason: This was not a general uprising so far as concerns these two bands—the Wahpetons and Sissetons. There were a few of their members, there may have been one or two or three hundred who engaged in it, and they engaged in it against the will and the advice and despite the attempt of the older men of those two bands to keep them out of it. It was a year of great excitement. The Indians have been deprived of their annuities. They had been defrauded and cheated until they raised against the white people, and following this a great many of the younger men of those two bands, as I stated before, took part in it. They have been punished. Probably not half a dozen of those who took part in it are alive to-day, and in a case of murder or theft or anything of that kind it is not our policy to punish the children for the crime of the father.

Mr. GALLINGER. The Senator thinks that most of them have been apprehended——

Mr. McCUMBER. I think practically all.

Mr. GALLINGER. And either executed or imprisoned?

Mr. McCUMBER. I think so. There are some who are living there, and the officers can ascertain who they are, because they have a record of their imprisonment. Every one against whom there was any evidence of having taken part in the insurrection was either executed or hanged, and the others served long terms of imprisonment.

Mr. HANSBROUGH. Mr. President, I have been examining the report of the Committee on Indian Affairs containing the hearings on this question. Part of the reservation occupied by these Indians lies in the State of North Dakota. It is a very small part of it, however. The larger part of it lies in South Dakota. On reading this report I find that Mr. D. N. Cooley, who was Commissioner of Indian Affairs in 1866, has this to say in regard to the character of these Indians:

> In this speedy suppression of the outbreak many friendly Indians acted as scouts, and otherwise rendered good service. They never committed any acts of hostility. * * * They have remained friendly while compelled to a vagabond life for three years by the indiscriminate confiscation of all the land and property of their people.

Further along in his report on this case he says:

> In 1867 the Government, having been convinced that a great wrong had been done in the case of the Sisseton and Wahpeton bands, *who not only refrained from hostilities, but had periled their lives in defense of the whites and in delivering a large number of captive women and children* who had been captured by the hostiles, appointed a commission to treat with these bands. This treaty, concluded February 19, 1867, in its preamble recites the fact that the act of February 16, 1863, had wronged these bands, and the third article, "for and in consideration of the faithful services said to have been rendered by them," and "in consideration of their confiscated annuities, reservation, and improvements," set apart for the scouts and their families the Traverse Lake reservations and the fourth article for the others, who fled from the hostiles to the north, the reservation of Devils Lake.

So these Indians have been recognized as friendly Indians, and the Commissioner of Indian Affairs—in fact, Congress itself—has drawn a very distinct line between those who were hostile to the Government and those who were friendly.

I observe in this same report a quotation from the speech made here in 1899 by Senator Cushman K. Davis, who had given extensive consideration to this question; and I think it will be generally conceded that Senator Davis knew thoroughly what he was talking about. I shall quote briefly from the speech made by the late Senator from Minnesota. He said:

> One of these bands went to war with the United States, and a scene of great devastation and slaughter was exhibited in my own State. * * * Now, the fact was (and nothing is better known in the history of my own State, where the tragedy occurred), that three of

these bands took no part in the massacre. It was perpetrated entirely by the Santees, and as public opinion and knowledge have become better acquainted with the subject, the conscience of those States, and my own State especially, has been aroused to the conviction that reparation shall be made and justice be done.

Mr. President, so much in regard to the question whether these Indians are entitled to the restoration of their annuities. I think it is the only case in the history of the United States where annuities have been taken away from Indians for hostile acts and never have been restored.

On the question of the point of order, I do not think the point of order is well taken. While it is true there is a provision in the amendment for an appropriation of a small sum of money, yet the purpose of the amendment is to submit the question to the Court of Claims. We do not undertake here to decide the case. We leave it to the Court of Claims to ascertain the facts and to report upon the facts so ascertained. If the point of order will lie against an amendment of this kind, there would not be much left of any of the appropriation bills that go through this body. I do not myself think the point of order is well taken.

The VICE-PRESIDENT. The Chair will leave the question to the Senate under Rule XX. Is the amendment in order?

Mr. KEAN. I think it had better not be submitted to-night. Will the Senator from Minnesota say that he can get along with a compromise by striking out of the amendment the clause beginning at line 12, down to and including line 19—that is, after the word "Congress," in line 12, to the end of the paragraph?

Mr. McCUMBER. I ask the Senator what would be the object in striking it out?

Mr. CLAPP. That would strike out the appropriation of $1,500.

Mr. HANSBROUGH. So far as I am concerned, I have no objection to striking out the clause.

Mr. CLAPP. There is no objection to striking it out.

Mr. KEAN. I move to strike out those lines.

The VICE-PRESIDENT. The Senator from New Jersey proposes an amendment to the amendment, which will be stated.

The SECRETARY. After the word "Congress," in line 12, page 132, strike out the following words:

And the Secretary of the Interior is hereby authorized and directed to apply, and there is hereby appropriated, out of any funds standing to the credit of said Indians, the sum of $1,500, or so much thereof as may be necessary, to be expended under the direction of the attorneys for said Indians now conducting said cause for the taking of testimony therein and for defraying the expenses of printing incidental thereto.

The amendment to the amendment was agreed to.

Mr. KEAN. Now, I will withdraw my point of order so as not to embarrass the amendment.

The VICE-PRESIDENT. The Senator from New Jersey withdraws the point of order. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment was, on page 133, after line 3, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to allow Bertha D. Staley, administratrix of the estate of James Staley, deceased, credit in the sum of $475.63 in the settlement of the accounts of said James Staley, deceased, late superintendent Indian training school, Yankton Agency, S. Dak., and special disbursing agent.

The amendment was agreed to.

The next amendment was, on page 133, line 16, before the word "rules," to insert "such;" so as to make the clause read:

That Yuhunhunzewin, Sisseton and Wahpeton allottee No. 863, to whom a trust patent has been issued containing restrictions upon alienation, may sell and convey any part of her allotment, but such conveyance shall be subject to the approval of the Secretary of the Interior, under such rules and regulations as he may prescribe, and when so approved shall convey full title to the purchaser the same as if a final patent without restriction had been issued to the allottee.

The amendment was agreed to.

Mr. McCUMBER. I should like to offer an amendment to come in after line 19, page 133.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 19, page 133, insert:

That for the purpose of allowing any Indian allottee to sell for town-site purposes any portion of the lands allotted to him the Secretary of the Interior may, by order, remove restrictions upon the alienation of such lands and issue fee-simple patents therefor under such rules and regulations as he may prescribe.

Mr. CLAPP. There is no objection to that amendment.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, on page 133, after line 19, to strike out:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cancel the patents for the allotments made to Thomas Bull, Sarah Bull, and Lillie Bull, Yankton Sioux allottees Nos. 1136, 1137, and 1138, respectively, and to reallot the lands covered by said patents to members of the Yankton Sioux tribe who were entitled to allotment but failed to receive lands when the Indians of said tribe were allotted lands in severalty.

The amendment was agreed to.

The next amendment was, on page 134, after line 3, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the allotments made to It ko ki po pi or Joshua, John Joshua, Thomas Bull, Sarah Bull, and Lillie Bull, Yankton Sioux allottees Nos. 1139, 1140, 1136, 1137, and 1138, respectively; and if he becomes satisfied that there did not in fact exist said allottees or any of them at the time the said allotments were made, he is hereby authorized and directed to reallot the lands embraced in said allotments.

Mr. LODGE. I should like to ask the Senator in charge of the bill whether it is intended to allow those allotments to any Indians except the Yankton Sioux?

Mr. CLAPP. I presume not. I think this was a suggestion sent in by the Department.

Mr. LODGE. Has the Senator any objection to adding, at the end of the paragraph, in line 14:

To the members of the Yankton tribe who were entitled to allotments, but failed to receive lands when the Indians of said tribe were allotted lands in severalty.

Mr. CLAPP. I have no objection at all to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 134, after line 14, to insert:

That the restrictions contained in terms, or by provisions of law then in force, upon the patent issued on the 10th day of June, 1889, to Angelique Dupuis, on the following-described property, to wit, the south half of the southeast quarter of section 17 and the north half of the northeast quarter of section 20, township 124 north, of range 50 west, principal meridian, in the Territory (now the State) of South Dakota, be, and the same are hereby, removed; and the heirs of the said Angelique Dupuis are hereby vested with title in fee simple in and to said land, and authorized to sell and convey the same, subject to the laws of the State of South Dakota relating to the estates of decedents.

The amendment was agreed to.

The next amendment was, on page 135, after line 2, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted to them: Collins La Monte, allottee No. 837; Mrs. Artie Barber, allottee No. 574; Mrs. Mary S. Rouse, Ellen Young, Julia D. Picotte, and Joseph Leonard Smith, Yankton Sioux allottees Nos. 597, 1103, 897, 249 (and 488), respectively; Charles Henry Bonnin, Mercy Conger Bonnin, Joseph Shunk Laroche, Julia Shunk Laroche, Hermine Shunk, Alexander Shunk, William Shunk, Yankton Sioux allottees, and Jennie Quinn, a Sisseton and Wahpeton allottee, and the issuance of said patents shall operate as a removal of all restrictions as to the sale, encumbrance, or taxation of the lands so patented.

Mr. KEAN. I have no objection to the amendment, but I wish to ask the Senator from Minnesota a question.

A good many of these allottees have the numbers and a good many have not. Is not that rather likely to cause confusion?

Mr. CLAPP. I think not. It is just a matter as to whether those who sent them in indicated numbers or not. Some reported them one way and some the other.

Mr. KEAN. Some have numbers and some have not; that is all.

Mr. CLAPP. If it is thought necessary in conference we can put in the numbers in all cases. I do not think it would be material, however.

The amendment was agreed to.

Mr. OVERMAN. I wish to offer an amendment. At page 113, line 12, after the word "lands," I move to insert:

That all restrictions as to sale and incumbrance as to the lands heretofore allotted in Oklahoma to Frank Shintcis and Jane Barone, absentee Shawnee allottees Nos. 29 and 30, are hereby removed.

Mr. LODGE. I have no objection to the amendment, but we are proceeding under a unanimous-consent agreement which takes the committee amendments first. I am not going to object to this amendment, but I merely mention it because, of course, amendments not offered by the committee are not now in order unless by unanimous consent.

The VICE-PRESIDENT. The Senator from Massachusetts is correct in that statement. Without objection, the question will be put on agreeing to the amendment offered by the Senator from North Carolina.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, on page 135, after line 19, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted to them: Daniel Dowan, Annie E. White, William B. Robertson, Henry Red Earth, Samuel Quinn, Jennie M. Bailly, Sarah La Batte, John La Batte, Mason S. La Batte, Mary Wynde, Viola Moore, formerly Viola Faribault, and Arthur Gray Cloud, Sisseton and Wahpeton allottees, and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Mr. CLAPP. At this point I desire to offer an amendment sent in from the Department.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 136, line 1, after the words "Viola Faribault," insert "Joseph R. Brown, jr., Amanda Brown."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 136, after line 4, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to Moses N. Vandel, heir of Charles E. Vandel, Arthur M. Vandel, James E. Vandel, Yankton Sioux Indians, deceased, for the land heretofore allotted them; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Mr. LODGE. I should like to ask the Senator from Minnesota if it would not be better to say "to issue fee-simple patents to the heir or heirs," instead of undertaking to determine by law who is the heir, for that must be a question for the courts to decide, if there is any question.

Mr. CLAPP. There can be no objection at all to the amendment to the amendment.

Mr. LODGE. Of course if he is the heir it will not affect his rights at all.

Mr. CLAPP. There is no question but that the heir is a well-known party, but there is no objection to it; it is better form.

Mr. LODGE. It seems to me it would be better form to put it that way; to strike out the words "Moses N. Vandel, heir" and insert "the heir or heirs."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 136, line 7, it is proposed to strike out the words "Moses N. Vandel, heir" and insert "the heir or heirs;" so as to read:

To issue fee-simple patents to the heir or heirs of Charles E. Vandel, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 136, after line 11, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patent to Wanyanka Mani, or Rev. Luke C. Walker, for the land heretofore allotted to him on the Sioux ceded tract, and the issuance of said patent shall operate as a removal of all restrictions as to the sale, encumbrance, or taxation of the lands so patented.

The amendment was agreed to.

The next amendment was, on page 136, after line 18, to insert:

That Johah Irmwhip, allottee No. 97; Amos Sitoka, allottee No. 1214; Sunrise, allottee No. 885; Josephine Brunot, allottee No. 615; John Wabcahunka, allottee No. 1025; Tunkasapa, or Joseph T. Cook, Anpaodutawin, or Mary Ann Langlois, Yankton Sioux allottees to whom trust patents have been issued containing restrictions on alienation, may sell and convey not exceeding 40 acres of their allotments; but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser the same as if a final patent without restriction had been issued to the allottee.

Mr. KEAN. I call the attention of the Senator from Minnesota to the name of "Jonah Irmwhip," in line 19. The letter "o" should go in between the "r" and "m;" so as to read "Iromwhip."

Mr. CLAPP. I confess that I do not have the familiarity with the subject that the Senator from New Jersey probably has. I accept the amendment, if insisted on.

Mr. KEAN. I have been so informed. Let it read "Iromwhip."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 137, line 10, after the word "them," to strike out "Frances Ree, Victoria McBride, Peter Picotte, Louis Shunk, Frank La Rochelle, Louise Barbier Moran, Kate Marion Barbier, Peter La Grande, Lucy S. Patton, Joseph Dubray, Frederick Barbier, and Marie Barbier, Yankton Sioux allottees Nos. 228, 462, 162, 1038, 817, 1416, 1356, 776, 1007, 1040, 1354, 779, 242, and 780, respectively; Louise Cutschall, née Herman, Rosebud allottee No. 643; George W. Dripps, Yankton Sioux allottee No. 1435; Joseph Volin, Yankton allottee No. 1129; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented;" on page 138, line 5, after the word "patented," to insert "Louise Ange and Angel Ange Bagan, Sisseton and Wahpeton allottees;" and in line 7, after the word "allottees," to strike out "heirs of Louis Dechon, Alexis V. Renville, William M. Weatherstone, Daisy Rice, Mary S. Weatherstone, James Weatherstone, Ada Cloutier, Ralph Weatherstone, and Joseph La Fromboise, Sisseton and Wahpeton allottees Nos. 215, 1070, 1300, 1307, 1296, 1301, 212, and 724 (two numbers), 1299, and 1337;" so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: Louise Ange and Angel Ange Bagan, Sisseton and Wahpeton allottees, respectively; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Mr. CLAPP. At this point I desire to offer an amendment at the request of the Department.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 138, line 6, before the name "Louise Ange," insert:

William Jandrin, Yankton allottee No. 1147.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 138, after line 18, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the sum of $200 each to Pretty Bear, Chief Martin Charger, Swift Bird, Strike the Fire, Kills and Comes, Four Bear, Sitting Bear, Charging Dog, and One Rib, of Cheyenne River Reservation, in South Dakota, and Fast Walker, Mdoka, Red Dog, Black Eagle, Don't Know How, Black War Club, Fool Dog, and Walking Crane, of Crow Creek Reservation, in South Dakota, and Mad Bear, of Standing Rock Reservation, in South Dakota and North Dakota, all Sioux Indians, or their heirs, to reward them for services and sacrifice of ponies in accomplishing the rescue of Mrs. Julia Wright, Mrs. Emma Deely, and six children, all white persons, captives in the custody of the White Lodge bands of the Sioux Indians, in November, 1862, near the mouth of Grand River, Dakota Territory. That the sum of $3,600 be, and the same is hereby, appropriated therefor, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 139, after line 12, to insert:

That the tract of land within the old Cheyenne River Reservation, S. Dak., which was reserved from entry and settlement by proclamation of the President issued February 10, 1890, said tract being within that portion of the Great Sioux Reservation ceded by the agreement between the Sioux Nation and the United States, approved March 2, 1889 (25 Stat., p. 888), having, by the proclamations by the President issued February 7, 1903, and March 30, 1904, been declared subject to disposal under the provisions of said agreement, and which contains 33,676.33 acres, exclusive of one school section, is hereby accepted by the United States at the maximum price of $1.25 per acre, the same as fixed by section 21 of said act for the ceded lands disposed of within the first three years after the taking effect of the said act.

The amendment was agreed to.

The next amendment was, on page 140, after line 6, to insert:

For the improvement of the Hope Indian School at Springfield, S. Dak., by the addition of another story to the rear portion of the main building, $3,500.

The amendment was agreed to.

The next amendment was, on page 140, after line 10, to insert:

For payment to fifteen Sioux Indians of Pine Ridge Agency, S. Dak., for property taken from them in the year 1876 by the United States military authorities for reasons of military expediency, while they were in amity with the Government, the names of the Indians and amounts to be paid to each having heretofore been found by the Department of the Interior and reported in estimates for appropriations required for the service of the fiscal year ending June 30, 1905, and prior years, by the Indian Service, the sum of $6,320.

The amendment was agreed to.

The next amendment was, under the head of "Utah," at the top of page 141, to insert:

That the Secretary of the Interior is hereby authorized, in his discretion, to sell, at such price as he may deem fair and reasonable, 160 acres of land of the tract now occupied by the Shebit Indians in Washington County, Utah, to the Utah and Eastern Copper Company, including the 20 acres of land leased by the Secretary of the Interior to the said Utah and Eastern Copper Company on November 5, 1903, under the authority of the Indian appropriation act approved March 3, 1903; and the Secretary of the Interior is hereby authorized to make, execute, and deliver proper deeds of conveyance therefor and to expend the proceeds of the sale for the use and benefit of the Shebit Indians in such manner as he may deem best: *Provided, however,* That the consent of three-fourths of the adult male Indians to said sale is obtained: *And provided,* That said deed shall contain the following conditions or covenants, to wit: Prohibiting the sale or use of intoxicating liquor on any part of the land sold so long as the adjoining territory is used for an Indian reservation, and also prohibiting the pollution of the water after it leaves the smelters of the Utah and Eastern Copper Company, and also prohibiting the commission of nuisances of any kind whatsoever on the tract of land sold.

The amendment was agreed to.

The next amendment was, on page 142, after line 10, to insert:

IRRIGATION.

For constructing and completing irrigation systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, $600,000, $200,000 for the fiscal year ending June 30, 1907, of which $125,000 shall be immediately available, the balance of said appropriation to be used as hereafter designated, to be reimbursed from the proceeds of the sale of the lands within the former Uintah Reservation: *Provided,* That such irrigation systems shall be constructed and completed and held and operated, and water therefor appropriated under the laws of the State of Utah, and the title thereto until otherwise provided by law shall be in the Secretary of the Interior in trust for the Indians, and he may sue and be sued in matters relating thereto: *And provided further,* That the ditches and canals of such irrigation systems may be used, extended, or enlarged for the purpose of conveying water by any person, association, or corporation under and upon compliance with the provisions of the laws of the State of Utah: *And provided further,* That when said irrigation systems are in successful operation the cost of operating same shall be equitably apportioned upon the lands irrigated, and when the Indians have become self-supporting to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work within thirty years, suitable deduction being made for the amounts received from disposal of the lands within the former Uintah Reservation.

Mr. GALLINGER. On page 143, line 11, after the word

"work," I move to amend the amendment by inserting the words "done in their behalf."

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 143, line 11, after the word "work," it is proposed to amend the amendment by inserting "done in their behalf;" so as to read:

And provided further, That when said irrigation systems are in successful operation the cost of operating same shall be equitably apportioned upon the lands irrigated, and when the Indians have become self-supporting to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work done in their behalf within thirty years, suitable deduction being made for the amounts received from disposal of the lands within the former Uintah Reservation.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Federated bands of Utes (treaty)," on page 144, after line 7, to insert:

That the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes," approved March 3, 1903, be amended by adding after the words "Uintah County, Utah," in the thirty-fourth line of page 998 of part 1 of volume 32 of the United States Statutes at Large, the words "or in the office of the county recorder of Wasatch County, Utah, or with the recorder of the mining district in which such mining claims are situate," and by adding after the words "Uintah County," in the fortieth line of page 998 of part 1 of volume 32 of the United States Statutes at Large, the words "or Wasatch County."

The amendment was agreed to.

The next amendment was, on page 144, after line 23, to insert:

That the Secretary of the Interior may authorize the Indians of the former Uintah Reservation, in the State of Utah, to cut and sell cedar and pine timber for posts or fuel from the tracts reserved for grazing purposes for said Indians under joint resolution of June 19, 1902, in such quantities and upon such terms and under such rules and regulations as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, on page 145, after line 6, to insert:

For the purchase of lands and sheep for the San Juan Pah-Ute Indians, $5,000.

The amendment was agreed to.

The next amendment was, on page 145, after line 8, to insert:

For the support and civilization of the Kaibab Indians in Utah, and for the purchase and acquiring of land and water, together with the necessary farming implements and machinery and live stock for their use, $10,500, to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Washington," on page 146, after line 9, to insert:

That the Secretary of the Interior, in his discretion, is hereby authorized to sell, under rules and regulations to be prescribed by him, any tract or tracts of land heretofore reserved for the Puyallup Indian School not now needed for school purposes, and to use the proceeds of said sale for the establishment of an industrial and manual training school for the Puyallup and allied tribes and bands of Indians at the site of the present Puyallup Indian School.

The amendment was agreed to.

The next amendment was, under subhead "Spokanes. (treaty)," on page 147, after line 11, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell and convey by patent, with such reservations as to flowage rights, dam sites, and mill sites appurtenant to water powers as he may prescribe, such tract or tracts of lands of the Spokane Indian Reservation, State of Washington, lying at or near the junction of the Columbia and Spokane rivers, not exceeding 360 acres in extent, for town-site and terminal purposes, upon the payment of such price as may be fixed by him, and that the money received therefrom shall be deposited in the Treasury of the United States to the credit of the Spokane Indians.

The amendment was agreed to.

The next amendment was, on page 147, after line 22, to insert:

COLVILLE RESERVATION.

To carry into effect the agreement bearing date May 9, 1891, entered into between the Indians residing on the Colville Reservation and commissioners appointed by the President of the United States under authority of the act of Congress approved August 19, 1890, to negotiate with the Colville and other bands of Indians on said Colville Reservation for the cession of such portion of said reservation as said Indians might be willing to dispose of, there shall be set aside and held in the Treasury of the United States for the use and benefit of said Indians, which shall at all times be subject to the appropriation of Congress and payment to said Indians, in full payment for 1,500,000 acres of land opened to settlement by the act of Congress "To provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes," approved July 1, 1892, the sum of $1,500,000, of which sum $150,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the benefit of said Indians.

The amendment was agreed to.

The next amendment was, on page 149, after line 3, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted to them: George Bowen, Charles Finkbonner, Tee ah Ligh or George, Tang Weah or Louis, Tom Whaquiskun, Yah Him Aloo or Mary, Descanum or Albert, Kwina or Henry, Lummi allottees Nos. 1, 2, 3, 11, 16, 22, 28, and 30, respectively, on the schedule of allotments approved by the President October 14, 1884, and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

The amendment was agreed to.

The next amendment was, on page 149, after line 15, to insert:

That Charles Sheestal, Swinomish allottee No. 23, to whom a patent has been issued in accordance with the provisions of the seventh article of the treaty of January 22, 1855, with the Dwamish and other Indians (12 Stat., p. 927), containing restrictions upon sale and alienation, may sell and convey the northwest quarter of the southwest quarter of section 24, township 34 north, range 2 east, Willamette meridian, Washington, being 40 acres of his allotment, but that such conveyance shall be under the supervision and subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser; also the south half of the north half of the southeast quarter of section 23, township 34 north, range 2 east, Willamette meridian, or any part thereof, in the discretion of the Secretary of the Interior; and this conveyance, if any, shall be under the supervision and subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser.

The amendment was agreed to.

The next amendment was, on page 150, after line 10, to insert:

That Lizzie Peone, allottee No. 331 in what was formerly the north half of the Colville Indian Reservation, in the State of Washington, and to whom a trust patent has been issued containing restrictions upon alienation, may sell and convey any part of her allotment, but such conveyance shall be subject to the approval of the Secretary of the Interior, under such rules and regulations as he may prescribe, and when so approved shall convey full title to the purchaser the same as if a final patent without restriction had been issued to the allottee.

The amendment was agreed to.

The next amendment was, on page 150, line 23, after the word "them," to strike out "L. F. Laqua, a Yakima Indian, to his allotment, No. 780; Susan Stone (Swasey), a Yakima Indian, to her allotment, No. 286; Suis Sis Kin, or Loupe Loupe Charley, No. 4, Yakima, now Waterville, Wash.; Charles Wannassy, Yakima allottee No. 1618; Margaret Sar Sarp Kin, No. 6, Washington;" so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them, and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Mr. CLAPP. I ask the Senate to disagree to that amendment of the committee.

The amendment was rejected.

The next amendment was, on page 151, after line 8, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee simple to Franklin P. Olney, a Yakima Indian, for the land covered by his allotment No. 583; and the issuance of said patent shall operate as the removal of all restrictions as to sale, incumbrance, or taxation of the land so patented.

Mr. GALLINGER. I move to amend the amendment just stated by striking out on page 151, line 10, after the word "authorized," the words "and directed" and inserting "in his discretion."

Mr. CLAPP. There is no objection to that amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 151, line 10, after the word "authorized," in the amendment of the committee, it is proposed to strike out the words "and directed," and to insert in lieu thereof the words "in his discretion;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue a patent in fee simple to Franklin P. Olney, etc."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. While we are on these minor matters, on page 143, in line 11, in the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER], I think there ought to be a comma inserted after the word "done," to make it read properly.

Mr. GALLINGER. Yes. I venture to suggest, in that same connection, that the amendment will read still better if at the close of line 8 a comma be inserted, and then if a comma be inserted after the word "self-supporting," in the next line; so as to read:

And, when the Indians have become self-supporting, to the annual charge shall be added, etc.

The VICE-PRESIDENT. In the absence of objection, the amendment of the committee, which has heretofore been agreed to, will be regarded as open to amendment. The question is on the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. I now offer the amendment which I suggested a moment ago in line 11, on page 143.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 143, line 11, after the word "done," it is proposed to insert a comma; so as to read:

And provided further, That when said irrigation systems are in successful operation the cost of operating same shall be equitably apportioned upon the lands irrigated, and, when the Indians have become self-supporting, to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work done, in their behalf within thirty years, suitable deduction being made for the amounts received from disposal of the lands within the former Uintah Reservation.

Mr. GALLINGER. There ought to be a comma inserted after the word "behalf," in line 11.

The VICE-PRESIDENT. In the absence of objection, that change will be made.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Tomah School," on page 153, line 19, after the word "them," to strike out:

(Compson) Doxtater, William Cornelius, Ida Powless, Daniel H. Cooper, Charles Elm, Abram Elm, Catherine Nynham, Joshua Cornelius, Lehi Wheelock, Dennison Wheelock, Rachel Peters Jones, Jerusha Peters, and Alice Cornelius, Oneida allottees Nos. 137, 57, 224, 769, 1272, 1271, 1398, 1514, 373, 21, 310, 1137, and 62, respectively; Jacob Doxtater, allottee No. 1099; Rachel Elm, allottee No. 879; Jerusha Powless, allottee No. 1483; Hendrix Skenandooh, allottee No. 804; Hannah Hayes, allottee No. 305; Dolly Ann Doxtater, allottee No. 174; Martin Williams, allottee No. 420; Moses Webster, allottee No. 1135; Adam King, allottee No. 121; Elizabeth Nynham, allottee No. 1075; Elijah John, allottee No. 506; Silas Webster, allottee No. 1350; Henry Cooper, allottee No. 338; David King, allottee No. 201; Job Silas, allottee No. 333; Joseph Skenandooh, allottee No. 573; James Silas, allottee No. 2055; John Parkhurst, allottee No. 236, and David Adams, allottee No. 594, Oneida Indians; Isaiah Sycles, Schuyler Nynham, Archie Wheelock, Truman Doxtater, Sophia Webster, Mary Webster, Jane Parkhurst, Henry Wheelock, Eva Jourdan, William Archquette, Sarah Hill, Frank Button, Sylvester Button, Margaret Thomas, William Christjohn, Frank Cornelius, Alice Cornelius, Hannah Hill, Sarah Sycles, Adam P. Cornelius, Thomas John, Esther Christjohn, Joseph Metozen, and James Wheelock, Oneida allottees Nos. 677, 1399, 1061, 1079, 184, 1183, 1277, 344, 839, 720, 471, 376, 1268, 876, 1238, 717, 718, 148, 1486, 713, 733, 364, 142, and 16.

And on page 155, line 21, after the word "respectively," to insert "and Michel Buffalo, Red Cliff allottee No. 28;" so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted to them, respectively, and Michel Buffalo, Red Cliff allottee No. 28, and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

The amendment was agreed to.

The next amendment was, on page 156, after line 6, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, with the consent of the Indians of the La Pointe or Bad River Reservation, to be obtained in such manner as he may direct, to set apart lots 10, 11, and 12, section 25, township 48 north, range 3 west, on the La Pointe Reservation, in Wisconsin, for an Indian town site, and to cause the lands described to be surveyed and platted into suitable lots, streets, and alleys, and to dedicate said streets and alleys and such lots or parcel as may be necessary to public uses, and to cause the lots to be appraised at their real value, exclusive of improvements thereon or adjacent thereto, by a board of three persons, one of whom shall be the United States Indian agent of the La Pointe Agency, one to be appointed by the Secretary of the Interior, and one selected by the Indians of the La Pointe band of Chippewas, who shall receive such compensation as the Secretary of the Interior may prescribe, to be paid out of the proceeds of the sale of lots sold under this act, and when so surveyed, platted, and appraised, the President may issue patents to the Indians of the said reservation for such lots on the payment by them of the appraised value thereof, on such terms as may be approved by the Secretary of the Interior, and the net proceeds of such sales shall be placed to the credit of the La Pointe band of Chippewa Indians: *Provided*, That no person shall be authorized to purchase lots on the lands described other than members of said La Pointe band of Indians, and those now owning permanent improvements there shall have the preference right for six months from the date such lots shall be offered for sale within which to purchase tracts upon which their improvements are situated, but no lot shall be sold for less than the appraised valuation; but if any person entitled fails to take advantage of this provision, the agent of the La Pointe Agency shall appraise the improvements on the unsold lots, and any member of the La Pointe band of Chippewas, on the payment to the owner of the appraised value of the improvements, shall have the preference right for six months from the date of such payment to purchase such unsold lot or lots at their appraised value on such terms as may be approved by the Secretary of the Interior: *Provided further*, That the patents to be issued shall contain a condition that no malt, spirituous, or vinous liquors shall be kept nor disposed of on the premises conveyed, and that any violation of this condition, either by the patentee or any person claiming rights under him, shall render the conveyance void and cause the premises to revert to the La Pointe band of Chippewa Indians, to be held as other tribal lands.

Mr. GALLINGER. I move to amend the committee amendment, on page 156, line 8, after the word "authorized," by inserting the words "in his discretion."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 156, line 8, after the word "authorized," it is proposed to amend the amendment of the committee by inserting "in his discretion;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, with the consent of the Indians of the La Pointe or Bad River Reservation, to be obtained in such manner as he may direct, to set apart lots 10, 11, and 12, section 25, township 48 north, range 3 west, on the La Pointe Reservation, in Wisconsin, etc.

Mr. CLAPP. The committee amendment which the Senator proposes to amend was framed by the Department. I have no objection, however, to the amendment of the Senator from New Hampshire to the amendment of the committee.

Mr. GALLINGER. It is simply for the purpose of making it uniform with the other paragraphs.

The amendment to the amendment was agreed to.

Mr. GALLINGER. On page 157, line 23, manifestly the Department made a mistake in using the word "nor," where it should be "or." I move to strike out "nor" and insert "or."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 157, line 23, after the word "kept," it is proposed to amend the amendment of the committee by striking out "nor" and inserting "or."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 158, after line 3, to insert:

That the northeast quarter of the northeast quarter of section 34, township 48 north, range 3 west, be set aside and dedicated as a burial ground, and for such other purposes as may be approved by the Commissioner of Indian Affairs, for the use of the members of the La Pointe band of Indians. And the Secretary of the Interior is hereby authorized to sell and dispose of the merchantable timber growing thereon in such manner as he may deem best, for cash, and to expend the proceeds derived therefrom in paying the cost of surveying and platting the village of Odanah, in improving the cemetery site, and for public improvements in said village.

The amendment was agreed to.

The next amendment was, on page 158, after line 15, to insert:

STOCKBRIDGE AND MUNSEE TRIBE.

That the members of the Stockbridge and Munsee tribe of Indians, as the same appear upon the official roll of said tribe, made in conformity with the provisions of the act of Congress approved March 3, 1893, entitled "An act for the relief of the Stockbridge and Munsee tribe of Indians in the State of Wisconsin," and their descendants, who are living and in being on the 1st day of July, 1904, and who have not heretofore received patents for land in their own right, shall, under the direction of the Secretary of the Interior, be given allotments of land and patents therefor in fee simple, in quantities as follows:

To each head of a family, one-eighth of a section: *Provided*, That such allotment to the "head of a family" shall be deeemed to be a provision for both husband and wife, or the survivor in the event of the death of either.

To each single person not provided for as above, one-sixteenth of a section.

That where a patent has heretofore been issued to the head of a family (a married man) the same shall be deemed to have been in satisfaction of the claims of both husband and wife, and no further allotment shall be made to either of such persons under this act: *Provided*, That the children of such parents shall be entitled to allotments hereunder in their own right, if enrolled as members of the tribe.

That as there is not sufficient land within the limits of the Stockbridge and Munsee Reservation to make the allotments in the quantities above specified, all available land in said reservation shall first be allotted to the heads of families and single persons residing thereon, until said reservation land shall be exhausted, the additional land that may be required to complete the allotments to be obtained in the manner hereinafter specified: *Provided*, That the Secretary of the Interior may make such rules and regulations as he may deem necessary to carry out the requirements of this act as to making and designating allotments.

That it shall be obligatory upon any member of said tribe who has made a selection of land within the reservation, whether filed with the tribal authorities or otherwise, to accept such selection as an allotment, except that the same shall be allotted in quantity not to exceed that hereinbefore authorized: *Provided*, That where such selection does not equal in quantity the allotment hereinbefore authorized, the allottee may elect to take out of the lands obtained under the provisions of section 6 of this act the additional land needed to complete his or her quota of land, or in lieu thereof shall be entitled to receive the commuted value of said additional land in cash, at the rate of $2 per acre, out of the moneys hereinafter appropriated.

That those members of said tribe who have not made selections within the reservation shall be entitled to the option of either taking an allotment under the provisions of this act, or of having the same commuted in cash, at the rate of $2 per acre, out of the moneys hereinafter appropriated: *Provided*, That the election of any member to take cash in lieu of land shall be made within sixty days after the date of the approval of this act.

That for the purpose of obtaining the additional land necessary to complete the allotments herein provided for the Secretary of the Interior is hereby authorized and directed to negotiate, through an Indian inspector, with the Menominee tribe of Indians of Wisconsin for the cession and relinquishment to the United States of a portion of the surplus land of the Menominee Reservation in said State, or to negotiate with the authorities of said State, or with any corporation, firm, or individual, for the purchase of said additional land: *Provided, however*, That in no event shall any agreement of cession or contract of purchase so negotiated stipulate that a sum greater than $2 per acre shall be paid for the land so obtained: *And provided further*, That no such agreement or contract shall have any force or validity unless the same shall be approved by the Secretary of the Interior; or said Secretary

may, in his discretion, utilize such unappropriated public lands of the United States as may be required to complete the allotments.

That the Secretary of the Interior is hereby authorized and directed to pay to such members of the Stockbridge and Munsee tribe as he shall find entitled thereto under the said act of March 3, 1893, and the enrollment made thereunder, and the descendants who are living and in being on the 1st day of July, 1904, in cash per capita, the whole of the trust fund now to their credit in the Treasury of the United States when the allotment of lands to them shall have been completed as herein contemplated.

That certain members of the Stockbridge and Munsee tribe having made selections of land on tracts patented to the State of Wisconsin under the swamp-land acts, and having made valuable improvements thereon, the Secretary of the Interior is hereby authorized to cause said improvements to be appraised by an inspector or special agent or Indian agent of his Department, and to pay to the owners, as their interests may appear, the appraised value of said improvements, in all not to exceed the sum of $1,000, out of the moneys hereinafter appropriated.

That the sum of $35,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the Secretary of the Interior in commuting the value of allotments in cash, in payment for the cession or purchase of additional lands, and in compensating Indians for the appraised value of their improvements located on swamp lands, as hereinbefore provided.

Mr. CLAPP. On page 160, line 11, after the word "provisions," I move to amend the amendment of the committee by striking out the words "of section 6."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 160, line 11, after the word "provisions," it is proposed to amend the committee amendment by striking out the words "of section 6;" so as to read:

That it shall be obligatory upon any member of said tribe who has made a selection of land within the reservation, whether filed with the tribal authorities or otherwise, to accept such selection as an allotment, except that the same shall be allotted in quantity not to exceed that hereinbefore authorized: *Provided*, That where such selection does not equal in quantity the allotment hereinbefore authorized, the allottee may elect to take out of the lands obtained under the provisions of this act the additional land needed to complete his or her quota of land, or in lieu thereof shall be entitled to receive the commuted value of said additional land in cash, at the rate of $2 per acre, out of the moneys hereinafter appropriated.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. GALLINGER. I have two or three notes on my desk relating to paragraphs which I think were considered when I was absent from the Chamber. Possibly the amendments I desire to suggest were made. On page 15, line 13, I will ask if the word "third" was changed to "second?"

The VICE-PRESIDENT. That change was not made.

Mr. GALLINGER. I am sure that that should read "approved March 2d," instead of "March 3d."

Mr. CLAPP. Is that in the Senate committee amendment?

Mr. GALLINGER. It is in the Senate committee amendment. It should be "March 2d;" and I move that amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 15, line 13, before the word "eighteen," it is proposed to strike out "third" and insert "second;" so as to read:

That section 2 of an act of Congress entitled "An act to provide for the acquiring of rights of way of railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March 2, 1899, be, and the same hereby is, amended so as to read as follows, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. On page 7, I ask the Senator in charge of the bill if, in his judgment, it is not desirable to add, after the word "heirs," at the end of line 21, the words "who shall show to his satisfaction that they are competent to manage their own business affairs?"

Mr. CLAPP. I would object to that.

Mr. GALLINGER. Very well, then, I will not offer the amendment.

There is one other matter. On page 30, in the Senate committee amendment, I ask the Senator if he thinks mineral lands should be included in that provision?

Mr. HANSBROUGH. What line?

Mr. GALLINGER. Lines 5 and 6.

Mr. DUBOIS. I think not. I intended to offer such an amendment as the Senator suggest, but I did not do so because I thought we could take it out in conference.

Mr. GALLINGER. I move to strike out the words "or mineral lands," in lines 5 and 6; and before the words "timber lands," in line 5, to insert the word "or."

Mr. CLARK of Wyoming. It seems to me that the words "or mineral lands," to meet the purpose of the Senator, should be retained. The words "mineral lands," in line 6, only refer to classification. The provision is that—

The residue or surplus lands * * * shall be classified under the direction of the Secretary of the Interior as agricultural lands, grazing lands, timber lands, or mineral lands.

The Senator will see that that refers simply to the classification.

Mr. GALLINGER. I think the Senator is right.

Mr. DUBOIS. That is right.

Mr. GALLINGER. Manifestly the Senator is right.

Mr. DUBOIS. Yes.

Mr. CLARK of Wyoming. In lines 11 and 12 mineral lands are excepted, as the Senator from Idaho intended.

Mr. DUBOIS. Yes; that is right.

Mr. GALLINGER. I had an impression it was just the reverse of that, as I read it.

The VICE-PRESIDENT. The Secretary will state the first committee amendment which was passed over.

The SECRETARY. On page 8, line 17, in reference to the rate of interest, where it is proposed to strike out "three" and insert "four."

Mr. GALLINGER. I raised the question about that amendment, but I have no disposition to press it at all. I think that 4 per cent is named in the bill in one or two other places. I will ask the Senator from Minnesota if that is not true?

Mr. CLAPP. That is my understanding.

The VICE-PRESIDENT. In the absence of objection, the amendment is agreed to.

Mr. GALLINGER. I will ask the Senator in charge of the bill to refer to line 21, page 33. Has he any objection to this proviso:

And provided further, That any sums placed in the Treasury of the United States to the credit of said Indians shall bear interest at the rate of 4 per cent per annum, which interest shall be expended in the same manner as the principal.

Mr. CLAPP. None at all.

Mr. GALLINGER. I move the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from New Hampshire offers an amendment, which will be stated.

The SECRETARY. On page 33, line 21, after the word "otherwise," it is proposed to insert:

And provided further, That any sums placed in the Treasury of the United States to the credit of said Indians shall bear interest at the rate of 4 per cent per annum, which interest shall be expended in the same manner as the principal.

The VICE-PRESIDENT. Without objection, the amendment will be considered as open, and the amendment proposed by the Senator from New Hampshire to the amendment is agreed to. The amendment as amended is agreed to.

Mr. DUBOIS. I desire to offer an amendment.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment, which will be stated.

Mr. LODGE. Is it a committee amendment?

Mr. CLAPP. It is a committee amendment.

Mr. DUBOIS. It is a committee amendment, bearing the recommendation of the Department.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment, which will be stated.

The SECRETARY. On page 26 of the bill——

Mr. LODGE. Before we reach that——

The VICE-PRESIDENT. The Chair will suggest that under the agreement committee amendments are first to be considered. A number of committee amendments have been passed over.

Mr. LODGE. What I desire to address myself to is a committee amendment. I was not going to offer an amendment. It is an amendment which comes before this point is reached.

Mr. DUBOIS. Very well.

Mr. LODGE. I thought we were going to take up the amendments which had been passed over.

Mr. GALLINGER. That is what we ought to do.

Mr. CLAPP. There is no objection to that course.

Mr. LODGE. I thought the Senate had begun to take up the passed-over amendments.

The VICE-PRESIDENT. The Secretary will report the next amendment passed over.

The SECRETARY. On page 19 it is proposed to strike out all after line 24 down to and including line 12 on page 20, and to insert in lieu thereof the following:

That no Army officer shall be engaged in the performance of the duties of Indian agent.

Mr. LODGE. I do not think it possible to dispose of that amendment this evening, unless it is to be disagreed to. There will be a great deal of debate on the amendment.

The VICE-PRESIDENT. The amendment will again be passed over. The Secretary will report the next passed-over amendment.

Mr. CLAPP. Before we go to the next passed-over amendment, I wish to call attention to the necessity or perhaps desirability of striking out in line 8, page 24, the words "at the

city of San Francisco, Cal.," and inserting "in such city as the Secretary of the Interior may designate." The suggestion has come from the Department.

Mr. FLINT. I think it will be possible to maintain the warehouse in San Francisco. The present warehouse is in a part of the city that was not destroyed.

Mr. CLAPP. I do not care to press it. It was a suggestion that came to me, and the committee proposed simply to leave it to the Secretary. There is no disposition to take the warehouse away from San Francisco. I withdraw the amendment.

The VICE-PRESIDENT. The Senator from Minnesota withdraws the amendment.

Mr. KEAN. San Francisco will have proper facilities by the 1st of July.

The VICE-PRESIDENT. The next passed-over amendment will be stated.

The SECRETARY. The amendment at the bottom of page 53, directing the Court of Claims to adjudicate the claims against the Choctaw Nation of the heirs of Peter P. Pitchlynn, deceased, etc.

Mr. LODGE. That was passed over at the request of the Senator from Iowa [Mr. ALLISON], who is not present.

The VICE-PRESIDENT. Without objection, it will again be passed over. The next passed-over amendment will be stated.

The SECRETARY. The amendment at the bottom of page 54, removing the restrictions as to the sale, incumbrance, or taxation of lands heretofore allotted to William P. Ross and others.

Mr. LODGE. That amendment was passed over because there was some difference of opinion between the Senator from Wyoming [Mr. CLARK] and myself, I think, as to whether some of them were full bloods or mixed bloods.

Mr. CLARK of Wyoming. No; I beg the Senator's pardon. It was whether the removal of the restrictions had been agreed to by the Secretary of the Interior.

Mr. LODGE. Oh, yes.

Mr. GALLINGER. That was in controversy, and likewise the question whether or not all of these persons with interesting names—French Youngpig and Mase Squirrel—were full bloods. The Department holds they are full bloods, and it seems the committee reports otherwise.

Mr. CLARK of Wyoming. The committee report holds that they are mixed bloods.

Mr. GALLINGER. The committee does?

Mr. CLARK of Wyoming. Yes.

Mr. GALLINGER. But the Department thinks that they ought to come out of the bill on the ground that they are full bloods, and that we have recently legislated on this question.

Mr. CLARK of Wyoming. Inasmuch as the removal of the restriction in this case is simply a commercial proposition, I do not know that it is important.

Mr. LODGE. I should think it would do no harm to take out those whom the Department holds to be full bloods.

The VICE-PRESIDENT. Is there objection to the amendment reported by the committee?

Mr. GALLINGER. I move to amend it by inserting, in line 1, page 55, after the name "Potts," the word "and;" and by striking out, in line 2, the words "French Youngpig and Mase Squirrel."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The next passed-over amendment will be announced.

The SECRETARY. On page 62, the committee report an amendment, to strike out lines 11, 12, 13, and 14, down to and including the word "twenty-seven," in line 15.

Mr. CLAPP. I ask the Senate to disagree to the amendment.

The amendment was rejected.

The VICE-PRESIDENT. The next passed-over amendment will be stated.

The SECRETARY. The amendment on page 66, beginning in line 7, down to and including line 15.

Mr. LODGE. That is the one on which I made the point of order.

Mr. CLAPP. I suggest to the Senator from Massachusetts that probably under the circumstances it had better be passed over for the present.

Mr. LODGE. Very well.

The VICE-PRESIDENT. The proposed amendment will be passed over for the present.

Mr. CLAPP. I move to insert, after line 6, on page 66, the following:

That the restrictions upon alienation of the allotment of Ed. L. Rogers are hereby removed, and patent may issue therefor.

The amendment was agreed to.

The VICE-PRESIDENT. The next passed-over amendment will be stated.

The SECRETARY. On page 73——

Mr. LODGE. That amendment is very long. It has been read. I do not see the Senator from Montana here. There are some amendments I wish to suggest to it.

Mr. CLAPP. The Senator from Montana asked that it be passed over.

The VICE-PRESIDENT. The amendment will again be passed over.

Mr. KEAN. Mr. President, does that complete the committee amendments which have been passed over?

The VICE-PRESIDENT. It does, except those further reserved.

Mr. DUBOIS. I have sent an amendment to the desk.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment, which will be stated.

The SECRETARY. On page 26, after the word "dollars," in line 19, it is proposed to insert:

That if any adult member of the Nez Perce tribe of Indians in Idaho believes himself or herself competent to make leases and transact his or her affairs, such member may file a request with the Commissioner of Indian Affairs for a permit to lease the lands which have been allotted to him or her and the minor children of such member.

And if upon consideration and examination of the request, the said Commissioner finds said member to be fully competent and capable of managing and caring for his or her own individual affairs, he may issue a certificate to such member authorizing him or her to make leases or rental contracts for the lands allotted to such member and his or her minor children.

The amendment was agreed to.

Mr. DUBOIS. I offer another amendment.

The SECRETARY. On page 48, after line 9, it is proposed to insert the following:

That in addition to the places now provided by law for holding courts in Indian Territory, courts shall be held in the towns of Wetumka and Checotah, and all laws regulating the holding of courts in the Indian Territory shall be applicable to the said courts created in the said towns of Wetumka and Checotah.

The amendment was agreed to.

Mr. CLARK of Wyoming. I offer the amendment I send to the desk.

The SECRETARY. On page 44, after line 16, it is proposed to insert as a separate paragraph the following:

That section 15 of the act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved —— ——, 1906, be, and the same is hereby, amended by inserting after the word "conveyances," at the end of said section, the following: "*Provided*, That this section shall not take effect until the date of the dissolution of the tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes."

Mr. LODGE. If the amendment to which this is offered is still open to amendment, I desire to offer an amendment to it. I had supposed that the amendment had been agreed to and would not be open to amendment until the bill got into the Senate.

The VICE-PRESIDENT. The Chair understands that this is a distinct proposition.

Mr. CLAPP. It is.

Mr. LODGE. I have no objection to the amendment, but it was offered to come in at the middle of the committee amendment.

Mr. CLARK of Wyoming. I simply offer it at this point because it has reference to a kindred subject.

Mr. LODGE. I have no objection to the Senator's amendment, but I desire to look into the first part of the committee's proviso about additional pay for these clerks. I have been informed, not from the Department, that the first clause gives a very large increase of pay to these clerks and deputy clerks. In some cases it will result in giving them $10,000 a year.

Mr. CLARK of Wyoming. Mr. President——

Mr. LODGE. I will be through in a minute. I am not opposing the Senator's amendment at all.

I am informed that it is taken out of money now, under law, devoted to schools. I have sent to the Auditor of the Department of Justice to find out what the salaries and fees of these clerks are, and I should like to know before this amendment is disposed of. But I had assumed that I could not deal with it except in the Senate.

Mr. CLARK of Wyoming. I offer it as an independent paragraph.

Mr. LODGE. Certainly. I have no objection at all to it.

Mr. CLAPP. So far as the committee is concerned, we will hold it open for the Senator.

Mr. LODGE. No. I would just as lief deal with it in the Senate.

Mr. CLAPP. It makes no difference.

Mr. LODGE. I only give notice that I do want to look into it.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wyoming, the Chair understands, is an independent proposition?

Mr. CLARK of Wyoming. It is an independent proposition.

The VICE-PRESIDENT. And is to follow after line 16 on page 44.

Mr. CLARK of Wyoming. Yes; being——

The VICE-PRESIDENT. It is not an amendment to the committee amendment immediately preceding?

Mr. CLARK of Wyoming. It is not.

The VICE-PRESIDENT. The amendment is in order.

Mr. CLARK of Wyoming. There is no objection to the amendment.

The VICE-PRESIDENT. Without objection, the amendment proposed by the Senator from Wyoming is agreed to.

Mr. CLARK of Wyoming. I desire to offer another amendment.

The VICE-PRESIDENT. The additional amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. After line 14, on page 55, it is proposed to insert the following:

That the Secretary of the Interior is hereby authorized and directed to make further investigation of the character, extent, and value of the coal deposits in and under the segregated coal lands of the Choctaw and Chickasaw nations, Indian Territory; and in order that said investigation may be thoroughly practical and exhaustive the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated: *Provided*, That any and all information obtained under the provisions of this act shall be available at all times for the use of the Congress and its committees.

Mr. GALLINGER. Let the first two or three lines of the amendment be reread.

The Secretary read as requested.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. LODGE. On page 15 an amendment was agreed to. I think I was absent at the moment. I wish to call attention to the proviso. I do not know whether anything has been done with the proviso.

Mr. GALLINGER. Nothing has been done with it.

Mr. LODGE. If nothing has been done with the proviso, I should like to suggest to the Senator from Minnesota that it might be well to omit the proviso.

Mr. CLAPP. That is simply copied from the law which it amends. It is the law as it reads now.

Mr. LODGE. What law?

Mr. CLAPP. The law approved March 2, 1899.

Mr. LODGE. That law was repealed by section 23 of the act of February 28, 1902, so far as Indian lands in the Indian Territory and Oklahoma are concerned. Rights of way and additional ground in those Territories are granted by the act of February 28, 1902, which act gives the railroads all the necessary legislation and which repealed the act you are here amending so far as those Territories are concerned.

Mr. CLAPP. We amend section 2 of the act approved March 2, 1899, and the object of the amendment is to enlarge the right of acquiring depot grounds.

Mr. LODGE. Yes.

Mr. CLAPP. We read that change into the old law.

Mr. LODGE. My point is that this proviso amends a repealed act.

Mr. CLAPP. I am not so certain about that. It is possible the Senator——

Mr. LODGE. I may be mistaken about it.

Mr. GALLINGER. I do not think you are.

Mr. LODGE. Strike it out, and then it can be looked into in conference.

Mr. CLAPP. It can be looked into in conference.

Mr. LODGE. I merely desired to call the Senator's attention to it.

The VICE-PRESIDENT. The amendment heretofore agreed to will be considered as open, and the amendment to it proposed by the Senator from Massachusetts will be stated.

The SECRETARY. On page 15, line 24, after the word "road," strike out the colon and insert a period, and strike out the remainder of the paragraph.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to, and the amendment as amended is agreed to.

Mr. GALLINGER. I will ask the Senator from Minnesota if he desires to proceed further with the bill this afternoon? I presume it will have to go over.

Mr. CLAPP. Yes; in the absence of Senators who wish to take up certain matters.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 25, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 24, 1906.

PROMOTION IN THE NAVY.

Commander Charles E. Vreeland to be captain in the Navy from the 13th day of April, 1906, vice Capt. Duncan Kennedy, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 24, 1906.

AUDITOR FOR POST-OFFICE DEPARTMENT.

Ernst G. Timme, of Wisconsin, to be Auditor for the Post-Office Department.

POSTMASTERS.

OHIO.

George H. Clark to be postmaster at Canton, in the county of Stark and State of Ohio.

OKLAHOMA.

Milton C. Garber, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma.

NEW YORK.

Frank B. Dodge to be postmaster at Mount Morris, in the county of Livingston and State of New York.

PENNSYLVANIA.

Allen P. Dickey to be postmaster at Waynesburg, in the county of Greene and State of Pennsylvania.

David Russell to be postmaster at Renovo, in the county of Clinton and State of Pennsylvania.

SENATE.

WEDNESDAY, *April 25, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Elam C. Cooper *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

SEYMOUR HOWELL.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting, in response to a resolution of the 23d instant, the papers in connection with the case of Maj. Seymour Howell *v.* The United States; which, with the accompanying papers, was referred to the Committee on Claims.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Cope Whitehouse, of Newport, R. I., relative to certain acts of the Government of Great Britain in the Ottoman Empire inimical to the interests of American citizens; which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a petition of 119 citizens of Mabel, Minn., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. BURNHAM presented petitions of the New Hampshire State Grange, Patrons of Husbandry, of Peterboro, N. H.; of the Peerless Motor Car Company, of Cleveland, Ohio, and of Local Union No. 111, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Lynn, Mass., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented the petition of Edwin A. Abbey and 65 other members of the American Free Art League, praying for the enactment of legislation to remove the duty on works of art; which was referred to the Committee on Finance.

Mr. BLACKBURN presented a petition of sundry citizens of Berea and Burning Springs, all in the State of Kentucky, praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. LONG presented a petition of Manhattan Grange, Patrons of Husbandry, of Manhattan, Kans., and a petition of Edgerton Grange, No. 435, Patrons of Husbandry, of Edgerton, Kans., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

Mr. BEVERIDGE presented a petition of the Woman's Club of Kentland, Ind., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry Army nurses of Terre Haute, South Bend, Petersburg, Elkhart, Indianapolis, Urbana, Auburn, Logansport, and Pendleton, all in the State of Indiana, praying for the enactment of legislation to increase the pension of Army nurses; which was referred to the Committee on Pensions.

Mr. HOPKINS presented a memorial of Local Division No. 228, Amalgamated Association of Street and Electric Railway Employees of America, of Joliet, Ill., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of Local Union No. 467, Brotherhood of Painters, Decorators, and Paper Hangers, of Kankakee; of George P. Bent and Charles T. Wilt, of Chicago; of the Moline Pump Company, of Moline; and of J. L. Wylder, of Jacksonville, all in the State of Illinois, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (H. R. 8226) granting an increase of pension to Laura B. Ihrie, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16504) granting an increase of pension to Thomas W. Barnum;

A bill (H. R. 2778) granting an increase of pension to Patrick Mahoney;

A bill (H. R. 2796) granting a pension to Benjamin T. Odiorne;

A bill (H. R. 15011) granting an increase of pension to John Eldridge, jr.;

A bill (H. R. 10775) granting a pension to Ellen S. Cushman;

A bill (H. R. 9441) granting a pension to Clara N. Scranton;

A bill (H. R. 4242) granting an increase of pension to Mary A. Foster;

A bill (H. R. 15956) granting an increase of pension to Walter F. Bean;

A bill (H. R. 16296) granting an increase of pension to Henry C. Coffin;

A bill (H. R. 16433) granting an increase of pension to Marius S. Cooley;

A bill (H. R. 531) granting an increase of pension to Ebenezer Rickett;

A bill (H. R. 1910) granting an increase of pension to Andrew H. Nichols;

A bill (H. R. 2102) granting an increase of pension to Eugenie Tilburn;

A bill (H. R. 4669) granting a pension to Joseph E. Green;

A bill (H. R. 3689) granting an increase of pension to Charles W. Lyons;

A bill (H. R. 2794) granting an increase of pension to Richard E. Davis;

A bill (H. R. 4264) granting a pension to Frances E. Maloon;

A bill (H. R. 3430) granting an increase of pension to Peter M. Culins;

A bill (H. R. 2801) granting an increase of pension to Alexander M. Lowry;

A bill (H. R. 14299) granting an increase of pension to Rose V. Mullin;

A bill (H. R. 17589) granting an increase of pension to Sidney A. Lawrence;

A bill (H. R. 9442) granting a pension to Dora C. Walter; and

A bill (H. R. 3979) granting an increase of pension to Paul Stang.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1567) granting an increase of pension to Edward Duffy;

A bill (H. R. 5853) granting an increase of pension to Quincy Corwin;

A bill (H. R. 15024) granting an increase of pension to Henry C. Keyser;

A bill (H. R. 2852) granting an increase of pension to James Dayton;

A bill (H. R. 16190) granting an increase of pension to James T. Caskey; and

A bill (H. R. 16210) granting an increase of pension to Abraham G. Long.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (H. R. 16215) granting an increase of pension to Mary Dagenfield, reported it with an amendment, and submitted a report thereon.

Mr. ALGER (for Mr. SMOOT), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16250) granting an increase of pension to Augustus J. Morey;

A bill (H. R. 16334) granting an increase of pension to Enos Day;

A bill (H. R. 16428) granting an increase of pension to Edwin Hicks; and

A bill (H. R. 16520) granting a pension to Edward Farrell.

Mr. ALGER (for Mr. SCOTT), from the Committee on Pensions, to whom was referred the bill (H. R. 1138) granting an increase of pension to Joseph S. Rice, reported it without amendment, and submitted a report thereon.

He also (for Mr. PILES), from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 667) granting an increase of pension to George H. Gaskill;

A bill (H. R. 2173) granting an increase of pension to Thomas H. Padgett;

A bill (H. R. 16582) granting a pension to Ellen T. Sivels; and

A bill (H. R. 16650) granting an increase of pension to Robert B. Williby.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17274) granting an increase of pension to Andrew J. Mosier;

A bill (H. R. 17273) granting a pension to Mary B. Watson;

A bill (H. R. 1375) granting an increase of pension to Silas Mosher;

A bill (H. R. 5822) granting an increase of pension to Miner L. Braden;

A bill (H. R. 15894) granting an increase of pension to Alma L. Wells;

A bill (H. R. 15928) granting an increase of pension to Herbert D. Ingersoll; and

A bill (H. R. 16182) granting an increase of pension to Samuel F. Williams.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1893) granting an increase of pension to Henry C. Maxwell;

A bill (H. R. 10881) granting an increase of pension to Jerry Edwards;

A bill (H. R. 1018) granting an increase of pension to Silas Flournoy;

A bill (H. R. 5274) granting an increase of pension to William T. Branam;

A bill (H. R. 17235) granting an increase of pension to Martha Howard;

A bill (H. R. 17151) granting a pension to William T. Morgan;

A bill (H. R. 16454) granting an increase of pension to Samuel E. Carlton;

A bill (H. R. 17194) granting an increase of pension to Jennie White;

A bill (H. R. 16455) granting an increase of pension to John Long;

A bill (H. R. 14374) granting an increase of pension to Benjamin B. Cahoon;

A bill (H. R. 16376) granting an increase of pension to Joseph Muncher;

A bill (H. R. 16442) granting an increase of pension to John A. Powell; and

A bill (H. R. 16523) granting an increase of pension to Charles P. Hopkins.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1734) granting an increase of pension to William H. Lee;

A bill (H. R. 1858) granting an increase of pension to James Jacobs;

A bill (H. R. 1340) granting a pension to Robert Kennish;

A bill (H. R. 3738) granting an increase of pension to Daniel Boughman;

A bill (H. R. 17608) granting an increase of pension to Sidney S. Brewerton; and

A bill (H. R. 15863) granting an increase of pension to William Louther.

Mr. KITTREDGE, from the Committee on Interoceanic Canals, reported an amendment relative to the payment of the outstanding 4½ per cent first-mortgage bonds of the Panama Railway Company, October 1, 1906, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CARTER, from the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the bill (H. R. 17833) providing for the administration of the operations of the act of Congress approved June 17, 1902, known as the reclamation act, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. TELLER introduced a bill (S. 5843) granting an increase of pension to Henry Hatch; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5844) granting an increase of pension to John Keys; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5845) for the relief of Margaret Emma Brown, Kate D. Jarnagin, John Jacob Hubbard, and Georgia B. Teague, heirs of Mary Jane Hubbard, deceased (with accompanying papers);

A bill (S. 5846) for the relief of the county of Bradley, State of Tennessee;

A bill (S. 5847) for the relief of Cleveland Masonic Lodge, No. 134, Cleveland, Tenn.;

A bill (S. 5848) for the relief of the estate of William Franklin, deceased;

A bill (S. 5849) for the relief of the trustees of the Eudora Baptist Church, of White Station, Tenn. (with an accompanying paper);

A bill (S. 5850) for the relief of the estate of James Jones, deceased; and

A bill (S. 5851) for the relief of the estate of Bird Sands, deceased (with an accompanying paper).

Mr. FRAZIER introduced a bill (S. 5852) to establish a fish-hatching and fish-culture station in the State of Tennessee; which was read twice by its title, and referred to the Committee on Fisheries.

Mr. BLACKBURN introduced a bill (S. 5853) for the relief of the heirs of the late John Hawkins; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. LONG introduced a bill (S. 5854) granting an increase of pension to John W. McWilliams; which was read twice by its title, and referred to the Committee on Pensions.

Mr McENERY introduced a bill (S. 5855) granting an increase of pension to Blanche B. Badger; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced the following bills, which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5856) for the relief of the trustees of the Free Church, of Burlington, W. Va.;

A bill (S. 5857) for the relief of the trustees of the St. John's Protestant Episcopal Church, of Harpers Ferry, Jefferson County, W. Va.;

A bill (S. 5858) for the relief of the trustees of Elk Branch Presbyterian Church, of Duffields, Jefferson County, W. Va.;

A bill (S. 5859) for the relief of the trustees of the Presbyterian Church of Moorefield, Hardy County, W. Va.;

A bill (S. 5860) for the relief of the trustees of the Presbyterian Church of Petersburg, Grant County, W. Va.;

A bill (S. 5861) for the relief of the trustees of the Methodist Episcopal Church South, of Summit Point, Jefferson County, W. Va.;

A bill (S. 5862) for the relief of the trustees of the Presbyterian Church of Beverly, Randolph County, W. Va.;

A bill (S. 5863) for the relief of the trustees of the St. John's Catholic Church, of Summersville, W. Va.;

A bill (S. 5864) for the relief of the trustees of the Methodist Protestant Church of Middleway, Jefferson County, W. Va.;

A bill (S. 5865) for the relief of the wardens and vestrymen of St. Mark's Protestant Episcopal Church, of St. Albans, W. Va.;

A bill (S. 5866) for the relief of the trustees of the Methodist Episcopal Church South, of Clarksburg, W. Va.; and

A bill (S. 5867) for the relief of the trustees of the Baptist Church of Gauley Bridge, W. Va.

Mr. BACON introduced a bill (S. 5868) to change the name of North Capitol street to Georgia avenue; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BERRY introduced a bill (S. 5869) for the relief of Larvan Gordon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. BURKETT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5870) granting an increase of pension to S. H. Morrison; and

A bill (S. 5871) granting an increase of pension to William B. Ashton.

Mr. HALE introduced a bill (S. 5873) to provide for the transfer to naval control of that portion of the Industrial Home School property lying within the limits of the Naval Observatory circle, and the establishment of the Industrial Home School upon a new site to be selected by the Commissioners of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MALLORY submitted an amendment relative to the use of Government horses and vehicles by the Commissioners of the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FRAZIER submitted an amendment authorizing the acceptance by the Government of the tract of land where Andrew Johnson's remains now lie, known as "Monument Hill," in Greene County, Tenn., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. KITTREDGE submitted an amendment proposing to appropriate $3,000 for the improvement of the sanitarium springs connected with the Battle Mountain Sanitarium, at Hot Springs, S. Dak., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURKETT submitted an amendment proposing to appropriate $120 additional yearly compensation to the person acting as superintendent of the House of Detention in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. SIMMONS submitted an amendment providing that no part of the appropriation for necessary and special facilities for trunk lines from Washington to Atlanta and New Orleans shall be expended unless the Postmaster-General shall consider and so find that such expenditure is necessary in order to promote the interests of the postal service, etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

HEARINGS BEFORE COMMITTEE ON TERRITORIES.

Mr. DILLINGHAM (for Mr. BEVERIDGE) submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed by the Committee on Territories to report hearings on Senate bill No. 191, and other matters

pending before said committee, and the stenographer hereby authorized to be employed by said committee from time to time, as may be necessary, to report such testimony as may be taken by said committee or its subcommittees, in connection with matters pending before it, be paid from the contingent fund of the Senate; and that said committee be authorized to have such testimony printed for its use.

GOVERNMENT HOSPITAL FOR THE INSANE.

Mr. GALLINGER. I ask that the bill (H. R. 15643) to authorize the board of visitors of the Government Hospital for the Insane to summon and examine witnesses under oath, and making it a misdemeanor for any such witness to refuse to attend or testify or produce books and papers when summoned be transferred to Rule IX. I make this request for the reason that it provides for an investigation of the Government Hospital for the Insane by the board of visitors, and the House of Representatives has ordered an investigation by a committee of the House. I wish to have the bill transferred to Rule IX, in order that it may not be called in my absence.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, as requested by the Senator from New Hampshire.

BILLS PASSED OVER.

The VICE-PRESIDENT. The Calendar under Rule VIII is in order.

The bill (S. 4433) to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park," was announced as first in order.

Mr. GALLINGER. Let the bill be passed over.

The VICE-PRESIDENT. At the request of the Senator from New Hampshire the bill will go over without prejudice.

The bill (S. 30) to remove discriminations against American sailing vessels in the coasting trade was announced as next in order.

Mr. FRYE. Let the bill go over, retaining its place.

The VICE-PRESIDENT. It will be so ordered.

The bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

ALLOTMENT OF INDIAN LANDS IN SEVERALTY.

The bill (H. R. 11946) to amend section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," was announced as next in order.

The VICE-PRESIDENT. On April 20 last the bill was considered as in Committee of the Whole, and was read.

The Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment was, on page 3, line 2, after the word "removed," to insert "and said land shall not be liable to the satisfaction of any debt contracted prior to the issuing of such patent;" so as to make the proviso read:

Provided, That the Secretary of the Interior may, in his discretion, and he is hereby authorized, whenever he shall be satisfied that any Indian allottee is competent and capable of managing his or her affairs at any time to cause to be issued to such allottee a patent in fee simple, and thereafter all restrictions as to sale, incumbrance, or taxation of said land shall be removed and said land shall not be liable to the satisfaction of any debt contracted prior to the issuing of such patent.

The amendment was agreed to.

The next amendment was, on page 3, line 8, to strike out the words "the Five Civilized Tribes" and insert "any Indians in the Indian Territory;" so as to make the additional proviso read:

And provided further, That the provisions of this act shall not extend to any Indians in the Indian Territory.

The amendment was agreed to.

Mr. CLAPP. I desire to offer an amendment to the bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Add at the end of the bill the following:

That hereafter when an allotment of land is made to any Indian, and any such Indian dies before the expiration of the trust period, said allotment shall be canceled and the land shall revert to the United States, and the Secretary of the Interior shall ascertain the legal heirs of such Indian and shall cause to be issued to said heirs and in their names a patent in fee simple for said land, or he may cause the land to be sold as provided by law and issue a patent therefor to the purchaser or purchasers and pay the net proceeds to the heirs, or their legal representatives, of such deceased Indian. The action of the secretary of the Interior in determining the legal heirs of any deceased Indian, as provided herein, shall in all respects be conclusive and final.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REGULATION OF IMMIGRATION.

The bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens in the United States," approved March 3, 1903, was announced as next in order.

The VICE-PRESIDENT. There have been submitted by the Senator from Idaho [Mr. HEYBURN] and the Senator from North Carolina [Mr. SIMMONS] amendments to this bill, which have been printed and which are upon the table. Neither of those Senators is in the Chamber.

Mr. DILLINGHAM. I suggest that the bill go over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill, at the request of the Senator from Vermont, will lie over without prejudice.

FISHING IN ALASKAN WATERS.

Mr. FRYE. I am directed by the Committee on Foreign Relations, to whom was referred the amendment of the House of Representatives to the bill (S. 267) to prohibit aliens from fishing in the waters of Alaska, to report it back and move that the Senate disagree to the House amendment and ask a conference on the same, and that the Chair appoint the conferees on the part of the Senate. I make that motion.

The motion was agreed to; and the Vice-President appointed Mr. FRYE, Mr. LODGE, and Mr. BACON as the conferees on the part of the Senate.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. Mr. President, I should like to have the unfinished business laid before the Senate, so that we can see who is ready to speak on it.

The VICE-PRESIDENT. The unfinished business will be stated by the Secretary.

The SECRETARY. A bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Carolina?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. TILLMAN. I have no notice of any Senator being ready to speak this morning, and while I have had some intimation from two or three Senators that they were preparing speeches, they seem to be taking a great deal more time about it than I think would be necessary, although I may be mistaken. I say so with all due respect. The Senate has a great many important matters ahead of it, and it appears to me, as the general debate seems to be about over, that we might reach some agreement about a time to vote. I should like to suggest to Senators to let us come to an agreement about voting, if it is practicable.

Mr. ALDRICH. I should not think it practicable at this time.

Mr. TILLMAN. Of course if the Senator does not feel willing to agree, that settles it for to-day, and I will have to try it again some other time.

Mr. HALE. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. With pleasure.

Mr. HALE. I judge from what I hear Senators say that there is a general feeling that we ought pretty soon to come to some agreement about a vote. I rise principally to ask the Senator who is marshaling this debate what is his notion about the extent of the general debate that we are going on with now? In looking over his lists and knowing of Senators who have informed him that they expect to speak, when does the Senator think that that part of the debate will be ended, if he has any idea?

Mr. TILLMAN. I have no idea, Mr. President, because Senators who have spoken of their desire to speak have never indicated when they would address the Senate. Some of them said that at one time or another they would want to speak, and have since notified me that they have changed their minds and did not care to do it. I have never been able to get a list in the last ten days of any direct and positive information as to a Senator's wanting to address the Senate on this question. I would think, under those circumstances, the balance of this week would consume all the time that would be reasonably devoted to general speeches. But I may be in error, you know; we can not tell.

Mr. HALE. This is now Wednesday. Then the Senator

thinks that by the end of the session of Saturday—I think we will probably sit on Saturday this week—the long speeches, what is called "general debate" in the House, will be ended.

Mr. TILLMAN. Well, I could not say that that is my opinion, because I have so little upon which to base it; but I will say, it appears to me if the Senate would agree on a day, even two weeks from to-day, or two weeks from next Monday, when we would begin the debate on the bill and its amendments under the ten-minute rule, and fix a day four or five days later for a vote on everything and wind it up, it would at least put Senators on notice that if they did not get ready with their general speeches they would not have a chance to make them. While I do not want to have the appearance of dragooning or driving or marshaling speakers, or anything of that sort, I am exceedingly anxious to get the matter to some sort of termination.

Mr. HALE. I think the Senator is entirely right about that. He sees that now we are listening to very good speeches, very educating speeches——

Mr. TILLMAN. We are getting a great deal of information.

Mr. HALE. But we are drifting rather aimlessly, so far as there being any likelihood of fixing a time. The process in the Senate always is on important matters that it is able to come to a conclusion.

Mr. TILLMAN. If I were to begin to serve notice and say, "Gentlemen, either talk or vote and do the business before the Senate, unless a majority of Senators vote to take it out and quit," I could be absolved from any blame for this delay; but I have never seen that that sort of a driving process amounts to very much here, and I do not want to engage in it.

Mr. HALE. No.

Mr. TILLMAN. I much prefer to have the thing move along in the easy and, as some people say, in the happy-go-lucky way in which we do things here. But I have never characterized our procedure in that manner. Still I do believe Senators ought to get ready if they want to make general speeches, and not have the appearance of unduly delaying this legislation.

Mr. HALE. That is undoubtedly practically all we shall do on the bill to-day. With this general feeling that Senators can get in their speeches this week we can then perhaps agree upon some time.

Mr. SPOONER. Mr. President, I will say to the Senator from South Carolina that if permitted by the Senate I will be glad to submit some observations on this bill to-morrow after the morning business.

Mr. TILLMAN. I am very sure the Senate will be glad to hear the Senator, and certainly I will be very glad to hear him.

Mr. ALDRICH. Mr. President, there has been no undue delay in the consideration of this bill, and at the proper time undoubtedly an agreement will be made to vote upon it. There never has been any disinclination on the part of the Senate that I have been aware of to fix the time for taking a vote when the discussion was exhausted, and I presume there will be no alteration in that general plan in the discussion of the pending bill. I can see no occasion for any suggestions or attempts to lecture the Senate as to what it ought to do in this matter. If there has been any delay at all it has been by excursions into outside matters by Senators who in a sense are in control of the bill. I hope we shall not hear any more talk of undue delay, for there has been none, and there will be none.

Mr. TILLMAN. If there is no Senator who is ready to go on to-day, I ask that the unfinished business be laid aside for the balance of the day.

The VICE-PRESIDENT. The Senator from South Carolina asks that the unfinished business be laid aside for the day. Is there objection? The Chair hears none, and it is so ordered.

Mr. CLARKE of Arkansas. I wish to give notice that I will ask leave to address the Senate on some features of the bill next Friday after the morning business.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I desire to have the Senate now resume the consideration of the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907.

The VICE-PRESIDENT. The first amendment passed over is on page 66.

Mr. CLAPP. I desire to offer some amendments on behalf of the committee. First, I offer an amendment to the amendment which was passed over on page 66.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be read.

Mr. CLAPP. I desire to call the attention of the Senator from Massachusetts [Mr. LODGE] to this amendment.

The SECRETARY. On page 66, line 15, after the word "purpose," the last word in the paragraph, insert:

Provided, The Secretary of the Interior shall first examine said accounts and approve the same.

Mr. LODGE. That is perfectly satisfactory. I withdraw the point of order.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to. The Senator from Massachusetts withdraws his point of order, and the amendment as amended is agreed to.

Mr. CLAPP. I offer an amendment from the Department of the Interior.

The SECRETARY. On page 53, at the end of line 5, insert:

That the Secretary of the Interior is hereby authorized and directed to pay, out of any money in the Treasury of the United States belonging to the Chickasaw Nation, the amount due the State National Bank of Denison, Tex., upon a note given by the governor and treasurer of the Chickasaw Nation, under an act entitled "An act authorizing and requesting the governor and treasurer of the Chickasaw Nation to borrow the sum of $26,195.35 to pay the expenses of the present session of the legislature, exclusive of the $4 per day allowed by law for the expenses of the members and officers of the present session of the legislature," approved by the governor of the Chickasaw Nation on December 20, 1905.

The amendment was agreed to.

Mr. CLAPP. I offer the following amendment, which is a bill I introduced earlier in the session at the request of the Department. It does not seem to get through the other House, and I take the liberty of offering it as an amendment here.

The SECRETARY. On page 68 of the bill, after line 8, insert:

That for the purpose of preserving the living and growing timber on the ten sections of land in the Chippewa of the Mississippi Indian Reservation, in the State of Minnesota, reserved from sale or settlement in accordance with the provisions of the act of January 14, 1889, as amended by the act of June 27, 1902, the Secretary of the Interior, under such rules and regulations as he shall prescribe, may sell, at not less than a minimum price to be fixed by the Secretary of the Interior, the down timber, both merchantable and unmerchantable, the latter to be sold as cord wood, on said ten sections, as well as the hay on the meadow lands therein. Prior to the sale the timber shall be suitably designated by the superintendent of logging or one of the assistant superintendents of logging, appointed under the act of June 27, 1902, for which no additional compensation shall be allowed, or by some person designated by the Secretary of the Interior. Payment for the timber and for the hay shall be made to the Indian agent at the Leech Lake Agency, and the money arising therefrom, after defraying the expenses incident to the sale, shall be placed in the Treasury of the United States to the credit of all Chippewa Indians in the State of Minnesota, as a part of the permanent fund provided for by section 7 of the act of January 14, 1889. Notice of the proposed sale shall be given for not less than thirty days in at least two newspapers having a general circulation in the county in which the ten sections are situated. Should no bid be accepted for the timber, the Secretary of the Interior may permit, under rules and regulations to be prescribed by him, the use for firewood of the unmerchantable down timber on said ten sections, free of charge, by bona fide settlers and residents not residing on said ten sections.

The amendment was agreed to.

Mr. CLAPP. I understand the Senator from New Hampshire [Mr. GALLINGER] has a few amendments which he desires to offer.

Mr. GALLINGER. On page 12, line 13, I move to amend the committee amendment, if it shall be open for that purpose——

The VICE-PRESIDENT. The Chair will regard the amendment as open.

Mr. GALLINGER. I move to amend the committee amendment by substituting the words "twenty-five" for "twenty" at the beginning of the line.

The VICE-PRESIDENT. The Secretary will state the proposed amendment.

The SECRETARY. On page 12, line 13, before the word "thousand," strike out "twenty" in the committee amendment, which has been agreed to, and insert in lieu the words "twenty-five;" so as to read:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to take action to suppress the traffic of intoxicating liquors among Indians, $25,000," etc.

The amendment to the amendment was agreed to.

Mr. GALLINGER. In the same line, after the word "dollars," I move to strike out "ten" and insert "fifteen;" so as to read:

Fifteen thousand dollars of which to be used exclusively in the Indian Territory.

The amendment to the amendment was agreed to.

Mr. GALLINGER. After the words "Indian Territory," in line 14, I move to insert "and Oklahoma;" so as to read:

To be used exclusively in the Indian Territory and Oklahoma.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. I offer the following amendment, which I have reason to believe the chairman of the committee will not object to.

The SECRETARY. On page 113, after line 12, insert after the committee amendment already agreed to:

That any missionary society or religious organization now occupying, under proper authority, for religious or educational work among the Indians, any of the lands in the Territory of Oklahoma heretofore ceded to the United States by the Wichita and affiliated bands of Indians, or by the Comanche, Kiowa, and Apache tribes of Indians, and reserved to such societies or organizations for such religious uses on the schedules of allotments approved by the Secretary of the Interior, shall have the right for two years within which to make application for a patent therefor; and the Secretary of the Interior is hereby authorized and directed, upon such application, to issue patents in fee to such religious societies or organizations, severally, for such lands so occupied, not to exceed 160 acres to any one society or organization.

The amendment was agreed to.

Mr. CLARK of Wyoming. I offer an amendment to come in as a separate paragraph at line 20, page 36.

The SECRETARY. On page 36, after line 20, insert:

That the Secretary of the Interior is hereby authorized and empowered to segregate and reserve from allotment, and to cancel any filings or applications that may heretofore have been made with a view to allotting, the following-described lands, situate in the Choctaw Nation, Ind. T., to wit: The northwest quarter of section 12, in township 5 north, range 15 east, containing in the aggregate 160 acres more or less.

That the provisions of sections 56 to 63, inclusive, of the act of Congress approved July 1, 1902, entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes, and for other purposes," be, and the same are hereby, made applicable to the lands above described, the same as if the said described lands had been made a part of the segregation as contemplated by said sections 56 to 63, inclusive, of said above act approved July 1, 1902: *Provided*, That the Secretary of the Interior may, in his discretion, add to and make a part of the coal mining leases now in effect, and to which said lands are contiguous, the northwest quarter of section 12, in township 5 north, of range 15 east, Government subdivisions being followed as nearly as possible: *Provided further*, That the holder or holders of the lease or leases to which such lands shall be added shall, before the same are added, pay the Indian or Indians who have filed upon or applied for such lands as their allotments, or who are in possession thereof, the value of the improvements placed on the land by said Indian or Indians, such value to be determined under the direction of the Secretary of the Interior.

The amendment was agreed to.

Mr. TELLER. I ask leave to offer an amendment on page 162, which I send to the desk. I will make a brief statement concerning it.

The SECRETARY. On page 162, after line 21, insert:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Henry W. Lee, out of the funds of the Winnebago Indians of Wisconsin, the sum of $2,000, being the amount found due said Lee by the Court of Claims in Congressional case No. 10219.

Mr. TELLER. I wish to say that that is a finding by the Court of Claims. It was sent to the Court of Claims by an act of Congress. The party claimed $10,000; the Secretary of the Interior said he was entitled to $3,000, and the Court of Claims gave him $2,000. So I suppose there will be no trouble about it.

The amendment was agreed to.

The VICE-PRESIDENT. The only committee amendment remaining undisposed of is that on page 73, beginning with line 16, in reference to the Blackfeet Reservation.

Mr. TELLER. I desire to offer an amendment. On page 50, after line 6, I move to insert the paragraph which I send to the desk, for the establishment of an additional court in the Indian Territory.

The VICE-PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. On page 50, at the end of line 6, it is proposed to insert:

That in addition to the places now provided by law for holding court in the central judicial district of Indian Territory, terms of the district court of the central district shall hereafter be held at the town of Hugo; and the United States judge of said central district is hereby authorized to establish by metes and bounds a recording district for said court, which district shall be known as recording district No. 31; that all laws regulating the holding of courts and the recording of instruments in the Indian Territory shall be applicable to the court hereby created at the town of Hugo.

The amendment was agreed to.

Mr. CLARK of Montana. On page 74 I offer an amendment to the amendment of the committee, which I send to the desk.

Mr. LODGE. Mr. President, that amendment has not yet been disposed of.

The VICE-PRESIDENT. It has been passed over. It is yet undisposed of.

Mr. LODGE. It is yet undisposed of. That is all right.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 74, line 11, before the word "acres," in the amendment reported by the committee, it is proposed to strike out "one hundred and twenty," and to insert "two hundred and forty;" and in line 13, before the word "acres," it is proposed to strike out "one hundred and sixty" and insert "three hundred and twenty;" so as to make the proviso read:

And provided further, That there shall be allotted to each adult or head of family 80 acres of irrigable land and 240 acres of additional land valuable only for grazing purposes, or, at the option of the allottee, the entire 320 acres may be taken in land valuable only for grazing purposes, and to each person under 18 years of age one-half of such acreage, respectively, etc.

Mr. CLARK of Montana. This amendment is simply to correct an error in the printing, and was agreed upon in committee.

The amendment to the amendment was agreed to.

Mr. SPOONER. I move to reconsider the vote by which the amendment of the Committee on Indian Affairs, beginning on page 7, line 19, and extending to line 10, on page 8, was adopted.

The VICE-PRESIDENT. The Senator from Wisconsin moves to reconsider the vote by which the amendment to which he refers was adopted. The amendment will be stated.

The SECRETARY. On page 7, after line 18, the amendment proposed by the Committee on Indian Affairs was to insert:

That when the land of deceased allottees has been sold under existing laws, the Secretary of the Interior be, and he hereby is, directed to immediately cause to be paid to the heirs of said deceased allottees any and all moneys on deposit due said heirs from the sale of said land of said deceased persons, and that he be further directed to cause to be paid immediately upon collection all moneys due Indian allottees or their heirs as the proceeds of leases upon individual allotments: *Provided*, That no money accruing from any lease or sale of lands held in trust by the United States for any Indian shall become liable to be subjected to the payment of any debt of, or claim against, such Indian contracted or arising during such trust period, or, in case of a minor, during his minority, except with the approval and consent of the Secretary of the Interior, who is hereby vested with full power and authority to do and perform all things necessary hereunder.

The VICE-PRESIDENT. The question is on the motion of the Senator from Wisconsin to reconsider the vote by which this amendment was adopted.

The motion to reconsider was agreed to.

Mr. SPOONER. I suppose I ought now to move that the amendment be rejected.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. SPOONER. Mr. President, the Commissioner of Indian Affairs and the Secretary of the Interior are opposed to the adoption of this amendment. I think the reasons which lead to the position of the Department are well founded. I send to the desk, and ask to have read, a letter from the Commissioner of Indian Affairs, which will pretty well inform the Senate as to the grounds upon which the Department is opposed to this amendment.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read the letter of the Commissioner of Indian Affairs, as requested by the Senator from Wisconsin.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 24, 1906.

Hon. JOHN C. SPOONER,
United States Senate, Washington, D. C.

MY DEAR SENATOR SPOONER: I am in receipt of a copy of a letter addressed by Agent Campbell, of the La Pointe Agency, to a friend of his, relative to a newspaper dispatch from Washington saying that "the Indian Committee of the Senate has clashed with the Interior Department officials in the matter of handling the affairs of the Chippewa Indians on the reservations of the La Pointe Agency, Wis. This is shown by the report of the chairman, CLAPP, of the committee in proposing amendments to the Indian appropriation bill, directing that the policy which was adopted, under the regulation of the Department, for the withholding of the funds of the Indians and permitting them to have but $10 per month shall be abandoned, and the Indians shall have the money deposited to their credit in the banks, and draw from it as they may choose."

I desire to invite your attention to the following extracts from Agent Campbell's letter relative to the existing conditions and the results that would follow the change of the present policy of the Department as to the funds of the Chippewa Indians.

Mr. Campbell says:

"If every person thoroughly understood the policy of the Department, and knew the conditions as the Indian agent knows them, there would be no difficulty in having every Senator and Congressman to support the policy.

"For you to thoroughly understand this policy it will be necessary for me to go back to the beginning and state the facts and the condition of this agency when I took charge of it.

"It was the policy at that time for the Commissioner of Indian Affairs and the agent to pay each year to the Indians the money derived from the timber cut in the winter, and when I took charge of the agency there was very little money to the credit of the Indians, as it had all been paid out to them in lump sums.

"After investigating the matter thoroughly I found that the majority of the money went to the grafters and the saloons and that improvements were not being made, which should be made with this money. After thorough consideration the $10 per month policy was adopted by myself, and with the approval of the Commissioner of Indian Affairs, which was this:

"Every Indian who had a credit in this office was entitled to draw $10 per month, and if he desired money for improvements an applica-

tion was made to the Commissioner, recommended by the agent, and the application was always approved by the Commissioner if the money was to be used for some good purpose. When the money was paid over, the farmer, as far as he was able, directed that the money be expended as per the application.

"If we thought an Indian capable of handling his own money and he could give good reasons for receiving it, we paid the money over to him in a lump sum. Others were permitted to purchase farms outside of the reservation. Many made improvements on their allotments, and I would state that on the Bad River Reservation there are some one hundred families living on their allotments who have from 1 to 60 acres cleared, all of which was done when they found they could not use their money for any other purpose than improvements.

"Now, the foregoing was the $10 per month policy. Since this has been in force I have recommended that some fifty or more old Indians who have a sufficient amount of money to keep them comfortable during the remainder of their lives should draw $20 per month, and they are now drawing that amount each month.

"This was the best plan I could think of to protect the Indians and make them use their money in such a way that it would be of a benefit to themselves and make them self-supporting in the future when their money was all gone.

"If I am proud of anything that I have done since I have been agent, it is that I have guarded and protected these poor old Indians from grafters and others who wish to take their money from them without any consideration whatever.

"We have hundreds of poor old Indians who are not able to work. The opportunities of fishing, hunting, trapping, picking berries, making maple sugar, and all other industries by which they supported themselves in the past have been entirely taken away from them by the white men, and if their money was paid over to them in a lump sum I would venture to say that not one of them would have any of it left inside of thirty days. This has been demonstrated beyond a doubt several times, as in every case where I thought the Indians were capable of taking their money and have paid it over to them in a lump sum I have found them lacking.

"I obtained permission from the Commissioner of Indian Affairs for fifteen or twenty Indians to purchase farms outside of the reservation, and out of this number only two that I can call to mind now have made a success of it. All of the others have tried to dispose of their farms for little or nothing, and some have been sold for taxes; others have had executions issued against them. I have had to come to the rescue at different times and have had to pay out money of my own in order to save the farms from grafters.

"The trouble with these Indians is that they have never had any experience in finance. To pay them their money would be like paying over to a child 10 years old eight or ten thousand dollars and turn him out. How long would he hold it? They do not know what to do with it, as they have never had any experience in any way, and the proper thing to do is to teach them gradually how to handle it and how to make themselves self-supporting.

"In the clipping sent to you yesterday it was stated that this policy was adopted and used for the benefit of the banks and the lumber barons. This policy was first recommended by myself, and if it is being used to the interests of the lumber barons and the banks, then I am the grafter and the man who is receiving the benefit of this policy. And if these banks and the lumber barons (so called by the paper) have anyone aiding and assisting them in this policy, it certainly must be me, as they can not receive any benefit from this policy unless I enter into league with them, because all checks for all bills of every description must pass through my hands.

"Now, it is claimed that these lumbermen have the use of this money, and which is not the whole truth. They do not say that the lumbermen pay any interest on this money.

"As I stated before, there was very little money at this agency until this policy was adopted; then the money commenced to accumulate. I recommended that this money should be placed out at interest, and security taken, so as to protect the Indians against any loss. The outcome of this was that I was placed under a $300,000 bond, which was afterwards increased to $400,000. At the commencement of the third year that I was agent I put this money out at interest, and since that time the Indians have received interest on whatever amount they had to their credit. About June, 1905, this money was placed in five different national banks.

"These banks gave bonds to the Department as security for this money, at which time my bond was decreased from $400,000 to $100,000, but the clipping which the reporter sent from Washington to the Chicago Record-Herald does not give any of these facts, and which he could have obtained from the Commissioner of Indian Affairs at any time.

"The question is, Is it best to pay over a half million dollars or more to these Indians in a lump sum, or is it better to see that the money is put into improvements which will make them self-supporting in the future? I know it is slow work, but I know that there have been three or four times the improvements made since this policy was adopted than were ever made before.

"If this amendment passes the Senate the suffering of these poor old Indians in the future will be unlimited, and will be beyond description. You know that charity is cold, and the white man does not wish to pay taxes to support the poor white people; he avoids it if possible. How much less will he be willing to support the poor Indian?

"Let me give you an example of one of these old Indians: Wa nab bo zho has just left my office. He is 85 years of age. He has a cancer or some disease which has eaten off the entire nose and a part of his face. He has a little over $3,000 to his credit in this office. He is now receiving $20 per month, and I make applications from time to time for additional amounts when he is in need of it. I recently made an application for $100 to purchase certain articles for his comfort. If his money is properly handled this man has a sufficient amount to keep him during his lifetime, but if his money was paid over to him in a lump sum to-day in one week he would not have one cent of it left, and he would be a pauper, and would starve and suffer the rest of his life. Do you advocate my paying over this money to him in a lump sum, knowing this to be a fact?

"I have several hundred people under my charge who are situated very much as this man is; they are old—not so old as this man is, but from 60 years up. I do not know of one of them that would have a cent left in a week's time if this money was paid over to them. They do not know what to do with it, and the first thing that would be done would be to steer them into a saloon. If they had $500 when they went in, they would have none of it when they came out.

"I could give you example after example of cases where I have paid the money over to these unfortunate creatures, and it has never done them a particle of good. I make this assertion, that it would be better to burn this money in the streets than to pay it over to them in a lump sum. I know this from personal contact with the Indians during the past eight years.

"Let me repeat a part of what I have said before, and that is, if anyone is to blame for this policy it is the agent, and not the Department at Washington, and I am willing to take the responsibility as I recommend it; and if the policy is for the benefit of the banks and the lumber barons I am responsible for it, and not the Department at Washington. If anyone is doing grafting here I must be in cahoots with him, because, as I said before, it could not be done without my knowing it, as all checks pass through my hands and I have to sign them.

"You may think it is strange that I should write to you in this manner in regard to this money matter, and why I should take such an interest in protecting it for the Indians. I want to say emphatically, with all the honesty of purpose that I ever had, that I have taken as much interest, or more, in the affairs of the Indians than I ever did in my own personal business. I have always endeavored to do what was right and fair by them, and I do not fear an investigation concerning the same as far as myself and the Department are concerned.

"I could cover many pages by giving you examples of cases similar to that of Wna nab bo zho, which I have already given you; also of Indians who have received all of their money, and when the money was gone have come back to me crying and blaming me for paying the money over to them in a lump sum. Page after page of such things could be written to you, but what is the use?"

In a letter to the Secretary on April 16, 1906, commenting on various Senate committee amendments to the Indian appropriation bill, a copy of which was furnished you, the Commissioner, as to the provision directing that all money accruing from the sale of timber on allotments be immediately paid to the allottees or their heirs (p. 7, lines 1 to 8), said:

"It should be eliminated.

"There is about $35,900 to the credit of allottees under the supervision of the Leech Lake Agency, Minn., which accrued from the sale of timber on their allotments. The regulations provide that the money shall be deposited in some national bank to their credit, and that it may be withdrawn with the consent of this Office. The present regulations and the contracts under which the sales are made, La Pointe Agency, Wis., provide that the money shall be deposited in some national bank, subject to the check of the Indian owner of the allotment when countersigned by the agent. There is about $500,000 of this money to the credit of the Indians under the jurisdiction of La Pointe Agency. It is deposited in selected banks, which pay interest at the rate of 2 per cent on daily balances and 2½ per cent on six and twelve months' time deposits. The Government has used every precaution to safeguard the interests of the Indians with reference to their timber money, and it would be demoralizing in the extreme to pay this money to them. Any allottee who is shown to be competent to manage his own affairs and will satisfy the Office that he will properly and profitably invest his money may withdraw the amount to his credit in a lump sum. No application has been refused where this showing has been made."

In addition to the moneys received from the sale of timber there have been deposited in national banks throughout the country, secured by surety company bonds, in the neighborhood of $2,000,000 derived from the sale of inherited Indian lands. The amendment in the bill authorizes the turning over to the several Indian beneficiaries this large sum of money. There has been inherited Indian land sold to the amount of between $3,000,000 and $4,000,000, and prior to September 30, 1904, the proceeds derived from these sales were turned over to the Indian beneficiaries.

The necessity for the conserving of these funds was brought directly to the attention of the office by a report of a special United States Indian agent relating to the conditions existing at the Yankton Agency, S. Dak., as a result of the payment to the Indians without restrictions the moneys derived from this source. He said that there was no doubt in his mind that the sale of inherited Indian lands on that reservation was proving very demoralizing to the Indians, which opinion was shared by everyone at all conversant with the situation, and even admitted by those who made it a business to purchase the lands. He reported that the Indians at that time had practically quit work; that dancing, feasting, and the giving away of property occupied their time; that during the Fourth of July festivities, 1904, there was a general shifting of personal property, in which the more shrewd secured the horses, carriages, blankets, harness, and saddles of the more vain and boastful "givers;" that many thousand dollars worth of property was given away; that it was nothing uncommon for an Indian who had received money from the sale of inherited land to pass out five-dollar bills and ten-dollar bills as a treat, the same as one might the contents of a basket of apples; that in addition there were creditors who stripped the Indians of all their money within a few hours after they received it; and as an illustration he cited the case of John Prettybull, an Indian living in the town of Wagner, S. Dak.

The special agent said that the Indian agent in charge of the reservation called him into his room to see the land money paid over to this Indian; that after the court costs and attorneys' fees were deducted there was left $3,120, which sum was placed in Prettybull's hands by the agent; that the poor fellow looked helpless and dazed, with his arms full of currency, and he (the Indian) told the agent that he wished to keep out $200 and deposit the balance in bank. The cashier of one of the Wagner banks who was present announced that he had some deposit slips with him and would take whatever Prettybull wished to deposit. A mixed blood present in the room stepped up and said that Prettybull owed him $600 for horses and borrowed money and had promised him $500 on account. The agent ejected the mixed blood from the room, but Prettybull decided to deposit but $2,500, took $620 in currency and a deposit slip for the balance. This was about 3 o'clock in the afternoon. At 9 o'clock the next morning Prettybull did not have a dollar in the bank, and creditors were coming down to see the agent and the special agent, complaining that others had "hogged" the game; that the following day Prettybull's wife came to see the agent, and the special agent was called in to listen to her story, which was as follows:

That Prettybull had received about $3,000 only a few weeks previous; that it was all gone, and there were practically no assets to show for the money, but an alarming schedule of unpaid debts. This same Prettybull had at that time advertised for sale something over 600 acres more land, for which he would receive about $15,000.

United States District Attorney J. M. Elliott, who lives in Tyndall, adjacent to the Yankton Agency, told the special agent of several instances of the Indians' money being dissipated parallel to the Prettybull case.

This squandering of money, he reported, was not confined to the ignorant and uneducated Indians. He was told by Mr. Elliott of the case of David Zephier, an educated quarter breed. This man received $2,500 from the sale of the allotments of his deceased children. He took a time certificate of deposit for $1,200. The next day he discounted this time certificate at another bank. By noon of the following day not only had his time certificate got back to the bank, but also checks for his temporary deposit and $400 in overdrafts.

He reported that there were a number of men in Wagner (and this statement has been corroborated time and time again and it can be vouched for as representing the true conditions (whose sole business was to traffic with Indians who were about to sell inherited land. They are not merchants, have no stock of goods, but remained in wait for their prey. Horses, carriages, harness, and saddles were their favorite means of capturing the Indians' money. The men would secure a gaudy-looking team and outfit and approach an Indian who was soon to have land money. The team would be offered on time at an extravagant price; the bait was rendered more tempting by an offer of a cash loan, conditioned on the sale, of from $10 to $25. The most successful of these Indian horse traders was one Thomas Harney, who was reputed at that time to have made $20,000 per year out of the Indians in this business.

The conditions existing at that time at the Yankton Agency, as above related, is a fair sample of the conditions at all agencies where inherited Indian lands had been sold. Horses, wagons, and harness were sold to the Indians at exorbitant prices. Actually a span of horses sold by a white man to another white man for $55 was sold to an Indian for $270. They paid down on the purchases really more than their actual value; mortgages were taken by the sellers for the balance of the purchase prices, and the Indians, having no sources from which to secure money to pay the balance, defaulted. The sellers took the property from the Indians to satisfy their claims for the balance. Thereafter the same property was sold again to the Indians, in some instances at an advance over the first price, and the same operation was repeated, the articles finally lodging in the hands of the original sellers, although the Indians had paid from two to three times their actual value.

A case is reported from the Kickapoo Agency, Kans., where a very old Indian woman whose title to certain allotments was so clear that there could be no question about it was induced to hire an attorney to probate the estates, and this attorney charged a fee of $1,052.85, when persons familiar with the costs in such cases freely said that $100 would have been a large fee. Fortunately the money derived from the sale of these allotments was not turned over to the Indian woman, but was held under Government control. There were other claims presented against this woman aggregating $3,000 in addition to this attorney's fee. The total amount of the proceeds derived from the sale was $7,019.

Hundreds of actual cases could be cited where claims have been presented against Indians which it was discovered after investigation embraced charges for articles from three to ten times their actual value.

In his letter hereinbefore referred to, the Commissioner, regarding the provision authorizing the payment of the proceeds of the sale of inherited Indian lands to the heirs, page 7, line 19, to page 8, line 1, said:

"This amendment reverses the practice of the office under the regulations of the Department and requires the immediate payment of all moneys derived from the sale of inherited lands or leasing of allotments, to the heirs or allottees without regard to their character or business ability. Experience has shown that in many cases such payment would not only result in no advantage to the Indian, but must be a positive injury to him.

"I am strongly opposed to this amendment in its present form. I am, however, in favor of allowing Indians who have some appreciation of the value of money and are fairly competent to manage their affairs, to receive the money due them.

"If the amendment be modified so as to continue the necessary protection of those who are improvident or wholly unable to handle money with discretion, it will meet with my approval. To accomplish this I suggest the following amendments:

"After the word 'allottees,' in line 22, page 7, insert the words 'who shall show to his satisfaction that they are competent to manage their own business affairs;' after the word 'due,' in line 25, page 7, the word 'competent;' and after the word 'their,' in line 25, and before the word 'heirs,' in line 1, page 8, the word 'competent.' There should be added after the word 'allotments,' in line 1, page 8, the words 'and all other moneys, the proceeds from the sale of lands of deceased allottees and of leases of individual allotments, shall be held under Government control.'"

Referring to your inquiry by telephone concerning the amount of money to the credit of the Indians of the La Pointe Agency and the amount in the hands of the contractors, I have to say that there is about $500,000 to the credit of allottees of the Lac Courte Oreille, Lac du Flambeau, Bad River, and Red Cliff reservations, Wis., arising from the sale of timber on their allotments. The banks pay 2 per cent on average daily balances to be credited at the end of each month, and 2½ per cent on six and twelve months time deposits. The contractors are not now and have not since the banks have been selected been allowed to retain the money. The money accruing during any month is collected from the contractors at the close of the month and deposited in the banks to the credit of the Indians. The banks have given bonds, with surety companies as sureties, guaranteeing the faithful accounting for the principal and interest, and contractors are all under bond, with surety companies as sureties, guaranteeing the payment for the timber, and the full compliance with the regulations.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

Mr. CLAPP. In view of the absence of the Senator who offered these amendments, who is a member of the committee, I would suggest that they be passed for the present, and that we take up the consideration of the other undisposed of amendments which will not require much time.

Mr. SPOONER. That is entirely agreeable and right.

The VICE-PRESIDENT. The amendment will be passed over, as requested by the Senator from Minnesota.

Mr. TILLMAN. I should like to offer an amendment.

The VICE-PRESIDENT. The Senator from South Carolina proposes an amendment.

Mr. TILLMAN. The Senator from Colorado [Mr. TELLER] asks to be permitted to offer one first, and I will wait.

The VICE-PRESIDENT. The Senator from Colorado.

Mr. TELLER. The committee had under consideration the claim of the Kickapoo Indians, which was provided for in the bill, but which went out on a point of order day before yesterday or yesterday, and it gave a good deal of consideration to that claim. I think every member of the committee will agree that we thought it was a matter which ought to be adjusted. But as in the shape in which it is now it can not be adjusted, I desire to send the controversy to the Court of Claims, where the Government and the Indians will have an opportunity to present the matter just as it is. I have a statement of the facts here, but I do not desire to occupy the time of the Senate by reading it.

Mr. LODGE. What page is that on?

Mr. TELLER. I am going to move to put it on page 106. I think the draft here is carefully drawn and will leave the matter entirely with the court, and of course the Government will intervene. It is certainly a case which in common justice ought to be adjusted, and I do not know any better way than to send it to the Court of Claims.

The VICE-PRESIDENT. The Senator from Colorado proposes an amendment, which will be stated.

Mr. TELLER. I will send the amendment to the desk. It should come on page 106, after line 8. I have here a statement of this controversy which is not at all creditable to the Government. Yet it is like a great many other things that have happened. I do not myself see any other way to adjust this matter than to send it to some court where it can be considered carefully. It calls for an amount not very great, considering that we bought the land for 32 cents an acre and sold it for a dollar and fifty cents an acre, and this is to recover the difference between 32 cents and a dollar and a half. This land was the property of these Indians. The Government exchanged this land, which was the property of these Indians, for other land. It was not a gift by the Government. In a similar case the Supreme Court declared that the Government should not make anything off its wards; that whatever the Government got should be paid to the wards. I believe this would be a fair adjustment. I ask that the amendment may be read.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to insert, after line 8, on page 106, the following:

That all claims of whatsoever nature which said Mexican Kickapoo Indians of Oklahoma may have, or claim to have, against the United States shall be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for the determination of the amount due, or claimed to be due, said Kickapoo Indians from the United States under any treaties or laws of Congress, or for the misappropriation of any lands or funds of said Kickapoo Indians, or for the failure of the United States to pay said Indians any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all claims of said Kickapoo Indians against the United States and to enter judgment thereon, and in so doing to take into consideration and determine the validity or invalidity of all treaties and agreements made between said Indians and the United States. If any question is submitted to said court, it shall settle the rights, both legal and equitable, of said Kickapoo Indians, notwithstanding lapse of time or statute of limitations. Such action in the Court of Claims shall be presented by a single petition to be filed within one year after the Secretary of the Interior furnishes the data provided for herein. Said action shall make the Mexican Kickapoo Indians of Oklahoma party plaintiff and the United States party defendant, and shall set forth all the facts on which said Kickapoo Indians base their claim for recovery; and the said petition may be verified by any attorney who may be employed by said Indians. Said verification may be upon information and belief as to the existence of such facts, and no other statement or verification shall be necessary. Official letters, papers, reports, documents, and public records, or certified copies thereof, may be used in evidence. Whatever moneys may be found to be due the said Mexican Kickapoo Indians of Oklahoma under the provisions of this section shall be, by the Secretary of the Treasury, paid to the individual members who may be living at the date of judgment rendered in the Court of Claims. The Secretary of the Interior shall furnish to the Kickapoo Indians above mentioned, on or before January 1, 1907, copies of all treaties and agreements and a complete record of all transactions of every character between the United States and the said Mexican Kickapoo Indians of Oklahoma and all acts of the United States, or its officials, relating to the said Indians or their affairs or interests.

Mr. LODGE. Mr. President, that amendment, which I see the Senator has drawn with great care, provides for putting into the Court of Claims this claim with respect to which there was a provision in the bill to pay $215,000 to the Mexican Kickapoo Indians, who have gone to reside in another jurisdiction and whom the Department is anxious to have removed from our jurisdiction and from our legislation. Senators yesterday criticised the Department because it did not do more to separate these Indians from our charge.

My objection to this claim has already been made by the Senator from New Jersey [Mr. KEAN], and it seems to me it applies just as well to sending it into the court. This is the statement of the Indian Affairs Office:

Former Commissioners Browning and Jones both reported adversely on bills of this character, on the ground that the Indians have been paid everything that they were entitled to receive and that they had no title to the lands for which it is now proposed to pay them the second time, and that this would be the third time the Government has paid for the land, as it bought said land in the first place from the Creeks for 30 cents an acre.

The Government bought the land from the Creeks and paid them 30 cents an acre. They bought it from the Kickapoos and paid them 32½ cents an acre. Now it is proposed to pay to the Mexican Kickapoos the balance of what the Government got from the sale of the lands, to which the office says they had no title in any event.

Each Commisisoner took the ground that it was not a proper thing to do.

Where we owe the Indians money we ought to pay it to them, but when we pay these large sums of money over to Indians I am afraid the amount that the Indians get is comparatively small; and where there is such a doubt as the office raises in this case, it seems to me there is no good reason for sending the case to the court. It seems to me that the amendment is subject to the same point of order—that it is general legislation.

Mr. TELLER. Mr. President, if these Indians did not own the land, there is no danger that there will be a judgment rendered against the Government. This was not a gift to the Kickapoo Indians by the Government of the United States. It was an exchange of land—land in Kansas and other sections of the country. If the Senator from Massachusetts can show that the amendment is not sufficiently guarded, of course he might then object. Under it the Government will have its day in court, and if there is no just claim the Government will not pay anything. I am satisfied there is a claim which ought to be paid, and I believe the court will so hold. I do not think anybody ought to object to the Government of the United States, under conditions of this kind, being brought into court to determine that question; and that is all there is of it.

Mr. LODGE. I make the point of order.

The VICE-PRESIDENT. The Chair overrules the point of order. The question is on agreeing to the amendment proposed by the Senator from Colorado. Without objection, it is agreed to.

Mr. CLAPP. On page 64, line 11, I move to strike out "six" and insert "ten."

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be stated by the Secretary.

The SECRETARY. In line 11, page 64, strike out "six," before "thousand," and insert "ten."

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. CLAPP. In line 12, same page, I move to strike out "two" and insert "four."

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. CLAPP. In line 15 I move to strike out "$49,175" and insert "$55,175."

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. It is proposed to strike out the words "forty-nine thousand one hundred and seventy-five dollars" and to insert in lieu thereof "fifty-five thousand one hundred and seventy-five dollars."

The VICE-PRESIDENT. The Chair will regard the committee amendment which was agreed to as open to amendment; the amendment of the Senator from Minnesota is agreed to in the absence of objection, and the amendment as amended is agreed to.

Mr. LODGE. I ask that the vote by which the amendment relating to clerks, on pages 43 and 44, was agreed to may be reconsidered.

The VICE-PRESIDENT. The Senator from Massachusetts asks that the vote by which the committee amendment on page——

Mr. LODGE. Has that been reserved?

Mr. KEAN. I thought it was reserved.

Mr. CLAPP. No, sir; it was accepted.

The VICE-PRESIDENT. It has been agreed to.

Mr. CLAPP. Notice with respect to it was given yesterday by the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. Yes. I ask that it be reconsidered. Of course I can make the point of order I am about to make in the Senate, but it will save time to do it now.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. The committee amendment is to strike out lines 9 to 21, inclusive, on page 43, and to insert, beginning in line 22, on page 43, the following:

Provided, That hereafter clerks and deputy clerks of United States courts in the Indian Territory who are ex officio recorders of recording districts in said Territory shall be allowed, out of the fees received for the recording and filing of instruments, 25 per cent in addition to the sum for compensation and actual expenses for clerk hire now provided by law.

The VICE-PRESIDENT. Is there objection to the reconsideration of the vote by which the amendment was agreed to? The Chair hears none, and the vote is reconsidered. The question is on agreeing to the amendment.

Mr. LODGE. I make the point of order that it is general legislation; that it makes a charge on the United States Treasury; that it is not estimated for, and that it alters existing law which fixes the salaries. In fact, the amendment refers to the existing law.

The VICE-PRESIDENT. The Chair is clearly of the opinion that the objection is fatal to the amendment. The Chair sustains the point of order.

Mr. CARTER. If committee amendments have been disposed of, I move to amend, on page 74——

The VICE-PRESIDENT. The committee amendments are not all disposed of. The Secretary will report the next passed-over committee amendment.

The SECRETARY. On page 73, after line 15, it is proposed to insert a committee amendment, "Blackfeet Reservation," which was read.

Mr. TILLMAN. Will the Senator from Minnesota permit me to offer an amendment?

Mr. CLAPP. With pleasure.

Mr. TILLMAN. I move to insert, on page 44, at the end of line 16, a new paragraph. It is an amendment, I will explain, of the bill which passed the Senate a week or two ago, about the Five Civilized Tribes, settling their business.

The VICE-PRESIDENT. Is the proposed amendment an amendment to a committee amendment, or is it an independent proposition?

Mr. TILLMAN. It is an amendment to the bill which passed the Senate about two weeks ago and is now in limbo somewhere because of a mistake in enrollment.

The VICE-PRESIDENT. The Chair would suggest that the Senator withdraw his amendment, if it is an additional proposition, until the committee amendments shall have been disposed of.

Mr. CLAPP. The Chair misunderstood the Senator. It is not an amendment to any amendment in the bill. It is a new item proposed to be inserted in the bill.

Mr. TELLER. A new paragraph.

The VICE-PRESIDENT. The Chair so understands, and after the committee amendments shall have been disposed of, independent amendments will be considered. The amendment beginning on page 73 has been read and passed over. The question is on agreeing to the amendment. Without objection, the amendment is agreed to. The next committee amendment passed over is the amendment beginning after line 24, on page 19, which will be stated. If the Chair is not mistaken, this amendment was passed over at the request of the senior Senator from Iowa [Mr. ALLISON].

The SECRETARY. It is proposed to strike out, after line 24 on page 19, the following:

The appropriations for the salaries of Indian agents shall not take effect nor become available in any case for or during the time in which any officer of the Army of the United States shall be engaged in the performance of the duties of Indian agent at any of the agencies above named; and the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency or part thereof upon the superintendent of the Indian school located at such agency or part thereof whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents.

And to insert:

That no Army officer shall be engaged in the performance of the duties of Indian agent.

Mr. LODGE. Mr. President, I was told that while I was speaking to the Senator from Montana [Mr. CARTER] the long Blackfeet Reservation amendment was suddenly agreed to. I was not aware that it was even up. My attention was engaged with the Senator from Montana, who desires to amend it. I would desire to amend it if he did not.

The VICE-PRESIDENT. The Chair will suggest to the Senator from Massachusetts that the Senate dispose of the amendment just reported to the Senate, and then afterwards recur to the amendment to which the Senator from Massachusetts has directed attention.

Mr. LODGE. The amendment that is now before the Senate

will take some time, and I fancy the Senator from Montana can dispose of his amendment in a few moments.

The VICE-PRESIDENT. In the absence of objection, the Chair will regard the amendment to which the Senator from Massachusetts refers as still an open question.

Mr. CARTER. On page 74 of the bill, line 2, after the word "Montana," I move to strike out down to and including the word "purpose," in line 8, on the same page.

The VICE-PRESIDENT. The Senator from Montana proposes an amendment, which will be stated by the Secretary.

The SECRETARY. After the word "Montana," in line 2, page 74, it is proposed to strike out the following:

And all proceedings in any pending suit commenced by the United States praying for an injunction to enjoin the use of the waters of any such stream shall be suspended, and no like suit shall hereafter be commenced or prosecuted by the United States against any person or company actually using the water of any of the streams aforesaid for a beneficial purpose.

Mr. CARTER. Mr. President, this portion of the bill was inserted for the purpose of meeting a peculiar, indeed, an extraordinary condition of affairs. In 1898 a number of citizens of the northern portion of Montana undertook the construction of an irrigating canal to divert water from a stream known as "Birch Creek." That stream forms the southeastern boundary of the Blackfeet Indian Reservation. The association operated under the name, I believe, of the Conrad Investment Company. Pursuant to provisions of general law, this company, desiring to construct the canal, proceeded to file in the office of the Secretary of the Interior the maps and plats and descriptive matter necessary to secure a right of way over the public domain for the canal and works it contemplated constructing. These plans included a dam in Birch Creek, intended to divert the waters thereof into the canal.

The center of Birch Creek is the southeast boundary line of the Blackfeet Reservation. The Secretary of the Interior, in October, 1898, regularly approved the plat, map, and descriptive matter accompanying the same, including the diversion dam proposed to be constructed across the boundary stream—Birch Creek. Having thus procured what seemed——

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. I yield.

Mr. TILLMAN. Has the Senator that approval? Has he any documentary evidence of it?

Mr. CARTER. The documentary evidence is not in my possession. I have, however, a description of the letter of the Secretary of the Interior, which is the only document in the case, written under date, I believe, of October 19, 1898—letter "F."

Mr. TILLMAN. Have you that document here?

Mr. CARTER. The document itself is not in my possession.

Mr. TILLMAN. I have here a statement from the Commissioner of Indian Affairs, dated April 17, 1906, from which it appears, as the Department states—

Thus far, in looking back I find no record of an approval by the Department of the Conrad dam.

If such a document is in existence it ought to be easily accessible, and I should think the Senator would be able to get it very readily.

Mr. CARTER. I have no doubt it can be readily procured. The Commissioner of Indian Affairs advised me last Saturday that he had not found the document. I referred him at that time to the date and the letter by which this communication can be identified.

Mr. TILLMAN. He goes on to say:

If anything resembling one was ever given, it must have been under a total misapprehension of the situation.

Mr. CARTER. That is, the Commissioner of Indian Affairs?

Mr. TILLMAN. Yes. He proceeds:

I do find abundant record of the adverse attitude of the Department toward the dam project, and a strong recommendation of summary and rather violent measures made by the late United States Indian agent for the Blackfeet Indians. The Office, however, sought to avoid all drastic reprisals, and to obtain mere justice for the Indians, by resorting to the courts. It has never desired to deprive any white settler of water to irrigate his lands, but has aimed merely to establish by judicial decree the rights of all parties, and then to see to it that no more water was taken for the reservation than actually needed for the legitimate agricultural operations therein—the rest to flow on undisturbed.

Hastily, yours,

FRANCIS E. LEUPP, *Commissioner.*

Mr. CARTER. The Commissioner of Indian Affairs has nothing whatever to do with the record to which I refer, and he had no knowledge of it on Saturday last.

Mr. TILLMAN. I stated that he said he had not been able, in looking back, to find any documents which would warrant the statement made by the Senator now, that the dam project was approved.

Mr. CARTER. There is no document in the Indian Office. It is in the office of the Secretary of the Interior, and is in the form of a copy of a letter of approval dated the 19th day of October, 1898. That is all the document there is in the transaction.

But, Mr. President, in view of the motion I have made, I desire to proceed with the explanation. Having secured the approval of the Department, the company proceeded to construct the canal, investing over $400,000 in the work, and to-day it is said on good authority that over 300 families are dependent upon the waters of Birch Creek for their very existence as farmers.

After the settlers had come into the country and established their homes they proceeded in many cases to acquire title under the homestead and desert-land laws. Since 1898 many of these entrymen have made final proof, showing compliance with the law, and where they have taken up land under the desert-land act they have shown that the source of water supply was the identical canal in question.

In 1905, some six or seven years after the canal right of way had been approved by the Interior Department, and many years after it had been constructed, after the settlers had cast their lot upon land below the canal, from which their claims could be irrigated and made productive, the Government of the United States commenced a suit to enjoin these people from longer maintaining the dam in Birch Creek, which they had constructed under Government approval. If the owners of the land on the north side where the dam is located happened to be private persons, these settlers would have ample remedy, because under the constitution of the State of Montana, the portion applicable to which I will read, they would have the right to condemn for the uses of the dam the necessary land upon which it stood and the land necessary for its maintenance. Section 15 of article 3 of the constitution of Montana reads as follows:

The use of all water now appropriated or that may hereafter be appropriated for sale, rental, distribution, or other beneficial use, and the right of way over the lands of others for all ditches, drains, dams, canals, and aqueducts necessary to be used in connection therewith, as well as the site for reservoirs necessary for collecting and storing the same, shall be held to be a public use.

Statutes were passed giving this clause of our constitution due effect. Therefore, I say if the land on the north side of Birch Creek had been in private ownership, this suit could not have been for an instant maintained, but, on the contrary, the party owning the dam could proceed to condemn the dam site for a public use. But the title to the land north of Birch Creek was in the sovereign, in the United States, and the people who had built the dam under the authority of the United States were powerless to begin a suit for condemnation, because the title was in the United States. Water was appropriated and was being used under authority of a section of the Revised Statutes of the United States enacted into law, I believe, in 1866, which I send to the Secretary's desk to be read.

Mr. TILLMAN. Mr. President, will the Senator allow me to interrupt him?

Mr. CARTER. Certainly.

Mr. TILLMAN. I understood him to say a moment ago that the Blackfeet Reservation belongs to the sovereign, the United States.

Mr. CARTER. Certainly.

Mr. TILLMAN. I should like to ask the Senator whether it is not under a treaty stipulation with the Blackfeet Indians that that reservation belongs to the Indians, and would it not take an act of Congress rather than an order of the Secretary of the Interior to change the legal status?

Mr. CARTER. I think the adjudicated cases establish the law beyond any further question or doubt that the Indians on this continent were regarded by the Europeans who came here and by the Government of the United States, from the time of its establishment, as only enjoying a possessory right. The right in fee simple has never been recognized in the Indian tribes. As a matter of law, Congress has a right to dispose of Indian lands according to its own best judgment. The habit has grown up of consulting the Indians and looking to their welfare as viewed by themselves, but time and again Congress has proceeded without any treaty or previous arrangement to open reservations, to dispose of the lands by allotment, and to open the remainder thereof to public settlement.

Mr. TILLMAN. The Senator did not answer my question, or I did not make myself understood. I asked him whether it would not require an act of Congress to change the title held by the Blackfeet Indians?

Mr. CARTER. Not at all. Their possessory right is subject to action by Congress. They have no title to the fee.

Mr. TILLMAN. I thought the Senator just said that in effect by declaring that Congress could do anything it pleases, which I recognize to be the legal situation.

Mr. CARTER. I think Congress could, without consulting the Indians—I do not think by an Executive order—dispossess the Indians there, because they are in possession by and in virtue of a treaty made by the executive department and ratified by Congress.

Mr. TILLMAN. The land on the south side of the creek from which the dam was built to the north side of the creek abuted on Government land without authority from Congress to so abut, and therefore it was unlawful to construct it.

Mr. CARTER. The difficulty with the dam was in legal contemplation not as to the portion resting on the public domain; that is, south of the center of the stream. Concerning that portion no question of legality is raised. The Secretary approved the dam, which reached to the northern bank of the stream beyond the Indian line, which rested in the center, and as to that portion north of the south line of the Indian reservation I am prepared to concede that the Government prosecuting a suit could abate this dam as a nuisance or enjoin the people from using it to divert water. As I said, that is the great difficulty in connection with this whole matter. The south half of the dam is there legally, while the north half is without legal status, because only that the Secretary's approval did not and could not impair the possessory right of the Indians to the land on which the north half of the dam rests.

Mr. TILLMAN. As I understand the Senator, the purpose of this amendment is to have the rights of the Indians settled by an act of Congress rather than by the courts.

Mr. CARTER. The Senator will perceive the fact that the bill, of which this is a part, contemplates throwing this entire Indian reservation open to settlement. Within the period of not over three years all the preliminary work of opening the reservation will have been accomplished and the land upon which this dam rests will be a part of the public domain from the south to the north bank. Thereupon the laws of the State of Montana will be applicable and the suit in question can no longer be maintained.

The objection to the prosecution of the suit rests in this, that without any purpose to be served in this world except to establish an abstract right, the suit for an injunction, if prosecuted to prevent these hundreds of settlers from taking water out of that stream, will if successful deprive them of their property values and the water would then flow unchecked to the Gulf of Mexico, while the settlers would be reduced to destitution in many if not in all cases.

Mr. TILLMAN. Now, will the Senator permit me?

Mr. CARTER. Certainly.

Mr. TILLMAN. As I understand the situation, this dam is owned by a man named Conrad, or a company of which Mr. Conrad is the principal stockholder—something like that.

Mr. CARTER. It is a water company owned by all the people who have shares purchased for the purpose of representing their respective lands.

Mr. TILLMAN. It is called the "Conrad dam." It was built by the Conrad company, or by Conrad himself. Is that true?

Mr. CARTER. I think by a company.

Mr. TILLMAN. Now, then, if I understand the situation, and I have some report here from the Indian Commissioner, the dam having stopped the water of Birch Creek, the canal carries water out to the white settlers who have bought water rights from Conrad, and I understand from some one—I think the Senator himself said that these white settlers have paid Conrad $5 per acre for every acre of land that was irrigated from his ditch. Therefore Conrad has a very nice return for the capital invested, which depends on the continuance of the use of the water by these renters of water.

Mr. CARTER. The $5 per acre is about one-third of the cost of furnishing the water. The Government furnishes water under similar circumstances under the irrigation act at $30 per acre.

Mr. TILLMAN. We are not discussing that. We are merely discussing the rights of these Indians to some of the water which washes the bank of their reservation, and I think probably it would be well right here to have the Secretary read the accompanying papers with the letter of which I read a part a moment ago, so as to get the whole in the RECORD together, and let the Commissioner of Indian Affairs state his side or the Department's side of this controversy.

Mr. CARTER. I will be glad if the Senator will withhold that extensive document. My statement will not be as long as the document.

Mr. TILLMAN. Of course, but I thought I would get it in now in connection with what I just said. However, if the Senator desires me to withhold it I will do so.

Mr. CARTER. I think the Senator will perceive that his effort to be heard in this matter will, in the light of my statement, be entirely unnecessary. An understanding has been reached with the Commissioner of Indian Affairs, which I will state in the course of a few minutes, and the encumbering of the RECORD with the interjection of this statement at this time would be deemed unnecessary by the Commissioner, if he were here present.

Mr. TILLMAN. Has the Senator got that in writing?

Mr. CARTER. I think the Senator may be capable of understanding what I say. If not, I will repeat it and make it more lucid from time to time.

Mr. TILLMAN. Of course. I thought probably the Senator had already reached some agreement in writing, and had it here and could put it in. The Senator is a very able lawyer, and he can state any legal proposition with perfect satisfaction to anyone. I can understand his statement of it if he has not got it. I thought he had it.

Mr. CARTER. I esteem that certificate of character very highly, and I will proceed.

Now, Mr. President, as before stated, had this land on the north side of the stream been in private ownership, these parties could have condemned and obtained absolute right to the site of the dam. This suit having been commenced and being prosecuted to obtain a permanent injunction restraining the settlers from taking the water out of the stream, left the settlers absolutely without remedy, because I am perfectly free to venture the opinion that the Government would unquestionably succeed. It would succeed in obtaining an injunction which would ruin a community without any possible benefit to the Indians as a net result.

I am advised that the total acreage cultivated in the Indian country on the north shore of that stream is 40 acres of land.

Mr. NELSON. By an Indian?

Mr. CARTER. By an Indian, and that Indian is a white man, an individual we call a "squaw man." The settlers along the north bank of the river or stream are, I believe, all squaw men. There are only four or five of them. Only two of them take water from the stream. Below this diversion dam, and above the head of any of the ditches or diversion canals of these squaw men, the stream is fortified by springs and other sources of supply, so that they all have ample water. Under these circumstances it seemed to me that the pressing forward of this suit to secure an injunction which would only settle a mere abstract question of right constituted an assertion of right and power for no useful purpose.

Imbued with this idea, after being advised that the suit would be pressed and realizing that the injunction could only be operative during the time the Indian reservation continued to exist, and knowing that this bill would cause that reservation to become public land in the near future, I felt the suit should be suspended to the end that this settlement might be saved from useless, needless, and ruthless destruction.

I could not conceive, and I can not now conceive, what purpose the Indians could have subserved, what purpose the United States Government could have in view in tearing the dam out of the stream and allowing the waters of that stream to run down to the Gulf of Mexico, while the homes of these people were permitted to suffer and perish in consequence. I felt that the situation demanded some drastic measure, and, in conjunction with my colleague, suggested this language in the bill which would suspend that suit and prevent the institution of like suits in the future. I fully understood, and I sympathize with the commendable desire of the Commissioner of Indian Affairs, to protect Indian rights, to settle, as he says, all disputed questions; but the assertion of a naked right, which assertion can be in no sense beneficial to the Government, the assertion whereof will bring ruin and destruction to homes, I care not how many, it may be one or a dozen or fifty or three hundred, seemed to me to require some check.

Since this amendment was introduced and printed it has been my privilege to have a conference with the Commissioner of Indian Affairs and the President concerning this matter. There is no serious dispute about the facts. The question arises as to the number of Indians who use the water on the north side. The Commissioner of Indian Affairs is to ascertain what water these Indians need on the north side. They are to be allowed all the water they do need. There is no conflict between the settlers and the Indians. All the water the Indians can use, or need to use, will go unrestrained over this dam, and, in the meantime, I have the assurance that this suit will not be

pressed forward to the extent of in any manner or form oppressing these settlers.

That is the only purpose in introducing the amendment. The amendment was somewhat drastic and unusual. I have no desire to press it since the executive department of the Government will grant the relief we here seek through the legislative enactment. In consequence of this view, Mr. President, I made the motion to strike out that portion of the bill.

Mr. TILLMAN. Mr. President, I dislike to have the appearance of meddling with the local conditions in Montana, but this matter was called to my attention by a private letter from a resident of that part of the country, and it appeared to me that it was queer that Congress should be called on to suppress lawsuits by an act when those lawsuits had been begun by the agents of the Government in their official capacities to try to protect the rights of the wards of the Government—the Indians. To throw a little more light upon it, I would ask that the statement which was sent to me and which I sent to the desk a few moments ago be read.

The VICE-PRESIDENT. The Chair would ask whether the Senator from South Carolina desires to have the letter of the Commissioner read?

Mr. TILLMAN. No; I care nothing about having the letter read. I have already read most of it.

The VICE-PRESIDENT. The Secretary will read, as requested.

The Secretary read as follows:

Page 73, line 16, to page 84, line 20: This provides for the survey of the Blackfeet Indian Reservation, allotment of lands in severalty to the Indians thereof, and disposal of the surplus lands. In the main it follows the lines of a bill prepared in this Office and submitted to the Department on March 24, 1906. One or two of the changes made, however, call for strong disapproval. For example, on page 73, lines 9 to 18, is a provision which makes all water rights and privileges connected with the streams within or adjoining the reservation subject to the laws of Montana, and dismisses any pending suit begun by the Government for the purpose of protecting the rights of the Indians and makes it forever impossible for any action to be taken by the United States as trustee or guardian of the allottees to protect their water rights.

To understand the effect of this legislation, it is necessary to know something about the history of the litigation which has been undertaken in the State of Montana for the purpose of protecting the rights of the Indians. A suit is now pending in the Supreme Court of the United States concerning the rights to the water of the Milk River in Montana by the Indians of the Fort Belknap Reservation.

There is no controversy over the facts in the case, the only point at issue being the law applicable. It is admitted that the water users above the reservation last summer took every bit of the water from the river so that none came down as far as the reservation, thus depriving the Indians not only of water for irrigation but also for domestic purposes; and all this notwithstanding the fact that the Government had expended about $100,000 of treaty funds belonging to the Indians in the construction of an irrigation system.

Mr. CARTER. Mr. President, it is important to remember that this relates to another reservation and to an entirely different matter.

The Secretary resumed and concluded the reading, as follows:

Prior to the decision of this suit by the district court and the circuit court of appeals an irrigation company diverted the waters of the Birch Creek—which is a boundary stream of the Blackfeet Reservation—and it is alleged took all the water from that stream, depriving the Indians below the dam of water from the creek. Instead of taking summary action, the Office peacefully carried the matter into the courts, where it is now pending.

There is considerable conflict in the statements made to the Office as to the effect of the canal company's operations and the number of Indians who are affected thereby. It is believed that this is a question which should be determined by the courts after hearing the evidence and examining the witnesses. Moreover, the company is still using the water and has been, although the suit has been pending for several months, and probably will continue to use the water until a temporary injunction is issued, and perhaps until a final decree is entered.

The company, fearful of the effect of the decision in the Milk River case, has tried by every means possible to have the suit against it dismissed. Failing, in other words, it would now have Congress direct the dismissal of the suit in which are involved the rights of helpless persons whom it is the duty of the Government to protect.

Such a proceeding is not only unjust to the Indians, but is a reflection on the court before which the suit is pending, and, in fact, on the whole Federal judiciary, for the case is of such a nature that it can be carried to the Supreme Court for final adjudication. If this were a suit between white persons, one claiming under a Federal law or grant, such as the Indians have, such an unusual proceeding would stir up adverse popular sentiment all over the country, and I can not understand why any distinction should be made between an Indian and a white man in such a matter.

Mr. TILLMAN. Now, Mr. President, if I am not mistaken, the situation is about as I shall state it. The Conrad dam practically takes all the water out of Birch Creek, and the Indians on the north bank who are to have their lands allotted to them now will be deprived for all time to come, under the laws of Montana, of getting any water, because I understood from the Senator who is advocating this measure that under the laws of Montana the first man who gets the water has the right to continue to keep it, to hold it, and to use it. Is that true?

Mr. CARTER. The general principle of the law of Montana and of the arid-land States is that the person first in time is first in right, and this right continues as long as the water is applied to useful purposes, such as are contemplated by the law.

Mr. TILLMAN. That corroborates what I understand to be the situation. The Conrad dam having taken all the water, and it already being used, doubtless necessary and a valuable asset, by the white settlers, renters who have leased water rights from Conrad, the Indians who are now to be given their homes will never be able to get any water, because Conrad's prior right will be settled by the law of Montana, and no suit can be instituted by the Department to protect the Indians. The white man gets the water and keeps it, and the Indian never can get any water, except, possibly, the half dozen or dozen "squaw men," as the Senator calls them, who have married Indian women.

If the lawsuit was prosecuted to a termination and the rights of Indians to participate in the use of this water were fixed, then these allotments of lands to Indians would be of some benefit; the allotments would have some value; but otherwise Conrad has got the water in his ditch; he has sold it to white settlers, and the purpose here is to protect the white settlers in the use of it, regardless of the rights of the Indians.

Mr. CARTER. Mr. President, that statement, of course, is about as near the truth as a Senator not familiar with the facts could make it, but it does not show the facts of the situation. It is needless to take the time to go into a general education of the Senator on the subject. The fact is, as I am informed, that the Conrad dam does not divert all the water; and, furthermore, that there are certain tributary streams entering Birch Creek on the north side below this dam which furnish all the water which the Indians need, and probably an ample supply to irrigate all of the irrigable lands on the bottoms north of the creek. Upon that point, however, I do not venture a definite opinion. I am quite sure that not to exceed 160 acres of land are being irrigated in the Birch Creek bottom north of the stream.

But these details are to be looked into with care. The Commissioner of Indian Affairs is to ascertain what the needs of the Indians are by an investigation, which, fortunately, will be made, as the result of the understanding reached, to which I have referred. There will be no difficulty in the way of doing justice when the truth becomes known through an impartial investigation conducted upon the ground. With full faith in the assurances I have received that an investigation will be made, and that the pending suit will not be needlessly pressed to the injury of the settlers, I have offered the amendment, which will be agreed to without doubt.

Mr. TILLMAN. I only wish to say a word additional, to assure the Senator from Montana that I am the last man who would want to oppress the white men up there who have rented water rights from Mr. Conrad.

Mr. CARTER. I am glad to see the Senator from South Carolina taking up the colored man's case so vigorously.

Mr. TILLMAN. I want to do justice, if I know what it is, regardless of whether a man is white or black or red or yellow.

Mr. CARTER. Mr. President, I am satisfied now that if the Senator from South Carolina would take a trip over that section of country, and view the situation, as it is known to my colleague [Mr. CLARK] and myself, he would certainly insist that this suit, which will work injury without resulting benefit to any of the parties to it, should be discontinued. I have no doubt of that.

Mr. SPOONER. I should like to ask the Senator from Montana what was the inspiration of this suit? Why was it brought?

Mr. CARTER. The Commissioner of Indian Affairs says that he desired to settle, and now desires to settle, in the courts, as rapidly as he can, all disputed questions involving Indian rights; and in pursuance of that policy this injunction was sought.

Mr. SPOONER. How long has the suit been pending?

Mr. CARTER. It was commenced last year. For seven years, I think, these people have been establishing homes and building dams.

Mr. CLARK of Montana. Mr. President, I think there is considerable misapprehension in the minds of Senators here generally who are not familiar with that country, about the conditions existing on the Blackfeet Reservation. The southern boundary of that reservation, which is a very large one, comprising several million acres of land, is a creek called Birch Creek, upon which the dam, which has been referred to, was made and from which the water has been diverted. Birch Creek is simply one of probably a hundred creeks which rise farther to the north out of the great Rocky Mountain Range, and is one of the great number of streams which water that immense area comprising the Blackfeet Reservation. While it is an important stream, the drainage from the reservation is inconsiderable. It

drains a portion of the southern boundary of the reservation, which contains very little irrigable land. To-day, and for years past, as I have been informed by Mr. M. D. Baldwin, who was for several years the agent of the Blackfeet Indians, and who resided there and is familiar with every portion of the reservation, there are and have been no residents who will be deprived of their rights or who might be deprived of their rights, except about three, one called Dog Face, another Titse, and another Squaw Man. Not one of these men has ever cultivated an acre of land. It is true they have used this water for domestic purposes, but there is plenty of water available, not only for domestic purposes, but for the irrigation of much more land than exists there, by taking out a ditch from this stream higher up. There was a ditch taken out by the Government some years ago, a little higher up, but they never even put a dam in it, and it was a waste of money.

I repeat, that we deprive nobody of any rights by diverting the water from Birch Creek, but we do subserve the interests of several hundred intelligent, industrious American citizens, who have gone there in good faith on that great plateau of land of the most fertile character, but which can not be cultivated without water, lying to the eastward, and which is served by the ditch of the company called the Conrad Investment Company.

Now, so far as taking water from the Indians is concerned, or allowing the laws of the United States to operate there, they can protect themselves, and the Government will see to it that they are protected before the allotments are made, and the whites are allowed to make entries. No white man can initiate a title to either land or a water right until the reservation is thrown open. The Indians, of which there are about 2,000, inhabit the country watered by the streams which lie to the north of Birch Creek. The Government will see that they are protected by the law which obtains in the State of Montana and generally throughout the country—the law of priority of appropriation, and before title can be obtained to one acre of that land by white settlers, the Indians will have been protected by taking up such water rights as will be necessary, and perhaps more than necessary, to irrigate all the land which they may obtain by allotment.

In 1897 the Conrad Investment Company was formed and the maps of the location of the dam and ditches were filed, as has been stated—and I believe correctly—with the Department of the Interior. Advertisements were made throughout the State as to the intention of this company to divert the water of Birch Creek out to those great areas of land lying to the eastward, which were arid without it. Contracts were let for the construction of the ditch, and several hundred thousand dollars were expended by that company. The Indians had notice, the Government of the United States had notice, everybody interested had notice, of the great improvement that was undertaken there, and I can see no reason why the Government, the Indians, and everybody else concerned ought not to be estopped from taking any legal action to-day.

A dam was put in there, the northern portion of which abutted against lands belonging to the Indians, or, as has been since suggested here, which more properly belong to the United States, which I believe the Wolf-Lodge decision by the Supreme Court of the United States has established beyond doubt. A large ditch was constructed to the eastward for a distance of about 100 miles, and reservoirs for water storage were built, and, taking the lateral ditches into consideration, there is a system of at least 200 miles in extent. The promoters of that great enterprise, as well as the people of Montana generally, sought to offer every inducement to prevent settlers from going, as they are by tens of thousands, over into Canada, and very liberal arrangements were effected with this investment company for the use of water as compared with the rates charged under the reclamation law. Several hundred of them went in there and filed upon the land. They made their entries; they began the cultivation of the land; their entries were filed in the land office and have been approved by the Secretary of the Interior. In a great many instances they have paid their money for them, and to-day they own the land. I have a list here of thirty-three settlers who have proved up upon their land. In so proving up it was necessary that they should show to the satisfaction of the Interior Department that they had made arrangements for a water supply. I have here a list of the improvements that were shown or were established by the Secretary of the Interior by these thirty-three settlers, and I have no doubt there are many others of which I have no account. They invested all the way from five or six hundred dollars to $4,000 each in the way of improvements, and the aggregate amounts to more than $50,000; and this comprises only a part of those home builders.

I am not speaking for any water company or any investment company, but my voice is raised here to-day in behalf of several hundred industrious American farmers and stock raisers who, acting in good faith, have been misled by the action of the Government into proving their titles and paying for the land; and now if this injunction suit, which has been filed, is not held in suspense until the reservation is thrown open and the right to the water is confirmed, these people will be absolutely ruined. They are now awaiting the action of Congress before they begin plowing.

So I concur with my colleague [Mr. CARTER] that this amendment, which was supposed to be about the only remedy we had and which may seem, perhaps, to many of you to be a little drastic, shall go out, so that no further controversy may be had upon the subject. We do that with the assurance, implied and expressed, by those in authority that they have no desire or intention of pressing legal action to the detriment of these settlers pending the opening of the reservation. Relying upon this assurance, relying upon the sense of honesty and fairness of the officials of the Government, I am willing that that objectionable feature of this bill may be eliminated; but I contend that the clause relating to the operation of the law of the United States governing water titles and water rights shall remain, and I can assure Senators that no injustice will be done to the Indians.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Montana [Mr. CARTER].

The amendment was agreed to.

Mr. CARTER. I desire to call the attention of the chairman of the committee to line 7, page 75. I move that the amendment of the committee be amended by inserting after the word "Interior," in line 7, page 75, the words "or otherwise disposed of."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 75, line 7, after the word "Interior," it is proposed to amend the committee amendment by inserting the words "or otherwise disposed of;" so as to read:

That upon the completion of said allotments, the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior, or otherwise disposed of; said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians, and the other two resident citizens of the State of Montana.

The amendment was agreed to.

The amendment as amended was agreed to.

Mr. DICK. With the permission of the Senator from Minnesota [Mr. CLAPP], I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the two amendments already agreed to, after line 6 on page 50, it is proposed to insert the following:

That the following described area in the Indian Territory shall constitute a new recording district, No. 30:

Beginning where the west line of range 24 east intersects the north line of said Territory; thence south to the south bank of the Neosho River; thence westerly along said south bank to the west line of section 26, township 27, range 23; thence south to south line of said township; thence west to west line of range 22; thence south a distance of 15 miles; thence east to east line of said Territory; thence north to north line thereof; thence west to beginning. And the courts for said district shall be held in the town of Wyandotte, and all laws applicable to and regulating the courts of the Indian Territory shall be applicable to the courts hereby created.

That the north half of township 23, in ranges 18, 19, 20, and 21, is hereby annexed to recording district No. 2.

That township 29, in ranges 18, 19, 20, and 21; township 28, in ranges 19, 20, 21, and 22; township 27, in ranges 21, 22, and 23 (except where herein attached to district No. 30), are hereby attached to recording district No. 1.

The amendment was agreed to.

The VICE-PRESIDENT. The Secretary will state the next amendment which was passed over.

The SECRETARY. On page 19, under the subhead "Indian agents—Proviso," line 24, the committee proposed to strike out:

The appropriations for the salaries of Indian agents shall not take effect nor become available in any case for or during the time in which any officer of the Army of the United States shall be engaged in the performance of the duties of Indian agent at any of the agencies above named; and the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency or part thereof upon the superintendent of the Indian school located at such agency or part thereof whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents.

And to insert:

That no Army officer shall be engaged in the performance of the duties of Indian agent.

Mr. KEAN. The Senator from Massachusetts [Mr. LODGE] is somewhat interested in that amendment. He made a point of order on it. I have sent for the Senator.

Mr. DUBOIS. Mr. President, of course this is a subject that has been before the Senate for a good many years. When this policy was first inaugurated there was very decided objection to Army officers being detailed as Indian agents, this objection coming almost unanimously from representatives of the sections of the country where Indian reservations are located.

Experience has demonstrated, I think, that Army officers do not perform these duties as well as civilians. That is shown by the fact that fewer Army officers are appointed year by year, until now there are only two or three left in the service. The contention has always been by those who live in the Indian country that the best agents are those selected from the immediate neighborhood of the reservations, and the policy is now almost settled that the Indian agents should be appointed from among the citizens in the vicinity of the reservations. They will live in that country after their terms expire; they want to stand well with their neighbors; they understand the Indians, and they perform the service better than any other class of citizens. I think, and the committee thought, and I believe the committee has been of the opinion for several years, that Army officers should not be designated for these appointments.

I am not a good parliamentarian—I do not profess to be—but I hardly think a point of order ought to lie against this amendment, or can lie against it. We are providing for salaries. It is the same as providing for the salaries of Indian agents, in a measure, I should think, and, it occurs to me, it is legislation that comes properly on this appropriation bill.

I do not believe that any good purpose for the Indians or the white people is subserved by the detailing of Army officers to perform the labors of Indian agents. The only reason for pursuing that policy at all was that, at times when the Indians might be turbulent and hard to manage, the discipline of an Army officer in certain cases would be beneficial. That reason may have been good, but the occasion for it has now passed away. I think the point of order is not well taken and does not lie against this amendment.

The VICE-PRESIDENT. There is no point of order against the pending amendment.

Mr. KEAN. I understand the Senator from Massachusetts [Mr. LODGE] made a point of order against it.

Mr. DUBOIS. I beg pardon, then. I thought the Senator from New Jersey made the point of order.

Mr. KEAN. I made no point of order. I understood the Senator from Massachusetts had done so.

The VICE-PRESIDENT. The Chair understood this amendment was passed over, at the request of the senior Senator from Massachusetts [Mr. LODGE].

Mr. KEAN. I understood the Senator from Massachusetts desired to make a point of order against it.

Mr. CLAPP. I think, Mr. President, it is the desire of the Senator to make a point of order, and I would not care to press the matter in his absence.

Mr. KEAN. I understood so.

The VICE-PRESIDENT. Without objection, the amendment will lie over. The Secretary will state the next amendment which was passed over.

The SECRETARY. On page 53, after line 18, the committee proposed to insert the following:

That the Court of Claims is hereby authorized and directed to hear and adjudicate the claims against the Choctaw Nation of the heirs of Peter P. Pitchlynn, deceased, and of the heirs of Samuel Garland, deceased, and the claim of Chester Howe, his associates and assigns, against the Mississippi Choctaws, and to render judgment thereon in such amounts as may appear to be equitably due. Said judgments, if any, in favor of the heirs of Pitchlynn, and the heirs of Garland, aforesaid, shall be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, and said judgment, if any, in favor of Chester Howe, his associates or assigns aforesaid, shall be paid out of any funds due or to become due the defendants in said suit, said judgment to be rendered on the principal of quantum meruit for services rendered and expenses incurred under contracts with the defendants. Notice of said suit shall be served on the governor of the Choctaw Nation, and the Attorney-General of the United States shall appear and defend in said suit on behalf of said nation and said Mississippi Choctaws.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. CLAPP. In justice to the chairman of the Committee on Appropriations, the senior Senator from Iowa [Mr. ALLISON], I ought to state that that amendment was objected to by him.

Mr. HALE. I suggest to the Senator that, in the absence of the senior Senator from Iowa, this amendment be passed over for the present.

Mr. CLAPP. That is satisfactory.

The VICE-PRESIDENT. All other committee amendments have been agreed to. What is the further pleasure of the Senate?

Mr. SPOONER. No; they have not been, unless by inadvertence.

Mr. CLAPP. The amendment on page 7 has not been agreed to.

Mr. SPOONER. I am advised that my colleague is in favor of this amendment, and I do not wish to take it up in his absence.

The VICE-PRESIDENT. This morning, on motion of the senior Senator from Wisconsin, the vote by which the amendment on pages 7 and 8 was adopted was reconsidered. The question is on agreeing to the amendment.

Mr. SPOONER. I do not wish to take it up in the absence of my colleague, who, I am informed, is interested in it.

The VICE-PRESIDENT. It will be passed over at the request of the senior Senator from Wisconsin.

Mr. CLAPP. I call the attention of the Senator from Massachusetts to the amendment on page 19, passed over on account of his absence.

Mr. LODGE. I do not know about the portion stricken from the bill, but what I objected to is the clause that is added:

That no Army officer shall be engaged in the performance of the duties of Indian agent.

That, I think, is subject to the point of order that it is general legislation. It changes existing law and is general legislation.

The VICE-PRESIDENT. Does the Senator from Massachusetts understand that the committee amendment is an amendment to strike out and insert?

Mr. LODGE. I suppose it is to strike out and insert.

Mr. CLAPP. Certainly.

Mr. LODGE. But that does not make it in order. I would make the point of order against the inserting clause about Army officers.

The VICE-PRESIDENT. An amendment to strike out and insert is indivisible. The Chair sustains the point of order.

Mr. CLAPP. I move to strike out the House provision. I do so because the Department has advised that it is necessary to make some change in it, and striking it out will make it the subject of conference.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be stated.

The SECRETARY. On page 19, it is proposed to strike out line 25 and all of the bill down to line 12 on page 20.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. CLAPP. In the absence of the Senator who favored the amendments on pages 7 and 8, I feel, much as I dislike to delay the consideration of the bill, without being able to ascertain whether his absence is due to illness or other unavoidable circumstances, that the bill should be passed over for the day.

The VICE-PRESIDENT. At the request of the Senator from Minnesota, the pending bill will be laid aside for the day.

APPROPRIATION FOR MARE ISLAND NAVY-YARD, CAL., ETC.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I herewith inclose communications from the Navy Department and the War Department in reference to communications from Mayor Schmitz, of San Francisco, and from other representatives of California. With a courage and self-reliance of which we can not as Americans be sufficiently proud, the people of San Francisco have already started in orderly and resolute fashion to rebuild the city. Immediate aid in this enterprise should be given by the Federal Government. One of the crying needs of the situation is employment for the scores of thousands of men who have lost everything. If the appropriation of $300,000 for the Mare Island Navy-Yard be at once passed, over 2,000 men will immediately be put to work, for this appropriation will be expended only in employing labor. The appropriation is urgently needed as a means of contributing toward the reestablishment of affairs in San Francisco. It will also be of material use to the Navy.

Furthermore, I recommend that the Congress act on the recommendations of the War Department and appropriate the money necessary to establish a building as a general supply and storage depot for the supply departments of the Army and transport service on a part of the military reservation of Fort Mason. This project is set forth in Senate bill 4475 of the present session.

I have requested the Treasury and Post-Office Departments to prepare their estimates for replacing or repairing the other Government buildings in San Francisco. These estimates will be ready in a short while, and will then be laid before you.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 25, 1906.*

Mr. PERKINS. I move that the message be printed; that that part of it relating to the Navy be referred to the Committee on Naval Affairs; that that portion relating to the depot and warehouses, referred to in Senate bill 4475, be referred to the Committee on Military Affairs, which already have that bill under consideration, and that the remaining portion of the

message be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. FLINT. In pursuance of the recommendation contained in the message, I introduce a bill appropriating $300,000 for the employment of additional laborers at the Mare Island Navy-Yard, and ask that it be referred to the Committee on Naval Affairs.

The bill (S. 5872) authorizing the Secretary of the Navy to employ additional laborers and mechanics at the navy-yard, Mare Island, Cal., was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENT OF THE TRADE-MARK LAW.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

Mr. KITTREDGE. Will the Senator from Maine yield to me for a moment?

Mr. HALE. Certainly.

Mr. KITTREDGE. I am directed by the Committee on Patents, to whom was referred the bill (H. R. 15911) to amend the laws of the United States relating to the registration of trade-marks, to report it with an amendment, and to ask that it be considered at the present time.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Patents with an amendment, in line 18, section 4, page 3, to strike out "upon its passage" and to insert in lieu thereof "July 1, 1906;" so as to read:

SEC. 4. That this act shall take effect July 1, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EXECUTIVE SESSION.

Mr. HALE. I renew the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, April 26, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 25, 1906.

MARSHAL.

Milo D. Campbell, of Michigan, to be United States marshal for the eastern district of Michigan, in the place of William R. Bates, whose term expires May 1, 1906.

PROMOTION IN THE NAVY.

Assistant Naval Constructor Richard H. Robinson to be a naval constructor in the Navy from the 21st day of April, 1906, to fill a vacancy existing in that grade on that date.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 25, 1906.

MARSHAL.

Benjamin F. Daniels of Arizona, to be United States marshal for the Territory of Arizona.

POSTMASTERS.

IOWA.

C. C. Baird to be postmaster at Malvern, in the county of Mills and State of Iowa.

A. M. Phillips to be postmaster at Maquoketa, in the county of Jackson and State of Iowa.

KANSAS.

James M. Chisham to be postmaster at Atchison, in the county of Atchison and State of Kansas.

Herman Jermark to be postmaster at Beloit, in the county of Mitchell and State of Kansas.

Sidney H. Knapp to be postmaster at Clyde, in the county of Cloud and State of Kansas.

James E. Stevens to be postmaster at Goodland, in the county of Sherman and State of Kansas.

LOUISIANA.

Elwyn J. Barrow to be postmaster at St. Francisville, in the parish of West Feliciana and State of Louisiana.

MAINE.

F. Morris Fish to be postmaster at Hallowell, in the county of Kennebec and State of Maine.

MICHIGAN.

Oliver H. P. Green to be postmaster at Orion, in the county of Oakland and State of Michigan.

Winthrop A. Hayes to be postmaster at Rochester, in the county of Oakland and State of Michigan.

William B. Kelly, to be postmaster at Tawas City, in the county of Iosco and State of Michigan.

MISSOURI.

Samuel B. Kiefner to be postmaster at Perryville, in the county of Perry and State of Missouri.

George W. Schweer to be postmaster at Windsor, in the county of Henry and State of Missouri.

MONTANA.

C. C. Chaffin to be postmaster at Hamilton, in the county of Ravalli and State of Montana.

NEBRASKA.

Fred W. Barnhart to be postmaster at Hartington, in the county of Cedar and State of Nebraska.

Alonson F. Enos to be postmaster at Stanton, in the county of Stanton and State of Nebraska.

NEW MEXICO.

Otto F. Menger to be postmaster at Clayton, in the county of Union and Territory of New Mexico.

NEW YORK.

John W. Bowron to be postmaster at Rouses Point, in the county of Clinton and State of New York.

OREGON.

Burtis W. Johnson to be postmaster at Corvallis, in the county of Benton and State of Oregon.

Guy Lafollette to be postmaster at Prineville, in the county of Crook and State of Oregon.

PENNSYLVANIA.

John P. S. Fenstermacher to be postmaster at Kutztown, in the county of Berks and State of Pennsylvania.

Mary C. Patterson to be postmaster at Ashland, in the county of Schuylkill and State of Pennsylvania.

TEXAS.

Robert McKinnon to be postmaster at Thurber, in the county of Erath and State of Texas.

James M. Sloan to be postmaster at Navasota, in the county of Grimes and State of Texas.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 25, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Monday, April 23, 1906, was read.

The SPEAKER. If there be no objection, the Journal will stand approved.

Mr. WILLIAMS. Mr. Speaker, I shall be compelled to object.

The SPEAKER. The question is on approving the Journal.

The question being taken, the Journal was approved.

RETURN OF A BILL TO THE SENATE.

The SPEAKER. At the adjournment of the House on Monday a motion was pending, submitted by the gentleman from Mississippi [Mr. WILLIAMS], to discharge the Committee on the Merchant Marine and Fisheries from further consideration of the bill (S. 4886) to simplify the issue of enrollments and licenses of vessels of the United States, and agree to the request of the Senate for the return of the bill. The Chair did not rule upon the motion, but is prepared to do so now.

The Chair has ascertained that the custom of requesting the return of a bill already passed and sent to the other House is very old, beginning as early as 1810 at least.

In 1856 an order making a request of this sort was considered in the House by unanimous consent and not as privileged. Again in 1862 proceedings asking for and granting the return of bills from and to the Senate were journalized as by unanimous consent. So also in 1886, when the fortifications appropriation bill was pending in the House with Senate amendments, on which the previous question had been ordered, the Senate requested its return, and the House granted the request by unani-

mous consent. In 1896 (sec. 483 of Parliamentary Precedents) a request for the return of a bill to the Senate was laid before the House as privileged; but the actual return was ordered by unanimous consent, as the Journal shows. Again, in 1896, a resolution directing the return of a bill to the Senate was treated as privileged (Parliamentary Precedents, sec. 484), but this was a case where a Senate bill with House amendments disagreed to had been sent to the House and referred to a committee. The resolution which provided for discharging the committee and returning the bill was not offered from the floor as an original proposition, but had been referred to the committee having the bill.

In none of the proceedings referred to did a question of order arise, calling for a formal and well-considered ruling; and even these records of procedure do not justify a motion from the floor to discharge the committee from the consideration of the Senate bill on which the two Houses have not reached the stage of disagreement. While it seems to the Chair desirable that the two Houses should maintain conditions of courtesy respecting the requests of the one upon the other, yet the Chair hesitates to make by a formal ruling motions privileged which are not made privileged by the rule, and this reluctance is increased by the fact that requests of this nature may be granted with a reasonable degree of celerity in the regular order by referring the Senate request to the committee having the bill, leaving that committee to report the bill with the recommendation that it be returned to the Senate. The bill will then go to the Calendar, where it may be reached and acted on in regular order, or by suspension of the rules out of the regular order. Of course in a case where an error was alleged, thereby bringing into question the integrity of the proceedings of the House or the Senate as to a bill, a different principle might prevail.

The Chair directs that the request of the Senate be referred to the Committee on the Merchant Marine and Fisheries.

RICHARD HUDSON.

The SPEAKER laid before the House the request of Mr. MANN to withdraw from the files of the House, without leaving copies, the papers in the case of Richard Hudson, no adverse report having been made thereon.

The question was taken; and the request was granted.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the request of Mr. GRONNA for indefinite leave of absence, on account of sickness.

The question being taken, leave was granted.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the agricultural appropriation bill (H. R. 18537). Pending that, I would like to make some arrangement with the other side in regard to general debate, and I will suggest that general debate be closed to-morrow afternoon at half past 5, the time to be equally divided between the two sides. I ask unanimous consent that that may be done.

Mr. LAMB. All right.

The SPEAKER. Is there objection?

Mr. WILLIAMS. I object.

Mr. WADSWORTH. I move that the debate be closed at that time.

The SPEAKER. That motion would not be in order until general debate had been had. The gentleman, at half past 5 to-morrow, or at any other time that he sees proper, can test the sense of the House on closing debate after general debate has been had.

The first motion of Mr. WADSWORTH was agreed to.

Accordingly the House resolved itself into the Committee of the Whole on the state of the Union for the consideration of the agricultural appropriation bill, with Mr. FOSTER of Vermont in the chair.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. WADSWORTH. Mr. Chairman, I do not propose to take any time in general debate. I will simply ask that the report of the committee be read. It is short and covers all the items in the bill.

The Clerk read the report, as follows:

The Committee on Agriculture, having had under consideration the estimates of appropriations required for the Department of Agriculture for the fiscal year ending June 30, 1907, respectfully submit the accompanying bill (H. R. 18537) and report as follows:

The amount appropriated by this bill for the ordinary and regular routine work of the Department of Agriculture is $6,880,300. The amount carried by the act for the current year is $6,692,690, showing a net increase of $187,610.

The committee has also added "emergency" or "temporary" appropriations amounting to $320,000 for the purposes of further combating the cotton, boll weevil in the cotton States, the gipsy and brown-tail moths in some of the New England States, and the Texas cattle-fever tick in the South.

The total amount carried by this bill is, therefore, $7,200,300.

The committee has held extended and exhaustive hearings and has given very careful consideration to the preparation of the bill, and although the estimates have not in all cases been allowed, the amounts recommended for the several bureaus will be ample to satisfactorily perform all the work which should be properly imposed upon them, always keeping in view a judicious and businesslike expenditure of their moneys.

The following table shows the annual increases in expenditures by the Department of Agriculture during the last nine years:

For 1897–98 the appropriation was	$3,182,902
For 1898–99 it was $3,509,202, an increase of	326,300
For 1899–1900 it was $3,726,022, an increase of	216,820
For 1900–1901 it was $4,023,500, an increase of	297,478
For 1901–2 it was $4,582,420, an increase of	558,920
For 1902–3 it was $5,208,960, an increase of	626,540
For 1903–4 it was $5,478,160 (exclusive of $500,000 for the foot-and-mouth disease emergency), an increase of	269,200
For 1904–5 it was $5,902,040, an increase of	423,880
For 1905–6 it was $6,692,690 (exclusive of $190,000 for the cotton boll weevil emergency), an increase of	790,650
This bill carries $6,880,300 (exclusive of $320,000 for the cotton boll weevil, gipsy and brown-tail moth, and Texas cattle-tick emergencies), an increase of	187,610

It will be observed, therefore, that the total increase in expenditures of the Department during the last nine years (exclusive of the "emergency" appropriations) is $3,697,398, or $514,496 more than double the appropriation of nine years ago.

The Congress has certainly dealt most liberally with the Department of Agriculture.

Actual increases in statutory salaries (amounting in all to $980) have been allowed, as follows:

Office of the Secretary: One painter, from $540 to $720; increase of	$180
Bureau of Plant Industry:	
One photographer or clerk, from $720 to $900; increase of	180
One carpenter, $720 to $900; increase of	180
Two plumbers, $720 to $840 each; increase of	240
Division of Publications: Assistant in charge document section, $1,800 to $2,000; increase of	200

As stated above, the actual net increase over the current act is $187,610, and the items going to make up this increase are as follows:

INCREASES.

Office of the Secretary	$180
Weather Bureau	46,090
Bureau of Animal Industry	142,980
Forest Service	124,860
Bureau of Chemistry	3,500
Bureau of Soils	10,000
Bureau of Entomology	1,940
Division of Publications	680
Library	4,840
Experiment stations	33,120
Public roads	10,000
	378,190

DECREASES.

Plant Industry	*$189,680	
Bureau of Statistics	900	
		190,580
Net increase		187,610

The item covering the Congressional free distribution of vegetable and flower seeds has been entirely omitted from the bill. There is not, and never has been, any warrant of law for this expenditure. The item has simply been tolerated in appropriation bills.

The principle involved in this work is entirely wrong and has never been approved by the Department of Agriculture and has really been a block to other more important lines of investigation.

The original purpose of the organic act, to wit, the distribution of "rare and uncommon seeds, etc.," for experimental purposes through the experiment stations of the several States, has been retained.

Mr. WADSWORTH. Mr. Chairman, I do not care to take any time in general debate. When the bill is taken up under the five-minute rule I shall be glad to answer any questions which gentlemen may see fit to ask me. I now yield two hours to the gentleman from Ohio [Mr. GROSVENOR].

The CHAIRMAN. The Chair does not understand that the time is under the control of the gentleman from New York.

Mr. WADSWORTH. The time is to be equally divided between the gentleman from Virginia and myself.

The CHAIRMAN. The Chair understands that was objected to. The Chair does not understand that there was any agreement as to the control of the time.

Mr. WADSWORTH. The limit of time as to general debate was not agreed to, but I understood that the time was to be

* The decrease in the amount allowed the Bureau of Plant Industry is only apparent, as the committee has taken from it the work incident to the distribution of free seeds and has deducted from its appropriation the amount estimated for that purpose. As a matter of fact, an increase of $15,460 was allowed the Bureau of Plant Industry for the different items of its work outside the free-seed distribution.

apportioned by the gentleman from Virginia [Mr. LAMB] and myself.

The CHAIRMAN. The gentleman from New York is entitled to one hour, and the gentleman from Virginia to one hour.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2325) for the relief of James D. Vernay.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 47. An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes;

S. 4046. An act to incorporate the Edes Home; and

S. 3045. An act to incorporate the American Cross of Honor within the District of Columbia.

The message also announced that the Senate had passed with amendment bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 16954. An act providing for the reappraisement of certain suburban lots in the town site of Port Angeles, Wash.; and

H. R. 14508. An act permitting the building of dams across the North and South branches of Rock River, adjacent to Vandruffs Island and Carrs Island, and across the cut-off between said islands, in Rock Island County, Ill., in aid of navigation and for the development of water power.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 17217. An act to amend an act entitled "An act to establish a code of law for the District of Columbia regulating proceedings for condemnation of land for streets;"

H. R. 11490. An act granting the Edison Electric Company a permit to occupy certain lands for electric-power plants in the San Bernardino, Sierra, and San Gabriel forest reserves, in the State of California; and

H. R. 18025. An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5581. An act to provide for the purchase of a site and the erection of a public building at Passaic, N. J.;

S. 5648. An act to amend section 12 of the act approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States;"

S. 352. An act for the relief of the heirs of Fernando J. Moreno, deceased;

S. 5572. An act to amend section 4348 of the Revised Statutes, establishing great coasting districts of the United States; and

S. 2355. An act to reorganize the corps of dental surgeons attached to the Medical Department of the Army.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. WADSWORTH. Then, Mr. Chairman, I will yield one hour to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, under the arrangement that I had, that I was to have two hours if I desired it, it may be embarrassing for me to close my speech at the end of the hour; therefore I desire to give notice at this time that if at the end of the hour I have not completed my remarks I shall ask for an extension of time.

Mr. Chairman, I propose to address the House this morning on the topic of the ship-subsidy bill, a topic that is usually discussed with a great deal of interest pending campaigns before the country and about which very little interest is manifested after the election. The language that is used ordinarily by the candidate for President, the party platform, the campaign speakers, and the candidates for Congress who are running before the people is to announce that they are in favor of "encouraging" the building of ships. I embrace this opportunity to announce that the time for "encouragement" has passed and the time for *assistance* is now here. It will not answer in the future for any political party or any candidate for any office to mislead his hearers by the use of the word "encourage." Encouragement is a dead letter, and the American people who favor some action in behalf of this great measure now demand that the friends of the measure shall cooperate to assist, and "encouragement" will be hereafter ruled out in party platforms and in inaugural addresses and in messages to Congress and in solicitation for support by industrial forces of the United States.

WHAT THE BILL WILL DO.

This bill of the Merchant Marine Commission, which has already passed the Senate, will, in the first place, give the United States what it now absolutely lacks—a trained naval reserve of the picked officers and men of its merchant marine and fisheries instructed in gunnery, enrolled, organized, and disciplined, and ready to man the auxiliary ships or to reenforce the fighting crews in case of war. Every other maritime power except the United States now has such a reserve, a sea militia, a second line of ocean defense, holding the same relation to the regular navy that is held toward the Regular Army by our State militia or National Guard. The existing State naval militia in this country is composed almost entirely of landsmen and is useful only for harbor or coast defense. We need a naval reserve of skilled and hardy professional seamen, the possession of which did much to give Japan a brilliant victory and the lack of which proved a fatal weakness in the naval system of Russia in the recent war.

But we can not have these naval-reserve men unless we have, in the first place, ships on which they can follow their calling of the sea. This bill will give us a fleet of fifty or sixty first-class ocean steamships running on a dozen new lines—vessels aggregating from 200,000 to 300,000 tons, all built on designs approved by the Navy Department and held by the terms of their contract absolutely at the disposal of the Government. These mail ships will constitute a naval reserve of fast transports, ammunition ships, supply ships, auxiliary, repair, and hospital ships, etc., which the report of Admiral Dewey declares are indispensable to the efficiency of our fighting squadrons in case of a contest with a real naval power. Without these auxiliaries the most powerful fleet of battle ships is worthless. Besides auxiliaries for the Navy—one at least for each man-of-war—we must have a large fleet of transports to enable us to send our soldiers in an emergency to China, the Philippines, Hawaii, Alaska, Cuba, Porto Rico, or the Isthmus of Panama. The War Department in its report to the Merchant Marine Commission declares that "Now, and for the immediate future, the force for which our military establishment is maintained can not be exerted over-sea. The first quick blow, so very and increasingly important, can not be struck at all, nor can an expedition of any greater size be embarked without delay, except by the use of foreign vessels. This condition can not improve until the American steam seagoing merchant marine has increased in tonnage to approximately two and one-half times its present volume by the addition of ships adapted in size and design to quick conversion into suitable transports and built under conditions which make their voluntary surrender to the United States on demand a foregone conclusion."

In other words, in a serious war the United States would be absolutely crippled because it has not enough ships to send to our possessions over-seas enough men to defend them against a foreign enemy, and the merchant marine of the United States will have to be increased two and one-half times before it can transport the troops that could be mustered out of our present modest military establishment.

A GREAT FLEET OF CARGO VESSELS.

This bill of the Merchant Marine Commission, through its subventions to cargo vessels, will bring, in ten years or less, a net addition to our cargo carrying and fishery tonnage of 1,500,000 tons, thereby increasing fourfold the actual ocean shipping of the United States and giving us in foreign trade a merchant marine much larger than the entire merchant fleet of France and Norway, twice that of Italy, and twice that of Japan. With such a merchant fleet as this the United States could carry under its own flag not 10 per cent as now, but 30 or 40 per cent of its own imports and exports, and these ships would earn for their country, instead of $20,000,000, from $60,000,000 to $80,000,000 annually in mail, freight, and passenger receipts, compensating us many times over for the total cost of the subventions.

These cargo ships and the dozen new lines of American mail steamships to South America, Central America, Africa, Asia, and the Philippines will reduce freight rates at the same time they improve our transportation service. They will have the same effect that a competing railroad has upon the traffic of

any given community. Instead of old, slow, ramshackle foreign craft that now crawl out irregularly with our products to South America, we shall have regular, swift, and economical American steamers. These ships must be built in the coast States of the Atlantic, Pacific, or Gulf of Mexico. But the materials for their hulls and machinery will be drawn from many States—from the iron mines of Lake Superior, from the forests of Michigan, Wisconsin, and the South. And the cargoes which these ships will carry will come from every State and every Territory in the Union.

A great, prosperous merchant fleet will benefit not only the coast States and their people but the people of every State and Territory. This will be a new national industry giving work and wages to thousands and tens of thousands of our population. "Ships," declares President Roosevelt, "work for their own countries just as railroads work for their terminal points." These ships, once built and afloat, will get to work to make new markets for the products of the agriculture of the Mississippi Valley, the grain States of the Northwest, the cotton States of the South and Southwest, and the manufactures of New England, New York, Pennsylvania, Illinois, and Indiana. They will put an end forever to the present humiliating dependence upon our foreign competitors for the means of reaching the markets where we and they are striving for the mastery. We shall have delivery wagons of our own without relying upon the delivery wagons of our rivals. And above all we shall have waiting and ready a great fleet of auxiliaries and a great body of brave, skilled, and patriotic American seamen who, while serving our trade in peace, will be ready to defend our coasts and our flag in war.

All this can be done at a cost to start with of between one and two million dollars a year and a cost on the average for ten years of no more than four or five millions, which is not more than is being paid now in national aid to steamship lines by our chief competitors and a mere fraction of the sum which we are expending on our Army and our Navy, to say nothing of the stupendous task of building the isthmian canal—a canal which, when built, unless this bill is passed, will float nothing but men-of-war and the merchant ships of our commercial adversaries.

IN A NUTSHELL.

Speaking more concisely, it may be said that, in a nutshell, Senate bill 529, framed by the President's Merchant Marine Commission, and passed February 14, 1906, by the Senate, provides for:

1. A volunteer naval reserve of 10,000 officers and men of the merchant marine and fisheries, trained in gunnery, etc., subject to the call of the President in war, and receiving retainer bounties, as 33,500 British naval-reserve men do.

2. Subventions at the rate of $5 a gross ton a year to all cargo vessels in the foreign trade of the United States and to craft of the deep-sea fisheries, and $6.50 a ton to vessels engaged in our Philippine commerce, the Philippine coastwise law being postponed till 1909. But these cargo vessels, in order to receive subventions, must be held at the disposal of the Government in war, must convey the mails free of charge, be seaworthy and efficient, carry a certain proportion of Americans and naval-reserve men in their crews, and make all ordinary repairs in the United States. Ships lose their subventions if they leave our trade for that of foreign countries, or if, like the Standard Oil craft, they are not engaged exclusively as common carriers.

3. Subventions to new mail lines from the Atlantic coast to Brazil, Argentina, and South Africa; from the South Atlantic coast to Cuba; from the Gulf coast to Cuba, Brazil, Mexico, Central America, and the Isthmus of Panama; from the Pacific coast, via Hawaii, to Japan, China, and the Philippines, and to Mexico, Central America, and the Isthmus of Panama, and from the North Pacific coast direct to Japan, China, and the Philippines, with increased compensation to one existing contract line from the Pacific coast, via Hawaii and Samoa, to Australasia.

All ships receiving subventions must be already American by register or American built, thus excluding the foreign-built fleet of the Atlantic steamship combination. Not one dollar is given to fast passenger and mail lines to Europe. Ships constructed for foreign commerce to receive these subventions can, under the Dingley tariff, be built, equipped, and repaired of materials imported free of duty.

The maximum annual cost of the proposed mail subventions will be about $3,000,000; of the other subventions and retainers to the naval reserve from $1,550,000 in 1907 to $5,750,000 in 1916.

Great Britain next year will pay $6,000,000 or $7,000,000 in shipping subsidies; France, $8,000,000; Italy, $3,000,000, and Japan about $4,000,000.

THE INTERESTS OF LABOR.

As will be more fully stated further on, there is being paid for the transportation of our foreign commerce something like $200,000,000 per annum. Substantially all of it goes to foreign labor. Not only is this true, but each recurring ship that is built to keep up the necessary volume of shipping to carry our products abroad is built in a foreign land. The material is mined, hewed from the forests, shaped into ships, and paid for by money every dollar of which ought to be the reward of American labor.

Let me speak of the interests of American labor for a moment. You profess to be alert to the interests of American labor. The men of organized labor are demanding that in the public institutions of the country where convict and other forms of cheap labor are employed manufactured articles shall not be produced to glut the American market, and yet two or three leaders of organized labor in the United States, without rhyme or reason, without knowledge or sense, simply negative every effort of organized labor to be heard in behalf of the greatest project that American labor is to-day interested in.

Put the American ship in its proper relation to the business and commerce of the United States and in the production of the raw material of the ship, in the construction of the ship, in the manning and officering of the ship, in the running and handling of the ship, more than $500,000,000 of money would come to us, a vast percentage of which would go into the pockets of labor. The laboring men of this country should organize as they have never organized before and with moral suasion and ballots should demand that this un-American tirade against American interests should cease, and cease now. The silence in abandoned shipyards, the paralysis of labor heretofore engaged in these works are impressive monitors that the laboring man of this country is being led like the sheep to the shamble by one or two men who dare to dictate the ruinous policy of buying our ships abroad and maintaining our ships abroad by paying the money abroad for all these vast expenditures. So much for the attitude of the laboring man.

I take great pleasure in announcing that within the last few weeks the labor organizations throughout the country are rapidly coming to understand the situation, and many of the strongest appeals for the passage of this bill that we have come from organized labor in defiance of the men who stand throttling an intelligent expression of their views.

WHAT IS A SUBSIDY?

Mr. Chairman, we are spending in the United States enormous sums of money for subsidies. Yet, Mr. Chairman, the word "subsidy" shocks a great many of the American people. If you can only correctly call a thing a subsidy you have enlisted a clamor equal to General Grant's recollection of the sound of the coyotes in his first famous journey across the plains. What is a subsidy? A subsidy is well defined by the word "subsidize" in the dictionaries—"to furnish with a subsidy; to purchase assistance by the payment of a subsidy; to assist an individual or an undertaking with money; pecuniary aid, aid given in money; to specify; an aid or tax formerly granted by Parliament to the Crown to meet urgent or pressing necessities, levied on every subject of ability according to the value of his lands or goods."

The appropriation bills of Congress from year to year are crowded and, I might say, overwhelmed with subsidies. We expend more money per annum for the deepening and widening and straightening of the rivers and harbors of the United States than would carry the operations of this bill through to the end of its existence—ten years—and every dollar of that money is a subsidy to the commerce of the country.

No sooner does a foreign shipbuilder announce that the present draft of his largest ship is not met by corresponding depth of water in American harbors, and that he could make more money if the American Congress would excavate the American harbor a little deeper, so that the foreign ships could carry a little more cargo and earn a little more money, than the American Congress rushes its engineering force to ascertain and make a project for the deepening of the harbors of the country in order that the foreign demand for deeper water and deeper draft of ships shall be met out of the pockets of the American people. That is a matter of pure subsidy, nothing else; it can be described by no other name; it meets the dictionary definition; it meets the common-sense definition; it meets every definition. Every dollar of money that is expended by the United States Government in deepening, widening, and perfecting the harbors of our seacoast, every dollar that is expended in the magnificent improvement of our great chains

of mighty lakes, every dollar that is spent in the deepening, straightening, and widening of the great network of rivers that encompass our country—every dollar of it is a subsidy to aid the commerce of the American people.

WHAT SUBSIDY HAS DONE.

When I first became a Member of Congress the freight upon a ton of iron ore from the upper Great Lakes to the harbors along the shore of Ohio was about $2 a ton, and the vessels that were carrying ore were carrying about 2,500 tons for a cargo, and they could get into some of the harbors which had a depth of 8 or 9 feet of water and deliver their cargoes and go back to the source of supply. To-day 10,000 tons is the complement of one of these magnificent ships, and about 75 cents a ton the cost of delivering the ore at the ports of Ashtabula, Cleveland, and the other places of distribution down to the location of the furnaces. We have dug out and excavated these harbors to a depth of 19, 20, and 22 feet of water. Every dollar of it came out of the public Treasury of the United States, and every dollar of it was a subsidy to the commerce of this country.

We are spending $44,000,000 annually as a subsidy to the railroad systems of the country in developing the internal commerce of the country by the transmission of the mails of the country; and we invest $100,000,000 in the Navy annually for the promotion and protection and distribution of what? A phantom commerce! A phantom ocean trade!

We talk about the construction of a mighty navy, and I am not opposed to it; we talk about having a navy that can protect our commerce in all the countries of the world. Why, Mr. Chairman, we have no commerce in all the countries of the world. We are building a navy that in time of peace has no occupation but to fit itself for war and protect our commerce carried in the ships of other nations.

I do not care to go over these items of subsidy. The whole growth, the whole mighty progress of the nation has gone steadily forward to the tremendous proportions of to-day based upon subsidies that the people of the United States through the action of Congress have conferred upon the various instrumentalities of production and commerce. We are proud of our trade abroad, and it is magnificent. Its growth is realized at the Treasury Department every day of our lives. The month of March was greater than any other month of March in the history of our nation. The condition of the financial year from the 30th of June to that period was greater than any other like period in the history of our nation. The calendar year that ended on the last day of December last showed our commerce abroad was greater than in any other like period in our nation's history. But, Mr. Chairman, ninety one-hundredths of all the mighty commerce was carried in foreign ships, carried under foreign flags, and $200,000,000 last year, and nearly $200,000,000 the year before, were taken out of the pockets of the American people and paid over to the labor of the various countries of Europe, who have wisdom and sense enough to patronize the merchant marine.

Mr. Chairman, there has not been a keel laid for an ocean-going ship in a shipyard of the United States during the last twelve months, while millions of dollars of British money and German money and Japanese money have gone to the commercial shipyards of those countries to build gigantic vessels of trade to carry our commerce to such customers as those countries see fit to carry that commerce to, and we, bowing to their demands, are preparing our rivers and harbors for their accommodation.

THE EXAMPLE OF JAPAN.

Mr. Chairman, we see a great deal about the Japanese nation, and sometimes we hear people wondering if the Japanese are not in some way to become aggressors against the American people, or whether they will not seize upon the Philippine Islands, whether they will not become aggressors by their immigration into our country. Let me tell you, Mr. Chairman, where they began to be aggressors upon American commerce—the very day that the armistice was signed between the Russian Government and the Japanese Government. Every spare shipyard in Japan was transferred as if by magic from the building of war ships to the building of merchant ships, and to-day more ships for over-sea commerce are being constructed in Japan than anywhere in any nation of the earth except Great Britain.

We have bearing the American flag in the Pacific Ocean about nine or ten ships. They are carrying the passengers and the commerce, such as they can carry, from San Francisco and Seattle to the oriental countries—about one ship where there ought to be ten ships, about one man employed where there ought to be ten men employed, and all the balance of our trade that might become mighty and profitable is carried in foreign vessels to foreign markets in the hands of foreign traders. But that is not all. Information comes to us—and it will appear to Members of Congress who read the hearings before the Committee on Merchant Marine and Fisheries—that to-day offers of purchase have been made to the owners of the Pacific Mail Steamship Company for their five great ships, and those offers are very satisfactory—more than satisfactory—and this information is coupled with the further information, that comes to us beyond a possible doubt of its reliability, that the Japanese Government, in consideration that that purchase shall be made by a Japanese corporation, has said that it will give to the owners of those ships most profitable and very elaborate subsidies. For what purpose? To carry the commerce of the United States, and to control the commerce of the United States, and carry it where they see fit to carry it, and bring their commerce into the United States of America.

And the same is true of the ships sailing from Seattle, as I am informed. We have no such definite information upon that question as we have upon the other, but it is entirely manifest that the aggressions of the Japanese Government against our Government are to be the aggression of domination upon the merchant marine of the country and the carrying of all the commerce and the control of all the commerce between foreign countries and our own.

SAN FRANCISCO'S NEED OF THE SHIPPING BILL.

San Francisco has two lines of American steamers in the over-seas trade, crossing the Pacific Ocean. One is the Pacific Mail Line, of five steamers, to Japan, China, and the Philippines. The other is the Oceanic Line to New Zealand and Australia.

These are, by all odds, the largest and most important steamship companies operating out of San Francisco. Their head offices are there. Their agents and employees are there. They pay the wages and salaries on sea and shore of a great many men, and the business which they conduct is worth many millions of dollars annually to San Francisco and to California.

The Oceanic Company is now receiving a small, insufficient subsidy, a very much smaller amount than European lines from Europe and Canada to Australia are paid for inferior service. The Pacific Mail Company receives only from $60,000 to $80,000 a year, at the rate of so much per pound, for carrying the United States mails to the Orient. A competing parallel Japanese line of only three steamers, employing only Japanese and not one American, receives a subsidy of from $500,000 to $600,000 from the Japanese Government.

Neither the Oceanic Company nor the Pacific Mail Company has for years paid a dividend. The Oceanic Company, in fact, has been losing several hundred thousand dollars annually. The shipping bill of the Merchant Marine Commission provides an increased subvention of $217,000 a year for our Australian mail service, which would bring the Oceanic Company approximately on even terms with its foreign competitors. This bill also provides $600,000 a year for an improved mail service to Japan, China, and the Philippines, which would enable the Pacific Mail Company to build more American ships and run more frequently across the Pacific to Manila.

The city of San Francisco has never had much manufacturing. It has lived by the sea and from the sea. The foundation of its prosperiy has been the fact that it was our great national gateway for our Pacific commerce. Congress has already granted several million dollars for feeding the hungry and clothing the naked refugees from San Francisco's great disaster. But the surest, most effective, and most permanent thing that Congress can do to rebuild the ruined city and revive its stricken trade is to pass this shipping bill of the Merchant Marine Commission, with its provisions for encouraging not only American steamship lines to the Orient and Australasia, but a third line from San Francisco down the coast to Mexico, Central America, and the Isthmus of Panama.

This ocean commerce is the very lifeblood of San Francisco. The city can not exist without it. Nothing would so hearten and strengthen the business men and the wage-earners of San Francisco as the news from Washington that the Congress of the United States had stepped in and assured to them the continuance of their great lines of ocean steamers.

Unless this bill is passed and passed at once, it is certain that these American steamship lines, on which the prosperity, even the life, of San Francisco largely depends, will not be continued. They can not be run indefinitely against the subsidized shipping of Europe and Japan. Even before this disaster it was known in San Francisco, and it has become known in Washington, that the fate of these American steamship companies hung absolutely on the passage of the shipping bill. For there are nations in Europe—there is even a nation in Asia—which know what we Americans seem to have forgotten—that trade follows the flag, and that the people who control the ships are bound ultimately to control the commerce of the world.

Japan subsidizes all her ocean ships. She subsidizes her shipyards. Her merchant tonnage has grown more rapidly of late years than that of any other nation in the world. Thanks to her subsidies, creating a great naval reserve, she had the ships and the sailors to whip Russia. Japan's statesmen know well enough that our American steamship lines can not survive without dividends, and her merchants, with generous subsidies guaranteed, are endeavoring to buy both of these American Pacific steamship companies. The Congress of the United States has been given ample warning that if the shipping bill is not immediately passed by the House of Representatives this Japanese effort will succeed, and the Stars and Stripes will be hauled down from the masthead of the two oldest American steamship lines crossing the Pacific Ocean.

BLOTTING OUT OUR OWN NAVAL RESERVE.

This would be a calamity for the United States, but it would be a still more terrible calamity for San Francisco. When the Japanese flag went up every American officer, every American sailor would have to go over the side. It is the pride of the Japanese to man their ships throughout with their own people. That would mean the blotting out of most of our meager resources in the way of a naval reserve on the Pacific. It would mean the transfer of the headquarters of these American lines from San Francisco to Yokohama.

It might mean more than this. For there can be no guaranty that if the Japanese flag is hoisted over these American ships they will continue to run in the trade of San Francisco. Once under Japanese control, they can be sent, and most certainly will be sent, wherever they will best serve Japanese interests. There are no ships so fine as some of these American ships in the whole Japanese merchant fleet. The great pride of Japanese shipowners is their subsidized line from Japan to Europe—subsidized at the rate of more than a million dollars a year. If the Japanese Government took it into its head to order the transfer of these American liners to the European line it could do so, and in that event San Francisco would be left entirely without any communication with China or the Philippines, and our main line of oriental commerce would be paralyzed.

So, too, with the Oceanic Line to Australasia. This is now operating under a mail contract with the United States Government, which requires the steamers to be run via Samoa to Auckland and Sydney, and nowhere else. But the contract would necessarily terminate if these ships were purchased by the Japanese. They could then be taken wherever their new owners pleased. And where that would be it is not difficult to conjecture. The Japanese Government has been endeavoring to build up a competing line from Yokohama to Australia. Thus far it has not secured any satisfactory steamers. Its vessels are inferior to American ships, and there can be no question whatever that one motive of the Japanese in securing the Oceanic steamers would be to take them out of San Francisco and transfer them to their own Japanese-Australian line, thus paralyzing our best route of communication with the Australian markets, to which our exports have increased of late years from $12,000,000 to $27,000,000 a year, and turning this market over to the merchants of Japan, Europe, and Canada.

Now, the fate of these American Pacific lines, involving to a large degree the future of San Francisco, is in the hands of the House of Representatives. Pass this bill and you will give new hope and new courage to the merchants and the wage-earners there by the smoking ruins at the Golden Gate. Defeat this bill, or postpone it, and you haul down the American flag from the masthead of the best fleet on the Pacific and strike the city of San Francisco and our whole trans-Pacific trade a blow from which they will never recover.

It is for the House of Representatives, by its action on the shipping bill of the Merchant Marine Commission, to say which course shall be pursued.

NEW LINES TO SOUTH AMERICA.

Now, in that condition we come forward with a measure that does not carry, at the utmost dollar that it can ever cost the Government, as much money as the deepening and widening of a few harbors of the United States has cost the Government. Take the expenditures upon the Great Lakes of the country, and one fraction of the money expended there will meet every dollar that it is proposed to carry under this so-called "subsidy bill," and the effect of it would be to open up five or six lines of communication with South America.

Do gentlemen who are studying the coming day of American commerce have any appreciation of the fact that to-day if you wanted to ship a cargo of goods quickly, or if you wanted to travel in comfort yourself to Rio Janeiro, your course would not be to go to the seacoast of America and take either an American or a foreign ship and go direct to the South American ports? No; you would have to go to Southampton or to Liverpool and reship upon a British ship and deliver yourself in due time at the South American port. And all this because the cry of "subsidy" has so misled the American people that we stand to-day awed in the prospect of the destruction of our merchant marine, afraid of the people who wield a petty whip of politics, and afraid to assert our own best judgment upon this matter.

Why should this question be a question of party politics? Why should the division line be drawn along party lines in opposition to this measure? The Republican party has been fierce in its conventions to proclaim its fealty to a purpose to bring about the upbuilding of the Navy, and yet individual Members have fits of hysterics when you mention the subject to them, and they tell you: "My people are not interested in this matter." There is no question of American economical concern to-day that is of more vital interest to every industrial man in the United States. They tell us that the newspapers of the country are not in favor of it. Let us see. First, I want to produce here the history of Republican support to this measure:

THREE PRESIDENTS SPEAK FOR AMERICAN SHIPPING.

Benjamin Harrison: "Our great competitors have established and maintained their lines by government subsidies until they have now practically excluded us from participation. In my opinion, no choice is left to us but to pursue, moderately at least, the same lines."

William McKinley: "I am satisfied the judgment of the country favors the policy of aid to our merchant marine which will broaden our commerce and markets and upbuild our sea carrying capacity for the products of agriculture and manufacturing."

Theodore Roosevelt: "Ships work for their own countries, just as railroads work for their terminal points. * * * From every standpoint it is unwise for the United States to continue to rely upon the ships of competing nations for the distribution of our goods. It should be made advantageous to carry American goods in American-built ships."

Three successive Republican Presidents—two from the Middle West and one from the great commercial State of New York—have urged in the strongest terms throughout their Administrations the upbuilding of American shipping in the foreign trade.

One of the three was Benjamin Harrison, of Indiana, who was elected in 1888 on a platform declaring:

"We earnestly recommend that prompt action be taken by Congress in the enactment of such legislation as will best secure the rehabilitation of our merchant marine, and we protest against the passage by Congress of a free-ship bill as calculated to work injustice to labor by lessening the wages of those engaged in preparing the materials, as well as those directly employed in our shipyards."

President Harrison, in his first inaugural message to Congress, March 4, 1889, thus proclaimed his devotion to the cause of the American ship:

"We should encourage the establishment of American steamship lines. The exchanges of commerce demand stated, reliable, and rapid means of communication, and until these are provided the development of our trade with the states lying south of us is impossible."

In his first annual message to Congress, on December 3, 1889, President Harrison enlarged upon this theme with growing emphasis:

"There is nothing more justly humiliating to the national pride and nothing more hurtful to the national prosperity than the inferiority of our merchant marine compared with that of other nations whose general resources, wealth, and seacoast lines do not suggest any reason for their supremacy on the sea. It was not always so, and our people are agreed, I think, that it shall not continue to be so. * * *

"FOREIGN LINES ARE SUBSIDIZED.

"That the great steamship lines sailing under the flags of England, France, Germany, Spain, and Italy, and engaged in foreign commerce, were promoted, and have since been and now are liberally aided by grants of public money in some form or another is generally known. That the American lines of steamships have been abandoned by us to an unequal contest with the aided lines of other nations until they have been withdrawn or, in the few cases where they are still maintained, are subject to serious disadvantages is matter of common knowledge.

"MUST NOW GO VIA ENGLAND.

"The present situation is such that travelers and merchandise find Liverpool even a necessary intermediate point between New York and some of the South American capitals. The fact that some of the delegates from South American States to the conference of American nations now in session at Washington reached our shores by reversing that line of travel is very conclusive of the need of such a conference, and very suggestive as to the first and necessary step in the direction of fuller and more beneficial intercourse with nations that are now our neighbors upon the lines of latitude, but not upon the lines of established commercial intercourse.

"LIBERAL AID FOR AMERICAN LINES.

"I recommend that such appropriations be made for ocean mail service, in American steamships, between our ports and those of Central America, China, Japan, and the important islands in both of the great oceans, as will be liberally remunerative for the service rendered, and as will encourage the establishment and in some fair degree equalize the chances of American steamship lines in the competition which they must meet. That the American states lying south of us will gladly cooperate in establishing and maintaining such lines of steamships to their principal ports I do not doubt.

"OUR NEED OF A NAVAL RESERVE.

"We should also make provision for a naval reserve, to consist of such merchant ships, of American construction and of a specific tonnage and speed, as the owners will consent to place at the use of the Government in case of need as armed cruisers. England has adopted this policy, and as a result can now upon necessity at once place upon her naval list some of the fastest steamships in the world. A proper supervision of the construction of such vessels would make their conversion into effective ships of war very easy.

"BLIND AND FALSE 'ECONOMY.'

"I am an advocate of economy in our national expenditures, but it is a misuse of terms to make this word describe a policy that with-

holds an expenditure for the purpose of extending our foreign commerce. The enlargement and improvement of our merchant marine, the development of a sufficient body of trained seamen, the promotion of rapid and regular mail communication between the ports of other countries and our own, and the adaptation of large and swift American merchant steamships to naval uses, in time of war, are public purposes of the highest concern.

"A BENEFIT TO ALL THE PEOPLE.

"The enlarged participation of our people in the carrying trade, the new and increased markets that will be found for the products of our farms and factories, and the fuller and better employment of our mechanics, which will result from a liberal promotion of our foreign commerce, insure the widest possible diffusion of benefit to all the States and to all the people. Everything is most propitious for the present inauguration of a liberal and progressive policy upon this subject, and we should enter upon it with promptness and decision."

HARRISON SPEAKS AGAIN.

President Harrison, in his second message to Congress, on December 1, 1890, made the merchant marine again the subject of a most earnest and emphatic recommendation:

"I desire to repeat with added urgency the recommendations contained in my last annual message in relation to the development of American steamship lines. The reciprocity clause of the tariff bill will be largely limited, and its benefits retarded and diminished, if provision is not contemporaneously made to encourage the establishment of first-class steam communication between our ports and the ports of those nations as may meet our overtures for enlargement of commercial exchanges.

"A FIRST CONDITION OF FOREIGN TRADE.

"The steamship, carrying the mails statedly and frequently, offering to passengers a comfortable, safe, and speedy transit, is the first condition of foreign trade. It carries the order or the buyer, but not all that is ordered or bought. It gives to the sailing vessels such cargoes as are not urgent or perishable, and, indirectly at least, promotes that important adjunct of commerce. There is now both in this country and in the nations of Central and South America a state of expectation and confidence as to increased trade that will give a double value to your prompt action upon this question. * * *

"LINES TO SOUTH AMERICA.

"The South Atlantic and Gulf ports occupy a very favored position toward the new and important commerce which the reciprocity clause of the tariff act and the postal shipping bill are designed to promote. Steamship lines from these ports to some northern port of South America will almost certainly effect a connection between the railroad systems of the continents long before any continuous line of railroads can be put into operation. The very large appropriation made at the last session for the harbor of Galveston was justified, as it seemed to me, for these considerations. The great Northwest will feel the advantage of trunk lines to the South as well as to the East and of the markets found for their surplus food products and for many of their manufactured products."

A NEW LAW PASSED AND SIGNED.

Before another annual message was written, President Harrison, on March 3, 1891, had the satisfaction of signing a new law, the direct fruit of his earnest and patriotic recommendations, extending national aid to lines of American steamers. But, unfortunately, the original rates of compensation proposed in this measure, which had been fixed by expert authority at an amount just sufficient for the purpose, were cut down one-third on the solicitation of a few middle western men when the bill passed the House of Representatives. This seriously crippled the efficiency of the new measure so far as South America was concerned.

Though this legislation did create one American line to Europe, two to the West Indies, one to Venezuela, and finally one to Australasia, the experience of fifteen years has now demonstrated that the hasty reduction in the rate of the mail subventions was a deplorable error, justifying the remonstrances of the friends of the measure, who predicted that, thus heavily reduced, the law would prove a disappointment.

SOME GOOD RESULTS.

The immediate result, however, was beneficial in creating new lines to near-by markets, and President Harrison was enabled to sound a note of congratulation in his message to Congress on December 6, 1892:

"Ever since our merchant marine was driven from the sea by the rebel cruisers during the war of the rebellion the United States has been paying an enormous annual tribute to foreign countries in the shape of freight and passage moneys. Our grain and meats have been taken at our own docks and our large imports there laid down by foreign shipmasters.

"DIVIDENDS TO FOREIGNERS.

"An increasing torrent of American travel to Europe has contributed a vast sum annually to the dividends of foreign shipowners. The balance of trade shown by the books of the custom-houses has been very largely reduced and in many years altogether extinguished by this constant drain. In the year 1892 only 12.3 per cent of our imports were brought in American vessels. These great foreign steamships maintained by our traffic are many of them under contracts with their respective governments by which in time of war they will become a part of their armed naval establishments. Profiting by our commerce in peace, they will become the most formidable destroyers of our commerce in time of war.

"A CHANGE OF POLICY.

"I have felt, and have before expressed the feeling, that this condition of things was both intolerable and disgraceful. A wholesome change of policy and one having in it much promise, as it seems to me, was begun by the law of March 3, 1891. Under this law contracts have been made by the Postmaster-General for eleven mail routes. The expenditure involved by these contracts for the next fiscal year approximates $954,123.33. As one of the results already reached sixteen American steamships of an aggregate tonnage of 57,400 tons, costing $7,400,000, have been built or contracted to be built in American shipyards. * * *

"SUBSIDIES ARE INDISPENSABLE.

"No subject, I think, more nearly touches the pride, the power, and the prosperity of our country than this of the development of our merchant marine upon the sea. If we could enter into conference with our competitors and all would agree to withhold government aid we could perhaps take our chances with the rest, but our great competitors have established and maintained their lines by government subsidies until they now have practically excluded us from participation. In my opinion no choice is left to us but to pursue, moderately at least, the same lines."

PRESIDENT M'KINLEY'S COUNSEL.

The next Republican President, William McKinley, of Ohio, was known as a strong champion of the American merchant marine long before his election to this great office. In the debate on the new tariff bill that bore his name, on May 7, 1890, in the House of Representatives, Chairman McKinley had said:

"If the United States would give the same encouragement to her merchant marine and her steamship lines as is given by other nations to their ships, this commerce on the seas under the American flag would increase and multiply. When the United States will spend from her Treasury from $5,000,000 to $6,000,000 a year for that purpose, as do France and Great Britain to maintain their steamship lines, our ships will plow every sea in successful competition with the ships of the world. [Loud applause on the Republican side.] Will you gentlemen join us in encouraging our merchant marine?" [Renewed applause on the Republican side.]

BOTH BUSINESS AND PATRIOTISM.

Holding these earnest opinions, President McKinley avowed them in his first inaugural address, on March 4, 1897:

"Congress should give prompt attention to the restoration of our American merchant marine, once the pride of the seas on all the great ocean highways of commerce. To my mind, few more important subjects so imperatively demand its intelligent consideration. The United States has progressed with marvelous rapidity in every field of enterprise and endeavor until we have become foremost in nearly all of the great lines of inland trade, commerce, and industry. Yet, while this is true, our American merchant marine has been steadily declining until it is now lower, both in the percentage of tonnage and the number of vessels employed, than it was prior to the civil war.

"Commendable progress has been made of late years in the upbuilding of the American Navy, but we must supplement these efforts by providing as a proper consort for it a merchant marine amply sufficient for our own carrying trade to foreign countries. The question is one that appeals both to our business interests and the patriotic aspirations of a great people."

PROGRESS ON THE SEAS.

President McKinley reiterated these views in his first annual message to Congress, on December 6, 1897, and he expressed himself even more positively and at greater length on December 5, 1899, after the illuminating experience of the Spanish war:

"The value of an American merchant marine to the expansion of our commercial trade and the strengthening of our power upon the sea invites the immediate action of the Congress. Our national development will be one-sided and unsatisfactory so long as the remarkable growth of our inland industries remains unaccompanied by progress on the seas. There is no lack of constitutional authority for legislation which shall give to the country maritime strength commensurate with its industrial achievement and with its rank among the nations of the earth.

"IN THE LIGHT OF THE WAR.

"Last year American vessels transported a smaller share of our exports and imports than during any former year in all our history, and the measure of our dependence upon foreign shipping was painfully manifested to our people. Without any choice of our own, but from necessity, the Departments of the Government charged with military and naval operations in the East and West Indies had to obtain from foreign flags merchant vessels essential for those operations.

"OTHER NATIONS DO NOT HESITATE.

"The other great nations have not hesitated to adopt the required means to develop their shipping as a factor in national defense and as one of the surest and speediest means of obtaining for their producers a share in foreign markets. Like vigilance and opportunity on our part can not fail but improve our situation, which is regarded with humiliation at home and with surprise abroad. Even the seeming sacrifices, which at the beginning may be inevitable, will be offset later by more than equivalent gains.

"THE EXPENSE AS NOTHING.

"The expense is as nothing compared to the large object achieved. The reestablishment of our merchant marine involves in a large measure our continued industrial progress and the extension of our commercial triumphs. I am satisfied the judgment of the country favors the policy of aid to our merchant marine, which will broaden our commerce and markets and upbuild our sea-carrying capacity for the products of agriculture and manufacturing; which, with the increase of our Navy, means more work and wages to our countrymen, as well as a safeguard to American interests in every part of the world."

AMERICAN SHIPS FOR AMERICAN TRADE.

In his fourth and last message to Congress, on December 3, 1900, after his triumphant reelection, President McKinley said:

"American vessels during the past three years have carried about 9 per cent of our exports and imports. Foreign ships should carry the least, not the greatest, part of American trade. The remarkable growth of our steel industries, the progress of shipbuilding for the domestic trade, and our steadily maintained expenditures for the Navy have created an opportunity to place the United States in the first rank of commercial maritime powers.

"WILL REDUCE FREIGHT CHARGES.

"Besides realizing a proper national aspiration this will mean the establishment and healthy growth along all our coasts of a distinctive national industry, extending the field for the profitable employment of labor and capital. It will increase the transportation facilities and reduce freight charges on the vast volume of products brought from the interior to the seaboard for export, and will strengthen an arm of the national defense upon which the founders of the Government and their successors have relied. In again urging immediate action by the Congress on measures to promote American shipping and foreign trade, I direct attention to the recommendation on the subject in previous messages, but particularly to the opinion expressed in the message of 1899:

"'THE COUNTRY FAVORS.

"'I am satisfied the judgment of the country favors the policy of aid to our merchant marine, which will broaden our commerce and markets and upbuild our sea-carrying capacity for the products of agriculture and manufacturing, which, with the increase of our Navy, means more work and wages to our countrymen, as well as a safeguard to American interests in every part of the world.'"

M'KINLEY'S LAST WORDS.

In his very last words to his fellow-countrymen, on that fateful September 5, 1901, at the Pan-American Exposition, just before the

bullet of the assassin struck him, President McKinley coupled his memorable plea for wider markets with a fervent demand for an American merchant marine:

"Then, too, we have inadequate steamship service. New lines of steamers have already been put into commission between the Pacific coast ports of the United States and those of the western coast of Mexico and Central and South America. These should be followed up with direct lines between the eastern coast of the United States and South American ports. One of the needs of the times is direct commercial lines from our vast fields of production to the fields of consumption that we have but barely touched. Next in advantage to having the thing to sell is to have the convenience to carry it to the buyer. We must encourage our merchant marine. We must have more ships. They must be under the American flag, built and manned and owned by Americans. These will not only be profitable in a commercial sense; they will be messengers of peace and amity wherever they go."

PRESIDENT ROOSEVELT'S APPEAL.

President Theodore Roosevelt, of New York, in this as in so many other things, followed loyally in the course of his beloved predecessor—his enthusiasm for the Navy, inspiring naturally this exhortation of his first annual message, on December 3, 1901:

"The condition of the American merchant marine is such as to call for immediate remedial action by the Congress. It is discreditable to us as a nation that our merchant marine should be utterly insignificant in comparison to that of other nations, which we overtop in other forms of business. We should no longer submit to conditions under which only a trifling portion of our great commerce is carried in our own ships. To remedy this state of things would not merely serve to build up our shipping interests, but it would also result in benefit to all who are interested in the permanent establishment of a wider market for American products, and would provide an auxiliary force for the Navy.

"SHIPS WORK FOR THEIR COUNTRY.

"Ships work for their own countries just as railroads work for their terminal points. Shipping lines, if established to the principal countries with which we have dealings, would be of political as well as commercial benefit. From every standpoint it is unwise for the United States to continue to rely upon the ships of competing nations for the distribution of our goods. It should be made advantageous to carry American goods in American-built ships.

"AMERICAN SHIPPING HANDICAPPED.

"At present American shipping is under certain great disadvantages when put into competition with the shipping of foreign countries. Many of the fast foreign steamships, at a speed of 14 knots or above, are subsidized; and all our ships, sailing vessels and steamers alike, cargo carriers of slow speed and mail liners of high speed, have to meet the fact that the original cost of building American ships is greater than is the case abroad; that the wages paid American officers and seamen are very much higher than those paid to officers and seamen of foreign competing countries; and that the standard of living on our ships is far superior to the standard of living on the ships of our commercial rivals.

"Our Government should take such action as will remedy these inequalities. The American merchant marine should be restored to the ocean."

URGING A COMMISSION.

In his message of December 3, 1903, President Roosevelt offered this specific recommendation:

"A majority of our people desire that steps be taken in the interest of American shipping, so that we may once more resume our former position in the ocean carrying trade. But hitherto the differences of opinion as to the proper method of reaching this end have been so wide that it has proved impossible to secure the adoption of any particular scheme. Having in view these facts, I recommend that the Congress direct the Secretary of the Navy, the Postmaster-General, and the Secretary of Commerce and Labor, associated with such a representation from the Senate and the House of Representatives as the Congress in its wisdom may designate, to serve as a commission for the purpose of investigating and reporting to the Congress at its next session what legislation is desirable or necessary for the development of the American merchant marine and American commerce, and incidentally of a national ocean mail service of adequate auxiliary naval cruisers and naval reserves. While such a measure is desirable in any event, it is especially desirable at this time, in view of the fact that our present governmental contract for ocean mail with the American Line will expire in 1905.

"LINES OF CARGO SHIPS.

"Our ocean mail act was passed in 1891. In 1895 our 20-knot trans-Atlantic mail line was equal to any foreign line. Since then the Germans have put on 23-knot steamers, and the British have contracted for 24-knot steamers. Our service should equal the best. If it does not, the commercial public will abandon it. If we are to stay in the business, it ought to be with the full understanding of the advantages to the country on the one hand, and on the other with exact knowledge of the cost and proper methods of carrying it on. Moreover, lines of cargo ships are of even more importance than fast mail lines, save so far as the latter can be depended upon to furnish swift auxiliary cruisers in time of war. The establishment of new lines of cargo ships to South America, to Asia, and elsewhere would be much in the interest of our commercial expansion."

THE ROOSEVELT PLATFORM.

Congress responded with the act of April 28, 1904, creating the Merchant Marine Commission of five Senators and five Representatives. For nearly two years thereafter this Commission was pursuing its appointed work. Meanwhile, in the autumn of 1904, Theodore Roosevelt was elected President on a platform declaring:

"While every other industry has prospered under the fostering aid of Republican legislation, American shipping engaged in foreign trade, in competition with the low cost of construction, low wages, and heavy subsidies of foreign governments, has not for many years received from the Government of the United States adequate encouragement of any kind. We therefore favor legislation which will encourage and build up the American merchant marine, and we cordially approve the legislation of the last Congress, which created the Merchant Marine Commission to investigate and report upon this subject."

Before the inquiry of the Commission was entirely completed, in his message of December, 1904, to Congress, President Roosevelt said:

"I especially commend to your immediate attention the encouragement of our merchant marine by appropriate legislation."

THE COMMISSION AND ITS WORK.

Finally the report and recommendations of the Merchant Marine Commission in comprehensive form were laid before Congress, and in his message of December 5, 1905, President Roosevelt said:

"To the spread of our trade in peace and the defense of our flag in war a great and prosperous merchant marine is indispensable. We should have ships of our own and seamen of our own to convey our goods to neutral markets, and in case of need to reenforce our battle line. It can not but be a source of regret and uneasiness to us that the lines of communication with our sister republics of South America should be chiefly under foreign control. It is not a good thing that American merchants and manufacturers should have to send their goods and letters to South American via Europe if they wish security and dispatch. Even on the Pacific, where our ships have held their own better than on the Atlantic, our merchant flag is now threatened through the liberal aid bestowed by other governments on their own steam lines. I ask your earnest consideration of the report with which the Merchant Marine Commission has followed its long and careful inquiry."

The Senate has duly considered the report of the President's Commission, and under the leadership of Senator GALLINGER, chairman of the Commission, has passed the bill and sent it to the House of Representatives.

Now the House has in turn its opportunity and its duty to heed the counsel and fulfill the appeals of Harrison, McKinley, and Roosevelt.

Now, let us see what Iowa says, for Iowa cuts an important figure in this country, and especially do we place great confidence in the intelligence and patriotism of her senior Senator. He is a representative man of the whole country. His vision of statesmanship and statecraft is not limited by the production of a single State or the ideas of a single community, and the same may be said of the distinguished Secretary of the Treasury, an Iowa man. I give the following as the true position of Iowa upon the shipping bill:

IOWA AND THE SHIPPING BILL.

On February 14, 1906, the United States Senate passed, by a vote of 38 to 27, a shipping bill, "To promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce."

There are four important points regarding this bill, which the people of Iowa and other Middle Western States should bear in mind:

1. That it is not the bill that was before Congress several years ago, but a wholly new and radically different measure.

2. That this present bill was framed by a special Commission of Senators and Representatives, seven out of ten of whom were from Western and Southern States—a Commission created by Congress on the urgent recommendation of President Roosevelt, who approves this bill as wise and effective and asks prompt consideration of it by the the House of Representatives.

3. That Hon. Leslie M. Shaw, of Iowa, Secretary of the Treasury, has for years been an eloquent champion of the establishment of American steamship lines to foreign lands, especially to the markets of South America—and this bill duly reflects the results of the Secretary's emphatic arguments.

4. That Hon. WILLIAM B. ALLISON, senior Senator from Iowa, who voted against the former shipping bill, voted for this present bill, after closely examining its details and procuring certain perfecting amendments.

On August 2, 1899, the Republican State platform of Iowa said:

"That, for the national defense, for the reenforcement of the Navy, for the enlargement of our foreign markets, for the employment of American workingmen, in the mines, forests, farms, mills, factories, and shipyards, we favor the enactment of legislation which will regain for American ships the carrying of our foreign commerce."

Here is a frank, authoritative declaration that Iowa favors the upbuilding of the American merchant marine—provided, of course, that the proposed legislation is fair to all interests and directed in the proper way to the proper results.

SECRETARY SHAW'S ARGUMENT.

Secretary Shaw, in his address before the American Bankers' Association on October 10, 1905—just before the association formally indorsed this shipping bill—said:

"The markets of South America, South Africa, and the adjacent islands are just being developed. The eyes of the world are upon them. The merchant nations of Europe know where they are located, and they are establishing banks and warehouses within them, and they have already established regular and fast lines of steamers to them. The United States has neither banks nor commission houses nor warehouses in these ports, nor has it means of communication with them except through old, worn-out, dilapidated ships, sailing under foreign flags and making 8 or 10 knots an hour.

* * * * * * *

"Iowa was dotted with settlements long before railroads tapped the territory. In those days some grain was grown, and the little that was grown was hauled in wagons, frequently a hundred miles and sometimes more. A few cattle were fattened, and they were driven sometimes 400 miles to market. There were trails then and sometimes roads. Some hogs were fattened. They were killed, their carcasses frozen and hauled to market, a process which consumed sometimes weeks and frequently entailed an expense exceeding the value of the freight carried. But in those days Iowa did not contribute very much either to interstate or to international commerce. Not until railroads, encouraged by Government aid, were built did her commerce multiply, and not until these became of the best did she take rank and contribute abundantly."

SENATOR ALLISON'S VIEW.

Senator ALLISON, in an address at Clinton on October 10, 1903, thus expressed his own opinion and the sentiment of his State as to the especial objects which ought to be sought in the restoration of American shipping for the expansion of American commerce:

"Our efforts should be turned to these countries lying near us, as well as to South America and Asia. The latter field is likely to be of inestimable value in the near future, stimulated as it has been by the presence of our flag in those distant seas where three-fifths of the population of the globe is to be supplied in the future with the products of the more civilized nations.

"In this struggle we will have the active and close competition of Europe. We have advantage in distance and will soon have, if we

have not now, the advantage of facilities. American ships must float there, and the American flag must be seen there and dwell there, and our Government can well afford to provide especial aid to our merchant marine to extend our trade there and in South Africa and South America as well."

President Roosevelt's Commission, in the framing of the bill which has passed the Senate and now comes before the House, has followed very closely the judgment of Iowa's Secretary of the Treasury and Iowa's distingnished senior Senator, for every one of the most important new ocean mail lines provided for in this bill runs to the ports of either Asia, South Africa, or South America.

ALL FOR TRADE LINES.

In sharp contrast with previous propositions, this bill does not give a single dollar to create new lines of fast passenger ships to Europe.

It aims altogether to provide special shipping facilities where no regular American lines and no regular and efficient foreign lines now exist to develop and expand American trade with Cuba, Mexico, Central America, Brazil, Argentina, South Africa, China, Japan, and the Philippines, with one line in the Atlantic and one in the Pacific to the Isthmus of Panama.

Only one existing line of contract mail steamers is given increased compensation by this bill, and that is a western line, from San Francisco to Australia, which is underpaid and will succumb unless this aid is granted. This American mail service has been instrumental in increasing our exports to Australia from $12,000,000 in 1896 to $27,000,000 in 1904. If the line should fail, most of this trade would go to Canada and Europe.

The mail compensation of every other existing contract line, however, is left absolutely unchanged. Altogether, the new mail lines proposed in the bill call for a maximum annual expenditure of about $3,000,000, or a much smaller sum than is paid in mail subsidies by Great Britain or France—smaller even than by Japan. However, expert ship merchants declared that on these particular routes the proposed payments, with rigid economy and enterprise, will be sufficient for the purpose.

FOR "DELIVERY-WAGON" SHIPS.

Besides the mail subventions to new lines, the bill provides for a separate subvention at the rate of $5 a gross ton a year for all cargo vessels above 1,000 tons if steam and 200 tons if sail, and for the vessels of the deep-sea fisheries. This provision as to cargo vessels was inserted largely because of the vigorous criticism of the shipping bill of a few years ago, in the Middle West, that it gave too much heed to fast steamers and too little to the "delivery-wagon" type of ship, slow, capacious, economical, and especially important for the export of grain, provisions, cattle, and other bulky western products.

The present bill grants subventions to all cargo vessels fit for ocean carrying, without any premium whatever upon speed. This gives a fair chance to new builders and owners of moderate means, and will develop a fleet of vessels of especial value to the export trade of Iowa and the Mississippi Valley.

Moreover, instead of magnifying the importance of the great port of New York, this bill expressly requires that six of the nine Atlantic Ocean lines shall start from the South Atlantic ports or the Gulf of Mexico, thus widely distributing the new shipping facilities and guaranteeing to the farmers and other producers of Iowa and the Middle West the advantage of competitive routes by rail and sea for their exports to the West Indies and South America.

In response to the suggestion of the President and the desire of the Navy Department, a naval reserve is authorized, not to exceed 10,000 officers and men, to be enrolled from the merchant marine and trained in gunnery, etc. This naval reserve will receive retainers and will serve afloat in war.

NOT A BILL FOR MONOPOLY.

Here are some more points to remember as to this shipping bill:

1. That the Standard Oil and other great corporations exporting their own products in their own ships are shut out by the requirement that all vessels receiving subventions shall be "exclusively common carriers for the service of the public."

2. That the Atlantic steamship trust is excluded, because all but 10 of its 130 steamers are foreign-built vessels under foreign flags, while these subventions are payable only to vessels "hereafter built and registered in the United States or now duly registered."

3. That vessels receiving subventions must ply in the foreign trade of the United States, and lose the subventions if diverted to the trade of other nations.

4. That no part of these subventions can be absorbed by the steel trust, because not only steel but everything needed for the construction, equipment, or repair of American vessels in the foreign trade—the only trade to which these subventions apply—can be imported and used without a cent of duty. (Sections 12 and 13 of the free list of the Dingley tariff.)

WHAT THE PRESIDENT SAYS.

These are some of the facts which show why this shipping bill and the work of the Merchant Marine Commission have the cordial approval of President Roosevelt, who said in his message to the present Congress:

"To the spread of our trade in peace and the defense of our flag in war a great and prosperous merchant marine is indispensable. We should have ships of our own and seamen of our own to convey our goods to neutral markets and in case of need to reenforce our battle line. It can not but be a source of regret and uneasiness to us that the lines of communication with our sister republics of South America should be chiefly under foreign control. It is not a good thing that American merchants and manufacturers should have to send their goods and letters to South America via Europe if they wish security and dispatch. Even on the Pacific, where our ships have held their own better than on the Atlantic, our merchant flag is now threatened through the liberal aid bestowed by other governments on their own steam lines. I ask your earnest consideration of the report with which the Merchant Marine Commission has followed its long and careful inquiry."

The Senate has considered the report and passed the bill. Now the President awaits like action by the House of Representatives.

THE NEWSPAPERS FOR AMERICAN SHIPS.

But it is said by some people that for some reason the press of the country is against the shipping proposition. Is that true? The partisan Democratic press, whether located in Washington or elsewhere, is of course against it, because the creation of a merchant marine that would be an honor to the country and be profitable to the people would be a stroke of wisdom that would tend to the great advantage of the party that would enact it. Nobody doubts that. But, let us see. I give here extracts from representative newspapers of the whole country, and particularly of the great Middle West. They come from Republican, Democratic, and independent newspapers. They speak volumes for the public sentiment that is rapidly crystallizing, and which will be followed by an ocean tide before this matter is at an end. Here they are:

THE SUBSIDY BILL.

[New York Daily Tribune, February 16, 1906.]

The ship-subsidy bill passed by the Senate on Wednesday by a vote of 38 to 27 is, we think, the most commendable measure of this character presented in recent years in either branch of Congress. The framers of the bill have shown an open-mindedness in meeting objections raised to details of their plan for resuscitating the American merchant marine which has gone a long way toward conciliating opposition. It is a noteworthy advance in legislation of this sort to find Republicans and Democrats cooperating to improve and strengthen a measure which a year or two ago would have been assailed and defended with partisan intensity. The bill as drawn by the joint commission which investigated conditions in the ocean carrying trade has been amended in many particulars, and Democratic Senators who dissented from the subsidy principle and who voted against the measure as a whole were helpful in securing amendments of a nature to allay the local and sectional prejudices which have hitherto defeated ship-subsidy legislation.

The House of Representatives has been rather disinclined to join the Senate in an attempt to stimulate American shipping, because it has balked at the outlay involved and because it has believed that the time was not ripe for a campaign for deep-sea supremacy. It has been content to see American energy and capital devoted to the more pressing work of internal development. It has seemed to the leaders in the House that until this work was accomplished and we were economically ready to compete for mastery in the ocean carrying trade it was useless to experiment with the European system of bounties. The House is dominated by western and southern sentiment, and in those two sections there has been a deeply rooted feeling that subsidies would merely be a sop thrown to the shipping interests of the Atlantic seaboard, operating neither to reduce freight rates on the commodities we send abroad nor to open to the producers of the interior any new and profitable foreign markets. In the last few years that feeling has been greatly modified, and the West and South are beginning to see that important national interests may be served by the creation of an American merchant marine. Through the agency of ocean transportation lines new foreign territory would be opened to our commerce and our whole foreign trade enlarged and stimulated. This trade has been doubled in the last ten years, and at the rate of progress which the last decade has shown, the United States will soon become the foremost buyer and seller in the world's markets. Priority as a trading nation must involve, sooner or later, supremacy in the world's carrying trade, and American opinion is now running strongly toward an assertion through legislation of our purpose to recreate and maintain a merchant marine. The House of Representatives may not yield this year to that opinion, but it is evident that the experiment of expansion through subsidies can not be long delayed.

The Senate bill of this year contains, besides, a feature which strengthens it enormously as compared with earlier bills. It would create a naval reserve from the crews of the ships entitled to subventions and enroll for four years a force of not more than 10,000 men who could be drafted into the Navy in case of war. The vessels receiving aid are also to be put at the Government's disposal for military purposes, so that the national defense would be materially strengthened at a very vital point through the moderate expenditure—perhaps $3,000,000 a year for the first five or ten years—which the bill authorizes. The protection thus afforded would not be dear at such a price.

THE AMERICAN SHIP.

[New York Sun, February 8, 1906.]

Why should Senators waste time over the question whether the Gallinger bill for the restoration of the American ship to its old place on the ocean is a subsidy or a bounty, or a measure analogous to the land-reclamation act, or what not?

Open the way for the American flag to its proper place at the front of the world's carrying trade, and call it a subsidy or by any other name.

Redeem our now one great national failure, and call the redemption fee a bounty or by any other name.

Rehabilitate the American merchant marine, and compare the process to the land-reclamation legislation or to anything else in sight.

The people are not afraid of the word "subsidy," or of any other word that may be used to describe the method of assuring that restoration and revival which President Roosevelt had in view when he said to Congress: "To the spread of our trade in peace and the defense of our flag in war a great and prosperous merchant marine is indispensable. We should have ships of our own and seamen of our own to convey our goods to neutral markets, and in case of need to reenforce our battle line."

Let us have them. Let the lack of them no longer disgrace this nation.

FLY THE FLAG AGAIN!

[New York Mail and Express, February 15, 1906.]

A bill to protect the American merchant marine—to create it by protecting it, and to put the Stars and Stripes once more where they belong—has at last passed the United States Senate.

It is not a bill to favor the aristocracy of ocean commerce—the greyhounds plying to the leading European ports—but to build up what Senator Gallinger has called "the hard-working cargo ships, the democracy of the ocean," and fly the flags upon them. It establishes, by the help of reasonable subventions for carrying the mails, thirteen new contract mail lines to South and Central America, Africa, and Asia, and by the general subvention at the rate of $5 per gross ton to cargo carriers in the foreign trade provides encouragement for commerce in general to foreign ports.

But the bill passed yesterday is more than a bill to build up our foreign commerce, which for years has been abandoned to foreign vessels, chiefly British. It is a measure for the national defense. It provides for a force of 10,000 trained American naval volunteers, all

to be seamen or officers on board the aided ships, and all immediately available as sailors in the Navy in case of war. It adds a tonnage of some 300,000 in steel mail ships to our auxiliary navy in time of war. Incidentally, of course, it will provide a constant reserve of American sailors to be drawn upon through voluntary enlistment as seamen for the Navy.

The passage of this measure ought to bring joy and hope in our own country, and would surely do so if the people were sure of its passage by the other branch of Congress. One thing is certain—we shall never have a merchant marine without such a measure. Aye, another thing is certain, too—we are building the Panama Canal at a possible cost of $300,000,000 for the benefit of Britishers, if we do not enact this bill or one substantially like it.

PASS THE SHIPPING BILL!

[Baltimore American, February 13, 1906.]

For more than forty years the United States has been without an ocean-traversing merchant marine. The half dozen vessels which have from time to time borne the American commerce flag to foreign ports have served merely to accentuate the helpless condition of American commerce. This was not always so. A decade before the disappearance of American ships the United States had the largest merchant marine in the world. It has been sometimes argued that the ownership of vessels had little effect on trade. There are ports in the United States to-day which tell a different tale. They can call to mind great volumes of trade carried in native vessels which disappeared along with the disappearance of those vessels. Nor is it singular that the owners of vessels should seek to benefit their own rather remote ports. Their associations, interests, and schemes are bound closely to their own homes, and they are less likely to perceive profit in the use of their ships elsewhere.

The condition of the American merchant marine is simply deplorable. Many suggestions have been made and plans proposed, and once or twice Congress has made little essays of piddling character to remedy the evil. The scheme that will be disposed of in the Senate this week is the only one which has promised substantial results. It will actually help to build up a merchant marine. It is this fact that demands support for it. It is very easy and quite a Congressional failing to say that this, that, or the other is not the best way, and some other way ought to be adopted; but the situation is, that after many years of investigation and effort to accomplish something, this is the only way which has been seriously suggested, and this way promises to achieve the purpose, so far as it goes.

If an American merchant marine is wanted—and there is a very general demand for it—this is the only possible way of getting it. There is another consideration besides the desirability of carrying American trade in American ships. It ought not to be difficult to perceive that conditions might arise when the whole foreign trade of the United States would be paralyzed if there were no American ships in which to carry it. With the present neutrality laws interpreted as they were a year ago, a general European war would place this country in a very embarrassing position, unless she had an abundant supply of her own ships. But there is a great trade immediately at hand and only waiting the carrying facilities of a merchant marine. It is this trade, among other things, which the merchant marine, or shipping, bill proposes to develop. It naturally and logically belongs to the United States, and will come here if American ships are encouraged to bring it.

AMERICAN SHIPS.

[Troy, N. Y., Times, February 15, 1906.]

A very important step in the movement for the rehabilitation of the American mercantile marine was taken yesterday when the Senate passed the ship-subsidy bill. This measure was introduced as the result of extended and painstaking inquiry, covering every possible point at issue, conducted by the Merchant Marine Commission, created by Congress at the suggestion of President Roosevelt; and it is safe to say that no subject was ever brought up in the legislative branch of the Government which had behind it a more comprehensive array of facts or more forceful arguments based on conditions disclosed by the investigation. The discussion of the matter has been particularly earnest and enlightening, and the bill passed the Senate indorsed by the ripest wisdom of that body, as well as the hearty approval of intelligent and impartial public opinion.

It was inevitable that there should be wide differences of sentiment as to the detailed provisions of such a measure. Senator GALLINGER, the chairman of the Mercantile Marine Commission and the custodian of the bill, himself has admitted that the bill was not in all respects what he would have it; but diverse views had to be recognized and harmonized, and so long as the main object sought bade fair to be accomplished, minor considerations were ignored. The bill was passed after many amendments had been offered and accepted, most of them such as met the approval of the Commission and of friends of American shipping generally. In the shape in which it leaves the Senate it promises much in the way of furthering American commercial interests, and may be a powerful instrumentality for removing the reproach under which this nation, the largest exporter of the world, has so long sufferred because in the matter of ocean freight carrying it has left itself at the mercy of foreign rivals.

The bill contemplates the establishment of thirteen new contract mail lines to run from Atlantic, Gulf, and Pacific ports to South and Central America, and various places in Australia, Asia, and elsewhere, with such subventions as shall encourage the investment of capital in enterprises of this character and tend to open up trade for American producers. It is also the purpose to create a naval reserve force of 10,000 officers and men, to be available for national service in the event of any emergency requiring such assistance. Various provisions are designed with a view to develop the ocean marine of the country to proportions adequate to the great and growing needs. The aid to be given is not extravagant. The total outlay under the terms of the bill is estimated at not more than $5,000,000 annually, and this sum, measured by the liberality of other governments to their shipping, is very moderate. England, which loses no opportunity to help its shipping, not long since contributed no less than $13,000,000 toward the improvement and enlargement of one line of vessels.

The shipping bill is yet to pass the House of Representatives; but there is every reason to hope that the same spirit of practical and patriotic regard for the country's interests which moved the Senate to approval will find a like expression in the popular body. The bill should become a law.

THE ONLY UNPROTECTED AMERICAN INDUSTRY.

[Rochester, N. Y., Democrat, January 25, 1906.]

The fact that the United States has, so far, neglected and refused to encourage the industry of shipping in this country by a system of subsidies is curiously out of harmony with the general policy of the nation under which the country has prospered greatly, and to which the dominant party in control of the Government stands equally committed—the policy of protection for American industries.

Shipbuilding is the only unprotected American industry. That, in a nutshell, is why it is the only languishing American industry. This discrimination is entirely unreasonable and results from a mere accident. A ship is a technically unimportable manufactured article. That is to say, you can't land a ship and pass it through the custom-house. Consequently you can't collect a tariff by the ordinary methods on this peculiar form of manufactured article, and can't protect in the usual fashion the American industry of manufacturing this one article—a ship. Is this a good, sane reason for leaving this one American industry to go to ruin for lack of the protection that every other American industry enjoys? It certainly is not, as long as there are entirely obvious and entirely unobjectionable means, other than the protective tariff on ships, for accomplishing the same results.

Apart from the entirely sentimental and senseless objection to "subsidies," which is an objection not to any fact, but to a mere word, there is no argument against the protection of the shipbuilding industry that does not equally apply to the protection of every other American industry. If the American industry of making shoes ought to be protected, the American industry of making ships ought to be protected. If the American shipbuilding industry ought not to be protected, no American industry ought to be protected. Apart from the upbuilding of an American mercantile navy and the inevitable consequent advantages to the American war Navy, the result of protecting the American shipbuilding industry would be the proved result of protecting other American industries, an increase of the home market for American raw material and American labor, the stimulation of other American industries by an addition to the list of gainful occupations for the citizens of this country, an increase of wages all along the line, and an increase of the general prosperity.

MUST MEET OUR RIVALS.

[Pittsburg, Pa., Gazette, February 15, 1906.]

Another fair start has been made toward encouragement of the American merchant marine. The bill of Senator JACOB H. GALLINGER, of New Hampshire, passed the Senate finally yesterday, after a sharp debate. The bill provides for eleven new mail subsidies and other remuneration for American vessels in the foreign trade, and makes the ships affected auxiliaries of the American Navy.

There may be some honest difference of opinion affecting the details of this measure, but it is unquestionable if this country desires to see its flag in the general commerce of the world, it must meet the competition of other nations in giving rewards. The merchant vessels of Great Britain, Germany, and France are notoriously subsidized by those Governments. They must have reasons beyond mere national pride for expending large sums in this way. They profit greatly from the commerce; their producers are given advantages in the marketing of their wares.

As matters stand at present "America pays the freight." On exports and imports America is dissipating a goodly share of its "favorable balance of trade" in the enrichment of foreign shipping interests.

IF THERE WERE A SERIOUS WAR.

[From the New York Evening Sun, January 16, 1906.]

We have a fine Navy, second to none in effectiveness per unit, and we have an Army of about 60,000 men which is one of the best, if not the best, in the world; but in the event of war we should not be able to draft enough vessels from our merchant marine to transport this small Army over the seas. Including the fast Atlantic liners, there are only fifty-seven seagoing American ships of 4,000 gross tons and upward. The Atlantic liners would have to be employed for scouting purposes in a really serious war, and a good many of the other vessels in the list would not be suitable for transports. In fact, only seventeen of them correspond to the requirements named in a report made by the General Staff to Secretary Taft.

A military transport should be of 5,500 to 6,500 tons register, and have a speed of 12 knots and a capacity for a tactical unit of troops—infantry, cavalry, engineers, and artillery and their supplies. If there were a hurry call for two divisions (three brigades each) for service in the East, it could not be met. To transport such a body of troops, which in Europe would not be considered much of an army, twenty of the 6,500-ton and eighteen of the 5,500-ton ships would be required. We don't possess them as a nation, and could not lay our hands upon them. "The quick first blow," says Secretary Taft, replying to a requisition for the facts from Senator GALLINGER, who has charge of the ship-subsidy bill, "can not be struck at all, nor can an expedition of any greater size be embarked without delay except by the use of foreign vessels. And in war these foreign vessels can not be acquired without evasion or infraction of the neutrality laws."

Of course our impotence has not been lost on such nations as might be involved in war with us—Germany, for instance, in Europe, and Japan, in Asia. The General Staff, whose business it is to consider ways and means, and not to assume that we shall never be at war with any of our commercial and political rivals, recommends that "to provide suitable ships for a rapid movement of two divisions from either coast there should be not less than 60 of the larger and 54 of the smaller size afloat in Atlantic and the same in Pacific waters, or 120 of the larger and 108 of the smaller size in all—an aggregate of 228 vessels."

It is now admitted (nearly eight years after) that only propitious weather saved our Cuban expedition, shipped around Cape Maisi in marine odds and ends, from disaster. "A severe storm," says the general Staff, "would have scattered the fleet, probably with great loss of life, and would have defeated the object of the expedition. There was nothing except the successful arrival to justify the departure." And of that pick-up fleet of transports it is now said that no board of health would have passed it. Ventilation for the crowded soldiers there was practically none, and the sanitary arrangements were a makeshift.

So it comes to this: The United States could not make war with land forces, except on a very small scale, and would have to rely mainly upon the Navy. But we can not expect war to be made to suit our

deficiencies. In drawing attention to the condition of our transport service, which for a great and sudden need might as well be zero as the sorry array of nondescripts that could be drummed up, Senator GALLINGER has driven home a powerful argument for his ship-subsidy bill.

THE NEW MERCHANT MARINE BILL.

[St. Paul, Minn., Pioneer-Press, January 7, 1905.]

The bill for the encouragement of the merchant marine, offered by the special commission that devoted a large part of the summer to hearings on the subject, will undoubtedly receive more general indorsement than any other recent ship-subsidy measures. It is based on an entirely different principle, seeks different objects, and apparently would not put great demands on the Treasury. The Hanna-Frye measures, with their ascending scales of mileage subsidies based on speed and tonnage, were intended to put a premium on the building of fast ocean greyhounds and their registry under our flag. Only moderate subsidies would have gone to the ordinary freighter. They would neither have encouraged the establishment of new lines, promoted access to new markets, nor created new mail routes, and only indirectly have supplied men to the Navy. About their only justification was that the fast vessels encouraged by them could have been utilized as auxiliary cruisers, as the *Paris* and *New York* were in our war with Spain.

Manifestly, the purpose of this measure is to encourage the training of seamen, their enlistment as volunteers of the Navy, the establishment of new mail routes, and the opening of direct trades with certain ports. The present mail subventions are not interfered with or increased. The only subsidy feature is the $5 per gross ton subvention, a rate that would give a 20,000-ton vessel complying with the requirements a maximum of $100,000 a year and a 5,000-ton vessel $25,000. On the basis of actual tonnage now registered it is estimated that subventions the first year would cost $2,394,000 more.

Apparently the only reasonable criticism of the measure on the part of those who believe that some form of assistance is necessary to equalize the cost of operating vessels under American and foreign flags is that no limit, beyond the ten-year limit, has been fixed. Since it is not known how rapidly the receipts from tonnage duties will grow or how rapid this measure will stimulate American registry, it would seem sounder policy to limit the maximum to be expended in any one year. The Hanna-Frye bill had this saving grace.

Since this measure probably avoids the objections of the Republican minority that looked upon the Hanna-Frye bill as a sort of grab by the strong and well-established steamship lines, it is likely to pass if there is time for considering it.

THE HONEST SHIPPING BILL.

[Milwaukee Wisconsin, January 11, 1905.]

From a source near to the Republican majority of the Merchant Marine Commission it is learned that the reason why the plan of discriminating duties was given up was not fear of retaliation or of difficulties about the treaties, but realization that to make the plan effective in the direct trade the free list would have to be abolished. Forty-three per cent in value and 60 to 70 per cent in bulk of the imports into the United States are now free; 98 per cent from Brazil and about 90 per cent from South America generally. These free articles include tea, coffee, and miscellaneous foods and many indispensable food materials. The Republican Commissioners, and some of the Democrats, were opposed to making these imports dutiable, as would be necessitated by the adoption of the discriminating-duty principle. Even the three Democrats who signed the minority report suggesting discriminating duty have no enthusiasm for that solution.

With discriminating duties set aside, there was no recourse but in some form of subvention. The Commission has endeavored to frame a bill that will be fair to all interests and all sections. The keynote of the measure is the cargo ships, and an even subvention, based on the naval-reserve principle, of $5 per gross registered ton, steam or sail, is fair to all vessels. Differing from the Frye-Hanna bill, the present plan sets no premium on speed. It abandons the "greyhound" idea, and the highest requirement which it imposes on the ten mail routes is the moderate one of 16 knots. It is evident, on a survey of the provisions of the bill, that the Commission has paid heed to what it has heard during its tour of the West. The West has always held that if American shipping was subsidized the plan should be framed with a view of making new markets for American producers, so that the benefits of the policy would be shared by the whole country. The West has not cared for new lines to Europe, in which direction transportation is sufficient at the present time. Its desire has been for new lines to South America, the West Indies, South Africa, and Asia, and these are the only lines provided for in the Commission's bill.

There were objections to the Frye-Hanna bill from many who were in favor of encouragement to American shipping. The Commission's bill looks like an honest effort to meet the objectors to the earlier measure who are in favor of an earnest attempt to revise the American merchant marine.

THE MERCHANT MARINE BILL.

[Omaha, Nebr., Bee, December, 1905.]

There is every indication that the present Congress will earnestly consider the subject of building up an American merchant marine, and it is at least possible that there will be action looking to this. The joint commission appointed by the last Congress to inquire into the subject and submit its views to Congress has carried out the duty imposed upon it, and prepared a bill which will be submitted at the present session. This measure is one of the most comprehensive that have yet been framed for this purpose, and merits the careful consideration of Congress and the country.

The report submitted a few days ago by Senator GALLINGER states that the chief support which the shipping bill and the entire inquiry of the Merchant Marine Commission has received and are receiving has not come from shipowners or shipbuilders, or even from the people of the States adjacent to the ocean, but from the merchants and manufacturers interested in the export trade, and producers of the great interior. It is stated that manufacturers and merchants of the Western States who appeared before the Commission emphatically testified that they were baffled in their efforts to build up an export trade, especially to South America, by the arbitrary methods and irregular, inadequate service of the so-called "steamship companies" under foreign flags, which monopolize this ocean carrying. It is pointed out that many of these business men have themselves been to South America and have found that in order to visit or communicate with their foreign customers they had to go by way of Europe and its subsidized lines, thus crossing the Atlantic twice to reach their destination. In many instances, if the quickest delivery is desired, they have had to send their goods by the same circuitous way.

The report of the joint commission says: "Not only is an American ship itself the most efficient carrier of American commerce, but the officers of that ship, the American passengers who tread its deck, and particularly the American merchants who go out to represent the steamship company and to push its business, are inevitably pioneers and drummers of American trade in foreign lands." There can be no doubt in regard to this. Our South American trade is not increasing largely for the reason that our merchants and manufacturers are dependent upon foreign shipowners. In a late issue of Consular Reports several of the representatives of the United States in South American countries are quoted as saying that one of the essential conditions to the extension of our trade in that quarter of the world is the establishment of steamship lines to the southern ports. The United States minister to Chile says: "One of the greatest difficulties in the way of closer commercial connection between the United States and Chile is in the lack of good shipping facilities." American consuls at various places in South America make a similar report. There are other conditions necessary to secure trade, but transportation facilities is one of the most important. The question of creating a merchant marine for our foreign commerce will undoubtedly receive earnest attention in the present Congress, and there is probability of action on this very important subject.

SOMETHING MUST BE DONE.

[Lincoln, Nebr., Star, April 14, 1906.]

Interest in the ship-subsidy bill now in the hands of the House committee is getting warmer, and as the evidence comes in it would appear that this country is pressed hard against the wall both in the manufacture and running of ships, and that if this bill is not passed or some other relief accorded, we will entirely cease to build ships and to run them.

With all our natural products and skilled labor the yards are not able to keep going in competition with Europe, and with all our great and rapidly increasing trade with the world of Europe and Asia, other nations must be allowed to do the carrying and other flags be broken out to the breeze while ours is furled.

Yesterday the president of the Boston Steamship Company testified that unless the subsidy bill passed their five great steamships plying between the Pacific coast and Japan would have to go off that route, for his company is losing money in trying to compete with the subsidized British vessels and those Japanese subsidized ships.

The Boston company gets $12,000 per annum for carrying the mails, while the British have a subsidy of $291,000 and the Japanese, $230,000.

Mr. Loud, Congressman from California, stated that the Spreckels line between San Francisco and Australia was losing money and those ships were to be transferred to the Japanese unless the bill passed.

So much for the matter of running the ships, and the testimony is no less positive as to our losing the art of making ships.

Recently the veteran Edwin S. Cramps testified that while most of the material for shipbuilding could be bought almost as low here as abroad because such material came in free of duty, that the price of labor in this country was very much greater. And he further affirmed that the labor bill constituted two-thirds of the whole cost. He gave as an illustration the bids recently opened for a Standard Oil ship when the difference between the lowest American bid and the lowest foreign bid was more than $100,000, so the contract went abroad.

Another witness was Mr. Hanscom, of the great yards at New London, Conn. This company had constructed the two greatest ships ever built in this country, costing five millions each, now engaged between Puget Sound and China, but he testified that owing to the cost of labor the yards had to be idle for two years past. The same kind of evidence came from the great builder and operator, Mr. Sewall, of Bath, who said that for several years they had been building no ships and did not expect to get any contracts unless this bill passed.

The country is not more interested in war ships than merchantmen, indeed far less. While we are spending additional millions for the Navy, something will have to be done if we are to have any commerce for the Navy to protect.

A SELF-DEFENSE MEASURE.

[San Francisco, Cal., Call, January 20, 1906.]

Ambitious for mercantile expansion though America certainly is, the practical method of realizing the ambition has been neglected so long that the speech delivered by Chairman GALLINGER, of the Merchant Marine Commission, urging upon Congress the adoption of the shipping subsidy bill was much needed to awake the country from sleeping on its rights in regard to foreign commerce. The decades go by and our merchant marine continues to decay to an extent which proves some stimulus is necessary if that branch of our national greatness is to keep pace with the general progress. To let that element of the general progress flag will be not merely to lose the direct wealth of the carrying trade and the shipbuilding industry, but the partial paralysis of that will retard our whole career.

It is clear we can not hope to see vivified this part of national welfare without some activity of national care and well-planned method. Laissez-faire has been fully tested and found wanting. The method which the Merchant Marine Commission has been studying for a whole year is the remedy approved by the most competent judges, and Congress should enact it into law and so rescue what may metaphorically and almost literally be called our sinking ships.

The Commission's plan is not, as has been some time imagined, one of mere gratuity by means of subventions. A substantial return of value received will be required of the recipients of governmental assistance. The gain to the nation of 10,000 well-trained naval volunteers, of 300,000 of steel mail steamships, the fast transports, ammunition, supply and auxiliary ships, would be so invaluable in the event of war and, what is more, so inestimably of worth in preventing war by our evident preparedness to make the opposer beware of us, that it is absurd to haggle or hesitate about the price we pay for these benefits of subvention. Then the great increase of our trade—the Commission estimates it at 50 to 100 per cent—would aid all industry and scatter a profit among the whole people, and return so much indirect enrichment of the Government that the figures of it could not be calculated, though common sense declares them to be large.

Moreover, it is imperative as a self-defense measure, for all the other great nations are upbuilding their shipping interests by subsidy, and we must keep in line or be left helpless in either military or commercial wars.

THE FLAG ON THE SEAS.

[St. Louis, Mo., Globe-Democrat, February 15, 1906.]

The starry flag which five or six decades ago was almost as familiar to the maritime world as is the starry firmament has vanished from the sight of men outside this country. It is a stranger in our great seaports. A few ocean-going vessels fly it, but for every one ship in the harbors of New York, Boston, Philadelphia, and the rest of the big ports which has the Stars and Stripes at its masthead there are dozens bearing the British, German, and other foreign ensigns. This is a rather humiliating state of things for us. We pay hundreds of millions of dollars every year to foreign shipowners, which should go into the pockets of American citizens. Many persons in this country would like once more to see the flag range as free as the winds and the tides across the world's waters. Those persons believe that the enactment of the Senate's shipping bill would bring back that spectacle.

OUR MERCHANT MARINE.

[Cincinnati, Ohio, Enquirer, January 14, 1906.]

However widely opinion may differ as to the cause and remedy, everyone agrees that the condition of our merchant marine is deplorable, and a reproach to the great commercial nation which leads the world in the extent of its coast line and the volume of its foreign trade. Standing at the head in these respects we are so low down on the list of countries whose flag is seen in the marts of the world as to hardly make it worth counting. The great trading ports swarm with ships of almost every nationality but ours. Since the civil war a generation has grown up which does not fully realize the cause of this. Up to that time we had no competitor as carriers save Great Britain, and the sails of our unrivaled clippers whitened every sea. Taking advantage of the civil war, England fitted out a fleet of fast cruisers, transferred them to the Confederate States, and drove us off the ocean, substituting her own ships for ours on every route of trade. From that blow we have never recovered, and never can without some kind of legislation. Our registered foreign tonnage in 1810 was 100,000 greater than it is now. * * *

Our one great national failure is in the ocean carrying trade. The Merchant Marine Commission has, after careful study, recommended a scheme providing for mail subvention, which will involve an expenditure of $40,000,000 in the next ten years, and will, it is believed, give us back our place on the high seas. Three times that will be spent on irrigation in that period, and we hope Congress will consider the plan carefully before turning it down on fine-spun economic or political theories.

TRADE FOLLOWS THE FLAG.

[Denver, Colo., Republican, February 16, 1906.]

The passage by the Senate of the ship-subsidy bill forecasts its probable passage by the House. It is in line with the policy approved by some of the most experienced men interested in our foreign shipping who have given the subject attention, and since it also is in harmony with the principle of protection to home industries, there is every reason to believe that it will both become a law and result in great good.

The fact that the American people pay $200,000,000 every year to foreign shipowners and ship companies for the transportation of our foreign commerce demands the enactment of a law like the one contemplated in this bill. The appropriations in aid of steamship lines aggregate only $3,000,000, which must be contrasted with the $200,000,000 now paid to foreign shipowners, if we would form an idea of the value of the new policy to this country.

Trade follows the flag, and if we would extend our exports to new markets or enlarge our trade in those already open to our products, we must increase the facilities for transportation. So long as American manufactures have to be conveyed under a foreign flag, they will compete at a disadvantage with commodities of the same class produced in other countries.

AMERICA MUST KEEP PACE.

[St. Louis, Mo., Gazette, February 18, 1906.]

The time has come when the American merchant marine must be strengthened and enlarged, if this country is to keep pace with the other great nations of the world in the extension and expansion of trade in other lands. Last week the United States Senate passed a bill providing for substantial encouragement and support for the American merchant marine, and if the lower House of Congress is alive to its duty it will ratify the action of the Senate and pass the measure on to President Roosevelt, whose attitude of friendliness toward it is both well and widely understood.

Usually abreast of the other great trade and industrial nations in everything of a progressive character, the United States has been most stupidly negligent in the strengthening and upbuilding of its fleets of commerce. Both England and Germany have been able to establish and maintain profitable trade relations in territory naturally tributary to the United States, for no reason than that they have fostered their merchant marine, while our own nation has persisted in a policy of stolid indifference to this, the one indispensable means for the successful carrying on of commerce with the countries over the seas.

FOR AMERICAN SHIPS.

[Omaha, Nebr., Bee, January 15, 1906.]

It appears probable that at the present session of Congress there will be action on the bill now before the Senate providing for an American merchant marine in the ocean carrying trade. It said that the indications are favorable to the passage of this measure, which is understood to have the approval of President Roosevelt and of the Republican leaders in both branches of Congress. The bill accords with the report of the Merchant Marine Commission. * * *

The adoption of the policy contemplated in the measure before the Senate would give a tremendous stimulus to American shipbuilding, and this would be felt in numerous other industries. There can be no doubt that if given such encouragement as the pending bill provides for, the shipbuilding industry of the United States would within ten years equal and perhaps surpass that of Great Britain, giving employment to a vast army of well-paid labor. Undoubtedly public sentiment is more favorable to the promotion of an American merchant marine than it has been before since our shipping was driven from the seas.

A MATTER OF BUSINESS.

[Davenport, Iowa, Times, February 10, 1906.]

One of the most important bills that will come up in Congress this year is the shipping bill. A disposition seems to be manifested to avoid as much as possible calling it a "ship subsidy bill." The subsidy idea has some opponents. But that the American flag ought to be placed upon more merchant vessels on the seas is admitted by all those who have traveled very much, for they have been compelled to blush at the great ports of the world to see the flags of every other nation upon the shipping in the harbors, while the Stars and Stripes could be found only over the door of some back-street consulate. Of course, the American war ships make other nations familiar with the American flag, but not to the extent that merchant shipping would do it. It is not a matter of sentiment so much as a matter of business that makes the shipping bill appeal to those who have been globe trotters.

WHERE DO YOU STAND?

[Winona, Minn., Republican, February 17, 1906.]

To remedy this unfortunate state of affairs—which is a national shame—the Senate has passed a shipping bill, and it now goes to the House for consideration. If the bill passes the House in its present shape, about $8,000,000 is placed at the disposal of the Government the first year, a small sum, but experts believe it will be the foundation for a shipping which will again carry the flag through all the world's seas. France yesterday adopted a similar measure, and Germany and England, the great commercial rivals, are both aiding by subsidies their merchant marine. The question now is, Will the United States pursue the same broad national policy, or will it continue to have even American mails carried on foreign ships? Where do you stand?

WHOLE COUNTRY TO BENEFIT.

[State Capitol, Guthrie, Okla., February 17, 1906.]

The passage of the ship-subsidy bill by the Senate should be a source of gratification to the people of Oklahoma and the interior States, as well as those along the seaboard. Senators from the Middle West in some instances opposed the bill on the ground that it was legislation for special interests, but this view may well be regarded as a mistaken one. The shipping companies will, of course, benefit more directly and the good effects upon their prosperity may be more easily seen, but the beneficial results upon the whole country is just as certain.

The United States is the greatest consuming and producing nation of the world. It has been for years a matter of regret and a cause for humiliation that our great foreign commerce has been carried in foreign bottoms, but in the depleted state of American shipping there has also been a national danger. Should this country be drawn into a war, it would be necessary to enter foreign markets to secure suitable ships for transport service and fast ocean liners that might be converted into war vessels. To secure sailors to man these auxiliary cruisers would be another serious problem.

For patriotic reasons, then, a subsidy that would provide the proper stimulant to create anew the old interest and pride in American shipping is a vital need.

Yet there are industrial reasons also. Oklahoma farmers produce wheat and meats for export. Oklahoma mills make flour for European ports. As it is with Oklahoma, so it is with many of the States. The prosperity of our shipping will bring about a better condition in our foreign trade. Those interests and those sections of the country that engage directly or indirectly in the export business will benefit by the subsidy bill. The want of American bottoms has been largely responsible for our failure to secure the greater part of the South American trade, as is our natural right.

The passage of the subsidy bill, the activity of Secretary Root in trying to get his Department on a basis where it can open up new foreign markets, and the investigations with a view of assisting exporters, carried on by the Department of Agriculture, are things that will entail improved conditions throughout the whole country. Primarily the ship-subsidy measure is not class legislation in any sense of the word. The bill is a patriotic one, but also has good sound business reasons for its being.

EVERY OTHER PLAN HAS FAILED.

[Dayton, Ohio, Journal, February 16, 1906.]

The Senate is to be congratulated on having passed the ship-subsidy bill in spite of all the irrational clamor which has resounded over the word "subsidy.' This word is not necessarily bad; it is bad only when it is applied to a grant for an unjust purpose or when it is misdirected. When the purpose is proper and the aid is correctly and honestly given where it is due the word is without any sinister meaning.

Every other plan for restoring the American merchant marine has been tried. The United States has had practical free trade invariably coupled with disaster. Its people have bought foreign ships without finding that the American flag means commercial prosperity. It has used the trading ships of other nations, and it knows that the profit has gone anywhere except into the pockets of its own people. * * *

Subsidies have hitherto been tried for the American marine only in a partial and half-hearted way. But the thing works with other nations. It keeps the Cunarders prosperous for Great Britain and it keeps Hamburg and Bremen busy in Germany. It has kept an American line on the Pacific in spite of all discouragements, and it is helping to make Japan the mistress of oriental trade.

PROTECT THE SHIP.

[Toledo, Ohio, Blade, February 15, 1906.]

The bill extending the principle of protection to the American merchant marine was yesterday passed by the Senate, and the hope of the late Senator Hanna and his coworkers is nearer realization than ever before. Under the provisions of the bill subventions are granted to 13 new contract mail lines and a naval reserve force of 10,000 men is created. * * *

The object of the present bill is to encourage Americans to invest in the ocean carrying trade by meeting English competition. Only by subventions can this result be attained. By offering inducements there is no reason why a very considerable part of our mammoth commerce would not be carried in American bottoms, built by American workingmen, and manned by American sailors. These merchant ships will likewise increase the efficiency of our national defense, and the provision for supporting a naval reserve has this object especially in view.

Friends of the measure should not relax their efforts because the Senate has acted favorably upon it. The disposition of the House is uncertain. There is a strong opposition to it and its enemies are ever alert. But all Americans who believe in the principle of protection, every workingman who appreciates the advantages which the creation of a great industry brings to him, should give the bill active support. President Roosevelt has encouraged the measure because he sees in its application added glory to the country.

GIVE US AMERICAN SHIPS.

[From the Louisville, Ky., Herald.]

Emphatically opposed to a shipping trust, the Herald is, nevertheless, in favor of some scheme or system whereby American trade may be transported in American bottoms on every sea and to every port in the world. We oppose Government ownership of railways. We could not view with approval governmental acquisition of shipping lines. But as American trade at home is built up by the tariff, which prevents foreign competition with home-made goods of as good or better quality, there can be no violation of sound economics in building up, by some constructive legislation, an effective system of American shipping. President Roosevelt sums up this phase of the case of American against foreign industry very succintly: "From every standpoint it is unwise for the United States to continue to rely upon the ships of competing nations for the distribution of our goods. It should be made advantageous to carry American goods in American-built ships."

As wise would it be to let in foreign-made goods at a low duty or free of duty to drive our own products off the American market. "I am satisfied," said President McKinley, "the judgment of the country favors the policy of aid to our merchant marine, which will broaden our commerce and markets and upbuild our sea-carrying capacity for the products of agriculture and manufacturing."

"Our great competitors have established and maintained their lines by Government subsidies until they have now practically excluded us from participation. In my opinion no choice is left to us," said President Harrison, "but to pursue, moderately at least, the same lines." Demonstrated it has been that 75 per cent of the shipyards are now idle, and that the only sea-going ships that are being constructed in the others are the men-of-war ordered by the Government. American shipbuilders can not compete with the shipbuilders of, say, Glasgow and Belfast, and pay American wages. American statesmanship ought surely to be equal to the task of putting the shipbuilders of America on at least even footing with those of foreign countries. The American ship should, indeed, have protection as substantial as that of the American factory or the American farm, whose worth it will multiply and whose products it will increase at a rate incalculable.

THE VOICE OF THE MIDDLE WEST.

[From the Des Moines, Iowa, Capital, April 11, 1906.]

The Senate of the United States has approved the very modest ship-subsidy bill, presented by Senator Gallinger, calling for an average outlay of $4,000,000 a year for ten years by which to build up our insignificant merchant marine. The bill is now in the House, and as usual the prejudice against the term "subsidy" is expected to prevent its passage.

Those Republican newspapers which oppose the ratification of this measure by the House, declaring it to be a species of graft, are either willfully misrepresenting its character or are totally ignorant of its provisions. The Capital has heretofore set out the provisions by which it is safeguarded and the splendid and patriotic results which it promises to attain. It is an American measure, designed to promote American commerce and the welfare of all classes of our people, and its real merits can not be obscured by epithet. Dismayed by the rapid disintegration of our merchant marine, brought about by hopeless competition with the highly subsidized lines of foreign rivals, American Presidents have repeatedly urged remedial action for its restoration to the ocean. Harrison, McKinley, Roosevelt, all have pointed out the humiliating condition in which this country finds itself by virtue of the loss of its once numerous mercantile fleet, and have urged speedy action by Congress. In order to once again resume our rightful position among the maritime nations only one course is open. We must give American shipbuilders the protection which the increased cost of manufacture, the higher scale of wages, and the superior standard of living on the part of American seamen make necessary to insure successful competition with foreign lines.

The bill before the House is a sound, just, and moderate measure, calling for an appropriation of very modest proportions. The great object which it is designed to secure should not be defeated by prejudice or a desire to play to the galleries. It should be considered and voted upon on its merits, and if that is done its passage is assured.

BUILD MERCHANT MARINE OR STARVE, SAYS SHAW—MORE MARKETS FOR MANUFACTURED PRODUCTS NECESSARY—SECRETARY OF TREASURY TELLS UTICA CHAMBER OF COMMERCE OPENING OF CANAL WILL GIVE AMERICA SUPREMACY OF SEAS IF SHE WILL BUILD UP MARINE.

[From the New York Commercial, April 17, 1906.]

UTICA, N. Y., *April 16, 1906.*

Leslie M. Shaw, Secretary of the Treasury, was the principal speaker at the annual dinner of the chamber of commerce here to-night. His subject, "Commercial Expansion of the Nation," he discussed at considerable length, saying, among other things:

"The United States has recently embarked upon its broadest policy as regards the commerce of the country. We have paid $50,000,000 for the privilege of digging a ditch, and propose to pay $200,000,000 or $500,000,000, if necessary, to construct the ditch; then other millions to maintain the ditch, and no end of millions, if necessary, to defend the ditch.

"When all this is done we are under contract to grant its use to all the world on the same terms as to our own people. This expenditure is in the aid of commerce. The construction of the canal will change the line of equal distance from the eastern to the western shore of the Pacific and make possible American control of the commerce of the Pacific.

"The United States has fostered every commercial enterprise, protected every industry, except international shipping. Forty years ago we had only one-fourth as many tons of international freight to carry as we have now, but we carried in our own ships three times as many tons as we carry now. Every fostered enterprise has prospered, but our merchant marine is a thing of the past.

"The international trade of the world amounts to $10,000,000,000 a year, one-seventh of which originates with us and one-ninth finds its way to our ports for ultimate consumption.

"Marvelous and inconceivable as these figures appear, our domestic commerce is two and one-half times as large. The fact that we export more than any other people is very gratifying, but it is dependent in very slight degree upon our skill and foresight as international merchants. The world has six months' supply of food in advance. If harvest should cease to follow seed time for six months the world would starve.

"It requires no international merchants to sell our food to a hungry world when there is no other source of supply, but I warn you members of the Utica Chamber of Commerce that we are approaching a crisis. We as a nation must have more markets for manufactured products, or labor will walk our streets looking for work, and failing to find it will beg bread. Germany is a great manufacturing country. She possesses great skill, great energy, and her people are the best international merchants in the world.

"We turn out finished products equal to those of any other three countries, but this will not continue always, unless we improve our merchant marine and send out our ships as a nation befitting our strength and importance. We occupy the best position on the map; our farms produce more than the farms of any other country; our mines yield gold literally by the carload and silver by the trainload.

"With a suitable merchant marine American enterprise will be given its proportionate share of the carrying trade of the world, and our nation will become the actual, as she is the natural, mistress of the largest of all seas and her financial centers will be the clearing houses for a moiety of the commerce of the world."

TIME FOR ACTION NOW.

Are all the utterances of the President, of great Senators, of party platforms, of industrial organizations, and of newspapers, without regard to party, are these all hypocritical utterances? Do they mean nothing? Were all these things said for the purpose of securing votes? Were all these things said and done for the purpose of temporary party aggrandizement? Were Harrison and McKinley, and is Roosevelt, hypocrites? The party has used these appeals, these utterances, these declarations, to win victories and they have won victories and have sustained no loss. And yet we have people who say: "Oh, I am in favor of building up the American Navy. All that you say about the necessity of it is true; that is all right, but I am afraid I won't be reelected." There is a labor organization that somebody is manipulating; there is a newspaper that sneers at subsidies, although it enjoys every day that it mails its edition a subsidy more direct than any other subsidy in the United States from the bounty of the Government. These petty considerations block the way apparently. We are giving to the scheme of irrigation twice as much money per annum as this bill would cost the Government during its lifetime. We give to the experimental stations of the States in this Congress more money at the present time, and in the future provided for, than would carry this bill through five times over. The improvement of the harbor of Galveston by the United States Government, the improvement of Sabine Pass and Harbor, have caused the appropriation by the United States of half enough money to carry this bill to a triumphant conclusion. And that is not the worst phase of this position. Everybody says that we ought to have ships, that we ought to have commerce, that we ought to control our own carrying trade, that we ought to have our own commercial travelers in the form of ships; they are keen for it, anxious for it, devoted to the idea. They admit the absence of our flag from the seas, they admit the ruin of our industry in the building of ships, they admit everything, but they make no proposition looking to a remedy. In all this long struggle in Congress there has been no bill introduced that for one moment could be considered as a possible suggestion of an alternative remedy. It is the old cry of opposition.

On the 22d of February last, Mr. Chairman, the distinguished gentleman from Kentucky [Mr. GILBERT] made a speech in which he compiled and presented with a great deal of force and in great detail the objections that are made to the bill now pending before Congress. I said at the time without intending the slightest reflection upon the gentleman, for whom I have the highest respect, that I had never known so much misinformation to be compiled and transmitted in good English in an hour's time in all my life, and I intimated that at some future time I would try to make that apparent. I am here to-day, Mr. Chairman, to make good, or to attempt to make good, my statement, and I want the gentleman who has done me the honor to come and sit down here where he can hear all that I say, to understand now that I do not complain of him and I make no personal assault upon him. He has been misguided and misled exactly as the American people are being misguided and misled at this time.

NAVY AND MERCHANT MARINE.

But before I proceed to that branch of my argument, I want to refer to the fact that I would not dare to stand here, Mr. Chairman, and tell the people of the country, and the people of other countries who might read what I may say, all that I believe to be true in regard to the American Navy. It is enough for me to say that the building of an enormous navy, which I

am in favor of; the continuation of great battle ships, which I shall vote for if I have the opportunity, in the absence of the legislation we seek here by this bill, is simply preparing greater and greater disaster to the American flag and the American Navy.

What was the great distinction between the Russian navy with its grandeur in battle ships, its magnificent guns, its tremendous number of men, and the Japanese navy that subdued and conquered and destroyed the Russian navy? What was the great distinction? After all in the analysis carried to its utmost what do you find is the real reason of the disaster to Russia and the triumph to Japan? I answer and the record answers, the training and preparation in the merchant marine of Japan of the men who manned the ships of Togo and subdued the Russian navy. It is the distinction between the fitted man and the man without training; the man who understands his business and the man who does not, and without elaborating I have this to say, and I challenge contradiction, there is no great navy and there never was a great naval power on the world's face that was worthy of consideration that did not have a merchant marine behind it.

Go to the remotest history, the remotest period of time, when the Roman galley was driven in war by the oar projected from its sides, and coming down to the latest development, and the nation that has a great, well-organized, and well-equipped merchant marine has triumphed and the nation without one has always been subdued. You may talk, Mr. Chairman, and other men may talk, about the improvising of a Navy in time of war. We know something about that, and it would be unpatriotic for me to say all that I might say. No nation in the world is building better ships than we are. No nation in the world is preparing the docks and the navy-yards and all the physical force requisite to a great Navy more industriously and more lavishly than we are, and no nation has the raw material of men better for the purposes of a great navy than we have, but no nation of any importance on the face of the earth is weaker in the personnel of the men who are to man new ships in time of war.

We have some magnificent men, and we can fit some of these vessels out, and we have as capable officers as any country in the world; how many, we will not say. But another thing—and I leave this to be elaborated more fully by those who see fit to consider the topic as important—during our recent war with a most inferior nation, a nation which we knew was inferior when we went to war, a nation that turned out to be vastly more inferior when we got at her strength, how much money do you suppose we paid out for ships and how much money do you think we got back again when we sold those ships, and how many of them were fitted for the purposes for which they were purchased? Now, we hear on gala occasions eloquent speeches about what we will do in case of a war with some great nation. We do not want a war with any nation. If we believe that we would never have a war with any great nation, we would not build a Navy at all; so when you have consented to build a Navy and to keep it going you have consented to the force of the argument which I will make now in favor of a merchant marine.

WHAT OF OUR COMMERCE?

Suppose we had a war to-day, or suppose we had no war to-day, but that England and France had, or that France and Germany had, or that Germany and England had; or suppose even the minor nations of Europe had war with each other; what would become of the commerce of the United States? Ninety per cent of it is being carried in foreign ships, not alone in English ships, not alone in French ships, but in German and Italian and directly in Japanese as well as in Norwegian, Swedish, and Danish. Suppose any of these nations now were involved in war, what would become of our commerce? If we had ships of our own, we could carry our commerce under our own flag and defy the nations that were at war to interfere with us. How long would it be, Mr. Chairman, until these contending forces would enforce the laws of war and seize the merchant ships that were carrying our commerce and drive that enormous commerce that we are so proud of off of the face of the seas? So no great commercial nation can maintain her supremacy in commerce if she does not carry her commerce under her own flag and protect it by her own power and in her own ships.

That is my proposition, and I shall not elaborate it at this time. Mr. Chairman, I propose to refer to the speech of the gentleman from Kentucky [Mr. GILBERT], and to refer to it as best I may. It will appear, I am satisfied, that the gentleman from Kentucky has been misled by two classes of information; first, biased and prejudiced testimony coming from foreign countries and unsupported by the facts within our own knowledge, and, second, by a condition that has grown up here, a political cry, a campaign cry, that has gone up in the past ten years throughout this country, aiming at the provisions of any subsidy bill for reasons which I do not care now to suggest.

Provincial statesmanship! Statesmen and newspaper writers who never see above the horizon of their own local interests have been the bane of intelligent consideration of this mighty question. We must have statesmanship that can comprehend the continent, that can appreciate the whole country, not only its productive power, but its relation to commerce abroad.

OUR SHIPS AND ENGLAND'S COMPARED.

The gentleman from Kentucky said:

Now, my first proposition is that we have more ships in the merchant marine than any other country in the world, not excepting England. The last report of the Commissioner of Navigation shows that on June 30, 1905, the United States had 24,681 vessels and the United Kingdom—the British Empire, including her colonies and all—had only 20,452.

Mr. GILBERT of Kentucky. Not excepting England.

Mr. GROSVENOR. England. I am glad to see the gentleman has a recollection of the exact language used, and he will appreciate my care in giving it to him.

Now, what do you think these 24,681 ships were made up of? These 24,681 vessels include the coast craft, large and small, on Atlantic and Pacific; the vessels of the Great Lakes; even the fishing smacks of Porto Rico and Hawaii, and the stern-wheel steamboats of our western rivers. They include also the canal boats and barges in use on our small and large streams all over the country, and, I suppose, even the flatboats that drift on the Ohio and Mississippi. But out of this magnificent fleet of 24,681 vessels only 1,372, large and small, are registered for foreign trade, and only about one-half of these are regularly and seriously engaged in it.

Mr. GILBERT of Kentucky. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Kentucky?

Mr. GROSVENOR. Certainly.

Mr. GILBERT of Kentucky. I wish to ask the gentleman from Ohio whether or not the aggregate of vessels represented there as being owned by the British Empire does not include a vast number of small vessels in and around Australia and in the coastwise trade of England and up and down the rivers of Canada, including the St. Lawrence and the Thames and other rivers of that Empire?

Mr. GROSVENOR. I will say to the gentleman that I will be prepared to answer it in due course of my procedure, and inasmuch as my speech at this point is, unfortunately for me, written, I will have to wait until I get to that point of my speech.

THE REAL FACTS.

Answering more fully the question of the gentleman from Kentucky, I submit a semiofficial statement, which, after full investigation, I find to give in fewer words and with more distinctness than anything I could give an answer to the gentleman, and all inquirers may rely upon it that this statement is absolutely true. The writer has carefully read Mr. GILBERT's speech, and, having access to the records, furnishes undeniable proof of the exact condition of the situation:

I have your personal letter of the 15th instant. On June 30, 1905, the latest date of our returns, the number of American vessels engaged in the foreign trade was 1,372; gross tonnage, 954,513, including the few whaling vessels still left. The number of vessels engaged in the domestic trade was 23,309, of 5,502,030 gross tons (see Report of Commissioner of Navigation, pp. 274–275). The British Board of Trade's report for 1904 (fiscal year ended April 1, 1905) shows 4,756 vessels of the United Kingdom, of 9,160,021 net tons, engaged exclusively in the foreign trade. Exclusively engaged in the domestic trade of the United Kingdom, 9,443 vessels, of 886,878 net tons. Engaged partly in the domestic and partly in the foreign trade, 280 vessels, of 250,523 net tons. This particular table for some reason chances to be expressed in net tons, while most maritime returns are expressed in gross tons. To make this comparison exact with our own figures, you should add at least one-third to the British tonnage. The number of vessels respectively, of course, would remain unchanged.

The statements being published are so wide of the mark of recognized maritime facts that it is very difficult to reply to them. Thus, at page 3087, left-hand column, he says there are 24,681 American vessels and only 20,452 British vessels. We include under the law in our figures vessels as small as 5 net tons (500 cubic feet), while the British minimum is 15 tons. Of the American vessels, 9,183 are under 20 net tons, and most of these, of course, would not be considered worth counting in British official returns.

Again, at page 3089, right-hand column, Mr. GILBERT refers to freight rates quoted in my report as showing that the coasting-trade rates are the highest in the world. The rates quoted are found at page 14 of my report for 1905, and deal with foreign trade freight rates between Liverpool and New York. They have not the slightest relationship to coasting-trade rates.

Again, at the top of page 3092, left-hand column, Mr. GILBERT refers to the ships in which J. P. Morgan & Co. bought a large interest some years ago as though they were American vessels. Of course such is not the fact. If Mr. GILBERT had turned to the navigation laws (sec. 4132 R. S.), he would have observed that the first qualification of a vessel of the United States is that it shall be built in the United States. Of course Morgan & Co. and other Americans share

in the profits or losses of these ships just as they do in the profits or losses of British, continental, or Chinese railroads, etc., if they chance to be investors in such.

At page 3097, left-hand column, Mr. GILBERT speaks of the Southern Pacific Railway as operating seventeen ships in the foreign trade. These ships, with possibly two or three exceptions which run from New Orleans to Cuba, are all in the coasting trade. Indeed, this line is one of the best-known coastwise lines in the country, and how Mr. GILBERT could have made such a mistake I can not understand. He also speaks of the Central Railroad Company of New Jersey as owning twenty-four ships. Now, these vessels are either ferryboats, by which the Jersey terminus of the road is connected with New York, or else barges for the transportation of freight from the Jersey terminus to New York. What possible bearing this ownership has on subsidies or foreign trade or, indeed, anything else but practically municipal and passenger traffic passes my comprehension.

In the last paragraph of his speech Mr. GILBERT states that many American shipowners are engaged in the nefarious business of importing undesirable immigrants. If you will turn to Secretary Metcalf's last report, page 43, you will find a list of 167 regular line steamers coming into New York from Europe, most of which are engaged in the immigrant business. Of these 167, only six are American (four American Line and two Red Star Line). The American Line steamers, as a rule, as you know, do a cabin-passenger business rather than an immigrant business, and the same is true of some of the faster British and German steamers. Most of these 167 steamers, however, do the bulk of the immigrant business at New York. If there is anything nefarious in the business, if the owners of such steamers are engaged in ransacking prisons, slums, etc., abroad to gather up criminals, paupers, and anarchists, they are foreign shipowners.

COASTWISE SHIPPING PROSPEROUS.

There is no complaint from the shipowners of the coast, lake, and river trade of the United States. They are reasonably prosperous.

I merely say now, however, that not one dollar of subsidy proposed in this bill goes to any one of that class of ships.

They have absolute protection from their government against the cheap wages and subsidies of foreign nations, for no foreign craft can carry a single passenger or a ton of merchandise from one American port to another, and none has been able to do this for a hundred years. The immense growth, the prosperity of our domestic shipping, in sharp contrast with the decay and almost disappearance of our foreign-going shipping, is a magnificent tribute to the protective system.

As against our 1,372 vessels, of 954,513 tons, registered for foreign trade, and half of them actually engaged in it, the United Kingdom—the British Empire—as stated on page 169 of the report of the Commissioner of Navigation, has 37,055 vessels, of 12,156,101 net tons.

Mr. GILBERT of Kentucky. You mean gross tons?

Mr. GROSVENOR. So that I have replied to the gentleman's suggestions. Out of 12,156,101 net tons—it is net tons—only 866,878 tons, less than one-thirteenth of the total tonnage, is engaged in the home trade of the United Kingdom; 251,523 tons is partly in the home and partly in the foreign trade, and 9,160,021 tons is in the foreign trade exclusively.

These British vessels carry not only about 80 per cent of the trade between the colonies and the mother country, but upward of 60 per cent of the imports and exports of the United States, as against from 10 to 12 per cent conveyed in our own vessels. And yet the gentleman from Kentucky proclaims that the "United States of America has the largest and most profitable merchant marine of any country on the globe, with the single exception of the United Kingdom."

Nearly a hundred years ago, in 1810, the United States had 981,000 tons of American shipping registered for foreign trade, or actually more than it has at the present time, and instead of carrying 10 or 12 per cent of its own imports in its own vessels, carried in 1810 91 per cent beneath its own flag.

Let me call the attention of gentlemen, you who are proud of the progress of our country, and who go back a hundred years, sometimes fifty, sometimes twenty-five, and sometimes ten, and present figures of our magnificent growth—and yet in this very matter, while we have grown greater and, as we sometimes term it, have grown to be a "world power" from an insignificant government that begged mercy of England a hundred years ago—we have not increased one ton of our merchant-marine tonnage during that hundred years.

Mr. GILBERT of Kentucky. I want to ask the gentleman if he does not minimize our coastwise trade and magnify our foreign trade? Now, is it not true that there is twice as much freight carried through Sault Ste. Marie as there is through the Suez Canal?

Mr. GROSVENOR. No doubt about that.

Mr. GILBERT of Kentucky. Are not our ships busy carrying coastwise traffic, and better employed than in the foreign trade?

Mr. GROSVENOR. And all that, Mr. Chairman, argues conclusively in favor of the American system of protection to our own ships. We have built up this magnificent coastwise trade not by subsidy, but by that which is far better than subsidy—by forbidding the introduction into that trade of every foreign nation in the world. That is where the profit to our shipping has come from, and that is the meaning and that is the significance of our commerce along the long chain of Great Lakes to which I have referred.

THE MATTER OF OCEAN RATES.

The gentleman from Kentucky said:

Now we are confronted with a proposition, headed by the distinguished gentleman from Ohio, that we are to increase the rates of the shipping industry because they are too low; or——

Mr. GILBERT of Kentucky. I beg the gentleman's pardon; he does not read that correctly. Inadvertently, he has omitted what I said. Now, I said that the proposition is to increase the freight rate.

Mr. GROSVENOR. Perhaps I had better read the whole paragraph. It is an exact copy from your speech.

Mr. GILBERT of Kentucky. Read the whole paragraph and you will find I inveighed against increasing the freight rate.

Mr. GROSVENOR. Certainly.

Mr. GILBERT of Kentucky. Which is the same thing as taxing the American people, those who are paying the present rate.

Mr. GROSVENOR. That is what I am coming to in a moment. I suggest to the gentleman that when I endeavor to read a portion of one of his paragraphs, which I assure him has been correctly copied from his speech, that he wait until I get through. Then if he wants to put in a plea of not guilty, I will be glad to give him an opportunity to do so, and I think he will want to make several of them before I get through.

Continuing, the gentleman from Kentucky said:

What is the same thing, we are to tax the American people over $60,000,000 in order that American ships may continue to carry the traffic across the sea at the same rate at which it is being carried now without the subsidy.

Mr. GILBERT of Kentucky. Freight rates.

Mr. GROSVENOR. Rates.

Mr. GILBERT of Kentucky. Freight rates.

Mr. GROSVENOR. I will agree that the gentleman meant freight rates, because there is not much about passenger rates.

What is the same thing, we are to tax the American people over $60,000,000 in order that American ships may continue to carry the traffic across the sea at the same rate at which it is being carried now without the subsidy.

There is no pretext of any effort to reduce the freight rates across the sea; there is no promise that the rate from the farm or the factory to the seaboard shall be decreased; but the proposition is that our freight rates across the sea are so low and that our commerce has been carried to foreign markets at such a low price that we must increase the price, we must tax ourselves $60,000,000 or $70,000,000 in order that the American shipowner and the American shipmaster may continue to prosecute their trade at the present rate.

My first proposition is an oral one, that I have not written. There is not a single suggestion anywhere that I have heard coming either in the form of the bill itself, or the report from the Merchant Marine Commission, or the Senate committee, that freight rates are too low. I have no doubt that it may be possible to get up a furor if somebody would go at it in a scientific manner, and were I disposed I could in ten minutes show them exactly how to do it, and get every shipper in the world to show that he has been robbed by high freight rates across the sea.

There is nothing easier than convincing a man that somebody has injured him. No task is easier of accomplishment than the task of making most men feel aggrieved by conditions that they had believed before were in their interest and favor. Cry out "bad freight rates," and although all the world stands astonished at the cheapness of American freights, the shipper will soon come to believe that he is greatly oppressed and outraged. Cry out "cheaper ocean freights," and in a very short time our coastwise merchants and farmers engaged in coastwise shipments can be taught that they are trampled upon and outraged by the very system of freights we have understood to be liberal and generous.

BETTER RATES, BETTER SERVICE.

The gentleman will not find anywhere a single word or complaint from the reports of the Merchant Marine Commission or the utterances of its members or of any advocate of protection for the merchant marine that ocean freight rates are too low or any suggestion of an increase in price. What he will find is not a "pretext," but an assertion again and again that the final operation of the bill of the Merchant Marine Commission will be to reduce freight rates and to improve facilities for the transportation of the products of our farms and factories to the markets of the world. The report of the Merchant Marine Commission, embodied in a report upon this bill of February 1, 1905, from the Committee on Merchant Marine and Fisheries, says:

A QUESTION OF MORE TRADE.

Thoughtful men throughout the entire country have now come to see that the question is not merely one of building ships or manning ships, important though that may be to large seaboard communities.

Nor is the question, further, one solely of the national defense, though that of itself would abundantly justify Congressional action. A third imperative motive for the creation of an adequate merchant marine is the need of new and wider markets. Without these, there is such a thing as smothering at home in our own prosperity.

There is one sure way in which these new and wider markets can be gained. Our own people—merchants, manufacturers, bankers, shipowners, working heartily together—must go and get them. We can not depend upon the foreigners for this—not on the foreign shipowner more than on the foreign manufacturer or merchant. When the market is once opened, the foreign ship may take our goods for a consideration, which in the long run is sure to be higher than the price granted to the foreign manufacturer.

NO MERCHANT WOULD DO THIS.

There is not a department store in Omaha or Waco which would dream of intrusting to a rival department store across the street the delivery of its own goods to its own customers. The heads of the two establishments might be tolerably good friends, but merchant No. 1 would instinctively assume that, human nature being as it is, merchant No. 2 would keep his good horses and sound wagons for his own use, and quietly run in his spavined steeds and worn-out vehicles to convey the goods of his competitor. And pretty soon merchant No. 1 would expect to have complaints of short weight or damaged articles or perhaps that the purchases were missing altogether. And then he would begin to see those who were once his customers transferring their business to his rival—so that that "cheap" foreign service would have proved a dear service after all.

This is precisely what is happening to-day in South America. The United States sends no marine delivery wagons of its own to Brazil or Argentina. Even the American mails must cross the Atlantic twice on the subsidized liners of England. The result is the inevitable one, testified to before the Commission by the manufacturers of Cleveland and Milwaukee, that they find it hard to get into the South American market and harder still to stay there—that they can never depend upon the starting of English and German vessels from New York, and that there is much breakage as well as miscarriage of American goods, confusion, and disappointment. Nor need there be any surprise about this. The English and Germany shipowners naturally keep their best craft for their own country's trade and use their inferior ones for the American. And the result is just what was intended by our foreign competitors, that Brazil goes by our door and buys of England and Germany.

The United States sent $13,000,000 worth of merchandise to Brazil in 1894 and only $10,000,000 in 1903. Yet, having plenty of delivery wagons of its own by sea and rail to Canada and Mexico, our country has increased its exports to Canada from $51,000,000 in 1894 to $116,000,000 in 1903, and to Mexico from $12,000,000 in 1894 to $41,000,000 in 1903. The contrast is eloquent. There is no need to look further for an explanation why European shipowners, leagued with European manufacturers, are so insistent that the United States should not go to the expense and trouble of providing transportation facilities of its own in the trade to South America, Africa, and the Orient.

In the supplementary report of the Merchant Marine Commission, presented to Congress on December 6, 1905, it is further emphasized that American ships are needed to give our farmers, manufacturers, and others equitable rates and an efficient service:

HOW OUR TRADE IS HANDICAPPED.

But when we turn to our trade with Asia, Africa, Central and South America, and Australasia we find that conditions are radically different. Unlike the chief European nations, Asia, Africa, Central and South America, and Australasia are not shipowning lands.

We require from them a great quantity of imports, especially articles of food and raw materials for our manufacturers, and the great bulk of these goods are on the tariff free list.

But these countries, unlike Europe, have no ships of their own to deliver all this needful merchandise in our own Atlantic, Gulf, and Pacific ports, and, of course, they do not supply the ships that are required for the proper expansion of our export commerce to their own ports. For this service both ways the United States is now dependent almost altogether on the surplus or inferior shipping of Europe. The European powers grant liberal subsidies to maintain great steam lines from their own ports to Asia, Africa, Central and South America, and Australasia, but they do not, if they can help it, allow any of their subsidies to be utilized for the maintenance of steam lines to those competitive markets out of the ports of the United States.

Therefore, the manufacturers, merchants, and farmers of America are at a very serious disadvantage compared with their European rivals in this competitive trade.

STOPPING AT THE OCEAN'S EDGE.

We have in the United States the greatest railroad mileage and unquestionably the cheapest and most efficient railroad transportation in the world. Our unrivaled railroad systems would go far to enable us to command the markets of the world but for the fact that when our goods destined for Asia or Africa or Central America or other distant markets reach the seaboard they find there not the regular steam lines provided by the liberality of European governments, but either no available tonnage at all or some slow, inefficient, uneconomical foreign craft, discarded because of its inferiority from the European steamship service and sent over here by some foreign company as "quite good enough for the Americans."

* * * * * * *

STUNTING OUR EXPORT COMMERCE.

The decline of our ocean shipping, our one unprotected industry, has ruined shipowners and shipbuilders alongshore from Eastport to Galveston and from San Diego to Puget Sound. It has impoverished and scattered our shipyard mechanics, the most skillful in the world. It has robbed the country of the hardy officers and seamen who should constitute our naval reserve; but it has done more than this—it has choked the normal growth of the export trade of the United States to four of the five other great continents. Therefore, there is not a wheat farm in the Dakotas, a cattle ranch in Texas, or a cotton plantation in Mississippi, Georgia, or the Carolinas where the loss of American shipping has not made itself felt in shrunken sales and opportunities for profit.

Of course it will and must cost something to establish American shipping lines and give our people the facilities they need for export commerce. It has cost the European nations, our competitors, something to develop their lines to all quarters of the world. Great Britain alone has expended for this purpose, since 1840, between $250,000,000 and $300,000,000.

SHIPS TO SERVE ALL CLASSES AND SECTIONS.

National subventions to American shipping will, of course, encourage shipowners and shipbuilders of New England, New York, Pennsylvania, Virginia, Louisiana, California, and Washington; but these ships, built and run regularly and efficiently for the carrying of American mails and commerce, will just as surely win new markets for the farmers, manufacturers, and merchants of every State in the Union who have anything to sell; and unless American ships are encouraged by national legislation these new markets never will be won, for the day will never come when Great Britain or Germany, or France, or Italy, will subsidize great national lines of ships to convey to Africa, or South America, or Asia, or Australasia American goods to compete with European goods or the products of European colonies. If we are ever to have an efficient transportation service to the world's great neutral markets, we must establish it ourselves and maintain and operate it beneath the American flag and in American interests.

PUSHING OUR GOODS IN FOREIGN LANDS.

Not only is an American ship itself the most efficient carrier of American commerce, but the officers of that ship, the American passengers who tread its decks, and particularly the American merchants who go out to represent the steamship company and to push its business, are inevitably pioneers and drummers of American trade in foreign lands. For years our ministers and consuls and American travelers abroad have complained that there were no American mercantile houses in foreign countries, and that American goods, therefore, had to be handled by foreign firms which preferred to sell their own country's merchandise. But why should there be any American houses in South America, or Asia, or Africa, or elsewhere where there are no American ships? Everywhere in the world's experience it has been found that the first merchants who go out to foreign countries go as agents of shipping. Soon goods from the home country are consigned to them; they develop a commission business; they branch out into general mercantile trade and, growing stronger, demand banking facilities.

There were once American houses in China, India, and South America, but that was when we had American ships on whose trade their foundations rested. When these ships vanished the houses themselves soon disappeared. When American ships return, there will again be American mercantile establishments in all ports of the world to push the sales of American goods abroad with the same shrewd sense and indomitable energy that have built up our enormous domestic commerce.

And I will not stop here to read these further paragraphs of that report, but there is not a word of complaint that freights are too high or too low. It is simply an argument in favor of transferring the freight of this country to its own ships. And in the supplemental report of the Merchant Marine Commission, which I had the honor to present to Congress on December 6, 1905, it is further emphasized that American ships are needed to give our farmers, manufacturers, and others equitable rates and efficient service.

MAJOR AND MINOR PREMISES.

Mr. GILBERT of Kentucky. Will the gentleman from Ohio yield to me?

Mr. GROSVENOR. Certainly.

Mr. GILBERT of Kentucky. Mr. Chairman, I do not want to interrupt the gentleman too much, but I want to present this proposition to the gentleman from Ohio: Is not the entire scope and purpose of all this effort and argument in favor of ship subsidies predicated upon the major premise that by reason of the increased cost in the construction of American ships, and the increased wage necessary to be paid to American sailors in the operation of American ships, that they can not compete with the foreigner? And is not the failure or the inability to compete with the foreigner due entirely to the traffic rate, the freight rate, the transportation charge in the over-sea trade?

Mr. GROSVENOR. I will take great pleasure in reproducing, in a little better language, the supplemental and amended argument of the gentleman from Kentucky. He shall have the benefit of my speech when it is printed, to let the public know that at last he has modified his position upon this great question. And let me say to the gentleman that the major premise in the proposition before the country is nothing of the kind that he has suggested. The major premise, subdivided into a great number of heads, I can state in very few words. It is, first, to take this $200,000,000 of freight and pay it to our own people, and that is the first proposition—I do not claim that is the greatest proposition; second, that we shall establish lines of communication with the great consuming bodies of peoples in South America, which lines of communication will carry our commerce direct to South America in successful competition with the commerce of the older countries, and that the laboring men of the United States, who shortly will wake up to this proposition, shall have the opportunity to build these ships and to man these ships, and that this competition with foreign countries, in so far as wages are higher in America and the living of the men on board the ship is higher, that the subsidy of the Government shall go to equalize the disparity in those propositions. I may enlarge this statement when I come to revise my speech, to give one or two more reasons why.

They are the premises, major or minor, one greater or one smaller, as the case may be; but the question of raising freights

was never dreamed of by the Merchant Marine and Fisheries Committee.

The time is coming and is not far away when the laboring men of this country in bodies of organized labor or unorganized labor will demand to know of the men who have been leading them and who have stood appealing for the interests of foreign ship lines and foreign commercial houses why they have come to infest this Capitol and fought this measure, a measure which every intelligent laboring man knows is a measure in his interest, and they will hurl from leadership and the soft places they now occupy the men who have bartered their interests in this direction.

Mr. WILLIAMS. In connection with this question of our money going abroad to pay for carrying our goods back and forth, has the gentleman any information that he can furnish to the House about what proportion of the capital stock invested in the trans-Atlantic and trans-Pacific lines is invested by Americans, and what share of the profits on that trade come back to America and American stockholders?

Mr. GROSVENOR. I can give it, and will give it in the course of my speech.

Mr. WILLIAMS. Can the gentleman approximately give it now in percentages?

Mr. GROSVENOR. I can not do it now; but the gentleman from Mississippi will be surprised when he learns how little there is of it, and how small a matter has been magnified into a great matter.

Mr. WILLIAMS. If the gentleman will excuse me one moment longer, I confess that I do not know, except that some time ago there was quite a little storm, or quite a little tempest in a teapot—I do not know exactly which—in the British Parliament, about American capitalists being about to own all this trans-Atlantic marine business.

Mr. GROSVENOR. Yes; and thereupon the British Government proceeded to subsidize the Cunard and other lines to the extent that practically broke up the American interest in those lines.

AMERICAN AND FOREIGN SUBSIDIES.

But I will not detain the House longer upon this particular point, and I will come to another proposition of the gentleman from Kentucky. The gentleman from Kentucky said there is no naval power in the world that pays subsidies altogether to its ships as large as we do, excepting France.

Mr. GILBERT of Kentucky. In that immediate connection I proceeded to explain that by "direct subsidy" I did not mean to include the mail subsidy.

Mr. GROSVENOR. I will put in all that the gentleman said on that subject. His argument may beat mine, but he shall not say at the end that I didn't "tote fair."

The report of the Commissioner of Navigation for 1901 states that Great Britain was then paying $4,874,243 for mail and $662,369 for general subsidies—a total of $5,874,243 for mail and $662,369 for general subsidies—a total of $5,536,612, not including the new Cunard subsidy of $1,100,000, which so soon goes into force.

Japan in that year was paying a total of $2,942,296 in subsidy; Italy, $2,819,451; Germany, $1,825,651.

Not one of these nations is paying less money now in subsidies; all are paying more, and all are aiding their merchant marine in other adroit and effective ways that do not appear in government statements of subsidy payments.

Now, how much is the United States paying? The report of the Superintendent of Foreign Mails for the fiscal year ending June 30, 1905, says that the United States in that year paid $2,396,761 for the transportation of the mails dispatched to and from foreign countries by sea.

That is where the gentleman from Kentucky fell into an error that is common. He thought that the money that was paid out for the transportation of foreign mails was being paid to American ships. Directly I will show him that the report of the Superintendent of Foreign Mails for 1905 shows that the United States in that year paid $2,396,000 for the transportation of mails dispatched to and received from foreign countries by sea. Of this amount American vessels receive $1,611,505, or just about as much as the British Government paid in subsidy to one single British line—the Peninsular and Oriental—running to the East Indies. The United States paid to foreign vessels $701,989, the rest of the total being for miscellaneous expenditures. On the North Atlantic we paid to American ships $690,554, and to foreign ships $596,858.

We haven't ships enough to carry our own mail, and we pay as much money, or nearly as much, to foreign ships to carry our mails as we pay to our own ships to carry our mail.

THE TRUTH ABOUT RECIPROCITY.

Now, the gentleman from Kentucky says that "We do not pay foreign ships any more than the foreign ships pay our ships. It is a case of reciprocity." That was the most astonishing statement, except eight or ten other ones, that the gentleman from Kentucky made. [Laughter.]

The United States, as has been said, pays to American ships on the trans-Atlantic route $690,554 a year and to foreign ships $596,858. Now, let us look at the "reciprocity." How much do the foreign governments pay to us?

The American Line on the North Atlantic last year received $10,511 from the British Government and $1,614 for mails originating in interior Europe and delivered to the American ships in Cherbourg.

These American liners are not the fastest on the Atlantic Ocean, but they maintain the most regular and swiftest average service throughout the entire year, no other line of any flag having a weekly service in 20-knot steamers. But the British Government, in the spirit of rigid, even extravagant protectionism which characterizes its policy in all maritime affairs, will not allow a pound of British mail or a penny of British subsidy to go to the fast American steamers if it can prevent it. Only letters especially addressed are delivered by the London post-office to the American liners sailing from Southampton. That is why these American liners received only $10,511 in mail pay from the British Government last year, though the United States gave $212,000 to the British White Star Line, $168,000 to the North German Lloyd Line, $101,000 to the British Cunard Line, $64,000 to the Hamburg-American, and $60,000 to the French company.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LAMB. Mr. Chairman, I will yield to the gentleman from Ohio one hour more.

Mr. GROSVENOR. Mr. Chairman, I thank the gentleman from Virginia very much, as I find that I shall need considerably more time.

NOT AMERICAN SHIPS.

Mr. GILBERT of Kentucky. Will the gentleman allow me a question?

Mr. GROSVENOR. Certainly.

Mr. GILBERT of Kentucky. Does the gentleman from Ohio deliberately say "a British line," when he speaks of the White Star Line?

Mr. GROSVENOR. I do.

Mr. GILBERT of Kentucky. The gentleman calls all of these lines British that carry the British flag?

Mr. GROSVENOR. I do; because they are British ships.

Mr. GILBERT of Kentucky. They are mostly American ships.

Mr. GROSVENOR. There is not an American ship in the White Star Line. There is stock of that line owned by Americans.

Mr. GILBERT of Kentucky. Can the gentleman give the figures?

Mr. GROSVENOR. I do not know the amount.

Mr. GILBERT of Kentucky. If I am not mistaken, Lloyd's Register calls that an American line.

Mr. GROSVENOR. I think not. It carries the British flag and it is manned by British seamen. There is not an American sailing captain or officer on those ships.

It is true that at the formation of the International Mercantile Marine Company, by whatever name it is legally known, the American capitalists engaged in that great enterprise bought the stock of the White Star Line, but by no means did the ships become American ships, and on the contrary, they retain all the characteristics of British ships and can not be sold to deflect their nationality; they are to all intents and purposes British ships, although owned by American capital.

Mr. GILBERT of Kentucky. Owned by Pierpont Morgan & Co. and operated under the British flag, and is an American line of steamships.

EXTREME BRITISH PROTECTIONISM.

Mr. GROSVENOR. J. Pierpont Morgan & Co. formed a combination in which the White Star Line went in, and how much there is left of that I do not know, except the losses that have accrued, and they are enormous. The British Government carries its protection to British shipping to such a grotesque extreme that if a 20-knot American steamship is sailing from Southampton on a Saturday and a 16-knot British steamship is sailing from Liverpool by way of Queenstown, the slow British vessel will carry the mail. But let us go on. It has frequently happened under this so-called "reciprocity," of which the gentleman from Kentucky [Mr. GILBERT] boasts, that mer-

chandise brought to New York on the fast American ships had to wait on the pier several days because the bills of lading had not arrived by the slower British steamship. Time and time again New York merchants have complained against this and written remonstrances to London, but all this has been without the slightest effect on the British Government. It snaps its fingers at the American merchants and goes on boycotting fast American ships and giving the bulk of the mails and practically all of the subsidies exclusively to British vessels, be they slow or fast, 16 knots or 20.

Mr. WILLIAMS. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Will the gentleman yield?

Mr. GROSVENOR. Yes.

Mr. WILLIAMS. I ask for information. I have seen it stated, and I want to ask the gentleman whether it is true or not, that Great Britain gives her mail even to India from home and back, and generally gives her mail to whatsoever steamships possessing certain requirements, which are specified, bid lowest to carry that mail, whether they are foreign or British.

Mr. GROSVENOR. I do not so understand it.

Mr. WILLIAMS. That statement has been made positively several times, and I want to ask the gentleman for information.

Mr. GROSVENOR. In the investigation that I have made in this matter there is nothing of that kind suggested.

Mr. WILLIAMS. In other words, that Great Britain gives her mail-carrying business to the steamships that carry it at a certain speed and with certain regularity.

Mr. GROSVENOR. Oh, no; they do not do anything of the kind.

Mr. WILLIAMS. To the lowest bidder.

Mr. GROSVENOR. I have just shown now that they will not only not give it to an American ship, but that they paid out $10,000 only to the American ships while we were paying more than $300,000 to their ships; and, drawing from my own experience for information, I will state that they deflect the mails and send them by their slow ships in every instance unless you mark a peremptory mark upon the letter that it shall go by way of Southampton.

Mr. WILLIAMS. Do I understand the gentleman from Ohio to deny that Great Britain does give her mail, regardless of the nationality of the ship, to the lowest bidder?

Mr. GROSVENOR. Oh, certainly, I deny it. If I am wrong, I will be very glad to be enlightened by the gentleman from Mississippi, because it would be a most important item of knowledge.

THE NEW CUNARD SUBSIDY.

Now, says the gentleman from Kentucky:

Prior to that report—

That of 1902—

the subvention to the Cunard Line was increased from £28,000 to £150,000, and the Government agreed also to lend that company a sufficient sum, at an agreed rate, to build two very large, fast steamers. This, although a new departure for that country, is not a subsidy, but was considered as a method of having certain work performed for the Government, and this is the contract the gentleman from Ohio [Mr. GROSVENOR] was aiming to state.

The particulars of this Cunard subsidy were published a year ago in the report of the Merchant Marine Commission, Appendix C, as quoted from the report of the Commissioner of Navigation. The British Government contracted to advance to the Cunard company the sum of $13,000,000 for the express purpose of building two new steamships—the rate of interest being the nominal one of 2¾ per cent, and the loan to be repaid in annual installments of $325,000 for twenty years. At the same time the British Government agreed to pay the Cunard company a subsidy for mail and admiralty purposes of $1,100,000 a year.

Mr. GILBERT of Kentucky. What was that line of steamers required to do in order to earn that money?

Mr. GROSVENOR. Build themselves and fight the commerce of the American people.

Mr. GILBERT of Kentucky. How many ships were they required to build?

Mr. GROSVENOR. Two. In other words, the British Government loaned to the Cunard company the money to build new ships, and then gave a subsidy by which the loan may be repaid. In practical effect Great Britain makes a gift outright of two great new steamships to the Cunard company. How would the gentleman from Kentucky [Mr. GILBERT] and other gentlemen on this side treat such a proposition if it were presented in this House for the benefit of some American steamship company? Yet, because this extraordinary transaction is British and not American, the gentleman from Kentucky says that first the loan of $13,000,000 to build new steamships and then the gift of the subsidy of $1,100,000 a year for twenty years to repay the loan is not a subsidy, but a "method of having certain work performed by the Government!" Magnificent method! I would like to see a few methods of that kind applied to the American shipping interests.

Mr. GILBERT of Kentucky. Will the gentleman from Ohio in that connection insert in his remarks the different obligations that were imposed upon that ship company? What were they required to do—the peculiar method by which these ships had to be constructed, the speed they had to make, and the number of trips they had to make? Was it not a quid pro quo, the contract between the Government and the ship line?

Mr. GROSVENOR. I will put all of that in in the form of the contract itself. I have the official contract, and it proves that all the skill of the British Government through its Admiralty was brought to bear to make that subsidy of $13,000,000 most thoroughly effective to annihilate the American commerce and build up the British commerce.

GERMANY'S SUBSIDIZED FLEET.

The gentleman from Kentucky said:

I found there were only thirty-seven ships in all the German Empire that receive any bounty at all.

Neither the gentleman from Kentucky nor anybody else can know how many ships in the German Empire are or are not subsidized. It took the State Department of the United States several years to ascertain how much mail subsidy the German Empire paid to its great steamers crossing the Atlantic Ocean. It is the policy of every foreign government to keep as secret as possible both the amounts and the methods which it has adopted of aiding and encouraging its mercantile marine.

All the ships that have been built from the beginning, in 1885, for the subsidized North German Line to the East Indies and Australia—subsidized now at $1,330,000 a year—have been required by the terms of the German laws and the German contracts to be built in German yards by German workmen, and, as far as possible, with German materials. It is this policy chiefly, added to some other forms of state aid, which has developed the mighty shipbuilding resources of the German Empire. The great steamer *Deutschland*, one of the largest and fastest in the world, running from Hamburg to New York in the service of the Hamburg-American Company, does not belong to the North German Lloyd subsidized fleet; but it would never have been built if this subsidy had not been given, with its requirement that the subsidized steamships should be of German construction.

There is authority for this in the official statement of the report of Prince Hohenlohe, chancellor, to the Reichstag, that "all experts say that without the influence of the Government mail service (the North German Lloyd subsidies) such a steamer as the *Kaiser Wilhelm der Grosse* could not have been built." The *Kaiser Wilhelm* broke the Atlantic record in 1897, and the other great German ship, the *Deutschland*, was launched from the Vulcan yard at Stettin about three years afterwards. Until these German subsidies were granted there were no yards in the Empire that could build first-class ocean steamers. Now for several years the North German Lloyd has not gone abroad for a single important ship, and the Hamburg-American has purchased but few in foreign countries.

German shipbuilding as it stands to-day owes its existence to the policy of imperial subsidy supplemented by the indirect bounty of the carriage of ship materials at nominal rates on the state railways and the granting of preferential rates to goods exported by German steamers. These expedients altogether make German merchant shipping one of the most ingeniously and thoroughly protected industries in the world. When Herr Ballin, the head of the Hamburg-American Company, distributes circulars among American passengers on his German steamship protesting that his company never received a subsidy, he is trying to delude the American people and through them the American Congress. The gentleman from Kentucky has apparently fallen an easy victim to Teuton misrepresentations.

Mr. GILBERT of Kentucky. Now, is it not true that the reduction of the freight rates on the German railroads is only 50 per cent for the freight that is designed for exportation and that after you make that deduction of 50 per cent the German freight rate is still a great deal higher than ours?

Mr. GROSVENOR. Well, I say to the gentleman, with all confidence in his integrity of purpose, that having reviewed his speech, I shall take with many grains of allowance his statement upon that point.

Mr. GILBERT of Kentucky. The reduction is only 50 per cent.

GERMAN SUCCESS WITH SUBSIDY.

Mr. GROSVENOR. The gentleman from Kentucky said:

I went so far as to get copious extracts from the contracts between the German Empire and those two ship lines—and there are many articles in each one of those contracts—and each one of those ships is

required to circumnavigate the entire continent of Africa on each trip, to go alternate directions, this way this time and that way the next time. The Government goes so far as to designate the ports at which they shall stop.

Mr. WM. ALDEN SMITH. Whether there is any business or not?

Mr. GILBERT of Kentucky. Whether there is any business or not. They have got to circumnavigate the entire continent of Africa on every trip.

Mr. GROSVENOR. Does not that show the wisdom of the German Government in sending its manufactured articles into all the possible and remote parts of the world, while America carries her trade, 92 per cent of it, on foreign ships?

There are requirements as to ports of call, routes to be taken, etc., in existing mail contracts between American steamship companies and the United States. Our ocean mail laws and regulations are among the most stringent and exacting in the world, and heavy penalties are enforced for any infractions of them. Our Government is the only one which requires to-day a 20-knot mail service from the Atlantic coast to Europe maintained throughout the year as a condition of a mail subsidy. Foreign companies compete with our one trans-Atlantic line, but are allowed to substitute smaller and slower vessels whenever they wish. If the American Line does this it forfeits the subsidy for that voyage.

It is stated in the report on German imperial steamship subsidies, already quoted, that the subsidized German line to Africa increased German trade so rapidly that the company's receipts from freight and passengers advanced from 453,000 marks, or only a little more than twice the subsidy in 1892, to 1,476,000 marks, or seven times the subsidy in 1898.

An even more striking demonstration of the fact that steamship subsidies paid by an energetic commercial nation bring increased commerce and increased profits to manufacturers, merchants, and farmers of the country is given in the experience of the German East India subsidized line. In 1888, two years after the North German Lloyd ships started for the East, the exports by these ships were, in quantity, 27,369,000 tons, and in value, 33,190,000 marks. In 1896 the German exports by these German subsidized steamers to the markets of the Orient had increased to 89,148,000 tons, valued at 74,433,000 marks. That is, a subsidy of 4,400,000 marks a year, creating a new German steamship line, had increased the German export trade by more than 50,000,000 marks a year.

Just as sure as the sun rises and sets that will be the experience of the United States if this bill of the Merchant Marine Commission is enacted. It will build ships on the Atlantic and Pacific coasts and the Gulf of Mexico, giving employment to thousands of American mechanics. Millions of dollars will be expended in materials for the construction of these vessels—in iron ore from Lake Superior, Tennessee, and Alabama; in timber from the forests of the North and South. But this is not all. When these ships are built and are running regularly in our service, as these German subsidized steamships run in the service of their Empire, our exports to the West Indies, South America, South Africa, and the Orient will increase by many millions of dollars annually. These steamship subsidies will create new markets for the farms of the Mississippi Valley and factories of the entire country. They will benefit even the State of Kentucky.

Mr. WILLIAMS. Mr. Chairman, if the gentleman will permit me, I would like to call attention to what I may say is perhaps "an unwarranted extravagance" in the gentleman's last statement. Does the gentleman really think South America could, in its present state of development, give us a trade, if she gave us all of her trade, "equal to the trade that we have gotten to-day, or we are now getting from Europe to-day?"

Mr. GROSVENOR. I do.

Mr. WILLIAMS. Does the gentleman believe that it would be equal to the cotton crop alone?

Mr. GROSVENOR. I should take out of consideration the cotton crop; I should do that.

NOT SEAGOING VESSELS.

The gentleman from Kentucky said:

We have about $13,000,000 invested in shipyards; we have about 34,000 men engaged in building ships. We built in the last two years some naval vessels for which there were appropriated $86,000,000, and the report of the Commissioner of Navigation shows that last year we built 1,102 merchant vessels, and that the figures thus furnished can not be exceeded by any country in the world except the United Kingdom.

It is true that 1,102 vessels were built in the United States last year, but it is also true—and this the gentleman does not state, although it is set forth in the same line of the report of the Commissioner of Navigation—that these 1,102 vessels represented only 330,316 gross tons, or, in other words, that they averaged less than 300 tons each. This new tonnage, over which the gentleman from Kentucky exults as proof that the United States is a great sea power, consisted chiefly of coast craft, like ferry boats, mud dredges, fishing smacks, coal and lumber schooners, tugboats, barges, canal boats, and car floats. There was not one square-rigged vessel for ocean trade among the number.

What do you think, gentlemen of the House of Representatives, of the potency of that argument? He hunts out the number of vessels, flatboats, scow boats, ferryboats, and charges them up as the growth of the American merchant marine. There has not been one square-rigged vessel for ocean trade among the number.

Mr. GILBERT of Kentucky. Nobody else is building that kind of vessels now.

Mr. GROSVENOR. There were only seven ocean steel steamers, of a total tonnage of 39,996 tons, and no less than 20,714 tons of this was represented by the immense steamship *Dakota*, built at Groton, on the Connecticut Thames, for Mr. James J. Hill, president of the Great Northern Railway.

Mr. Hill has stated before the Merchant Marine Commission and elsewhere that under present conditions he would never undertake to build another steamship in the United States. The yard at Groton, where Mr. Hill's two great steamers, the *Minnesota* and *Dakota*, were built, has never laid the keel for another ocean vessel. Unless Congress does something at once to aid and encourage the real American shipping in ocean trade, this yard is likely to be abandoned. It surely will be abandoned for ocean shipbuilding unless this bill of the Merchant Marine Commission is passed. Proof of this statement can be found in the following statement, published in the New London (Conn.) Day of February 23, 1906, from the president of the Eastern Shipbuilding Company:

SHIP-SUBSIDY BILL WOULD AID GROTON—FUTURE FATE OF SHIPYARD DEPENDS ON MEASURE NOW IN CONGRESS.

In connection with a denial that the Consolidated road had any intention of running the big shipyard at Groton, President Charles R. Hanscom, formerly at the head of the Eastern Shipbuilding Company, when interviewed by a reporter to-day, gave expression to a statement that the future activity of the shipyard was dependent upon the fate of the ship-subsidy bill now before the House of Representatives.

President Hanscom said that, while he knew of no present negotiations for purchase of the yard being in progress, he believed that if the ship-subsidy bill passed Congress the yard would be purchased and business of shipbuilding recommenced there.

The ship-subsidy bill has already passed the Senate and is believed to have a good chance of passing the House as well, and in case it does the boom which Groton temporarily received seems likely to become a permanent one. President Hanscom's association with shipbuilding interests puts him in position to have authority for the statement that the yard would be started up if the subsidy bill passes.

At the main offices of the Consolidated road in New Haven to-day an official denial was given to the rumor that the Consolidated road, which owns the land on which the shipbuilding plant in Groton stands, intends to buy the equipment and utilize it as a marine repair plant, or for other purposes.

From June, 1901, until the spring of 1905—for four long years—not one order was given to any American shipyard on the Atlantic, Pacific, or the Gulf of Mexico—anywhere on the coasts of the United States—for an ocean steamship for purposes of foreign commerce. There are now only four steamships building for the foreign trade in all America. These are all four in the Cramp yard at Philadelphia. Two of them are building to replace steamers of the Ward Line purchased by the War Department for the Government line between New York and the Isthmus of Panama; the other two are building also for the service of the Ward Line, which is one of the few steamship companies subsidized by the United States to carry the mails—the line running from New York to Cuba and Mexico.

These four American ships, therefore—the only ships building in America; fine, fast, strong vessels of about 7,000 tons, designed under our ocean-mail law as auxiliary cruisers—are themselves proof of the wisdom of the subsidy policy, products of the subsidy system, applied as it has been in a small, cautious way by the United States.

WHAT PROTECTION HAS DONE.

The gentleman from Kentucky said:

Mr. Chairman, I wish the gentleman would stop now and reflect seriously. Here is a country that has the most magnificent coal fields on the globe. Here is a country to whose forests the shipbuilders of Belfast come for their masts and their timber. Here is a country that has the most skillful mechanics and draftsmen upon the face of the globe. Here is a country that in every other particular excels the Britisher in his country. Why, to-day American locomotives can be be heard whistling along the road that leads from Joppa to Jerusalem and from Jerusalem to Damascus. American flying machines sail over the pyramids. The Sphinx has stopped gazing across the desert and has turned to look at the magnificent American trolley lines that are running from Cairo up to the ancient ruins of Thebes and Memphis. [Applause.] You can go into the Orient and in the homes of luxury, even in the zenanas of Persia and in the seraglios of the Ottoman Empire you will find the hum, the click, and clatter of American sewing machines.

Mr. WM. ALDEN SMITH. They are made here, however.

Mr. GILBERT of Kentucky. They are made here. You may go upon

any ship and you will find it loaded down with machinery—appliances of every kind—sailing across every sea and underbidding the home products of every land.

I pause. I halt at this point to say that I am unable to testify in contradiction of what there is in the seraglios that the gentleman has discovered. [Laughter and applause.]

Mr. GILBERT of Kentucky. Mr. Chairman, for the information of the gentleman from Ohio I want to tell him that once a year on the hegira the old Sultan goes from his palace across the Dardanelles to Stamboul to kiss the cloak of Mohammed, and upon that occasion all the houris from the palace came out in splendid array. And I was told by a gentleman who visited Constantinople on that occasion that the most beautiful damsels in all the world appear in those processions. They are the Circassian slaves, lineal descendants of the ancient Greeks, and in their homes of luxury American sewing machines do hum and click and clatter. [Applause.]

Mr. GROSVENOR. Mr. Chairman, I have two propositions to make in reply: First, I shall object to publishing in my speech anything that will have a tendency to attract young American tourists to halt at that particular place [laughter], and, second, so far as I am concerned, at my time of life I do not care anything about a matter of that character. [Great laughter.]

It is true that the United States even with its higher priced labor makes and exports some things more cheaply than any foreign nation. But without exception, these things which we make so cheaply and sell successfully abroad are the products of industries long protected by the tariff system which the gentleman from Kentucky and his friends abhor. The protective tariff has built these industries up to great proportions. It has guaranteed to them the home market, enabled them to keep their workmen constantly employed, to effect economies of large and steady production, to standardize their goods, and thus even with high wages to turn out articles produced in immense quantities at prices comparing favorably with the cost of like articles in foreign countries.

Mr. GILBERT of Kentucky. The gentleman from Ohio has been exceedingly indulgent, and I have imposed upon his good nature, but I want to ask the gentleman from Ohio this additional question: He has shown by the whole trend of his argument that our great rival in the ocean-carrying trade is the British Empire. They build the ships and they carry the commodities across the sea. Now I want to ask the gentleman if it is not true that the Englishman receives a higher wage than any of the other laborers upon the continent of Europe, and, if that be true, why it is and how is it that we can not compete with John Bull in the operation of these ships?

Mr. GROSVENOR. John Bull could not send one of those ships successfully abroad in competition with the German or with the Italian or with the Norwegian, if it were not for the subsidies that he pays. So the gentleman's argument comes right back to the proposition that it is the subsidy of English ships that has made the English merchant marine formidable as our successful competitor.

OUR ONE UNPROTECTED INDUSTRY.

If we had protected the ocean shipping trade, the same thing would to-day be true of American shipbuilding. But of all Americans who come face to face with foreign competition, our ocean shipowners alone are unprotected. There is absolutely no aid or encouragement, except the ocean-mail law of 1891, which the United States gives to American shipowners engaged in the sharpest kind of competition with the cheap wages and subsidies of foreign lands. That is the reason—this lack of protection for fifty years and more—why there are almost no ships building in America for ocean trade, and why such ships cost more than the ships of foreign nations.

If, instead of four steamers, we were now building in this country 400 steamers for foreign trade, this immense volume of production, the experience of the yards, and the full employment of capital and labor would make it possible to produce this great fleet for a price per ton very much below the price which American shipyards have to charge to-day, when only one yard in this country is constructing ships for ocean trade.

The gentleman from Kentucky said:

What is the reason, then, we can not, with the same skilled labor, and more iron, and charcoal, and coal, and greater ingenuity and everything—what is the reason we can build everything else on the globe except a ship?

The reason is that we have protected our railroads. We have built thousands of miles by national aid, by State aid, by municipal aid. We have protected by a tariff the building of their locomotives, their cars, and the making of their iron and steel rails in America. Protect ship owning as you have protected railroads, iron manufacturing, cotton manufacturing, woolen manufacturing, and everything else, and you will get the same results.

As the Merchant Marine Commission said, in its report to Congress in January, 1905:

An adequate American ocean fleet would mean the saving to this country of $100,000,000 a year which now goes to build up the commercial power and naval strength of Europe and Asia. For a time it is true that the development of such a fleet would cost something, but all our economic experience goes to show that this increased expense would be temporary, while the saving would be solid and permanent. American bridge makers and locomotive builders could not compete with Europe in price in the early days of their industry, but now that they have developed standard types and attained a huge scale of constant production, American bridge makers and locomotive builders, still paying good American wages, are able to meet their foreign competitors in cost and beat them in the excellence and adaptability of their product. And what is a steamship but a locomotive and a steel bridge wrought together?

THE VALUE OF STANDARDIZING.

The gentleman from Kentucky said:

The gentleman from Ohio has been informed several times that in the old countries they have a certain standardizing of ships; that they have certain patterns and forms, and they build a whole lot of ships of one and the same pattern. I am told, upon further investigation, that is not true. And even if it were true it does not decrease the price of the ships to any material extent.

In this assertion the gentleman from Kentucky is absolutely contradicted by all the best and ablest practical shipbuilders of America.

At the hearing of May 23, 1904, by the Merchant Marine Commission, at New York, one of the witnesses was Mr. C. B. Orcutt, president of the Newport News Shipbuilding and Dry Dock Company, a yard on Southern soil and the largest shipyard in America. Senator GALLINGER, chairman of the Merchant Marine Commission, said to Mr. Orcutt (p. 41 of the hearings before the Merchant Marine Commission, vol. 1):

I wish to ask you what, in your judgment, would be the effect on the cost of American-built steamships of a steady, long-continued demand for steamships of standard types—that is, for combined passenger and cargo ships or exclusively cargo ships? To put it in other words, if your Newport News yard constructed in the course of four or five years three 7,000-ton steamers of substantially the same type, would the price of the labor and material for the later vessels be cheaper than for the earlier ones?

Mr. ORCUTT. Manifestly so; and that throws some light on the difference of cost, as to which my figures have startled you. Here are foreign owners—British owners—going into shipyards and ordering not only three vessels of absolutely the same type, and a very cheaply built ship at that, but twenty-five and thirty vessels. I do not know what the shipyards of this country could do in the way of cost if they had such an opportunity of building vessels of absolutely the same type, absolutely the same model and pattern, one after the other, year in and out. We probably should not have very much difference in cost when that opportunity came and had been with us long enough.

From New York the Merchant Marine Commission proceeded to the great shipbuilding city of Philadelphia, and there on May 26, 1904, similar testimony was given by Mr. De Courcy May, president of the New York Shipbuilding Company, at Camden, N. J. (p. 325, hearings before the Merchant Marine Commission, vol. 1):

The CHAIRMAN. Of course if the business of American shipbuilding was in such shape that you had a line of similar ships to construct, so that you could standardize, you would be able to supply them much more cheaply than at present.

Mr. MAY. That is precisely the point, and if we had our yards full, even though not of like vessels, we could do very much better. You will see in our yards a battleship, a cruiser, light-ships, a coastwise steamer, a dredge. If we built vessels of the type of large passenger steamers, or large freighters, we would very soon get the cost down. If we could only have our yards full of work, we would do as the locomotive builders and others have done—be in shape to compete with anybody. We are obliged to take anything we can get, and our yard is full of every variety of work.

At the same hearing another great American shipbuilder, Mr. Edwin S. Cramp, vice-president of the William Cramp & Sons Ship and Engine Building Company, Philadelphia, Pa., said (pp. 424–425, hearings before the Merchant Marine Commission, vol. 1):

There is another argument which I do not think has been brought out enough in talking over this question as to the cost of ships here as compared with England—which, of course, the steamship company must stand—and that is the fact that in England shipbuilding and shipowning is their great industry, as railroading is in this country. The volume of ship construction there is so great that shipbuilders have been able to devote their attention to specialties. For example, some yards build only large cargo boats, others high-speed steamships, others naval vessels, others torpedo boats and destroyers, others smaller craft, from 5,000 tons down; whereas in America, owing to the want of a large market, the builder who may have from five to six slips will frequently have under construction the same number of ships, every one of which is of a different type. You can see a large tugboat on one slip, a river steamer on the next, a cargo boat on the next, a cruiser on another, and a battle ship or a passenger ship on the next slip.

Now, while this diversity of product may result in a better all-around knowledge of this trade on the part of the individual shipbuilder, yet you can see that it certainly interferes very seriously with his cheapening the production. If the American shipbuilder, as has been the case on the Great Lakes, had the opportunity of selecting his type of ships and could have his five or six vessels all of the cargo type under construction at one time, it would enable him to introduce methods of piecework, of standardizing of details, etc., which would enormously decrease the cost of construction. This, of course, has been the reason why that in iron and steel, and industries of a kindred nature generally in America, the individual manufacturer has been able

to pay higher wages, and by reason of his enormous output so to cheapen the production that he can undersell the manufacturer of similar articles abroad who would pay lower wages.

Nothing led to the achievement of this result so much as the aid given by our Government in land grants for twenty years, which led to the building of the great number of transcontinental and Pacific railroads, and the building up of rail mills, locomotive works, and other allied industries.

ADMIRAL BOWLES AND MR. NIXON.

At the hearing in New York one of the witnesses was Admiral Francis T. Bowles, formerly Chief Constructor of the United States Navy, now president of the Fore River Shipbuilding Company, of Quincy, Boston Harbor, Massachusetts. This was a part of his testimony (pp. 96–97, hearings before the Merchant Marine Commission, vol. 1):

Senator LODGE. Do you think the labor cost does not enter into the problem?

Admiral BOWLES. I think it undoubtedly does; but the reason, of course, why some products of this country can be sold in competition with those produced in England is this: Take bridge building, which has been spoken of before you to-day. There have been a number of enormous railroads built in this country. Consequently the art of bridge building has been developed here to a very high degree. We do not go abroad and sell Englishmen English bridges. We give them something better—an American-designed bridge, which is produced with the very minimum of labor. The product has been reduced to a science. It is the same way in the production of steel rails. That process has been studied, so that with the vastly improved machinery and a very small amount of labor we can excel their product. In shipbuilding we shall hope to approach that stage when we have the product to deal with.

Another witness in New York was Mr. Lewis Nixon, formerly of the construction corps of the United States Navy, a naval architect and shipbuilder of great experience here and abroad. Mr. Nixon said (pp. 76–77, hearings before the Merchant Marine Commission, vol. 1):

Where we will add 50,000 or 60,000 tons in the course of a year to our foreign-trade tonnage, England will add eighteen hundred thousand merchant tonnage. If the American shipbuilder is to have an opportunity, he must have it along the same lines that his competitor has, and that can be arrived at only by creating a demand for ships. I am satisfied that if the demand for ships is made you will find that the American shipbuilder will rise to the occasion and do just as he did before, many years ago, when our forests ran down to the water's edge and when we built ships of wood. At that time we produced them very much more cheaply than they could have been produced abroad. That day will come some time. Even now the American shipbuilder does not ask bounties or other aid, but only a demand for his product. Given that, he will produce the ships at a cost which will not make the first cost a serious consideration or handicap to ownership of vessels, and eventually he will produce them as cheap or cheaper than his foreign competitors.

Of course we ought to buy our steel here as cheaply as it can be sold abroad. It is true we have the right to import steel free at present if we wish to, and a great many people say, "You can go abroad and buy the material and get a rebate." They do not know the difficulties, the heart-breaking difficulties—the chances of the boat being belated, the chance of delay in shipment, and the chance of ship plates being bent and angles distorted. Our experience at the times when we have imported materials from abroad has not been such as to encourage us to do it any more. We have been willing to pay more, because we have been able to get our work out more quickly. Still, everyone must admit that there is a stupendous difference in the cost at present. I believe with the demand for ships we can overcome that.

These quotations might be continued indefinitely from all of the shipbuilders who appeared before the Merchant Marine Commission in the long course of its inquiry. Every one of them absolutely contradicts the assertion of the gentleman from Kentucky that ships can now be built in this country as cheaply as abroad, and that standardizing and building many ships on the same pattern would have no effect upon the cost, and that "it does not decrease the price of ships to any material extent." Every shipbuilder in America has testified that he can very greatly reduce the cost of ships if he is given the chance to build many ships, just as our steel makers have been able to reduce the cost of locomotives and steel bridges by constructing immense numbers of them steadily year after year behind the wall of the protective tariff.

WHAT ARE BRITISH SHIPS?

The gentleman from Kentucky said:

Going back to where I started, I said a while ago, and several Members around me smiled as if it was a very silly remark, that the ships that were floating the British flag and the German flag were owned by American capitalists, and were not a part of the merchant marine of Germany or England, but were a part of the merchant marine of this country. Inasmuch as the smile seemed to indicate incredulity, I will read from Wheaton's International Law. I remember I read it to a distinguished lawyer, and he said it was an old book and out of date and that I had better get something newer than that.

Mr. LITTLEFIELD. A fresh edition?

Mr. GILBERT of Kentucky. I don't know whether it is a fresh edition or not, but I read the first edition of the Bible [laughter] and it is as true now as it was then. I will read section 340:

"By the law of England no ship shall be deemed to be a British ship unless she belongs wholly to owners of the following description: 1. Natural born British subjects. 2. Persons made denizens or naturalized by letters of denization, or by act of Parliament, or the proper authority in any British possession. 3. Bodies corporate established under and subject to the laws of and having their principal place of business in the United Kingdom or some British possession. If any person uses the British flag and assumes the British national character on board any ship owned in whole or in part by any persons not entitled by law to own British ships, for the purpose of making such ship appear to be a British ship, such ship shall be forefeited to Her Majesty."

Now, when the distinguished lawyer said the old book was out of date, I went and got the last book on international law, Oppenheim's International Law. On page 316, volume 1, it says:

"Some countries, like Great Britain and Germany, allow only such vessels to sail under their flag as are the exclusive property of their citizens or of corporations established on their territory."

Sir R. Giffen, K. C. B., a naval expert, thus presents this question: "These foreign ships which are held by them (American citizens and corporations) under a foreign flag are still under the protection of the United States Government as a matter of property. The United States Government recognizes that American citizens have an interest in these ships and are quite prepared to defend those interests. To some extent these American-owned ships under the British flag and under other foreign flags are really to all intents and purposes American ships and will be so treated by the United States Government in many questions that may arise.

That would apply, of course, to the White Star case; they no doubt remain ships under the British flag, but they are ships with a difference, and in certain cases there is no doubt that the United States Government would claim them, or I should imagine so, as American ships."

Then the gentleman read from Wheaton's Law to show that a ship owned by an American, though under the British flag, was to all intents and purposes an American ship.

According to Wheaton, as quoted, British ships can be owned by one of three classes of owners—(1) natural British-born subjects; (2) naturalized British subjects; (3) corporations established under and subject to British laws and having their principal place of business in the United Kingdom or some British possession.

RECOGNIZED AS BRITISH VESSELS.

The foreign ships which the gentleman refers to as a part of the American merchant marine are the ships of the International Mercantile Marine Company, or the Morgan combination. Now, the British Government has formally recognized these ships as British vessels—an integral part of the British mercantile marine. It has done this in a formal agreement between the British Admiralty, the board of trade, and the International Mercantile Marine Company, made on August 1, 1903, and published immediately afterwards by our Department of Commerce and Labor.

Here are some provisions of that contract:

1. The British companies included in the association shall, so long as the stipulations on their part and on the part of the American company hereinafter contained are duly observed, continue to be treated as heretofore on the same footing of general equality with other British companies in respect of any services, naval, military, or postal, which His Majesty's Government may desire to have rendered by the British mercantile marine: *Provided*, That nothing in this agreement contained shall extend to vessels of uncommercial speed which His Majesty's Government may specially require to be constructed and which are primarily designed for service in time of war.

And these presents also witness that in consideration of the undertaking hereinbefore contained on the part of the parties hereto of the first part, the American company and the British companies included in the association hereby agree as follows:

2. The British companies included in the association shall be and continue to be British companies, qualified to own British ships, and a majority at least of their directors shall be British subjects.

3. No British ship in the association, nor any ship which may hereafter be built or otherwise acquired for any British company included in the association, shall be transferred to a foreign registry (without the written consent of the president of the board of trade, which shall not be unreasonably withheld) nor be nor remain upon a foreign registry. Nothing shall be otherwise done whereby any such ship would lose its British registry or its right to fly the British flag.

4. British ships in the association and ships that may hereafter be built or otherwise acquired for any British company included in the association shall be officered by British subjects, and as regards their crews, shall carry the same proportional number of British sailors of all classes as His Majesty's Government may prescribe or arrange for in the case of any other British line engaged in the same trades.

5. Subject to the existing agreement between the Admiralty and the Oceanic Steam Navigation Company (Limited), and without prejudice to the provisions therein contained, the American company and any British company included in the association shall sell or let on hire at any time during the continuance of this agreement to the Admiralty, when required to do so by the Admiralty, any British ship in the association and any ship hereafter to be built or otherwise acquired for any British company included in the association which the Admiralty may from time to time select. The terms of purchase or hire, if not otherwise agreed on, shall be similar to those contained in the existing agreement aforesaid.

If the American Congress passed a law admitting all the foreign ships of the International Mercantile Marine Company to American registry the American flag could not be hoisted over one of them without the consent of the British Board of Trade. And nearly all of the ships of the International Mercantile Marine Company are British ships; not one is of German and only a few of Belgian registry. They are bound by the strongest kind of an agreement to the British flag.

Out of the one hundred and thirty and odd steamers owned by the International Mercantile Marine Company only 10 are American.

So on indefinitely, showing that the idea that these ships are in any wise or in any sense different from any other British ships is a mistaken idea.

A GOOD THING FOR GREAT BRITAIN.

If American investors put a hundred million dollars into British iron and steel mills, or woolen mills, or Belgian glass factories, would the gentleman from Kentucky be satisfied? Would he be proud of the investment? Would he say that there was no reason whatever for encouraging American capitalists to invest in American manufacturing?

And yet these American investors who put their money into British and other foreign shipping can not be severely blamed. They have had precious little encouragement to put their money into American shipping. Some of these vessels owned in great part by American capital, flying the British flag, are subsidized, and all of them are beneficiaries of the protection which the British Government has always thrown about the British mercantile marine.

The United States has neglected its ocean shipping. It has refused to protect it. It has left it our one unprotected industry. What wonder that Americans who desire to invest in steamship property are compelled to go abroad. We have forced them to go abroad by just such policies as those which the gentleman from Kentucky is advocating.

Mr. GILBERT of Kentucky. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Kentucky?

Mr. GROSVENOR. I do.

Mr. GILBERT of Kentucky. I understood the gentleman from Ohio to say just now that all those ships were subsidized by the British Government. Now, in point of fact, the British Government does not pay any subsidies at all.

Mr. GROSVENOR. The gentleman must not take up my time about nothing. I have not said that they subsidized them. I have not used any such term. I said they were to all intents and purposes British ships and absolutely excluded from any subsidy under this bill.

Mr. GILBERT of Kentucky. Did not the gentleman say they were subsidized?

Mr. GROSVENOR. I certainly did not. I read the terms of their contract and nothing else. I do not say anything else about it.

Foreign governments are glad to have American capital invested in their foreign ships so long as these are built abroad, manned abroad, managed abroad, and form a part of the naval reserve of foreign governments. If they can get American money into their foreign shipping and then tie this up with agreements like that between the International Mercantile Marine Company and the British Government, these foreign governments accomplish a double purpose. They discourage the development of American shipping in America and they encourage their own shipping and navigation. Moreover, they secure the help of America's money toward the maintenance of their own naval reserve—and all these foreign governments know perfectly well that there is almost no naval reserve in America and that in case of a serious war our fighting fleet would be crippled and perhaps destroyed through the lack of these indispensable auxiliaries. But American labor gets no advantage whatever when we drive American capital into foreign shipping. These vessels of the International Mercantile Marine Company that fly foreign flags employ practically no American officers or seamen. These foreign ships, of course, are not only built abroad, but are repaired abroad and supplied abroad. This is a good thing for American investors. They get their share of foreign subsidies. They get their dividends, if there are any dividends. But there is nothing in all this for American workingmen. That is not the kind of an American merchant marine that this country wants. These are not ships which the United States could use in case of a war or any other emergency.

Mr. WILLIAMS. The gentleman, a moment ago, in reading a part of his remarks, seems to have misunderstood the character of the question I propounded to him. I do not care as to the technical question about what merchant marine the ships belong to. I asked him if he could give me the proportion of dividends——

Mr. GROSVENOR. I said I could not do that.

Mr. WILLIAMS (continuing). Paid to Americans and the proportion of dividends paid to foreigners and to the stockholders in this country?

Mr. GROSVENOR. I think I can give the gentleman the dividends. I do not think anybody has got any since they went into this combination. That is my understanding.

THE STANDARD OIL BUGABOO.

The gentleman from Kentucky said:

I took pains to go through Lloyd's Register, and to my utter amazement I found thousands of ships, it seemed to me—I do not remember the number now—that are owned in America, owned by American corporations and floating a foreign flag. Why, if we pass this bill the Standard Oil Company will get a subsidy on fifteen ships.

Great God! if there shall ever be a question come into American politics or arise in the American Congress or in the colleges of the country or the schools of the villages of the country or in the prayer meetings of the country that the Standard Oil Company can be excluded from, I want to belong to that organization, whatever it shall be. [Laughter and applause.] It is a scarecrow; it is the old bugaboo that scares children. Now, here is actually a Congressman from one of the best States in this Union, the Blue-grass State of Kentucky, the State that produces more handsome women and better whisky, it is said—but I do not know anything about either branch of that question [laughter]; here is a Kentucky Congressman who says that under this bill, that he has prepared an elaborate denunciation of, the Standard Oil Company will get a subsidy.

There are not thousands of foreign ships owned by Americans. There are only a few score; that is all. And it is not true that under the bill of the Merchant Marine Commission "the Standard Oil Company will get a subsidy on fifteen ships."

Now, think of that; think of a Congressman—if it had been a Senator I would never have said a word [laughter]; if it had been a Cabinet officer I would have bowed my head in submission; but with the pride I have in the House of Representatives, that there should have been found a Congressman, and a man that I am fond of, to make such a statement as that, I regret it with tears in my eyes.

Mr. GILBERT of Kentucky. Mr. Chairman, I think the gentleman from Ohio is needlessly wasting his sweetness, because it is abundantly true that the Standard Oil Company is an American corporation, and its ships are owned by an American corporation; and the gentleman confuses two propositions that are entirely distinct when he undertakes to show that they are foreign ships simply because an American corporation sees proper to raise a foreign flag at the masthead of those ships.

Mr. GROSVENOR. Mr. Chairman, if the gentleman had only taken my advice, delivered early in the session, he would not have run into a worse hobble than he was in in his argument that these ships get an interest in the subsidy because they are owned by Americans. Why, the very terms of the law provide this: That the ship must be already registered or built "hereafter" in the United States.

Mr. GILBERT of Kentucky. That is, the one subsidized.

Mr. GROSVENOR. Every one of the Standard Oil tank steamships engaged regularly in the export trade is a foreign vessel—not one American. The bill of the Merchant Marine Commission confines its subventions absolutely to ships "hereafter built and registered in the United States or now duly registered." The Standard Oil Company owns just three American deep-sea vessels; and they are sail craft, built in Maine. Apparently even these three craft, if used by the Standard Oil Company, will be excluded from the benefits of the Merchant Marine Commission bill, for in section 2 it requires that in order to receive subventions a vessel must be "engaged exclusively as a common carrier for the service of the public."

Mr. GILBERT of Kentucky. That was a Senate amendment, and is not in the original bill.

Mr. GROSVENOR. That is in the bill pending now in the House.

Mr. GILBERT of Kentucky. But it is not in the bill presented by the gentleman from Ohio.

Mr. GROSVENOR. It was not, but it was in the bill at the time the gentleman made his speech. I have not time to elaborate on that.

So that there is, therefore, nothing at all in this assertion about the Standard Oil Company.

Some of the wisest and most careful Senators framed this provision expressly to shut out from subventions vessels of the Standard Oil and similar companies.

"FREE SHIPS" NOT WANTED.

On this general question of American ownership of foreign vessels it may be said that the matter was very thoroughly investigated by the Merchant Marine Commission. The Commission asked shipowners everywhere whether they wished the privilege of buying or building ships abroad and registering them in this country for the foreign trade, and with scarcely an exception these shipowners did not desire it, stating that they did not believe that a free-ship policy would have any appreciable effect in increasing the merchant marine of the United States. Not only this, but the Merchant Marine Commission caused a special inquiry to be addressed to the International Mercantile Marine Company and the Standard Oil Company and other American owners of foreign tonnage as to whether they would bring their ships under the flag of

the United States if they were given an opportunity. Every one of these owners without exception replied that the ships would not be transferred.

Their answers are published in full in the report of the Mercantile Marine Commission for January, 1905, in Appendix D.

These negative replies were received from W. R. Grace & Co.; the International Mercantile Marine Company, P. A. S. Franklin, vice-president; Donald Steamship Company; T. Hogan & Sons, B. N. Baker, Chesapeake and Ohio Steamship Company, and the Anglo-American Oil Company.

One of the concerns argued in general that a free-ship policy would benefit the United States, but still answered no to the specific question. Several of them were willing to naturalize their foreign ships if these ships were given the advantage of subsidy or discriminating duty. But not one concern would bring its foreign ships under the American flag unless some such aid were given.

WHO WILL RECEIVE THE SUBSIDY?

The gentleman from Kentucky said:

I want to make one other suggestion before my time expires, and that relates to something peculiar, which is that all these subsidy bills come before Congress so worded and so shaped up that the ships that commonly carry the commerce of the seas do not get the subsidies. The subsidy goes chiefly to the shipping trusts—to a few capitalists and millionaires. Now, here is a statement from the last annual report of the Commissioner of Navigation: Here are 84 Atlantic steamers, with 156,000 gross tons, with a crew of 2,368 men, that get under this bill $350,471, whereas 626 sailing vessels, with 312,427 gross tons, with a crew of 3,008 men, only get $95,385.

In the first place, as has been said before, if by the shipping trust is meant the International Mercantile Marine Company, the fact is that only ten out of its one hundred and thirty-odd vessels are American and could receive any subvention whatever under the terms of the bill of the Merchant Marine Commission; and four of these are engaged on a contract mail line under existing law and are therefore excluded.

As to the statement that the steamers supposed to be owned by "capitalists and millionaires" get more than the sailing vessels, the fact is that the bill of the Merchant Marine Commission offers exactly the same rate of subvention to a sail vessel as to a steamer, namely, at the rate of $5 per gross ton per year.

A sailing vessel of 1,000 tons that engages in the foreign trade throughout the year will get exactly the same subvention as a steamer. If there is anything fairer than this to the sail-vessel owner, the plan has not yet been devised. The reason, as stated in the table of the Commissioner of Navigation, that 84 steamers get more than 626 sail vessels is that the steamers are generally of larger size, and that these particular steamers referred to were engaged in the foreign trade for relatively much longer periods than sail vessels—that is, that the steamers did much more work in the carrying of our foreign commerce. But if a sail vessel of a given tonnage is engaged in the foreign trade for as long a period as a steam vessel of the same tonnage, it will earn and receive exactly the same subvention under the proposed bill, one of the benefits of which is that it does not discriminate between owners of sail vessels and owners of steamers. Indeed, this bill is the most generous to sail-vessel owners that has ever been brought before the American Congress. If it discriminates in favor of anybody, it is in favor of the owners of sail-vessel property as against corporations owning steamships.

NOT LEAVING THE SEA.

The gentleman from Kentucky said:

The truth is that our ships have not decayed; or if they have decayed at all, it is because our young men have quit the sea for better occupations and refuse to return by reason of the low pay and the hard life and the want of opportunity for advancement.

On page 29 of his report for 1905 the Commissioner of Navigation prints the nationality of seamen shipped before the United States Shipping Commissioners at twenty seaports in the United States in every year from 1896 to 1905, inclusive. This statement shows that the number of shipments of American citizens has increased from 23,142 in 1896 to 59,609 in 1905, that the percentage of Americans has increased from 29 per cent to 49 per cent, and that a large majority of these American citizen seamen are American born. This does not look as if our merchant marine were declining because Americans would not go to sea.

This increase of the American proportion in the crews of American vessels is all the more striking and significant because it is true that with the decline in number and tonnage of our ships there have been decreasing opportunities for employment and advancement. If the American merchant marine were increasing instead of decreasing, nothing is more certain than that young Americans of determination and ambition would go to sea in increasing numbers just as they did in the halcyon days of our merchant marine of years ago.

The gentleman states further, in referring to a table from the annual report of the Commissioner of Navigation, that "the subsidy will go chiefly to certain fast steamers."

The steamers he refers to are fortunately named in this report. Only three or four of these are of a speed as high as 17 knots, and most of them are from 10 to 14 knots, which is by no means swift as considered by the standard of any nation.

THE BRITISH SUBSIDY FLEET.

Further on the gentleman from Kentucky states that—

There are only 35 ships in all receiving the subsidies in the British Empire and only £712,376 12s. 7d. paid.

To prove this assertion the gentleman from Kentucky submits a tabular statement, the present value of which may be conjectured from the fact that it includes in the enumeration of subsidized British steamers the Inman liners *City of New York* and *City of Paris*, which have been for more than a dozen years beneath the American flag.

Mr. GILBERT of Kentucky. I got it from a Republican Commissioner of Navigation.

Mr. GROSVENOR. Certainly, and got it from a Republican Commissioner of Navigation in his report twelve years ago. The *City of New York* and the *City of Paris* they were called. I crossed the ocean in 1890 in the *City of New York*, then belonging to the Inman Line. Since that time it has been bought by the American Line and transferred by act of Congress. Both of these ships were armed cruisers in the war with Spain, one under the name of *Harvard* and one under the name of *Yale*, and to-day they are fast ships in the American Line. They are now known as the *New York* and the *Philadelphia*.

But these 35 steamers, or any other list of 35, do not represent the subsidized British shipping. Instead of only 35 subsidized steamers the British subsidized companies own hundreds.

Take the subsidized companies which the gentleman from Kentucky enumerates—and this is only a partial list—the Peninsula and Oriental line owns 45 steamers of more than 12 knots speed and 2,000 tonnage, to say nothing of slower vessels. The Cunard Steamship Company owns 12 steamers of more than 12 knots and 2,000 tons, the Oceanic Company 28, the Orient 5, the Royal Mail Steam Packet Company 13, the Pacific Steam Navigation Company 27, the Canadian Pacific Company 17—a total here in this partial list not of 35, but of 147.

And not all of the subsidized British steamship companies are included in this enumeration. There is, for example, no mention of the Union Castle Line, of the West Indian Line, of the Canadian-Australian Line, and of numerous other concerns receiving subsidies from British colonial governments. This Union Castle combination alone has 36 steamers of about 12 knots speed and 2,000 tonnage.

The list of these subsidized craft submitted by the gentleman from Kentucky is not only antiquated, but is not half complete and is not worthy of the slightest credence.

My statement as to the number of ships owned by these subsidized British companies is taken from page 166 of the Report of the Commissioner of Navigation for 1905, and is drawn by him from the records of Lloyd's Register.

THE OFFICIAL FACTS.

The gentleman from Kentucky said:

The tonnage of American and foreign vessels which entered and cleared in the foreign trade in 1904, and also in 1905, shows of American 6,679,173 and foreign 23,273,237 tons, showing that we carried 22 per cent of all our exports and imports, and yet you have heard it said repeatedly that we are carrying only 8 or 10 per cent of our commerce.

The statement that American ships have lately conveyed only 8 or 10 per cent of our commerce is the official statement of the Government of the United States. As set forth on page 487 of the latest Statistical Abstract of the United States, it shows that the proportion of American imports and exports conveyed by sea in American vessels has decreased almost constantly from 66.9 per cent in 1859 to 10.3 per cent in 1904. This statement is accompanied by the exact value in dollars and cents of the imports and exports in American and foreign vessels. The fact that the proportion of American tonnage entering our ports is larger than the proportion of American carriage is simply another indication of the feebleness of our unprotected merchant marine in the intense competition of the nations.

Mr. GAINES of Tennessee. Will the gentleman allow me to ask him a question?

Mr. GROSVENOR. Yes; if the gentleman will not make it too long.

Mr. GAINES of Tennessee. You have stated that our commerce was so much, I believe, in 1869?

Mr. GROSVENOR. In 1859.

Mr. GAINES of Tennessee. In 1859.

Mr. GROSVENOR. I did not say our commerce, I said the percentage that we were carrying.

Mr. GAINES of Tennessee. Why is it that it is so much smaller now?

Mr. GROSVENOR. Because we have not the ships.

Mr. GAINES of Tennessee. Why have we not got the ships?

Mr. GROSVENOR. I have been trying to make that appear. I can not go over that part of my speech again.

Mr. GAINES of Tennessee. I shall read it with pleasure.

Mr. GROSVENOR. You will find pleasure in reading it.

Mr. GAINES of Tennessee. I will, for I want to find out.

Mr. GROSVENOR. And I shall commend it to you.

Mr. GAINES of Tennessee. The authenticity of it commends it.

Mr. GROSVENOR. I thank you very much. I shall commend it to your prayerful consideration, and if I may add to the prayer, that you have intelligence and patriotism sufficient to appreciate it.

Mr. GAINES of Tennessee. I am very glad that the gentleman has got to the position of having a prayer.

Mr. GROSVENOR. When a hard case comes before me, I always have a prayer. [Laughter.]

Mr. WILLIAMS. It is the prayer of the righteous only that avails. [Laughter.]

Mr. GROSVENOR. That is where I come in. [Laughter.]

GERMANY'S STATE-AIDED SHIPS.

The gentleman from Kentucky said:

There are only 130 ships altogether in these two so-called "subsidized lines," of 553,287 gross tons. The German Empire has 6,153 ships, of 3,704,697 gross tons, so that 130 ships, of 553,287 tons, received the so-called "bounty," and 6,023, with 3,151,410 tons, received no bounty.

All German ships share in a greater or less degree in the general imperial policy of encouragement and protection. Subsidy in Germany is only one form of encouragement. Nor is it possible to say definitely what ships are and are not subsidized. For, habitually, vessels built by and for the subsidy and employed on the Asiatic lines are transferred to the New York and other services. So it is not true, as stated by the gentleman from Kentucky, that—

Not a ship of Germany that enters our ports receives a single dollar of subsidy, except where it comes to our ports in exchange for a North German Lloyd steamer.

The gentleman from Kentucky said:

Now, look at the last annual report of the Postmaster-General and you will find that we paid last year to our ships for transporting foreign mails the sum of $2,693,812, or $993,812 more than Germany paid for all ship bounties and mail contracts put together.

The report of the Superintendent of Foreign Mails, already quoted, shows that the actual amount paid to our ships—that is, to American ships—was only $1,611,505, most of the rest going to foreign vessels.

FOREIGN "TRAMPS" CARRYING OUR MAILS.

Postmaster-General Cortelyou says of the merchant marine question in his annual report, 1905:

The Merchant Marine Commission, appointed by Congress on the recommendation of the President, has made its report, and has prepared a bill embodying its conclusions.

The Post-Office Department is deeply interested in having some favorable legislation enacted for the development of our commercial shipping, for it is largely dependent on steamers sailing under foreign flags for the transportation of its foreign mails. The practice of the Department in the dispatch of mails, both foreign and domestic, is to forward by the conveyance giving reasonable assurance of quickest delivery. Foreign governments are steadily increasing the speed of their fast mail steamers, and requiring them to have fixed and regular sailings. Each country pays for the conveyance of its own mails to the exchange office of the country of designation, making no provision for the return trip. It is quite evident, therefore, that if other countries provide a liberal compensation for the carriage of foreign mails on the outward trip, the steamers conveying such mails can well afford, on the return trip, to accept the low rates of compensation for the carriage of mails authorized by the Universal Postal Union.

Fast mail steamers of other countries leaving ports of the United States will more and more absorb our foreign mail transportation until such time as the United States provides an adequate compensation for the outward voyage of steamers of equal speed and regularity of schedule.

Congress has authorized the Postmaster-General, by the act of 1891, to contract with owners of American steamships for ocean mail service in the interest of the postal service alone by requiring that such steamers shall be of a size, class, and equipment which will promote commerce and become available as auxiliary cruisers of the Navy in case of need. The compensation allowed to such steamers is found to be wholly inadequate to secure the proposals contemplated; hence advertisements from time to time have failed to develop any bids for much-needed service. This is especially true in regard to several of the countries of South America with which we have cordial relations and which, for manifest reasons, should have direct mail communications with us. I refer to Brazil and countries south of it. Complaints of serious delay to mails for these countries have become frequent and emphatic, leading to the suggestion on the part of certain officials of the Government that for the present, and until more satisfactory direct communication can be established, important mails should be dispatched to South America by way of European ports and on European steamers, which would not only involve the United States in the payment of double transit rates to a foreign country for the dispatch of its mails to countries of our own hemisphere, but might seriously embarrass the Government in the exchange of important official and diplomatic correspondence.

The fact that the Government claims exclusive control of the transmission of letter mail throughout its own territory would seem to imply that it should secure and maintain the exclusive jurisdiction, when necessary, of its mails on the high seas. The unprecedented expansion of trade and foreign commerce justifies prompt consideration of an adequate foreign mail service. Expenditures to this end seem fully justified, also from the standpoint of a proper naval establishment, inasmuch as the vessels performing service are so built as to be readily converted into auxiliary cruisers.

STANDARD OIL AGAIN.

The gentleman from Kentucky said:

Lloyd's Register for 1905 shows that the Standard Oil Company owns and operates thirty ships in the foreign trade engaged in shipping the oil on which the company fixes the price for all the world, and all of these ships will get bounties under this bill.

You see, he came back on us with the same old Standard Oil Company. I had heard the first part of his speech and thought that was the end of it, but at that time it was only fifteen ships. Before he got through, in the enthusiasm of the moment he said there were thirty ships that would get it. It is an error, first, because foreign ships can not get a dollar of subvention, and second, because the Standard Oil craft are expressly excluded by the requirement that a vessel, in order to receive the subvention, "shall be engaged exclusively as a common carrier for the service of the public."

Mr. GILBERT of Kentucky. Mr. Chairman, that statement about the Standard Oil Company is due to the fact that after the bill had been prepared by the gentleman's committee and had been introduced there was an amendment introduced in the Senate, that was not in the bill as it left the gentleman's committee, and without that amendment the Standard Oil Company and the Standard Oil Company's ships would get the subsidy.

Mr. GROSVENOR. There was never a bill introduced since I have been a Member of Congress, either in the Senate or in the House, or at the suggestion of the Merchant Marine Commission, or by any individual member of either one of the committees, or any bill reported out of the Senate committee in either Congress, or out of the House committee, that did not expressly exclude the Standard Oil Company from all participation in the subsidy.

Mr. GILBERT of Kentucky I beg the gentleman's pardon. He does not mean to say that the Standard Oil Company was expressly excluded?

Mr. GROSVENOR. Excluded in this way: I drew one of the amendments to the very first bill that was introduced myself, in which I provided that all vessels built, shaped, and constructed for certain traffic, such as the transportation of molasses and oil, should be excluded, and that has been done ever since.

Mr. GILBERT of Kentucky. On the contrary, does not the bill provide that all American ships engaged in the foreign trade shall receive it?

Mr. GROSVENOR. But these are not American ships, as I have shown.

Mr. GILBERT of Kentucky. But I have shown the gentleman that they are.

Mr. GROSVENOR. You have, and you are mistaken; and that was the first rock on which you split.

Mr. McCLEARY of Minnesota. If the ships should be built in the future for the Standard Oil Company's purposes——

Mr. GROSVENOR. They would be excluded.

Mr. McCLEARY of Minnesota. They would still be excluded?

Mr. GROSVENOR. They would be excluded under the description given here.

ONLY OCEAN SHIPS NEED SUBSIDY.

The gentleman from Kentucky said:

But what ships are to get this bounty, aside from the mail subventions above mentioned? The report of the Commissioner for 1905, page 214, shows that 1,050 ships will get about all of it, and we have seen that the lion's share will go to 215 fast steamers. We have in all, even by this report, 24,681 vessels in our merchant marine, besides those numerous large fleets owned by our citizens and floating the British flag. But say we have only 24,681 ships; then 1,050 will get the bounty out of the Treasury, and 23,631 will get no bounty at all.

The 23,631 ships which will "get no bounty at all" are the vessels of the coastwise trade—absolutely protected by existing law to the exclusion of all foreign vessels—the freighters of the Great Lakes, the coal and lumber barges of the Atlantic and Pacific coasts, the tugboats of our ports, the stern-wheel boats that ply on the rivers of the South and Southwest, and the canal boats that plow the Erie and other inland waterways. Would the gentleman from Kentucky have these craft, too, receiving subventions from the Government?

Think of a Congressman making such a proposition as that, and a Kentucky Congressman, too, and an intelligent gentleman. Think of that! He takes the whole of our shipping, the ves-

sels of the coastwise trade absolutely protected by existing law to the exclusion of all foreign vessels; the shipping of the Great Lakes——

Mr. GILBERT of Kentucky. Is not every word of that true? Are not all of those 24,000 ships engaged in the coastwise trade except what are engaged in the foreign trade?

Mr. GROSVENOR. Certainly, and they do not need any subsidy.

Mr. GILBERT of Kentucky. For they are already protected by having an absolute monopoly.

Mr. GROSVENOR. That is what we are saying, but you have complained.

Mr. GILBERT of Kentucky. I am making no fight against the monopoly given by the Government to the coastwise trade.

Mr. GROSVENOR. But you are complaining that this great number of ships, which includes the coastwise trade, have no interest in this bill.

Mr. GILBERT of Kentucky. I am trying to make the argument that if you give a subsidy to one ship in twenty, it is no advantage to the nineteen which receives no subsidy, and that instead of being an advantage, it would be a disadvantage.

Mr. GROSVENOR. That is an afterthought of the gentleman. He certainly never intended that when he used the language which I have here:

We have in all, even by this report, 24,681 vessels in our merchant marine, besides those numerous large fleets owned by our citizens and floating the British flag——

Mr. GILBERT of Kentucky. Isn't that true?

Mr. GROSVENOR. Certainly; and the answer is that 23,000 are engaged in the coastwise trade and wholly protected against all competition.

Mr. GILBERT of Kentucky. The gentleman's argument is that our merchant ships are rotting in the docks and that our ships are being driven from the sea for lack of subsidy.

Mr. GROSVENOR. I haven't said so.

Mr. GILBERT of Kentucky. And I am showing that 23,000 out of the 24,000 are flourishing independent of the subsidies.

Mr. GROSVENOR. The gentleman from Kentucky is talking about something that has no application to and nothing to do with the question under consideration.

All vessels, steam or sail, large or small, down to 1,000 tons for steamers and 200 tons for sail vessels actually engaged in foreign trade, will receive the subventions of the proposed bill at the one even rate of $5 per gross ton per year. Could anything be more even or more equitable?

FERRY BOATS AND BARGES.

The gentleman from Kentucky said:

The Southern Pacific Railroad Company is shown (by Lloyd's Register) to be operating seventeen ships in the foreign trade. The Central Railroad Company of New Jersey has twenty-four ships. The Louisville and Nashville Railroad Company, the Southern Railroad Company, and many other railroad companies and corporations own and operate ships in the foreign trade in connection with their other private business.

The facts are that the steamships of the Southern Pacific Railroad Company run exclusively in the coastwise trade from New York to New Orleans and Galveston.

The twenty-four ships of the Central Railroad Company of New Jersey, which, according to the gentleman from Kentucky, will be earning subsidies on the high seas, are without exception either coal barges or tugboats engaged in hauling coal along shore or ferry boats employed in the tempestuous voyage between New York and Jersey City or down the bay to Atlantic Highlands. [Laughter.] Not one of these twenty-four barges, tugboats, or North River ferry boats has ever made a foreign voyage or ever will.

The Louisville and Nashville Railroad Company, as stated before the Merchant Marine Commission at Pensacola, has just one American steamer, of 1,696 tons, beneath the American flag. There is no record that the Southern Railroad Company owns so much as one barge or tugboat or schooner or catboat in the foreign trade.

TIME FOR PLAIN SPEAKING.

Mr. Chairman, I am quite aware that this speech has been tedious and exhaustive of the patience of the House. I have tried to meet some of the objections offered by the gentleman from Kentucky, and have tried to point out to the House exactly the provisions of this bill, and I have but a single proposition to make, Mr. Chairman, in closing. If the American Congress has concluded that nothing shall be done for the American merchant marine by Congress, let us say so now. Two of the great American lines—that from Seattle and that from San Francisco—are offered a very profitable price for their ships. If we are to do nothing they will sell them; so they assure the committee by strong testimony that came from both localities. If there is a hope of doing something they will hold on. Is it fair for the American Congress to be dangling this question before the public; is it the right thing to go on the stump and make speeches in favor of an American merchant marine for the enthusiastic acclaim of the bystanders, and then delay, prevent, and render hopeless the men who are bearing the burden of this condition? I suggest that a joint resolution of Congress be passed, saying in plain terms that the American Congress will subsidize everything else; it will build the Panama Canal at an indefinite cost, running up perhaps to $500,000,000, for the benefit of foreign ships; it will dig out harbors of the United States and drain the rivers to bring the commerce of the country where it can be loaded into the great transportation agencies of foreign nations; but it gives notice now and here that it will cease to fool the American people; that it will cease to appeal to the popular assemblages with promises and break the promise to the hope of the American people. [Loud applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GILBERT of Kentucky. I ask that the gentleman's time be extended until he completes his remarks.

Mr. GROSVENOR. I am much obliged to the gentleman from Kentucky; but I have occupied all the time I desire. I thank the House for its consideration, and doubtless will extend my remarks in such a way as to put all of the documents in.

APPENDIX.

SHIP-SUBSIDY LAW—PASSED BY THE FRENCH PARLIAMENT ON APRIL 13, 1906.

[Translation.]

CHAPTER I.—*Construction bounty.*

SECTION 1. From and after the promulgation of the present law builders of seagoing vessels destined to the merchant marine shall receive bounties fixed as follows per gross registered ton:

I. IRON OR STEEL VESSELS.

(*a*) Steamers, 145 francs ($27.30).
(*b*) Sailing ships, 95 francs ($18.34).

The said bounties shall be reduced annually 4.50 francs (86.8 cents) for steamers and 3 francs (57.9 cents) for sailing ships during the first ten years of the law; they shall remain fixed, respectively, at the rate of 100 francs ($19.30) and 65 francs ($12.54) after the expiration of the tenth year.

II. VESSELS BUILT OF WOOD.

(*a*) Vessels measuring 150 tons or more, 40 francs ($7.72).
(*b*) Vessels measuring less than 150 tons, 30 francs ($5.79).

Vessels, the outside covering of which is wood, shall be considered as wooden vessels.

Whenever any change is made in a vessel resulting in an increase of tonnage, a bounty shall be granted for such increase upon the basis of the above rates.

Vessels shall be entitled to the bounty as follows:

1. Newly constructed vessels shall receive the rate of the year during which the vessel obtained the French registry or the year during which it has taken its clearance papers, in case it is not destined to the French merchant marine.

2. Vessels which have undergone material change shall receive the rate of the year during which the vessel will first go into commission after the changes have been completed.

SEC. 2. From and after the promulgation of the present law the builders of machinery destined to seagoing vessels of the merchant marine shall receive the following bounties:

1. For motors and auxiliary machinery, such as steam pumps, motor brakes, dynamos, windlasses, mechanical ventilators, which will be installed when new on the vessels, both steamers and sailing ships, and also for new steam boilers and pipes connected therewith, 27.50 francs ($5.31) per 100 kilograms (220.4 pounds).

This bounty shall be reduced annually 75 centimes (14.7 cents) during the first ten years when the law will be in force, and it shall remain fixed at 20 francs ($3.86) after the expiration of the tenth year.

2. For such new parts of machinery which may undergo transformations or repairs, and also for such machines, boilers, and auxiliary apparatus which may be installed, when new, on a vessel, 20 francs ($3.86) per 100 kilograms (220.4 pounds).

SEC. 3. Seven-tenths of the bounties established by the preceding sections shall be paid upon proof of the French registration of the vessel, or when the clearance papers have been given to the vessel, if the latter is not destined to the French merchant marine.

The balance of the bounties shall be paid only to vessels flying the French flag, under the following conditions:

Two-tenths of the bounty at the expiration of one year after the French registration of the vessel.

One-tenth at the expiration of the second year.

Provided, however, That vessels built of wood shall be entitled to the full amount of the bounty upon obtaining the French registry or upon receiving their clearance papers.

Provided further, That in the case of a vessel undergoing changes resulting in the increase of the tonnage, and also in the case of vessels undergoing the repairs enumerated in paragraph 2, the said vessels shall be entitled to the full amount of the bounty upon going into commission or whenever the apparatus or parts of apparatus have been placed on the vessel.

The treasury shall be under no obligation to pay any parts or fractions of the bounties to which no title will be gained at the expiration of the periods of time fixed by this section.

CHAPTER II.

SEC. 4. Seagoing vessels of French and foreign construction sailing under the French flag and engaged in over-sea trade or in the international coasting trade which will obtain the French registry after the promulgation of the present law (provided, however, that the foreign-built vessels be less than 2 years old when registered) shall receive,

for each day the vessel is actually in commission, and per gross ton, a bounty fixed as follows:

I. STEAMERS.

Four centimes (0.772 cent) per ton up to 3,000 tons.
Three centimes (0.579 cent) per each additional ton between 3,001 and 6,000 tons.
Two centimes (0.386 cent) per each additional ton above 6,000 tons.

II. SAILING SHIPS.

Three centimes (0.579 cent) per ton up to 500 tons.
Two centimes (0.386 cent) for each additional ton between 501 and 1,000 tons.
One centime (0.193 cent) for each additional ton above 1,000 tons.

The shipping bounty shall be granted only to vessels measuring at least 100 gross tons.

The provisions of paragraphs 2, 3, and 5 of section 5 and paragraphs b, c, d, f, h of section 6 of the law of April 7, 1902, shall apply to the shipping bounty established by the present law.

The shipping bounty shall be paid to every vessel placed under the régime of the present law until said vessel has reached the age of 12 years.

SEC. 5. Shall be entitled to the shipping bounty only the vessels which for each day while they are actually in commission shall have sailed an average distance of at least—

First. Ninety miles for steamers having, on their trial trips, when half loaded, attained a speed of 14 knots or more.

Second. Eighty-five miles for steamers having, on their trial trips, when half loaded, attained a speed of from 12 to 14 knots.

Third. Sixty-five miles for steamers having, on their trial trips, when half loaded, attained a speed of from 11 to 12 knots.

Fourth. Fifty-five miles for steamers having attained on their trial trips, when half loaded, a speed of from 9 to 11 knots.

Fifth. Thirty-five miles for sailing ships.

The days when a vessel will be unavoidably at a standstill shall not be counted for the purpose of computing the aforesaid distances.

Furthermore, in order to be entitled to receive the said shipping bounty, every vessel shall furnish proof that it has carried, dating from the time of departure from and until the day of return to a French port, a quantity of merchandise equal in freight tonnage to at least one-third of the gross register tonnage of the vessel; and it shall furnish proof, further, that said quantity of merchandise equal in freight tonnage to at least one-third of the gross register tonnage of the vessel; and it shall furnish proof, further, that said quantity of merchandise has been carried for a distance at least equal to one-third of the entire distance sailed.

The rate of the shipping bounty shall be reduced 10 per cent for the vessels which shall not have carried for at least one-half of the distance sailed a quantity of merchandise equal in freight tonnage to at least one-half of the gross registered tonnage of the vessel.

SEC. 6. The rate of the shipping bounty shall be reduced 15 per cent for steamers having attained on their trial trips, when half loaded, a speed of less than 10 knots, but equal to or exceeding 9 knots. No bounty shall be granted to vessels having attained on said trial a speed of less than 9 knots.

The rate of bounty shall be increased—

Ten per cent for vessels having attained on said trial trips a speed of at least 14 knots.

Twenty per cent for vessels having attained on said trial trips a speed of at least 15 knots.

Thirty per cent for vessels having attained on said trial trips a speed of at least 16 knots.

CHAPTER III.—*Common and transitory provisions.*

SEC. 7. The construction bounty and the shipping bounty established by the present law shall not be subject to the deduction provided for in sections 4 and 21 of the law of April 7, 1902.

There shall be included each year in the budget of the marine, to be applied to purposes specified in sections 4 and 21 of the law of April 7, 1902, an appropriation equal to 6 per cent of the estimates of the construction bounties and to 11 per cent of the shipping bounties payable during the year.

Paragraph 3 of section 21 of the law of April 7, 1902, is hereby amended as follows:

"One-third of the fund for the disabled, with the end in view of granting subventions to chambers of commerce, to establishments of public interest, to establishments, institutions, or societies the by-laws of which are framed in accordance with the provisions of the law of July 1, 1901, on associations, or of the law of March 21, 1884, on syndicates, for the purpose of creating or maintaining in France, or in foreign ports most frequented by French sailors, either hotels or marine hospitals, procuring to said sailors lodging, food, medical treatment, or situations, or such other institutions which might be useful to the said sailors, and particularly professional sailors' schools."

SEC. 8. From and after the promulgation of the present law, sailing vessels built under the law of January 30, 1893, and fulfilling the conditions required in order to be entitled to the bounty, and having received their French register before November 1, 1901, shall receive a shipping bounty of 3 centimes (0.579 cent) per gross registered ton, and for each day they are in commission during three years, dating from the time they will cease to receive any benefits from the law of January 30, 1893.

Said vessels shall have to furnish proof of their having carried, on at least two-fifths of their entire voyage, in each direction, a quantity of merchandise equal in freight tonnage to at least two-thirds of their net registered tonnage.

SEC. 9. Vessels now sailing under the French flag, those which shall obtain their French register before the present law goes into effect, and also those which have made an application to be admitted to share the benefits of the law of April 7, 1902, shall remain subject to the laws under which they are now placed: *Provided, however*, That the owners of vessels having made the aforesaid application may abandon the rights accruing from said application, and elect to be placed under the present law. But in the case of vessels having already obtained their French register, this option shall give a right only to the shipping bounty and not to the construction bounty: *Provided further*, That said option shall be formulated within two months after the promulgation of the present law.

The shipping bounty which will be granted to the said vessels shall be debited to the appropriation of 50,000,000 francs and 150,000,000 francs voted by the law of April 7, 1902, until payment in full of the sum to which they were entitled under the law at the date of the said option.

No application to be admitted to share in the benefits of the law of April 7, 1902, shall be received after the promulgation of the present law.

SEC. 10. Vessels which will be built in accordance with contracts now in force, in order to be assigned to a subsidized postal service, shall be entitled to receive only the construction bounty of 65 francs ($12.54) per gross ton, and of 15 francs ($2.89) per 100 kilograms (220.04 pounds) of machinery, established by the law of January 30, 1893.

Whenever a navigation company will assign to one of the services defined by the aforesaid contracts a vessel having received the bounties fixed by sections 1 and 2 of the present law, a sum equal to two-thirds of the share of the postal subsidy allowed for the service in question shall be deducted from the amount payable to said company during the entire time of said assignment. The sums so deducted shall be paid over to the Treasury as a reimbursement of the difference between the construction bounties paid for said vessel and the bounties which would have been paid under the law of January 30, 1893. The total amount of the sums deducted shall not exceed the amount of the said difference.

SEC. 11. Until the expiration of the law of April 7, 1902, the construction bounty established by the present law shall not, in the case of new ships which may be entitled to the shipping bounty, be granted for more than 50,000 gross registered tons of steamers and for more than 15,000 gross registered tons of sailing ships per year.

SEC. 12. The right to receive the bounties established by the present law is hereby reserved—

First. In so far as the construction bounty is concerned, to vessels whose hulls, engines, and boilers are built in France;

Second. In so far as the shipping bounty is concerned, to vessels registered in a French port.

Construction and shipping bounties may be granted by the French colonies, out of their local budgets, to vessels constructed in those colonies or having been registered in their ports.

Section 17 of the law of April 7, 1902, is hereby repealed.

Section 2 of the law of September 21, 1793, in so far as it relates to the composition of the crew of vessels registered in colonial ports, is also hereby repealed. The composition of said crews shall be determined by ministerial decree.

SEC. 13. The computation, for the purpose of granting the shipping and construction bounties, of the freight tonnage of the cargoes of vessels which carry passengers, cattle, and vehicles shall be made upon the following basis:

One ton and a half for each passenger taken or put ashore.
Two tons for each head of large cattle, horses, and mules.
One-half ton for each head of small cattle.
Three tons for each two-wheeled vehicle.
Four tons for each four-wheeled vehicle.

The baggage of travelers, including the small provisions taken with them, shall not be counted in the estimate of the merchandise taken or discharged.

SEC. 14. The life of the present law is fixed at twelve years.

SEC. 15. Section 1, paragraph 2, of the law of January 30, 1893, is hereby amended as follows:

Shall be considered as over-sea voyages those made beyond the limits hereafter determined:

To the south 30° north latitude.
To the north 72° north latitude.
To the west 15° longitude west of the meridian of Paris.
To the east 44° longitude east of the meridian of Paris.

Iceland, however, including its territorial waters, shall be considered as coming within the limits of the international coasting trade.

Voyages made within the foregoing limits of the international coasting trade, in order to give right to the shipping bounty, shall be subject to the obligations imposed by section 5 of the present law only in a certain measure, which shall be fixed by a ministerial decree.

SEC. 16. All the provisions of the laws of January 30, 1893, and April 7, 1902, which are not inconsistent herewith shall remain in full force and effect.

SEC. 17. A ministerial decree shall determine the necessary measures for the application of the present law.

SEC. 18. The violation of the laws regulating labor, safety, and hygiene on board vessels, whenever established before the proper authorities, may, according to the gravity of the offense and in case of second offenses, cause the suppression or the reduction by fraction of one or several twentieth parts of the shipping bounty.

Those reductions may be made independently of the prosecution which could be brought against the delinquents for the violation of existing laws and regulations.

SEC. 19. The shipbuilders shall receive the bounty established by the present law only in case the French shops, factories, and yards having contributed to the construction of a vessel comprise, in all, a proportion of foreign workmen not exceeding 10 per cent of the entire number of men employed.

All the regulations concerning safety and hygiene to which French vessels are subjected shall be applied to foreign vessels in French ports.

AMERICAN LABOR AND THE MERCHANT MARINE.

WHERE LABOR STANDS.

No class of American citizens has viewed with greater alarm the gradual decline in American deep-sea shipping under the American flag than organized labor.

In 1896 the Brotherhood of Boiler Makers and Iron-ship Builders of America, with a membership of 60,000, began agitating the question, and later, by a referendum vote, declared in favor of legislation that would aid this dormant and dying industry. One of the results of this agitation was the creation of the Congressional Merchant Marine Commission, which conducted an extensive inquiry into the condition of our over-sea commerce, the cause of its decline, and the best method to be adopted to restore it.

The Commission, after an exhaustive inquiry, made a report recommending bill No. S. 529, entitled "A bill to promote the national defense this country, and if it is enacted into a law it means that American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage," which is now pending in Congress. The bill provides that all vessels affected by it shall be built in the United States, and that all ordinary repairs and overhauling shall be made in this country, and if it is enacted into a law, it means that American products will be carried in American-built ships, manned by American seamen, and steady employment at American wages for 500,000 people.

Statement of Charles Van Druver.

At the hearing before the Congressional Merchant Marine Commission, held in Cleveland, Ohio, on June 28, 1904, among those who

addressed the Commission on the subject of restoring the American deep-sea commerce to the place it once occupied was Mr. Charles Van Druver, president of the Cleveland Lodge, representing the Brotherhood of Boiler Makers and Iron-Ship Builders of America.

The proceedings were as follows (see page 837, Vol. II, Report of Merchant Marine Commission):

Mr. VAN DRUVER. Mr. Chairman and gentlemen, I would like to request that the secretary read the paper I have here. It is not very long.

The CHAIRMAN. Certainly. I will first ask you what is your present business?

Mr. VAN DRUVER. Boiler making and iron-ship building.

The CHAIRMAN. You represent that organization?

Mr. VAN DRUVER. Yes, sir.

The CHAIRMAN. We had some of your men before us, I think, in one or two other cities.

Senator PENROSE. We had some of them before us in Chicago.

The CHAIRMAN. The secretary will read the paper prepared by Mr. Van Druver.

The secretary read as follows:

"Mr. Chairman and gentlemen of the Merchant Marine Commission, we standing before you as representatives of American labor and we ask for the passage of a bill through Congress that will cause the building in American shipyards of the vessels required for our over-sea trade. Congress has for nearly a half century encouraged and maintained foreign shipping in our foreign trade through its refusal to protect American ships in that trade. Hundreds of millions of dollars of American money has been exported to pay aliens to build the millions upon millions of tons of foreign ships that have been and are now employed in doing the bulk of our over-sea carrying. We ask you to reverse the policy and protect American shipowners, American shipbuilders, and those whom they employ, to the same extent that by your inaction and neglect you have so long protected foreign shipowners, foreign shipbuilders, and the aliens whom they employ.

THE VOICE OF LABOR.

"We represent the Brotherhood of Boiler Makers and Iron-Ship Builders, an organization affiliated with the American Federation of Labor. We have a membership of 40,000 American workingmen, with over 500 local lodges in as many different parts of the United States. About one-half of the members of our brotherhood are seeking employment at their trade, the depression in which is due to the fact that the ships employed in doing our foreign carrying are built in foreign countries by foreign labor. And we are but one of a number of labor organizations whose members are largely if not wholly dependent upon American shipbuilding for work at their trades.

"The wages that we receive when we have work are the wages that are paid to skilled mechanics employed in similar industries in the United States, and they are no more than are necessary to enable us to live as becomes American citizens. We will submit to no reduction in the wages we receive in order to have ships built in the United States, and least of all will we accept the wages that are paid in foreign shipyards, which do not exceed one-half of the wages that we are paid.

AMERICAN WAGES MUST NOT BE CUT.

"The remedy for the decline in American shipping must be one that shall leave unimpaired the rates of wages paid in American shipyards; that may as well be understood in the beginning. We know that there are many American workingmen who are steadily employed at their trades and receiving the American scale of wages because the product of their labor is protected by acts of Congress against the free competition of the product of foreign labor. We are convinced that, were it not for the protection which Congress has seen fit to give the product of the American workingmen, fully one-half of those who are now steadily employed would be, like we are, seeking work at their trade. We ask no more than you accord to other American workingmen in the matter of protection, and we assure you that we shall accept no less. The product of American shipyards must be protected against the competition of the product of foreign shipyards, precisely as the product of American labor in other industries is protected against foreign competition.

NO PROTECTION NOW FOR SHIPBUILDERS.

"It will not do to say that foreign ships may not obtain American registers, and assert that this is prohibitive protection in favor of American-built ships, so long as foreign-built ships are permitted to enter our ports and engage in our deep-sea carrying upon terms of absolute free-trade competition with American-built ships. There is no protection for American shipbuilders when the product of their labor is compelled to meet the product of foreign shipbuilders upon terms of free-trade competition. No man will invest in an American-built ship, costing from 25 to 40 per cent more to build than a foreign ship costs, and then attempt to run her in free-trade competition with foreign ships. More than a full generation of trial has shown that such competition is a continuous failure. When it is shown, as it can be, and as it doubtless has been to the entire satisfaction of every member of this Commission, that the cost of operating an American ship is much greater than the cost of operating a competing foreign ship, it must be still more plain to you that there is nothing to attract capital into American-built ships for the foreign trade. But when to these two items of construction and operation expense is added the further handicap of government aid extended by foreign governments to the foreign ships that compete with our own, is it necessary for you to inquire why it is that we have but 1 ton of American shipping in the foreign trade to-day under the American flag where we had 3 tons forty-three years ago?

EVERYBODY ELSE PROTECTED.

"It has been the policy of the United States during practically the entire lifetime of every mechanic actively employed in the United States to-day to protect him against the competition of foreign labor in foreign countries—every mechanic save alone those employed in shipbuilding for the foreign trade. You can not expect American workingmen who are employed in the building of ships to accept a rate of wages only one-half that which they now receive—only one-half that received by their fellow-workingmen in other trades, even if such wages are the total received by the workingmen employed in foreign shipyards.

"Congress, by its protective policy, has created and maintains a condition in the United States which must be uniform to be just. So long as it says to me and to the men of my craft that we can not enjoy the same measure of protection that our brothers who are employed in other industries enjoy so long Congress will continue to investigate the decline of American shipping and seek remedies for its revival. The only remedy is equality of condition for the product of our hands with that produced by the hands of workingmen in the protected industries.

PROTECTION MUST BE UNIFORM.

"For nearly a century Congress has excluded foreign-built vessels from our coastwise trade, and in order for those seeking to engage in that trade to get the vessels they need they must apply to American shipyards. When they get there they must pay the American scale of wages, rates on a par with those paid to other workingmen in other protected trades. In that branch of the industry you long ago created and have ever since maintained a protective condition. Now, gentlemen, do you think that you can induce American workingmen to go into American shipyards and build ships for the foreign trade at one-half the wages that are paid to the men who are building ships for the protected coastwise trade? Certainly not. It must be clear to you that you have created and long maintained a condition of partial protection to which you have been striving for over forty years to adjust a condition of free trade, and of course it does not work. You can not expect it to work. You have got to make the protective policy uniform in our shipyards. The product of our hands must be protected just the same when it is to engage in the foreign trade as it is when it is to engage in the coastwise trade. Either that or else free trade all along the line. But I am sure that none of you expect to find a remedy for our shipping decline through free-trade channels.

"Look around you in this Great Lakes country and see the splendid shipyards and the magnificent shipping, all the product of and giving employment to American workingmen, and remember that it is due to the exclusion of foreign vessels from participation in our trade. It has been reserved for our own people, and it has grown great and prospered as a consequence. Here we build ships for just one trade—a protected trade—and the men employed in the shops and yards receive the full standard of American wages. They will accept nothing else. Do you think that other American workingmen, employed in other American shipyards, even in the building of ships for the foreign trade, will accept less wages than we receive? Of course you do not. Protection is universal in our trade up here, and it sets the standard for the whole country. So, you must see, Congress has created a condition of protection in shipbuilding that governs the whole industry. It is prosperous where it is protected; it is a failure where it is unprotected.

ONLY ONE WAGE SCALE.

"To-day I may be employed at American wages in the building of a vessel for the coastwise trade. Do you think that to-morrow I will accept the foreign rate of wages because my employer puts me on a ship building for the foregn trade that will be compelled to compete under free-trade conditions with foreign ships? Certainly not. Do you think in one shipyard on one set of ways there will be a gang employed in building a ship for the coastwise trade at the American rate of wages and on another set of ways another gang will be employed in building a ship for the foreign trade at the foreign rate of wages? Of course you do not. Do you think that in a boiler shop one set of men will work for foreign wages in building a boiler to be put into a ship for the foreign trade and right next to them another set of men will receive American wages for building a boiler to be put into a ship for the coastwise trade? The condition you have created in our coastwise trade conforms to the general conditions that obtain in all of our land industries, a protective condition, and it is impossible to expect that you can establish a successful branch of the same industry under free-trade conditions. The result of such efforts has been to exclude from our shipyards the building of ships for our foreign trade.

CONGRESS HAS FAILED OF ITS DUTY.

"Rather than extend the protective principle uniformly to our shipbuilding and shipowning interests, Congress has evaded its plain duty, and the men of my craft who are seeking work at their trade are the sufferers for it.

"What is there about our coastwise and domestic trade that justifies Congress extending and maintaining the protective system that it has so long maintained and at the same time justifies the denial of protection to our ships engaged in the foreign trade? How can you look upon our prosperous protected coastwise and domestic shipping and watch its growth and not realize why it is that our shipping in the foreign trade, which is subject to free-trade competition, has shrunk and declined? If you look for a prosperous American shipping upon the seas in free trade and unprotected competition with foreign shipping, under the protective conditions you have created in our coastwise trade and our land industries, you are looking for the impossible.

A PLEA FOR AMERICAN SAILORS.

"Face to face with these facts, as you must have been during the course of your investigations, perhaps some of you are considering why you may not import foreign ships and place them under American registry. You may think that you can by this method at least overcome the higher first cost of building ships in American shipyards. But as you reflect upon that line of policy its impracticability must be manifest. It must be clear that you can not, by increasing the free-trade conditions of competition, establish in a protective country a prosperous industry. It will be no more possible by free ships to establish an American shipping in the foreign trade than it will be to make oil and water mix. Even if you had free ships you would still be confronted with the obstacles of higher cost of operation under the American flag. To overcome this would you advocate allowing aliens to command and officer the ships? Would you diminish the quantity and consent to an impairment of the quality of the food served on board American ships? Would you conform the food scale to that of the most poorly fed of all of the ships with which our own compete? And yet can you contemplate with favor the idea of protecting American officers and seamen on board American ships and at the same time deny protection to our workingmen in the shipyards? Are the men who officer and man our ships any more deserving of protection than those who build them?

LABOR'S INTEREST GREATER THAN CAPITAL'S.

"Look at this problem as you may, gentlemen, it must be clear to you that there is but one course for you to pursue. You must devise a method of protection that shall be practical and effective; which will overcome the adverse conditions under which ships are built in the United States and operated under the American flag in competition with foreign ships. Until you completely abandon the protective policy there is no other way by which you can have an American merchant marine in the foreign trade than by protection. You have free-trade competition between American and foreign ships now in the foreign trade, and that competition has been destructive of American shipping.

Protection, therefore, is the only remedy applicable to existing conditions in the United States in the shipping industry.

"Finally, it must be clear to you all that American labor is more deeply concerned in the successful conclusion of your investigation than any other class of citizens. Capital can find innumerable ways for safe and profitable investment, and you need not concern yourself with its needs. When you are told that those who are seeking protection for our shipping in the foreign trade are seeking to still further enrich those who are already wealthy, that the demand for protection comes from capitalists and corporations, remember that the statement is untrue; that so long as you deny protection to American shipping in the foreign trade, so long you deny employment in American shipyards for American labor. If you fail, if you do not apply a remedy that will be successful, remember that your failure will continue and perpetuate the protection the aliens who now control the building and operation of the shipping in our foreign trade have so long enjoyed. The issue is distinctively and only one between foreign and American labor." [Applause.]

Mr. VAN DEUVER. I thank you very kindly, gentlemen.

Statement of A. D. Porter.

Mr. A. D. Porter appeared before the Commission at Chicago, Ill.

The CHAIRMAN. Mr. Porter, will you state to the Commission what line of business you are engaged in?

Mr. PORTER. I represent the Boiler Makers and Iron Ship Builders in California, and I am one of the officers of the lodge.

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Would you mind if the section of the constitution and by-laws to which I refer is read into the record?

The CHAIRMAN. We would be pleased to have it read.

Mr. PORTER. I read from the "Constitution and by-laws of the Brotherhood of Boiler Makers and Iron Ship Builders of America. Revised and adopted by referendum vote, January, 1903."

* * * * * * *

RESOLUTIONS.

The following resolution was unanimously adopted as the sentiment of this brotherhood:

"Whereas the Brotherhood of Boiler Makers and Iron Ship Builders of America believe that Government aid is necessary to induce citizens of the United States to build and operate on the ocean merchant vessels to carry our foreign trade in competition with the vessels of foreign nations, which now monopolize said trade to the almost entire exclusion of vessels of our own country; and

"Whereas the interest of the whole country, the reenforcement of our Navy, the enlargement of foreign markets for our surplus products, the increased employment of our workingmen in the mine, factory, shipyard, and boiler shop, and the training of able seamen would all be promoted by the restoration of our merchant marine to its former position on the seas of the world: Therefore, be it

"*Resolved*, That in our opinion it is the duty of Congress, at the earliest day possible, to enact legislation to secure such restoration by the payment of subsidies to American-built mail carriers and freighters sufficient to enable them to compete successfully with the subsidized and bounty-fed merchant ships of foreign countries in the carrying of our imports and exports."

The CHAIRMAN. Mr. Porter, does that represent the views of your entire brotherhood?

Mr. PORTER. Yes, sir.

(P. 712, Vol. II, Report of Merchant Marine Commission.)

Statement of J. J. Fitzgerald.

Mr. J. J. Fitzgerald appeared before the Commission at Chicago, Ill.

The CHAIRMAN. Mr. Fitzgerald, will you state to the Commission in what line of business you are engaged?

Mr. FITZGERALD. I am secretary of the Brotherhood of Boiler Makers and Iron-Ship Builders of America. I have held that position for about ten years now.

The CHAIRMAN. Is your headquarters in Chicago?

Mr. FITZGERALD. Yes, sir.

I wish to say to the Commission that our organization has for a number of years agitated this ship question, and that we adopted in our convention held in Cleveland, Ohio, in 1896, when this subject came up, a request that all locals would petition the Government to appoint a commission to take evidence and get information that will help the shipbuilders of the country.

MECHANICS MORE INTERESTED THAN SHIPOWNERS.

We also believe that legislation for the upbuilding of American shipping will not be nearly so helpful to capital in the United States as it will be to labor; that there are plenty of avenues always open for the profitable investment of American capital, but only a slight item for the employment of labor. American capital is at liberty at any time to purchase foreign-built ships, while under this proposed law we could employ American capital and at the same time give employment to American mechanics.

Representative GROSVENOR. Your idea is that American capital can go and buy a steamship line if it wants to do it and run it under a foreign flag.

Mr. FITZGERALD. That is the idea.

Representative GROSVENOR. But your labor will have to be used in America and under American institutions?

Mr. FITZGERALD. And the ships will have to be manned by American seamen.

I wish to say that in 1896 we started in a small way to agitate this question, and in 1903, by a referendum vote, we adopted as a part of our constitution a resolution indorsing subsidies to American ships.

Representative GROSVENOR. Did the whole association adopt that resolution?

Mr. FITZGERALD. It was carried almost unanimously by our 60,000 or less members.

I wish to thank you gentlemen for the privilege of addressing you. I am glad we had a small part in having this Commission appointed.

Representative MINOR. We feel honored by your presence, sir, representing, as you do, so many good and intelligent men.

(P. 720, Vol. II, Report of Merchant Marine Commission.)

THE AMERICAN MERCHANT MARINE.

[Printed by order of the Chamber of Commerce of the city of Newport News, Va.]

A healthy merchant marine is important to the due growth of nations.

It is an indispensable factor of sea power.

These principles were recognized in the early history of this country. Profiting by the teachings of Jefferson and Madison, our merchant marine grew to greatness—forsaking these principles it has fallen to decay.

In 1826 98 per cent of our sea commerce was carried in American vessels. In 1905 only about 9 per cent of our sea commerce was so carried.

We pay annually $200,000,000 to foreign freight carriers. In the face of this reckless dissipation of national wealth, continued indifference is criminal.

It is time to return to the faith of our fathers.

This pamphlet contains excerpts from the works, the speeches, and the debates of statesmen whose names are recalled with reverence and gratitude, not only by the Democratic party, but by the American people.

The collection has been printed in the hope that it may serve to arouse new interest in the American merchant marine.

BENJAMIN FRANKLIN.

Our early statesmen believed in "fair commerce," which was thus stated by Benjamin Franklin:

"Fair commerce is where equal values are exchanged for equal, the expense of transportation included. Thus if it cost A in England as much labor and charge to raise a bushel of wheat as it costs B in France to produce 4 gallons of wine, then are 4 gallons of wine the fair exchange for a bushel of wheat, A and B meeting at half distance with their commodities to make the exchange. The advantage of this fair commerce is, that each party increases the number of his enjoyments, having, instead of wheat alone, the use of both wheat and wine." (American Navigation (Bates), p. 55.)

THOMAS JEFFERSON.

"Every rational citizen must wish to see an effective instrument of coercion, and should fear to see it on any other element but the water. A naval force can never endanger our liberties, nor occasion bloodshed; a land force would do both." (Letter to James Monroe, Paris, August 11, 1786. Writings of Thomas Jefferson, vol. 4, p. 265. Paul Leicester Ford.)

"Paul Jones is invited into the Empress's service with the rank of rear-admiral, and to have a separate command. I wish it corresponded with the views of Congress to give him that rank from the taking of the *Serapis*. I look to this officer as our great future dependence on the sea, where alone we should ever think of having a force. He is young enough to see the day when we shall be more populous than the whole British dominions and able to fight them ship to ship. We should procure him then every possible opportunity of acquiring experience." (Letter to Edward Carrington, Paris, May 27, 1788. Writings of Thomas Jefferson, vol. 5, p. 22. Paul Leicester Ford.)

"I am not a Federalist, because I never submitted the whole system of my opinions to the creed of any party of men whatever in religion, in philosophy, in politics, or in anything else where I was capable of thinking for myself. Such an addiction is the last degradation of a free and moral agent. If I could not go to heaven but with a party, I would not go there at all." (Letter to Francis Hopkinson, Paris, March 13, 1789. Writings of Thomas Jefferson, vol. 5, p. 76. Paul Leicester Ford.)

GEORGE WASHINGTON.

"We should not overlook the tendency of a war, and even of preparations for a war, among the nations most concerned in active commerce with this country, to abridge the means, and thereby at least to enhance the price, of transporting its valuable productions to their proper markets. I recommend it to your serious reflection how far, and in what mode, it may be expedient to guard against embarrassments from these contingencies by such encouragements to our own navigation as will render our commerce less dependent on foreign bottoms, which may fail us in the very moments most interesting to both of these great objects. Our fisheries and the transportation of our own produce offer us abundant means for guarding ourselves from this evil." (George Washington's message, December 8, 1790.)

THOMAS JEFFERSON.

"It is not to the moderation and justice of others we are to trust for fair and equal access to market with our productions or for our due share in the transportation of them, but to our own means of independence and the firm will to use them." (Report on the privileges and restrictions on the commerce of the United States in foreign countries, Secretary of State, 1793: Writings of Thomas Jefferson, vol. 6, p. 483.)

"But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behooves us to protect our citizens, their commerce, and navigation, by counter prohibitions, duties, and regulations also. Free commerce and navigation are not to be given in exchange for restrictions and vexations, nor are they likely to produce a relaxation of them.

"Our navigation involves still higher considerations. As a branch of industry it is valuable, but as a resource of defense, essential.

"Its value as a branch of industry is always enhanced by the dependence of so many other branches on it. In times of general peace it multiplies competitors for employment in transportation, and so keeps that at its proper level; and in times of war—that is to say, when those nations who may be our principal carriers shall be at war with each other, if we have not within ourselves the means of transportation—our produce must be exported in belligerent vessels, at the increased expense of war freight and insurance, and the articles which will not bear that must perish on our hands.

"But it is as a resource of defense that our navigation will admit neither negligence nor forbearance. The position and circumstances of the United States leave them nothing to fear on their landboard and nothing to desire beyond their present rights; but on their seaboard they are open to injury, and they have there, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizen seamen and of artists and establishments in readiness for shipbuilding.

"Were the ocean, which is the common property of all, open to the industry of all, so that every person and vessel should be free to take employment wherever it could be found, the United States would certainly not set the example of appropriating to themselves exclusively any portion of the common stock of occupation. They would rely on the enterprise and activity of their citizens for a due participation of the benefits of the seafaring business, and for keeping the marine class of citizens equal to their object. But if particular nations grasp at undue shares, and more especially if they seize on the means of the United States to convert them into aliment for their own strength, and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the

nation whose marine resources are thus invaded, or it will be disarmed of its defense, its productions will lie at the mercy of the nation which has possessed itself exclusively of the means of carrying them, and its politics may be influenced by those who command its commerce. The carriage of our own commodities, if once established in another channel, can not be resumed in the moment we may desire. If we lose the seamen and artists whom it now occupies, we lose the present means of marine defense, and time will be requisite to raise up others, when disgrace or losses shall bring home to our feelings the error of having abandoned them. The materials for maintaining our due share of navigation are ours in abundance. And as to the mode of using them we have only to adopt the principles of those who put us on the defensive or others equivalent and better fitted to our circumstances."

(Report on the Privileges and Restrictions on the Commerce of the United States in Foreign Countries. Secretary of State, 1793. Writings of Thomas Jefferson, vol. 6, pp. 480–481. Paul Leicester Ford.)

"To force shipbuilding is to establish shipyards, is to form magazines, to multiply useful hands, to produce artists and workmen of every kind, who may be found at once for the peaceful speculations of commerce and the terrible wants of war. * * * For a navigating people to purchase its marine afloat would be a strange speculation, as the marine would always be dependent on the merchants furnishing them. Placing as a reserve, with a foreign nation or in a foreign shipyard the carpenters, blacksmiths, calkers, sailmakers, and the vessels of a nation would be a singular commercial combination. We must, therefore, build them for ourselves." (Thomas Jefferson, Secretary of State, 1794.)

JAMES MADISON.

"To allow trade to regulate itself is not, therefore, to be admitted as a maxim universally sound. Our own experience has taught us that, in certain cases, it is the same thing with allowing one nation to regulate it for another. Were the United States, in fact, in commercial intercourse with one nation only and to oppose no restrictions whatever to a system of foreign restrictions, they would, of necessity, be deprived of all share in the carriage, although their vessels might be able to do it cheapest, as well as of the only resource for defense on that side where they must always be most exposed to attack. A small burden only in foreign ports on American vessels, and a perfect equality of foreign vessels with our own in our own ports, would gradually banish the latter altogether.

"The subject was not a novel one; it was coeval with our political birth, and has at all times exercised the thoughts of reflecting citizens. As early as the year succeeding the peace, the effects of the foreign policy, which began to be felt in our trade and navigation, excited universal attention and inquietude. The first effort thought of was an application of Congress to the States for a grant of power for a limited time, to regulate our foreign commerce, with a view to control the influence of unfavorable regulations in some cases, and to conciliate an extension of favorable ones in others. From some circumstances then incident to our situation, and particularly from a radical vice in the then political system of the United States, the experiment did not take effect.

"Out of this experience grew the measures which terminated in the establishment of a Government competent to the regulation of our commercial interests and the vindication of our commercial rights.

"As these were the first objects of the people in the steps taken for the establishment of the present Government, they were universally expected to be the first fruits of its operation." (Speech of Mr. Madison in Congress, 1794. American Navigation (Bates), pp. 43–44.)

MR. NICHOLAS.

"It is a commonly received opinion that trade should be intrusted to the direction of those immediately interested in it, and that the actual course of it is the best which it could take. This principle is by no means a safe one, and, as applied to the trade of America, is extremely fallacious. It can never be just, where the beginning and growth of a commerce has not been free from all possible constraints, as to its direction; as that can never be called a business of election which has been created under foreign influence. The manner in which America was first peopled, and the nurture she received from Great Britain, afford the most striking contrast to the requisite before mentioned. The same effects are by no means to be expected from the greatest commercial wisdom in individuals, which are in the power of the general concert of the community."

"The interest of the whole community, not only those who are carriers, but those also who furnish the object of carriage, positively demands a domestic marine, equal to its whole business; and that, even if it is to exist under rates higher than those of foreign navigation, it is to be preferred." (Mr. Nicholas, of Virginia, in Congress, 1794. American Navigation (Bates), p. 99.)

THOMAS JEFFERSON.

"Yet this is the real object of the drawback system—it enriches a few individuals, but lessens the stock of native productions by withdrawing from them all the hands thus employed; it is essentially interesting to us to have shipping and seamen enough to carry our surplus produce to market, but beyond that I do not think we are bound to give it encouragement by drawbacks or other premiums." (Letter to Benjamin Stoddert, Washington, February 18, 1809. Writings of Thomas Jefferson, vol. 9, p. 245. Paul Leicester Ford.)

"In so complicated a science as political economy no one axiom can be laid down as wise and expedient for all times and circumstances and for their contraries. Inattention to this is what has called for this explanation, which reflection would have rendered unnecessary with the candid, while nothing will do with those who use the former opinion only as a stalking horse to cover their disloyal propensities to keep us in eternal vassalage to a foreign and unfriendly people." (Letter to Benjamin Austin, Monticello, January 9, 1816. Writings of Thomas Jefferson, vol. 10, p. 10–11. Paul Leicester Ford.)

"With respect, however, to so much of my letter of January 9 as relates to manufactures, I have less repugnance, because it is perhaps a degree of duty to avow a change of opinion called for by a change of circumstances, and especially on a point now become peculiarly interesting." (Letter to Benjamin Austin, Monticello, February 9, 1816. Writings of Thomas Jefferson, vol. 10, p. 11. Paul Leicester Ford.)

JAMES BARBOUR.

"Before he commenced the proposed investigation he would make a preliminary remark. He took it for granted that it was the settled policy of the nation to become a naval power. Perhaps there is no one question upon which there is more unanimity. From one extremity of the nation to the other there is but one sentiment, but one wish, everywhere expressed, and that is, that it may go on to increase; and in fond anticipation, judging from the luster of its achievements during the war, they see, in its increase, an increase corresponding with the resources of the nation, the guaranty of our safety and glory. But these fond hopes are illusory, unless wisdom directs our councils. Vain, foolish, your resolutions to build ships, unless you protect your navigation. It is not to the superior fixtures of your vessels, or the ampleness of their supplies you are to look to victory, but to the number and experience of your sailors. If you suffer the power who looks with jealousy on your rising commerce and with envy on the glory of your navy to exclude you from the participation of those advantages which of right as being derived from nature belong to you, abandon all thoughts of an efficient marine and withdraw from the ocean." (James Barbour, of Virginia, 1818. American Navigation (Bates), pp. 214–215.)

THOMAS NEWTON.

"This war (1812) opened an era which raised and gave reputation to the arm destined to protect its rights; and that arm will be able to protect its rights, if the navigation of the United States, the nursery of its strength and efficiency, shall not be sacrificed by a vacillating policy." (Thomas Newton, Representative in Congress from Virginia, and chairman of the Committee on Commerce, 1822.)

JAMES K. POLK.

President Polk, in the annual message to Congress in which he recounted the steps that had been taken in pursuance of the ocean mail legislation of the previous session, said:

"The enlightened policy by which a rapid communication with the various distant parts of the world is established, by means of American-built steamers, would find an ample reward in the increase of our commerce and in making our country and its resources more favorably known abroad; but the national advantage is still greater of having our naval officers made familiar with steam navigation and of having the privilege of taking the ships already equipped for immediate service at a moment's notice, and will be cheaply purchased by the compensation to be paid for the transportation of the mail, over and above the postage received. A just national pride, no less than our commercial interests, would seem to favor the policy of augmenting the number of this description of vessels." (President Polk, message to Congress, 1845. The American Merchant Marine (Marvin), p. 242.)

THOMAS BUTLER KING.

In advocating his ocean mail legislation, Senator Thomas Butler King, of Georgia, said:

"It is sufficient to show that they (British statesmen) are resolved, as far as practicable, to monopolize the intercourse between these two important points. This movement shows clearly that the time has arrived when we must decide whether we must yield this essential branch of navigation and this indirect means of extending our naval armaments to our great commercial rival, or whether we shall promptly extend to our enterprising merchants the necessary means to enable them to bring American energy, enterprise, and skill into successful competition with British sagacity and capital. Of all the lines of sailing packets which cross the Atlantic, not one is owned in Europe, and it is not to be doubted that American merchants, properly encouraged, will assuredly excel in them (steamship lines) as they have done in sailing vessels; and when we reflect that this may be accomplished to the mutual advantage and advancement of our commercial and military marine, it would seem that no statesman ought to hesitate for a moment to give his support to a measure which is demanded alike by prudence and the necessities of our position." (Senator Thomas Butler King, 1845. The American Merchant Marine (Marvin), p. 241.)

OPPOSED PROGRESS.

"American packet owners finding their trade slipping out of their hands, raised an outcry against the employment of steam, and little thinking how futile was such an opposition, prevailed upon the American Government to withdraw its mail subsidy from their own steamers, which left the field clear for British opponents. This is another clear instance of the futility of opposing scientific progress. The immediate effect was the investment of American money in many lines of steamers sailing under the English flag, which redounded to the profit of British masters and crews, as well as that of the steamship managers in Britain, and gave an immense spurt to her nominal tonnage." (Charles Griffin & Co.'s Nautical Series. The British Mercantile Marine, p. 91. 1897.)

INFLUENCE OF SEA POWER.

"When the day comes that shipping again pays, when the three sea frontiers find that they are not only militarily weak, but poorer for lack of national shipping, their united efforts may avail to lay again the foundations of our sea power. Till then, those who follow the limitations which lack of sea power placed upon the career of France may mourn that their own country is being led, by a like redundancy of home wealth, into the same neglect of that great instrument." (The Influence of Sea Power Upon History. Period 1660–1783. (Mahan) p. 39. 1898.)

"For example, formerly and up to the end of the great wars following the French revolution, the population of France was much greater than that of England, but in respect of sea power in general, peaceful commerce as well as military efficiency, France was much inferior to England. In the matter of military efficiency this fact is the more remarkable, because at times, in point of military preparation at the outbreak of war, France had the advantage; but she was not able to keep it. Thus in 1778, when war broke out, France, through her maritime inscription, was able to man at once fifty ships of the line. England, on the contrary, by reason of the dispersal over the globe of that very shipping on which her naval strength so securely rested, had much trouble in manning forty at home; but in 1782 she had 120 in commission or ready for commission, while France had never been able to exceed seventy-one. Again, as late as 1840, when the two nations were on the verge of war in the Levant, a most accomplished French officer of the day, while extolling the high state of efficiency of the French fleet and the eminent qualities of its admiral, and expressing confidence in the results of an encounter with an equal enemy, goes on to say: 'Behind the squadron of twenty-one ships of the line which we could then assemble there was no reserve. Not another ship could have been commissioned within six months.' And this was due not only to lack of ships and of proper equipments, though both were wanting. 'Our maritime inscription,' he continues, 'was so exhausted by what we had done [in manning twenty-one ships] that the permanent levy established in all quarters did not supply reliefs for the men, who were already more than three years on cruise.'

"A contrast such as this shows a difference in what is called 'staying power,' or 'reserve force,' which is even greater than appears on the surface; for a great shipping afloat necessarily employs, besides the

crews, a large number of people engaged in the various handicrafts which facilitate the making and repairing of naval material, or following other callings more or less closely connected with the water and with craft of all kinds." (The Influence of Sea Power Upon History. Period 1660–1783. (Mahan.) Pp. 45–46. 1898.)

"Though the treatment of the subject has been somewhat discursive, it may be admitted that a great population following callings related to the sea is, now as formerly, a great element of sea power; that the United States is deficient in that element, and that its foundations can be laid only in a large commerce under her own flag." (The Influence of Sea Power Upon History. Period 1660–1783. (Mahan.) P. 49. 1898.)

ADMIRAL MELVILLE.

"The doom of that nation is sealed which does not possess some foreign markets, and as this trade can only be retained when once secured by a merchant marine and a powerful navy, the question of relative naval strength is one that concerns the commercial, maritime, and military interests of the country." (Rear-Admiral Melville, United States Navy.)

OUR MERCHANT MARINE.

[From the Philadelphia Press, February 5, 1905.]

The letter of Mr. Theodore Justice, printed in another column, is a strong and effective discussion of the question of an American merchant marine. It was drawn out by the objections of a Southern man to the pending bill, and it answers those objections with great cogency. But while it meets sectional criticism from the standpoint of sectional interests, it is broadly national in its view and its argument.

Mr. Justice clearly shows that the highest welfare of the nation demands the upbuilding of a merchant marine. It is needed as the recruiting ground for the Navy. Its construction would greatly enhance the prosperity of the country, like railroad building. It would create a large demand for labor and material. It is vital to the development of commerce, and with the vast increase of our productive capacity more foreign outlets must be found. England, Germany, and France have built up their marine and their commerce by unhesitating aid, and we should do the same thing. We should apply the policy of protection on the sea as on the land.

There is no national question that is more important. We have established our agricultural and our industrial supremacy, and now we ought to achieve commercial supremacy. The development of a merchant marine ought to be made our next great national policy. We are just entering on the expenditure of two or three hundred millions for the construction of the Panama Canal, which under present conditions would be used chiefly by foreign vessels. With such a vast outlay for a commercial waterway connecting the two oceans, it is folly to be deterred from spending eight to ten millions a year to build up the national marine which the canal would serve. Sooner or later we shall apply common sense to this subject.

A GREAT MERCHANT'S ARGUMENT—SHOWS VITAL NEED OF SHIP SUBSIDIES—THEODORE JUSTICE ANSWERS OBJECTIONS TO THE PROPOSED LAW—POINTS OUT HOW PLAN HAS HELPED OTHER NATIONS.

[From the Philadelphia Press, February 5, 1906.]

In view of the vital importance of the ship-subsidy bill to the country at large, the Press prints a letter from Mr. Theodore Justice, written to Mr. Francis B. Reeves, discussing the question of ship subsidy in all its varied bearings. This letter of Mr. Justice was elicited by a letter from Mr. Reeves, which communicated the objections of a southern Senator to ship subsidies.

Mr. Justice, intaking up this phase of the case, in meeting the objections of the southerner, at the outset holds that the chief reason for supporting the subsidy bill is "patriotism," and he then continues as follows:

"We need to build up a mercantile marine to furnish auxiliary ships and seafaring men to supplement our splendid Navy, without which the United States are very much in the position of the Russian navy that collapsed in its first contact with the Japanese fleet, because those splendid Russian ships, equal to any in the world, were manned by inexperienced seamen.

"Russia, like the United States, has no school for its officers and men outside the naval establishment. Japan's preeminent advantage arose largely from the fact that her mercantile marine furnished an unlimited supply of auxiliary vessels and trained seamen, and it is doubtful if any European nation, with the single exception of Great Britain, could have successfully competed with her. The American merchant marine, by national aid, can be built up in a very few years to exceed that of Japan.

WHY THE SOUTH SHOULD SUPPORT IT.

"Our southern people are justly proud of our splendid young Navy, and in so far as they understand it, seem as anxious as citizens from any other part of the country to make it efficient; but they do not seem to comprehend that without a mercantile marine in case of conflict with any first-class navy ours would be in the position of a man with one hand tied behind him, for we have practically no mercantile marine to act as auxiliary to the Navy.

"The American nation should build this up regardless of its cost, and if the southern people could see the importance of it their unquestioned patriotism would impel them to make the matter a national rather than a sectional one.

"As an illustration of the extent of our present weakness, I call attention to the report of Admiral Sampson, who stated that although we were victorious in every conflict in the war with Spain, at the close of the Spanish war we had completely exhausted our auxiliary resources, so that if we had had a single defeat on the ocean, or if the war had continued longer, this weakness would have been brought painfully to the attention of every patriot, whether he be a descendant of the heroes who fought at Yorktown or Cowpens in the South, or of those in the North who aided in the defeat of Burgoyne.

PROFIT THAT GOES ABROAD.

"Our present tariff has enormously developed our internal resources, and we bring our exports to our seacoast and transfer them to transportation lines flying foreign flags, whose annual profit is estimated at over $200,000,000, every dollar of which is spent abroad, whereas if it were earned by Americans, as it can be if this bill is passed, this immense sum would be spent at home, and every section of the United States would be benefited by this addition to our income.

"Besides this, think of the hundreds of millions of dollars that would be spent in building up a navy. As $1,000,000,000 in 1906 is being expended by American railroads in new construction, some idea may be formed of what additional sums would be spent among our people in building a mercantile marine.

"It has been estimated that the labor and material for this would amount to $1,000,000,000, so that when the cost of building an adequate mercantile marine is added to the sums now earned by foreign carriers of our commerce, we would have a total of $1,200,000,000, which, distributed among the American people, would be about $14.50 per capita.

"Can any of our people from either the South or West say that this would be of no benefit to all of the people living in the South or the West?

JEFFERSON FOR SHIP SUBSIDY.

"Thomas Jefferson, a southern patriot, advocated ship subsidy in the early part of the history of this nation, which built up our commerce so that at the time of the breaking out of the civil war, when so many of our ships were swept from the sea by Confederate cruisers, 80 per cent of our commerce was conducted under the American flag.

"About this time the iron ship was substituted for the wooden vessel, and in the beginning Great Britain had an immense advantage over us in building the vessels that carried American commerce, as the tariff had not then built up this infant industry with us, which now is a giant that is ready to build up a new mercantile marine that will beat the world. France and Germany had no protective tariff on ships as they now have, and this permitted the import of free ships, and these nations bought their ships in Great Britain.

"The result was that their commerce continued to dwindle, and it was not until they followed the British example and heavily subsidized their ships sailing to almost all parts of the world that they began to build up a mercantile marine which now carries the greater part of their commerce, and to-day German ships carry half the passengers that a few years ago sailed mainly in British ships. For the result of this commerce you must look at the enormous profits spent among their own people which have accrued to them from their ship-subsidy bills.

"These have given them the building at home of some of the finest steamers in the world, distributed millions of money for material and labor among the German people, as well as trained thousands of seamen, who furnish an auxiliary naval reserve for these fighting ships, an element that we lack.

"One decade of the German policy would make us second only to Great Britain, and two decades of it would make us master of the maritime power of the globe, with the Stars and Stripes floating over magnificent steamers on the high seas. Does this not appeal to the pride of the South?

THE RESULT OF NEGLECT.

"To-day, owing to our neglect to do what the leading nations of Europe have done in subsidizing ships, 90 per cent of our commerce, amounting to $2,500,000,000 annually, is carried under foreign flags, and less than 10 per cent of it under the American flag.

"Foreign ships come to our shores bringing $1,000,000,000 of merchandise, which does not give them a full cargo, so part come here in ballast in order to get a full cargo, amounting to $1,500,000,000 of exports.

"If foreign vessels find it profitable to come here for our immense commerce, and if they are kept alive by subsidies, it follows that we are grossly negligent if we fail to follow this example of Great Britain, Germany, and France. We need to investigate only the example of the latter two. When they had laws permitting them to buy free ships in England, their foreign commerce dwindled away, but when they subsidized their ships it responded with prompt expansion. Thirty years ago German commerce was insignificant—to-day Germany is second only to England in foreign trade and prestige, and the United States in time can exceed them both.

"We are asked if we could expect foreign people to trade with us when we do not do some trading with them. Foreign people buy merchandise of us only when they can buy it cheaper than they can get it elsewhere, and the fact that we are selling 50 per cent more than we annually buy, selling to foreign nations $1,500,000,000 and buying of them only $1,000,000,000, effectively answers this question.

THE SUBSIDY BUGABOO.

"The trouble with some of our southern and western people is this: They think that when they appropriate money for a ship subsidy they are making a present of national cash to some one. This charge was made against the National Government by the South when the Government granted 200,000,000 acres of land, now worth $1,000,000,000, to the transcontinental railways.

"Without those grants their roads could not have been built when they were, and the Indian and the buffalo would still hold sway in some parts of the middle of our continent. But by reason of those grants we have developed the interior of the continent until its value has increased beyond computation.

"I am now selling wool grown on ranches over which I chased the buffalo in 1868. The presentation of these grants, estimated to be worth $1,000,000,000, to the transcontinental railways was one of the best investments 'Uncle Sam' ever made. Yet they were made against the same kind of opposition and from the same side of the country that now opposes the ship-subsidy bill.

WHAT MAY BE ACCOMPLISHED.

"Our shipbuilding industry once placed in a position of comparative independence through the equalization of competitive subventions—a condition to which it is richly entitled for these many years of patient waiting and neglect, past Congresses having permitted every other nation to carry our great commerce—American shipping lines will again be able to compete successfully with formidable foreign rivals that have attained their present power through the same agencies, subsidies, and our mercantile marine during the lives of men who are only now in middle life will be the pride of all the American people.

"From patriotic motives alone, however, every Senator and Member of Congress and their constituents as well should enthusiastically support the building up of a mercantile marine as an auxiliary to our Navy, even if every dollar of the cost came out of the Public Treasury and brought no immediate or direct return, but like the granting of land to the transcontinental railways the money spent on a mercantile marine, independent of the military view of it, will return a thousandfold in wealth to the American people.

NOT A SECTIONAL ISSUE.

"A friend has asked if it is right and just to give Mr. Cramp a million dollars out of public funds and not give the same amount to some struggling industry in the South. Would this friend allow those splendid shipyards in the South, at Newport News and elsewhere, to rust into scrap iron, as they surely will without the assistance which European governments give their shipping?

"In the first place anything that represses our national industries, no matter where they are located, assists in repressing the struggling industries in the South, but aside from this view experience in the Spanish war showed that it was impossible to purchase abroad ships of war. Straining international laws to the breaking limits, we were able to secure only a few old tubs that were of very little assistance to us, and if we had been in conflict with a nation whose navy was very superior to that of Spain our young Navy would have been wiped off the seas; and it is absolutely essential to our national safety that we have more shipyards like those of Cramp's or Newport News.

"There seems to be an idea in some men's minds that all public grants should be withheld if any individuals make any profit out of them. To show the narrow-mindedness of such a view, we simply have to apply to this idea as an illustration the action of the Government in regard to the transcontinental railways spoken of above. The parallel is perfect. The two situations are similar.

"It was argued then that it was wrong to give away these millions of acres that the money might go into the pockets of the few. We all know that a group of men who had the courage to risk their capital in transcontinental railway building were enormously enriched thereby, but that wealth which you might say was taken out of the pockets of one man to put into the pockets of another was but an infinitesimal fraction of the amount by which the national wealth was thereby increased, and it is simply beyond human foresight to estimate its future value; in fact, our country has to either strangle or have these highways of commerce and intercourse.

"France and Germany could not get ships to haul their goods without subsidies, but when the subsidy was granted both their ships and their commerce increased enormously. The expansion of their foreign commerce would be small in comparison with that which would come to the American people, for we have such wonderful resources that with liberal ship subsidies the expansion of our commerce would be so great as to fairly stagger the imagination.

"WORLD MARKET AND HOME MARKET.

"In looking at the history of the decline in American ships it is said that the main cause was the lack of a world's market. The home market is worth more to the American nation than all others put together, but the time is approaching when we will produce so much more than our home market can absorb that we shall be reaching out for foreign markets. To do this we must have ships, and the object of the subsidy bill is to create lines of transportation to markets which are now supplied by other nations.

"In fact, in my business we have commerce with Australia and South America, and, instead of having American vessels to bring our merchandise here, it has sometimes to go to London in British bottoms and then be reshipped to the United States, whereas, if the plan of the ship-subsidy bill was carried out, the profit of this commerce would go to Americans. The merchandise that we are buying in foreign markets would come here in our own ships, which would take back merchandise of American production.

"Outside of all these considerations, however, we come back again to the feelings of patriotism that glow within the breast of every American citizen, and any man from any part of the country who will take the trouble to inform himself and who will divest his mind of sectional prejudice that is blinding him will see clearly that it is our duty to our great progenitors, to ourselves, and to our children to provide for the national defense upon which depends our national life, by supplementing our Navy with an adequate auxiliary mercantile marine.

"A bounty to native-born or naturalized American citizens that would give the Government a claim upon their services in case of war, and sufficient in amount to provide for the comfort and support of aged parents or a widowed mother or sisters, would attract hundreds of thousands of young American boys to a seafaring life.

"Congress, if it is broad-minded and patriotic enough, can provide the ways and means for building up, through a ship-subsidy bill, a satisfactory mercantile marine, which is the only important American industry now neglected.

"In spending millions of dollars for irrigation our National Government is lending its powerful aid to the commendable purpose of making productive great tracts of what is now practically waste land in the West, but the benefit to be derived here pales into insignificance in comparison with that which would accrue to our nation if an equal amount of money were spent to protect and stimulate our mercantile marine, now stifled by the competition of foreign subsidized shipping."

THE AMERICAN IRON AND STEEL ASSOCIATION,
Philadelphia, March 30, 1906.

Hon. CHARLES H. GROSVENOR,
Chairman Committee on the Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.

DEAR SIR: Inclosed you will find the promised additional information concerning the prices of ship plates and beams and channels at Pittsburg. You will notice that the tables sent give the prices of ship plates from October, 1900, to March, 1906, and of beams and channels from January 1, 1904, to the end of March, 1906. I hope that the prices sent will fill your wants.

Very truly, yours,

JAMES M. SWANK.

AVERAGE MONTHLY PRICES OF STEEL SHIP PLATES AT PITTSBURG.

The following table gives the average monthly prices per gross ton of steel ship plates free on board at Pittsburg from October 1, 1900, to March 26, 1906:

1900.	
October	$24.64
November	28.00
December	30.24
1901.	
January	31.36
February	31.36
March	33.15
April	35.84
May	35.84
June	35.84
July	35.84
August	35.84
September	35.84
October	35.84
November	35.84
December	35.84
1902.	
January	$35.84
February	35.84
March	35.84
April	35.84
May	35.84
June	35.84
July	35.84
August	35.84
September	35.84
October	35.84
November	35.84
December	35.84
1903.	
January	35.84
February	35.84
March	35.84
April	35.84
May	35.84
June	35.84
July	35.84
August	35.84
September	35.84
October	35.84
November	35.84
December	35.84
1904.	
January	35.84
February	35.84
March	35.84
April	35.84
May	35.84
June	35.84
July	35.84
August	35.84
September	35.84
October	32.48
November	31.36
December	31.36
	32.37
1905.	
January	33.60
February	35.35
March	35.84
April	35.84
May	35.84
June	35.84
July	35.84
August	35.84
September	35.84
October	35.84
November	35.84
December	35.84
1906.	
January	35.84
February	35.84
March 26	35.84

The average annual price of steel ship plates was $34.87 in 1901, $35.84 in 1902, $35.84 in 1903, $34.52 in 1904, and $35.61 in 1905.

SUBSIDIES AND BOUNTIES ALWAYS FORCE LOWER FREIGHT CHARGES.

[Published by the Merchant Marine League of the United States, organized at Cleveland November 21, 1904.]

SUBSIDIZED SHIPPING MEANS LOWER FREIGHT RATES.

That a subsidized American merchant marine would cause an immediate and permanent reduction in ocean freight rates most people would not, at first thought, believe. Upon reflection, however, the logic of such a consequence, in theory, and its actual effect in concrete operation would be demonstrated. The law of supply and demand is immutable. If there are a few carriers, the rates of freight are high; if there are many, the rates are low. With an increased number of ships offering for the cargoes that are to be carried, as would follow the creation of American ships under subsidy legislation, inevitably and immediately there would be a reduction in the rates made by the American ships in order to secure the carrying from the foreign ships now enjoying that carrying. The idea that American ships would demand, and that exporters and shippers would pay, greater freight rates to American ships for carrying cargoes than foreign ships would do the carrying for is, manifestly, absurd. And yet, if there has been one thought more than another hammered into the minds of the American people by the people and the press who are opposed to subsidies to American ships it is that obvious fallacy.

THE PROOF IS ABUNDANT AND CONVINCING.

All over the United States to-day the people find that when a new railroad parallels an existing line a reduction in rates of transportation follows. If the price of a certain staple agricultural product is high it attracts farmers into planting their soils with that staple and the increased competition reduces the cost. A manufacturer is successful in his particular line and a competitor arises and shares the profits, but only by reducing the cost to the consumers. The result is an increased product, a more liberal purchase by consumers, and subsequent profit to two where but one profited before. The same is true afloat. Where but one ship offers for two cargoes the rate of freight is fixed by the shipowner, and it is high; where there are two ships offering for one cargo the rate of freight is fixed by the shipper, and the rate is low. These facts are fundamental.

GERMANY'S EXPERIENCE WITH SUBSIDIES.

In 1886, for example, the German Government began subsidizing the North German Lloyd Steamship Company. The first year the total expense of the operation of the ships exceeded the receipts from all sources for the carriage of passengers and freight by 1,601,039 marks, but the Government subsidy, which amounted to 1,571,712 marks, reduced the net loss for the year to but 29,327 marks. The second year, with the increased number of ships required and put into operation, the steamship company lost 5,778,034 marks more than it received from freight and passenger transportation, the subsidy from the Government still falling short, by 1,388,034 marks, of making good this loss. The third year the net loss to the company was 419,907 marks, although the receipts of the company included 4,355,446 marks in subsidy from the German Government. The fourth

year the total of receipts, subsidy included, fell short 571,663 marks of meeting the expense. The fifth year the loss to the company amounted to 1,937,604 marks net, above all receipts from freight, passengers, and Government subsidy, the latter alone amounting to 4,390,317 marks. The loss to the company in the three succeeding years in expenses over receipts, the latter including the subsidies received from the Government, was 2,434,933 marks, although in the same period the company received subsidies from the Government amounting to 12,936,201 marks. In the entire eight years that the company operated its ships at a loss it received from the Government 32,036,545 marks in subsidies, and it lost a net sum of 6,781,468 marks—it paid out the last-named sum in excess of what it received in freight, passenger, miscellaneous receipts, and in Government subsidies.

EFFECT OF SUBSIDIES UPON GERMAN EXPORTERS.

In the first year there was no trade between Germany and the Orient, the part of the world to which the subsidized ships were to run. The second year (1881) the freight totaled 58,477 tons, valued at 74,515,600 marks, and in 1896, ten years after the line had been established under subsidies, the freight totaled 166,575 tons, valued at 160,430,000 marks—the freight increased threefold at a double valuation. Since that time the German Government has been so well pleased with the results, in increased oriental markets for German products, that it has increased the subsidies, the steamship company increasing the number of its ships and the frequency of their sailings, with the result that there has been an enormous increase in German trade with the Orient, so great an increase, in fact, wholly due to the subsidies given to the German steamship line by the German Government, as to alarm Great Britain and to lead her manufacturers and her shipowners to suggest some measure of protection for Britons against the ruinous effects of this German competition. The ruinous effects are due to the lower freight rates made to German manufacturers by the subsidized German steamship line, freight rates far lower than competing subsidized British ships are able to make, and, were it not for the subsidies paid to the British competing line, it would be driven out of existence by the subsidized German line. The rivalry and the competition between the British and the German steamship lines inure to the advantage of German and British exporters, in that markets in distant parts of the world are opened for their products that would be closed to them were the lines not aided by the subsidies of their governments and thus able to make lower rates of freight than ever before.

EARLY DAY EFFECTS OF SUBSIDIES TO AMERICAN STEAMSHIPS.

The first subsidies given to American steamships were provided for in an act passed over sixty years ago, during the Administration of James K. Polk. Under that law, as amended in 1847, three lines of American steamships were established, two of which operated between Atlantic ports and northern Europe. The immediate effect of the establishment of the American lines was an enormous reduction in freight rates. They were at first cut in two by the competing subsidized British steamships, and subsequently they were cut in two again, so fierce was the rivalry, so determined was the competition. American ships first cut the rates, and then the British ships still further reduced rates, the advantage accruing to the American exporters. American producers were able to send abroad products that they had been denied a foreign market for, because of the high rates of ocean transportation. It is but little known in these days that three years preceding the civil war American steam tonnage was greater than that of Great Britain, American steamships made the run between the United States and England in a day less than their swiftest competitors made it, American ships had the preference, were in the lead, were superior in every respect to their foreign competitors, and all the while American exporters were reaping great advantages in low freight rates from the operation of the competing subsidized steamships.

OUR TRADE ACROSS THE PACIFIC INCREASING.

In expectation of the passage of an American ship-subsidy act, Americans a few years ago built quite a number of fine steamships in the United States, and these are being operated more largely upon the Pacific, their owners each pocketing large losses, but making rates of freight much lower to American shippers than they have ever before enjoyed, with the result that there has been a great increase in the volume of our exports to Japan, China, Australia, and New Zealand. The fine line of swift American steamships running from San Francisco to Australia, although now enjoying an annual mail subsidy of $283,000, is suffering an annual loss of $371,000 in operating its ships, and its owners have stated that they will be forced to the wall, to give up their line, or to possibly sell out to the more enterprising Japanese, if some legislative relief in the way of increased compensation is not given. Meanwhile the losses suffered by the owners of the line are favoring American exporters, who are finding increasing markets for their products, due to the low rates of freight made by the subsidized but unprofitable American steamship line. The abandonment of this line by its present owners would unquestionably greatly curtail if not wipe out our entire trade with Australia by way of Pacific ports. The increased freight rates exacted would put an end to the profit in the exportation, and the trade would cease, as far as we are concerned. These are matters well worthy the consideration of the American people, from a trade point of view, if from no other.

RETURN TO THE GOVERNMENT FROM SUBSIDIZING SHIPPING.

Some people think that there would be a dead loss if our Government were to subsidize its shipping. This is far from the truth. There would be a great gain, as has been shown, to the business men of the country. But where would the Government come in? may be asked. The return to the Government would come in through the usefulness of the ships, their trained and experienced shipmasters, officers, and men in time of need. In 1793, in a great state paper, Thomas Jefferson said:

"Our navigation involves still higher considerations; as a branch of industry it is valuable, but as a resource of defense, essential."

Note the significance of the last word in the quotation—"essential." That is the view held by all nations that subsidize their shipping—and the nations that do not subsidize their shipping have none. The ships and the men are an essential resource of the national defense, and on this ground alone, if for no other, our Government is justified in making any expenditure that may be necessary to secure merchant ships and seamen of our own. Very recently it has been pointed out by the chief officers of our Army and our Navy that a large number of ships, of varying sizes and speed, are essential to the successful prosecution of war, should we unhappily become involved in one across the seas. To leave ourselves without the essential means, the needed instrumentalities, for carrying on the war successfully, and with our commerce carried in their ships, arming and equipping our possible adversaries with those means which we have denied to ourselves the possession of, is to ignore our peril and court disaster.

It is said that Japanese shipowners are negotiating for the purchase of all of the American steamships plying across the Pacific. Is there a state or a sinister objective in this proposed purchase? Lacking ships of our own, might Japan not wrest from us the control of the Philippines, if it be true that she envies us our possession of those islands? As Jefferson truly said much more that a hundred years ago, but equally true to-day: "Our navigation involves still higher (than economical) considerations." Let us neither ignore nor forget these considerations.

CLEVELAND'S INDORSEMENT OF THE SHIPPING BILL.

[Published by the Merchant Marine League of the United States, organized at Cleveland November 21, 1904.]

Several hundred enthusiastic members of the Cleveland Chamber of Commerce, at its monthly meeting on the evening of February 20, unanimously adopted the following resolutions, that had received the unanimous indorsement of the board of directors, after extended discussion:

"*Resolved*, That due consideration for the broad development of our foreign commerce and for the better safety of the nation demands the restoration of a foreign merchant marine under our flag.

"*Resolved*, That the same purpose is being striven for and accomplished steadily by other nations in their own behalf.

"*Resolved*, That we regard the work of the Congressional Merchant Marine Commission as having been done with industry, fairness, and discrimination; and, therefore,

"*Resolved*, That we recommend the prompt enactment and careful trial of the plan evolved by the Commission and embodied in the 'Gallinger bill,' so called, which has recently passed the Senate; and

"*Resolved*, That copies of these resolutions be forwarded to the Senators and Representatives of Ohio in Congress."

At the request of the president, Mr. Harvey D. Goulder, president of the Merchant Marine League of the United States, presented the resolutions. Mr. Goulder very tersely and lucidly explained the existing condition and needs of our deep-sea shipping, the appointment of the Merchant Marine Commission, its labors in behalf of our marine, and explained the bill the Commission had prepared, which had but just passed the United States Senate. Mr. Goulder quoted from speeches made in the Senate, especially those of Senators GALLINGER and FRYE, and instanced many evidences of the serious consequences of our lack of a foreign-going marine. He especially pointed out the conservative and moderate features of the shipping bill and the feeling entertained by some as to the possibility of the provisions of the bill being insufficient to induce capital to enter extensively into the building of ships for our foreign trade. He pointed out that the bill had escaped in discussion in the Senate the charge of undue liberality, the opposition suggesting as reasons for their position their doubts as to the efficacy of so moderate a measure. The unanimous determination of the Commission to make provision only for cargo-carrying rather than swift steamships was explained by Mr. Goulder as conforming to the very general recommendations to that effect made to the Commission by those who had attended its public hearings.

At the conclusion of his speech Mr. Goulder was asked a number of questions regarding the features of the Commission's shipping bill, all of which he answered satisfactorily. One question was as to whether or not the subsidies provided in the Commission's bill were larger than those paid by other countries, and Mr. Goulder answered that they were not; on the contrary, in many cases they were less. He explained the enormous power exerted by England, small territorially, but potential commercially, as due to her maritime development. That the wise Emperor of Germany had discovered that through a marine under the German flag he would be able, as his people had been, to successfully compete with England for a part of her vast foreign commerce, Germany's success in the Orient proving the wisdom of Germany's large subsidies to her great steamship lines.

Following Mr. Goulder, Mr. F. F. Prentiss, a manufacturer and president of the Cleveland Twist Drill Company, who has traveled around the world, referred to the almost utter absence of the American flag in its different ports. In a trip from Marseille, by way of the Suez Canal, to Bombay, Calcutta, Singapore, Hongkong, Shanghai, Yokahama, and Hawaii, the American flag was seen but twice—once in Hongkong, floating over an American war vessel, and next in Honolulu, at the peak of an American schooner. He said that, while abroad, he had met a number of American manufacturers who, like himself, were seeking new markets for their products, and that all whom he met had stated that they had become convinced that the United States must give its aid to the building up of its foreign-going shipping, as a means for the development of foreign markets for our increasing surplus products. In a voyage to South America, which he was compelled to go to London to begin, and which included stops in Brazil and Argentina, over the mountains to Chile, and up the west coast, he had never once seen the American flag. He strongly favored subsidies for our marine development and warmly favored the adoption of the resolutions.

Mr. Harry Coulby next spoke, and his remarks were both pithy and practical. Mr. Coulby is president of the Pittsburg Steamship Company, which owns a lake fleet of 100 steamships of from eight to nine thousand tons carrying capacity each, which do an enormous iron ore and coal carrying business. He pointed out that the development of our lake marine was due to Government aid, in the deepening of channels and harbors, and yet he had never heard anyone object to such improvements because the dredge owners might make a profit from the dredging. When he came to Cleveland, twenty years ago, the cost of carrying ore from the Lake Superior region was $1.50 a ton, and the cost of carrying coal up was 74 cents a ton; now if they could get 75 cents for their ore and 30 cents for their coal they were well satisfied. The benefits following the deepening of lake channels and harbors, he pointed out, had not gone to the vesselmen alone, their share had been small; the whole country had benefited in it; the farmer who put a wire fence around his farm, or the woman who used a needle, in any part of the United States, had been benefited equally with the iron-ore owners, the lake carrier, the railroads, the furnaces, and the mills. The same would be true of an American ocean-going merchant marine, he said; the whole country would benefit by it, not the vessel owners alone, but everybody. Mr. Coulby thought the provisions of the pending bill were too moderate, and he would, if he could, increase them; if they were too generous, he said there would be plenty of American ships built to compete with each other, and force rates down, and if they were insufficient, then the passage of the bill would cost the country nothing except the losses incident to the lack of a deep-sea shipping.

Col. J. J. Sullivan, president of the Central National Bank and of the Superior Trust Company, of Cleveland, who is also an ex-president of the National Board of Trade, was the last speaker, and he was both eloquent and earnest. He thought the resolutions, like the Commis-

sion's bill, were far too moderate, besides which he deplored the evident feeling of timidity with which the necessities of the situation were discussed. The time had passed when we could longer disregard the need of a deep-sea shipping, and it was time that such intelligent, such influential, and such practical organizations as the Cleveland Chamber of Commerce should express themselves with vigor and determination in demanding of Congress the fulfillment of the pledges that had so often been made in behalf of a revived American merchant marine. We needed a merchant marine; we could not get it, he explained, without the Government's assistance. It was the right of the people to receive that assistance, in order that we might quickly have a merchant marine of our own.

The remarks of the several speakers evoked frequent and spirited applause, and it was manifest that the audience was deeply interested as well as in the fullest sympathy with the purposes of the resolution. The resolutions were adopted with a ringing "aye," and there was not a dissenting vote when the "noes" were called for.

Immediately following the adoption of the shipping resolutions it was moved that a committee of three be appointed by the president to proceed to Washington and in person present to the chairman of the House Merchant Marine and Fisheries Committee the resolutions adopted by the Cleveland Chamber of Commerce in favor of the passage of the so-called "Gallinger shipping bill." This suggestion was unanimously approved of, and in a few days the resolutions will be formally presented to Congress, and if the expressions in Washington in favor of the bill's early passage are as vigorous and as earnest as those made at the meeting of the chamber of commerce, there can be no doubt that its influence will be strongly felt.

If there remained any doubt as to where the middle western section of the United States stands on the shipping bill, the action of the Cleveland Chamber of Commerce, with its membership of 1,500 of its leading business citizens, perhaps the most active and powerful organization of its kind in the West, should go far to remove it. When similar action, as is expected, is taken in other leading middle western cities, possibly Congress will realize the insistent demand throughout the country for the passage of the shipping bill, and give proper heed to it. It is manifest that the feeling in Cleveland is very strong, and the influence of the chamber of commerce resolutions upon the Representatives in Congress from that city and from the State of Ohio can not but be decisive.

AMERICAN LABOR WILL BENEFIT MOST.

[Published by the Merchant Marine League of the United States, organized at Cleveland, November 21, 1904.]

American labor will be the chief beneficiary of the shipping bill if it is enacted. Its defeat would be a greater blow to American labor than to any other American interest. Existing conditions all favor the foreigner. They are all against the American. To keep them as they are is to favor the foreigner. To alter them would be to benefit Americans. Ships built by foreigners, of foreign materials, made by foreign workmen, commanded, officered, manned, and managed by aliens now carry 90 per cent of our imports and exports. The annual value of our foreign commerce now approximates closely to $3,000,000,000.

AMERICAN CAPITAL MAY INVEST IN FOREIGN SHIPS.

American capital is free, if it chooses, to invest in foreign-built ships, and to run them with alien masters, officers, and men, under alien flags, in our foreign trade. Our laws make no discrimination whatever in our ports as between our own and foreign ships in the carrying of our foreign commerce. Every privilege that our ships enjoy under our laws in that trade is as freely given to competing foreign ships.

A "FREE-SHIP" LAW WOULD NOT BE USED.

The mere fact that an American citizen may not place under the American flag a foreign-built ship which he purchases cuts no figure. None of the many thousand tons of foreign-built ships, now officered, manned, and managed by foreigners and sailing under foreign flags, would be placed under the American flag by their owners even if our laws permitted it. The reason for this is that the cost of operating such ships would be greater under the American than it is now under an alien flag. And the cost would be greater because the labor employed on board the American ship is far better paid and much better fed than it is on competing foreign ships.

AMERICAN CAPITAL NOW IN FOREIGN SHIPS.

A great many millions of dollars of American capital are to-day invested in ships under foreign flags, commanded, officered, manned, and managed by aliens. The only possible benefit to this country from such American ownership is that the owners' net earnings from such investment, a possible 5 per cent of the vessel's total earnings, might be expended in the United States. Foreigners enjoy all of the benefits arising from the expenditure of the remaining 95 per cent.

HOW LABOR WOULD BENEFIT IF SHIPS WERE BUILT HERE.

Were the ships built in the United States, of American materials, and commanded, officered, manned, and managed by Americans, $200,000,000 now annually paid to aliens for doing our foreign carrying would remain in the United States, affording employment for American labor in every part of the country. The money would first go to the shipowner; he would pay part of it to the shipbuilder; he would pay another part to those who outfitted and repaired his vessel; he would pay some to the men who command, officer, and man his vessel; some to those who victual the vessel; and he would retain a moderate profit for himself. The money paid to the shipbuilder would, by him, be paid in part to his workmen; some would go to makers of materials and shapes, and he would retain a profit for himself; the money paid the outfitters, to the dry docks and repairers, would, in turn, by them be paid to their workmen, in each case the employer retaining a fair profit.

SHIPS' EARNINGS WOULD REPEATEDLY EMPLOY OUR PEOPLE.

And thus the money would work back to the merchants from the hands of the workmen, and from the merchants back to the manufacturers, and from them to their workmen. Some of the earnings would go to farmers to pay them for the food they raised and the materials they produced from which clothing is manufactured. The whole sum would percolate throughout the country, alternating between employer and employee, back and forth, over and over again.

FROM RAW TO FINISHED MATERIALS LABOR WOULD BENEFIT.

From the trees standing in the forests until they were felled, logged to mills, sawn into timbers, turned into manufactures and shapes, and fitted into ships, American labor, skilled and unskilled, would benefit. From the iron ore in the mine and the coal in the mine to the finished steel product, manufactured into the different shapes required for shipbuilding, beams, angles, tees, frames, plates, bolts, nuts, rivets, American labor would benefit. The question is almost wholly one of American labor; the benefits would accrue almost wholly to American labor. The losses due to existing conditions fall almost wholly upon American labor.

THE SUBSIDY WILL GO TO LABOR, NOT TO CAPITAL.

If the Government subsidizes the ships under the American flag the money will go first to the owner, to be sure, but by him it will be paid out to American labor in increased wages in the shipyards and on board the ships. The capitalist receives the subsidy only to pay it over to the workmen whose higher wages necessitate the subsidy being paid. The subsidy is not granted to give owners a profit, but to maintain unimpaired the American standard of wages and of living. Were American ships to-day able to compete with foreign ships without Government aid, there would be no need of a subsidy, and our ships would be doing the larger part of our foreign carrying. But American ships, unaided by our Government, can not compete.

SUBSIDY MEASURES DIFFERENCE BETWEEN AMERICAN AND FOREIGN WAGES.

The pending shipping bill fixes as the mount of the aid the difference in the sum that the American owner has to pay out for his ship, when having it built in an American shipyard, as compared with its cost in a foreign shipyard; and the further amount of difference in the wages paid to those employed on board American ships, as compared with the wages paid on competing foreign ships; and the difference in the cost of the food supplied to American, as compared with the cost of food supplied to foreign crews. Still, again, there is the difference in the subsidies and bounties and other forms of aid foreign ships receive from their governments, to the disadvantage of the American ship. The measure of all of these, and only the measure, is the sum fixed in the subsidy. So that, when the American owner of the American-built ship, which is commanded, officered, and manned by Americans, has received the subsidy from our Government, he has merely received back the excess he has expended in wages for the building and running of his ship in competition with foreign ships. His profits are about the same as those enjoyed by his foreign competitors.

WELL-PAID AMERICAN OR ILL-PAID FOREIGN LABOR—WHICH?

American labor is denied employment in our shipyards and on board of our ships, and foreign labor is employed in the building and running of ships for our foreign trade, only because the former is well paid and the latter is ill paid. If our imports and exports could only be carried in American-built ships, officered, and manned by Americans, then they would be built in this country and run by our citizens. But such is not the case. The foreigner steps in and does the work because the American workmen employed in the shipyards and on board the ships will not accept the foreign rates of wages.

PLEA FOR LABOR—NOT FOR CAPITAL.

Every claim upon which the demand for subsidies is based is because of the exactions of high-priced, well-paid American labor. The American workman will not lower the American wage standard; he will not consent to accept the foreign standard of wages or of living. If he would, capital would build ships in this country from American materials; Americans would command, officer, and man them. Until the Government makes good to American capital the higher cost of building ships in this country and of operating them under our flag, as compared with the cost of building and operating foreign ships, the alien, with his low wage and his lower standard of living, will build and run the ships to carry our foreign commerce.

NO SUBSIDY, NO EMPLOYMENT FOR AMERICAN LABOR.

With no subsidy to make good these differences to the American owner there will be no employment of American workmen in our shipyards in building ships for our foreign trade, and there will be no employment for American shipmasters, officers, and seamen in running them. American labor will not succumb to the foreign standard, and American capital will not be willing to suffer the losses incident to the building of ships in this country and running them with Americans. In short, neither capital nor labor will accept a loss. Capital finds investment elsewhere and labor remains unemployed.

THE GOVERNMENT'S INTEREST IN SHIPS AND MEN.

The Government's justification for the payment of subsidies to American vessel owners lies in the fact that the ships and their trained and experienced men are essential to, and would be protective of, the United States in time of trouble. The ships and the men are essential to the national defense. Lacking merchant ships and trained men, the nation is in peril. This justifies the expenditures in the way of subsidies and bounties by our Government, in order that the Government may have the ships and the men. It is the chief ground upon which they are justified by foreign governments that pay, in the aggregate, upward of $27,000,000 annually to foreign ships in the way of subsidies, bounties, and other aids.

BRITISH STEAMSHIP CONTRACTS—COPIES OF AGREEMENTS BETWEEN THE BRITISH ADMIRALTY AND THE INTERNATIONAL MERCANTILE MARINE COMPANY OF THE UNITED STATES; ALSO, BETWEEN THE BRITISH ADMIRALTY AND THE CUNARD STEAMSHIP COMPANY, 1903.

[From the Summary of Commerce and Finance for July, 1903.]

The following is a copy of the agreement made on August 1, 1903, between the British Admiralty and Board of Trade, as party of the first part, and the International Mercantile Marine Company of the United States, as party of the second part, with reference to the relation which British-owned vessels, controlled by that company, shall hold to the British Government; also, the agreement made on July 30, 1903, between the British Government and the Cunard Steamship Company relative to future services and the construction of two modern swift steamers for mail and parcel service between Liverpool and New York.

These copies of agreements were presented in Parliament and published by the British Government, and are herewith reproduced in the form so published.

Copy of an agreement (dated August 1, 1903) between the Admiralty and the Board of Trade and the International Mercantile Marine Company and the Oceanic Steam Navigation Company (Limited), Frederick Leyland & Co. (1900) (Limited), the British and North Atlantic Steam Navigation Company (Limited), the Mississippi and Dominion Steamship Company (Limited), the Atlantic Transport Company (Limited), and the International Navigation Company (Limited).

An agreement made the 1st day of August, 1903, between the commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland and the Board of Trade (for and on behalf of His Majesty's Government), of the first part; the International Mercantile Marine Company (formerly known as the International Navigation Company), being a corporation incorporated and registered under the laws of the State of New Jersey, in the United States of America, which company is hereinafter referred to as "the American company," of the second part, and the Oceanic Steam Navigation Company (Limited), Frederick Leyland & Co. (1900) (Limited), the British and North Atlantic Steam Navigation Company (Limited), the Mississippi and Dominion Steamship Company (Limited), the Atlantic Transport Company (Limited), and the International Navigation Company (Limited), of the third part.

Whereas the party of the second part owns a controlling interest in the shares of the International Navigation Company (Limited), which owns a majority of the shares of the other companies, parties of the third part;

And whereas the term "the association," hereinafter used, means the parties hereto of the second and third parts, and also includes any other company, corporate or unincorporate, partnership, body, or person, whether British, American, or other foreign, which by any arrangement is admitted to or brought under the control of the association or any of its constituent parts for the time being;

And whereas the parties hereto of the third part are hereinafter referred to as "the British companies included in the association;"

And whereas in the month of September, 1902, an agreement substantially to the effect of the provisions hereinafter contained was negotiated and made by and between His Majesty's Government and the American company, acting on behalf of the association;

And whereas it is considered desirable that such agreement as last aforesaid shall be embodied in a formal instrument, to be executed not only by the American company, but also by the British companies included in the association:

Now, these presents witness that in consideration of the stipulations hereinafter contained on the part of the American company and the British companies included in the association, the parties of the first part hereby undertake as follows:

1. The British companies included in the association shall, so long as the stipulations on their part and on the part of the American company hereinafter contained are duly observed, continue to be treated as heretofore on the same footing of general equality with other British companies in respect of any services, naval, military, or postal, which His Majesty's Government may desire to have rendered by the British mercantile marine; provided that nothing in this agreement contained shall extend to vessels of uncommercial speed which His Majesty's Government may specially require to be constructed and which are primarily designed for service in time of war.

And these presents also witness that in consideration of the undertaking hereinbefore contained on the part of the parties hereto of the first part the American company and the British companies included in the association hereby agree as follows:

2. The British companies included in the association shall be and continue to be British companies, qualified to own British ships, and a majority at least of their directors shall be British subjects.

3. No British ship in the association, nor any ship which may hereafter be built or otherwise acquired for any British company included in the association, shall be transferred to a foreign registry (without the written consent of the president of the board of trade, which shall not be unreasonably withheld) nor be nor remain upon a foreign registry. Nothing shall be otherwise done whereby any such ship would lose its British registry or its right to fly the British flag.

4. British ships in the association, and ships that may hereafter be built or otherwise acquired for any British company included in the association, shall be officered by British subjects, and as regards their crews shall carry the same proportional number of British sailors of all classes as His Majesty's Government may prescribe or arrange for in the case of any other British line engaged in the same trades.

5. Subject to the existing agreement between the Admiralty and the Oceanic Steam Navigation Company (Limited), and without prejudice to the provisions therein contained, the American company and any British company included in the association shall sell or let on hire at any time during the continuance of this agreement to the Admiralty, when required so to do by the Admiralty, any British ship in the association, and any ship hereafter to be built or otherwise acquired for any British company included in the association which the Admiralty may from time to time select. The terms of purchase or hire, if not otherwise agreed on, shall be similar to those contained in the existing agreement aforesaid.

6. At least a moiety of the tonnage built and at least a moiety of the tonnage otherwise acquired for the association in each successive period of three years (commencing from the date of this agreement), including a reasonable proportion of the faster classes of vessels, shall be built or acquired, as the case may be, for British companies included in the association and shall be registered as British ships. There shall not be reckoned in ascertaining the moiety of the tonnage so built or otherwise acquired: (*a*) Vessels of the exceptional class referred to in article 1, which may be constructed by special arrangement with the Government of the United States of America; (*b*) any vessel not already in the association purchased for the association from owners other than British subjects or American citizens or subjects or companies or bodies subject to a British or American jurisdiction, provided that such last-mentioned vessels are existing ships which have been running for at least two years prior to the contract for purchase and have not been built or acquired directly or indirectly for the association.

7. If at any time hereafter any British company (not being a party hereto), or any British partnership, body, or person, shall be admitted to or brought under the control of the association or any of its constituent parts for the time being, then, and in every such case, subject and without prejudice to any agreement then existing between such company, partnership, body, or person and His Majesty's Government, and subject and without prejudice to any agreement which may be made in view of such admission or inclusion between the American company, or other person or body acting for the association, on the one hand, and His Majesty's Government on the other hand, all the provisions of these presents shall inure for the benefit of and bind such company, partnership, body, or person, as the case may be, in like manner as if such company, partnership, body, or person had been a party hereto of the third part, and had been comprised in the expression "the British companies included in the association," as used in this agreement, and, except with the consent of His Majesty's Government, no such British company, partnership, body, or person as aforesaid shall be admitted to or brought under the control of the association or any of its constituent parts for the time being otherwise than upon the terms specified in this clause.

8. If at any time hereafter during the continuance of this agreement any other company, whether corporate or unincorporate, partnership, body, or person, whether British, American, or other foreign, shall be admitted to or brought under the control of the association or any of its constituent parts for the time being the association shall give notice thereof to His Majesty's Government, and shall furnish all such particulars with regard to terms, parties, or otherwise as the Government may reasonably require.

9. The American company and the British companies included in the association and any British company, partnership, body, or person hereafter admitted to or brought under the control of the association, or any of its constituent parts, for the time being, will forthwith and from time to time do and cause to be done all such further acts, and execute or cause to be executed all such further documents and take all such steps as may be necessary to give full legal and binding effect to this agreement.

And these presents lastly witness that it is hereby mutually agreed as follows:

10. This agreement shall have effect for twenty years from the 27th of September, 1902, and shall continue in force thereafter subject to a notice of five years on either side (which may be given during the continuance of this agreement), provided that His Majesty's Government shall have the right to terminate this agreement at any time if the association pursue a policy injurious to the interests of the British mercantile marine or of British trade.

11. This agreement shall be construed and take effect as a contract made in England and in accordance with the law of England. The American company hereby irrevocably appoints the chairman for the time being of the British committee of the association, or if there be no such chairman, then each and every British company in the association to be the agent or agents in England of the American company for the purpose of accepting service on behalf of the American company of any process, notice, or other document in respect of any matter arising out of this agreement, and service of any such process, notice, or document on such chairman or company, as aforesaid, shall be deemed to be good service on the American company. Any notice or document sent by registered post addressed to the American company at No. 22 Old Broad street, London, or to the registered office of any British company in the association shall also be deemed to have been duly served on the American company.

12. In case of any difference as to the intent and meaning of this agreement, or in case of any dispute arising out of this agreement, the same shall be referred to the lord high chancellor of Great Britain for the time being, whose decision, whether on law or fact, shall be final.

As witness the hands and seals of two of the before-mentioned commissioners and the seal of the board of trade, parties hereto of the first part, and the corporate seals of the parties hereto of the second and third parts.

Copy of an agreement between the Admiralty, the Board of Trade, and the postmaster-general and the Cunard Steamship Company (Limited) (dated July 30, 1903), with Treasury minute thereon (dated July 31, 1903), together with copies of memorandum and articles of association of the Cunard Steamship Company (Limited) and draft trust deed for securing debenture stock.

[Treasury minute, dated July 31, 1903.]

My Lords have had before them Part II of an agreement dated the 30th July, 1903, between His Majesty's Government and the Cunard Steamship Company (Limited) providing for the conveyance of His Majesty's mails between Liverpool and Queenstown on the one hand and New York on the other hand.

Part II of this agreement is in substitution for an agreement dated the 31st of July, 1899, between the postmaster-general and the company, providing for the conveyance of mails from Liverpool and Queenstown to New York, and of parcel mails from as well as to New York, the payments being made according to the weight of mails carried and the agreement being terminable by twelve months' notice. The new agreement substitutes for payments by weight a fixed annual payment of £68,000 during the currency of the contract, the natural term of which will be twenty years from the date of the first sailing of the second of two new steamships which are to be provided under Part I. Under the old agreement the payments have increased from £58,000 in the first year to £62,000 in the latest (round figures), and in view of the further increase which might reasonably have been expected the subsidy has been fixed at £68,000 a year. Under the new agreement the mails will be carried at a higher average speed than at present, as the company will be bound to use their best ships in the service, including the two swift steamers to be provided under Part I. The subsidy is to cover the conveyance of parcel mails (at present paid for separately) up to a limit of 100 tons measurement in each direction and in each week. Under the old agreement no penalties were provided, but under the new agreement a proportionate deduction from the subsidy is to be made if the company fails to perform the stipulated services.

My Lords approve of the terms of this agreement.

[An agreement with His Majesty's Government and the Cunard Steamship Company (Limited).]

An agreement made the 30th day of July, 1903, between the commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland (hereinafter referred to as "the Admiralty"), the Board of Trade, and the Right Honorable Joseph Austen Chamberlain, M. P., His Majesty's postmaster-general (hereinafter called "the postmaster-general," in which expression his successors in office, His Majesty's postmaster-general for the time being, are respectively intended to be included), for and on behalf of His Majesty, of the one part, and the Cunard Steamship Company (Limited) (hereinafter referred to as "the company"), of the other part.

Whereas the company was registered on the 23d day of May, 1878, with a capital of £2,000,000, divided into 100,000 shares, of £20 each, and there have been issued of such shares 60,000, upon which the sum of £20 per share has been paid and 40,000 upon which the sum of £10 per share has been paid;

And whereas since the registration of the company alterations have

from time to time been made in its articles of association, and the print of the memorandum and articles of association hereunto annexed is a true copy of the memorandum and articles of association of the company now in force;

And whereas the company has since its formation maintained lines of steamships running between (1) Liverpool and New York; (2) Liverpool and Boston, in the United States of America; (3) Liverpool and Mediterranean ports, and (4) Liverpool and Havre, and the vessels engaged in such services, or some of them, have been employed and are under the provisions of an agreement dated the 31st day of July, 1899, and made between the then postmaster-general, of the one part, and the company, of the other part, now employed by the postmaster-general in the carriage of mails;

And whereas the company is the absolute owner of the steamships particularized in the first schedule hereto, free from incumbrances; and it has been agreed for the purposes of this agreement that such steamships were on the 29th day of September, 1902, of the respective values set opposite to their names respectively in the said schedule;

And whereas the company has in contemplation the building of two steamships of large size and having a speed of from 24 to 25 knots per hour, to be run in its line between Liverpool and New York, or between other ports in Great Britain and the United States of America;

And whereas by an agreement bearing date the 24th day of October, 1902, and made between the Admiralty (for and on behalf of His Majesty), of the one part, and the company, of the other part, the company agreed for the considerations therein appearing to hold at the disposal of the Admiralty for the purpose of either hire or purchase certain vessels the property of the company upon the terms and conditions therein appearing;

And whereas His Majesty's Government is desirous that the company's lines should be maintained under the British flag and British management and to the best advantage, and that they should be further improved by the addition of the two contemplated steamships;

And whereas His Majesty's Government is further desirous of securing the right to acquire at any time during the term of this agreement, either on hire or by purchase, all or any of the steamships for the time being the property of the company;

And whereas it has been arranged that His Majesty's mails shall be conveyed by the steamships of the company during the term of this agreement in manner and upon the terms hereinafter specified;

And whereas for the considerations herein appearing the parties hereto have agreed to enter into the agreements on their parts respectively herein contained;

Now it is hereby agreed between the parties hereto—

PART I.—*Special arrangements.*

1. (1) All references to His Majesty's Government in this agreement shall be deemed to be references to the Admiralty, the board of trade, and the postmaster-general acting jointly, and all acts and notices which may under this agreement be done or given by His Majesty's Government shall be done or given jointly by the Admiralty, the board of trade, and the postmaster-general, and all notices to be given to His Majesty's Government under this agreement shall be given to or served on the Admiralty, the board of trade, and the postmaster-general, respectively.

(2) All references to vessels substituted for the two steamships referred to in clause 3 hereof, or either of them, shall be deemed to include a reference to any vessel substituted for any vessel already so substituted.

2. This agreement is conditional on the company's articles of association being altered by special resolution in the terms set forth in the second schedule hereto.

3. (1) The company shall forthwith cause to be *built for it in the United Kingdom*, with all due dispatch, two steamships of large size, capable of maintaining a minimum average ocean speed of from 24 to 25 knots an hour in moderate weather, suitable in all respects to maintain and develop the company's line between Liverpool and New York or other ports in Great Britain and the United States of America.

(2) The company shall, before the building of such steamships is started, submit the plans and specifications to the Admiralty, and, if requested so to do by the Admiralty within one month from the date of the submission of such plans and specifications, shall modify the same to meet the reasonable requirements of the Admiralty; and each such steamship shall be constructed in accordance with such plans or modified plans to the satisfaction of such inspector as may from time to time be agreed on by the Admiralty and the company, or in default of agreement appointed by the president of the chamber of shipping for the United Kingdom, for the time being such inspector as aforesaid being employed at the joint expense of the Admiralty and the company; provided that such joint employment shall not affect or diminish the liability of the company in the event of such steamship not fulfilling the conditions of this agreement.

4. (1) The company shall at all times during the term of this agreement hold all and every the vessels for the time being the property of the company (including the steamships particularized in the first schedule hereto and the two steamships referred to in clause 3 hereof, and all other vessels built for or purchased or otherwise acquired by the company as and when the same shall have been built, purchased, or otherwise acquired, and so long as such steamships or vessels or any of them shall remain the property of the company) at the disposal of His Majesty's Government, to be hired or purchased upon the terms and conditions set forth in the third schedule hereto.

(2) His Majesty's Government shall have the right, on giving notice in writing to the company of their intention so to do, to take possession of any vessel which they require to purchase or hire under the provisions of this agreement immediately on the arrival of such vessel at her port of discharge from the voyage on which such vessel shall be engaged at the time of the receipt by the company of such notice and after the discharge of her inward cargo; provided that in case such vessel at the time of such notice has been let out on a charter party by the company in accordance with subclause (8) of the next following clause hereof, then and in that case His Majesty's Government shall be only entitled to take possession of such vessel subject to such charter party.

5. The company agree at all times during the term of this agreement as follows:

(1) The registered and head office of the company shall be in Great Britain, and the business of the company shall be carried on there.

(2) His Majesty's Government may determine the next following clause hereof and withhold the payment to be made thereunder if the memorandum and articles of association of the company shall, after the same shall have been altered in accordance with clause 2 hereof and the second schedule thereto, be altered so far as affects the provisions referred to in the said last-mentioned clause and the said second schedule without the previous consent in writing of His Majesty's Government, or if the company shall persistently fail to observe the provisions of articles 2, 23*a*, and 30*a* of the said articles of association, when altered as aforesaid, or if the company makes default in observing or performing any of the provisions of subclauses (8), (13), and (14) of this clause.

(3) To carry on its business to the best advantage.

(4) Not to unduly raise the freights or charges for the carriage of goods in any of its services.

(5) In the fixing of such freights and charges to give no undue preference as against British subjects.

(6) To submit to the Admiralty the plans of any new vessels, other than the two steamships referred to in clause 3 hereof, which the company may intend to build to attain a speed of 17 knots or upward, and if requested so to do by the Admiralty within one month from the date of the submission of such plans, to modify such plans to meet the reasonable requirements of the Admiralty, but so that (except in the case of vessels to which the following proviso relates) the company shall not be bound to modify such plans to meet the requirements of the Admiralty when in the bona fide opinion of the company such modifications would be incompatible with the use of the vessel in question for mercantile purposes or for the purposes of the company's business; provided that in the case of any such intended vessel as aforesaid being built in substitution for either of the two steamships referred to in clause 3 hereof, such vessel shall be constructed in accordance with such plans or modified plans to the satisfaction of such inspector as may from time to time be agreed on by the Admiralty and the company, or in default of agreement, appointed by the president of the chamber of shipping for the United Kingdom, for the time being such inspector as aforesaid being employed at the joint expense of the Admiralty and the company; provided that such joint employment shall not affect or diminish the liability of the company in the event of the vessel which is being built in substitution as aforesaid not fulfilling the conditions of this agreement.

(7) To afford to the Admiralty at all reasonable times every facility for fitting on board all or any of the vessels forming the fleet for the time being of the company such fittings and arrangements for their armament in the event of their being taken for use as armed cruisers as the Admiralty may think fit, but not so as to interfere with the vessels in their ordinary employment or use for the purposes of the company's business, and, if required, without charge, to keep and maintain in clean order any racers, fittings, and mountings that may be provided by the Admiralty in the company's storehouse at Liverpool, ready to be immediately fitted on board by the Admiralty at their own expense; provided that the company shall not be required to provide more than 15,000 cubic feet of space, with 1,000 square feet of floor space, in such storehouse.

(8) Not to let out on a charter party (except to the Indian government) any vessel for the time being the property of the company of a speed of 17 knots or upward unless the company shall have previously given seven days' notice of its intention so to do to His Majesty's Government, accompanied by such evidence of the bona fide nature of the contemplated charter as shall be reasonably satisfactory to His Majesty's Government; provided that the company shall be at liberty at any time after the expiration of such seven days to enter into such charter for any period not exceeding six months unless His Majesty's Government shall in the meantime have signified to the company, in writing, that it exercises its right, under clause 4 hereof, to either purchase or hire such vessel; provided, also, that the company shall not, without the consent, in writing, of His Majesty's Government, let out on a charter party any vessel (whether or not of the speed of 17 knots or upward) which is or has at any time during the previous twelve months been ordinarily employed as a mail ship under this agreement; but this proviso shall not extend to a vesel whose place in the ordinary mail service has been taken by a newly built or acquired faster vessel if the company has, at the time of entering into the charter, a sufficient number of fast vessels efficiently to maintain the mail service.

(9) To secure (*a*) that on all vessels for the time being the property of the company, including the two steamships referred to in clause 3 hereof, the master, officers, and engineers in charge of a watch on board shall always be British subjects, and that three-fourths of the crew shall be British subjects, unless in the case of the crew the company is prevented from fulfilling this obligation owing to strikes, lockouts, or other labor disturbances; and (*b*) that on the *Campania*, *Lucania*, and *Umbria*, so long as neither of the two steamships referred to in clause 3 hereof shall have started on its first voyage, and thereafter on the *Campania* and *Umbria* and the steamship which has so started, until the second of the said steamships shall have started on its first voyage, and thereafter on the two steamships referred to in clause 3 hereof, or any vessels or vessel which may under the provision hereof be substituted therefor for the time being, all certificated officers, other than engineers, and not less than one-half of the crew carried (unless in the case of the crew the company is prevented from fulfilling this obligation owing to strikes, lockouts, or other labor disturbances), shall belong to the royal naval reserve or the royal naval fleet reserve; provided that in the event of any vessel to which this provision applies being lost His Majesty's Government may by notice in writing make this provision applicable to such other vessel of the company's fleet for the time being as His Majesty's Government may select in lieu of the vessel so lost.

For the average deficiency (if any) in each year in the number borne in any such vessel as aforesaid below the proportion of men belonging to the royal naval reserve or royal naval fleet reserve in this subclause mentioned, unless it shall be determined by arbitration under clause 35 hereof that such deficiency has not been due to any default or neglect on the part of the company, liquidated damages at the rate of £12 a head shall be payable by the company to His Majesty's Government, and such damages may be deducted from any monthly installment of the annual sum payable by His Majesty's Government under the next following clause hereof, or from any money payable under the agreement of the 24th day of October, 1902, or may be otherwise recovered as His Majesty's Government shall think fit.

The company shall furnish in each year to the Admiralty a return showing the numbers of royal naval reserve or royal naval fleet reserve officers, engineers, and men borne in each vessel during the preceding year, distinguishing the classes of seamen and firemen. The return shall also show the total number of officers, engineers, crew, and firemen borne during the period.

For the purposes of this subclause the expression "crew" shall not include persons exclusively employed in the engine department or in attending to the passengers and their wants, such as stewards, etc.

As regards the complement of the engine department in the vessels to which the foregoing provisions relate and the crews (including the

complement of the engine department) of all other vessels of a speed of 17 knots and upward for the time being the property of the company, the company will use their best endeavors and do all that is reasonably possible to secure the employment of the largest possible proportion of members of the royal naval reserve and the royal naval fleet reserve.

(10) To keep the vessels for the time being the property of the company (except such vessels as may for the time being be at the risk of the Admiralty) in a thoroughly seaworthy condition and good repair throughout, and to use their best endeavors to maintain the steamships constructed under clause 3 hereof, and any vessels or vessel substituted for such steamships, or either of them, under the provisions of this agreement, in such condition as to be capable of maintaining a minimum average ocean speed of 24½ knots an hour in moderate weather, and to permit His Majesty's Government at all reasonable times (but so as not to interfere with the regular employment of the vessels) to inspect all vessels for the time being the property of the company whenever they desire to do so, in order to see that such vessels are kept in such condition as aforesaid. In the event of His Majesty's Government being of opinion on any such survey that the said vessels or any one or more of them are not in such condition, His Majesty's Government may give notice in writing to the company to that effect and require the company to put such vessels or vessel in such condition, and the company shall forthwith at the cost and charge of the company comply with such notice.

(11) Within three months after the expiration of every year, calculated from the date when the vessel as to the speed of which proof is required under this subclause starts on her first voyage, to adduce to His Majesty's Government such reasonable proof from the actual running of the vessels as His Majesty's Government may require that each of the two steamships mentioned in clause 3 hereof, or any vessel built under the provisions of this agreement in substitution for either of such steamships, has during the preceding year been capable of maintaining a minimum average ocean speed of 24½ knots an hour in moderate weather.

(12) To permit the Admiralty to make at their own cost all reasonable provision (but not so as to interfere with the gangways of the vessels in their ordinary employment, or otherwise to interfere with the use of the vessels for mercantile purposes or for the purposes of the company's business) for the fitting of such pillars and supports, or the making of such other arrangements, as to enable guns to be carried on any vessel for the time being the property of the company if and when the same shall be purchased or hired by the Admiralty under this agreement.

(13) To register and keep registered all vessels the property for the time being of the company under the British flag, and not by any act or omission to lose or endanger the British registry or the right to fly the British flag.

(14) To sell no vessel of the speed of 17 knots or upward for the time being the property of the company without the previous consent in writing of His Majesty's Government; provided that such consent shall not be unreasonably withheld, particularly in the case of vessels which shall no longer be suitable by reason of age, depreciation, or otherwise for the company's business; provided that if any dispute arise as to whether any such consent is or is not being unreasonably withheld then in the case of a proposed sale of either of the two steamships mentioned in clause 3 hereof, or of any vessel built in substitution for either of such steamships, or of the *Campania* or *Lucania*, the decision of His Majesty's Government shall be final and conclusive, but in any other case the matter shall be referred to arbitration under clause 35 hereof; and in making his award the arbitrator shall take into consideration all the then existing obligations of the company toward His Majesty's Government; provided, also, that the company shall not, without the consent in writing of His Majesty's Government sell any vessel (whether or not of the speed of 17 knots or upward) which is or has at any time during the previous twelve months been ordinarily employed as a mail ship under this agreement; but this proviso shall not extend to a vessel whose place in the ordinary mail service has been taken by a newly built or acquired faster vessel if the company has at the time of sale a sufficient number of fast vessels efficiently to maintain the mail service.

(15) To sell no vessel of the speed of under 17 knots without giving seven days' previous notice in writing to His Majesty's Government, and allowing His Majesty's Government the option of purchasing such vessel under clause 4 of this agreement.

6. His Majesty's Government shall, subject in all respects to the provisions of the next two following clauses hereof, pay to the company during the term of this agreement, out of such aids or supplies as may for the time being be provided or appropriated by Parliament for the purpose, the sum of £150,000 per annum, as to £75,000, part thereof, as from the date upon which the first of the two steamships referred to in clause 3 hereof shall sail on her first voyage, and as to £75,000, the balance thereof, as from the date upon which the second of such steamships shall sail on her first voyage. Such annual payments shall be made by equal monthly installments on the first day of the month; provided that only a proportionate part of the annual payment calculated from the date upon which each of such steamships shall sail on her first voyage shall be paid on the first day of the month next succeeding the day upon which the steamship (upon the sailing of which such installment shall become payable) shall sail on her first voyage.

7. If in the case of either of the two steamships mentioned in clause 3 hereof, or any vessel substituted therefor, the company shall, before such steamship sails on her first voyage, fail to adduce to the satisfaction of the Admiralty reasonable proof from trials that such vessel will be capable of maintaining a minimum average ocean speed of 24½ knots an hour in moderate weather, but shall prove to the like satisfaction that such vessel will be capable of maintaining an average ocean speed of not less than 23½ knots an hour under such conditions as aforesaid, then such deduction shall be made from the annual payment of £150,000 to be made by His Majesty's Government under the last preceding clause hereof as shall be agreed upon, or failing such agreement, shall be determined by arbitration by an arbitrator appointed by the lord chief justice for the time being, and the decision of such arbitrator shall be final.

And whereas the amount of the said annual payment mentioned in the last preceding clause of this agreement has been arrived at upon consideration (1) of the special value to the Admiralty of the provision by the company of two steamships of the high rate of speed mentioned in clause 3 hereof; and (2) of the fact that the present fleet of the company consists of the vessels specified in the first schedule hereto; and (3) of the other obligations and services to be undertaken and rendered by the company toward His Majesty's Government under this agreement. Now it is hereby agreed and declared that if either of the said two new steamships referred to in clause 3 hereof, or any vessel substituted therefor, shall not before such vessel sails on her first voyage be proved to the reasonable satisfaction of the Admiralty to be capable of maintaining a minimum average ocean speed of 23½ knots an hour in moderate weather, then the special value of such vessel to the Admiralty, so far as regards speed, shall be deemed not to exist, and the annual payment of £150,000 shall be reduced to such an amount as in default of agreement may be determined by arbitration by an arbitrator appointed by the lord chief justice for the time being in manner aforesaid; provided that in fixing the reduced amount of such payment, under the provisions of this paragraph, the arbitrator shall have regard to the fact that an annual payment of £10,000 has been accepted by the company under clause 6 of the agreement hereinbefore mentioned, dated the 24th day of October, 1902, in respect of a vessel having an average continuous ocean speed in ordinary weather of not less than 21 knots an hour; and in fixing, either under this or the first paragraph of this clause, the amount to be paid the arbitrator shall take into consideration as well the additional cost of building and running a vessel capable of maintaining a higher speed than 21 knots an hour under the conditions aforesaid, as also the obligations and services undertaken and rendered by the company by virtue of this agreement; provided also that the amount fixed under the provisions of this clause shall not be liable to reduction under the provisions of the next following clause hereof unless the said vessels or either of them shall fail to maintain as an average ocean speed in moderate weather the speed in respect of which the arbitrator has fixed such reduced amount; and provided further that if the company shall subsequently to any arbitration satisfy the Admiralty that the speed of the said vessels or either of them has been increased, and that the said vessels or either of them can maintain an average ocean speed in moderate weather exceeding 23½ knots, the amount of the said annual payment shall be proportionately increased to an amount to be agreed between the Admiralty and the company, or failing agreement, to be settled by arbitration by an arbitrator appointed by the lord chief justice for the time being in manner aforesaid, it being the intention of the parties that if and so soon as the company shall satisfy the Admiralty that they have remedied in every respect their initial failure to comply with the obligations of this agreement with respect to the two steamships referred to in clause 3 hereof, or any vessel substituted therefor, the said annual payment shall, subject to any deductions to be made under the next ensuing clause hereof, be increased to £150,000, but shall in no event exceed that sum.

8. And in view of the considerations recited in the last preceding clause hereof it is hereby further agreed and declared that if at any time during the continuance of this agreement (*a*) there be a total loss, actual or constructive, or capture of either of the two steamships mentioned in clause 3 hereof, or of any vessel built in substitution therefor; or (*b*) either of such steamships or any vessel built in substitution as aforesaid be not shown in manner provided by clause 5 (11) hereof in any year by actual running to be capable of maintaining as aforesaid a minimum average ocean speed in moderate weather of 24½ knots an hour, or become less efficient (reasonable wear and tear excepted) than the same was when constructed, and steps be not forthwith taken to make good such loss of efficiency; or (*c*) the company's fleet (other than the two steamships mentioned in clause 3 hereof, or any vessel built in substitution as aforesaid) become less efficient than the same now is (reasonable wear and tear excepted) and steps be not forthwith taken to make good such loss of efficiency; or (*d*) the other obligations and services to be undertaken and rendered by the company as aforesaid be not duly observed and rendered, then and in every such case the annual payment to be made by His Majesty's Government under clause 6 hereof shall be reduced by such a sum as shall be agreed upon between His Majesty's Government and the company, or, failing such agreement, shall be fixed by arbitration under clause 35 hereof; provided that if the company shall with all due dispatch after either of the said two steamships or any vessel built in substitution therefor shall have been lost or captured as aforesaid proceed to build in substitution therefor a vessel fulfilling in all respects the conditions of this agreement, with respect to the vessel so lost or captured, and shall with regard to such vessel observe the provisions of clause 5 (6) hereof, the annual payment under clause 6 hereof shall not, during the building of such vessel, be reduced by reason of the loss or capture of the vessel in substitution for which the same is being built; provided also that if His Majesty's Government purchase either of the said two steamships or any vessel built in substitution therefor the purchase shall for the purpose of this clause be equivalent to a total loss of the steamship or vessel purchased, except that the company shall not be at liberty without the written request of His Majesty's Government to build a vessel similar to the steamships referred to in clause 3 hereof in substitution for the steamship or vessel so purchased; but nothing herein contained shall limit the right of the company to use the purchase price for the purpose of building or purchasing any vessel or vessels suitable for the purposes of the company.

In any arbitration held under the provisions of this clause the arbitrator shall give special consideration to any diminution in value for Admiralty purposes of the fleet of the company or any vessel thereof by reason or default in or breach of any of the provisions of this agreement in relation to the speed of any vessel or otherwise.

9. Up to the date upon which the first £75,000 shall become payable under clause 6 hereof, all sums which but for this agreement would be payable by His Majesty's Government to the company under the provisions of the hereinbefore recited agreement of the 24th day of October, 1902, shall continue to be paid, and as from that date until the second £75,000 shall become payable under the said last-mentioned clause hereof, one moiety of all sums which but for this agrement would be payable by His Majesty's Government to the company under the said agreement on the 24th day of October, 1902, shall continue to be paid. Except for the purpose of this clause, the said agreement of the 24th day of October, 1902, is hereby terminated.

10. His Majesty's Government shall advance to the company a sum equal to the cost to the company of the two steamships referred to in clause 3 hereof, but not exceeding in any event £2,600,000, upon the terms and conditions following:

(*a*) The loan shall be secured by a charge upon the whole of the company's assets, including the steamships particularized in the first schedule hereto and the two steamships referred to in clause 3 hereof, and all other vessels built for or purchased or otherwise acquired by the company, so long as such steamships or vessels or any of them shall remain the property of the company.

(*b*) Such charge shall be secured by the company by a trust deed and by mortgages on the steamships particularized in the first schedule hereto and on the two steamships referred to in clause 3 hereof, and otherwise as more particularly provided by the trust deed, and such trust deed shall be framed in the terms of the draft hereunto annexed,

which, for the purpose of identification, has been subscribed by the president of the board of trade and the chairman of the company.

(c) The loan shall be advanced by installments, on the inspector referred to in clause 3 hereof certifying that the provisions of such clause have been complied with up to the date of such certificate as and when the installments to be paid by the company on account of the cost of the two steamships referred to in clause 3 hereof shall become payable, and to a like amount.

(d) The loan shall carry interest (and without regard to the dates of the actual payment of the several advance installments) as from the following dates; that is to say, on one-half part thereof as from the day upon which the first of the two steamships referred to in clause 3 hereof shall sail on her first voyage, and on the other half part thereof as from the day upon which the second of such steamships shall sail on her first voyage.

(e) The interest payable on so much of the loan as shall for the time being be due shall be at the rate of 2½ per cent per annum.

(f) The loan shall be repaid by the company by annual installments, each of which shall be equal to one-twentieth of the total amount of the advance. The first of such installments shall be payable at the expiration of one year from the date upon which the second of the steamships referred to in clause 3 hereof shall sail on her first voyage.

11. The company shall, as soon as the articles of association of the company shall have been altered as aforesaid, issue to two nominees of His Majesty's Government one £20 share of the company, carrying the same voting power and other rights and privileges as an ordinary £20 share of the company, but for the purpose of demanding a poll in respect of and voting against any special resolution involving any alteration of the company's articles of association so far as respects the provisions referred to in clause 2 hereof and the second schedule hereto, also carrying the following additional rights and privileges; that is to say, (a) the right to demand a poll upon the occasion of any such special resolution as aforesaid, and (b) the right to give against any such special resolution as aforesaid additional votes equal in number to one-fourth of the number of votes possessed by the company's share, stock, or debenture holders for the time being.

PART II.—*Carriage of mails.*

12. For all the purposes of this agreement the term "mails" means and includes all bags, boxes, baskets, or other packages of letters and other postal packets, including parcels, without regard either to the country or place to which such pakages may be addressed or to the country or place in which they may have originated, and also all empty bags, boxes, baskets, or other receptacles, and all stores and other articles used or to be used in carrying on the post-office service.

The term "postal packet" means any article for the time being transmissible by post.

The term "parcel" means a postal packet which by the regulations of the Treasury made in pursuance of the post-office acts is defined to be a parcel, and the term "parcel mails" means mails (as hereinbefore defined) consisting of receptacles containing parcels only and of empty receptacles.

The term "mail ship" means a steamship provided for the performance of the weekly mail service to which this agreement relates.

The term "month" means a calendar month.

13. The company shall, during the term of this agreement, convey by means of mail ships from Liverpool (via Queenstown) or from Queenstown to New York, once in every week, on such day as hereinafter provided, all such mails as shall for the purpose of such conveyance be tendered or delivered at Liverpool and Queenstown, respectively, to the company, or any of their agents, officers, or servants, by the Postmaster-General or any of his officers or agents.

14. Each of the mail ships shall on every Saturday, as soon as possible after the advertised sailing hour and after the mails are embarked (or at such other time as the company, with the consent of the Postmaster-General, may fix), put to sea from Liverpool and proceed direct to Queenstown, and shall remain at Queenstown until the mails to be there embarked have been received on board, and shall thence and without unnecessary delay proceed direct to New York, and the company and their officers and servants shall use their best endeavors to complete the voyage of each such mail ship between the said places, respectively, within the shortest possible time consistent with prudent navigation.

15. (1) The mail ships shall be in all cases good, substantial, and efficient steam vessels, of adequate capacity, power, and speed, and shall be provided and kept by the company seaworthy and in complete repair and readiness to the satisfaction of the postmaster.

(2) Without prejudice to the generality of the foregoing provision, and subject to the other provisions of this agreement, the company shall employ as mail ships the fastest of the steamships for the time being belonging to or chartered by the company.

(3) If any of the fastest of the company's steamships (a) shall be disabled for the conveyance of the mails, or (b) shall be hired by His Majesty's Government under the provisions of this agreement for some purpose other than the conveyance of mails, or (c) shall be temporarily withdrawn for the purpose of the usual annual overhauling requisite for the maintenance of efficiency, the company shall employ for the mail service the steamship or steamships ranking next in rate of speed among the available steamships for the time being belonging to or chartered by the company: *Provided*, That the company shall so arrange for the annual overhaul of their fastest steamships as to detract in the least possible degree from the rapidity of the mail service and its continuous and efficient performance.

16. The company shall at their own cost and to the satisfaction of the postmaster-general provide on each of the mail ships a separate room or rooms for the convenient and secure deposit and custody of the mails (other than parcel mails) under lock and key, and shall keep the parcel mails in a place of safety and take all reasonable precautions for their safe custody.

17. If the postmaster-general shall at any time desire that the mails be sorted on board the mail ships the following provisions shall apply; that is to say:

(1) The company shall provide on each of the mail ships, for the purpose of sorting and making up the mails, a separate and convenient room or rooms of such dimensions as the postmaster-general may from time to time reasonably require.

(2) Every such room shall be provided by the company with all such furniture, lamps, fittings, and other conveniences as shall be necessary or convenient for the purpose of sorting and making up the mails, and all such furniture, lamps, fittings, and other conveniences shall be from time to time cleansed and kept in repair, and the oil or other means of illumination for the lamps shall be supplied by and at the cost of the company.

(3) The services of the crew shall, subject to the directions of the master of the ship from time to time, be given in the conveyance of the mails between the mail room and the sorting room or rooms.

(4) The company shall also receive and allow to remain on board each of the mail ships on her voyage between Liverpool and New York, and also while stopping at Queenstown, and whether such mail ship shall be with or without mails on board, such number of officers of the British or United States post-office as shall be required for the purpose of sorting and making up the mails, and shall provide suitable accommodation and victualling for such officers, either as first-cabin passengers or as second-cabin passengers, at the option of the postmaster-general.

(5) In respect of the accommodation for sorting and making up the mails as aforesaid, and in respect of the accommodation and victualling of the said officers, the postmaster-general shall pay to the company, in addition to all sums payable for the conveyance of the mails under this agreement, such sum of money as may be agreed upon between him and them, or failing such agreement, as shall be determined by arbitration under clause 35 hereof, on the basis of a fair payment for the accommodation given.

18. The master or commander of each mail ship shall (unless otherwise requested by the postmaster-general) without any payment other than the sums payable to the company under this agreement, take charge of the mails; and every such master or commander shall make the usual oaths or declarations now or hereafter required by the postmaster-general in such and similar cases, and furnish to the postmaster-general abstracts of the log and such certificates showing the due delivery of the mails and such other information respecting the mails as the postmaster-general or his officers or agents may require; and every such master or commander shall himself, or by one of his officers, immediately on the arrival of the mail ship at New York deliver the mails into the hands of the proper officer of the United States post-office, or such other person as the postmaster-general shall authorize to receive the same.

19. The company shall not, nor shall the master or commander of any mail ship, without the consent of the postmaster-general, receive or permit to be received on board any mail ship any letters for conveyance from Liverpool or Queenstown other than those comprised in the mails conveyed under this agreement or such as are for the time being exempted by law from the exclusive privileges of the postmaster-general.

20. (1) The company shall, during the continuance of this agreement (in addition to conveying mails by the mail ships as herein provided), convey by any steamship of the company (except as hereinafter provided) performing any service undertaken by the company for their own purposes (a) all parcel mails from New York to Queenstown and Liverpool, and (b) all mails from the United Kingdom to the United States of America, which the postmaster-general or any of his officers or agents shall from time to time require to be conveyed: *Provided*, That, if in consequence of additions to its fleet, the company shall at any time establish a new fast weekly midweek service between Great Britain and the United States of America (that is to say, a service performed by vessels of a speed of 18 knots and upward per hour), and the postmaster-general shall, under the powers conferred by this clause, send by means of such new service a regular mail to the United States of America which shall be equal in weight, on an average of twelve months, to not less than 10 per cent of the average weight of the mail sent each week by a mail ship under this agreement, then the postmaster-general shall make such additional payment to the company for the advantage thus obtained as (regard being had to the other payments to the company under this agreement) may be agreed upon, or failing agreement, settled by arbitration under clause 35 hereof.

(2) All such mails as in this clause mentioned shall be delivered by the master or commander of the steamship at the ship's side to the proper officer or agent of the post-office at any port or place to which such steamship shall sail and for delivery at which such mails are tendered.

21. So long as the postmaster-general shall deem it expedient to maintain a special service by railway and mail packet from London to Queenstown on Saturday afternoons for the conveyance of mails to be embarked by the company at Queenstown, the company shall pay to the postmaster-general one-third of the cost of so much of the said special service as relates to the conveyance of mails between London and Dublin (Island Bridge), and the certificate of the comptroller and accountant-general of the post-office as to the cost of such service shall be accepted by the company as conclusive evidence of such cost.

22. The company shall undertake and make all necessary and proper arrangements in connection with any statutory regulations of the local government board relative to public health or in connection with quarantine which may be required in respect of the mail ships, and no deductions shall be made from the subsidy payable under this agreement, nor shall the company be otherwise liable for or by reason of any delay in the landing, embarkation, delivery, or conveyance of any mails arising from the observance of any such regulations or the imposition of quarantine.

23. The company shall not attempt to exercise any lien upon the mails for or in respect of a general average contribution.

24. (1) Nothing in this agreement shall exempt the company or any ship of the company from the operation of any act of Parliament, order in council, by-law, or other provision of the law in relation to explosives.

(2) The company shall not convey in any steamship conveying mails any article which in the opinion of the postmaster-general is likely to endanger the mails.

25. The company shall be responsible for the loss or damage of any parcel or of any registered postal packet of any kind conveyed or tendered for conveyance under this agreement (unless such loss or damage be caused or occasioned by act of God, the King's enemies, pirates, restraints of princes, rulers, or people, jettison, barratry, fire, collision, or peril or accidents of the seas, rivers, and steam navigation: provided, nevertheless, that the expression "barratry" shall not be deemed to include any unlawful act in respect of the mails on the part of the master or officer having charge thereof; and in the event of any such loss or damage (except as aforesaid) the company shall be liable to pay to the postmaster-general in respect of each parcel or registered postal packet so lost or damaged (subject to the proviso hereinafter contained) such sum of money as shall be equal to the amount which may have been awarded and paid by the postmaster-general at his sole option and discretion (and although not under any legal obligation) to the sender or addressee of such parcel or registered postal packet as compensation for the loss or damage thereof; provided that such sum shall not in any case exceed £1 per parcel or £2 per registered postal packet of any kind; provided, also, that the aggregate amount of the sums payable by the company under this clause shall not exceed the sum of £500 in respect of any one voyage.

26. In consideration of the covenants and agreements in this part of this agreement contained, and on the part of the company to be observed and performed, and of the due and faithful performance by the company of all the services in relation to mails provided for by this agreement, there shall be payable to the company during the term of this agreement (out of such aids or supplies as may from time to time be appropriated by Parliament for that purpose)—

(1) A yearly sum after the rate of £68,000 per annum, or (in the event of any such default or failure as hereinafter mentioned) so much of the said sum as shall remain payable in respect of any year after making such deductions therefrom (if any) as hereinafter in that behalf mentioned in respect of any such default or failure as hereinafter mentioned.

(2) Whenever in any one week more than 100 tons measurement (that is to say, 4,000 cubic feet) of parcel mails (exclusive of empty receptacles) in the aggregate are conveyed in either direction from Liverpool and Queenstown to New York or from New York to Queenstown and Liverpool (whether by the mail ships or by any other steamships of the company) a further sum of 26 shillings and 3 pence for every complete ton measurement (that is to say, 40 cubic feet) of parcel mails (exclusive of empty receptacles) conveyed in that direction in excess of 100 tons measurement; provided that in lieu of the further sum last hereinbefore mentioned the postmaster-general may at his option pay the rates of freight for the time being charged by the company on similar parcels to other companies or firms whose business it is to carry parcels; but all parcels for which the said rates of freight are paid by the postmaster-general shall be carried by the company subject to terms and conditions similar to those upon which the parcels of such other companies or firms are carried and not under the terms and conditions of this agreement.

27. And whereas the said annual payment of £68,000 to be made by His Majesty's Government has been fixed, having regard to the obligations and services to be undertaken and rendered by the company to His Majesty's Government under Part II of this agreement, now it is hereby agreed that if at any time during the continuance of the agreement—

(1) The company fail to provide at Liverpool one of the fastest of the steamships for the time being belonging to or chartered by the company and available for the conveyance of the mails in accordance with the provisions of this agreement ready to put to sea on and at the appointed day and hour; or

(2) If such steamship fails (*a*) to put to sea on and at the appointed day and hour or immediately after the mails are embarked, or (*b*) to proceed direct to Queenstown, or (*c*) to remain at Queenstown until the mails to be there embarked have been received on board, or (*d*) immediately upon the receipt of such mails to proceed direct to New York; or

(3) If the company makes default in the performance of any other of the services undertaken to be rendered by the company under Part II of this agreement—

Then and so often as any such default shall happen (unless such default arose wholly or in part from any cause or causes beyond the control of the company) there shall be deducted from the annual payment which would in the absence of any such default be payable to the company such a sum as shall be agreed upon between the postmaster-general and the company, or, failing such agreement, be fixed by arbitration under clause 35 hereof, as representing the proportionate value of the service in which default has been made, having regard to the aggregate services covenanted to be performed by the company and the total sum payable under this part of this agreement.

28. (1) The said yearly sum of £68,000 shall be payable by monthly installments, and all accounts in relation to the payments to be made by the postmaster-general to the company as hereinbefore provided, and any deductions therefrom as hereinbefore provided, shall be made out and settled monthly up to and on or as soon as conveniently may be after the end of each month, and the amount (if any) which shall be due to the company on each such monthly account shall be paid by the postmaster-general at the general post-office in London out of such aids or supplies as aforesaid upon the settlement of each such account.

(2) All such several payments as aforesaid shall be received by the company in full satisfaction and discharge of all claims and demands by them for or on account of the services hereby contracted to be performed in relation to the conveyance of mails or any damages, losses, or expenses which may be sustained by the company in respect thereof.

(3) For the purpose of the accounts and payments referred to in this clause the said yearly subsidy of £68,000 shall be deemed to accrue from day to day, subject to the liability of the same to be altered by such deductions as aforesaid.

29. If on the determination of this agreement any mail ship or other steamship shall have started with the mails on board in conformity with this agreement, but shall not have delivered such mails, such voyage or voyages shall be continued and performed and such mails shall be conveyed and delivered in all respects as if this agreement had remained in force with regard to such ship and services, and in such case this agreement shall accordingly be deemed to terminate upon the due delivery of the said mails.

30. The company shall not assign, underlet, or dispose of the benefit of this part of this agreement or of any of the provisions thereof without the consent of the postmaster-general signified by an instrument in writing.

31. In case of any great or habitual breach of this part of this agreement, or of any covenant, matter, or thing therein contained, on the part of the company, its officers, agents, or servants, the postmaster-general may, if he shall think fit, but notwithstanding there may or may not have been any former breach of this part of this agreement, by an instrument in writing determine this part of this agreement, and the company shall not be entitled to any compensation in respect of such determination, and such determination shall not deprive the postmaster-general of any right or remedy to which he would otherwise be entitled by reason of such breach or any prior breach of this part of this agreement.

32. (1) Any notice to determine this part of this agreement shall be served by being delivered at or transmitted by post to the company at its principal office for the time being.

(2) All other notices and all directions or requisitions which the postmaster-general or his officers or agents are hereby authorized to give to the company, its officers, servants, or agents, may at the option of the postmaster-general, his officers or agents, either be delivered to the master or commander of any steamship or other officer or agent in charge or management of any steamship or left for or forwarded by post to the company at any office of the company, and any notices, directions, or requisitions so given or left shall be binding on the company.

33. As from the date when this agreement comes into force the said agreement dated the 31st day of July, 1899, in relation to the carriage of mails shall be deemed to be determined.

PART III.—*Term of agreement and incidental provisions.*

34. This agreement shall come into force on the date hereof, and shall remain in force until the expiration of twenty years as from the date upon which the second of the two steamships referred to in clause 3 hereof shall sail on such first voyage as is described in clause 6 hereof, and the period during which this agreement is in force is in this agreement referred to as the "term of this agreement."

35. In the event of any difference or dispute arising between His Majesty's Government or the admiralty or the board of trade or the postmaster-general on the one hand and the company on the other hand regarding this agreement, or any matter or thing therein contained or relating thereto, every such matter in difference or dispute except as herein otherwise provided shall be settled and determined in manner provided by the arbitration act 1889 or any acts amending the same.

36. In pursuance of the provisions contained in the House of Commons (disqualification) act 1782 no member of the House of Commons shall be admitted to any share or part of this agreement or to any benefit to arise therefrom contrary to the true intent and meaning of the said act.

37. Having regard to the standing orders of the House of Commons this agreement shall not be binding until it has been approved by a resolution of the House of Commons.

38. So soon as the special resolution referred to in clause 2 hereof and the second schedule hereto shall have been confirmed, the directors of the company shall forthwith proceed to execute and do all such instruments, acts, and things as may be necessary or proper for giving full effect to this agreement, and in particular, if necessary or proper or if required so to do by His Majesty's Government, they will cause the seal of the company to be reaffixed hereto or to be affixed to a supplementary document confirming this agreement.

39. The schedules to this agreement shall be deemed to be part of this agreement in all respects as if the same had been incorporated therein.

40. The marginal notes hereto shall not affect the construction hereof.

In witness whereof two of the commissioners for executing the office of lord high admiral of the United Kingdom of Great Britain and Ireland and the postmaster-general have hereunto set their hands and seals, the board of trade have hereunto caused their seal to be affixed, and the company has hereunto caused its common seal to be affixed, the day and year first before written.

Prosperous British shipyards.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF NAVIGATION,
Washington, February 16, 1906.

Hon. C. H. GROSVENOR,
House of Representatives.

MY DEAR GENERAL: I inclose herewith a copy of H. E. Moss & Co.'s steamship circular for February 6, 1906. This firm is one of the largest engaged in selling and chartering ships in the world, and their statements always attract considerable attention. I desire to call your attention to the passage in which they refer to the increase in the cost of building ships in England within the past few months, say from 15 per cent to 20 per cent. The statement illustrates the difficulty in making precise comparisons between the relative cost of building here and abroad.

Sincerely, yours,

E. T. CHAMBERLAIN,
Commissioner.

[H. E. Moss & Co.'s steamship circular.]

LIVERPOOL, *February 6, 1906.*

Since the issue of our last semiannual steamship circular, the year just closed has become memorable in history by the termination of the greatest war that ever was fought, the greatest naval engagement since Trafalgar, and the greatest number of orders placed for new steamers, mostly contracted for in August and September, on the eve of the termination of the Russo-Japanese war, when prices were about at their lowest, and within the space of six weeks most of the builders were filled up with work, many until 1907.

We have to record that in 1905 there were launched from British yards 823 vessels, including war ships, amounting to about 1,752,960 tons, or 1,623,168 tons of merchant shipping, being 418,000 tons more than in 1904 and 100,000 tons more than the previous highest record of 1901. The output from foreign shipbuilding yards was equally as large in proportion.

We do not say that freights warranted so many orders being placed, but the low prices quoted and the prospects of better business carried most people along, the result being that the amount of steam tonnage under construction in this country on the 31st December, 1905, was 487 steamers, of about 1,355,756 tons, compared with 371 steamers, of about 1,049,756 tons, on 31st December, 1904.

With all this work on order it is only natural that prices for building should have advanced rapidly—we may say fully 15 to 20 per cent—and for tramp steamers of 6,000 or 7,000 tons dead weight from £5 10s. to about £6 15s. per ton dead weight, according to size and specification.

For instance, steamers of 6,000 tons, costing some months ago £35,000 to £36,000, could not be contracted for to-day at less than £40,000 to £41,000.

Most of the tramp steamers ordered were from 6,000 to 7,000 tons, whereas in previous years they were from 4,000 to 5,000 tons dead weight.

Unfortunately freights have not advanced proportionately, and as a result steamers contracted for at the bottom of the market are being offered for sale at prices below what they can be presently built for, and many owners have been able to sell their vessels at very handsome profits, with the result that very few new orders for tramp steamers have recently been given out.

Prices of second-hand steamers have advanced considerably, though not in the same proportion as for new steamers.

With the large amount of tonnage building, most owners are naturally anxious as to the future prospects, and some predict a speedy reaction; but seeing there are few steamers presently unemployed, although the Baltic is closed and most Russian trades dislocated on account of the terribly disturbed condition of that country; also that

our board of trade returns for 1905 show an increase in exports over 1904 of nearly £30,000,000, and in imports of over £14,000,000, being £44,000,000 in a total of £880,000,000; that the trade of this and all other countries is rapidly improving; that the expansion in the Pacific is still in its infancy; while we can not think that there will be any very great improvement in freights in 1906, we believe we will see much better times in 1907, and although it is difficult to foretell the immediate future we are not pessimistic in our views and look for a gradual improvement. In any case it will be some considerable time before prices can again reach the low level of last year.

We are, gentlemen, yours, respectfully,

H. E. MOSS & Co.

THE SHIPPING BILL OF THE MERCHANT MARINE COMMISSION. (S. 529.)

An act to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce.

Be it enacted, etc., That there shall be enrolled, in such manner and under such requirements as the Secretary of the Navy may prescribe, from the officers and men now and hereafter employed in the merchant marine and fisheries of the United States, including the coastwise trade of the Atlantic and Pacific and the Great Lakes, such officers, petty officers, and men as may be capable of rendering service as members of a naval reserve, for duty in time of war, and who are willing to undertake such service, to be classified in grades and ratings according to their capacity as shown at time of enrollment. No man shall be thus enrolled who is not a citizen of the United States, either by birth or naturalization. These members of the Naval Reserve shall be enrolled for a period of four years, during which period they shall be subject to render service on call of the President in time of war. They shall also possess such qualifications, receive such instruction, and be subject to such regulations as the Secretary of the Navy may prescribe. The Secretary of the Treasury is hereby authorized and directed, upon proper audit by the Auditor for the Navy Department, to pay, out of any money to be annually appropriated therefor upon estimates to be annually submitted to Congress in the Book of Estimates, to each officer, petty officer, or man thus enrolled and employed in the merchant marine or fisheries, including the coastwise trade of the Atlantic and Pacific and the Great Lakes as hereinafter provided, an annual retainer, as follows: For each officer of the line or Engineer Corps, having the rank of lieutenant of the Naval Reserve, $110; for each officer of the line or Engineer Corps, having the rank of lieutenant (junior grade) in the Naval Reserve, $90; for each officer of the line or Engineer Corps, having the rank of ensign in the Naval Reserve, $80; for each man with a rating of chief petty officer, $70; for each man with a rating of petty officer, first class, $60; for each man with a rating of petty officer, second class, $48; for each man with a rating of petty officer, third class, $40; for each seaman, first class, $36; for each seaman, second class, $30; for each seaman, third class, $24. Such retainer shall be paid at the end of each year of service on certificate, by the Secretary of the Navy, that the member of the Naval Reserve has satisfactorily complied with the regulations, and on certificate by the Secretary of Commerce and Labor that such member has served satisfactorily for at least six months of the preceding twelve months on vessels of the United States in the merchant marine or in the deep-sea fisheries. The total number of officers, petty officers, and men enrolled in the Naval Reserve shall not at any time exceed 10,000.

SEC. 2. That in the interest of the national defense and for the performance of the public services hereinafter specified, after July 1, 1907, the Secretary of the Treasury is hereby authorized and directed to pay, subject to the provisions of this act, out of any money in the Treasury to be annually appropriated therefor upon estimates to be annually submitted to Congress in the Book of Estimates to the owner or owners of any steam vessel of over 1,000 gross tons, and of any sail vessel of over 200 gross tons, and fishing vessel of over 20 gross tons hereafter built and registered in the United States or now duly registered by a citizen or citizens of the United States (including as such citizens any corporation created under the laws of the United States or any of the States thereof), engaged exclusively as a common carrier for the service of the public, subventions as hereinafter provided; that is to say, (a) the sum of $5 per gross registered ton for each vessel which has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of twelve months, including time necessarily consumed in receiving or discharging cargo, or not to exceed two months in making annual or extraordinary repairs; (b) the sum of $4 per gross registered ton for each vessel which, during any twelve consecutive months, has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of nine months or over, but less than twelve months, including time necessarily consumed in receiving or discharging cargo or not to exceed one month in making extraordinary repairs; (c) the sum of $2.50 per gross registered ton for each vessel which during any twelve consecutive months has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of six months or over, but less than nine months, including time necessarily consumed in receiving or discharging cargo or not to exceed one month in making extraordinary repairs.

The subventions provided for in this section shall not be paid to:

(a) A vessel for a voyage on which the principal part in bulk of her cargo shall have been transported from one port of the United States to another port of the United States, as provided in section 4347 of the Revised Statutes as amended by the acts of February 15, 1893, and February 17, 1898.

(b) A vessel while exclusively employed in carrying between foreign ports.

(c) A vessel for a voyage extending only to a foreign port less than 150 nautical miles from her last port of departure in the United States, or from a foreign port less than 150 nautical miles from her first port of arrival in the United States.

Sections 1 and 2 of an act approved April 15, 1904, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes." shall not take effect until July 1, 1909, and until that date a vessel of the United States employed in trade between the United States and the Philippines shall receive for the period of its employment in such trade an additional subvention of 30 per cent of the rates provided in this section. After that date a vessel of the United States so engaged shall receive no subvention under this section.

A vessel receiving a subvention under this section shall not receive any other subvention, subsidy, or bounty from the Treasury of the United States.

SEC. 3. That before receiving any subvention under the provisions of section 2 of this act the owner or owners of any vessel shall contract, in writing, with sufficient sureties, with the Secretary of Commerce and Labor to fulfill each and all of the following obligations:

First. That said vessel may be taken and used by the United States, for the national defense or for any public purpose, at any time, upon payment to the owner or owners of the fair actual value of the same at the time of the taking, or a fair rate of hire to be agreed upon. And if there shall be a disagreement as to such fair actual value or fair rate of hire between the United States and the owner or owners of such vessel, the United States is hereby authorized and empowered to take the vessel at once, leaving the fair actual value or fair rate of hire to be determined thereafter by two impartial appraisers, one to be appointed by each of said parties, they to select a third, who shall act in such appraisement in case the two shall fail to agree, and the provisions of this subdivision shall be embodied in every contract between the vessel owner or owners and the United States.

Second. That said vessel shall carry, free of charge, the mails of the United States, when the Postmaster-General shall so require, for the whole or any part of a voyage for which subvention shall be claimed.

Third. That until July 1, 1912, upon each departure of said vessel from the United States at least one-sixth, and after July 1, 1912, one-fourth of the crew shall be citizens of the United States, or men who have declared their intention to become citizens, and of the navigating force on deck, excluding licensed officers, at least one-half shall be able seamen, who are hereby defined to be men who have had two years' or more experience on deck at sea or on the Great Lakes.

Fourth. That a vessel employed in the foreign trade shall maintain, during the period so employed, at least class A 1 if a steam vessel, and at least class A 1½ if a sail vessel, as such classes are now established by either the Record of American and Foreign Shipping or the United States Standard Owners, Builders, and Underwriters' Association, or equivalent classification in any other register of shipping of at least equal merit.

Fifth. That all ordinary repair or overhauling of said vessel shall be made in the United States, except in cases where dry docking is necessary and no American dry dock of sufficient capacity shall be within a distance of 500 miles of the location of the ship when the repairs shall be needed.

Sixth. A vessel shall not be entitled to the subvention above provided for unless during the period of employment in the foreign trade or deep-sea fisheries the following proportions of the crew of the vessel after the dates specified shall have been enrolled in the naval reserve: After July 1, 1908, one-eighth; after July 1, 1912, one-sixth; after July 1, 1917, one-fourth: *Provided*, That if the foregoing stated proportions of naval reserves can not be obtained at a foreign port with reasonable effort, as certified by the consul, other persons may be substituted until the first return of said vessel to the United States, without forfeiture of the subvention.

SEC. 4. That the contracts provided for in section 3 shall be for a period of one year, and shall be renewed from time to time. At the expiration of each annual contract the owner of the vessel shall be required to prove to the satisfaction of the Secretary of Commerce and Labor, in such manner as the said Secretary shall prescribe, that its obligations, each and all, have been satisfactorily complied with. The Secretary of Commerce and Labor shall thereupon certify to the Secretary of the Treasury the amount of subvention to which said owner shall be entitled in fulfillment of said contract and of the provisions of this act, and the Secretary of the Treasury upon proper audit shall thereupon pay the subvention due.

SEC. 5. That the Postmaster-General is hereby authorized and directed to enter into contracts, for a term not less than five nor more than ten years in duration, with citizens of the United States for the carrying of mails on steamships hereafter built and registered in the United States, or now duly registered by a citizen or citizens of the United States (including as such citizens any corporation created under the laws of the United States or any of the States thereof), between ports of the United States and ports on the routes and for the amounts prescribed in section 6 of this act. All the provisions of the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," are hereby made applicable in all respects to the services provided for in section 6 of this act: *Provided*, That the specific rates of compensation provided for in section 5 of said act shall not apply to the services provided for in section 6 of this act, and that all ordinary repair or overhauling of a steamship employed and paid for carrying mails under sections 5 and 6 of this act shall be made in the United States, except in cases where dry docking is necessary and no American dry dock of sufficient capacity shall be within a distance of 500 miles of the location of the ship when the repairs shall be needed; and that such a steamship shall not, except as provided in section 6 of this act, receive any other subvention, subsidy, or bounty from the Treasury of the United States.

SEC. 6. That as soon as may be practicable the Postmaster-General shall establish, in the manner prescribed in section 5, the following ocean mail services:

First. From a port of the Atlantic coast of the United States to Brazil, on steamships of the United States of not less than 14 knots speed, for a monthly service at a maximum compensation not exceeding $150,000 a year, or for a fortnightly service at a maximum compensation not exceeding $300,000 a year.

Second. From a port of the Atlantic coast of the United States to Uruguay and Argentina, on steamships of the United States of not less than 14 knots speed, for a monthly service at a maximum compensation not exceeding $187,500 a year, or for a fortnightly service at a maximum compensation not exceeding $375,000 a year.

Third. From a port of the Atlantic coast of the United States to South Africa, on steamships of the United States of not less than 12 knots speed, for a monthly service at a maximum compensation not exceeding $187,500 a year, or for a fortnightly service at a maximum compensation not exceeding $375,000 a year.

Fourth. From a port of the United States on the Gulf of Mexico to Brazil, on steamships of the United States of not less than 12 knots speed, for a monthly service at a maximum compensation not exceeding $137,500 a year, or for a fortnightly service at a maximum compensation not exceeding $275,000 a year.

Fifth. From a port of the United States on the Atlantic coast, south of Cape Hatteras, and from a port on the Gulf of Mexico to Cuba, on steamships of the United States of not less than 14 knots speed, for a weekly service, at a maximum compensation not exceeding $75,000 a year, or for a semiweekly service at a maximum compensation not exceeding $125,000 a year.

Sixth. From each of two ports of the United States on the Gulf of Mexico and from New Orleans to Central America and to the port of Cristobal on the Isthmus of Panama, on steamships of the United

States of not less than 12 knots speed, for a weekly service at a maximum compensation not exceeding $75,000 a year.

Seventh. From a port of the United States on the Gulf of Mexico to Mexico, on steamships of the United States of not less than 12 knots speed, for a weekly service at a maximum compensation not exceeding $50,000 a year.

Eighth. From a port of the Pacific coast of the United States via Hawaii to Japan, China, and the Philippines, on steamships of the United States of not less than 16 knots speed, for a monthly service at a maximum compensation not exceeding $300,000 a year, or for a fortnightly service at a maximum compensation not exceeding $600,000 a year.

Ninth. From each of the two ports, namely, Puget Sound and the Columbia River of the North Pacific coast of the United States to Japan, China, and the Philippines, on steamships of the United States of not less than 13 knots speed, for a monthly service at a maximum compensation not exceeding $210,000 a year; or for a fortnightly service, at a maximum compensation not exceeding $420,000 a year.

Tenth. From a port of the Pacific coast of the United States via Hawaii and the Samoan Islands to Australasia, on steamships of the United States of not less than 16 knots speed, for a service once in three weeks at a maximum compensation not exceeding $217,000 a year in addition to the compensation now provided pursuant to contract under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Eleventh. From a port of the Pacific coast of the United States to Mexico, Central America, and Port La Boca on the Isthmus of Panama, on steamships of the United States of not less than 12 knots speed, for a fortnightly service at a maximum compensation not exceeding $120,000 a year: *Provided*, That the requirements of this section as to the rates of speed shall be deemed to be complied with if said rates are developed during a trial of four hours' continuous steaming at sea in ordinary weather in water of sufficient depth to make the test a fair and just one, and if the vessels are maintained in a condition to develop such speed at any time while at sea in ordinary weather. This trial shall be made under the direction and supervision of a board of naval officers which the Secretary of the Navy shall appoint upon the application of the owner or owners of the vessel to be tested.

SEC. 7. That all contracts hereafter made pursuant to the act of March 3, 1891, before mentioned, or pursuant to sections 5 and 6 of this act, shall provide that on each voyage the following proportion of the crew shall be enrolled in the Naval Reserve: After July 1, 1908, one-eighth; after July 1, 1912, one-sixth; and after July 1, 1917, one-fourth: *Provided*, That if the foregoing stated proportions of naval reserves can not be obtained at a foreign port with reasonable effort, as certified by the consul, other persons may be substituted until the first return of said vessel to the United States, without forfeiture of the compensation.

SEC. 8. That on proof to the satisfaction of the Commissioner of Navigation that a vessel of the United States has on any foreign voyage carried a boy or boys, a citizen or citizens of the United States, under 21 years of age, suitably trained during that voyage in seamanship or engineering, in the proportion of one for such vessel, and in addition one for each 1,000 tons of her net registered tonnage, there shall be paid to the owner or owners of the vessel, out of any money in the Treasury not otherwise appropriated, an allowance equivalent to 80 per cent of the tonnage duties paid in respect of the entry in the United States of that vessel from that voyage: *Provided*, That such payment shall not be made after July 1, 1908, except in respect of any boy who is enrolled as seaman, third class, in the Naval Reserve, or is an apprentice indentured in accordance with law.

SEC. 9. That this act shall take effect on July 1, 1906.

SEC. 10. That Congress reserves the right to alter, amend, or repeal this act, in whole or in part, whenever in its judgment the public interest shall so require, without, however, impairing in any wise the obligation of any specific contract then in force which shall have been entered into under the provisions of sections 2, 3, 5, and 6 of this act.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. FASSETT having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. LEVER. Mr. Chairman, the bill under consideration carries the annual appropriation for the support of the Department of Agriculture. It is the only specific legislation by Congress in which the farmer has a direct interest. It is the sole contribution of the Government in aid of the greatest industry of the nation.

Agriculture has always been, and will continue to be, of supreme and first importance to all the nations of earth. It is the most ancient and important of all the professions. Upon it as a foundation the earliest civilization of the world rested, and it is to-day the bedrock of our national greatness.

If the student of the human family would get an accurate measure of its progress, he must first get a correct measure of the development of agriculture in the different periods to which his research is directed. The progress of the one is measured by the progress of the other. Such an investigation will prove that agriculture has always been, and will ever be, the basic industry of the world, supporting and vitalizing every other.

Everyone must recognize that upon the prosperity of the man who walks in the furrow, upon the happiness and comfort and well-being of "the man with the hoe," must depend the prosperity, happiness, and well-being of all classes and industries. Bountiful harvests to the farmer bring a wealth of prosperity to all other occupations. When disaster comes to him every other industry suffers; when he prospers, the nation likewise prospers. Whatever helps him helps the world, and vice versa. From his skill and energy, from his success in getting bountiful responses from nature, is drawn the lifeblood which, circulating through the arteries of every other industry, vitalizes them into agencies of happiness and wealth. He is the breath of life of all of the other occupations of mankind and the moving cause of every step forward in the march of progress. Upon him depends directly or indirectly every industry, and upon his broad shoulders rests the burden of feeding and clothing the world, while at the same time he is the chief customer for the products of all other industries. Back of all progress, back of every forward movement in the history of the world, stands this unpretentious man—earth's most modest, but best prince. [Applause.]

The statesmanship of every age has recognized the prime importance of agriculture and in some way undertaken to do justice to this most potent agency in the industrial development of the world.

The great Corsican, when in the very fullness of his power, with that almost inspired wisdom which marked his every act, wrote in the civil code of the French nation as a fundamental doctrine:

> First, agriculture, the soul and basis of the Empire; second, industry, the comfort and happiness of the population; third, trade, the superabundance and proper application of the surplus of agriculture and industry.

To the wisdom of this doctrine the French Republic owes, in a large measure, the industrial achievements which have given her place among the nations of earth.

Our own Department of Agriculture traces its origin to the practical wisdom of the "Father of his Country," and the active efforts of that wise old philosopher, Benjamin Franklin, the celebration of whose birthday we are about to make, and rightly, an occasion of national importance. In his last message to Congress President Washington, recognizing that a neglected agriculture meant ultimate ruin for his country, urged upon that body the importance of agriculture to the nation in these words:

> In proportion as nations advance in population, the cultivation of the soil becomes more and more the object of public patronage.

This strong, practical, patriotic old hero looked far into the future and with clear vision foresaw the important relationship that agriculture would bear to the progress and prosperity of the country to whose service he had given so many years of his life. He directed the attention of Congress to the necessity for the creation of some kind of governmental agency which should be charged with the duty of stimulating enterprise and experiment along agricultural lines and whose function it would be to collate these experiments and observations and disseminate them among the people. This is the kernel around which has grown our present efficient and valuable Department of Agriculture, a Department which affects more people and does better work within the limitations provided by the small appropriations for it than any Department of this Government, and I say this, not in disparagement of the efficiency of other Departments, but in justice to this, whose work I know is adding enormously to the happiness of the people and the wealth of the nation.

The suggestions of General Washington did not bring from Congress any affirmative legislative response, but at the same time they were met with favor by the wisest and best statesmanship of that period. It is interesting to know that the response of the Senate to these suggestions was written by a South Carolina, Senator Read. The truth is, from the very earliest days of the Republic the South has been vitally interested in every effort to better the condition of the agricultural classes, and to-day no section of the Union is more concerned in agriculture than the South, nor is there a section of the country which gives heartier support to the present administration of the Department of Agriculture, which has a firmer faith in its integrity or a greater confidence in its wisdom than the section from which I have the honor to come. We believe in Secretary Wilson the man; we believe in him as the friend of agriculture. We are more than satisfied that we can always get from him at least a square deal. His Department is doing a great work in the South in many ways, and I confidently expect from it a great revival in southern agriculture. If he can successfully demonstrate to our people the advantage of diversified agriculture over our present one-crop system, the result in that one undertaking will be a return in increased taxable property to the nation a hundredfold greater than the appropriation carried in this bill for the whole country.

Our Government is not an exception in extending aid to its agricultural classes. Every nation with any prominence in the affairs of the world assents to the idea of government aid for

agriculture and makes annual appropriations to that end. Germany, France, Austria, Hungary, Spain, and even benighted Russia and young Japan expend large sums for conserving, promoting, and encouraging those of their people engaged in agriculture. The fact is that these nations evince a deeper concern in the welfare of their agricultural classes than we do in ours.

It may sound somewhat out of joint when I assert it, but the truth is that our Government was not only tardy in extending to this most potent agency in our industrial development that recognition to which its great importance to the country entitled it, but that even now, in this very year, when the crowded condition of our cities and the world's increasing demands for breadstuffs and clothing necessitates such a great increase in the productiveness of our farms, we are pursuing a policy with respect to this industry which almost amounts to parsimony. [Applause.]

The first affirmative legislative action looking to governmental aid for agriculture was not had until 1839, when the insignificant sum of $1,000 was appropriated to buy and distribute "rare and valuable seed" among the farmers. The appropriation was grudgingly increased from year to year as the demand for aid grew more and more insistent until under President Lincoln's first Administration the Department of Agriculture, with functions no greater than that of an ordinary bureau, was created. The Department did not receive that enthusiastic support and encouragement from Congress which were necessary to make it of any special consequence to the country. It was regarded rather as a "sop" to the farmer than the evidence of a serious intent to aid him. Little was expected from it, and little was received. It was not until 1889, one hundred years after the signing of the Constitution, when the nation began its real life, that any serious and purposeful effort to aid agriculture was undertaken by this Government. In that year an act was passed raising the Department of Agriculture from a bureau class to that of an Executive Department of the Government, with added duties and enlarged jurisdiction. This was the first time in our history of a hundred years that the farmer, as a class, was accredited a distinction to which he was entitled above every other class in the country if regard is to be had for the relative importance to the Government of the various classes and occupations in which our people are engaged. That this great industry should have been denied so long this consideration at the hands of the Government does not do credit for impartiality and fairness and patriotic foresight to the Congresses which have gone before us. [Applause.]

Be it said to the glory of the Democratic party that the present Department of Agriculture is the creation of Democratic wisdom. The burden of the fight for the American farmer was borne by a Missouri Democrat (Hatch) and the act was signed by a Democratic President, and from that day until this the Government has been committed most thoroughly to the policy of aiding agriculture, and the wonderful delevopment, the increased production, the enhanced value of farm property, and the general well-being and prosperity of the farmer bear convincing testimony to the fact that the appropriations for this purpose have not been wasted, but, on the contrary, have been seed sown in fertile soil. [Applause.]

Mr. Chairman, who is this man, and what has he done and is he doing to merit the consideration of the Government, even in so small a way as is shown in this annual appropriation act? Who is he that a representative of his calling should have a seat at the Cabinet table of the President with rank equal to that enjoyed by every other occupation? He is the unpretentious, unassuming citizen, who is not found constantly knocking at the doors of the American Congress for the loaves and fishes, nor crowding the lobbies of this Capitol, pleading and begging for special legislation in his own behalf. He brings more of support in the way of wealth and good citizenship to the Government than any other class, and in return asks less of it and gets less from it. He is the one man of all men who is unpampered, unpetted, unprotected by legislative favoritism. We find no Federal laws to protect him against honest competition, nor to enable him to feed upon the toil of others. Unaided by special enactment, he goes into the markets of the world, competes with every condition of labor everywhere, and conquers them through the merit of the products he offers for sale, and his sagacity as a trader. [Applause.]

He depends absolutely upon his own effort to win that success which comes to so many others through the special favor of the Government. He has in him all the elements which enter into the making of the highest type of citizenship, yet we do not find him laying claim to any special virtues, nor does he believe himself better than other men. He looks upon integrity of character as the true measure of men, and an abiding faith in the ultimate triumph of the institutions of his country as the true standard of patriotism. Honest labor he regards as the first duty of an American citizen, and work has no aversion for him. Sober-minded and earnest, he takes a serious view of life, and the dash and dazzle of things unreal do not appeal strongly to him. Law-abiding himself, he is quick to defend and uphold the majesty of the law, because he sees in the orderly conduct of affairs and men the real safety of the nation. [Applause.] For him lawlessness and idleness receive no sympathy. His contribution to the civic and political virtue of the country is perhaps greater than that of any other class, and he is to-day the great conservative force in American politics. [Applause.] And when the day shall come that the cherished institutions of our country are threatened by the rapidly rising tide of radicalism and unrest, when the fierce struggle between the forces of labor and capital shall begin in real earnest, when the day of chaos shall come, this American farmer, so unpretentious of his patriotism will stand as a rock of ages against the onrushing forces of political, social, and economic revolution and destruction. In such a day he will be the bulwark of civil and religious liberty—the Ark of the Covenant of our system of government. [Prolonged applause.]

Mr. Chairman, I now desire to direct the attention of the House to the farmer's contribution to our national wealth, and to prove from the most reliable statistics that he not only contributes more to that wealth than does any other class, but at the same time correct the false impression that as a class he is wanting in business sagacity.

The statistician, Mulhall, in his Dictionary of Statistics, gives to the United States the first place among the nations in wealth. This very valuable publication makes the wealth of this country more than one and one-third times greater than that of Great Britain, about one and two-thirds greater than that of France, more than twice as great as that of Germany, almost three times as great as that of Russia, four times as great as that of Austria, and nearly twice as great as that of Italy and Spain combined. It is estimated that the aggregate wealth of this country to-day approximates the enormous total of $100,000,000,000, and this stupendous sum, too great for the comprehension of human intellect, is the result of only a little more than a century of national endeavor. It is a marvelous record for the youngest of the nations, and a splendid tribute to the productive genius of the American people. To this achievement all industries have contributed, but no single one has contributed to it even half so much as agriculture. [Applause.]

More than one-fifth, approximately $23,000,000,000 of the nation's wealth, must be credited to the brain and brawn, the productive capacity, and business ability of the farmer. Unaided by class legislation, without special favors from the Government, he has done more to swell the aggregate of national wealth than all the railroads and manufacturing establishments of the country combined, notwithstanding the fact that these two industries rank second and third in importance as wealth contributors.

By a few comparisons let us endeavor to get some conception of what $23,000,000,000, the amount invested in agriculture, means. All the gold and silver in coin and bullion in the United States makes but a mere bagatelle in comparison to this amount, and the combined banking power of the world, exclusive of the United States, is less than the capital invested in agricultural pursuits. The farmer, if he desired it, could buy every railroad in this country and still have a bank account of $10,000,000,000, a sum larger by $1,000,000,000 than the total capital invested in all the manufacturing establishments of the country.

Not only is agriculture the largest contributor to the wealth of the country, but it employs over 36 per cent of its total population engaged in productive and gainful occupation. According to the census of 1900, the farms in the United States numbered 5,739,000, and embraced an acreage of 841,201,546. Employed in the cultivation of this vast empire were approximately 10,500,000 persons, representing 36,000,000 of our total population. It is thus seen that over one-third of the people of this country are directly and vitally concerned, to say nothing of the vast millions indirectly interested, in everything that affects agriculture. The mind is too limited in its scope to grasp the full significance of these figures. If we should divide the total agricultural population by 5, we would have an army of over 7,000,000 men—an army greater in number than was ever marshaled even in the imagination of the wildest dreamer. [Applause.]

It is common to assert, and it has been reiterated so much until the statement has come to be accepted as a fact by those who do not know, that the farmer, as a class, is deficient in business ability, that he fails to measure up to the standard of the average citizen in productive capacity, and lacks genius for the ac-

cumulation of wealth. This belief is far from the truth, and I shall undertake to show it. In proportion to his opportunities, no class of our population has shown more skill and shrewdness in the management of his own affairs than has the farmer, and no class has collected a larger dividend from the capital invested than he. An examination of the records establishes this fact beyond a doubt and proves my contention that there is no more shrewd or capable business man on earth than the American farmer. What are the facts?

In 1850, a half century ago, the number of farms in this country was a little less than a million and a half. To-day there are more than five million and a half contributing their daily bounty to the nation's comfort and wealth. Fifty years ago there were in cultivation only 290,000,000 acres of land, as against the more than 841,000,000 acres in cultivation to-day.

In 1850 the total value of all farm property in the United States was less than $4,000,000,000. That capital has been increased by the business capacity of the farmer until to-day it exceeds the grand total of $23,000,000,000. This is the farmer's record as a business man. Within the memory of most of those who do me the honor to give their attention to this statement he has brought under his sovereign authority and subjected it to his will an empire from which he levies the tributes which have added so much to his own well-being and the happiness of mankind. In this short period he has increased his capital six times over and brought to the aggregate of national wealth more than twice as much as have the railroads of the country and three times as much as have the manufacturing interest, notwithstanding the fact that these last-named industries have always been peculiarly favored by the protecting and patronizing arm of the Government. The farmer has received of the Government little of its care. He has not sought it, nor has he complained, or is he complaining now. [Applause.]

The farmer does not take the view that the Government owes him anything. He does not believe in the idea that the Government is called upon to grant special favors. His idea is that the people must support the Government and not the Government the people. He regards, and his friends likewise, the appropriation annually made by the Government for the support of the Department of Agriculture not as a gift to himself, but as an investment from which the Government expects, and does actually receive, large profits. It is not the function of the Government to give either to the farmer or to any other class. [Applause.] The fact is the Government has nothing to give, for every dollar that goes into the Treasury of the United States is a trust fund and must be expended with that scrupulous care which is required of the management of such a fund. The farmer understands this, and hence you never hear of the spectacle of the farmer making a raid upon the Federal Treasury. He does expect, however, that in the investment which the Government makes of its funds for the benefit of all the people his securities, the best and soundest, should not be overlooked.

This is the position I take in reference to the bill under consideration. I do not regard it as a gift to the farmer, and if I did so regard it and then voted for it I would be unworthy the confidence which I believe my people repose in me. I look upon this appropriation as a business undertaking upon the part of the Government; and to point out to the farmer the best methods of farming, to demonstrate to him the value of seed selection, to show him by soil survey the kinds of crops best adapted to each particular community, and to explode for him by actual demonstration the almost countless vagaries respecting agriculture I regard as a duty which the Government owes to itself and to the farmer as a class which constitutes over one-third the population of the country. An appropriation for this purpose, I repeat, is not a gratuity to the farmer, but an investment upon the part of the Government, and the fact has been demonstrated time and time over that as an investment it brings back to the Government in profits and in improved farm conditions far more than any appropriation made by Congress for any other purpose. [Applause.]

I doubt not that the saving to the farmer through the work of the Department of Agriculture in exposing fallacious ideas with respect to farm methods in the last five years will more than doubly refund the annual appropriation for this Department, to say nothing of the benefits which have come to him through the efforts of the Department in pointing out to him the most improved methods in farm management and the like. Farming is no loose-jointed, haphazard business, which can be successfully run without regard for business methods. Agriculture is becoming a science, and it takes as much brain to run a farm successfully as it does to conduct a bank or defend a suit in court. [Applause.] The Department of Agriculture is doing a great work in its efforts to bring the farmer and the country to a realization of this fact, and every dollar we spend which has this for its ultimate object will return to us burdened with a wealth of profit. [Applause.]

But, Mr. Chairman, I have wandered away from the purpose of my remarks. Let us get back on the track.

I want to bring the record to a point within the memory of the youngest of us, and again prove by it the falsity of the idea that the farmer is wanting in business capacity, and to show from it by incontrovertible figures that as a producer of wealth, as a contributor to our national well-being, the farmer as a class is without equal. [Applause.]

Sixteen years ago, according to the census reports, the annual value of the products of the farm amounted to $2,400,000,000. This is an enormous sum, but it does not approach the achievement of the farmer as a wealth producer in the year just closed, when our farms yielded a wealth valued at $6,415,000,000. In this short period the farmer has trebled the productiveness of his capital and in one year wrung from the soil products the aggregate of whose money value is only a third less than the total capital accumulated by manufactures during the entire existence of the country. The earning capacity of the farmer during last year was more than three times as great as the earning capacity of the railroads of the country for the same time, and the value of his crop for that year was sufficient to cancel the mortgaged indebtedness of the United States in 1890. It was enough to pay three times over the national debt of the country and to bear the burden of conducting the Government for a period of eight years. Does this look like the farmer is not a good business man? He is the most productive agent of our country. [Applause.]

The record is not complete. Secretary Wilson, in his annual report, in speaking of the increase in farm values—that is, the additions to the permanent capital invested in agricultural pursuits—said: "Every sunset during the past five years has registered an increase of $3,400,000 in the value of farms in this country; every month has piled this value upon value until it has reached $102,000,000." In other words, the farmer has added the stupendous sum of $6,133,000,000 to his capital in the last five years. Does this bear out the assertion that he is a business drone? Where is the industry that can show a like accumulation of wealth in the same period of time? The fact is that his achievements in producing and accumulating wealth are unparalleled by any people of any nation on earth engaged in any of the occupations of man. [Applause.]

But this is not all the American farmer has accomplished in the last sixteen years. In addition to adding over $6,000,000,000 to his capital and growing in one year products valued at over $6,000,000,000, he has been doing a little international trading and some national-debt paying. The Secretary of Agriculture says of him, in his report, that he has—

> reversed an advance international balance of trade and has been building up one favorable to this country by sending to foreign nations a surplus which in sixteen years has aggregated $12,000,000,000, leaving an apparent net balance of trade during that time amounting to $5,092,000,000, after an adverse balance against manufactures and other products not agricultural, amounting to $543,000,000 has been offset.

These figures show, Mr. Chairman, that the farmer, aside from feeding and clothing the people of this great nation, and our home markets consume 86 per cent of our products, has sold $12,000,000,000 worth of products in foreign markets in competition with the cheap labor of the world and to a people whose standard of living is not so high as our own, and whose necessities are, therefore, not so great. He supplies one-third of the grain, one-fifth of the wheat, and three-fourths of the cotton used by the entire world. It is thus seen that this unpretentious American farmer, unaided by the favoritism of the Government, sets the table, provides the meals, and furnishes the clothing for the greater portion of mankind. [Applause.] But this is not all.

The farmer has not only contributed more than any other class to the aggregate wealth of the nation, but his skill and energy have secured to us immunity from debt in our international trade relations. But for the products of the farm there would have been charged up against us during the last sixteen years a foreign debt of $543,000,000, the adverse balance against manufactures and other products not agricultural. The farmer has not only paid this international debt, but, in addition to that, has brought to our shores to swell the aggregate of our national wealth more than $5,092,000,000. He has not only saved us from becoming a debtor nation, but has made us the world's greatest creditor. [Applause.]

During the last fiscal year our farms, after fully meeting the demands of the home market, supplied our foreign customers with products valued at $827,000,000. As an international trader, the farmer secured to himself and his country a

net balance amounting in one year to $285,000,000. He has been correctly named "the international paymaster" of the country, for this net balance means that he has not only paid for all he has bought, but in his trading has made his customers debtors to him in this sum, which becomes available as an offset to foreign debts which have been incurred by other industries.

This is not all of the farmer's splendid record. He is to-day the main support of the manufactures of this country and the world. It is estimated that 2,154,000 persons in this country alone are dependent for their living directly upon manufacturing industries, which in turn depend solely upon the products of the farm for the raw material which goes to make their finished product. These establishments, thus dependent directly upon the farm, employ 38 per cent of all persons engaged in manufacturing and are capitalized at over $4,000,000,000. Suppose, Mr. Chairman, some great disaster should come to the farms of our country, the effect would be a complete paralysis of these great establishments, and to the millions of their employees would come actual want and suffering. So intimately associated with the well-being of the nation and for that matter, the world, is the prosperity of our farmer, that any disaster to him is immediately and acutely felt by every other industry. If the boll-weevil should invade the cotton fields of the South and reduce their yield to any considerable extent, despair and panic would seize upon millions of people in this country, England, and Germany, and dire want would enter the homes where happiness and contentment now dwell as the result of the generous bounty of King Cotton, of which Grady eloquently said:

> The trespass of a little green worm on its leaf is more to England than the advance of the Russian army on her Asian outposts.

[Loud applause.]

An industry of first place in importance to the well-being of the nation and having in it such great possibilities for future development, we naturally presume would take first rank in the consideration of the Government. To aid in its promotion and development we would reasonably expect to find the Government making the most liberal and unstinted appropriations. Such would be the policy dictated by practical wisdom and sound business foresight upon the part of the lawmaking power. That a contrary policy has been pursued by Congress, that the appropriations for agricultural purposes have been small in amount and grudgingly made, I wish to prove by official statistics and a few comparisons.

I wish to show, in the first place, that in proportion to the amount of land devoted to agricultural purposes and to the number of people engaged in agricultural pursuits, we do less as a nation in aid of this industry than any other people. I do not know to what it is due, whether to the farmer's lack of organization, or his modesty in seeking aid at the hands of the Government, or to our failure to appreciate the great importance of agriculture, but the fact remains that our appropriations for this purpose, as compared to the appropriations of other civilized nations for the same purpose, are strikingly discreditable to our statesmanship. [Applause.]

Our annual expenditure for agricultural purposes is less than $7,000,000. Russia, which does less for its people than any nation on earth, with an area only a little more than double that of ours, recognizing that the full development of agriculture must mean increased wealth to her as a nation, appropriates $25,000,000 annually for this purpose; the Republic of France, following the course pointed out by her great Napoleon, with an area less than that of the State of Texas, annually expends in aid of this industry over $9,000,000, while Austria gives $9,275,000, Hungary $9,400,000, and Japan, the youngest of the world powers, nearly $4,000,000 to bring about the highest development of their agricultural interests. To put us on a parity with other nations in appropriations for agriculture, population and area considered, the bill now under discussion would call for an expenditure approximating $100,000,000. We are asking for less than a twelfth of that amount.

In this comparison we must not forget the fact that in the countries mentioned centuries of experience and experimentation and demonstration have practically solved every problem that could possibly arise with respect to agriculture. With them these large appropriations are made not so much with a view of further developing the industry as with a purpose of conserving it. The first duty has already been performed, and they now are only concerned in holding intact what they have already done.

With us the conditions are entirely different. Comparatively, ours is a new country, and with us agriculture is in its infancy and in the process of growth. We are called upon not only to conserve the $23,000,000,000 invested in agriculture, but we must also provide the means of solving the thousands of problems incident to our great variety of soil and climate, which give rise to constant and expensive experimentation. In proportion to the necessity for it, we should appropriate a greater sum for agriculture than any nation on earth. [Applause.]

Let us carry the comparison further. To aid in increasing its productiveness and its value as an asset to the nation, every acre of land devoted to agriculture in France receives an appropriation of 9.8 cents; while Austria appropriates 13.3 cents per acre; Hungary, 12.4 cents, and Russia, approximately, 4 cents; while we, so generous in our care of every other industry, expend less than 2 cents for each acre of land in cultivation. And in doing even this much for the nation's greatest industry, we must run the gantlet of the so-called "economists" and meet the charge of extravagance in dealing with the money of the people. [Applause.]

The Government expenditure per capita of agricultural population for the Republic of France amounts to 52 cents; for Austria, 69 cents; Hungary, 90 cents, and for the United States, which owes more to its agriculture than any of these nations, the expenditure is 16 cents.

The per capita tax for agricultural purposes for the United States is about 7 cents. To encourage the most liberal contributor to the nation's wealth, to stimulate him to a more scientific cultivation of the soil that its productiveness may be increased, to aid him in producing the food and clothing for a population of 83,000,000 people, to help him in his efforts to sell $850,000,000 worth of his products in foreign markets, to cooperate with him in his yearly task of overcoming an adverse balance of trade amounting to millions of dollars—incurred by other industries in their trade with foreign nations—we give the stupendous sum of 7 cents per capita each year. [Laughter.] Mr. Chairman, such extravagance as this, such downright partiality to the farmer is enough to throw into spasms every so-called economist in this House, and to bring dreams of national bankruptcy to every so-called guardian of the National Treasury in the land. [Laughter.] The thought is soul-harrowing! To burden ourselves to the extent of 7 cents per capita annually in aid of agriculture, while we tax ourselves only twenty times as much for the Navy in a period of profound peace, is sufficient to drive into madness the world-power dreamers and big-stickers of the country. [Laughter and applause.]

How much wiser it would be in the minds of these gentlemen who see so much of glory to the nation in its magnificent Navy and splendid Army, while failing to realize how much greater would be the glory in the happiness and well-being of her great agricultural class [applause], to take the entire appropriation of the Department of Agriculture and with it add one more battle ship to the Navy, or increase the Army by one more regiment. Ah, gentlemen, our policy toward the agricultural interests of our country, our stinginess and illiberality in dealing with it, are a travesty upon our good sense and statesmanship. [Applause.]

Mr. Chairman, I have shown by statistics, which I regard as reliable, that as a nation we do less for agriculture than any other nation which takes equal rank with us in the affairs of mankind. I wish to show now by equally reliable figures that the charge upon the Treasury for agricultural purposes is less than any other charge for any other undertaking for which appropriation is made by the Government. I want the country to know exactly what we are expending for agriculture in comparison with our expenditures for other purposes. I want to shut the mouths of the so-called "economists" who seem to find a special delight in finding fault with any extravagance in the administration of the Department. I want to direct their attention to expenditures which ought to furnish work and thought for the genuine reformer. [Applause.]

I have prepared a table which shows the aggregate appropriations for all purposes for the past six fiscal years, together with a statement showing the average annual expenditure for that time, the aggregate for each specific purpose, and the annual average for each specific purpose. I take the figures from the statement of Senator ALLISON, made just prior to the adjournment of the Fifty-eighth Congress.

Purpose of appropriation.	Total for 6 years.	Annual average.
Appropriation for all purposes	$4,594,225,982	$749,037,663
Post-Office Department	882,993,168	147,161,028
Pensions	846,791,090	141,131,848
Army	545,746,106	90,957,684
Navy	502,317,683	83,719,615
Sundry civil expenses	327,401,735	54,566,956
Legislative expenses	159,456,711	26,576,118
River and harbor	115,743,786	19,290,630
Indians	52,777,576	8,796,262
Fortifications	43,501,095	7,250,182
Agriculture	32,545,080	5,424,180

Diplomatic and consular service, District of Columbia, and Military Academy not included.

This statement shows that for the six years 1901–1906 the total expense of conducting the affairs of this nation reaches the enormous total of $4,594,000,000, in round numbers, and that the average annual expense for that period is approximately $750,000,000, an average which has been increasing each year until a total of $818,000,000 is reached for the present fiscal year.

These figures argue both the bigness and the richness of this nation. [Applause.] Only the productive genius of the American people could sustain such a tremendous drain upon their earning capacity, and yet, Mr. Chairman, the energies of our agricultural classes alone during the last year produced a crop whose money value was greater by a million and five hundred thousand dollars than the grand total of the expenses of this Government for six years.

A glance at this table brings out another interesting fact—that the industry, agriculture, which stands first in importance to the nation in the capital invested in it, first in the number of people engaged in it, first in earning capacity, first in yearly contributions to national wealth, second to none in the civic and political virtue of those engaged in it, stands last in the amount of appropriation devoted by the Government to its encouragement and development.

Let us somewhat analyze these statements.

The largest expenditure, about one-fifth of the total, is used in the conduct of our postal system. Every class and condition of our population shares the benefit of this burden, and while there may be need for reform in this service, correction of abuses, and reduction of expenses, there is no cause for general complaint.

Next to expensiveness and holding it a close second comes the appropriations for pensions, with its annual drain upon the Treasury of $141,000,000. The policy of caring for the soldiers and sailors of the nation is well settled, but the haste with which we pass this pension bill, the lack of consideration which we give it, is not calculated to encourage the most economic administration of the service. The looseness with which we consider this bill must inspire in the administrative officer of this service an idea that no laxity of administration will find rebuke at the hands of Congress. I am confident that a thorough overhauling of our pension system would bring about a substantial decrease in the appropriation for that service.

For legislative expenses, the appropriation with which we run ourselves, entail a burden of over $26,000,000 a year. Here, too, there is place for reform. Carbuncles have grown up all over us, and the right use of the economist's knife would work an undoubted benefit. [Laughter and applause.]

For sundry civil expenses we appropriate over $54,000,000 each year. The pruning knife would not be amiss in this service.

To the opening up and improving of our rivers and harbors—the arteries of our commerce and the agencies of our cheapest and best transportation—we appropriate only $19,000,000 per year. This is a line of work which has been woefully neglected to the hurt of the commerce and general well-being of the nation. Each year ought to find us appropriating $50,000,000 for the improvement of our waterways, in order that the people might escape the tyranny of noncompetitive rates; but with this as with every other appropriation which looks to the improvement of the general welfare we find a policy of parsimony and niggardly neglect. [Applause.]

To the education of the Indian, for the improvement of his condition, we annually expend nearly $9,000,000; while for the diffusion of scientific knowledge among the farmers, to the improvement of agricultural conditions, to the solution of the thousands of problems arising out of that occupation, to the increased productiveness of the soil, to the introduction of new crops, to the testing of new theories in the crucible of demonstration, to experiments in seed selection and plant breeding, to all of the various phases of farm life and the betterment of it, we have appropriated an average of $5,424,000 per annum for the last six years. To a few thousand dusky redskins roving over the western plains we give more in the way of support by nearly two to one than is given in aid of the greatest industry of the nation [Applause.]

I have purposely left for the last the greatest burden upon the taxpayers of the country—the military arm of the Government. The appropriation for the support of the Army and Navy, including fortifications, for the past six years, aggregates the stupendous total of $1,091,000,000, a sum equal to one-fourth of the aggregate appropriation for all other purposes. One out of every four dollars gathered from the people, and appropriated, it is presumed, in their interest must be used for the maintenance of these establishments in this era of peace. For the Navy alone we are spending this fiscal year over $100,000,000—over $8,000,000 per month, $280,000 per day, $770 per minute. The expense for the Army is not so great, but it is large enough to attract the attention of those who really want reform in expenditure. Why these enormous appropriations for the military establishments of the nation? Is there any danger of invasion? Is there any reason to expect any breach in our friendly relations with any of the nations of the world?

I concede the necessity for reasonable appropriations for Army and Navy purposes, but I deny the necessity for an everlasting increase in this direction. Forty-two million dollars of the people's money were appropriated for the construction of new battle ships this fiscal year. This sum would bear the expenses of the Agricultural Department for six years. Why this burden? It is said the safety of the nation lies in its Navy and Army. I concede them their place as contributors to our protection, but I assert it without a fear of contradiction that the ultimate safety of the nation must rest in the prosperity and happiness, the patriotism and virtue of the great mass of its population. [Applause.] We measure the fighting strength of a nation not by the number of its fighting battalions, as shown in its permanent naval and army organizations, but by the love of its people for its institutions, and the courage with which they are willing to fight for them. [Applause.] We might with safety wipe from the face of the earth both our Army and Navy without endangering the national interest, for in every American home there is at least one boy ready to fly to the defense of his country, at the first alarm of danger. [Applause.]

I want economists of this House to direct their efforts to a reduction of these appropriations, which, beyond a reasonable limit, can have no other purpose than the glorification—yes, the deification—of that miserable spirit of militarism rampant in the country. [Applause.] If these gentlemen have designs upon this modest bill carrying the appropriation for the support of the Agricultural Department, I want them to dismiss them in order that their undivided abilities may be directed to the reduction of the Navy bill, which will take from the Treasury more in one month than we appropriate for agriculture in an entire year. I want them to whet their knives for the next Army bill, which does the same thing. I want them to know that agriculture stands at the foot of the ladder in the consideration of this House, and burdens the taxpayers with the least appropriation made by Congress. I want them to focus their efforts to the accomplishment of real reforms. I want them to know that it is an unwise statesmanship which economizes at the expense of agriculture, and that every dollar carried in this bill is an investment which will return to the enrichment of the nation, rather than an expenditure. [Applause.]

We could well afford to double the amount which we are appropriating for the Department of Agriculture in this bill, and even then the charge of partiality to the farmer could not lie against us. There never was a time when there was greater demand for the products of the farm nor when the task of supplying them was harder. Investigators tell us that the demand for breadstuffs is gradually outgrowing the capacity for supplying them. We know that the drift of our population is toward the cities and towns, and that each hour increases the number of people employed in occupations other than agriculture, while there is a corresponding decrease in the number employed in that occupation. Each minute adds to the number who must be fed and clothed by the products of the farm. These conditions, necessitating increased farm productiveness, furnish the strongest possible reasons for us to redouble our efforts to stimulate and encourage agriculture.

It is said that "the Congress has certainly dealt most liberally with the Department of Agriculture." I deny it. This bill carries the sum of $7,200,000 for the support of that Department of our Government which deals with the greatest industry in the land. Can we say that we are dealing "liberally" with this Department when we give to it only one out of every $150 appropriated by this Congress? Does it lie in our mouths to say that we are dealing "liberally" with the Department of Agriculture when we appropriate for the Navy $15, to the Army $10, and for pensions $20, while approprating only $1 for this Department? Is it "liberality" to the Department of Agriculture to appropriate for it a sum less than that given to any other Department of the Government? If so, then I confess my ignorance of the meaning of the term "liberality."

The truth is, we have been anything but liberal in dealing with this Department of the Government; we have been parsimonious, if not actually stingy. I would like to see double the amount carried in this bill put into the hands of that most honest, capable, and patriotic man, Secretary Wilson [applause], who has the unique distinction of representing the nation's greatest industry at the Cabinet table of the President

of the United States, and who, I am sure, would expend every dollar of it wisely, economically, and in such a manner as to bring about the climax of our country's agricultural possibilities. [Prolonged applause.]

Mr. CANDLER. Mr. Chairman, I desire to congratulate the gentleman from South Carolina [Mr. LEVER] who has just taken his seat upon his magnificent argument in favor of larger appropriations for the Agricultural Department and for the development of the agricultural areas of our country. It is a source of regret to me that the appropriations for this great Department of the Government which involves benefit to so many of the people of our great country, are not more liberal than they have been in the past, and I trust that the patriotism of the Representatives on the floor of this House will inspire larger appropriations for agricultural interests in the future, because, as has been so well said by the gentleman from South Carolina [Mr. LEVER], the appropriations which are made for the benefit of the agricultural interests of our country are simply an investment made by the Government, which brings back to the country and to the people, as well as the Government, greater returns than appropriations which are made for any other Department of the Government. The amount appropriated by this bill for the ordinary and regular routine work of the Department of Agriculture is $6,692,650, showing only a net increase of $187,610. The committee has added "emergency," or "temporary" appropriations, amounting to $320,000, for the purpose of combating the cotton boll weevil in the cotton States, the gypsy and brown-tail moths in some of the New England States, and the Texas cattle-fever tick in the South. The total amount carried by this bill is, therefore, $7,200,300.

Mr. Chairman, this is a very conservative bill, and the appropriation "a drop in the bucket" as compared with the appropriations which are made for the other Departments of the Government. I dare say that we have not stopped to consider the difference in the appropriations made for the other Departments and the appropriations made for this, the greatest of any which we support by appropriations made by the Government. I want, for the sake of comparison, to call attention to the difference in appropriations made for the people that develop this country, for the people that maintain its prosperity, and the appropriations which are made for mere show and the purpose of maintaining not only upon the sea but upon the land the "big stick" idea which is so prominent throughout the United States of America. [Applause.] In order that I might do so accurately I took occasion to ask for absolute official figures from the Departments of the Government, so that I might give the House the benefit of them without mere speculation. The first appropriation made for the Agricultural Department was in 1839, and the small sum of $1,000 was appropriated for that year. From that year until this different appropriations have been made, and from 1839 to 1906 the total amount appropriated is $65,737,272.12. As has been suggested by the gentleman from South Carolina [Mr. LEVER] it seems to me that the consideration of that total appropriation should arouse the Representatives upon the floor of this House to do more for the agricultural interests of the country, and cause them to see that the amount of the appropriations for the greatest interests that we have in this country are more liberal. In order to find out the expenditures in the Navy Department, for instance, I asked for official figures from that great Department, and I want it understood that I am not criticising anything that has been done for that Department in view of the emergencies which have arisen and in view of the necessities by which it is surrounded; but when we make an appropriation so out of proportion for one Department in comparison with another, then it seems to me we should stop and consider and see whether or not our partiality is not running wild in one direction and our parsimony "going to seed" in another direction.

I asked for a statement in reference to the Navy Department covering the period of time only from the close of the Spanish-American war. I did not want included in this statement anything which was incurred by reason of the extraordinary expense which devolved upon us by reason of carrying on successfully the war with Spain, and hence I asked only for a statement subsequent to the time of the close of the Spanish-American war down to date. What do you suppose the total expenditure for the Navy Department has been from then until now? It amounts to $687,865,636.04. Over $637,000,000 for ships and the paraphernalia of war and $65,000,000 for the toilers of this land from 1839 to 1905! Now, let us take the expenditures which have been made for the Army from the close of the Spanish-American war down to the present time, because it is that period only that I propose to compare with all the time for which appropriations have been made for the Department of Agriculture, and we find the total appropriation for the Army—and this includes the insular possessions, and that is the trouble with us. The policy of the Republican party has resulted absolutely in robbing our own people in this country in order that we might take care of some possessions 10,000 miles away, for a people who have no sentiments or ideas in common with our own, for the sake of saying that we are a world power. We have been appropriating enormous sums to spread abroad into unknown seas and unknown territory, and have expended our money for the benefit of those people, while our own people in this country have been refused money for the development of our internal commerce, our waterways, and necessary public buildings. [Applause.]

We find the total appropriations for the Army, from 1900 down to 1905, is the enormous sum of $840,680,883.04. In other words, we have spent for the implements of warfare in this country the enormous sum of $1,528,546,519.08 since the close of the Spanish-American war, while we have spent for the agriculturists of this country, the ones who protect and take care of us when it comes to our foreign trade and the settlement of our international books of exchange, the comparatively insignificant sum of $65,000,000 from 1839 to 1905, a period of sixty-six years. I say, weighing the words as I use them, that it is a shame that the representatives of the people of this country have no more appreciation of the development that is being made throughout the country by "the man behind the plow," by "the man with the hoe," than to deny to them necessary appropriations to develop the agriculture of this country, and spend enormous sums in our foreign possessions on Malays, Indians, Chinese, Japanese, negroes, and what not, for God only knows who and what they are. [Applause.] When we wake up to the importance of giving to our own people the benefits of our own revenues and the money that is taken from their pockets by means of taxation; when we wake up to the necessity of developing our country here at home, within our own borders, among our own people, to benefit them and our native land, then we will have arisen to that standard we ought to occupy as representatives of the greatest people beneath the shining canopy of God Almighty's heaven. [Applause.] Now, gentlemen and Mr. Chairman, I want to call your attention to some remarks made in the report of the Secretary of Agriculture, to demonstrate what the agriculturists of this country are doing for the country. The Secretary opens his annual report with this significant statement:

> The well-being of the American farmer is a matter of profound interest to the entire country. It is, therefore, in the highest degree gratifying to present to your consideration the following evidence of the unprecedented prosperity that has in this and recent years rewarded the diligence of the farmer and the efforts of this Department in his behalf.

All that is true when we take into consideration the fact the farmer has accomplished what he has accomplished without the aid of the National Government largely, but by his own efforts, by the brawn of his own arm and by the sweat of his own face. But let us see just for a moment what he has actually accomplished:

> Out of the enormous productions of the farms of this country the wants of 83,000,000 people have been supplied, and there remains a surplus large enough to become a generous contribution to the other nations of the earth and unparalleled among them as a national agricultural surplus.
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> During the last fiscal year (ending June 30, 1905) the exported domestic farm products were valued at $827,000,000. This was $51,000,000 below the annual average of the five preceding years, although it was $132,000,000 above the average of the five years 1895–1899, and $157,000,000 above the average of 1890–1894.
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> During the last sixteen years the domestic exports of farm products have amounted to $12,000,000,000, or $1,000,000,000 more than enough to buy all the railroads of the country at their commercial valuation, and this with a mere surplus for which there was no demand at home.
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> While the farmer has been a producer and a trader, he has also been an international paymaster. In his foreign trade of 1905 he had a net balance in his favor amounting to $285,000,000; in the preceding five years this favorable balance averaged $461,000,000; during the five years 1895–1899 it averaged $328,000,000, and in the five years preceding that the average was $271,000,000.
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> During the sixteen years past the farmer has secured a balance of $5,635,000,000 to himself in his international bookkeeping, and out of this he has offset an adverse balance of $543,000,000 in the foreign trade in products other than agricultural, and turned over to the nation from his account with other nations $5,092,000,000.
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> Not content with his other achievements, the farmer lends his strong shoulder to the support of the manufactures of the country by furnishing raw materials. Computations based upon census information disclose the fact that farm products, to some extent obtained from other countries, constitutes 56.4 per cent of the total products, and 89.8 per cent of the total materials, of the industries utilizing agricultural products as materials, and these industries produce 36.3 per cent of all manufactured products and use 42 per cent of all materials employed in manufacturing.

At the same time these industries using agricultural materials employed 37.8 per cent of all persons engaged in manufacturing, and the capital of these industries is 42.1 per cent of the capital of all manufacturing establishments.

Restated in absolute terms, during the last census year the farm products employed in manufactures were valued at $2,679,000,000; the value of all materials, including the preceding amount, was $3,087,000,000; and the products of the industries using these materials were valued at $4,720,000,000. These industries employed 2,154,000 persons and had a capital of $4,132,000,000.

Such are the enormous interests, not engaged in agriculture, but in industries that could not maintain themselves without the farmer and his extraordinary productive ability.

I want to say that if it had not been for the farmers of this country this Government could not have spent $637,000,000 for the Navy, and could not have spent the $867,000,000 for the Army, and by doing so you place upon the backs of the laborer and the tiller of the soil in this country these great burdens; and when you do so you should be mindful of their interest, and they should have your highest consideration. [Applause.]

Now, in view of the fact that the farmer has been so kind to the country, I want to see how the Republican party, into whose keeping every branch of the Government is committed, has been treating him. I have taken some trouble in order to get together some facts and figures, which I desire to present to you for your consideration. We boast to-day of our great prosperity, and indeed we have prosperity. Nobody denies that, and we are all proud of it; but we have the prosperity concentrated largely in the hands of the few and the favored classes. Still it is claimed that our protective tariff is what brings to us all the prosperity which we enjoy. Now, permit me for a while to examine this high tariff as it effects the agriculturists of the country and see if he is not entitled to revision of the tariff, which practically from every section of the country he is demanding.

China has its Great Wall, isolating that Empire from the rest of the world. It is solid, masterful, material. The United States has a still more sacred wall than has China. This is the protective-tariff wall, worshipped by the rich, guarded by "stand-pat" politicians, and upheld for the benefit of a class of our citizens at the expense of the great mass of our people.

It has been said that this wall permits 3,000 immigrants a day to pass through it without realizing its existence; that it is impassable to some kinds of goods, a barrier to others, and offers no resistance to others. On the average, economists tell us that it costs more to get goods over or through it than it takes to get them over the highest mountain range or the widest ocean. In fact, calculations have been made which show that clothing, hardware, sugar, and many other necessaries of life can be carried three or four times around the world for less than it costs to get them through this American tariff wall. It is claimed that this wall was built to develop infant American industries; in other words, to make all workers in the United States not manufacturers contribute in higher prices for home-made goods a sufficient amount to establish and maintain a great home manufacturing interest. The device used in the original construction of the wall was the pauper-labor shibboleth. We were told that our home manufacturers could not compete with the pauper labor manufacturing interests of Europe, and that a barrier should be erected to keep out all undue foreign competition. The census of 1900 shows that of our then 76,000,000 population about 29,000,000 were employed for gain. Of these workers about 7,000,000 were found in the manufacturing column, so that we had about 22,000,000 workers contributing in higher prices for manufactured goods to make possible the existence of a home manufacturing interest numbering 7,000,000. In other words, 22,000,000 workers support themselves, and then contribute indirectly a percentage of their profits to the support of the other 7,000,000 manufacturing workers. Of the 29,000,000 employed for gain, about 10,000,000 belong to agriculture. To be accurate I submit the following:

Census table of workers.

1. Agricultural pursuits	10,438,219
2. In professional service	1,264,737
3. In domestic and personal service	5,691,746
4. In trade and transportation	4,778,233
5. In manufacturing and mechanical pursuits	7,112,987
Total	29,285,922

It is evident that the first four classes have no direct interest in the tariff, and if time would permit I could show by strict analysis that they have very little indirect interest. These four classes number 23,172,935 workers.

Nor are all of the fifth class directly interested in any protective tariff, much less the high protective tariff taxes imposed by the Dingley tariff law now in force and which is considered so sacred that the "stand-patters" will not permit it to be changed. [Applause.]

The census divides this class into constituent parts, and it is fair to say that the following elements are not benefited at all:

Carpenters and joiners	1,205,382
Masons	322,696
Painters	555,971
Paper hangers	44,008
Plasterers	71,412
Plumbers	195,768
Roofers	27,573
Fishermen and oystermen	73,819
Miners, gold and silver	59,095
Coal miners	344,292
Other miners	133,010
Quarrymen	34,598
Bakers	79,407
Butchers	114,212
Butter and cheese makers	19,261
Confectioners	31,242
Millers	40,576
Other food preparers	32,442
Blacksmiths	227,076
Cabinetmakers	35,641
Coopers	37,226
Saw and planing mill employees	161,687
Dressmakers	347,076
Milliners	87,881
Seamstresses	151,379
Total	4,432,721

In addition to these there are whitewashers, well borers, turpentine drillers, straw workers, gas works employees, electric light and power company employees, cotton ginners, candle, soap, and tallow makers, photographers, soldiers and sailors, and others, which I omit for want of time.

It is enough to say that at least 4,432,721 of the 7,112,987 assigned to the manufacturing class by the census of 1900 are not benefited by the tariff. It is well to say, also, that the largest part of the preceding list belongs to the building trades, the very workers whose wages, the highest of all workers, is attributable, not to the tariff, but to the labor unions, of which they form the backbone. [Applause.]

There are left, then, 2,680,266 workers who may be in some degree indirectly benefited by the tariff, but this is not conceded save for this general argument.

The protective tariff, then, takes money out of the pockets of 26,605,656 workers to put it into the pockets of 2,680,266. That is to say, nine-tenths of the workers pay an unwarranted part of their profits to make possible the large profits of the other tenth. And the largest part of this inequitable assessment falls upon the 10,438,000 primary workers and producers who constitute the agricultural class. [Applause.]

The protective tariff affects injuriously both farmer and wage-earner, and to about the same extent, yet because of the different products which each has to sell, and the protectionist's claim as to each class, they will be considered separately, and I will discuss only the results as they affect the farmers, who are the producers.

Every article a farmer buys represents three distinct parts:

1. The natural sale price.
2. The increased price due to the tariff.
3. The increased price due to the trusts.

The wholesale dealer collects all these, with his profit, when he sells to the retail dealer, and the retail dealer collects all with his additional profit when he sells to the consumer, upon whom the whole burden falls.

The farmer never sees the tariff collector nor the tariff-trust-tax collector in person, but they are more fatal to him than rust, blight, boll weevil, locusts, or grasshoppers.

There are appropriations in this bill to take care of the boll weevil, the gypsy moth, and the brown-tail moth. Let me appeal to you in the name of God to revise the tariff and take care of the farmers in this country. [Applause.]

Take a pound of sugar bought from the merchant for 5½ cents. Its distribution is: To the merchant, 3 cents; to the Government, 2 cents; to the trusts, ½ cent.

In a pound of borax the Government would get nothing, the merchant 3 cents, and the trust 6 cents.

The average farmer's tariff taxes for each year have been calculated by economists and appear to be as follows:

Article.	Purchases.		Tariff taxes.		Total.
	Quantity.	Cost.	To United States.	To trusts.	
Sugar	300 pounds	$18.00	$6.50	$1.50	$8.00
Woolen goods		20.00	1.50	5.00	6.50
Cotton goods		12.00	.50	2.75	3.25
Silk goods		4.00	.50	1.00	1.50
Linen goods		2.00	.20	.25	.45
Leather goods		12.00	.40	1.60	2.00
Hardware		3.00	.05	.95	1.00

Article.	Purchases.		Tariff taxes.		Total.
	Quantity.	Cost.	To United States.	To trusts.	
Chinaware		$2.00	$0.10	$0.60	$0.70
Furniture		10.00	.20	1.50	1.70
Farm implements		30.00	.25	5.00	5.25
Window glass	¼ box	1.20	.10	.40	.50
Other glass		1.50	.15	.45	.60
Lead, in paints	30 pounds	2.00	.15	.35	.50
Chemicals		2.50	.30	.90	1.20
Tin plate	50 pounds	2.40	.05	.85	.90
Wire and other nails	100 pounds	3.00		.75	.75
Barb and other wire	80 pounds	3.00		1.00	1.00
Tobacco		10.00	.60	1.90	2.50
Miscellaneous		99.75	6.45	10.35	16.80
Total		238.35	18.00	37.10	55.10

These averages of consumption per family are found by dividing the entire consumption of the country by the number of families. The average consumption of sugar per family is 360 pounds, at a cost of $20. The retail value of cotton goods per family is $30; woolens, $25; silks, $12; furniture, $15; miscellaneous articles, $70. It will be seen that the table has made fair allowances for the consumption of the average farmer's family. As this farmer is as industrious as the head of other families he ought to have full share of all the necessities, as well as of the luxuries. And he would have but for the tariff, which enables some families to have luxuries, while others have only necessities.

The estimates of this farmer's expenditures are conservative. That $15 per family for tariff taxes paid the Government is reasonable is evident from the fact that an average of $3.17 per capita, or $15.85 per family of five, actually reached the Treasury of the United States in 1904. Of course several profits were added to these taxes on their way from the factory to the farmer. That $41 per family for tariff trusts is not an exaggeration is evidenced from the fact that 800 trusts, with $8,000,000,000 capital, were published in a table prepared by the distinguished gentleman from Maine [Mr. LITTLEFIELD] in 1903, and that the net profits of one of these—the United States Steel Corporation—were $133,000,000 in 1904, of which at least $75,000,000 were tariff taxes. If one trust collects $5 per family, it is reasonable to argue that the other 799 trusts collect the remaining $36 per family.

For every $238 expended by the average farmer's family the Government receives $18 and the trusts $37. The 10,000,000 farmers' families then contribute $180,000,000 to the Government and $370,000,000 by reason of the tariff to the 800 or more trusts made possible by the tariff. One-sixth of the average farmer's expenses, or 16 per cent, goes not to the Government, but to fatten the unlawful trusts.

The protectionist argues that farm products are all protected, and that protected mills give more work and a larger home market to the farmer, and, therefore, better prices.

Corn, wheat, barley, potatoes, hay, eggs, etc., do have tariff duties, but they are not effective. Prices for these things are not fixed in the home market, but in the market of the world. Besides protection does not furnish a market for wheat and cotton. One-third of our wheat and three-fifths of our cotton must be sold abroad, and until all of our products are consumed at home the home market can not fix the prices. Every year the home market becomes less and less able to consume the home productions, and the farmer is thus made more and more dependent upon the foreign field.

If grain prices are averaging rather high for the last few years, cotton prices have averaged rather higher still. But cotton is on the free list. The protective schedules can not claim credit for any of these advanced prices for farm products. The prices have gone higher because of bad crops in Europe, a change in the economics of Europe, and a decline in the value of gold. The profits which these high prices ought to insure the farmer are unlawfully diverted from his pocket to the pockets of the trusts under the operation of a tariff which precludes the farmer from expending his profits in the same market which created them. He gets high prices from abroad, and pays these profits away in exorbitantly high prices to trusts, who have a monopoly of the home field. [Applause.]

Hon. Benjamin Butterworth on May 14, 1890, said:

The manufacturers and the trusts get the protection and the profits of the tariff—the farmer gets the husks and the humbug.

The tariff on but two farm products is effective, viz, sugar and wool. The tariff on sugar is effective because we are importers and not exporters. Every farmer who raises sugar gets a protection of $1.80 on each 100 pounds. Few farmers raise sugar, and therefore the argument is not materially changed. In the matter of wool it is evident that protection has not built up the industry. Once the principal field for it working was East of the Mississippi River. In this region less than half as many sheep are to be found now as were there thirty-five years ago. Besides, all the sheep in the country are only five-sixths of what they were twenty years ago. It is said that Muhlhauser's shoddy mill in Cleveland, Ohio, turns out more pounds of old rags ground into "shoddy" than there are pounds of wool gathered from all the sheep of Ohio. The tariff is responsible for this "shoddy." Coarse wools are dutiable from 4 to 7 cents and fine wools from 11 to 12 cents. Fine wools are therefore dear and the price of woolen goods expensive. There are about 42,000,000 sheep in the country, from which 280,000,000 pounds of wool are taken. Each family is therefore entitled to 5 sheep and 33 pounds of wool. Protection may therefore be of advantage to the farmer of about 3 cents per pound on the wool account or about $1 a year.

On all other articles, as barley, potatoes, etc., economists say a most liberal allowance for tariff benefit would be $2. The tariff benefits the farmers, or a part of them, to the extent of $1.80 on sugar, $1 on wool, and $2 on other products, or $4.80 per family. He pays $55.10 into the tariff juggle and gets back $4.80, or a clear loss per family of $50.30. Counting what he pays to the Government—$18—with this benefit, he puts in $55.10 and indirectly gets the benefit of $22.80, and is therefore forced to make a clear gift to the trusts of $32.30 per family, or $323,000,000 per annum for the entire farming class.

THIS IS THE DIRECT LOSS OF THE FARMER.

What is his indirect loss? He pays high freights on his products. Manufacturers and large dealers pay lower freights. Were it not for the high freights of the farmer, which are generally local rates, the lower freight rates could not and would not be given to the large shipper.

In 1898 the Atlantic Seaboard Line made the published rate on wheat for export from the Mississippi River the same as the rate from Chicago; in 1899 they lowered the Mississippi River rate to 85 per cent of the Chicago rate. Under that arrangement grain for export paid 13½ cents per 100 pounds from the Mississippi River and 16 cents from Chicago, while grain for consumption in the East paid 17½ cents from Chicago, 20½ cents from the Mississippi if it came from west of the river, and 24½ cents if it originated at the river. These are mere juggling expressions of the burden designed to be cast upon agriculture by transportation companies. If they could carry wheat for export at a low rate, they could carry wheat for the home consumption at the same rate. Thus, notwithstanding our free trade between States, the transportation companies put upon wheat raisers for the two-thirds crop for home consumption a tax of nearly 25 per cent more than they charged upon a third of the crop for export. Wheat grown west of the river was carried farther and at 25 per cent less. What they professed to lose on export wheat they recouped on home wheat and other farm products. It is safe to say that the prices on home products, being a monopoly, will always be used by transportation companies, through their traffic association agreements, to recoup all losses to trusts for cheap transportation of trust-made goods when exported for sale at prices to foreigners less than they are sold to our own people. The great home market is a monopoly for the manufacturer, and also a monopoly for the transportation company.

The Interstate Commerce Commission, upon complaint against these foreign export rates, said:

The American producer has not been materially benefited by them. The millions sacrificed by the railroads has been a donation to the foreigner.

A MEMBER. Ain't it the truth?

Mr. CANDLER. The railway profits were so great on the home trade as to permit this sacrifice of millions to the foreigner.

In the matter of cotton, the low through rates to northern manufacturers are kept up by the high local rates. These all fall on the farmer. To carry cotton from Memphis to New York, as was done in 1900, for 55½ cents, and from Memphis to the Carolina mills at 59½ cents, not only discriminated against the farmers, but against southern mills. The railroads in the South would not reduce the through rate to the Carolina mills from 59½ to 55½ cents, because they said this would force them to lower the local rates in Georgia, the Carolinas, Alabama, Mississippi, and Tennessee.

Four gigantic railroad traffic associations parcel out the through freight and make lower rates thereon, leaving the local rates untouched. The through rates are in the interest of jobbers and exporters, and the local rates fall on the producers and enable the railroads to recoup what it loses on these rates

through higher local rates paid by the farmer and men along the local line.

On through-rate rules Mobile and New Orleans are basing points, hence it is cheaper to ship goods from New York through Montgomery to Mobile and then back to Montgomery, 175 miles, than it is to ship from New York direct to Montgomery.

Again, through the contracts made by railroads with steamship lines, it is possible for New York merchants importing goods from abroad to have them shipped from Liverpool through New York to Chicago and then back to New York for less money than they would pay to ship direct from Liverpool to New York. The reduction in rates on imported goods on through bills of lading often offset the customs duty. Salt is shipped from Liverpool via New Orleans to Chicago cheaper than salt can be shipped from New Orleans to Chicago. When the Vermont State Grange complained against the Central Vermont Railway Company that it was charging less from Boston to Detroit than from Boston to St. Albans, Vt., Judge Cooley held that there was no justification for the increased charge over the shorter line, and that in all such cases the long-haul cheaper rate was only made possible by the short-haul higher rate. [Applause.]

From one of the leading colleges of America, a college built upon the philanthropy of that most gigantic monopoly, Standard Oil, whose rise and growth is but a record of commercial dishonor, duplicity, and crime—from the pen of a professor in that institution, Professor Myer, at the call and behest probably of transportation companies, comes this defense of discrimination:

> Discrimination—the result of the exercise of discretion—was the keystone of the situation. That discrimination was not the result of caprice; it was the result of meeting with intelligence and courage the needs of trade and industry. The effect of that discrimination was a heterogeneous mass of railroad rates that knit the different producing, distributing, and consuming sections of the country into a more compact trading unit than was to be found elsewhere in the world, and carried the exploitation of our resources further than has been carried the exploitation of the resources of any other country.

In other words, according to this learned college professor, discrimination has been the keynote of our progress. Discrimination as a result of discretion has exploited the United States as no other nation has ever been expoited. Discrimination has built up a series of trusts which are the wonder, but not the envy, of the world; discrimination has enabled the manufacturing class to subjugate the agricultural class and the consuming class, and from the plethora of their means to make itself the marvel, but not the envy, of the world; discrimination based upon discretion has given our transportation system the power and the right to destroy cities and towns, to wipe out fortunes and honestly acquired wealth, to invade any and every territory and impose its laws at will, to collect such local tolls from the entire people as will enable it to obey the behests of favored interests and the kings of finance, to transfer to itself such an aggregate of wealth as is accountable for on no theory other than that it has the discretion to steal and the right to select its victims. [Loud applause.]

Discrimination based upon discretion has enabled Standard Oil to throttle all competition and to exploit its unlawfully acquired products, by means of the stolen gains, in such way as no honestly acquired products in other climes have ever been exploited before. Discretion alone has turned our vast insurance system into a charnel house of dishonest, corrupt, and criminal exploitation, which has made it a stench in the nostrils of the world. Well may the learned professor in his defense of this monstrosity say that it was not the result of caprice. No; caprice has moments of remorse; caprice has moments when the golden reflection of reason exercises sway over the errant instincts; caprice at times rests from its iniquitous toil. [Applause.]

Discrimination, backed by intelligence without an iota of moral scruple and blazoned by a fierce rapacity which only an advocate could call courage, has given the world in the rise and growth of these enumerated institutions of the United States a set of examples which it refuses to imitate, and which we, the representatives of the people, thank God, are now making an effort to destroy. The heterogeneous mass of railroad rates that filches from one class of producers to build up another must be destroyed. The discrimination, the discretion, the intelligence, and the courage which enable the distributing class to enrich itself by unjust tolls on all classes of producers and consumers have aroused the slumbering lion of resistance, and despite the learning of paid professors, despite the zeal of paid lobbyists, and the advocacy in some instances of a subsidized press, and despite the gigantic power of the interest itself, the day of their overthrow and control is at hand. [Applause.] These discriminations have put upon the average farmer's family an additional expense of not less than $20 per annum, and very possibly $40. Had this sum been kept in the farmer's pocket it would have given the class to which he belongs each year the enormous sum of $200,000,000, which in a decade would have added to the rural wealth the still greater sum of $2,000,000,000.

The farmer loses an enormous amount because of the lack of canning factories throughout the country to save the tens of millions of bushels of fruit and vegetables which rot and waste because the tariff duties on sugar, glass, and tin plate about double the cost of these articles and make canning unprofitable. The tariff, which keeps out canning factories, costs the farmers hundreds of millions of dollars each year in wasted products. He loses through this waste not less than $10 per annum, and his class loses $100,000,000 per annum, or $1,000,000,000 in a decade. The farmer loses again through the restricted output of manufacturers of tariff-protected trusts. The trusts maintain high prices by limiting the output, employing fewer laborers, and paying less wages. These laborers have less to spend with the farmer, and the farmer must also pay the trust the higher price for the restricted goods. Protection many years ago may have given the farmer a home market for his goods; to-day it certainly restricts that market and costs him not less than $8 per annum, $80,000,000 to him and his fellow-producers every year, and $800,000,000 every ten years.

Taking his direct and indirect losses each year, they will certainly reach $75, and possibly $100. A saving of only $60 a year for twenty years for each farmer would more than double the farmer's wealth. If the farmers could have kept the $37 a year for the last twenty years in their pockets instead of being forced to pay it to the trusts they would now be from $6,000,000,000 to $7,000,000,000 better off and the trusts that much worse off, a consummation devoutly to be wished. [Applause.]

These are big figures, but they are correct figures. How can any man account for the billions of difference between rural and urban wealth, as disclosed by the last census, unless he accepts this explanation. Let us look at the table:

Urban and rural wealth of the United States.

Year.	Urban.	Rural.
1850	$3,160,000,000	$3,967,000,000
1860	8,180,000,000	7,980,000,000
1870	15,155,000,000	8,900,000,000
1880	31,538,000,000	12,104,000,000
1890	49,055,000,000	15,980,000,000
1900	73,786,000,000	20,514,000,000

During the tariff-for-revenue years—1850–1860—rural wealth doubled. It barely doubled in the next thirty years of high protection. In 1850 the farmers owned more than one-half the country; in 1900 they owned but little more than one-fifth. The average per capita of the farmers remained practically stationary from 1860 to 1900, while the urbanites increased sixfold. Of the $78,000,000,000 increase in wealth from 1860 to 1900 less than one-sixth went to the farmers, who make about half of the population, while of the $9,000,000,000 increase during the low-tariff era from 1850 to 1860 more than 44 per cent went to the farmers. All wealth doubled from 1850 to 1860, a thing which has never happened in any other decade. [Applause.] For all practical purposes the urban wealth may be taken as the manufacturing wealth. A glance at the classes making up the list of manufacturing and mechanical pursuits will show that they are not producers. The figures show that the manufacturing element is possessed of billions of dollars in actual wealth that have been unjustly put into their pockets by the protective tariff, and the agricultural class is short by many billions, because they have received no special benefits and have borne the "heat and burden of the day." Nor has this resulted because agriculture has lost its vigor.

Let us see. Take the exports of 1904, the last fiscal year:

	Amount.	Per cent.
Agriculture	$853,643,073	59.48
Manufactures	452,415,921	31.52
Mining	45,981,213	3.20
Forest	68,906,956	4.80
Fisheries	8,543,676	60
Miscellaneous	5,688,178	40
Total	1,435,179,017	

This export of agriculture is at the world's price, and the export of manufactures is at prices abroad, which are less than at home. One is natural, the other artificial.

Eight hundred and fifty-three million six hundred and forty-three thousand and seventy-three dollars, the agricultural export being a surplus, more nearly represents what should be agricultural profits than any other standard. Deducting 10 per cent for charges, we have $768,278,766 that should have gone into the increase of rural wealth for that year. And these figures fairly represent the totals for ten years preceding. The decade ending in 1904 ought to show an increase of urban wealth of about $7,682,787,000. By reason of the unequal distribution of this money after it reaches home, the rural wealth for the decade will fall below $5,000,000,000 increase.

Farm values in sixty years have increased 600 per cent; manufacturing values, 1,300 per cent. A tariff for revenue would so distribute these values as to about reverse these increases, decade for decade.

Estimated loss, direct and indirect, by reason of the tariff, to the agricultural class of 10,000,000 workers.

Description.	Each family.	Farming class per year.	For ten years.
To trusts	$37	$370,000,000	$3,700,000,000
To railroads	20	200,000,000	2,000,000,000
Canning factories	10	100,000,000	1,000,000,000
Restricted output	8	80,000,000	800,000,000
Total	75	750,000,000	7,500,000,000

I have shown how we treat the producers, the wealth producers, of our country; but that is not all. While under the Republican tariff we are piling up on the farmers especially, and our other citizens, "burdens grievous to be borne," we are actually lightening the burdens on foreigners, and, as a direct result of our protective-tariff system, selling to foreigners cheaper than to home folks. Let us see. [Applause.]

Now listen and lend me your ears, that you may hear and not forget.

During the year ending June 30, 1905, the sale of American manufactured products to foreigners amounted to $543,607,975, of which fully 85 per cent, according to the estimates of well-informed exporters, was sold at cheaper prices than are charged for precisely the same goods sold to Americans. The average price of these goods in the foreign market, according to published tables made up from discount lists sent out by various exporting houses, is 20 per cent less than the selling price in the home market. On some goods, such as paints and varnishes, the price to foreigners is only 5 per cent less than to Americans; on agricultural implements, 10 to 50 per cent; on wire, more than 100 per cent; on such articles as wire rope and borax, 200 per cent.

These export prices are advertised in journals which have a strictly foreign circulation, and every effort is made to prevent these export trade journals from falling into the hands of American buyers. In 1902 the Democratic Congressional committee offered a reward of $100 for one of these export price journals, and in their efforts to place the advertisement were turned down by several prominent New York papers. The New York World, however, took the advertisement and published it, and the committee succeeded in obtaining several copies of these journals. In 1904 the same committee secured a much larger number of these journals, also an expert familiar with the export business who visited the selling offices of exporting manufacturers and obtained from them in their own handwriting many of the export prices published on the ten pages of the Democratic campaign book for that year.

Among the manufacturing firms represented in these lists as selling cheaper abroad than at home were the Russell & Erwin Manufacturing Company, Snell Manufacturing Company, John S. Fray & Co., Enterprise Manufacturing Company, A. M. Hayden & Russell, Burdsall & Ward Bolt and Nut Company, Bridgeport Chain Company, Covert Manufacturing Company, Beamis & Call Hardware Company, Pike Manufacturing Company, Henry Disston's Sons, and Stanley Rule and Level Company, all first-class companies, whose discount lists were published by Arkell & Douglas, 5 to 11 Broadway, in issue of June 18, 1904. From Exporters and Importers' Journal of same date, published by Henry W. Peabody, 17 State street, New York City, in addition to the firms named above, Andrew B. Hendrix & Co., Collins & Co., Cleveland Twist Drill Company, Boston and Lockport Lock Company, Charles Parker Company, and Millers Falls Company, all offer goods to foreigners at discounts ranging from 8 to 60 per cent greater than the discounts offered to American jobbers. Time and space forbid the multiplication of these companies, as a reference to the detailed exhibit of the said committee in the Campaign Book of 1904, where thousands of discounts are noted, and which have never been seriously denied, will furnish all the information desired in the most detailed form.

The Republican party has never denied the fact of sales abroad cheaper than at home, but has contented itself with denying the extent of these sales as charged by the Democratic party. Secretary Shaw, in a published speech, said:

> It is useless to deny, and, in my judgment, unwise to apologize, and a little short of foolishness to attempt to remedy the assumed evil.

[Applause.]

Senator GALLINGER limited the amount of these cheaper foreign goods to about $4,000,000 per annum. The Industrial Commission, on page 626 of volume 19 of its findings, said:

> In about 20 per cent of the cases covered by the Commission returns the export prices have ruled lower than those charged to home consumers.

On this basis the amount of goods sold cheaper abroad, instead of amounting to $4,000,000, would amount to about $100,000,000.

But the returns referred to by the Commission were most inadequate. Of 2,000 schedules only 416 replies were received, and these only from corporations not popularly known as trusts. If one-fifth of the replies received indicated a percentage of 20 per cent, it is safe to say that the other four-fifths, representing to the greatest degree the trusts of the country, will furnish the additional 65 per cent, making 85 per cent of the total export of manufactured goods sold abroad at prices cheaper than at home.

Henry Rossell & Co., of Sheffield, England, represent that 4-inch flat files, which sell in the United States at 92 cents a dozen, sell in England at 34 cents, a difference of 170 per cent; half round 4-inch files, to Americans, $1.20, to Englishmen, 34 cents; difference, 250 per cent. From these figures we see that the American File Association, from November 1, 1899, to date, has been charging Americans from two to three times as much as it charges Englishmen. The Iron Age of December 17, 1903, showed that the shovel trust sold shovels in South Africa at 36 cents apiece and charged Americans 90 cents apiece for the same goods. The same paper on November 12 showed that American steel beams, plates, angles, channels, and rivets steel were being sold in Canada at from $9 to $11 per ton less than was charged at home. The same paper showed that the steel trust were offering steel billets in England at $14 per ton, while its price on the same date to Americans was $23 per ton.

When the Congressional Merchant Marine Commission, the father of the present subsidy bill, which has just passed the Senate, was sitting in Cleveland, Mr. James E. Wallace, of the American Shipbuilding Company, said that American steel was being sold at Belfast at $24 per ton, while the same steel in Pittsburg was sold for $32 per ton. The chairman of the Commission exclaimed, "If that's so it is an outrage and ought to be remedied." [Applause.] His remedy appears to be not a revision of the tariff rate, which would make such a condition impossible, but a subsidy to shipbuilders by which the American people may be taxed to make up the outrageous loss occasioned by this difference in price to the American shipbuilder.

When the Commission sat in New York, J. J. Hill stated that Canadian railroads were buying steel rails of the steel trust at $10 a ton cheaper than his road could buy them. Mr. James T. Wright, vice-president and general manager of the Macon, Dublin and Savannah Railroad Company, in a letter to Senator BACON, which was published in the CONGRESSIONAL RECORD on April 25, 1904, said that he was forced to pay $29 a ton for 5,000 tons of steel rails for American use, while the same company offered to sell him rails delivered on board steamer for Honduras at $20 a ton.

The report of the Chamberlain tariff commission (a commission made up of about sixty business men of Great Britain) is brim full of instances showing that the policy of selling American goods abroad cheaper than at home, instead of being exceptional, is the rule. The tariff of the United States is high enough not only to monopolize the home market but to sell all the surplus manufactures to foreigners at rates averaging from 30 to 50 per cent less than the same goods are sold at home.

In view of these facts is it strange that the producers throughout the country are demanding a revision of the tariff and the regulation of the railroad rates? The issue is up to the Republican party. You have every branch of the Government, the House of Representatives, the Senate, and the President. Will you grant relief? If not the people will and ought to hurl you from power and take the Government from your control and restore it to the control of the party of the people, the Democratic party. The eyes of the country are upon you, and you can not longer satisfy the people with promises to revise the tariff and promises to control and regulate the corporations. Will you meet the issue and give the people relief, or will you "stand pat" before the gathering cyclone and be destroyed?

Time will tell, and I leave the issue with you for your consideration, and for your account to be rendered to the American people. [Prolonged applause.]

I append herewith, as part of my remarks, the communications from the Department of Agriculture, the Navy Department, and the War Department to which I have referred:

EXHIBIT A.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 17, 1906.

Hon. E. S. CANDLER, Jr.,
House of Representatives.

SIR: In compliance with your request of February 14, 1906, I inclose herewith a statement of the appropriations for the Department of Agriculture by fiscal years from the date of its organization to the present time.

Very respectfully,

W. N. HAYS,
Acting Secretary.

Appropriations for the Department of Agriculture since its organization to the present time.

1839	$1,000.00
1840	
1841	
1842	1,000.00
1843	
1844	2,000.00
1845	2,000.00
1846	3,000.00
1847	3,000.00
1848	4,500.00
1849	3,500.00
1850	5,500.00
1851	5,500.00
1852	5,000.00
1853	5,000.00
1854	10,000.00
1855	50,000.00
1856	30,000.00
1857	75,000.00
1858	63,500.00
1859	60,000.00
1860	40,000.00
1861	60,000.00
1862	64,000.00
1863	80,000.00
1864	119,770.00
1865	150,004.05
1866	167,787.82
1867	199,100.00
1868	279,020.00
1869	172,593.00
1870	156,440.00
1871	188,180.00
1872	197,070.00
1873	202,440.00
1874	257,690.00
1875	337,380.00
1876	249,120.00
1877	194,686.96
1878	198,640.00
1879	206,400.00
1880	199,500.00
1881	275,460.31
1882	363,011.05
1883	456,396.11
1884	416,641.13
1885	655,930.25
1886	677,973.22
1887	657,641.81
1888	1,027,219.06
1889	1,134,480.60
1890	1,170,139.11
1891	1,372,049.21
1892	2,478,655.75
1893	2,540,060.72
1894	2,603,855.58
1895	2,507,148.74
1896	2,584,013.22
1897	2,448,763.53
1898	2,468,551.56
1899	2,856,861.60
1900	3,009,727.73
1901	3,303,580.00
1902	3,862,420.00
1903	4,503,960.00
1904	5,258,100.00
1905	5,942,040.00
1906	7,112,690.00
Total	65,737,272.12

EXHIBIT B.

NAVY DEPARTMENT,
Washington, February 20, 1906.

SIR: Replying to your letter of the 14th instant, requesting to be advised as to the amount of the appropriations for the Navy Department since the Spanish-American war to date, giving the amount of the appropriation each year, I have the honor to inclose herewith a statement prepared by the Bureau of Supplies and Accounts of this Department, containing the desired information.

Very respectfully,

TRUMAN H. NEWBERRY,
Acting Secretary.

Hon. E. S. CANDLER, Jr., M. C.,
House of Representatives, Washington, D. C.

Appropriations for the naval establishment from July 1, 1898, to June 30, 1906.

[Fiscal year, act, and date.]

1899.	
May 4, 1898, naval (immediately available)	$56,021,058.68
July 7, 1898, deficiency	44,541,261.06
January 3, 1899, deficiency	260,975.00
March 3, 1899, claims	243,819.77
March 3, 1899, deficiency	1,430,663.20
March 3, 1899, naval (immediately available)	290,400.00
Indefinite appropriations (covered by warrant)	55,458.96
	102,843,640.27
1900.	
March 3, 1899, naval	47,809,569.58
February 9, 1900, deficiency	2,755,000.00
March 30, 1900, deficiency	645,000.00
June 6, 1900, deficiency	227,463.09
March 3, 1899, relief	3,200.00
May 12, 1900, relief	32,823.00
June 5, 1900, relief	3,500.00
June 7, 1900, naval (immediately available)	1,126,500.00
Indefinite appropriations (covered by warrant)	55,996.83
	52,659,052.50
1901.	
June 6, 1900, river and harbor	10,000.00
June 7, 1900, naval	60,014,416.67
January 4, 1901, deficiency	10,000.00
March 3, 1901, deficiency	5,270,933.34
March 3, 1901, joint resolution	25,000.00
Indefinite appropriations (covered by warrant)	80,688.12
	65,411,038.13
1902.	
March 3, 1901, naval	77,629,736.68
February 4, 1902, deficiency	5,965,157.12
April 7, 1902, deficiency	3,189.59
May 27, 1902, relief	701.25
May 27, 1902, claims	5,063.75
Indefinite appropriations (covered by warrant)	84,420.21
	83,688,268.40
1903.	
July 1, 1902, naval	78,858,761.07
July 1, 1902, deficiency	233,759.80
March 3, 1903, deficiency	2,693,083.22
March 3, 1903, naval (immediately available)	90,100.00
February 5, 1903, relief	4,000.00
March 3, 1903, relief	1,951.01
Indefinite appropriations (covered by warrant)	38,099.09
	81,919,734.19
1904.	
March 3, 1903, naval	81,786,691.43
February 18, 1904, deficiency	3,181,145.16
April 27, 1904, deficiency	2,468,222.55
April 27, 1904, naval (immediately available)	761,000.00
March 11, 1904, relief	63,620.59
May 27, 1902, claim	203,219.33
Indefinite appropriations (covered by warrant)	113,988.72
	88,578,487.78
1905.	
April 27, 1904, naval	96,743,540.94
March 3, 1905, deficiency	15,078,501.01
February 24, 1905, claims	470,556.20
January 5, 1905, relief	3,753.45
January 12, 1905, relief	700.00
Indefinite appropriations (covered by warrant)	131,530.23
	112,428,589.83
1906.	
March 3, 1905, naval	100,336,824.94

RECAPITULATION.

1899	$102,843,640.27
1900	52,659,052.50
1901	65,411,038.13
1902	83,688,268.40
1903	81,919,734.19
1904	88,578,487.78
1905	112,428,589.83
1906	100,336,824.94
Total	687,865,636.04

EXHIBIT C.

WAR DEPARTMENT,
Washington, February 16, 1906.

SIR: In response to the request contained in your letter of 14th instant, I transmit herewith a statement showing the amount of War Department appropriations since the conclusion of the Spanish-American war, embracing the civil establishment, military establishment (support of Army and Military Academy), public works (including fortifications and river and harbor improvements), and miscellaneous objects, also the amount of appropriations each year since the conclusion of the Spanish-American war for the maintenance of the military establishment (support of Army and Military Academy).

It would be impossible to separate and show the exact amounts expended from these appropriations for insular possessions without en-

tailing an amount of work too large to be undertaken with the present clerical force, especially during this very busy season.

Very respectfully,

ROBERT SHAW OLIVER,
Acting Secretary of War.

Hon. E. S. CANDLER, Jr.,
House of Representatives.

Amount of War Department appropriations since conclusion of the Spanish-American war, embracing civil establishment, military establishment (support of Army and Military Academy), public works (including fortifications and river and harbor improvements), and miscellaneous objects.

1900	$119,235,266.23
1901	166,434,660.36
1902	142,141,949.26
1903	192,913,660.63
1904	112,436,177.67
1905	107,519,168.89
Total	840,680,883.04

Amount of appropriations each year since conclusion of the Spanish-American war, for the maintenance of the military establishment (support of Army and Military Academy).

1900	$93,993,815.16
1901	118,346,687.94
1902	117,436,831.80
1903	96,473,528.10
1904	74,392,029.34
1905	77,355,162.80
Total	577,998,055.14

Mr. DAWSON. Mr. Chairman, I do not enjoy the honor of being a member of the Committee on Agriculture, and yet I desire to trespass upon the time of the House for a few minutes this afternoon in supplementing the remarks of the gentleman from South Carolina [Mr. LEVER] and the gentleman from Mississippi [Mr. CANDLER] in calling the attention of this House somewhat in detail to the work which has been accomplished by the Department of Agriculture during the past nine years. We of Iowa regard the Department of Agriculture as something of an Iowa institution, and we are proud of it. A simple recital of the facts of the accomplishments of this Department during the past nine years is proof positive that the money appropriated in this bill brings to the country far greater returns in the production of wealth and multiplication of industries than from any other money expended by the National Government.

THE WEATHER BUREAU.

I need not discuss at length the work of the Weather Bureau, as that is quite familiar to all, although it may not be generally remembered that this Bureau, through its experiments, has developed one of the best wireless telegraph systems now in use. The Weather Bureau is a great system, with thousands of agents and observers in every State in the Union and in the outlying possessions, who make a business of studying conditions and forecasting the weather, and issuing daily forecasts, storm warnings, and flood signals for the benefit of agriculture, commerce, and navigation.

The Bureau keeps a record of the weather, temperature, and rainfall in every part of the country, and this information is invaluable not only for the homeseeker, but in the development of arid and semiarid regions through irrigation.

All in all, the results accomplished by the Weather Bureau for the benefit of the farmer, the mariner, the shipper, the manufacturer, and the seeker after health or pleasure prove that there is no weather service in the world to compare with it.

BUREAU OF ANIMAL INDUSTRY.

But there are other bureaus in that Department which appeal more to the imagination and to the interest of the public. There is the Bureau of Animal Industry, whose work is of great value to the country, dealing as it does with the study of the contagious diseases of live stock and making original investigations as to their control and prevention.

As an example of the efficient work in this line, they stamped out a dangerous epidemic of "blackleg" which prevailed among the cattle of the Southwest a few years ago, entailing heavy losses. At that time the Bureau, after a series of experiments, discovered a vaccine which produced immunity by a single vaccination. This vaccine was generously distributed, with the result that the loss from "blackleg" of 10 to 20 per cent has been rapidly reduced, until now this dread disease has almost disappeared, thus saving millions of dollars to the cattle raisers of the country.

In like manner they eradicated an outbreak of the "foot-and-mouth" disease among the cattle, hogs, and sheep, which appeared in New England and threatened to spread over the entire country. By most energetic measures, which involved the slaughter of infected animals, this contagion was completely stamped out, after a campaign which stands unrivaled in celerity, economy, and satisfactory results.

Two years ago disaster faced the cattle herds of the whole country from mange. Infection on the western ranges threatened to spread over the entire country, many infected animals having been found in the important central markets. The Department stepped in with regulations preventing interstate shipments of infected cattle. In 1904 it made an inspection of 4,000,000 head and last year of over 14,000,000. By this plan of inspecting and by prescribing dipping for those affected, the ravages of this disease have been effectively checked. They are now making investigations and experiments with regard to Texas fever, hog cholera, and tuberculosis, and from the discoveries already made it seems likely that knowledge will be acquired that will eventually result in the control and prevention of these diseases.

But this Bureau, Mr. Chairman, has charge of another phase of work which is of the very highest importance to the meat producers of the country. It has built up a system whereby our herds are being protected against the importation of infected animals from abroad. And what is of still greater importance, it has full charge of the subject of the inspection of dressed meat. Upon the success of this branch of the work depends a foreign trade worth many millions of dollars annually to our stock raisers. Our meat products would be barred from many of the markets of the world if it were not that these meats bear the certification of Government inspection, and foreign countries have confidence that this inspection is thorough and efficient.

Mr. HILL of Connecticut. Will the gentleman allow me a question?

Mr. DAWSON. Certainly.

Mr. HILL of Connecticut. I am reading now a book called "The Jungle," by Mr. St. Clair, giving a description of the work and life in the packing-house district in Chicago, and he states plainly and squarely that, while the export meats of this country are inspected, the diseased cattle are slaughtered for home consumption, and that rejected cattle are slaughtered and put on the domestic market. Does the gentleman know anything in regard to that?

Mr. DAWSON. I do not. I understand this is a book of fiction, and should be treated as such.

Mr. WADSWORTH. I want to say to the gentleman from Connecticut that that information is absolutely erroneous.

Mr. HILL of Connecticut. The statement is emphatically made in the book.

Mr. WADSWORTH. Well, it is emphatically wrong.

Mr. HENRY of Connecticut. I will refer the gentleman to the hearings before the committee. Doctor Melville is explicit upon that point. As the chairman of the committee has said, absolutely there is no opportunity for diseased meat to be sold to the American people.

Mr. MURDOCK. Will the gentleman allow me?

Mr. DAWSON. I will yield to the gentleman.

Mr. MURDOCK. Isn't this true, that local slaughterhouses may kill beef for sale without inspection?

Mr. DAWSON. I believe that is true.

Mr. MURDOCK. And such meat possibly might be diseased.

Mr. WADSWORTH. It is absolutely impossible to inspect every little slaughterhouse in the country.

Mr. MURDOCK. Yes; and meat might be sold from that local slaughterhouse which might be infected, but no meat could be exported except that which was inspected.

Mr. DAWSON. Mr. Chairman, I was alluding to the importance of this service as regards the exportation of meats. The foreign countries have such confidence in the efficiency and excellence of this service that our meats are admitted without question. Such a high standard has been fixed for the inspection of cattle and dressed meats that we are able to sell annually more than $200,000,000 worth abroad. The importance of this inspection service can not be too highly estimated and, as Secretary Wilson points out in his report, "the withdrawal or even the restriction of our ability to supply such certification would mean the utter annihilation of our foreign trade in cattle and meat products."

BUREAU OF ENTOMOLOGY.

There is another bureau of the Department of Agriculture that has a great interest to me, at least, and that is the Bureau of Entomology, sometimes referred to as the "Bureau of Bugology." Some sneers have been directed against this bureau, but I believe the House will better appreciate its importance when I call their attention to the fact that the annual loss to our staple crops from destructive insects is estimated at $500,000,000. It is the business of this bureau to study these pests and to apply this information to limit and prevent them.

Their greatest task now is to conquer the boll weevil, an insect which attacks the pod of the cotton plant, and whose ravages threatened to deprive the United States of its lead as the greatest cotton-producing country in the world. A vigorous campaign is being waged against this pest, and its ravages have in a large measure been overcome. They have bred new types of the cotton plant that will resist the damage of the weevil, and they have brought from Central America an ant which destroys this destructive insect.

During recent years this bureau has brought a beetle from Asia to destroy the San Jose scale, which threatened the destruction of the apple orchards in the United States; and a parasite from Africa which has practically conquered the black scale, the worst enemy of the orange and lemon trees of California. Now they are bringing from Europe and Japan a natural enemy of the gypsy moth and the brown-tail moth, of which we will hear more, I believe, before this discussion ends. They brought the fig-fertilizing insect from southern Europe and established it in California, with the result that the growing of Smyrna figs has now become a new and profitable industry. They are now making elaborate investigation of the Hessian fly, the chinch bug, grasshoppers, cutworms, and other insects affecting wheat, corn, clover, and similar crops, and in a few years we may hope to lessen the enormous damage done by this class of pests.

BUREAU OF SOILS.

Through the Bureau of Soils it has added uncounted millions to the wealth of the country. By surveys in various sections it has shown what soils are best adapted for the growth of tobacco, apples, sugar beets, alfalfa, rice, corn, cotton, and numerous special crops. Through its work the worn-out soil in many Southern States has been rejuvenated and increased in value many fold. It has designated throughout the country the soils best adapted to special crops, and it has worked out methods whereby the fertility of the soil can be restored and maintained. As an example of the value of this work, I call attention to the fact that the Norfolk sand, which was formerly worth from $5 to $10 an acre, is now worth $100 to $200 per acre, and in some parts of the country soil especially adapted to the growing of grapes has increased in value twenty to thirty fold.

Mr. GILBERT of Kentucky. What do they do with the Norfolk sand?

Mr. DAWSON. By soil survey covering that particular sand, they discovered that it was particularly adapted to the growing of sweet patotoes, melons, and small vegetables.

The soils of the United States constitute the greatest asset of the people, and the Department is teaching the people how to obtain from that soil the largest amount of food products.

BUREAU OF FORESTRY.

Through the Forestry Service of the Department a work of great magnitude and benefit to the country is being accomplished. Our country was suddenly brought to a realization of the fact that the destruction of the forests had reached a point where the end was in sight. The country was rapidly approaching a dangerous crisis in a vital industry—that of the production of lumber. Six years ago the Forestry Service attacked the problem, and through its practical efforts the whole situation has changed. A healthy public sentiment has been created against the wanton destruction of forests. Millions of acres of public lands have been set apart in forest reserves. Practical methods of reforestation have been set in motion, and a continuation of the policy which now prevails will preserve and maintain the timber supply for future needs. In the past seven years this Service has saved enormous wastes and has enriched the country by many millions of dollars by additions to our forest resources.

MISCELLANEOUS BUREAUS.

There are a number of other bureaus of the Department into whose work I can not go in detail. There is a Bureau of Statistics, which issues impartial crop reports, besides collecting and disseminating information concerning foreign markets. Through the work of its special agents abroad much information has been obtained whereby we have been able to largely increase our exportation of agricultural products.

It has accomplished a great practical work on the subject of public-road building, by disseminating expert information as to the construction of roads, by building object-lesson roads, and by the testing of road materials.

Through the Bureau of Chemistry an important work is being done in the inspection of imported foods and in the creation of food standards. All of this varied and valuable information acquired by the Department through the agencies at its command has been widely disseminated throughout the country. Agricultural education has been extended through the agricultural colleges and much information has been diffused through the medium of the Farmers' Institutes. In addition to this, the Division of Publication last year disseminated more than 12,000,000 copies of the Department's reports.

BUREAU OF PLANT INDUSTRY.

One of the most interesting bureaus of the entire Department is the Bureau of Plant Industry. It was here that the navel orange was born several years ago, and only recently they have produced a type of sweet orange hardy enough to withstand the frosts almost as far north as Washington. By the magic science of plant breeding it has produced a long-staple cotton that will rival the Egyptian and the lower grades of sea island; it has brought forth several new varieties of citranges and tangelos; it has produced a pineapple which can be cultivated in Florida. It has bred sugar-beet seed with a single germ in each ball, which will make a profound saving in cultivation. Heretofore beet-sugar seeds contain from one to five germs, which necessitated thinning out the plants. Through the experiments of the Department a ball has been produced which contains the germ of a single beet seed, and when a sufficient quantity of this seed is obtained the cultivation of beets will be almost as simple as the cultivation of corn.

The work of this Bureau has changed the United States from a buyer into a seller of rice. A few years ago we imported many million bushels of rice. Last year we produced in our own country 13,000,000 bushels, enough to supply our own home needs and have some left for export. In like manner the Department is inaugurating and fostering the manufacture of beet sugar, with the result that last year we produced 308,000 tons, ten times as much as we produced ten years ago.

What is true of beet sugar and rice will, in my judgment, ultimately be realized as to tea. We are now paying foreign countries $16,000,000 a year for tea. Experiments conducted by the Department have proved that this can be successfully grown in the United States. Last year the station at Summerville, S. C., produced 9,000 pounds of tea, and before many years have passed I look to see the growing of tea become a great American industry. In like manner the silk industry is being slowly but surely developed. Steps are being taken to produce in our own country the silk for which we are now paying $60,000,000 a year to foreign countries. The activity of the Department has been extended to our insular possessions, where the people are being instructed and encouraged in the production of tropical fruits, nuts, spices, etc., for which we are now paying to foreign nations $200,000,000 a year.

The remote corners of the earth have been searched for new and useful seeds and plants, and by adapting them to particular localities in the United States many new and profitable industries have been developed. It has brought new grasses to the denuded ranges of the Rockies and forest plants to the alkili wastes of the West; it has enabled the semiarid regions of the Northwest to produce last year 20,000,000 bushels of maccaroni wheat; it has introduced successfully the growing of rushes for the manufacture of mattings, which we are now importing in large quantities; it has started the production of American dates on the desert of Arizona; it has brought the citron from Corsica, and the hard-shell almond from Spain; it has obtained hardy corn and oats suited for our northern climate, and improved varieties of potatoes and tobacco; new kinds of barley which will thrive upon the alkali lands of the Southwest; new types of cotton adapted to various conditions in the South, and a thousand other results which are enriching our country, and enabling us to grow at home many things which we have heretofore been buying abroad.

SECRETARY WILSON.

Mr. Chairman, the people of Iowa take a special pride in the fact that the man who for the past nine years has been the directing head of this Department, which has brought such great and far-reaching benefits to all parts of our country, is the Hon. James Wilson, formerly of Iowa [applause], but now of the whole United States. [Applause.] The entire country shares with the people of Iowa in unwavering faith in the ability and the single-minded devotion of Secretary Wilson to the cause of American agriculture. The man who has so increased the productivity of the land, who has made millions of plants grow where none grew before [applause], and who has so increased the national wealth will be set down in history as one of the greatest public benefactors of his age.

Secretary Wilson came into office on March 4, 1897, at the close of four of the leanest and hungriest years that American agriculture has experienced in the present generation. [Applause.] During the nine years from that time until now there has been a steady advance in the well-being and pros-

perity of American agriculture, as well as all other industries, which is unparalleled in the history of this or any other country. During those years agriculture, our greatest productive industry and the very foundation of the whole prosperity, has gone forward by leaps and bounds, culminating in 1905 with a year of unprecedented production and value.

VALUE OF FARM CROPS.

The crop values for last year are almost past comprehension. King Corn reached its highest production with 2,708,000,000 bushels, a gain of 184,000,000 bushels over the next lower year, 1902. The value of last year's corn crop was $1,116,000,000—a sum equal to the capital stock of all the State and national banks in the United States.

Cotton, including seed, stood second with a production valued at $575,000,000—a sum larger than the total expenditures of the National Government last year.

Third in value is wheat. The wheat crop of last year was the second in size that this country has ever produced and the highest in value, being worth $518,000,000—a sum which exceeds the annual output of all the coal mines of the country by $80,000,000.

Next after wheat comes the hay crop, the value of which amounted to nearly $516,000,000—a sum equal to all the gold coin of Great Britain. The oat crop of last year amounted to $277,000,000—a sum large enough to meet the total annual expenditure for public schools in the United States. The potato crop was worth almost $161,000,000, and the barley crop $55,000,000 more. To this must be added the value of the dairy products of the United States, which amounted last year to $665,000,000—greater in value than any crop but corn.

Mr. GAINES of Tennessee. Will the gentleman yield for an interrogation?

Mr. DAWSON. Very gladly.

Mr. GAINES of Tennessee. In what way and how much money is employed in this bill to benefit the dairy division of farming?

Mr. DAWSON. Well, I will have to refer your inquiry to the chairman of the committee.

Mr. GAINES of Tennessee. Well, I would like to ask him while I am on my feet.

Mr. WADSWORTH. I will answer that when we reach it in the bill.

Mr. GAINES of Tennessee. I want to know how much money is used in this bill to look after the dairy business.

Mr. WADSWORTH. I think for the Bureau of Animal Industry—and the dairy division is included in the Bureau of Animal Industry—the apportionment of money is about $25,000 for that purpose.

THE AMERICAN HEN.

Mr. DAWSON. Mr. Chairman, as Secretary Wilson says in his annual report, the American hen is becoming a worthy companion to the cow. As everybody on this floor knows, the raising of poultry is largely incidental to the general business of the farm. And yet the annual production of eggs has reached more than a score of billions, and the poultry products have mounted to place of more than half a billion dollars in value.

We hear a great deal on this floor about the glory of the American eagle, and artists in the past have painted the beauties of the birds of plumage, but, Mr. Chairman, the American hen is entitled to a modest tribute for her industry, her usefulness, and productivity. [Applause.] Why, Mr. Chairman, the American hen can produce——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAWSON. May I have ten minutes more?

Mr. HENRY of Connecticut. Mr. Chairman, I yield ten minutes more to the gentleman, that he may finish his remarks.

Mr. DAWSON. Mr. Chairman, the American hen can produce wealth equal to the capital stock of all the banks in the New York Clearing House in three months and have a week to spare. [Laughter.] In less than sixty days she can equal the total annual production of all the gold mines in the United States. More than that, the United States proudly boasts of its production of pig iron—far greater than any country in the world—and yet the American hen can produce as much wealth in six months as all the iron mines in the country can produce in a year. Give the American hen one year and ten months and she will pay off the interest-bearing debt of the United States. [Applause.]

Mr. Chairman, these figures of the production of wealth from farm crops, large as they are, tell but little more than half the story. When we add to these the crops which I have not enumerated, the wealth production on the farms of the United States last year reached the stupendous sum of $6,415,000,000, a sum nearly two and one-half times as great as all the money in circulation in our country.

DOMESTIC ANIMALS.

The number of horses in the country on January 1 last was the highest ever known, reaching 18,700,000, with a value of $1,510,000,000, more than $300,000,000 over the next lower year.

Mules increased last year more than 500,000 in number and more than $80,000,000 in value over the preceding year.

Last year broke the record in the number of cattle, and the value reached the enormous total of nearly one and one-third billion dollars.

The value of sheep and swine reached a sum slightly in excess of $500,000,000, thus making the total value of farm animals on January 1 last $3,675,000,000.

INCREASE IN LAND VALUES.

To the wealth produced from farm crops and domestic animals there is still one more item which we must add if we are to tell complete this story of prosperity and happiness. That is the increase in the value of land. The Secretary of Agriculture has gone into this carefully, and he has ascertained that in the grand aggregate of all farms the increased value during the past five years amounted to $6,133,000,000. As he so aptly says in his annual report:

> Every sunset during the past five years has registered an increase of $3,400,000 in the value of the farms in this country. Every month has piled this value upon value until it has reached $102,000,000.

If we add up the value of last year's farm crops, the value of domestic animals on the farms on January 1 last, and the increase in the value of land during the year 1905, we have the stupendous total of $11,316,000,000 as one year's wealth—enough money to buy outright all the railroads in the United States.

Mr. Chairman, marvelous as is this story of the production of the American farms, the disposition and the consumption of these products is also a matter of wonder. Besides supplying the wants of our own 80,000,000 people, the American farmer during the last fiscal year exported farm products to the value of $827,000,000. During the past sixteen years the domestic exports of farm products have amounted to $12,000,000,000, a sum more than $5,000,000,000 in excess of the total imports of all kinds from all countries to the United States during the same period.

During the last census year the raw material which the farmers supplied to the manufacturers of this country amounted to $2,679,000,000—supplied to industries employing 2,154,000 persons. Such are the enormous interests in industries that we could not maintain this without the farmer and his extraordinary productive ability.

What has the American farmer done with this tremendous wealth? If we turn to the banking statistics of the country, we find a large increase in the number of small banks organized throughout the agricultural States. Nearly 2,000 national banks have been organized during the past six years. If we turn to the statistics of the deposits of the country, we read another chapter in this wonderful story. In my own State of Iowa the deposits increased last year 15 per cent, and the same is true of practically all of the States in the North Central division. In the South Central division the figures are even greater, reaching 22.8 per cent. For the first time in the history of the South the banks of that region contain deposits upward of $1,000,000,000. This remarkable increase in bank deposits in agricultural States is due directly and indirectly to the profits which the farmers have taken from the soil.

The progress in production and value during the past nine years is shown by the following tables, compiled from the official records of the Government:

Production of leading farm crops.

	1897.	1905.
Corn.....bushels..	1,902,967,933	2,707,993,540
Cotton.....bales..	8,706,000	13,654,000
Wheat.....bushels..	530,149,168	692,979,489
Hay.....tons..	60,664,876	60,591,611
Oats.....bushels..	698,767,809	953,216,197
Potatoes.....do....	164,015,964	200,741,294
Barley.....do....	66,685,127	136,651,020

Value of leading farm crops.

	1897.	1905.
Corn	$501,072,952	$1,116,696,738
Cotton	319,491,412	575,000,000
Wheat	428,547,121	518,372,727
Hay	401,360,728	515,959,784
Oats	147,974,719	277,047,357
Potatoes	89,643,059	160,821,680
Barley	25,142,139	55,047,168

Number and value of domestic animals.

NUMBER.

	1897.	1906.
Horses	14,364,667	18,718,578
Mules	2,215,654	3,404,061
Cattle	46,450,135	66,861,522
Sheep	36,818,643	50,631,619
Swine	40,600,276	52,102,847
Total	140,449,375	191,718,627

VALUE.

	1897.	1906.
Horses	$452,649,396	$1,510,889,906
Mules	92,302,090	334,680,520
Cattle	877,169,414	1,328,960,301
Sheep	67,020,942	179,056,144
Swine	166,272,770	321,802,571
Total	1,655,414,612	3,675,389,442

Estimated production of wealth on farms.

1899 (census)	$4,717,000,000
1900 (Department of Agriculture)	5,017,000,000
1901 (Department of Agriculture)	5,317,000,000
1902 (Department of Agriculture)	5,617,000,000
1903 (Department of Agriculture)	5,917,000,000
1904 (Department of Agriculture)	6,159,000,000
1905 (Department of Agriculture)	6,415,000,000

The following table, compiled from the Official Crop Reporter, shows the difference in the prices of farm products in March, 1897, and March, 1906:

	1897.	1906.
Wheat, No. 1, Chicago, per bushel	$0.71 to $0.76	$0.78 to $0.80
Corn, No. 2, Chicago, per bushel	.22⅝ to .24½	.40 to .40½
Oats, No. 2, Chicago, per bushel	.16 to .17	.29½ to .30½
Rye, No. 2, Chicago, per bushel	.32 to .34½	.60
Baled hay, Chicago, per ton	8.00 to 8.50	10.50 to 11.00
Potatoes, St. Louis, per bushel	.21 to .30	.52 to .55
Wool, washed, New York, per pound	.17½	.35 to .38
Butter, Elgin, per pound	.19 to .20	.27
Eggs, St. Louis, per dozen	.07 to .11½	.14 to .21
Live hogs, Chicago, per hundredweight	3.35 to 4.25	5.90 to 6.52

Mr. Chairman, this simple recital of the facts surpasses the wildest dreams of wealth production, and history can furnish nothing to compare with it as a record of progress and development. It is a record which places the American farmer in the front rank of our energetic and progressive citizens. But great as the achievements of the past few years have been, I believe our country will march steadily forward to still greater successes in agricultural production, under the stimulus of increased demand for home consumption and the broadening and extension of our markets abroad.

I thank you. [Loud applause.]

Mr. HENRY of Connecticut. Mr. Chairman, the free distribution of rare and valuable seeds among the people was, in earlier years, a wise and beneficent measure, but perverted from its original purpose it has become one of the most contemptible grafts permitted under the administration of the Federal Government. It is a striking object lesson, showing how easily a good thing can be converted into a cherished abuse, in this instance firmly intrenched in the average Congressional mind and believed to be a useful gratuity calculated to conciliate and flatter susceptible constituents, although usually frankly acknowledged to be a burden and nuisance.

The origin of this monstrosity as it now exists was most humble. In 1839 Congress was persuaded to appropriate the almost ridiculous sum of $1,000 "to enable the Commissioner of Patents to purchase and distribute new varieties of seeds and publish agricultural statistics." To this small appropriation, infinitesimal when compared with the present appropriation for like purposes of over $7,000,000 annually, both the Department of Agriculture and the free-seed distribution may trace a common parentage. The good and the evil, the benefaction and the parasite, have grown strong together until one is deservedly recognized by a seat in the Cabinet of the President and the other has successfully dominated Congress.

Successive Commissioners and Secretaries of Agriculture have emphatically expressed their disapproval of a Congressional distribution of cheap and common seeds, notably Secretary J. Sterling Morton, of estimable memory, who, finding that a free-seed distribution through Senators and Representatives was not mandatory, and believing it an unwarranted expenditure of public money, ordered that the Department building then occupied for seed distribution be used for other purposes, effectually abolishing the abuse for a time. Secretary Morton firmly adhered to his determination until Congress intervened and ordered the distribution continued, even largely increasing the quantity of seeds distributed.

Secretary Wilson, who, in administering his great Department, has done more for the industrial interests of the United States than any other man of his generation, while loyally complying with the directions of Congress, has not hesitated to condemn the absurdities of the Congressional seed distribution as now conducted. Especially in his annual report for 1903 the present Secretary forcibly expressed his disapproval in words which at this time may well be repeated:

> With regard to the securing and distributing of miscellaneous garden and flower seed, the fact remains that this work does not accomplish the ends for which the law was originally framed. There are collected, put up, and distributed now, on Congressional orders, nearly 40,000,000 packets of miscellaneous vegetable and flower seeds each year. These seeds are the best that can be obtained in the market, but from the fact that large numbers of packets are wanted, the seed obtained can be of standard sorts only, such as are to be found everywhere for sale in the open market. As there is no practical object to be gained in distributing this kind of seed, it seems very desirable that some change be made. To this end it would seem wise to limit our work entirely to the securing and distributing of seeds and plants of new and rare sorts. There is still much to be done in the way of securing seeds, plants, etc., of this kind from abroad, but still more to be accomplished in careful investigations of our own possibilities in this direction. There are many valuable plants scattered all over this country which are still little known outside of their respective localities. These should be collected, tested, and distributed. There are also great possibilities of improving agricultural industries by distributing specially bred seeds and plants.
>
> As the plant-breeding work of the Department increases, opportunities for securing seed of this nature will accumulate. The Department has a well-organized force of scientists who are thoroughly familiar with the general conditions of soil and climate in nearly all parts of the country. Special crops could be selected for special purposes, and with the advice and cooperation of Members of Congress such crops could be placed where they would do the most good. This is a line of work that would result in very much more value to individual districts throughout the country than the distribution of a large quantity of common varieties of garden seed which have no particular merits, so far as newness or promise are concerned.

Mr. GAINES of Tennessee. Will the gentleman permit me to ask him a question?

Mr. HENRY of Connecticut. I yield to the gentleman.

Mr. GAINES of Tennessee. You say that these seeds are common?

Mr. HENRY of Connecticut. Secretary Wilson says so.

Mr. GAINES of Tennessee. His son, who is his private secretary, this morning said to me that a large portion of these seeds were raised, by direction of the Secretary of Agriculture, by certain individuals over the country and bought and distributed as we are distributing seed.

Mr. HENRY of Connecticut. I say they are common, because they can be purchased by anybody at any retail store.

Mr. GAINES of Tennessee. I am very sure the Secretary would not direct the raising of common seed that he might buy and distribute them over the country.

Mr. HENRY of Connecticut. I have given you what Secretary Wilson says in his report as to common seeds.

Mr. GAINES of Tennessee. I give you what his son said to me; a very large portion of them are raised by direction of the Secretary of Agriculture.

Mr. MURDOCK. If the gentleman will permit me, each package of seed that is now sent out by Congressmen or Senators has on it a request to the recipient that he give it a trial, and if the trial is successful or otherwise that he report to the Department. Are any such reports made by the recipients of seed?

Mr. HENRY of Connecticut. I have never known of such a report in my experience.

Mr. MURDOCK. Neither have I.

Mr. GAINES of Tennessee. I have received several letters recently—I have some of them on file now—asking if the report is to be made to me or to the Secretary of Agriculture. They are from the very best men in Tennessee, men who are running fine farms and some who are running farms that are not fine, asking whether they shall report to the Secretary of Agriculture or myself on this seed.

Mr. MURDOCK. Did they report?

Mr. GAINES of Tennessee. The seed has not come up yet. They have only been planted a short time, and I do not know what their character will be yet.

Mr. SCOTT. Mr. Chairman, I happen to have, if the gentleman from Connecticut will permit me to make a suggestion, an official statement in regard to the question now propounded by my colleague, and it is that out of something over 7,000,000 packages sent out last year about 1,000 reports were returned to the Department.

Mr. HENRY of Connecticut. I might add that some four

years ago the Secretary did secure some small quotas of rare seeds. I think every Member of the House four years ago had 500 packages of really rare seed. I was very much pleased to send mine out. I do not send out my usual quota, but I was told at the expiration of the year, when the suggestion was made that the quantity be increased, that Members declined to send out these really rare and valuable seeds because it was an unfair discrimination between their constituents, and for that reason the Department had thousands of packages of these seeds remain on their hands.

Mr. GAINES of Tennessee. And the Secretary is authorized after the 1st of April to distribute them, and he sent me some packages, and I am glad to get them and send them to everybody, without regard to race or color or previous condition of servitude, which I have always done, and will continue to do, if I get the chance.

Mr. HENRY of Connecticut. I hope not, but you may.

Mr. GAINES of Tennessee. I hope to get it, for I want the farmers to have a little chance.

Mr. HENRY of Connecticut. Now to proceed:

It should be understood that even if the House approves of the recommendations of the Committee on Agriculture the distribution of really valuable seeds will not be affected.

The Government seed collection and distribution covers an extensive field of work, extending over the entire habitable globe, and is classified by the Department in three distinct groups:

First. The securing, handling, and distributing of miscellaneous garden and flower seeds, grapevines, strawberry plants, ornamentals, etc.

Second. The securing and distributing of comparatively new or little-known kinds of various field and forage crop seeds, such as cotton, corn, alfalfa, etc.; the improvement of the same by breeding and selection, and the general upbuilding of agricultural industries through such work.

Third. The introduction and dissemination of new and promising seeds and plants from foreign countries and the building up of new industries as the result of the work.

Only the first-named group will be affected by the proposed legislation. For this group alone your committee refuse to stand sponsors. Group 2, which includes all important investigations in breeding new plants and disseminating valuable types of cotton, tobacco, corn, cereals, forage crops, etc., as well as group 3, embracing the discovery and introduction of promising foreign fruits, vegetables, plants, grasses, etc., will still continue to receive the attention of the trained experts of the Bureau of Plant Industry, under the able supervision of Dr. B. T. Galloway.

Mr. GAINES of Tennessee. Can the gentleman tell how long we have been raising corn in the United States?

Mr. HENRY of Connecticut. I think it was one of the things our forefathers found when they came here. We are told that the pilgrim fathers lived partly on parched corn during their first winter after landing on Plymouth Rock.

Mr. GAINES of Tennessee. And yet that is one of the things that you would have the Secretary spend our money on and distribute throughout the country.

And if we had had Uncle Sam and he had any garden seed, they would have been asking for us to give it to them, as we are giving them to our people. Now, I want to say, my friend, nearly everybody in my country has seed corn, and they are willing to trade seed corn for garden seed.

Mr. HENRY of Connecticut. No, I would not distribute corn, and I am glad there is one thing my distinguished friend believes Uncle Sam does not need to purchase and distribute.

Mr. GAINES of Tennessee. I am a strict constructionist. I will say that seed is about all the farmer gets; under the laws you have made it all goes to the trusts. The trusts have got everything in the United States by the throat except the sale of seed.

Mr. WADSWORTH. Except GAINES. [Laughter.]

Mr. GAINES of Tennessee. And they never will get him, and if they did get him by the throat, hand, or feet he would give them what Paddy gave the drum.

Mr. HENRY of Connecticut. Perhaps I may now be allowed to continue my remarks and say that all that is of real value in seed collection and distribution will be retained and only the comparatively valueless will be eliminated, should the recommendation of your committee be approved by the House. The reform will be attended with slight injury to the farmer or purchaser of seeds, and it will give material encouragement to the great seed-producing industry of the country. Moreover, it is an all around equitable deal, which certainly will meet with popular approval.

I have received from the Secretary of Agriculture a carefully compiled report in detail of expenditures made and required during the fiscal year ending June 30, 1906, for purchasing, handling, and distributing seeds classified in the three designated groups to which I have referred.

I will, for the information of the House and of the country, attach this statement to my remarks, to be printed in the CONGRESSIONAL RECORD.

It will be observed that an annual saving of over $130,000 in the cost of seeds alone can be made if the House approves the recommendation of its committee. In addition to this not inconsequential sum, an economy of more than $30,000 will be effected in the postal revenues should the free distribution of common varieties of seeds be abandoned.

That the distribution of this class of seeds is not approved or desired by a majority of the farmers throughout the country is demonstrated by numerous resolutions, adopted by national, State, and local granges, protesting against a continuance of what is called a "fraud" in copies of some of these resolutions received by members of the Committee on Agriculture.

Should further evidence be required of the unpopularity of the cheap-seed distribution, it may be found in the general symposium of protests made by the press in all parts of the country.

Mr. GAINES of Tennessee. You can put in one from my State, if you want to.

Mr. HENRY of Connecticut. Probably the gentleman knows more about the wishes of his State than I do.

Mr. GAINES of Tennessee. I can read that editorial and get more votes on every position that I have taken in this House than anyone who reads it and disagrees with me.

Mr. HENRY of Connecticut. I hope the gentleman will read the editorial and secure the votes. We should miss his genial presence in this body, which he graces and adorns.

Mr. GAINES of Tennessee. I do not care whether I secure any votes by any position I take on this question. I do what I think is right, and in this case I am going to vote for seed to help down this infamous trust business that is in this country. This is the only thing that is not in a trust.

Mr. HENRY of Connecticut. I am glad to learn that the free distribution of seed is killing the trusts. There ought to be some good in what appears to me to be a graft.

Mr. GAINES of Tennessee. Exactly. The Government gives away a few seeds in this country, and it has kept down the seed trust at least partially if not entirely.

Mr. HENRY of Connecticut. I wish the gentleman will now allow me to finish; my time is promised.

Mr. GAINES of Tennessee. All right.

Mr. HENRY of Connecticut. With the permission of the House, I will also insert in the CONGRESSIONAL RECORD a few quotations from leading newspapers in widely separated localities. A careful reading of these clippings seemingly ought to convince even the most obdurate Representative that his constituents are not all demanding free seeds, but rather that a healthy public sentiment is insisting upon a much-needed reform.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HENRY of Connecticut. Mr. Chairman, I reserve the balance of my time, yielding half an hour to the gentleman from Iowa [Mr. DAWSON].

The matter referred to is as follows:

Memorandum of expenditures from the appropriation for the purchase and distribution of valuable seeds, 1906, as shown by financial statements to March 12, and estimates to June 30, 1906.

1. THE SECURING, HANDLING, AND DISTRIBUTION OF MISCELLANEOUS GARDEN AND FLOWER SEEDS, ETC.

Cost of seed:	
Congressional vegetable and flower seed only	$63,072.67
Other seeds and plants entering into regular quotas, such as cotton, tobacco, lawn grass, etc	6,915.00
Seeds and orange trees not in regular quotas, but purchased for distribution through Congressmen	3,685.00
Plants, chiefly ornamentals, not in regular quotas, but to be distributed through Congressmen	5,704.50
Total	79,377.17
Contract for all work connected with the packeting and mailing of 35,815,000 packets of miscellaneous vegetable and flower seed, including making the packets, printing and filling the same, putting on franks, assembling, and filling packages with packets, at contract price of $1 per 1,000 packets	36,000.00
Salaries of superintendent, bookkeepers, and frank counters	7,645.33
Trial grounds, to test and determine the quality of seeds	2,540.00
Miscellaneous, including freight on all seeds, rent, telegraph, telephone, gas and electric lighting, fuel, etc	7,192.23
Total	132,754.73

2. THE SECURING AND DISTRIBUTING OF COMPARATIVELY NEW OR LITTLE-KNOWN KINDS OF VARIOUS FIELD AND FORAGE CROP SEEDS AND THE IMPROVEMENT OF SAME BY BREEDING.

Purchase of seeds, expense of experimental work, including travel for inspection and supervision		$14,450.33
Maintenance of propagating houses, trial grounds, cooperative work with State experiment stations and private growers throughout the country in establishing new plant industries, and necessary expenses connected therewith of a miscellaneous character		11,049.00
Salaries:		
Botanist in charge of entire seed work and assistants	$9,272.17	
Experts and laborers required in connection with seeds and plants for experimental work	8,419.67	
Experts and gardeners for propagating work, trial grounds, and cooperative investigations	8,306.00	
		25,997.84
Miscellaneous, including fuel, gas and electric lighting, stationery, and general office expenses		10,394.33
Balance, not allotted to date, but will probably be required to meet unforeseen expenses before the end of the fiscal year		6,493.77
Total		72,385.27
Total domestic seed work		205,140.00

3. THE INTRODUCTION AND DISSEMINATION OF NEW AND PROMISING SEEDS AND PLANTS FROM FOREIGN COUNTRIES.

Purchase of seeds and plants in foreign countries, including travel expenses of explorers and special agents in connection therewith	$16,312.31
Salaries of explorers, experts, special agents, clerks, and laborers in connection with foreign introductions	13,049.00
Preliminary tests of foreign introductions in cooperation with State experiment stations and private growers	3,176.00
Miscellaneous, including telegraph, express, storage, packing, etc	1,000.00
Balance not yet specifically allotted, but which will probably be required for unforeseen expenses	4,242.69
Total foreign seed introductions	37,780.00
Total appropriation for seed and plant introduction and distribution	242,920.00

Summary of principal items of interest.

	Amount.	Per cent of total.
Cost of seeds and plants, including freight	$118,767.16	48.8
Packeting, assembling, and mailing under contract	36,000.00	14.8
Salaries: Botanist in charge, explorers, experts, special agents, clerks, gardeners, laborers, messengers, etc	46,692.17	19.2
Testing, trial grounds, cooperative tests of new plants with experiment stations and private growers, including travel expenses	16,765.00	6.9
Miscellaneous, including telegraph, telephone, fuel, gas and electric lighting, stationery, and general office expenses	13,959.21	5.8
Balance yet to be allotted	10,736.46	4.5
Total	242,920.00	100.0

From the foregoing it will be seen that approximately 49 per cent of the total appropriation is actually expended for the purchase of seeds, 15 per cent for packeting and mailing, 19 per cent for salaries, 7 per cent for testing and trial work, and 6 per cent for miscellaneous and office expenses, leaving a balance of 4 per cent for emergencies. The combined cost of all salaries, miscellaneous and general office expenses, including telegraph, amounts to $60,651.88, or approximately 25 per cent of the total, leaving $182,268.12, or 75 per cent of the entire appropriation as the net amount to be expended for the purchase of seeds, testing, and distribution.

In addition to the foregoing, attention should be called to the appropriation for salaries on the statutory roll of the Bureau of Plant Industry (Estimates of Appropriations, 1907, p. 87). The entire appropriation under this item is $162,480, of which $42,040, or approximately 25 per cent, is chargeable to the seed work. These salaries were formerly paid from the lump fund, but last year the Committee on Agriculture decided to make them statutory. Following is a list of all these clerks, together with their salaries and the line of work to which they are directly chargeable:

1. The securing, handling, and distribution of miscellaneous garden and flower seeds, etc.

Designation.	Number.	Rate.	Amount.
Clerks:			
Class 4	2	$1,800.00	$3,600.00
Class 3	1	1,600.00	1,600.00
Class 2	1	1,400.00	1,400.00
Class 1	2	1,200.00	2,400.00
Clerks	3	1,000.00	3,000.00
Clerk	1	840.00	840.00
Clerks	5	720.00	3,600.00
Clerk	1	600.00	600.00
Plant packer	1	660.00	660.00
Skilled laborer	1	660.00	660.00
Messengers	2	480.00	960.00
Total	20		19,320.00

2. The securing and distributing of comparatively new or little known kinds of various field and forage crop seeds and the improvement of same by breeding.

Designation.	Number.	Rate.	Amount.
Clerks:			
Class 2	1	$1,400.00	$1,400.00
Class 1	3	1,200.00	3,600.00
Clerks	2	1,000.00	2,000.00
Clerk	1	900.00	900.00
Clerks	3	840.00	2,520.00
Do	5	720.00	3,600.00
Clerk	1	600.00	600.00
Gardener	1	900.00	900.00
Do	1	660.00	660.00
Skilled laborer	1	660.00	660.00
Skilled laborers	4	600.00	2,400.00
Messenger boy	1	360.00	360.00
Total	24		19,540.00

3. The introduction and dissemination of new and promising seeds and plants from foreign countries.

Designation.	Number.	Rate.	Amount.
Clerk, class 1	1	$1,200.00	$1,200.00
Clerk	1	720.00	720.00
Gardener	1	660.00	660.00
Skilled laborer	1	600.00	600.00
Total	4		3,180.00

Total statutory salaries connected with seed work $42,040.00

From the foregoing it appears that the total cost of the seed work, including the regular appropriation and the amount expended for statutory salaries, is $284,960, or $5,040 less than the amount appropriated for the same purpose last year. The combined lump fund and statutory salaries this year amount to $88,732.17, or approximately 31 per cent of the entire cost of the seed work.

To properly handle such subjects we have a number of testing stations where crops when first brought in are grown for a time, and if found valuable are propagated extensively and distributed. The men in charge of these stations must be experts and must be thoroughly familiar with the propagation of plants and the necessary requirements for making such plants successful in other regions.

This statement in reference to the manner in which the work is handled seems desirable and necessary in order that a better understanding may be had of the accompanying summarized table of expenditures.

Very respectfully, JAMES WILSON, *Secretary.*

[State, Columbia, S. C., March 8, 1906.]

SEEDS FOR THE DEAR PEOPLE.

Is it possible that the present wave of antigraft sentiment is to sweep from the face of the earth that dearest of old grafts and humbugs, the free distribution of seeds by Congress? We can scarcely believe it, and yet if the House does not reverse the action of the Committee on Agriculture this tie that binds the Congressman to his dear people will be rudely severed.

[Post, Washington, D. C., March 14, 1906.]

GOVERNMENT SEEDS.

One of the earliest abuses to spring up under the sway of the Federal Government was the distribution of seeds. The country at the time was much more agricultural, as a whole, than it is now, and very few politicians held their positions without the votes of farmers. It was the fashion, and still is to some extent, to set them apart in a class by themselves as especially worthy of consideration and as entitled to privileges and immunities accorded to none other. Needless to say, there have been every year bushels of worthless seed distributed that never came to anything, still other bushels that were never planted, and that there have never been any benefits to anyone at all commensurate with the vast expense involved. Not only so, but there has never been under our system of government any possible justification for such expenditure. There is just as much reason why every farmer should be furnished with a fresh stock of cattle in the spring to improve the breed, or a new set of tools, or every lawyer be presented with the statutes, or everyone else supplied with the implements of his trade or profession as that a farmer should be given his garden seeds. There have been attempts made from time to time to do away with the practice, and this year, at last, the Committee on Agriculture, by one majority, has voted to leave any provision for seed out of the appropriation bill. There is little reason to believe that the farmers of the country will regret or resent the nonarrival of the few seed packages they have been accustomed to receive, and it is a matter of congratulation that at least one hoary and time-honored abuse has been abolished.

[American Agriculturist, March 21, 1906.]

If proper action is taken right now, the free-seed humbug will be killed. It hasn't a leg to stand on, nor has there been a single argument in many years for a continuance of this miserable graft upon the people. Nobody really wants its perpetuity. The Secretary of the Department of Agriculture is utterly opposed to it, the National Grange has thundered against it time and again, various other farmers' organizations have made commendable effort to have it abolished. Finally, the self-respecting farmer has no use for the system. Instead, he very properly resents the cheap effort of his Congressman to curry favor by sending a measly package of the most ordinary kind of seeds, hoping in this way to win a vote. The Government has no more business to furnish free seeds than free overcoats or free horseshoes.

[Traveler, Boston, Mass., March 7, 1906.]

Free seeds are one of the last petty perquisites of Members. Each year they receive a vast quantity for distribution among their constituents. Many of the seeds sent out are never planted, while in some instances farmers and gardeners have got to depend on the annual contribution from the Government. The annual seed distribution has been one of the most vexatious problems of many a Congressman's career. Generally the Member does not receive enough seeds to go around, and if his predecessor was enough of a trader he has established the precedent of sending some to all his constituents. Secretaries to Congressmen will welcome the abolition of free seeds, as it will save them from having to address each year from 4,000 to 10,000 slips to be pasted on seed packets.

[The Sun, New York City, March 11, 1906.]

The House Committee on Agriculture has struck out the item for free seed distribution from the agricultural bill. It is contended that the distribution by Congressmen of free seeds is used to uphold the political fabric of their households. Originally the idea was a good one, as it gave opportunities to experiment with the growing of vegetables of new varieties in various soils and climates and find out their actual value and their adaptation to varying conditions. Each grower was requested to make report to the Department of his success. Instead the thrifty and practical farmer grabbed the free seed and neglected to inform the generous Department at Washington as to the results.

[Statesman, Austin, Tex., March 20, 1906.]

THE FREE-SEED MEASURE.

The present trouble confronting Congress as to whether or not we should have any free-seed distribution at the hands of that body seems to have terminated in a universal verdict that the free seeds must go and that the people shall be spared this expense. The Government has no business furnishing free seeds, and the evils arising from this practice are self-evident to anyone who gives the matter any thought and attention. The granges and other farmers' organizations have invariably passed strong resolutions against this measure. Certainly heed should be given all this clamor. If not in the interest of the public in general, then in the interest of the taxpayer in particular. Reform is most certainly needed here as well as in many other departments of the Government.

[Journal, Providence, R. I.]

All Congressmen are not demagogues, of course; in fact, it is safe to say the majority of them are not, but yet they are very careful not to miss a trick, especially in an election year like this, by relinquishing in the slightest degree the hold they may have upon the voters of their respective districts. * * * It is not so much the amount of money that the honest-minded people of the country care for as the principle involved in the cheap method of vote getting. Let the Congressmen attend to the legitimate duties for which they are sent to Washington and let the farmer buy his seed.

[News, Buffalo, N. Y., March 17, 1906.]

THE FUSS ABOUT FREE SEEDS.

The free-seed distribution was an excellent idea in its origin. It has been of vast service to the people. If it is carried too far now for the best results, the thing to do is to bring the practice back to its first intent and habit. In that way the admirable purpose of those who began the policy of seed distribution may be carried out with general approval. Let us restore the primary policy of the Government before we get too far away from it.

[Advertiser, Montgomery, Ala., March 15, 1906.]

ABOLISH THE FARCE.

The truth of the matter is that this free-seed business is something of a humbug. It has outlived its usefulness, if it ever really had any. Any kind of seeds, rare or common, good, bad, or indifferent, are gathered in by the Department of Agriculture and turned over to the Members of Congress to be sown among the people. The Congressmen do not know what kind of stuff they are sending out and the people who get the seeds care very little about them. It is high time this useless waste of the public money was stopped. We hope Alabama's Congressmen will join with those who are trying to relieve the Government.

[Journal, Kansas City, Mo., March 10, 1906.]

DISTRIBUTION OF SEEDS.

As a matter of fact, the free distribution of seeds has outlived its original purpose and usefulness, and probably not half a dozen Congressmen in the whole House have any idea what they are sending to the farmers. And the farmers themselves have long since ceased to rely upon this governmental gratuity for any real benefit. The custom is only a survival of an antiquated practice that is a needless expense to the Government and of no material good to the farmers. The appropriation for free seeds could be used to better advantage in other directions, and thus bring some real benefit to agriculture. With the money that could be saved by cutting off this ancient custom really "new and valuable" seeds could be imported from foreign countries, and, better still, the products peculiar to localities in this country could be distributed to districts of similar soil and climate for propagation there.

[Tribune, Sioux City, Iowa.]

A CONGRESSIONAL EXTRAVAGANCE.

The action of the Department of Agriculture in opposing the purchase and free distribution of flower and garden seeds is something to be noticed. The Department of Agriculture sends them out through the post-office deadhead, but the post-office has to pay the railroads and pay the clerks and mail carriers who handle the innumerable packages. The real farmers of the country, strange as it may seem, are not those who demand these little bunches of free seeds. In their farm organizations the free-seed extravagance has been generally condemned. Amateur farmers and gardeners may harass Congressmen for them, but the genuine farmer has little use for them and can not but regard the whole expenditure as of little practical value.

[Republic, St. Louis, Mo., March 17, 1906.]

THE FREE-SEED HUMBUG.

In the crude days of agricultural development there may have been a shadow of utility in the practice of sending out free seeds from Washington to the constituents of Senators and Congressmen. Now there is nothing but the persistence of a foolish old habit. The Government buys seeds which a farmer can buy anywhere, and distributes them in little lots to people who usually care nothing about them. It is not much better than a cheap farce, maintained only under a theory that such a petty artifice of sop satisfies the farmer vote. The United States Government should get rid of the antiquated nonsense.

[Herald, Titusville, Pa., March 10, 1906.]

TO DISCONTINUE FREE SEEDS.

The free-seed distribution, looked upon by many as a species of petty graft, seems to be doomed. There have been sporadic attempts to do away with the free-seed distribution, but these efforts have always failed, not because Members of Congress favor the practice, but on account of the objections which it was feared might be raised by their constituents. The present action of the committee has been very largely in response to resolutions adopted by the State Grange of Illinois, New York, and Connecticut, urging that the free-seed distribution be stopped.

[Chronicle, Houston, Tex., March 16, 1906.]

THE FREE-SEED GRAFT.

For many years the press paragraphers, the people's sharpshooters, have attacked that form of petty graft known as the "Congressional free-seed distribution." Many a paper pellet of the brain, witty, ironical, keenly sarcastical, has been fired at the solons responsible therefor, who have forgotten the story of Diogenes and his lantern. The free-seed distribution doesn't do any good. The farmers do not want it. Many men, women, and children throughout the country get these free seeds who do not plant them. The free-seed distribution is part graft and part waste. It is, besides, a postal evil.

[Illinois State Register, Springfield, Ill., March 20, 1906.]

FREE-SEED FOLLY.

This free-seed outrage is being generally condemned, and justifiably so. This thing of sending out little packages of seeds, which, in nine out of ten cases, perhaps, go to people who never use them, is an antiquated and very foolish habit. We do not believe that the farmers, or anyone else, receive sufficient benefit from this costly and unnecessary department to warrant the expenditure of the vast sums of money it involves.

[The Hour, Norwalk, Conn., March 17, 1906.]

THE FREE-SEED GRAFT.

As a matter of fact, the free distribution of seeds is one of the most expensive and most unnecessary of the Government's extravagances. The benefit derived from the distribution of seeds, even those of good quality and for the purpose of introducing new and useful varieties of vegetables and plants, does not in any degree justify the expenditure that the Government makes, and which should certainly be discontinued.

[Courier, Evansville, Ind., March 7, 1906.]

NO MORE SEED DISTRIBUTION.

The absurdities of the system are well illustrated by the fact that a Congressman from a Bowery district in New York City is allowed an equal share of seeds for distribution with a Congressman hailing from a purely agricultural region. The free-seed distribution is therefore a useless expense to the Government. It is a form of class legislation that is pernicious and inflicts distinct injury on the very worthy and important seed trade of the country.

[Union, New Haven, Conn., March 13, 1906.]

WILSON ON FREE SEED.

Secretary Wilson compares the "graft" seed distribution with that which is recognized as legitimate and proper. "There is no doubt," he says, "but that although the amount that is expended distinctly for this work of introducing and developing new crops is relatively but a small proportion of the entire appropriation, the relative amount of good done by this branch of the work is far in excess of that accomplished by the mere distribution of miscellaneous standard varieties of vegetable and flower seeds, which can be purchased from any seedsman."

[Richmond (Va.) Times Dispatch, March 11, 1906.]

The free seed distribution is an outrageous perversion of the original act, which provided that, as a means of promoting the agricultural interests of the country, new and valuable seeds and plants should be distributed in limited quantity. This enactment was not designed, as everybody knows, and none better than Congressmen themselves, to authorize the free distribution of all sorts of ordinary seeds, which farmers can either grow themselves or purchase from dealers. It is an abuse of privilege, a species of graft, and it should be abolished.

[Toledo Blade.]

NO HALFWAY MEASURES.

Congressmen who insist on continuing the Government seed distribution, to be consistent, should also see that their constituents are furnished free hoes and garden rakes.

Mr. LAMB. I yield twenty-five minutes to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Mr. Chairman, as an original proposition I feel satisfied that I could not see my way clear to agree that the Government of the United States go into what you might term the "business" of supplying its citizens with garden and farm seed. I propose to fight the formation of a seed trust by continuing the free distribution of seed to the

farmers. That is the major point I have in mind, and I shall discuss it later on. I shall not stop to discuss why I am opposed to the Government giving out these seed as an original proposition. I have not time, and it would not do any good if I had. I want to get down to the issue before me. I feel I am forced to fight the devil with fire. Free distribution of seed will deter a seed trust. That is my main point.

The committee has reported a bill here wholly unlike any bill that has been reported for a number of years. I believe the report states that the appropriation has been "tolerated," and "without authority of law." It is a remarkably late hour, Mr. Chairman, for Congress to say that Congress has no power to make this appropriation. Are you short of money again?

I do not understand, Mr. Chairman, why the committee comes so squarely out against the proposition, and all at once. I do not think, in the nine years that I have been a Member of Congress, I have ever heard of the committee leaving out this appropriation. I think possibly it has been increased since I have been a Member of Congress; and why are you abruptly dropping the seed question? I can not understand. Now, the gentleman from Virginia [Mr. LAMB], who is the senior member in service on the Democratic side of the Agricultural Committee, has just informed me that there was no one before the committee against free seed. And I presume by that, my friend [addressing Mr. LAMB], nobody came before the committee and requested you to drop this provision for seed out of the bill. Yet, gentlemen, here it comes all at once. How did you get it out? How did this proposition become so vulnerable all at once? What is the matter?

Ah, they say, they want "rare seed;" and my good friend from Connecticut [Mr. HENRY] says we must furnish corn and tobacco seed free. Why, my dear friend, we have had tobacco and corn ever since we have had civilization on American soil. He may have not had corn bread to eat, and, if not, I am very sorry for him. If he had been fed on corn bread, as I was very largely, I am glad to say, he would stand very much nearer to the farmer in this matter than he does.

Mr. HENRY of Connecticut rose.

Mr. GAINES of Tennessee. I know you are a good friend to the farmer, and I said so in your country, in February last—some complimentary things of you that will help you to be reelected. [Laughter.]

Where does the Department get these seed? It appears in the hearings of the Agricultural Committee, on page 232, that this question is answered. Somebody was asking, I think the gentleman from Mississippi [Mr. CANDLER] started the inquiry about how the Department got these seed, and Mr. Galloway, the faithful writer of many letters to me and others upon the question of seed, answered and said:

> I do not see how anyone who took the ordinary precautions with the seed we send out could help from getting good results. We send out seed that must necessarily be better than the ordinary seed that the seedsmen can secure.

That reminds me of a noted lawsuit that occurred in my State. By the way, one occurred of the same kind in Connecticut, and, strange to say, the Connecticut court decided one way and the court in Tennessee decided the other way, and they both thought they were right. They reached different conclusions.

A man in Connecticut went to a potato store to buy, and thought he did buy, Early Rose potatoes, and took them home and found that they were "late potatoes," and they "all went to vine." That is the only thing I ever heard of in Connecticut that "went to vine." The court allowed damages in that case. We had the same kind of a case in Tennessee. Some of my neighbors called for and bought some Early Rose potatoes, and they turned out to be late potatoes, and these "all went to vine," and the supreme court of Tennessee decided that the damages, if any, were "speculative damages," and dismissed the case.

Now, sir, I have not heard of that sort of a suit or loss for years and years. Some one has improved seed potatoes that much, and we have taken the question of a farmer being outraged by bad seed out of the hands of the courts and put it in the hands of the Secretary of Agriculture and the farmer with his rake and his hoe. We have done that much good. Now, what else did Mr. Galloway say? I believe the gentleman from Kansas [Mr. SCOTT] asked Mr. Galloway, Why are the seeds sent out by the Department better than the ordinary seed? Listen, gentlemen:

> For the reason—
>
> Says Mr. Galloway—
>
> that we buy our seed in this way: In the first place, a considerable portion of the seed is grown for us out of what we call our own stock. We know the full history of the stock.

Now, that corroborates the statement I made a while ago about young Mr. Wilson, if he needs any corroboration. He needs none. Young Mr. Wilson, the Secretary's son, said to me this morning that a large portion of the seeds we send out were grown by direction of Secretary Wilson; that they employed people over the country to raise this seed, and from this we get the seed to send around over the country.

Mr. HENRY of Connecticut. Does the gentleman mean to say that the Department of Agriculture is in the business of raising these seeds that are distributed?

Mr. GAINES of Tennessee. I state to the gentleman that I am so informed; and Doctor Galloway so states, as I am trying to show.

Mr. HENRY of Connecticut. They are bought.

Mr. GAINES of Tennessee. They have gardens, a horticultural garden down here which supplies the White House with flowers and supplies the gentleman from Connecticut with flowers, and so forth, and so on.

Mr. HENRY of Connecticut. I do not happen to receive any.

Mr. GAINES of Tennessee. Well, you are "the flower" of your delegation anyway. [Laughter.]

Mr. HENRY of Connecticut. But if the gentleman will allow me a moment, the Department of Agriculture has not the facilities for raising 1 per cent of the seeds that are distributed. They are bought in the open market, and are bought abroad, many of them, imported.

Mr. MURDOCK. Does the gentleman from Tennessee get potatoes to send to his constituents?

Mr. GAINES of Tennessee. No; but a negro man who ran against me for Congress some years ago sent to me for some "seed frogs" last fall. Do you need any in your district? I can get some from my old home if you do.

Mr. MURDOCK. I would go to the Fish Commission for that.

Mr. GAINES of Tennessee. I sent to the Department, out of respect to the man, a good citizen, a negro, too, who made the inquiry. He had bought him a farm with a pond on it. I had told him previously that I knew the Department had no seed frogs. Now, why does Mr. Galloway say these Department seeds are better? He says:

> For the reason that we buy our seed in this way: In the first place, a considerable portion of the seed is grown for us out of what we call our own stock. We know the full history of the stock. We get, for example, a pound of lettuce seed of a high quality, and it is true to name. We can take that pound of lettuce seed and turn it over to a reliable man in California and get 100 pounds that is absolutely true to stock, and in order to make it true we send a man into the field where that lettuce seed is grown and have him rove the field—that is, we eliminate all of the lettuce before the seed have gotten away from the desirable characters.

Now, that corroborates what young Mr. Wilson has said, although he is against this seed proposition, I want to say. I took issue with him, under the circumstances—I fear a seed trust—and I am going to tell you why in a few minutes. Mr. Galloway further says:

> We have for that work a man who has had more experience than any other man in the United States—Mr. W. W. Tracy, sr. His special business is to keep track of our stock. That is the stock we start with. That is done for the greater portion of our seed, and the other we buy out of stock or in the open market under these conditions: We buy to-day, for example, a lot of onion seed. That onion seed, we provide in the contract, must not only be true to name, but must have a certain standard of vitality. It is sent here, and more or less of it is tested in our laboratory, and if it does not come up to our standard it is rejected.
>
> If it is found it is not true to name—and we can only determine that after our field tests are made the following summer—we always withhold a certain amount of pay to cover that; but then during the following summer we make field tests at the Arlington farm and six or seven other places, in cooperation with the experiment stations, of all the seed that enters into the Congressional distribution. We test it for vitality in the laboratory, and we test it for trueness to name in the field.
>
> Mr. SCOTT. Where is your seed grown?
>
> Mr. GALLOWAY. The seed is grown all over the United States.
>
> Mr. SCOTT. Do you make contracts in advance—that is, a year in advance?
>
> Mr. GALLOWAY. We must do that. We are now making provision for the seed for next year. We have to do that in order to be perfectly safe; otherwise we could not secure the seed. We buy all the seed we can in the open market—that is, seed that is now available. We secure it now and have it delivered next August or September; but when it is delivered it must come up to these standards.
>
> Mr. CANDLER. All of them are tested?
>
> Mr. GALLOWAY. All of them are tested.
>
> Mr. CANDLER. Every one when they come in?
>
> Mr. GALLOWAY. When they come in.

Now, gentlemen, I sent for this report of these hearings a few minutes ago, and that is all I see in these hearings on the subject. I know that the quality of seed has been bettered, and I want to say, furthermore, that every one of the packages of seed that has come to me I have sent them out through my district, regardless of politics, regardless of race, color, or previous condition, except when I would get a large

quantity upon special request from Secretary Wilson to send to charitable organizations in Nashville and Clarkesville, where there are thousands of poor people who are not able to buy seeds and have a little garden or yard they raise vegetables in. I sent some to Miss Fannie Battle, the daughter of General Battle, a great lover of charity and doer of good things. I sent some to Clarkesville. I sent all these seed conditioned that the distributors should not give seed to any man, woman, or child who is able to buy it.

So you see, gentlemen, when you get down to the ground floor, this money does the poor man, whether black or white, a good deal of good. It enables him to have his little onion patch, his little lettuce patch, and a pea patch, and thus we aid many a poor man to raise vegetables, which helps him to round out his flat stomach. [Laughter.]

Mr. SIMS. Will the gentleman from Tennessee allow me a question?

Mr. GAINES of Tennessee. Certainly.

Mr. SIMS. Has the gentleman any reply from any farmer or gardener in his district or any statement to the effect that they did not want these seeds, and that they were not appreciated?

Mr. GAINES of Tennessee. Not a single one; not one. I sent my last letter to-day to William or John D. Parks, of Port Royal, who wanted some seed to give to the poor. Mine were all sent out. I couldn't get any from Secretary Wilson, as he said his stock was all gone. For the first time I received that kind of a reply from the Secretary, and therefore he couldn't send any to Mr. Parks. He is the only one that I have been unable to send seeds in sufficient amount to satisfy.

Mr. SIMS. Let me ask the gentleman another question. In all the literature, newspaper clippings, and arguments that have been sent to him, has one of them ever come from a farmer or anyone who used seeds?

Mr. GAINES of Tennessee. Never. I haven't received a protest from any mortal man.

Mr. SMITH of Kentucky. I would like to ask the gentleman a question right there.

Mr. GAINES of Tennessee. I will listen to the gentleman.

Mr. SMITH of Kentucky. Have any of the gentleman's constituents forwarded to him a letter sent them by a seed house, asking them to write to you?

Mr. GAINES of Tennessee. Not a single man.

Mr. SMITH of Kentucky. I have letters from my constituents, sending letters which have been sent to them by the seed men, and my constituents have sent them to me saying they didn't know anything about the business, but they would leave it to me to do what was right.

Mr. SIMS. The country has been flooded with them.

Mr. GAINES of Tennessee. Well, my constituents don't have to write me to do what is right; they know that I will do it anyway [laughter], and so it is with my friend from Kentucky; but these farmers sent these letters as a favor to these seed men and left the matter to your good sense.

Mr. SIMS. The seed men seem to think that we are fools, and that we can be fooled by them.

Mr. GAINES of Tennessee. I see that no one appeared before this committee to get this seed proposition knocked out. Now, how did it get out? I will say to the gentlemen of the committee, and I want to say it respectfully, that "there is a colored man in the chip pile," as you easterners say, or, as I would say down south, "there is a nigger in the wood pile." [Laughter.] Gentlemen, these great seed-growing people in the United States met here in Washington a few weeks ago at the Willard Hotel to fight this matter.

Mr. LAMB. They did not come here until after we had voted on this proposition.

Mr. GAINES of Tennessee. Ah, gentlemen, did they come before your committee and ask you in a decent way to drop this proposition? If they had done so, the committee would have welcomed them, and none quicker than my friend from Connecticut; but, Mr. Chairman, they met in this city, in Washington——

Mr. HENRY of Connecticut. Oh, the gentleman from Tennessee is off altogether. [Laughter.] There was no pressure brought to bear upon the committee; there was no appearance before the committee; nobody asked for it, but it was a conviction of the committee as expressed.

Mr. GAINES of Tennessee. How did the committee stand on the proposition, six to six?

Mr. HENRY of Connecticut. The committee had no aye-and-no vote.

Mr. SIMS. I should like to ask the gentleman from Connecticut if he was communicated with by these seed men who met here?

Mr. HENRY of Connecticut. No, sir.

Mr. SIMS. They knew you were all right, and you didn't need any argument. They wrote to all the rest of us.

Mr. HENRY of Connecticut. The letters that have been referred to were written subsequent to the action of the committee.

Mr. SIMS. And they never wrote any before?

Mr. HENRY of Connecticut. No.

Mr. SIMS. Why, they have been writing these letters ever since I have been in Congress.

Mr. HENRY of Connecticut. It was in February that this vote was taken.

Mr. KEIFER. Will the gentleman allow me a question?

Mr. GAINES of Tennessee. I will listen to the gentleman.

Mr. KEIFER. I understand the gentleman from Tennessee to say that nobody but the seed men are opposed to this.

Mr. GAINES of Tennessee. No; I didn't go that far. There may be other people who are opposed to it. I have not heard a single protest from my people.

Mr. KEIFER. I understand that all the grangers, national and State, that have acted on the subject have declared that they are opposed to the distribution of seeds through appropriations by Congress.

Mr. SCOTT. Will the gentleman from Tennessee yield to me?

Mr. GAINES of Tennessee. For a question.

Mr. SCOTT. The gentleman from Tennessee has intimated, to use a mild word, very strongly that the action of the committee followed, if it was not caused by, the meetings here of the big seed men.

Mr. GAINES of Tennessee. I said that I acquitted the committee of any evil purpose.

Mr. SCOTT. I do not want the intimation of the gentleman to go into the RECORD without a protest, and if he will yield to me——

Mr. GAINES of Tennessee. The gentleman has no need to protest against anything I say. [Laughter.] If he will let me make my statement complete——

Mr. SCOTT. If the gentleman will yield, I want to make one statement.

Mr. GAINES of Tennessee. Go ahead.

Mr. SCOTT. The gentleman from Tennessee has several times asked the question why this item was "suddenly" dropped. As a matter of fact during the five years during which I have been a member of this committee it has been a matter of discussion before the committee each year, and a motion has been made to drop this item. It has been voted down each time until this year, and it is only now that that motion has carried.

Mr. GAINES of Tennessee. Mr. Chairman, I can not yield any further. I can not give up all of my time to the gentleman to make a speech.

Mr. KEIFER. Mr. Chairman, will the gentleman yield to one more question?

Mr. GAINES of Tennessee. Yes.

Mr. KEIFER. I would ask the gentleman if it is not true that every agricultural paper in the United States, or a publication of that kind published in the interests of the farmer, has opposed this free distribution of seeds?

Mr. GAINES of Tennessee. I really do not know, because I have not the distinction of the gentleman from Ohio [Mr. KEIFER] of reading every newspaper in the United States, nor do I know, Mr. Chairman, how many of these newspapers are controlled by the seed people by advertising, etc., with them. Neither do I know how many of these newspaper correspondents hire out their services to write anything about anybody, nor how many of them have been employed to write these great long pieces that we see in the newspapers on the subject. I know—I do not know as a fact, but I have strong faith in my belief—that they have been employed in the city of Washington here to send these writings throughout the United States to "their" papers and get their "write ups" printed. I have seen some of these miserable little pencil pushers nosing around I thought then to get the job. Let me go a step further, and I am sure my friend from Kansas [Mr. SCOTT] will then say that his criticism of my language is entirely unnecessary. Bear in mind that nobody went before this committee to get this proposition knocked out. No one went there and asked to have it done. What "right" have these seed people to oppose this appropriation? They have every right of "petition." What does "petition" mean? It is an instrument of writing; it is not lobbying in the Willard Hotel, nor in the corridors of the splendid old temple, nor in the highways and the byways of Washington, or of Nashville, Tenn., or elsewhere.

They have the right of petition. That means a piece of writing which is publicly filed before some public officer, so that the other side may have their day in court to answer it.

Did the seed men file any petition? Did this great wilderness of millionaire seed men petition Congress or this committee? Where are their petitions? No; they worked the newspapers, and the newspapers are trying to terrorize Congress. Why didn't they come before your committee? They had a right under the law of the land. "Petition" is defined by Bouvier—of course we all know what it is, but I want to put this definition in the RECORD, so that we can all read it, and so that some of my constituents can read it to whom I send the CONGRESSIONAL RECORD. [Laughter.] Oh, all of my RECORDS go out, and I have requests for them all, and more besides; so you see my people are reading and progressive people—otherwise I would not be here, of course. [Laughter and applause.] Now, what does "petition" mean?

Petition.—An instrument of writing or printing, containing a prayer from the person presenting it, called the "petitioner," to the body or person to whom it is presented, for the redress of some wrong or the grant of some favor which the latter has the right to give.

By the Constitution of the United States the right "to petition the Government for a redress of grievances" is secured to the people. (Amendment, Art. I.)

Petitions are frequently presented to the courts in order to bring some matters before them. It is a general rule in such cases that an affidavit should be made that the facts therein contained are true as far as known to the petitioner, and that those facts which he states as knowing from others he believes to be true.

Why must it be in writing, gentlemen? So that everybody can go to the court-house, can go to the committee room, can go to the CONGRESSIONAL RECORD and read it, and file a reply if they desire. "Meetings" at the Willard Hotel, the Ebbitt House, uptown or downtown lobbying, and is no man's legal right. It is not a proper or legitimate way to propose or prevent legislation, and ought to be condemned and repudiated, and I do it here and now.

Mr. KEIFER. Mr. Chairman, will the gentleman yield to a question?

The CHAIRMAN. Does the gentleman yield?

Mr. GAINES of Tennessee. Yes.

Mr. KEIFER. I want to ask the gentleman from Tennessee what the standing is of the paper called the "Southern Agriculturist?"

Mr. GAINES of Tennessee. Where is it published?

Mr. KEIFER. Nashville, Tenn.

Mr. GAINES of Tennessee. I never heard of it before. [Laughter.] I am honest in that, and I do not mean to speak disrespectfully of the paper, and I want to say here and now that I do not allow newspapers to control my politics. [Applause and laughter.]

Mr. KEIFER. Oh, there is no politics in this.

Mr. GAINES of Tennessee. Nor do I allow any man in this world to control my politics. [Applause.] I allow every man in this fair land to petition me as a lawmaker. I allow no man to lobby with me. [Applause.]

Mr. KEIFER. Oh, I am not objecting to that, but I would like to know if the gentleman knows anything about the newspapers in his district.

Mr. GAINES of Tennessee. I do, and many outside; and I say to the gentleman that I don't know the one to which he refers, and if I did I don't care if it is against this appropriation, I am still for it. Its editor is a free man; so am I.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. Mr. Chairman, I will yield the gentleman ten minutes more.

Mr. GAINES of Tennessee. Mr. Chairman, I yielded to a question from the gentleman from Ohio and not to an argument.

Mr. KEIFER. I would like to make this request, to have the gentleman allow me to put in the RECORD here the statement from the editor of the Southern Agriculturalist, who pretends to know all about this.

Mr. GAINES of Tennessee. Oh, the gentleman can do that in his own time. I do not want to consume my time that way. I am on the side of the people in this fight and not on the side of the newspapers [applause] and am fighting for this appropriation to keep killed off a seed trust. That is my aim.

Mr. KEIFER. But I wanted to read you something from Nashville.

Mr. GAINES of Tennessee. Mr. Chairman, I am asked by my colleague [Mr. SIMS] to read Gen. D. B. Henderson's speech on this subject. This speech was made on January 13, 1898. Mr. WADSWORTH, who is the chairman of this committee, was the chairman then, and he is a big dairyman, and you notice there is some dairy money in this bill. There is no onion-seed money, and there is no lettuce money in this bill. [Applause.] An appropriation in this bill seems to depend on whose ox is gored, or whose butter-making Jersey is to be fed thereby. [Laughter and applause.]

I will read this:

Mr. HENDERSON. Mr. Chairman, my text this afternoon is "seed." I have been honored with a great many communications about seeds, some of them signed and several of them unsigned. I had a letter yesterday from a seed dealer in my own State, in which he broadly intimated that Members of Congress were interested in this seed business for the purpose of "buying the votes of farmers." He very clearly intimated that in the letter. And I have here three anonymous postal cards which I intend to read for the edification of the House, as bearing upon my text.

Mr. GREENE and others. We have all got them.

Mr. HENDERSON. Here is number one:

"Free seeds keep Congressman in touch with his constituents."

"Congressman in touch"—that is in quotations. That would seem to be quoted, probably from some of us.

It goes on:

"Why not let up on seeds for a while and send jackknives? Everybody could use them, and there would not be so much waste.

"In that case, radish seeds would not come up poor turnips, and the Congressman would be saved much ridicule which he now often gets."

Mr. MURDOCK. Who said that?

Mr. GAINES of Tennessee. That is on the postal card. Now, this is postmarked at Washington, showing that some lobbyist posted it here, gentlemen. General Henderson goes on to say, "And I am not honored with the signature of the writer." Think of that. Think of a dirty little whipper-snapper writing to a Member of Congress such a communication as that. No man who writes a letter to his Representative and fails to sign his name to it is worthy of the privilege of sending it through the mail. I do not care who he is, black or white, old or young, Republican or Democrat.

General Henderson goes on:

That is postmarked "Washington," and I am not honored with the signature of the writer.

Here is another specimen:

"If the farmer must be made an object of charity, do not do it with 'free seeds,' but send him a hand organ and monkey—

[Laughter]—

and start him in the business right.

"Good government is treating all of its subjects alike. That kills the 'free-seeds' idea completely."

This is postmarked "Philadelphia," and is unsigned.

Of course, Philadelphia is a great city, where they raise everything, even raise cain over there sometimes. Her people got on the side of the law recently, under Mayor Weaver—thank God for that! But is Philadelphia an agricultural field? What do her people know or care about these seed?

I read:

Here is number three:

"John's influence can't be got with 15 cents' worth of 'free seeds,' but if you'll send me a box of hairpins, I'll look after him.

"HIS WIFE.

"P. S.—I'd rather not have crooked ones."

Mr. STEELE. How is that postmarked?

Mr. HENDERSON. This is postmarked "Washington;" one postmarked "Philadelphia" and one postmarked "Washington."

Who is sending these postal cards to Members of Congress? I find that I am not the only one honored with these communications, but other gentlemen here seem to be recipients of the same kind of cards.

Mr. MAGUIRE. Will the gentleman permit me to ask him a question?

Mr. HENDERSON. Oh, certainly.

Mr. MAGUIRE. Did you send the hairpins?

Mr. HENDERSON. I am not that kind of a hairpin. [Laughter.]

Who are sending these insulting cards to the American Congress? Not one of them comes from farmers, because their interests are not that way. They must come from some one interested in prejudicing our minds against the distribution of seeds; and I know of no one interested but dealers in seeds. Therefore, I believe that these are a part of the seed dealers' programme to affect our minds against seed distribution. Whoever they came from, they came from small, contemptible, mean people, who did not know how to present a question to men with fairly disposed minds. Now, I want to say this about the seed business and our buying up the farmer vote with seed. The fellow that makes that charge is an ass—

And I presume there is an appropriation in here to take care of the ass—

"I say that measuring my words," to use an often-used expression.

Now, we get, I believe, 6,000 packages of seeds. I have 9 counties, with over 200,000 people in my district. I can not give a package of seeds to 1 in 50 in my district. Personally I am not interested in the seed distribution as a politician, and that is what they are hinting at with respect to you and me. Why? I send my seeds addressed directly to farmers. In doing this I try to distribute them in equal proportion among the counties of my district and without respect to politics. John Smith gets a package of seeds from Representative Henderson, and John Jones has an adjoining farm. John Smith tells him about the package of seeds he got from Mr. Henderson. John Jones says: "Well, I know I am as good a man as Smith, and I have not got a package of seed. I will just keep this thing in mind for Mr. Henderson."

He feels hurt; he feels offended; and the same is true of the agricultural reports. We do the best we can to carry out the law, but we can not get around among our constituents. I have repeatedly bought at the book stores as high as 1,500 additional agricultural reports, paying 10 and 12 cents apiece for them, and once as high as 15 cents, and I believe they cost about 65 cents. I have done the best I could to distribute them equitably among my people, but I can not get round. I have wounded the feelings of many a good farmer in my district because I could not reach him. The interest of each Member of Congress on this floor is against seed distribution and against the distribution of agricultural reports if he is to look solely at his own individual interest. But I say that privileges once given

to the people, once enjoyed by them, are dangerous things to take away from them.

* * * * * * *

We have a farmer now at the head of the Agricultural Department—an Iowa farmer. He is not a kid-glove farmer like my friend from Brooklyn [Mr. Fischer], who was smiling at my assertion a few minutes ago. We call him "Tama Jim," because he was from Tama County. He has turned up the soil in Iowa; he has husked the corn with his own hands until they were bleeding and cracked from that work. He has been speaker of the Iowa legislature and a Member of this House. He has also been a professor in the Ames Agricultural College. So long as Tama Jim recommends these distributions I will stand by him, all these dirty documents to the contrary notwithstanding. [Applause.] Now, this is not a party speech; but from reading these dirty documents and from receiving letters written from the standpoint and from the belief that we are the fellows interested in this business, I wanted to make these few sincere observations on the two propositions. I return to the honorable chairman of the committee the balance of my time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask for three minutes more.

Mr. LAMB. I will yield to the gentleman three minutes more.

Mr. WADSWORTH. Mr. Chairman, I yield to the gentleman from Ohio [Mr. KEIFER] three minutes.

Mr. GAINES of Tennessee. The gentleman from Virginia [Mr. LAMB] yielded three minutes to me.

Mr. WADSWORTH. How much time does the gentleman want?

Mr. GAINES of Tennessee. He has given me three minutes.

Now, Mr. Chairman, we have a trust in everything that the farmer uses except seed, and just as certain, I believe, as God reigns and the Democratic party still survives [laughter]——

Mr. GROSVENOR. Is the gentleman equally certain on those two different propositions?

Mr. GAINES of Tennessee. Absolutely certain, Mr. Chairman. I believe if we stop the pouring out of these few little seed to the farmer throughout this great Republic, thus preventing the seed trust concern from conspiring against the farmer like the beef trust has done, in spite of Attorney-General Moody and Commissioner Garfield and the President, I believe we will have a seed trust. But this keeps it down. It is free trade in seed. That is what it is, gentlemen—it is free trade in seeds. That used to be good Republican doctrine and it is good Democratic doctrine to-day. It is the only thing to hold off a seed trust. That is the main point and is why I speak thus to-day. Look at Moody on the "Truth about Trusts," a splendid book, and you will find everything on God's earth that the farmer uses, except the air and agricultural seeds, is in a confessed trust. Why is it, gentlemen, that there is not a trust in these seed? Because the Government prevents it by buying this seed and putting it into the lap of the honest yeomanry of this country. [Applause.] This is the milk in the cocoanut, gentlemen, even if there is nothing else to the proposition. If there is nothing else in the proposition, I will vote for seed, and more seed and better seed, to prevent the awful pall of a seed trust falling upon the shoulders of the bending, toiling, drooping masses of my country known as the farmer. [Loud applause.]

The Washington Post of about the 8th, 9th, or 10th of March last published the following:

CALL IT POLITICAL GRAFT—DEALERS OBJECT TO FREE DISTRIBUTION OF SEEDS BY CONGRESS.

Representatives of seed dealers from various cities throughout the country met in convention at the New Willard yesterday afternoon and last night to consider ways and means of preventing the House of Representatives from putting back into the appropriation bill the clause providing for the free distribution of seed by the Agricultural Department, which was recently stricken out by the Agricultural Committee.

No definite action was taken yesterday, but influence will be brought to bear on the Representatives favoring the continuance of the giving out of seed to the farmers.

The stand taken by the seedsmen is that the Government is coming directly in competition with them in furnishing seed and is doing great harm to their business.

They hold further that the intelligent farmers of the country are opposed to the distribution, and would prefer to buy their seed in open market, where, it is claimed, they get a superior article and what they want, while the seed sent by the Department rarely fits the needs of the planter.

It is further held that the free distribution of seed is favored by many Congressmen merely because it can be used as a means of courting popularity with the more ignorant element among the farmers. The practice is styled a mere method of petty political graft.

The following are the firms represented in the convention: J. M. Thorburn & Co., New York; J. Breck & Sons, Boston; Schlaegel & Tottler, Boston; Comstock, Ferre & Co., Weathersfield, Conn.; J. B. Rice Seed Company, Cambridge, N. Y.; Peter Henderson Company, New York; Robert Buist & Co., William Henry Maule, W. A. Burpee, Johnson & Stocke, and the D. Landreth Seed Company, all of Philadelphia; J. M. McCullough & Sons, Cincinnati; Griffith & Turner, Baltimore; F. W. Bolgiano, Washington, and Northrop & King, Minneapolis.

The meeting will be continued to-day, morning and afternoon, when a more definite campaign will probably be mapped out and the meeting adjourned.

The New York Sun of March 11 last publishes this:

The House Committee on Agriculture has struck out the item for free seed distribution from the agricultural bill. This, it is asserted, is a tribute to the incessant labors of the National Seedmen's Association. Last year the free seed appropriation was $242,920, of which $202,000 was allotted for Congressional distribution. It is contended that the distribution by Congressmen of free seeds is used to uphold the political fabric of their households. Originally, it is added, the idea was a good one, as it gave opportunities to experiment with the growing of vegetables of new varieties in various soils and climates and find out their actual value and their adaptation to varying conditions. Each grower was requested to make report to the Department of his success. Instead the thrifty and practical farmer grabbed the free seed and neglected to inform the generous Department at Washington as to the results.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Ohio [Mr. KEIFER] is recognized for three minutes.

Mr. KEIFER. Mr. Chairman, I rise to help out the distinguished gentleman from Tennessee [Mr. GAINES] in the matter of obtaining some information from his constituents and from that class of them who know what their views are upon this subject. I now ask the Clerk to read a letter which I have sent to him.

The Clerk read as follows:

SOUTHERN AGRICULTURIST AND HOME,
Nashville, Tenn., March 15, 1906.

Mr. W. W. COCKS.

DEAR SIR: The Southern Agriculturist is certainly in favor of abolishing the useless expenditure of several hundred thousand dollars by the Federal Government for common seed. Congressmen are using this law to popularize themselves among their constituency. This paper reaches over 50,000 farmers, and they will indorse its sentiments on the seed bribe.

Repeal the law and save that amount for putting locks and dams in our small rivers.

Yours, THOS. J. KEY, *Editor.*

Mr. KEIFER. Mr. Chairman, I need to do nothing further. I take it that this is a very respectable editor, and I know it to be a very respectable paper. It has a wide circulation, and it undoubtedly expresses the views of the agricultural people who take it in the gentleman's district and in other portions of the country.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. KEIFER. I have only three minutes.

Mr. ELLERBE. Will the gentleman yield just for one question?

Mr. KEIFER. Yes.

Mr. ELLERBE. I would like to ask the gentleman from Ohio how many seed houses have advertisements in that paper?

Mr. KEIFER. I can not tell, but I know that this man is talking for his people.

Mr. GAINES of Tennessee. He is talking for his paper, too.

Mr. KEIFER. And his paper is getting no protest, I understand, from the people. The State granges, so far as I know, in my own State, and the local granges, all made up of agriculturists, are opposed to this free distribution of seeds. It is not free trade in seed. It is an appropriation of the public money for the purpose of buying seeds and sending them out to people who are willing to buy what they want and get the right kind.

Now, this idea of getting seed for the purpose of improving the varieties of different kinds was the original one, and so far as I am concerned I am in favor of keeping that up. But this sending out 12,000 or 14,000 packages of garden seed and flower seed free has grown to be a great incumbrance to the country, and it is ridiculed by the very people who are supposed to have the advantage of it.

Mr. WADSWORTH. I move that the committee do now rise.

Mr. LAMB. I have agreed to yield one minute to one gentleman and five minutes to another, and I ask that the gentleman will not make that motion now.

Mr. WADSWORTH. Will the gentleman agree to rise after six minutes?

Mr. LAMB. Yes.

Mr. WADSWORTH. Then I withdraw the motion.

Mr. LAMB. I yield one minute to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, I want to say, in reply to the editorial just read, and say of the writer of the editorial, that my colleague [Mr. GAINES of Tennessee] can run for Congress against him and beat him a hundred thousand to one. There is not a farmer in that district or within the circulation of that paper that is in favor of the statement just read; not one. [Applause.]

Mr. KEIFER. That represents the best paper in the town, and less than 100,000 are permitted to vote.

Mr. GAINES of Tennessee. I wish the gentleman would stop trying to dig up dead men's bones. The curtain was drawn years ago on your contention.

Mr. FITZGERALD. Mr. Chairman, on the 4th of April I made some remarks upon what is known as the "Kiowa pasture bill." The Commissioner of Indian Affairs has called my

attention to what I said on that occasion, and he believes that I did him an injustice in my statement. I requested the Commissioner to write a letter, stating the facts as he believed them to be, and I stated that I would have that letter printed in the RECORD. I should have done it before this time, but, unfortunately, when I had the opportunity I did not have the letter with me. I think it but fair to myself to say that I was in error in stating that the bill had been reported favorably by the office of the Indian Commissioner. It seems that was not the fact; but my statement, made somewhat hurriedly, was to the fact that, while I was a member of the Committee on Indian Affairs in the Fifty-seventh Congress, the predecessor of the present Commissioner was present in the committee room of the Committee on Indian Affairs on one occasion when several amendments to a similar bill were suggested, and, in answer to an inquiry whether the bill in the amended form would be satisfactory to the Indian Office, he stated that it would not be objectionable. My recollection in that respect is confirmed by the gentleman from Kansas [Mr. CURTIS]. So, that there may be no injustice done to the present Commissioner of Indian Affairs, however, and in order that his statement of the facts about the bill may be put into the RECORD, I ask unanimous consent that his letter be printed in the RECORD.

Mr. WILLIAMS. Reserving the right to object, I wish to make a statement, if the gentleman will yield to me. I want to state that I have not intended to carry the rule of objecting to unanimous consent to the extent of refusing unanimous consent for Members to extend their remarks, or to insert matter or documents in the RECORD as part of their remarks. I want that understood.

Mr. FITZGERALD. I simply wish to add that I would not intentionally, nor do I desire unintentionally, to misstate anybody's position on any question, or to be unfair in statements to the House, and so I ask that the Commissioner's letter be printed in the RECORD in connection with what I have said, so that whatever injustice may have been done him may be in the same manner corrected.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, April 6, 1906.

MY DEAR MR. FITZGERALD: In obedience to your request during our conversation last evening, when I drew your attention to an error into which you had slipped in the haste of Wednesday's extemporaneous debate in the House on the bill for opening the Kiowa pastures, I send you this memorandum of the record of the case, which you can verify at your convenience.

You said on Wednesday:

"This bill in its original form was reported from the Committee on Indian Affairs in several sessions of Congress. Before it was reported from the Committee on Indian Affairs it had been referred to the Indian Office and had been reported on by the Commissioner of Indian Affairs and the details of the bill approved before the Committee on Indian Affairs unanimously reported it. After the bill went to the President, this same office, which had several times approved of the details of the bill, found, not that Congress, but that the Executive Department of the Government had been derelict in its duty. When this was ascertained, the President did not perform his constitutional duty. * * * In some mysterious way, in some way not expressed in the Constitution, some Members became aware of the fact that the President would do what was eminently proper under the conditions disclosed—veto this bill as originally presented to him and state in a respectful manner his reasons for so doing. Had that been done the Congress would have had an opportunity to exercise its constitutional powers and determine whether, in spite of the President's objections, the bill should be enacted into law by the concurrence of two-thirds of the Members of the Senate and House of Representatives. The Congress has been in this instance and in other instances deprived of this constitutional right by resort to the extraordinary procedure already mentioned."

The fact is that in past years the Department of the Interior has opposed, both by written reports and at committee hearings, the passage of the Kiowa pastures bill in the form in which it originally passed both House and Senate and went to the President. It has insisted that the pastures should remain in possession of the Indians, who were deriving from them an income which, capitalized on a 4 per cent basis, gave these lands an average valuation of nearly $8 an acre in spite of every effort on the part of sundry adverse interests to prevent the advantageous leasing of them.

This year no report was made by the Office of Indian Affairs on the bill before Congress, but the bill went through both Houses and was sent to the President, who, as usual, referred it to the Department. In my response, I expressed my objections to the measure in the form in which it had been passed, on the double ground that it made no provision for the allotment on the pastures of the children born since the general allotment of 1901, and that the minimum price, which was fixed at $1.50 an acre, was too low—two points on which the more intelligent members of the affiliated tribes were a unit in sentiment. Before the expiration of the ten days' period fixed by the Constitution for the approval or disapproval of the President, the leading advocates of the bill, ascertaining informally the nature of the objections of the Department, procured the passage through both Houses of a resolution requesting the return of the bill, with the intention of amending it by inserting provisions which would meet those objections. The bill was accordingly returned, thus far at least following the course commonly pursued in such circumstances, if my memory serves me aright.

The only criticism I had to make on the history of the case as you gave it in debate was as to the attitude of the Department and of this Office toward the measure. Knowing your unwillingness, if in possession of all the facts, to let your inadvertent error stand uncorrected, I called your attention to it in conversation and found you, as I knew I should, not only ready, but glad to give the other side a fair hearing.

With thanks for your characteristic courtesy, I am,

Sincerely, yours,

F. E. LEUPP, *Commissioner.*

Hon. JOHN J. FITZGERALD,
House of Representatives, Washington, D. C.

Mr. WADSWORTH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the agricultural appropriation bill and had come to no resolution thereon.

DELEGATE FOR ALASKA.

Mr. BRICK. Mr. Speaker, I desire to present a conference report, for printing, on the Alaskan Delegate bill.

The Clerk read as follows:

A bill (S. 956) providing for the election of a Delegate to the House of Representatives from the Territory of Alaska.

The SPEAKER. The conference report and statement will be printed in the RECORD.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5648. An act to amend section 12 of the act approved February 2, 1901, "An act to increase the efficiency of the permanent military establishment of the United States"—to the Committee on Military Affairs.

S. 352. An act for the relief of the heirs of Fernando J. Moreno, deceased—to the Committee on Claims.

S. 2355. An act to reorganize the corps of dental surgeons attached to the Medical Department of the Army—to the Committee on Military Affairs.

S. 5581. An act to provide for the purchase of a site and the erection of a public building at Passaic, N. J.—to the Committee on Public Buildings and Grounds.

S. 5572. An act to amend section 4348 of the Revised Statutes, establishing great coasting districts of the United States—to the Committee on Interstate and Foreign Commerce.

Also the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2325) for the relief of James D. Vernay—

To the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 18025. An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes;

H. R. 18217. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," regulating proceedings for condemnation of land for streets; and

H. R. 11490. An act granting the Edison Electric Company a permit to occupy certain lands for electric-power plants in the San Bernardino, Sierra, and San Gabriel forest reserves, in the State of California.

PORT ANGELES, WASH.

The SPEAKER laid before the House the bill (H. R. 16954) to provide for the reappraisement of certain lots in the town site of Port Angeles, Wash., with Senate amendment, which was read.

Mr. CUSHMAN. I move that the House concur in the Senate amendment.

The motion was agreed to.

DAMS ACROSS ROCK RIVER, ROCK ISLAND COUNTY, ILL.

The SPEAKER laid before the House the bill (H. R. 14508) permitting the building of dams across the north and south branches of Rock River, adjacent to Vandruffs Island, and Carrs Island, and across the cut-off between said islands, in Rock Island County, Ill., in aid of navigation and for the development of water power, with Senate amendment, which was read.

Mr. McKINNEY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

REBUILDING GOVERNMENT STRUCTURES IN SAN FRANCISCO.

The SPEAKER laid before the House the following message from the President of the United States; which was read, ordered to be printed, and, with accompanying papers, referred to the Committee on Appropriations:

To the Senate and the House of Representatives:

I herewith inclose communications from the Navy Department and the War Department in reference to communications from Mayor Schmitz, of San Francisco, and from other representatives of California. With a courage and self-reliance of which we can not as Americans be sufficiently proud, the people of San Francisco have already started in orderly and resolute fashion to rebuild the city. Immediate aid in this enterprise should be given by the Federal Government. One of the crying needs of the situation is employment for the scores of thousands of men who have lost everything. If the appropriation of $300,000 for the Mare Island Navy-Yard be at once passed, over 2,000 men will immediately be put to work, for this appropriation will be expended only in employing labor. The appropriation is urgently needed as a means of contributing toward the reestablishment of affairs in San Francisco; it will also be of material use to the Navy.

Furthermore, I recommend that the Congress act on the recommendations of the War Department and appropriate the money necessary to establish a building as a general supply and storage depot for the supply departments of the Army and the transport service on a part of the military reservation of Fort Mason. This project is set forth in Senate bill 4475 of the present session.

I have requested the Treasury and Post-Office Departments to prepare their estimates for replacing or repairing the other Government buildings in San Francisco. These estimates will be ready in a short while and will then be laid before you.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 25, 1906.*

Mr. WADSWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for an ocean-going tug for saving life and property on the Pacific coast—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination at Port Bolivar, Tex.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for San Antonio Arsenal, Tex.—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Abby*, Harding Williams, master—to the Committee on Claims, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Indiana Harbor, Indiana—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting a revised estimate of distinctive paper required for printing currency—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, in further response to the inquiry of the House, certain papers relating to accounts of Postal Agents Goodnow and Rodgers, at Shanghai, China—to the Committee on Expenditures in State Department, and ordered to be printed (essential matter only).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5683) to provide for the removal of derelicts and other floating dangers to navigation, reported the same with amendment, accompanied by a report (No. 3589); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18204) to authorize the Northampton and Halifax Bridge Company to construct a bridge across Roanoke River at or near Weldon, N. C., reported the same without amendment, accompanied by a report (No. 3591); which said bill and report were referred to the House Calendar.

Mr. SMITH of Arizona, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 18600) to amend section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes, reported the same without amendment, accompanied by a report (No. 3610); which said bill and report were referred to the Committee of the Whole House on the state of Union.

Mr. CONNER, from the Committee on the Library, to which was referred the bill of the Senate (S. 333) in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor, reported the same with amendment, accompanied by a report (No. 3612); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the House joint resolution (H. J. Res. 145) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers, reported the same without amendment, accompanied by a report (No. 3588); which said joint resolution and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13809) granting an increase of pension to James Tucker, reported the same with amendment, accompanied by a report (No. 3592); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14490) granting an increase of pension to Martha A. Kenney, reported the same with amendment, accompanied by a report (No. 3593); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15032) granting a pension to Milton Diehl, reported the same with amendment, accompanied by a report (No. 3594); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15206) granting an increase of pension to Peter G. Thompson, reported the same with amendment, accompanied by a report (No. 3595); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15886) granting an increase of pension to John Misner, reported the same with amendment, accompanied by a report (No. 3596); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16528) granting an increase of pension to Catherine Price, reported the same with amendment, accompanied by a report (No. 3597); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17229) granting an increase of pension to J. T. Jean, sr., reported the same with amendment, accompanied by a report (No. 3598); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17654) granting an increase of pension to Hannah J. K. Thomas, reported the same with amendment, accompanied by a report (No. 3599); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17796) granting an increase of pension to T. C. Alexander, reported the same with amendment, accompanied by a report (No. 3600); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17890) granting an increase of pension to J. T. Baudy, reported the same with amendment, accompanied by a report (No. 3601); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was

referred the bill of the House (H. R. 17971) granting an increase of pension to James G. Wall, reported the same without amendment, accompanied by a report (No. 3602); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18188) granting an increase of pension to David D. Guthrie, reported the same with amendment, accompanied by a report (No. 3603); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18393) granting an increase of pension to David F. Crouch, reported the same without amendment, accompanied by a report (No. 3604); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18406) granting an increase of pension to Andrew Jackson, reported the same with amendment, accompanied by a report (No. 3605); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18465) granting an increase of pension to Abby B. Cloud, reported the same without amendment, accompanied by a report (No. 3606); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18506) granting an increase of pension to Mahala Jones, reported the same with amendment, accompanied by a report (No. 3607); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 5515) granting an increase of pension to Matilda C. Frizelle, reported the same without amendment, accompanied by a report (No. 3608); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13245) to remove the charge of desertion against Henry Gude, reported the same with amendment, accompanied by a report (No. 3609); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14778) for the relief of James J. Elliott, reported the same adversely, accompanied by a report (No. 3590); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 2130) for the relief of C. W. Biese, reported the same adversely, accompanied by a report (No. 3611); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MANN: A bill (H. R. 18588) to provide for a site for a public building at South Chicago, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. WALDO: A bill (H. R. 18589) for the relief of sufferers by earthquake and fire at San Francisco, Cal.—to the Committee on Ways and Means.

By Mr. SLEMP: A bill (H. R. 18590) to authorize the South and Western Railway Company to construct bridges across the Clinch River and the Holston River, in the States of Virginia and Tennessee—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 18591) to authorize the South and Western Railroad Company to construct bridges across the Clinch River and the Holston River, in the States of Virginia and Tennessee—to the Committee on Interstate and Foreign Commerce.

By Mr. DAWSON: A bill (H. R. 18592) relating to the United States Naval Academy Band—to the Committee on Naval Affairs.

By Mr. BEDE: A bill (H. R. 18593) permitting the building of a dam across the Mississippi River in Beltrami County, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. GUDGER: A bill (H. R. 18594) to provide for payment to Confederate soldiers for horses or other property, and so forth—to the Committee on War Claims.

By Mr. RODENBERG: A bill (H. R. 18595) to amend section 4386 of the Revised Statutes of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. BRUNDIDGE: A bill (H. R. 18596) to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River, near Batesville, Ark., and for other purposes—to the Committee on Rivers and Harbors.

By Mr. POU: A bill (H. R. 18597) for the protection of patrons of the rural free-delivery service—to the Committee on the Post-Office and Post-Roads.

By Mr. TAYLOR of Alabama: A bill (H. R. 18598) to authorize the Mobile Railway and Dock Company to construct bridges across Dog River and Fowl River, in Mobile County, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. KNOWLAND: A bill (H. R. 18599) authorizing the Secretary of the Navy to employ additional laborers and mechanics at the navy-yard, Mare Island, Cal.—to the Committee on Appropriations.

By Mr. SMITH of Arizona, from the Committee on the Public Lands: A bill (H. R. 18600) to amend section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes—to the Union Calendar.

By Mr. COOPER of Wisconsin: A bill (H. R. 18662) for the erection of a monument to the memory of Edwin M. Stanton—to the Committee on the Library.

By Mr. MURPHY: A joint resolution (H. J. Res. 143) to provide for the printing of 50,000 copies of the Special Report on the Diseases of Horses—to the Committee on Printing.

Also, a joint resolution (H. J. Res. 144) to provide for the printing of 50,000 copies of the Special Report on the Diseases of Cattle—to the Committee on Printing.

By Mr. HULL, from the Committee on Military Affairs: A joint resolution (H. J. Res. 145) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers—to the Private Calendar.

By Mr. BOWERS: A memorial from the State of Mississippi, requesting Congress to enact legislation tending to broaden the market for cotton and cotton goods—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 18601) granting an increase of pension to Edward A. Barnes—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 18602) granting an increase of pension to James E. Netser—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 18603) granting an increase of pension to Lindsay Adkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18604) granting an increase of pension to Thomas M. Luman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18605) granting an increase of pension to William Lawrence—to the Committee on Pensions.

By Mr. BRADLEY: A bill (H. R. 18606) granting an increase of pension to Maria A. Maher—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 18607) for the relief of John R. Monteith, reimbursing him for improvements placed on lands included within the Navajo Indian Reservation by Executive order of January 6, 1880—to the Committee on Indian Affairs.

By Mr. BURLESON: A bill (H. R. 18608) granting an increase of pension to Mary E. Stickland—to the Committee on Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 18609) granting an increase of pension to Henry Delong—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 18610) granting an increase of pension to Emile H. Brie—to the Committee on Pensions.

Also, a bill (H. R. 18611) granting an increase of pension to Samuel C. Tompkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18612) granting an increase of pension to John J. Duff—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: A bill (H. R. 18613) granting an increase of pension to Joseph M. Gaston—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 18614) for the relief of the Columbia National Bank, of Columbia, Pa.—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 18615) for the relief of

Joseph Kerchner, sr., and others—to the Committee on War Claims.

By Mr. CURTIS: A bill (H. R. 18616) granting an increase of pension to John H. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18617) granting an increase of pension to John Neddo—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 18618) granting an increase of pension to Daniel B. Mulhollan—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 18619) for the relief of the estate of Bird Sands, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18620) granting an increase of pension to L. L. Tothacer—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 18621) granting an increase of pension to Simon Spears—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18622) granting an increase of pension to Reuben M. Simmons—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 18623) granting an increase of pension to J. H. Bradberry—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 18624) granting an increase of pension to Robert Fulton—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 18625) granting an increase of pension to Caswell Seamore—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 18626) granting an increase of pension to Herbert F. Brooks—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 18627) granting an increase of pension to Elizabeth A. Anderson—to the Committee on Pensions.

Also, a bill (H. R. 18628) granting an increase of pension to William E. Chambers—to the Committee on Pensions.

By Mr. HILL of Mississippi: A bill (H. R. 18629) for the relief of Walter F. Lockhart, of Brame, Pontotoc County, Miss.—to the Committee on War Claims.

By Mr. HOLLIDAY: A bill (H. R. 18630) for the relief of C. L. Huey—to the Committee on War Claims.

By Mr. JOHNSON: A bill (H. R. 18631) granting an increase of pension to Daniel Whalen—to the Committee on Pensions.

By Mr. LAMB: A bill (H. R. 18632) granting an increase of pension to Richard M. A. Fenwick—to the Committee on Pensions.

Also, a bill (H. R. 18633) granting an increase of pension to Jennie F. Belding—to the Committee on Pensions.

By Mr. LILLEY of Connecticut: A bill (H. R. 18634) granting an increase of pension to Mary Sullivan—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 18635) granting an increase of pension to Gustavus A. B. Whitley—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 18636) granting an increase of pension to John Thrasher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18637) granting an increase of pension to Henry L. Sparks—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 18638) granting an increase of pension to Howell G. Trogden—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 18639) granting an increase of pension to Mary R. Monroe—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 18640) for the relief of Bolivar Sheild—to the Committee on War Claims.

By Mr. MOON of Pennsylvania: A bill (H. R. 18641) granting an increase of pension to George R. Holt—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 18642) for the relief of George L. Routzahn—to the Committee on War Claims.

Also, a bill (H. R. 18643) granting a pension to Job S. Inman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18644) granting an increase of pension to James H. Russey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18645) granting an increase of pension to Eli Long—to the Committee on Invalid Pensions.

By Mr. REID (by request): A bill (H. R. 18646) to remove the charge of desertion from the military record of John Shaw and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. RHINOCK: A bill (H. R. 18647) granting a pension to Frederick Sensel—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 18648) for the relief of the estate of Harriet Sudduth, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18649) for the relief of the estate of Adelaide Withers, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18650) for the benefit of the estate of John Linton—to the Committee on Claims.

By Mr. RUCKER: A bill (H. R. 18651) granting an increase of pension to Elizabeth Thomas—to the Committee on Pensions.

By Mr. SAMUEL: A bill (H. R. 18652) granting an increase of pension to Jacob S. Snyder—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 18653) granting an increase of pension to Robert Limbird—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 18654) granting an increase of pension to R. D. Gardner—to the Committee on Pensions.

Also, a bill (H. R. 18655) granting an increase of pension to Leander Gilbert—to the Committee on Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 18656) granting an increase of pension to George W. Gordon—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 18657) granting an increase of pension to Nicholas Schue—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 18658) granting an increase of pension to Robert Poer—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 18659) granting an increase of pension to Elisha B. Foor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18660) granting an increase of pension to William Amick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18661) granting an increase of pension to Henry F. Gibson—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 18418) for the relief of Priscilla J. Shipman, administratrix of the estate of John J. Shipman, deceased, for work done and materials furnished to the District of Columbia—Committee on the District of Columbia discharged, and referred to the Committee on Claims.

A bill (H. R. 18111) for the relief of Mrs. Georgia M. Marks—Committee on the District of Columbia discharged, and referred to the Committee on Appropriations.

A bill (H. R. 18523) granting an increase of pension to Hugh Reid—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Petition of the American Free Art League, for removal of the duty on art works—to the Committee on Ways and Means.

Also, petition of W. D. Sleare, pastor of the First Methodist Episcopal Church, of Sheridan, Pa., for Sunday closing of the Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. BEDE: Paper to accompany bill for relief of James E. Netser—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: Paper to accompany bill for relief of First Georgia State Troops—to the Committee on Military Affairs.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Thomas M. Luman—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Lindsay Adkins—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Lawrence—to the Committee on Pensions.

Also, paper to accompany bill for relief of Mrs. Lydia Butler, widow of Andrew M. Butler—to the Committee on Invalid Pensions.

By Mr. BINGHAM: Petition of the Presbyterian Ministerial Association of Pennsylvania, for Sunday closing of the Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. BRICK: Petition of citizens of Goshen, Ind., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURKE of Pennsylvania: Petition of the Audubon Society, of Wilkesburg, Pa., for bills H. R. 7019, 11949, and 11950, and S. 2966, all relative to preservation of birds—to the Committee on Agriculture.

Also, petition of G. A. Guffey, for bills H. R. 7019, 11949, and 11950, and S. 2966, relative to protection of birds—to the Committee on Agriculture.

Also, petition of the Frankfort Business Men's Club, against any amendment to the pure-food bill calculated to destroy the efficiency of the law—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLESON: Paper to accompany bill for relief of Mrs. Mary E. Strickland—to the Committee on Pensions.

By Mr. BURNETT: Petition of 66 American artists, for repeal of the duty on art works—to the Committee on Ways and Means.

By Mr. BURTON of Ohio: Petition of citizens of Cleveland, Ohio, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CAPRON: Petition of citizens of Rhode Island, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Anthony, R. I., for law to compel manufacturers and shippers of food to label packages as to true contents, specifying ingredients thereof—to the Committee on Interstate and Foreign Commerce.

Also, petition of Pleasant View Baptist Church, for the Hepburn-Dolliver bill to protect prohibition States against nullification of temperance laws by enabling sellers of "original packages" to sell under the protection of the interstate commerce powers of United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Valley Falls, R. I., against repeal of the canteen law—to the Committee on Military Affairs.

Also, petition of the League of Improvement Societies of Rhode Island, for preservation of Niagara Falls—to the Committee on Rivers and Habors.

Also, petition of the Historical Society of Newport, R. I., against seed distribution—to the Committee on Agriculture.

Also, petition of the Rhode Island Historical Society, for preservation of the frigate *Constitution*—to the Committee on Naval Affairs.

Also, petition of Aquidneck Grange, Patrons of Husbandry, and the Ministerial Association of Westerly, R. I., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Women's Club of Edgewood, R. I., and the Round Table Club of Woonsocket, R. I., for an appropriation to investigate the industrial condition of women in the United States—to the Committee on Appropriations.

Also, petition of Local No. 198, and Local No. 262, American Federation of Musicians, of Woonsocket, R. I., for bill H. R. 8748, relative to pay of Government musicians—to the Committee on Naval Affairs.

Also, petition of the League of Improvement Societies of Rhode Island, for forest reservations in the White Mountains and elsewhere—to the Committee on Agriculture.

Also, petition of the Woman's Club, of Pawtucket, R. I., for legislation to improve the sanitary condition of the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the American Federation of Labor, against bill H. R. 5281 (the pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. CASSEL: Petition of Felton, Sibley & Co., for the Currier bill (H. R. 15911) relative to the use of trade-marks used in commerce with foreign nations—to the Committee on Patents.

Also, petition of the National Council of Women, for bill regulating child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Trades League of Philadelphia, against the Little and Gilbert bills, relative to immunity of labor organizations in cases of dispute—to the Committee on the Judiciary.

Also, petition of Camp Hawkins, No. 1, Society of the Army of the Philippines, for medals of honor for officers and soldiers of the Spanish war who served beyond the enlisted time in the Philippines—to the Committee on Military Affairs.

Also, petition of Washington Camp, No. 680, of Columbia, Pa., and Camp No. 434, of Washington, Pa., Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the T Square Club, of Philadelphia, Pa., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Lumberman's Exchange, William M. Lloyd Company, Henson & Pearson, the Yellow Pine Company, the Southern Pine Company, and the Provident Lumber Company, for bill H. R. 5281 (the pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of residents of Lancaster, Pa., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the National Board of Trade, for the merchant marine shipping bill (the subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Baltimore and Philadelphia Steamboat Company, against bill H. R. 17129, relative to patented articles calculated to impose burdens on passenger steamboats—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Keystone Watch Case Company, for bill H. R. 14604, relative to falsely and spuriously stamped articles of merchandise made of gold or silver or other alloys—to the Committee on Interstate and Foreign Commerce.

Also, petition of Dr. J. C. Wilson, for the Littauer bill (the metric system)—to the Committee on Coinage, Weights, and Measures.

By Mr. DOVENER: Paper to accompany bill for relief of William E. Cornwell—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Tony Verrosso (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. DRESSER: Petition of citizens of Clearfield, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Washington Camp, No. 455, Patriotic Order Sons of America, for bill H. R. 17941, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Frankfort Business Men's Club, against injurious amendments to the pure-food bill as reported (bill S. 88)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Washington Camp, No. 591, Patriotic Order Sons of America, of Clearfield, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Frankfort Business Men's Club, for bill S. 88, and against amendments of same to the injury of its efficiency as a law—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Petition of the Delaware Society of New York, for naming a battle ship the *Delaware*—to the Committee on Naval Affairs.

Also, petition of the Frankfort Business Men's Club, against any amendment to the pure-food bill (S. 88) calculated to destroy the efficiency of the law—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of citizens of Wisconsin, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FITZGERALD: Petition of the Delaware Society, of New York, for naming a battle ship the *Delaware*—to the Committee on Naval Affairs.

Also, petition of the American Federation of Labor, against bill H. R. 5281 (pilotage)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Metal Traders' Association, for bill S. 529 (the subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Business Men's Club, for enactment of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FORDNEY: Petition of citizens of Shiawassee and Clinton counties, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FULLER: Petition of National Woman's Christian Temperance Union, against importation of alcoholic liquor under Federal protection into States under prohibition—to the Committee on the Judiciary.

Also, petition of the Illinois Manufacturers' Association, for the Merchant Marine Commission shipping bill (S. 529)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of the estate of Bird Sands—to the Committee on War Claims.

By Mr. GARDNER of Michigan: Petition of citizens of Mich-

igan, against liquor selling on Army transports and in Soldiers' Homes—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Michigan, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Simon Spears—to the Committee on Invalid Pensions.

By Mr. GARRETT: Paper to accompany bill for relief of J. H. Bradburry—to the Committee on Invalid Pensions.

By Mr. GILBERT of Indiana: Petition of citizens of Indiana, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GRAHAM: Petition of the Frankfort Business Men's Association, against amendments to the pure-food bill that may impair its usefulness—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Free Art League, for removal of the duty on art works—to the Committee on Ways and Means.

By Mr. HEPBURN: Petition of citizens of Decatur and Fremont counties, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HILL of Mississippi: Paper to accompany bill for relief of Walter Frazier Lockhart—to the Committee on Pensions.

By Mr. JOHNSON: Paper to accompany bill for relief of James McDavid—to the Committee on Pensions.

By Mr. KENNEDY of Nebraska: Petition of the Courier, Blair, Nebr., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WILLIAM W. KITCHIN: Petition of Purity Council, No. 22, Daughters of Liberty, of Burlington, N. C., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LILLEY of Connecticut: Paper to accompany bill for relief of Mary Sullivan—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Elizabeth Baker—to the Committee on Pensions.

By Mr. LINDSAY: Petition of the Frankfort Business Men's Club, against amendments to the pure-food bill calculated to impair its efficiency as a law—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Delaware Society, of New York, for naming a battle ship after the State of Delaware—to the Committee on Naval Affairs.

By Mr. LITTLEFIELD: Petition of the Arizona Sunday School Association, against gambling in the Territories of the United States, favoring the antigambling bill—to the Committee on the Territories.

Also, petition of the Savings Bank Association of Maine, against bill H. R. 48, relative to postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Pomona and local Granges, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MANN: Petition of the Illinois Manufacturers' Association, favoring bill S. 529 (the shipping bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Lake Pilots' Protection Association, Lodge No. 3, for the improvement of Dunkirk Harbor—to the Committee on Rivers and Harbors.

By Mr. NEVIN: Petition of 300 citizens of Dayton, Ohio, against all intoxicants in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Mrs. H. A. Wilbur et al., against the state of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of Henry B. Parker—to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: Paper to accompany bill for relief of Rachel L. Dixon, heir of Cicero C. Hanna—to the Committee on War Claims.

Also, petition of citizens of Mangham, La., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. REID: Paper to accompany bill for relief of John Shaw—to the Committee on Military Affairs.

By Mr. REYNOLDS: Paper to accompany bill for relief of Elisha B. Foor—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Amick—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William H. Hawkins—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Henry F. Gibson—to the Committee on Invalid Pensions.

By Mr. RHINOCK: Paper to accompany bill for relief of Frederick Sensel—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of the Merchants' Association of New York, for construction of a ship to destroy derelicts—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Delaware Society, of New York, for naming a battle ship the *Delaware*—to the Committee on Naval Affairs.

Also, petition of the American Free Art League, for repeal of the duty on art works—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of Buffalo, N. Y., against the Burton bill for the preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of George W. Gordon—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John W. Jones—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of the Connecticut Branch of the Woman's American Baptist Home Mission Society, against a bill to remove all of the Alaska schools from the jurisdiction of the United States Bureau of Education and place them in charge of the governor of Alaska—to the Committee on Education.

Also, petition of the board of directors of the Connecticut State Prison, against any restriction of interstate transportation of prison-made products—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of Everett C. Wheeler, of New York, for bill H. R. 12740, relative to a court of appeals for patent cases—to the Committee on the Judiciary.

Also, petition of the Delaware Society, of New York, for naming a battle ship the *Delaware*—to the Committee on Naval Affairs.

Also, petition of the Patent Law Association, for legislation for a special court of appeals in patent cases—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of the Methodist Episcopal Church—to the Committee on War Claims.

By Mr. THOMAS of Ohio: Petition of Neal Gallagher et al., for the merchant marine shipping bill (the Senate subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. WANGER: Petition of 57 citizens of Willow Grove, Maple Glen, Hatboro, Threetuns, Horsham, and Hallowell, Pa., for forest reservations in the White Mountains and Appalachian Mountains, and for repeal of the stone and timber act—to the Committee on Agriculture.

By Mr. WEBB: Paper to accompany bill for relief of Julius Rector—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *April 26, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

POSTAL SERVICE IN CALIFORNIA.

The VICE-PRESIDENT laid before the Senate a communication of the Postmaster-General, transmitting a draft of a joint resolution apropriating $100,000, to be expended, in the discretion of the Postmaster-General, for the rehabilitation of the postal service in the State of California, which has been interrupted by earthquake and fire; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

SEYMOUR HOWELL.

Mr. BURROWS. On yesterday the Vice-President laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting, in response to a resolution of the 23d instant, the papers in connection with the case of Maj. Seymour Howell *v.* The United States, and which were ordered to lie on the table. This case is now pending before the Committee on Claims of the Senate, and I move that the papers be taken from the table and referred to that committee to be considered in connection therewith.

The VICE-PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had

passed the bill (S. 5514) to amend section 4472 of the Revised Statutes, relating to the carrying of dangerous articles on passenger steamers.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 14508. An act permitting the building of dams across the north and south branches of Rock River, adjacent to Vandruffs Island, and Carrs Island, and across the cut-off between said islands, in Rock Island County, Ill., in aid of navigation and for the development of water power; and

H. R. 16954. An act to provide for the reappraisement of certain lots in the town site of Port Angeles, Wash.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 11490. An act granting the Edison Electric Company a permit to occupy certain lands for electric-power plants in the San Bernardino, Sierra, and San Gabriel forest reserves, in the State of California;

H. R. 18025. An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes; and

H. R. 17217. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," regulating proceedings for condemnation of land for streets.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the legislature of the State of Kentucky, praying for the passage of a river and harbor appropriation bill at each session of Congress; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

IN SENATE, *February 20, 1906.*

Memorial of State legislature to Congress in regard to rivers and harbors.

Whereas the only national appropriations made for the benefit of commerce are those for rivers and harbors, which, for the past ten years, have averaged less than 3 per cent of the total appropriations of Congress, while Army, Navy, and pension bills have averaged over 40 per cent; and

Whereas a wise and proper development of our Great Lakes and river systems and the harbors of our coasts would cost large sums and be of incalculable benefit to commerce by cheapening and regulating transportation rates on land and water; and

Whereas for the past ten years river and harbor bills have carried an average appropriation of only $19,250,000 a year, which sum is wholly incommensurate with the great interests involved, and have been passed triennially instead of annually as other great appropriation bills: Therefore

Resolved by the general assembly of the Commonwealth of Kentucky, That in interest of commerce we memorialize Congress in favor of a broad and liberal policy toward the waterways of our nation. We favor the adoption of river and harbor bills at every session of Congress, and think they should carry at least $50,000,000 a year. We strongly urge the Senators and Representatives from this State to favor this policy and use their utmost endeavors to secure its adoption.

Resolved, That copies of this memorial be sent to the President and Vice-President and every Member of Congress from Kentucky.

Adopted. Attest:

WM. CROMWELL,
Chief Clerk of Senate.

The VICE-PRESIDENT presented a petition of Black Diamond Union, No. 2412, United Mine Workers of America, of Linton, Ind., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of Hope Grange, Patrons of Husbandry, of Midland County, Mich., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

Mr. PLATT presented a petition of the Ithaca Motor Club, of Ithaca, N. Y., praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying for the ratification of the proposed treaty between the United States and Santo Domingo; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Delaware Society, of New York City, N. Y., praying that one of the new battle ships be named in honor of the State of Delaware; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Troy Branch, National Indian Association, of Troy, N. Y., praying for the enactment of legislation for the relief of the landless Indians of northern and southern California; which was referred to the Committee on Indian Affairs.

Mr. PLATT (for Mr. DEPEW) presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying for the ratification of the treaty between the United States and Santo Domingo; which was referred to the Committee on Foreign Relations.

He also (for Mr. DEPEW) presented a petition of the Cayuga County Historical Society, of Auburn, N. Y., praying that an appropriation be made for the repair of the frigate *Constitution* and its restoration to service as a relic of the war of 1812; which was referred to the Committee on Naval Affairs.

He also (for Mr. DEPEW) presented a petition of the Business Men's Association of Schenectady, N. Y., praying for the enactment of legislation to establish a Federal court in the Chinese Empire; which was referred to the Committee on Foreign Relations.

He also (for Mr. DEPEW) presented a petition of the Literary Club of the Church of the Messiah, of Buffalo, N. Y., and a petition of the Professional Woman's League of Syracuse, N. Y., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also (for Mr. DEPEW) presented a petition of Nancy Hanks Council, No. 58, Daughters of Liberty, of New York City, N. Y., and a petition of America Council, No. 74, Daughters of Liberty, of Port Washington, N. Y., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. LODGE presented a petition of sundry citizens of Boston, Mass., praying for the enactment of legislation for the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN presented petitions of sundry citizens of Bayonne and Pompton, N. J., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a memorial of the Woman's Home Missionary Society of Orange, N. J., remonstrating against the enactment of legislation providing for the education and care of the Indians and Eskimos in the Territory of Alaska by the governor of that Territory; which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of Newton, Orange, and Monmouth County, all in the State of New Jersey, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of the State board of agriculture of Trenton, of Union Grange, No. 154, Patrons of Husbandry, of Leesburg, and of Pomona Grange, Patrons of Husbandry, of Mullica Hill, all in the State of New Jersey, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

Mr. GALLINGER presented a petition of Merrimac Lodge, No. 266, Brotherhood of Railroad Trainmen, of Nashua, N. H., praying for the enactment of legislation to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Northeast Washington Citizens' Association, of Washington, D. C., praying for the enactment of legislation to regulate the practice of osteopathy in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of Columbia Typographical Union, No. 101, American Federation of Labor, of Washington, D. C., praying for the adoption of an amendment to the District of Columbia appropriation bill requiring that all work contracted for in the name of the District of Columbia be done in compliance with the national eight-hour law; which was referred to the Committee on Appropriations.

He also presented a petition of the legislative committee, American Federation of Labor, of Washington, D. C., praying for the enactment of legislation for the relief of the ship keepers at the Mare Island Navy-Yard, Cal.; which was referred to the Committee on Naval Affairs.

Mr. MARTIN presented a petition of J. E. B. Stuart Council, No. 115, Junior Order of United American Mechanics, of Danville, Va., and a petition of Fidelity Council, No. 58, Junior

Order of United American Mechanics, of West Point, Va., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. HEMENWAY presented a petition of Local Union No. 2412, United Mine Workers of America, of Linton, Ind., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. FULTON presented a petition of sundry citizens of Portland, Oreg., praying for the enactment of legislation to consolidate third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a paper to accompany the bill (S. 5364) granting a pension to Lewis Cole; which was referred to the Committee on Pensions.

CASUALTIES TO RAILROAD EMPLOYEES, ETC.

Mr. TILLMAN. I present a communication from the Interstate Commerce Commission, together with a statement of personal injuries to employees, showing causes of accidents, hours on duty, and hours of rest, and also a statement showing train wrecks, with number of hours that trainmen were on duty and hours of rest previous to going on duty, as reported to the Commission since July 1, 1901. I move that the communication and accompanying statements be printed as a document.

Mr. KEAN. What is the paper?

Mr. TILLMAN. It is a report of the Interstate Commerce Commission, in response to a letter from myself asking for the causes of accidents, the number of railway employees injured, the hours of duty, and the hours off duty. It relates to the question of railroads.

The VICE-PRESIDENT. The Senator from South Carolina desires to have it printed as a document.

Mr. TILLMAN. Printed as a document.

The VICE-PRESIDENT. Without objection, it is so ordered.

APPROPRIATION FOR MARE ISLAND NAVY-YARD, CAL.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 5872) authorizing the Secretary of the Navy to employ additional laborers and mechanics at the navy-yard, Mare Island, California, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to employ such additional laborers and mechanics as may, in his judgment, be necessary for immediate service in the several departments of the navy-yard, Mare Island, California; and the sum of $300,000, or so much thereof as may be required, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for such purpose: *Provided*, That such appropriation shall be additional to the sums regularly appropriated for the employment of laborers and mechanics at the navy-yard, Mare Island, California, and shall be immediately available.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 11796) for the diversion of water from the Sacramento River, in the State of California, for irrigation purposes, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4763) granting an increase of pension to John C. Matheny;

A bill (H. R. 13730) granting an increase of pension to Joseph Shroyer;

A bill (H. R. 15982) granting an increase of pension to Henrietta W. Wilson;

A bill (H. R. 3419) granting an increase of pension to John Biddle;

A bill (H. R. 12803) granting a pension to Emma C. Waldron;

A bill (H. R. 3347) granting an increase of pension to Orestes B. Wright;

A bill (H. R. 8711) granting an increase of pension to James F. Howard;

A bill (H. R. 4294) granting an increase of pension to Annie R. E. Nesbitt;

A bill (H. R. 16445) granting an increase of pension to Henry H. Sibley;

A bill (H. R. 5178) granting an increase of pension to Elijah Pantall;

A bill (H. R. 4230) granting an increase of pension to William H. Miles;

A bill (H. R. 15895) granting a pension to Harry D. McFarland;

A bill (H. R. 16024) granting an increase of pension to Katie B. Meister;

A bill (H. R. 16266) granting an increase of pension to Margaret A. Rucker;

A bill (H. R. 16514) granting an increase of pension to John W. Barton;

A bill (H. R. 16578) granting an increase of pension to Edward Lilley;

A bill (H. R. 11565) granting a pension to Sarah A. Brinker;

A bill (H. R. 7968) granting an increase of pension to Palmetto Dodson;

A bill (H. R. 7737) granting a pension to William H. Winters;

A bill (H. R. 8780) granting an increase of pension to Abraham M. Barr;

A bill (H. R. 8778) granting an increase of pension to George Henderson;

A bill (H. R. 11306) granting an increase of pension to John C. Parkinson;

A bill (H. R. 10727) granting an increase of pension to Aquilla M. Hizar;

A bill (H. R. 10686) granting an increase of pension to George W. Adams; and

A bill (H. R. 10358) granting an increase of pension to Charles Dorin.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6864) granting an increase of pension to Henry Good;

A bill (H. R. 9833) granting an increase of pension to James C. Miller;

A bill (H. R. 9829) granting an increase of pension to William J. Thompson;

A bill (H. R. 11918) granting a pension to Mary A. Weigand;

A bill (H. R. 9606) granting a pension to Martha Jewell;

A bill (H. R. 9627) granting an increase of pension to Daniel Craig;

A bill (H. R. 9601) granting an increase of pension to John B. Page;

A bill (H. R. 10494) granting an increase of pension to Hannah C. Reese;

A bill (H. R. 9415) granting an increase of pension to John E. Murphy;

A bill (H. R. 9417) granting an increase of pension to George A. Havel;

A bill (H. R. 10250) granting an increase of pension to Ephraim Marble;

A bill (H. R. 7720) granting an increase of pension to Stephen M. Sexton;

A bill (H. R. 8518) granting an increase of pension to Samuel Meadows;

A bill (H. R. 7902) granting an increase of pension to Eugene Orr, alias Charles Southard;

A bill (H. R. 7837) granting an increase of pension to Mary J. McKim;

A bill (H. R. 12521) granting an increase of pension to Alice Eddy Potter;

A bill (H. R. 6238) granting an increase of pension to Jesse Woods; and

A bill (H. R. 6256) granting an increase of pension to Solomon Riddell.

Mr. ALGER, from the Committee on Military Affairs, to whom were referred the following joint resolution and bill, reported them severally without amendment, and submitted reports thereon;

A joint resolution (S. R. 47) granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan; and

A bill (S. 1211) to correct the military record of John Alspaugh.

Mr. GEARIN, from the Committee on Claims, to whom was referred the bill (S. 4421) for the relief of S. W. Langhorne and H. S. Howell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1343) for the relief of Well C. McCool, reported it with amendments, and submitted a report thereon.

Mr. GEARIN (for Mr. PATTERSON), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 601) granting an increase of pension to Israel E. Munger;
A bill (H. R. 16930) granting a pension to Virginia A. Hilburn;
A bill (H. R. 16985) granting an increase of pension to Gilson Lawrence;
A bill (H. R. 16583) granting an increase of pension to David R. Walden;
A bill (H. R. 16023) granting an increase of pension to Sheldon B. Fargo; and
A bill (H. R. 16437) granting an increase of pension to Samuel H. Frazier.

Mr. WARNER, from the Select Committee on Industrial Expositions, to whom was referred the amendment submitted by Mr. CARTER on the 19th instant, proposing to appropriate $350 for the preparation of a table of contents and index to the final report of the Louisiana Purchase Exposition Commission, intended to be proposed to the legislative, executive, and judicial appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11898) granting a pension to Lars F. Wadsten, alias Frederick Wadsten;
A bill (H. R. 9578) granting an increase of pension to Alfred B. Menard;
A bill (H. R. 9556) granting an increase of pension to Thomas C. Jackson;
A bill (H. R. 9261) granting an increase of pension to William C. Herridge;
A bill (H. R. 9046) granting a pension to William Berry;
A bill (H. R. 7745) granting an increase of pension to Wheeler Lindenbower;
A bill (H. R. 8046) granting an increase of pension to James Thompson Brown;
A bill (H. R. 7821) granting an increase of pension to Mathias Brady;
A bill (H. R. 10456) granting an increase of pension to William T. Edgemon;
A bill (H. R. 7687) granting an increase of pension to Charles Hammond, alias Hiram W. Kirkpatrick;
A bill (H. R. 8948) granting an increase of pension to John W. Hammond; and
A bill (H. R. 9257) granting an increase of pension to Nathaniel M. Stukes.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8277) granting an increase of pension to Samuel S. Garst;
A bill (H. R. 10924) granting an increase of pension to Thomas J. Sizer;
A bill (H. R. 10580) granting an increase of pension to Samuel Fish;
A bill (H. R. 10473) granting an increase of pension to John B. Gerard;
A bill (H. R. 10161) granting an increase of pension to Benjamin R. South;
A bill (H. R. 10173) granting an increase of pension to John H. Lockhart;
A bill (H. R. 10030) granting an increase of pension to Arby Frier;
A bill (H. R. 7540) granting an increase of pension to William F. Griffith;
A bill (H. R. 6985) granting a pension to Susan C. Smith;
A bill (H. R. 6452) granting an increase of pension to William H. Doherty;
A bill (H. R. 6213) granting an increase of pension to Hiram Linn;
A bill (H. R. 11593) granting an increase of pension to Evans Blake;
A bill (H. R. 11591) granting an increase of pension to John B. Hall;
A bill (H. R. 11532) granting an increase of pension to Andrew J. Speed;
A bill (H. R. 11374) granting an increase of pension to Fanny L. Conine;
A bill (H. R. 9791) granting an increase of pension to Amelia E. Grimsley;
A bill (H. R. 6919) granting an increase of pension to Joseph A. C. Curtis;
A bill (H. R. 6450) granting an increase of pension to Nannie L. Schmitt;
A bill (H. R. 8820) granting a pension to Inez Tarkington;
A bill (H. R. 8157) granting an increase of pension to Milton H. Wayne;
A bill (H. R. 1151) granting an increase of pension to Valentine Bartley;
A bill (H. R. 1245) granting an increase of pension to David Rankin;
A bill (H. R. 4679) granting an increase of pension to Franklin D. Clark;
A bill (H. R. 3333) granting a pension to William Simmons;
A bill (H. R. 5956) granting an increase of pension to Joseph H. Wagoner;
A bill (H. R. 5044) granting an increase of pension to Hiram G. Hoke;
A bill (H. R. 2721) granting an increase of pension to Ashford R. Matheny;
A bill (H. R. 4350) granting an increase of pension to Joseph W. Vance;
A bill (H. R. 2731) granting an increase of pension to James M. Eddy;
A bill (H. R. 17028) granting an increase of pension to Lorenzo D. Hartwell; and
A bill (H. R. 16179) granting an increase of pension to William N. J. Burns.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 15907) granting an increase of pension to Lewis De Laittre, reported it with an amendment, and submitted a report thereon.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11367) granting an increase of pension to Manning Abbott;
A bill (H. R. 11361) granting an increase of pension to Thomas Hughes;
A bill (H. R. 8290) granting an increase of pension to Lloyd D. Bennett; and
A bill (H. R. 9993) granting a pension to George W. Warren.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 2624) granting an honorable discharge to Henry G. Thomas, deceased, Company C, Second Kentucky Cavalry, reported it with an amendment, and submitted a report thereon.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (S. 1166) to correct the military record of Peleg T. Griffith, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4197) authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis, reported it with an amendment, and submitted a report thereon.

Mr. BULKELEY, from the Committee on Military Affairs, reported an amendment to sections 1305 and 1308 of the Revised Statutes, relative to the deposit of savings of enlisted men in the Army, etc., intended to be proposed to the Army appropriation bill, and moved that it lie on the table and be printed; which was agreed to.

SUBPORT OF SPOKANE, WASH.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 17757) extending to the subport of Spokane, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, to report it without amendment, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It extends the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, to the subport of Spokane, in the State of Washington.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. ALGER introduced a bill (S. 5874) for the relief of William B. McCloy; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally

read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5875) granting a pension to Amanda Chatterson; and

A bill (S. 5876) granting an increase of pension to Lizzie J. Hoadley.

Mr. PLATT (for Mr. DEPEW) introduced a bill (S. 5877) granting an increase of pension to Charles O'Bryan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 5878) for the relief of Phillip Hague, administrator of the estate of Joseph Hague, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 5879) granting an increase of pension to John J. Duff; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5880) for the relief of the Bath Iron Works and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 5881) to amend and construe an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ended June 30, 1900, and for other purposes," in so far as the same relates to Virginia military, continental, or State land warrants; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GALLINGER introduced a bill (S. 5882) to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue, in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DICK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5883) granting an increase of pension to Eugene R. Eggleston;

A bill (S. 5884) granting an increase of pension to Cyrus Palmer;

A bill (S. 5885) granting an increase of pension to Mary Landfrit;

A bill (S. 5886) granting an increase of pension to Anna E. Hood; and

A bill (S. 5887) granting an increase of pension to Katharine McMonigal.

Mr. DICK introduced a bill (S. 5888) authorizing the President to place James Carroll on the retired list with the rank of major; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PETTUS introduced a bill (S. 5889) to authorize the construction of dams and power stations on the Coosa River, at Lock 2, Alabama; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 5890) to authorize the South and Western Railroad Company to construct bridges across the Clinch River and the Holston River in the States of Virginia and Tennessee; and

A bill (S. 5891) to authorize the South and Western Railway Company to construct bridges across the Clinch River and the Holston River in the States of Virginia and Tennessee.

Mr. MARTIN introduced a bill (S. 5892) granting an increase of pension to Daniel W. Redfield; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5893) for the relief of W. T. Flippin, administrator for John F. Flippin, deceased (with an accompanying paper);

A bill (S. 5894) for the relief of the trustees of Kent Street Presbyterian Church, of Winchester, Va.;

A bill (S. 5895) for the relief of Granville J. Kelly;

A bill (S. 5896) for the relief of the legal representatives of Alexander K. Phillips, deceased; and

A bill (S. 5897) for the relief of the trustees of Leavenworth Female College, of Petersburg, Va.

Mr. HEMENWAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5898) granting a pension to Louisa A. Clark;

A bill (S. 5899) granting an increase of pension to William Bunnell; and

A bill (S. 5900) granting an increase of pension to Joseph B. Williams.

Mr. PILES introduced a bill (S. 5901) to extend the time for the completion of the Alaska Central Railway, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5902) granting an increase of pension to George W. Webster (with an accompanying paper);

A bill (S. 5903) granting a pension to James C. Tryon;

A bill (S. 5904) granting an increase of pension to Leroy Rose;

A bill (S. 5905) granting a pension to Bert Cole (with accompanying papers);

A bill (S. 5906) granting an increase of pension to Frederick W. Odell (with accompanying papers);

A bill (S. 5907) granting an increase of pension to Ozen B. Nichols; and

A bill (S. 5908) granting an increase of pension to Thomas H. Wells (with accompanying papers).

Mr. WARNER introduced a bill (S. 5909) for the relief of Charles Yust; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5910) for the relief of August Gloeser; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BRANDEGEE introduced a bill (S. 5911) to determine and increase the efficiency of submarine boats for the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. FRYE introduced a bill (S. 5912) granting an increase of pension to Nathaniel Green; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLARKE of Arkansas introduced a bill (S. 5913) to authorize the sale of certain lands to the city of Mena, in the county of Polk, in the State of Arkansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TILLMAN introduced a bill (S. 5914) for the relief of the trustees of the College of Beaufort, of Beaufort, S. C.; which was read twice by its title, and referred to the Committee on Claims.

Mr. WETMORE introduced a bill (S. 5915) granting an increase of pension to Rosanna Sweeney; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 5916) granting an increase of pension to Wilhelmina Paque; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5917) granting an increase of pension to Julia M. Bailey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

INDUSTRIAL HOME SCHOOL PROPERTY.

Mr. HALE. The bill (S. 5873) to provide for the transfer to naval control of that portion of the Industrial Home School property lying within the limits of the Naval Observatory circle and the establishment of the Industrial Home School upon a new site to be selected by the Commissioners of the District of Columbia, which I introduced yesterday, was by mistake referred to the Committee on the District of Columbia. I ask that that reference be vacated, and that the bill be referred to the Committee on Naval Affairs.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Maine? The Chair hears none, and it is so ordered.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted the following amendments, intended to be proposed by him to the District of Columbia appropriation bill; which were referred to the Committee on the District of Columbia, and ordered to be printed:

An amendment providing for the construction of a plant for the occasional chemical treatment of Potomac water necessary to produce clear and wholesome water, etc.;

An amendment proposing to increase the compensation of the first assistant sealer of weights and measures of the District of Columbia from $1,200 to $1,500; and

An amendment proposing to increase the total appropriation for the department of insurance, District of Columbia, from $8,700 to $9,300.

Mr. BURKETT submitted an amendment providing for the expenditure of $400,000 at Fort Robinson, Nebr., in construc-

tion of barracks and officers' quarters, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 for improving Massachusetts avenue from a point adjacent to the Naval Observatory to the District of Columbia line northwest, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DUBOIS submitted an amendment proposing to appropriate $1,000 for paving Florida avenue between P and Q streets NW., etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BULKELEY submitted an amendment authorizing the appointment of a chaplain for the Corps of Engineers, United States Army, intended to be proposed by him to the Army appropriation bill; which was ordered to lie on the table, and be printed.

PRACTICE OF PHARMACY AND SALE OF POISONS.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8997) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, and 49; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed by the Senate insert: "*Provided*, That applicants shall be not less than twenty-one years of age, and shall have had at least four years' experience in the practice of pharmacy or shall have served three years under the instruction of a regular licensed pharmacist, and any applicant who has been graduated from a school or college of pharmacy recognized by said board as in good standing shall be entitled to examination upon presentation of his diploma;" and the Senate agree to the same.

J. H. GALLINGER,
E. J. BURKETT,
THOMAS S. MARTIN,
Managers on the part of the Senate.

P. P. CAMPBELL,
E. L. TAYLOR, Jr.,
ADOLPH MEYER,
Managers on the part of the House.

The report was agreed to.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I ask unanimous consent that the unfinished business be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. SPOONER. Mr. President, I am reluctant to ask further attention of the Senate to the question involved in the proviso to the amendment offered by the distinguished Senator from Texas [Mr. BAILEY] to this bill prohibiting the court in a suit brought under the provisions of the amendment for a review of the rate fixed by the Interstate Commerce Commission from granting, pending the final decree, an interlocutory injunction suspending the order. The question is a very grave one to my apprehension. It is my conviction that if the amendment were adopted it would very seriously imperil the rate-fixing provision of this bill if enacted into law.

The subject is a great deal broader, however, than in its application to this measure. It is, to me, the largest question which has been presented to the Senate, take it all in all, since I have had the honor to be a member of this body. Its main support (and no proposition could have better, or abler) has come from the distinguished Senator from Texas. His argument, in concentrated form, I find in a few words printed upon the pamphlet copy of his speech recently delivered:

> The power to create and the power to destroy must, in the nature of things, include the power to limit and control.

Applied to the question I am proposing to discuss, that proposition seems to me not only unsound but dangerous, from the standpoint of the Constitution, as restricting the exercise, untrammeled by legislation, of the judicial power of the Constitution by the courts of the United States.

The question is a narrow one, although many things have been discussed, and I am responsible in part for the scope of the debate. It is not whether Congress has the power to destroy the Federal courts. I deny that, unless others are created at the same time in which *co instanti* is vested some of the judicial power of the Constitution, but I pass that for the moment. The question is not whether Congress may confer jurisdiction of the enumerated cases of the Constitution over Federal courts or withhold it. I admit that. I do not for a moment question, nor have I questioned, under the decisions, that Congress may confer jurisdiction over one of the enumerated controversies or all of them upon one or all of the Federal courts, and withdraw it.

The power of Congress to confer and withdraw the jurisdiction is not here, as I understand it, in dispute, but by confounding *jurisdiction* with *judicial power*, treating the two words as representing the same thought and meaning the same thing, this motto is logical in saying that the power which the Congress has over the *jurisdiction* it has also over the exercise of the judicial *power* jurisdiction existing; that in a case over which the court has jurisdiction Congress has authority to limit and control the *judicial power*. I do not challenge the accuracy of these words, for if the power exists at all to limit or control the *judicial power* of the court in a case over which it has jurisdiction, the limit and extent of that control is to be determined by the Congress.

DISTINCTION BETWEEN "JUDICIAL POWER" AND "JURISDICTION."

Now, Mr. President, that leads me to this question: Is there or is there not a distinction between *judicial power* and *jurisdiction* in its relation to this and kindred questions?

The Senator from Texas reprobated a little the tendency of lawyers to indulge in subtle distinctions. When as able a lawyer as he is sneers at lawyers for indulging in subtle distinctions, it must, I think, necessarily arise from a consciousness of necessity to indulge in some looseness of speech if not in looseness of thought. Distinctions in the law are multitudinous. Lawyers have to deal with them. The courts are always dealing with them. I have not known many which in the last analysis were not important. I have in my life followed some which seemed to me too subtle to be sound back to their origin—a laborious work—to find where first they sprung into existence and were recognized or asserted by a court; and in almost every case I have found the origin of these distinctions to be in a finer sense of justice and their foundation to lie in necessity for ampler judicial remedies.

The Senator from Texas credited also, asserting, however, that it is of no value to the patentees, the invention of the distinction between *judicial power* and *jurisdiction* to the distinguished Senator from Pennsylvania [Mr. KNOX] and myself. I would have to be very, very old to establish any claim to the invention of that distinction. I find it clearly enough marked in Blackstone, the words "judicial power" being used in the same sense that they were used by the framers of the Constitution, and the word "jurisdiction" also used in the same sense, which is familiar to every lawyer, and which originating in the Constitution so far as this question is concerned is carried through the decisions. Chief Justice Holt defined *judicial* power thus:

> Whenever a power is given to examine, hear, and punish it is a judicial power, and they in whom it is reposed act as judges.

Mr. President, to me it is written plainly in the Constitution, and no sophistry can eliminate it or confuse it. Very many of the men who framed the Constitution were great and learned lawyers. It has been said of this instrument, and I think it is true, that tautology is a stranger to it; that almost, if not every, word in it has its distinct significance, and it has been said by the courts many times in construing it that every word must be given significance.

Mr. President, the judicial power of the United States is an indivisible thing. "Jurisdiction" may be distributed, and has been and may be changed and redistributed. There are fourteen sorts of jurisdiction. One finds them all in Bouvier. I have found but one meaning substantially imputed to the words "judicial power." The States possessed all the judicial power, and by the Constitution they surrendered to the United States that which is set forth in that instrument. The Constitution says (Art. III):

> SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. * * *

Then, section 2 provides:

SEC. 2. The *judicial power* shall extend to all cases, in *law* and *equity*, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime *jurisdiction;* to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have *original jurisdiction*. In all the other cases before mentioned, the Supreme Court shall have *appellate jurisdiction*, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Did the framers of the Constitution use the two words in the same sense? Did they not, Mr. President, use the words "original jurisdiction" in the sense with which lawyers are so familiar? What does it mean? It means that a suit "may be begun" in that court. The judicial power extends to such suit when brought within this original jurisdiction of the Supreme Court:

In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction only.

Does that mean appellate "judicial power?" It means what it says, Mr. President—appellate *jurisdiction*. What is this? Manifestly the *right* to exercise the judicial power on appeal.

It is the essential criterion of appellate jurisdiction that it revises and corrects the proceedings in a cause already instituted and does not create that cause. (Marbury *v.* Madison.)

It seems perfectly obvious that the framers of the Constitution did not use the two words "judicial power" and the word "jurisdiction" as synonymous.

What is the distinction? The Senator from Texas seems to think—although I observe he qualifies the statement and limits it to its applicability to this question—that the words "judicial power" and the word "jurisdiction" mean and were intended to mean precisely the same thing. Do they? All through the books one finds the words in the opinions somewhat loosely used. Now and then we find "distribution of judicial power," but in the great mass of opinions, Mr. President, the distribution of judicial power comes through the distribution of the *subjects of jurisdiction*. Given jurisdiction in an inferior court over the cases enumerated in the Constitution, or part of them, the *judicial power* lodges in that court, I think, without any words conferring it in the act of Congress. The Constitution says the "judicial power *shall extend* to all cases in law and equity arising," etc. The Senator from Texas and I do not differ as to the definition of the words "judicial power." I adopted the definition given by Mr. Justice Miller, and the Senator is content with that.

It is the power of a court to decide and pronounce a judgment and carry it into effect between persons and parties who bring a case before it for decision.

That is not *the right to hear a case at all;* that is not the *right* to *exercise the judicial power* in any given case. That, to my view, is *jurisdiction*. But the *judicial power* to be exercised in the case over which the court has *jurisdiction* is the power to hear and determine and carry into effect the determination. Of course, parties are essential to a *case*.

Mr. President, Chief Justice Marshall, in the Canter case (1 Pet., 511), dealt with this question somewhat. He kept, as I read it, the distinction between judicial power and jurisdiction always in mind.

The Constitution and laws of the United States give *jurisdiction* to the district courts over all cases in admiralty; but *jurisdiction* over the case does not constitute the *case itself*. We are therefore to inquire whether cases in admiralty and cases arising under the laws and Constitution of the United States are identical.

If we have recourse to that pure fountain from which *all the jurisdiction of the Federal courts is derived* we find language employed which can not be well misunderstood.

And that jurisdiction can not be diminished by Congress, nor can it be enlarged by Congress. It is written in the Constitution which limits the judicial power of the United States, and as it is written so it must remain, Mr. President, until by an amendment of the Constitution it is enlarged or contracted.

The Constitution declares that "the judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority," etc.

* * * * * * *

The Constitution certainly contemplates these as three distinct classes of cases, and if they are distinct, the grant of *jurisdiction* over one of them does not confer *jurisdiction* over either of the other two. The discrimination made between them in the Constitution is, we think, conclusive against their identity.

* * * * * * *

It has been contended that by the Constitution the judicial power of the United States extends to all cases of admiralty and maritime *jurisdiction*, and that the whole of this judicial power must be vested "in one Supreme Court, and in such inferior courts as Congress shall from time to time ordain and establish." Hence it has been argued that Congress can not vest admiralty *jurisdiction* in courts created by the Territorial legislature.

We have only to pursue this subject one step further to perceive that this provision of the Constitution does not apply to it. The next sentence declares that "the judges, both of the Supreme and inferior courts, shall hold their office during good behavior." The judges of the superior courts of Florida hold their offices for four years. These courts, then, are not *constitutional* courts, in which the judicial power conferred by the Constitution on the General Government can be deposited. They are incapable of receiving it.

Even if they are given jurisdiction over the same cases, power to exercise the same functions, they are not vested—and I presume that will not be contested—with the judicial power of the Constitution, and they are incapable of receiving it.

They are legislative courts, created in virtue of the general right of sovereignty which exists in the Government, or in virtue of that clause which enables Congress to make all needful rules and regulations respecting the territory belonging to the United States.

The *jurisdiction* with which they are invested is not a part of that *judicial power* which is defined in the third article of the Constitution, but is conferred by Congress in execution of those general powers which that body possesses over the Territories of the United States. (The American and Insurance Companies *v.* 356 Bales of Cotton, 1 Pet., 510.)

It has seemed to me that the Senator from Texas treats the inferior courts of the United States as statutory courts purely in the same sense, so far as unlimited control of Congress over them is concerned, as the Territorial courts in Florida referred to by Chief Justice Marshall.

Take the case, Mr. President—and I will only consume a moment on these cases—of Cohens *v.* Virginia (6 Wheaton, 262). This was a great opinion, perhaps in some respects an "essay," but one of the monuments—so regarded by the profession, and I think by the people—of the learning of Chief Justice Marshall. The first point in that case upon which this great opinion was delivered was the point of *jurisdiction*, it being insisted, based on the fact that a State was the defendant, and the contention that no writ of error lay from the Supreme Court to a State court, that the court could not entertain the case, Chief Justice Marshall says:

The first question to be considered is whether the *jurisdiction* of this court is excluded by the character of the parties, one of them being a State and the other a citizen of that State.

The second section of the third article of the Constitution defines the extent of the *judicial power* of the United States. *Jurisdiction* is given to the courts of the Union in two classes of cases. In the first their *jurisdiction* depends on *the character of the cause*, whoever may be the parties. This class comprehends all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority. This clause extends the *jurisdiction* of the court—

Did not the Chief Justice appreciate the difference in meaning between the word "jurisdiction" and the words "judicial power?" Was it absent from his mind, Mr. President? Not in this case or any other which I now remember—

This clause extends the *jurisdiction* of the court to all cases described, without making in its terms any exception whatever and without any regard to the condition of the party. If there be any exception, it is to be implied against the express words of the article.

In the second class the *jurisdiction* depends entirely on the *character of the parties*. In this are comprehended "controversies between two or more States, between a State and citizens of another State," and "between a State and foreign states, citizens, or subjects." If these be the *parties*, it is entirely unimportant what may be the *subject of the controversy*. Be it what it may, *these parties have a constitutional right to come into the courts of the Union*.

If these parties designated in the Constitution have a constitutional right to come into the courts of the Union, then there is surely a correlative constitutional duty in Congress to provide *courts of the Union*.

The *jurisdiction* of the court, then, being extended by the letter of the Constitution to all cases arising under it or under the laws of the United States, it follows that those who would withdraw any case of this description from that *jurisdiction* must sustain the exemption they claim on the spirit and true meaning of the Constitution, which spirit and true meaning must be so apparent as to overrule the words which its framers have employed.

I will not take the time, Mr. President, to read further, but ask permission of the Senate to incorporate some extracts in my remarks.

The VICE-PRESIDENT. Without objection, permission will be granted.

Mr. SPOONER. I have here the case of Osborne et al. *v.* The Bank of the United States (9 Wheat., 819), which is a very interesting case, in which Chief Justice Marshall deals completely with this question.

The appellants contest the jurisdiction of the court on two grounds:
First. That the act of Congress has not given it.
Second. That, under the Constitution, Congress can not give it.

He proceeds with an argument, which I need not stop to read:

If we examine the Constitution of the United States we find that its framers kept this great political principle in view. The second article vests the whole executive power in the President; and the third article declared: "The *judicial power shall extend to all cases*

in law and equity arising under the Constitution, the laws of the United States, and treaties made or which shall be made under their authority."

This clause enables the *judicial* department to *receive jurisdiction* to the *full extent of the Constitution*, laws, and treaties of the United States when *any question* respecting them shall assume such a form that the *judicial power* is capable of acting on it. That *power* is capable of acting only when *the subject is submitted to it by a party who asserts his rights in the form prescribed by law.*

It then becomes a *case*, and the Constitution declares that the *judicial power* shall extend to all cases arising under the Constitution, laws, and treaties of the United States, etc.

* * * * * * *

The Constitution establishes the Supreme Court and defines its *jurisdiction*. It enumerates cases in which its *jurisdiction* is original and exclusive; and then defines that which is appellate, but does not insinuate that in any such case the power can not be exercised in its original form by courts of original *jurisdiction*. It is not insinuated that the judicial power, in cases depending on the character of the cause, can not be exercised in the first instance in the courts of the Union, but must be exercised in the tribunals of the State.

All through the opinion runs the plainly recognized distinction between *judicial power* and *jurisdiction*, Mr. President. Mr. Justice Curtis, one of the ablest lawyers who ever adorned the American bar or ever sat upon the bench of the Supreme Court of the United States, deals with this subject, and there is no confusion of ideas in his text upon it. In his lectures he says:

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish."

You will perceive that the Constitution establishes "one Supreme Court," but leaves it for Congress to ordain and establish, from time to time, such inferior courts as it may think proper.

In this connection, before I come to the article which *distributes the jurisdiction* among the courts, it is necessary to read the second section of the third article, which determines to what subjects the judicial power of the United States shall extend.

* * * * * * *

Now, turning back to the second section of the third article of the Constitution, allow me to read: "The judicial power shall extend to all cases in law and equity." In the first place, what is meant by "cases?" That, you will find, was discussed, and there is an opinion of Chief Justice Marshall thereon, in Osborn *v.* The Bank of the United States, 9 Wheaton, 738. The conclusion to which the court came, and substantially the definition which was there given, is that a "case," within the meaning of the Constitution, is a subject on which the *judicial power is capable of acting*, and which *has been submitted to it by a party in the forms required by law.*

The latter gives the jurisdiction.

I find in an old report an opinion which was delivered by the supreme court of Pennsylvania in the case of Silver *v.* The County of Schuylkill, in 1859, by Chief Justice Lowrie. (32 Pa. State Reports, 356.) It was a very able bench, and there was no dissent from the opinion. Judge Strong, afterwards an associate justice of the Supreme Court of the United States, of great distinction, sat on that bench at that time.

Those who raise a question of jurisdiction as the ground of objection to the judgment of a court ought to notice a confusion of ideas in the use of the word "jurisdiction" and to draw the proper distinctions.

Jurisdiction is often confounded with judicial power, or its equivalent, judicial competence; yet there is a clear distinction between the terms. The *judicial power* of a court extends to all those classes of cases which that court may hear and determine. The *jurisdiction* of a court is confined to cases actually brought before it, and admits of various degrees, for jurisdiction of a case, as a cause in court, vests the court with authority to call in the parties and to bring it to a hearing in some form so as to determine *the cause in court*, though the determination of the case itself may be beyond its competence. The jurisdiction by which a case may be determined is measured by the judicial power of the court and not by the form in which the case is brought before it. This is a question of regularity of practice and not of power, competence, or authority.

It is not questioned that the common pleas has judicial competence to hear and determine cases of taxation. And when a case of that kind is instituted in court by appeal the court obtains *jurisdiction* to hear and determine it. This, therefore, is a case within the competence of the court and a cause within its jurisdiction, and the court was bound to determine it.

* * * * * * *

It is argued that the whole proceeding was beyond the jurisdiction of the court, for the reason that the commissioners had no authority to increase the valuation, and therefore it was void and furnished no basis for a valid appeal. We need not say whether this reason is well founded or not, for it does not support the conclusion—the want of jurisdiction of the court. It is the cause in court that is in question. The subject-matter of it was within the judicial power of the court, and it was instituted in court by appeal, and thus the jurisdiction attached.

The italics are in the opinion.

Mr. Justice Johnson, Mr. President, in 1808, had occasion to deal somewhat with this subject. It was in a time of embargo, and, sitting at the circuit, he granted a mandamus to compel the collector of the port of Charleston, S. C., to issue clearance papers to the master of the *Resource*. Mr. Rodney, then Attorney-General, wrote a letter to the President of the United States, criticising the opinion and contending that the circuit court had no power to issue the writ of mandamus in that case. The letter, so far as it is here, is a very interesting one. That letter was *published*, which made it a public criticism emanating from the executive department of the decision of the judge in the discharge of his duty. Mr. Justice Johnson took the bench to deliver himself of some observations on the letter, in which he said:

In pursuing my remarks on the Attorney-General's letter, I feel an embarrassment resulting from what I hope he will excuse me for denominating a WANT OF PRECISION OF LANGUAGE. JURISDICTION IN A CASE IS ONE THING; THE MODE OF EXERCISING THAT JURISDICTION IS QUITE ANOTHER.

If a court possessed the learning and infallibility of the angels, if every step in the cause were sound and the decision what it ought to be, without *jurisdiction* the judgment would be a nullity. Why? Because without *jurisdiction* the court had no right to try the case at all; no right to exercise over it the *judicial power*, the power to hear and determine and carry into effect its judgment or decree.

Mr. Justice Johnson continues:

The jurisdiction of the court, as is properly observed by the Attorney-General, must depend upon the *Constitution and laws* of the United States. We disclaim all pretensions to any other origin of our jurisdiction, especially the unpopular grounds of *prerogative* and *analogy to the King's Bench.*

That *judicial power*, which the Constitution vests in the United States and the United States in its courts, is all that its courts exercise. In the Constitution it is laid down that "the judicial power of the *United States*" shall extend to all cases in law or equity arising under this Constitution, etc.

THE TERM "JUDICIAL POWER" CONVEYS THE IDEA BOTH OF EXERCISING THE FACULTY OF JUDGING AND APPLYING PHYSICAL FORCE TO GIVE EFFECT TO A DECISION.

And I maintain, Mr. President, and I think shortly I will be able to establish, that the power to carry a decree or judgment into effect is a part of the *judicial power* without which it would not be the judicial power of the Constitution at all.

The term *power* could with no propriety be applied, nor could the judiciary be denominated a department of *government*—

Italicized—

without the means of enforcing its decrees. In a country where laws govern, courts of justice necessarily are the medium of action and reaction between the government and the governed. The basis of individual security and the bond of union between the ruler and the citizen must ever be found in the judiciary sufficiently independent to disregard the will of power—

He exhibited the spirit of the real judge—

and sufficiently energetic to secure to the citizen the full enjoyment of his rights. To establish such a one was evidently the object of the Constitution. *But* to what purpose establish a *judiciary with power* to take cognizance of certain questions of right, *but not power to afford such redress as the case evidently requires.*

Suppose Congress had vested in the circuit court a certain jurisdiction, without prescribing by what forms that jurisdiction should be exercised, would it not follow that the court must itself adopt a mode of proceeding adapted to the exigency of each case? *It must do so or refuse to act.*

He then calls attention to the fact that Congress had acted, and proceeds to construe the act of Congress. In view of Congressional action providing necessary judicial machinery for the inferior courts, the question what the courts might have done without it is an abstraction, although Mr. Justice Johnson clearly sustains the concession of the Senator from Texas, that without legislation there exists inherent power to issue execution, and punish for contempt. It will be remembered that in the case of Florida *v.* Georgia (17 How., 478), the court said:

But the Constitution prescribes no particular mode of proceeding, nor is there any act of Congress upon the subject. And at a very early period of the Government a doubt arose whether the court could exercise its original jurisdiction without a previous act of Congress regulating the process and mode of proceeding. But the court, upon much consideration, held, that although Congress had undoubtedly the right to prescribe the process and mode of proceeding in such cases, as fully as in any other court, yet the omission to legislate on the subject could not deprive the court of the jurisdiction conferred; that it was a duty imposed upon the court, and in the absence of any legislation by Congress the court itself was authorized to prescribe its mode and form of proceeding, so as to accomplish the ends for which the jurisdiction was given.

There was no difficulty in exercising this power where individuals were parties; for the established forms and usages in courts of common law and equity would naturally be adopted. But these precedents could not govern a case where a sovereign State was a party defendant.

Mr. BAILEY. If it will not interrupt the Senator——

Mr. SPOONER. It will interrupt me, but not disagreeably.

Mr. BAILEY. The episode to which the Senator from Wisconsin alludes was a very interesting one at the time, and still remains so; but we have a recent episode more interesting than that one, because in that case it was the Attorney-General who criticised the judge, while in this recent case the criticism comes from the President himself. I would ask the Senator from Wisconsin if Judge Humphrey has resumed the bench to respond to the criticism of his judgment?

Mr. SPOONER. Does the Senator from Texas pretend to have jurisdiction to ask me that question and require me to answer it?

Mr. BAILEY. No; I have judicial power to do it. [Laughter.]

Mr. SPOONER. I think the Senator's distinction as to judicial power in this instance is better than mine.

Mr. President, I am perfectly willing to say that I stand with all my heart and soul as an American citizen and as an American Senator for the distinction which the Constitution makes between the three independent, equal, and coordinate branches of the Government; and I look upon it as fundamental that neither shall invade in any way the functions of the other; and it will be a sorry day for this country if the time ever comes when the courts of the United States shall be terrorized by either the Congress or an Executive. The place to correct the errors of inferior courts, if any be committed, is in the great tribunal created by the Constitution for that purpose. But that is apart from what I wish to say.

Was Mr. Justice Johnson wrong in his definition of judicial power? This, to my mind, is the heart of the controversy. Jurisdiction is the right to sit in the case at all. Judicial power involves, as he says, the exercise of the *faculty of judging*. The one Congress can regulate. Can Congress limit or control the other? Given, Mr. President, the inferior court of the United States, clothed with jurisdiction over a class of controversies, having jurisdiction over a *case* included in that class of controversies, is it within the power of Congress constitutionally to control the power to hear, determine, and carry into effect its judgment or decree? Is there any *part* of it to be controlled? It is not susceptible of being sliced like a watermelon and the pieces tossed here and there. It is an entirety—the power to hear; the power to determine, to decide, which involves the exercise of the mental faculties and the application of all the knowledge of law possessed by the judge, aided by the argument of the lawyers. Nothing can be stricken out of the *judicial power* leaving anything remaining. Neither, Mr. President, can the power to execute its judgment or decree be eliminated any more than "the faculty of judging" the two elements enter into it, and the only judgment the court exercises on the question of *jurisdiction* is decision as to whether it possesses it or not.

Take the appellate jurisdiction of the Supreme Court of the United States. It can be regulated by Congress. That court exercises such appellate jurisdiction as Congress declares it may. The McArdle case, to which the Senator from Texas referred the other day, illustrates the distinction between *judicial power* and *jurisdiction*. From the standpoint of to-day the action of Congress then is deeply to be deplored. I do not like—probably I was content with it then—legislative interference with cases pending in the courts anywhere. But in the McArdle case the right of appeal was given in habeas corpus. The case was taken to the Supreme Court of the United States. It was argued on either side by a great lawyer, Senator Carpenter, of Wisconsin, and Judge Sharkey, of Mississippi, both by nature and study fit to grace any judicial position. And the point of jurisdiction was made and argued and the court decided—the merits of the case? No. Only the question whether it had a right to consider at all the merits of the appeal; whether it had *jurisdiction* or not; and it decided that it had *jurisdiction*. Thereupon the Congress passed an act taking away the appellate jurisdiction of the Supreme Court in that case, practically. The court dismissed the appeal for want of jurisdiction. It had lost *jurisdiction* over that case. Had it lost any of its *judicial power* of the Constitution? That was not conferred by Congress, nor can it be taken away by Congress. It remained, as to such a case, dormant until *jurisdiction* was restored.

The Supreme Court in cases on appeal looks into the record at the outset to see whether *jurisdiction* in the inferior court is affirmatively shown. If it be not so shown the court, of its own motion, dismisses the appeal, for in that event it has no right to consider the appeal at all, being without jurisdiction; but it thereby loses none of the judicial power vested in it by the Constitution. A State court has jurisdiction of a cause where the parties are citizens of different States. A petition is filed under the removal act to transfer it to a circuit court of the United States. The filing of the petition, with the apropriate bond, ousts the *jurisdiction* of the State court. It had judicial power and jurisdiction before the removal. It lost the latter by the removal. It lost none of its judicial power. Congress can not deprive a State court of any of its judicial power. It is only a question of *jurisdiction*.

Mr. President, in the Sewing Machine case (18 Wall., 577), to which the Senator from Texas referred, we find as clear an exposition of the distinction between judicial power and jurisdiction as one need want. Proceedings under the removal acts illustrate the distinction. The court says:

> The circuit courts do not derive their judicial power *immediately* from the Constitution, as appears with sufficient explicitness from the Constitution itself, as the first section of the third article provides that "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." Consequently the *jurisdiction* of the circuit court in every case must depend upon some act of Congress, as it is clear that Congress, inasmuch as it possesses the power to ordain and establish all courts inferior to the Supreme Court, may also define their *jurisdiction*.

It should have said "*must* also define their jurisdiction," for it is conceded that if jurisdiction is not found in the act, the court has no right to exercise judicial power over that controversy or case.

> Courts created by statute can have no *jurisdiction* in controversies between party and party but such as the statute confers. Congress, it may be conceded, may confer such *jurisdiction* upon the circuit courts as it may see fit, within the scope of the *judicial power* of the Constitution, not vested in the Supreme Court.

Why use the two words if there be no distinction between them?

> But as such tribunals are neither created by the Constitution nor is their *jurisdiction* defined by that instrument, it follows that inasmuch as they are created by an act of Congress it is necessary, in every attempt to define their power, to look to that source as the means of accomplishing that end. Federal judicial power, beyond all doubt, has its origin in the Constitution, but the organization of the system and the *distribution of the subjects of jurisdiction*—

That comes along down. Here and there are looseness and confusion about it, but not often—

> among such inferior courts as Congress may from time to time ordain and establish *within the scope of the judicial power*, always have been, and of right must be, the work of the Congress. (Case of the Sewing Machine Companies, 18 Wall., p. 577.)

In the case of Sheldon *v.* Sill, which the Senator from Texas cited in his first speech, the distinction is clearly recognized. Mr. Justice Grier, delivering the opinion of the court, said:

> It must be admitted that if the Constitution had ordained and established the inferior courts and distributed to them their respective powers—

There the word "powers" is used instead of "jurisdiction," as generally used—

> they could not be restricted or divested by Congress. But as it has made no such distribution, one of two consequences must result, either that each inferior court created by Congress must exercise all the judicial powers not given to the Supreme Court, or that Congress, having the power to establish the courts, must define their *respective jurisdictions*. The first of these inferences has never been asserted, and could not be defended with any show of reason, and if not, the latter would seem to follow as a necessary consequence. And it would seem to follow also that, having a right to prescribe, Congress may withhold from any court of its creation *jurisdiction* of any of the enumerated controversies.

That can not be disputed.

> Courts created by statute can have no *jurisdiction* but such as the statute confers. No one of them can assert a just claim to *jurisdiction* exclusively conferred on another, or withheld from all.

In Rhode Island *v.* Massachusetts, 12 Peters, 652, where the question of jurisdiction was raised in the Supreme Court, the court defined it a little differently:

> However late this objection has been made or may be made in any cause in an inferior or appellate court of the United States, it must be considered and decided *before any court can move one further step* in the cause, any movement is necessarily the exercise of *jurisdiction*.

They must first determine their right to try the case at all, first determine whether the parties are before the court at all, or whether the court has jurisdiction over the subject-matter at all, and if either is wanting the court has no power to move a step.

Here is the definition the Senator read:

> Jurisdiction is the power to hear and determine the subject-matter in controversy between parties to a suit—

The "parties to the suit" give jurisdiction in respect of *parties*, the court having jurisdiction over the subject-matter. Now, this follows—

> to *adjudicate* or *exercise any judicial power* over them; the question is, whether, on the case before the court, their *action* is judicial or extrajudicial, *with or without the authority of law*, to *render a judgment or decree upon the rights of the litigant parties*.
>
> If the law confers the power to render a judgment or decree, then the court has *jurisdiction;* what shall be *adjudged* or *decreed* between the parties, and with which is the *right of the case*, is *judicial action*, by hearing and determining it.

Is there no distinction, Mr. President, between the *right* to hear and determine and the judicial power of determining? The one Congress may regulate. The other is sacred, in my judgment, under the Constitution, from the touch of Congress, and if it be held otherwise, there being no limit to the interference, the power being conceded, the courts—intended by the Constitution to be independent, to pass upon the constitutionality of acts of Congress—will have ceased to be independent. They will be solely dependent, not only for jurisdiction, but for *power of judgment*, upon Congress. And then there would have come about, to all intents and purposes, one situation of evil which our forefathers fled from, and that was the blending of judicial and legislative functions. If they brought one lesson here from over the sea it was that first the

judges should not be dependent upon the will of an Executive or a Congress for their tenure of office, and, second, that the whole judicial power of the United States should be vested by the Constitution in the *courts* and none of it in *Congress* or in legislatures.

The court continues:

Before we can proceed in this cause we must, therefore, inquire whether we CAN *hear and determine the matters in controversy between the parties*, who are two States of this Union, sovereign within their respective boundaries, save that portion of power which they have granted to the Federal Government, and foreign to each other for all but Federal purposes. * * *

I will not read the remainder.

It was necessarily left—

The court says—

to the legislative power to organize the Supreme Court, to define its powers consistently with the Constitution as to its original jurisdiction, and to distribute the residue of the judicial power—

Which I claim can only be done through distributing the subjects of jurisdiction—

between this and the inferior courts which it was *bound to ordain and establish*.

Mr. Justice Story, delivering the opinion of the court in Ex parte Watkins says:

But the *jurisdiction* of the court can never depend upon its decision upon the merits of the case brought before it, *but upon its right to hear and decide it at all*. (7 Pet., 571.)

I take some definitions of jurisdiction from Words and Phrases Judicially Defined, which I think are accurate. It gives many which I think are inaccurate. I indicate the separate extracts by letters.

(*a*)

JURISDICTION.—*Subject-matter in controversy:* Jurisdiction is the power to hear and determine the subject-matter in controversy between parties to a suit, *or* to *adjudicate* or *exercise* ANY *judicial power over them*. (Citing Ritter *v.* Kunkel, 39 N. J. Law, 259, with other cases.)

(*b*)

"Jurisdiction" is defined to be "*the right to adjudicate concerning the subject-matter in a given case.*" There must be, therefore, a subject-matter presented which is within a *jurisdiction*. That subject must be so presented in the case before the court as to justify action thereon. (Citing Dodd *v.* Una, 5 Atl., 155, and other cases.)

(*c*)

As authority to declare the law: "Jurisdiction" in courts is the power and authority to declare the law. The very word, in its origin, imports as much. It is derived from "juris" and "dico"—"I speak by the law." And that sentence ought to be inscribed in living light on every tribunal of criminal power. It is the right of administering justice through the laws, by the means which the law has provided for that purpose. (Citing Johnson *v.* Hunter, 40 F. E., 448, and other cases.)

Bouvier's Law Dictionary, which the Senator highly and justly commended, defines jurisdiction as follows:

"Jurisdiction" is the *right* of a judge to pronounce a *sentence of the law* in a case or issue before him, acquired *through due process of law*. (Citing Chicago Title and Trust Co. *v.* Brown, 183 Ill., 42.)

In other words, the right to exercise the judicial power in a given case.

Jurisdiction does not depend upon the correctness of the decision made. (Citing People *v.* Talmadge, 194, Ill., 67, and other cases.)

No court ever loses jurisdiction for errors of law in rendering its judgment or decree or which occur pending the proceeding, within certain limits, immaterial here.

Continuing from "Words and Phrases:"

(*d*)

The mere grounds upon which the determination is reached may or may not be correct in themselves. These may be supported by evidence inadmissible when tested by the rules governing the introduction of evidence. The reasons given for the conclusion arrived at may or may not be such as address themselves to the judgment of others, but erroneous rules entertained, or incorrect reasons assigned, or evidence erroneously admitted in deciding the controversy do *not make a case of want of jurisdiction*. (Citing Central Pacific Co. *v.* Board of Equalization, 43 Cal., 365.)

(*e*)

If the petitioner states such a case in his petition that on demurrer the court would render judgment in his favor, it is an undoubted case of *jurisdiction*. The court would be *then* bound to hear and determine, and its judgment, however erroneous, would bind parties and privies, and would be conclusive of the right established, and could be impeached only in an appellate tribunal. (Citing Goodman *v.* Winter, 64 Ala., 410.)

(*f*)

Jurisdiction does not relate to the rights of the parties as between each other, but to the *power of the court*. The question of its exercise is an abstract inquiry, *not involving* the *existence of an equity to be enforced*, nor the *right of the plaintiff to avail himself of it if it exists*. It precedes these questions, and a decision upholding the *jurisdiction* of the court is entirely consistent with a *denial of any equity either* in *plaintiff or in anyone else*. The case we are considering illustrates the distinction I am endeavoring to point out as well as any supposed case would. It presents these questions: Have the plaintiffs shown a right to the relief which they seek? And has the court authority to determine whether or not they have shown such a right? A wrong determination of the question first stated is error, but can be reexamined only on appeal. The other question *is the question of jurisdiction*. (Citing People *v.* Sturtevant, 9 N. Y., 263.)

(*g*)

It is not the *particular decision* given which makes up *jurisdiction*, but it is *the authority to decide the question at all*. Otherwise the distinction between the *erroneous exercise of jurisdiction* on the one hand, and the *total want of it on the other*, must be obliterated. (Citing Chase *v.* Christianson, 41 Cal., 253.) The distinction is between a lack of power or *want of jurisdiction in the court* and a *wrongful or defective execution of the power*. In the first instance, all acts of the court not having jurisdiction or power are void, in the latter only voidable. (Citing Paine's Lessee *v.* Mooreland, 15 Ohio, 435.)

(*h*)

Jurisdiction of a court is the power to hear and determine the particular case involved. If this power to hear and determine the particular case does not exist, then, to confer actual *jurisdiction* of the particular case or subject-matter thereof, the judicial power of the court must be invoked or brought into action by such measures and in such manner as is required by the local law of the tribunal. When this is done, it is then coram judice. (Citing Basset Min. Co. *v.* Schoolfield, 10 Colo., 46.)

(*i*)

It is not enough that the court should have jurisdiction of the subject-matter. It must have jurisdiction of, or power to try, the individual cause. (Citing Yates *v.* Lansing (N. Y.) 9 Johns., 395.)

(*j*)

By "jurisdiction," as applied to judicial proceedings, is meant the right to act. (Citing Bumstead *v.* Read, 31 Barb., 661.)

(*k*)

Jurisdiction means the power to act judicially; to determine any question presented in a controversy between parties. (Citing King *v.* Poole, 36 Barb., 244.)

(*l*)

Jurisdiction means legal power to make a judicial decision. (Citing Browning *v.* Wheeler, 24 Wend., 258.)

It is said in re Sawyer (124 U. S., 220):

As this court has often said, "Where a court has jurisdiction, it has a *right* to decide every question which occurs in the cause; and whether its decisions be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court. But if it act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void." (Elliott *v.* Peirsol, 26 U. S., 1 Pet., 328, 340, and other cases.)

It is axiomatic that jurisdiction over the subject-matter must be vested in a judicial tribunal by the law of the land, or it does not possess it. Consent of parties can not confer it, although such consent gives jurisdiction over themselves. And the court, having jurisdiction over the subject-matter and over the parties, may exercise the *judicial power* in the case and bind the parties to it by its judgment or decree.

But, Mr. President, I will not spend more time on the question whether there is a distinction between "judicial power" and "jurisdiction." With due deference to those who differ from me, I think the distinction is an obvious one. I do not see the force of the qualification made by the Senator from Texas, that while there is in some aspects such a distinction, there is none applicable to the question here involved. If it is not important in the matter which we are here discussing, it is impossible to imagine a controversy in which it would be of the slightest significance. I read again Mr. Justice Miller's definition of *judicial power:*

It is the power of a court to decide and pronounce judgment and carry it into effect between persons and parties who bring a case before it.

"JUDICIAL POWER" INVOLVES POWER TO CARRY INTO EFFECT JUDGMENTS AND DECREES.

Now, Mr. President, a part of that definition of judicial power is the *power to carry its judgments into effect*, the power in an action at law to issue execution, the power upon a decree in equity to utilize the usual equitable processes and orders for carrying into effect the decree. Whether upon the creation of inferior courts they would have possessed, in the absence of legislation, the power to issue executions and other processes is immaterial for my purposes. I am willing to concede for the purposes of the argument that they would not. If the Congress had failed, therefore, to provide process and judicial machinery to enable the courts to effectually exercise the judicial power, it might be said that it had failed to organize the courts of the United States, and that they would remain without power to enforce their judgments until Congress supplied the necessary machinery, or they would have been without the judicial power of the Constitution under the agreed definition. I am not called upon to dispute that at all. The Congress did early, after creating the inferior courts, pass process acts conferring upon the courts the right "to issue writs of sciere facias, habeas corpus, and all other writs not specially provided by statute, which may be necessary for the exercise of their respective jurisdictions and agreeable to the principles and usages of law."

Under what power was this legislation enacted? Not under the power to constitute tribunals inferior to the Supreme Court. Not under, as an implication, the power in the judicial article to "ordain and establish" inferior courts. Not as involved in the power to create and destroy. Not at all. But, Mr. Presi-

dent, under this clause of the Constitution, subdivision 18 of section 8, Article I:

To make all laws which shall be necessary and proper for *carrying into execution* the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Chief Justice Marshall in Wayman *v.* Southard et al. (10 Wheat., 1), delivering the opinion of the court, says (the question being involved):

The Constitution concludes its enumeration of granted powers with a clause authorizing Congress to make all laws which shall be necessary and proper for *carrying into execution the foregoing powers* and all *other powers vested by this Constitution in the Government of the United States or in any Department or officer thereof.* The judicial department is invested with *jurisdiction* in certain specified cases, in all which it *has power to render judgment.*

That a power to make laws for *carrying into execution all the judgments which the judicial department has power to pronounce,* is expressly conferred by this clause, seems to be one of those plain propositions which reasoning can not render plainer. The terms of the clause neither require nor admit of elucidation. The court, therefore, will only say that no doubt whatever is entertained on the power of Congress over the subject. The only inquiry is, How far has this power been exercised?

The thirteenth section of the judiciary act of 1789, chapter 20, describes the jurisdiction of the Supreme Court and grants the power to issue writs of prohibition and *mandamus* in certain specified cases. The fourteenth section enacts "that all the before-mentioned courts of the United States shall have power to issue writs of *scire facias, habeas corpus,* and all *other writs not specially provided by statute which may be necessary for the exercise of their respective jurisdictions* and agreeable to the principles and usages of law." The seventeenth section authorizes the courts "to make all necessary rules for the orderly conducting of business in the said courts," and the eighteenth empowers a court to suspend execution in order to give time for granting a new trial.

These sections have been relied on by the counsel for the plaintiffs.

The words of the fourteenth are understood by the court to comprehend executions. An execution is a writ, which is certainly "agreeable to the principles and usages of law."

There is no reason for supposing that the general term "writs" is restrained by the words "which may be necessary for the exercise of their respective jurisdictions" to *original process,* or *to process anterior to judgments. The jurisdiction of a court is not exhausted by the rendition of its judgment, but continues until that judgment shall be satisfied.* Many questions arise on the process subsequent to the judgment in which jurisdiction is to be exercised. It is, therefore, no unreasonable extension of the words of the act to suppose an execution necessary for the exercise of jurisdiction. Were it even true that jurisdiction could technically be said to terminate with the judgment, an execution would be a writ necessary for the perfection of that which was previously done, and would, consequently, be necessary to the beneficial exercise of jurisdiction. If any doubt could exist on this subject the eighteenth section, which treats of the authority of the court over its executions as actually existing, certainly implies that the power to issue them had been granted in the fourteenth section. The same implication is afforded by the twenty-fourth and twenty-fifth sections, both of which proceed on the idea that the power to issue writs of execution was in possession of the courts. So, too, the process act, which was depending at the same time with the judiciary act, prescribes the forms of execution, but does not give a power to issue them.

On the clearest principles of just construction, then, the fourteenth section of the judiciary act must be understood as giving to the courts of the Union, respectively, a power to issue executions on their judgments.

Mr. Justice Iredell in his dissenting opinion in the case of Chisholm *v.* Georgia (2 Dallas, 432) traced the power to pass the process acts to the same source, and declared it to be the constitutional duty of Congress to enact such laws, and intimated a restriction upon their power. He says:

I conceive that all the courts of the United States must receive, not merely their organization as to the number of judges of which they are to consist, but all their authority, as to the manner of their proceeding from the legislature only. This appears to me to be one of those cases, with many others, in which an article of the Constitution can not be effectuated without the intervention of the legislative authority. There being many such, at the end of the special enumeration of the powers of Congress in the Constitution is this general one: "*To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.*" None will deny that an act of legislation is necessary to say at least of what number the judges are to consist; the President, with the consent of the Senate, could not nominate a number at their discretion. *The Constitution intended this article so far at least to be the subject of a legislative act.* Having a right thus to establish the court, and it being capable of being established in no other manner, I conceive it necessarily follows that they are also to direct the manner of its proceedings. Upon this authority there is, that I know, but one limit; that is, "that they shall not exceed their authority." If they do, I have no hesitation to say that any act to that effect would be utterly void, because it would be inconsistent with the Constitution, which is a fundamental law paramount to all others, which we are not only bound to consult, but sworn to observe, and therefore where there is an interference, being superior in obligation to the other, we must unquestionably obey that in preference. *Subject to this restriction, the whole business of organizing the courts and directing the methods of their proceeding where necessary, I conceive to be in the discretion of Congress.* If it shall be found on this occasion, or on any other, that the remedies now in being are defective, for any purpose it is their duty to provide for, they no doubt will provide others. It is their duty to legislate, so far as is necessary, to carry the Constitution into effect. It is ours only to judge. We have no reason, nor any more right to distrust their doing their duty, than they have to distrust that we all do ours. There is no part of the Constitution that I know of that authorizes this court to take up any business where they left it, and in order that the powers given in the Constitution may be in full activity, supply their omission by making new laws for new cases, or, which I take to be the same thing, applying old principles to new cases materially different from those to which they were applied before.

Now, Mr. President, the power conferred by section 18 is not an unlimited power. The Senator from Texas seemed to think that after Congress had created inferior courts, clothing them with jurisdiction, Congress could prevent their issuing execution and carrying into effect their decrees and judgments. I dissent from that proposition. Could Congress prohibit by a valid act the circuit and district courts of Pennsylvania from issuing any executions or other process to carry into effect their judgments or decrees? I do not doubt that it could not.

This eighteenth subdivision from which Congress obtained power to pass the process acts, as I said, does not confer an unlimited power. It was the provision to enable the Congress "to make all laws which shall be *necessary* and *proper* for *carrying into execution the foregoing powers* and all *other powers vested* by this Constitution in the Government of the United States, or *in any department or officer thereof,*" which includes, of course, the judicial department. That clause of the Constitution has been under review by the Supreme Court of the United States more than once. First, it arose in the case of McCulloch *v.* Maryland (4 Wheat., 316), and of it Chief Justice Marshall said:

Let the *end* be *legitimate,* let it be *within the scope of the Constitution,* and all means which are *appropriate,* which are *plainly adapted to that end,* which are *not prohibited,* but *consist with the letter and spirit* of the Constitution, are *constitutional.*

That was adopted by the court in the Legal Tender cases (110 U. S., 421). They say in addition:

But, admitting it to be true, what does it prove?

That is, whether the power which Congress had exercised was necessary or appropriate.

Nothing more than that Congress had the choice of means for a legitimate end, each appropriate and adapted to that end, though, perhaps, in different degrees. What then? Can this court say that it ought to have adopted one rather than the other? Is it our province to decide that the means selected were beyond the constitutional power of Congress because we may think that other means to the same ends would have been more appropriate and equally efficient?

The question is for the court to decide whether Congress has in a given case exceeded its power under section 18.

When the law is not prohibited, and *is really calculated to effect* any of the objects intrusted to the Government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department and to tread on legislative ground.

* * * * * * *

It may be conceded that Congress is not authorized to *enact laws in furtherance even of a legitimate end* merely because they are useful or because they make the Government stronger. There must be *some relation between the means and the end;* some *adaptedness or appropriateness of the laws to carry into execution the powers created by the Constitution.*

If the Congress should prohibit existing courts from issuing executions or other process to carry into effect their judgments, it would not be in harmony with the letter or spirit of the Constitution, and the Supreme Court would, in my judgment, be compelled to say "the Congress has continued the existence of these judicial tribunals, has thereby testified that there is continuing public necessity for the exercise of the judicial power of such courts; that the attempt to emasculate them is indirect; that the *end* is not *legitimate;* that the purpose is ulterior; that the act is not to *carry into execution* any powers conferred by the Constitution on the judicial department of the Government, but is *obstructive* and therefore unconstitutional."

The language of Chief Justice Marshall in Wayman *v.* Southard, just quoted upon this subject, does not stand alone in the decisions of that court. The accuracy of Justice Miller's definition of judicial power, which treats as a part of it the power to carry into effect its judgments and decrees, is well maintained in the decisions of the court. Congress may take away the jurisdiction, but where the jurisdiction exists it can not emasculate the judicial power by rendering it impossible for it to enforce its judgments and decrees.

EXECUTIONS.

The express determination of this court is that the jurisdiction of a court is not exhausted by the rendition of a judgment, but continues until that judgment shall be satisfied; consequently a writ of error will lie when the party is aggrieved in the foundation, proceedings, judgment, or execution of a suit in a court of record. (Wayman *v.* Southard, 10 Wheat., 93; Suydam *v.* Williamson, 20 How., 437; 2 Tidd's Pr., 1134; Co. Litt., 288b.)

Process subsequent to judgment is as essential to jurisdiction as process antecedent to judgment, else the judicial power would be incomplete—

"The *judicial power* would be incomplete"—

and entirely inadequate to the purposes for which it was conferred by the Constitution. Congress, it is conceded, possesses the uncontrolled power to legislate in respect both to the form and effect of executions and other processes to be issued in the Federal courts. (United States *v.* Johnson County; United States *v.* Henry County, 73 U. S., 166.)

In Central National Bank *v.* Stevens (169 U. S., 464, 465), the court say:

> But it has been frequently determined by this court that the jurisdiction of a court is not exhausted by the rendition of the judgment, but continues until the judgment shall be satisfied.
>
> * * * * * * *
>
> An execution is the end of the law. It gives the successful party the fruits of his judgment. (United States *v.* Nourse, 9 Pet., 828.)
>
> But it is scarcely necessary to quote authorities to show that to deprive a court of the power to execute its decrees is to *essentially* impair its jurisdiction. *Juris effectus in executione consistit.* (Co. Litt., 289.)

An interesting case upon this subject, for another reason than the merits of the opinion, is that of Gordon *v.* The United States (117 U. S., Appendix, p. 697). The opinion was the last judicial utterance of Chief Justice Taney, against whom I was in his prime prejudiced, but of whom I long ago grew to think that he was a very great lawyer and jurist. Without going into a statement of the case, it is sufficient to say that the court held that it would not take cognizance of appeal from a court which could not issue execution or other process to carry into effect its judgment, and to which the Supreme Court could not issue a mandate which it could carry into effect; that—

> Congress can not authorize or require this court to express an opinion on a case where its *judicial power* could not be exercised and where its judgment would not be final and conclusive upon the rights of the parties and process of execution awarded to carry it into effect.

It is added, and this is the point to support which I cite the case:

> The award of execution is a part, and an essential part, of every judgment passed by a court exercising judicial power. It is no judgment, in the legal sense of the term, without it. Without such an award the judgment would be inoperative and nugatory, leaving the aggrieved party without a remedy. It would be merely an opinion, which would remain a dead letter, and without any operation upon the rights of the parties, unless Congress should at some future time sanction it and pass a law authorizing the court to carry its opinion into effect. Such is not the *judicial power* confided to this court in the exercise of its appellate *judisdiction;* yet it is the *whole power that the court* is allowed to exercise under this act of Congress.
>
> It is true the act speaks of the judgment or decree of this court. But all that the court is authorized to do is to certify its opinion to the Secretary of the Treasury, and if he inserts it in his estimates, and Congress sanctions it by an appropriation, it is then to be paid, but not otherwise. And when the Secretary asks for this appropriation, the propriety of the estimate for this claim, like all other estimates of the Secretary, will be opened to debate, and whether the appropriation will be made or not will depend upon the majority of each House. The *real and ultimate judicial power* will, therefore, be exercised by the legislative department, and not *by that department to which the Constitution has confided it.*

Referring to the decision in Hunt *v.* Pallas (4 How., 589) in which a motion was made for writ of error to be directed to the judges of the State court, which motion was overruled, the court is quoted as saying:

> It would be useless and vain for this court to issue a writ of error and bring up the record and proceed to judgment upon it when, as the law now stands, no means of process is authorized by which our judgment could be executed.

He also adds:

> The court has uniformly refused to take jurisdiction when there was not a court of the United States in existence in possession of the original record to which we were authorized by law to send a mandate to carry into effect the judgment of this court.

After going into the theory of the Constitution as to our judicial system and the line of demarcation between the coordinate branches of the Government, he says:

> The Constitution of the United States delegates no judicial power to Congress. Its powers are confined to legislative duties and restricted within certain prescribed limits.

In In re Sanborn, petition for writ of mandamus (148 U. S., 220), to command the allowance of an appeal by John B. Sanborn from certain findings of fact and conclusions of law of the Court of Claims, the decision in the case of Gordon *v.* The United States was approved by the court as follows:

> This subject came, for the first time, before this court in the case of Gordon *v.* United States (69 U. S., 2 Wall., 561, 17:921), wherein it was held that as the law then stood no appeal would lie from the Court of Claims to this court. The reasons for this conclusion are stated in the opinion of Chief Justice Taney, reported in the Appendix to 117 United States, 697, and interesting as his last judicial utterance. Briefly stated, the court held that as the so-called judgments of the Court of Claims were not obligatory upon Congress or upon the executive department of the Government, but were merely opinions which might be acted upon or disregarded by Congress or the Departments, and which this court had no power to compel the court below to execute, such judgments could not be deemed *an exercise of judicial power,* and could not, therefore, be revised by this court.

What is true of executions to carry into effect judgments at law is true as to the necessary process for carrying into effect decrees in equity. (Root *v.* Woolworth, 150 U. S., 400.)

It is my belief that if this amendment were adopted and became a part of the law, dealing with this class of cases, the court would be obliged to hold it to be unconstitutional; and I very much fear that if it were incorporated in a provision for judicial review the court would decline to take that emasculated jurisdiction at all, which would leave the act without provision for judicial review, and therefore void so far as the rate-fixing section is concerned, as being without due process, as in the case of C., M. & St. P. *v.* Minnesota, 134 U. S. But I will briefly advert to this later.

I do not care to spend more than a moment on the case of Fink *v.* O'Neil, which in the Senator's first speech he elaborated, and also in his second, except to say that there was not involved in that case at all the power of Congress to prohibit an existing inferior court from issuing execution. The court said that there was no inherent right to issue execution; that the inferior courts of the United States had no prescriptive power in that regard, but the sole question there was not whether the execution might issue or not, *for it had issued,* and a bill was filed to prevent any *further proceeding under the levy* upon the ground that the property seized was exempt under the constitution and laws of the State of Wisconsin from seizure and sale under any execution or other process from the State courts. The Supreme Court held that Congress had conformed the practice as to executions to the laws of the State and had provided that executions from the Federal court should only be leviable as executions from the State courts where leviable, and that the *exemption laws of Wisconsin had since the enactment of that statute been the Federal law in Wisconsin upon that subject.*

So it was not a question whether Congress *could* prohibit the issue of execution or whether that court lawfully issued execution, but whether execution could be levied upon property which was exempt under the constitution of the State.

Mr. President, I come now to another proposition. The Constitution contains words which, if the Senator from Texas is right, in my judgment involve an assertion by him practically of Congressional power to amend it.

"LAW," "EQUITY," AND "ADMIRALTY" IN THE CONSTITUTION.

> The judicial power *shall extend* to all cases in LAW and EQUITY arising under this Constitution and * * * to *all cases of* ADMIRALTY *and* MARITIME JURISDICTION.

Have those words any permanent significance? They were incorporated in the Constitution with intelligent purpose. They were put there, Mr. President, by men who understood them, and they were put there to remain until eliminated in the manner provided by the Constitution for amending that instrument. "LAW," "EQUITY," "ADMIRALTY AND MARITIME JURISDICTION." They were not defined, but they are there. What do they mean? It was not intended that Congress should define them, and Congress has never attempted to define them. "Law" was a word of well-understood signification at that day, as it is to-day. It referred to the enforcement in the courts of common law of rights through the intervention of a common-law jury. "Equity" was well understood. "Admiralty" and "maritime juridiction" were perhaps not so definitely understood, but they mean something. What they mean is for the *courts,* not the *Congress,* to say. The Supreme Court has had occasion more than once to pass upon the meaning of the phrase "admiralty and maritime jurisdiction," and they took occasion to consider not only what it means in the Constitution, but what *power Congress has* over it.

In the Belfast *v.* Boon (74 U. S., 624), the court says:

> Difficulties attend every attempt to define the exact limits of admiralty jurisdiction, but it can not be made to depend upon the power of Congress to regulate commerce as conferred in the Constitution. They are entirely distinct things, having no necessary connection with one another, and are conferred in the Constitution by separate and distinct grants. (The Genesee Chief, 12 How., 452.)
>
> Congress may regulate commerce with foreign nations and among the several States, but the judicial power, which, among other things, *extends to all cases of admiralty and maritime jurisdiction, was conferred upon the Federal Government by the Constitution, and Congress can not enlarge it, not even to suit the wants of commerce nor for the more convenient execution of its commercial regulations.* (The St. Lawrence, 1 Black, 526; 66 U. S., XVII., 182.)
>
> Remarks, it is conceded, are found in the opinion of the court in the case of Allen *v.* Newberry (21 How., 245; 62 U. S., XVI., 111) inconsistent with these views, but they were not necessary to that decision, as the contract in that case was for the transportation of goods on one of the western Lakes, where the jurisdiction in admiralty is restricted by an act of Congress to steamboats and other vessels employed in the business of commerce and navigation between ports and places in different States and Territories. (The Hine *v.* Trevor, 4 Wall., 555; 71 U. S., XVIII., 451.)

That was under the extended jurisdiction which the court adopted ultimately, because the jurisdiction of England was too narrow, being confined to the ebb and flow of the tides.

In the Lottawanna (21 Wall., 558–609) Mr. Justice Bradley, speaking for the court, said:

> The principal question presented by the appeal, therefore, is whether the furnishing to a vessel on her credit at her home port needful repairs and supplies creates a maritime lien.
>
> * * * * * * *
>
> That we have a maritime law of our own, operative throughout the United States, can not be doubted. The *general system of maritime law which was familiar to the lawyers and statesmen of the country*

when the Constitution was adopted was most certainly intended and referred to when it was declared in that instrument that the judicial power of the United States shall extend "to all cases of admiralty and maritime jurisdiction." But by what criterion are we to ascertain the precise limits of the law thus adopted? The Constitution does not define it. It does not declare whether it was intended to embrace the entire maritime law as expounded in the treaties, or only the limited and restricted system which was received in England, or lastly, such modification of both of these as was accepted and recognized as law in this country. Nor does the Constitution attempt to draw the boundary line between maritime law and local law, nor does it lay down any criterion for ascertaining that boundary. *It assumes that the meaning of the phrase "admiralty and maritime jurisdiction" is well understood. It treats this matter as it does the cognate ones of common law and equity, when it speaks of "cases in law and equity," or of "suits at common law," without defining those terms, assuming them to be known and understood.*

* * * * * * *

The question is discussed with great felicity and judgment by Chief Justice Taney, delivering the opinion of the court in the case of the St. Lawrence, 1 Black, 526, 527 (66 U. S., XVII, 183), where he says: "Judicial power, in all cases of admiralty and maritime jurisdiction, is delegated by the Constitution to the Federal Government in general terms, and *courts of this character had then been established in all commercial and maritime nations*, differing, however, materially in different countries in the powers and duties confided to them, the extent of the jurisdiction conferred depending very much upon the character of the government in which they were created; and this circumstance, with the general terms of the grant, rendered it difficult to define the exact limits of its power in the United States. This difficulty was increased by the complex character of our Government, where separate and distinct specified powers of sovereignty are exercised by the United States and a State independently of each other within the same territorial limits. And the reports of the decisions of the court will show that the subject has often been before it, and carefully considered, without being able to fix with precision its definite boundaries; *but certainly no State law can enlarge it, nor can an act of Congress or rule of court make it broader than the judicial power may determine to be its true limits.* And this boundary is to be ascertained by a reasonable and just construction of the words used in the Constitution, taken in connection with the whole instrument, and the purposes for which admiralty and maritime jurisdiction was granted to the Federal Government."

* * * * * * *

The question as to the true limits of maritime law and admiralty jurisdiction is, undoubtedly, as Chief Justice Taney intimates, *exclusively a judicial* question, and *no State law or act of Congress can make it broader, or, it may be added, narrower than the judicial power may determine those limits to be.* But what the law is within those limits, assuming the general maritime law to be the basis of the system, depends on what has been received as law in the maritime usages of this country and on such legislation as may have been *competent* to affect it.

To ascertain, therefore, what the maritime law of this country is, it is not enough to read the French, German, Italian, and other foreign works on the subject, or the codes which they have framed, but we *must have regard to our own legal history, Constitution, legislation, usages, and adjudications as well.* The decisions of this court illustrative of these sources, and giving construction to the laws and Constitution, are especially to be considered; and when these fail us, we *must resort to the principles by which they have been governed.*

It never was intended by the framers of the Constitution, in the judicial clause of that instrument, Mr. President, to leave the courts of the United States to be shorn, directly or indirectly, of the judicial power conferred by the Constitution. It never was intended by the framers of that instrument that the *judicial power* of the Government should ever be *subject to Congress* save as to the distribution of subjects of jurisdiction:

Congress undoubtedly has authority under the commercial power, if no other, to introduce such changes as are likely to be needed. The scope of the maritime law, and that of commercial regulation are not coterminous, it is true, but the latter embraces much the largest portion of ground covered by the former. Under it Congress has regulated the registry, enrollment, license, and nationality of ships and vessels; the method of recording bills of sale and mortgages thereon; the rights and duties of seamen; the limitations of the responsibility of shipowners for the negligence and misconduct of their captains and crews, and many other things of a character truly maritime. And with regard to the question now under consideration, namely, the rights of material men in reference to supplies and repairs furnished to a vessel in her home port, there does not seem to be any great reason to doubt that Congress might adopt a uniform rule for the whole country, though, of course, this will be a matter for consideration should the question ever be directly presented for adjudication.

* * * * * * *

Be this however as it may, and whether the power of Congress is or is not sufficient to amend the law on this subject—if amendment is desirable—this court is bound to declare the law as it now stands. And according to the maritime law, as accepted and received in this country, we feel bound to declare that no such lien exists as is claimed by the appellees in this case. The adjudications of this court, before referred to, which it is unnecessary to review, are conclusive on the subject; and we see no sufficient ground for disturbing them.

In the St. Lawrence Meyer *v.* Tupper, 1 Black, 522, the court say, through Mr. Chief Justice Taney:

Yet Congress may undoubtedly prescribe the forms and mode of proceeding in the judicial tribunals it establishes to carry this power into execution; and may authorize the court to proceed by an attachment against the property or by the arrest of the person, as the legislature shall deem most expedient to promote the purposes of justice.

In Butler *v.* Steamship Company (130 U. S., 527), through Mr. Justice Blatchford, the court says:

These quotations are believed to express the general, if not unanimous, views of the members of this court for nearly twenty years past; and they leave us in no doubt that, whilst the general maritime law, with slight modifications, is accepted as law in this country, it is subject to such amendments as Congress may see fit to adopt. One of the modifications of the maritime law, as received here, was a rejection of the law of limited liability. We have rectified that. Congress has restored that article to our maritime code. We can not doubt its power to do this. As the Constitution extends the judicial power of the United States to "all cases of admiralty and maritime jurisdiction," and as this jurisdiction is held to be exclusive, the power of legislation on the same subject must necessarily be in the national legislature, and not in the State legislature. *It is true we have held that the boundaries and limits of the admiralty and maritime jurisdiction are matters of judicial cognizance, and can not be affected or controlled by legislation*, whether State or *national*. (Chief Justice Taney, in the St. Lawrence, 66 U. S.; 1 Black, 522, 526, 527; 17: 180, 182, 183; the Lottawanna, 88 U. S.; 21 Wall., 558, 575, 576; 22: 654, 662.) But within these boundaries and limits the law itself is that which has always been received as maritime law in this country, with such amendments and modifications as Congress may from time to time have adopted.

Mr. President, what power over admiralty and maritime jurisdiction, recognized and established by the Constitution, does the Congress possess? Certainly not the power of *life and death.* The Supreme Court has held the words in the Constitution, that "the judicial power shall extend to all cases of admiralty and maritime jurisdiction," is a *constitutional* recognition of a system of jurisprudence already existing, understood and *established* as a part of the judicial power and jurisdiction of the courts of the Union, and that the scope of the jurisdiction is beyond the power of Congress to either enlarge or contract or control, that being solely a *judicial question.* Midway the limits fixed by the court the Congress may, as indicated in the opinions, legislate, but that it can essentially impair or destroy the admiralty and maritime jurisdiction, to which the Constitution says the judicial power shall extend, seems settled in the negative.

"CASES IN LAW AND EQUITY."

The Constitution says that the judicial power shall extend to all cases in *law* and *equity.* What about them? Has the Congress more power to limit and control the jurisprudence at *law* or in *equity* than it has in cases of "admiralty and maritime jurisdiction?" Is there any ground for the contention that the latter is imported into the Constitution and established as a permanent system of jurisprudence and the former are not? The phrase "admiralty and maritime jurisdiction" was, as the court has said, difficult of definition. Not so much so the word "law;" not at all so the word "equity."

Neither of the three was made more permanent by the Constitution than the other two, and all three are *established* by it, to be eliminated from it only by amendment to the instrument itself. Each represents an entirely different and separate jurisprudence, well established and understood and administered in this country before the Constitution was adopted.

What does the word "law" represent in the second section of Article III? In Fenn *v.* Holme (62 U. S., 481) the court say:

In the act of Congress "to establish the judicial courts of the United States" this distribution of law and equity powers is frequently referred to, and by the sixteenth section of that act, as if to place the distinction between those powers beyond misapprehension, it is provided "that suits in equity shall not be maintained in either of the courts of the United States in any case where plain, adequate, and complete remedy may be had at law," at the same time affirming and separating the two classes or sources of judicial authority. In every instance in which this court has expounded the phrases, proceedings at the common law and proceedings in equity, with reference to the exercise of the judicial powers of the courts of the United States, they will be found to have interpreted the former as signifying the application of the definitions and principles and rules of the common law to rights and obligations essentially legal, and *the latter, as meaning the administration with reference to equitable as contradistinguished from legal rights, of the equity law as defined and enforced by the court of chancery in England.*"

In Parsons *v.* Bedford et al. (3 Pet., 446, 447) the Supreme Court, speaking of the word "law" in the Constitution, and the light thrown on it by the seventh amendment, say:

The Constitution had declared, in the third article, that the judicial power should extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made under their authority, etc. It is well known that in civil suits, in courts of equity and admiralty, juries do not intervene, and that courts of equity use the trial by jury only in extraordinary cases. When, therefore, we find that the amendment requires that the right of trial by jury shall be preserved in suits at common law, the natural conclusion is, that the distinction was present in the minds of the framers of the amendment. By common law they meant what the Constitution denominated in the third article—LAW—not merely suits which the common law recognized among its old and settled proceedings, but suits in which legal rights were to be ascertained and determined, in contradistinction to those where equitable rights alone were recognized and equitable remedies administered.

The same doctrine is recognized in the case of Strother *v.* Lucas, in 6 Pet., pages 768, 769 of the volume, and in the case of Parish *v.* Ellis, 16 Pet., pages 453, 454.

Is it more difficult to define "law" and "admiralty" and "maritime jurisdiction" than it is to define the word "equity?" It would seem under the decisions that the test as to whether a suit is to be on the law or equity side of the court depends upon the question whether, the amount being sufficient, the parties are entitled to a determination of the facts by a com-

mon-law jury. It has been repeatedly decided that the word "equity" in the Constitution referred to the system of equitable jurisprudence as administered by the high court of chancery of England at the time the Constitution was adopted. Certainly the Constitution treated it as a separate system of jurisprudence, not requiring definition, but established and well understood. The word of necessity means *something* in the Constitution. It is permanent in that instrument, unless taken therefrom by the States by amendment, and for over a hundred years the courts *sitting in equity* have administered that jurisprudence as established and understood at the time of the adoption of the Constitution. It is unnecessary to cite authorities to support this proposition.

Of course, where States have given larger equitable remedies, the courts of the United States sitting in equity in cases of diverse citizenship will effectuate such remedies, if they be in harmony with the established principles of equity jurisprudence. (Gormley *v.* Clark, 134 U. S., 338.)

So, many acts of Congress have given rise to controversies which the courts have held were cognizable in equity within the meaning of that word in the Constitution as they have construed it, but in the last analysis the system of equity jurisprudence, as recognized and established as a part of American jurisprudence by the Constitution, has been administered and must continue to be administered until the Constitution is changed.

In Wright *v.* Ellison (68 U. S., 16) Mr. Justice Swayne, for the court, says that—

> This is a suit in equity. The rules of equity are as fixed as those of law, and this court can no more depart from the former than the latter. Unless the complainant has shown a right to relief in equity, however clear his rights at law, he can have no redress in this proceeding. In such cases the adverse party has a constitutional right to trial by jury. The objection is one which, though not raised by the pleadings nor suggested by counsel, this court is bound to recognize and enforce.

In Van Norden *v.* Morton (99 U. S., 378) the court say:

> We think the rule is settled in this court that whenever a new right is granted by statute, or a new remedy for violation of an old right, or whenever such rights and remedies are dependent on State statutes *or acts of Congress*, the jurisdiction of such cases as between the law side and the equity side of the Federal courts *must* be determined by the *essential character of the case*, and unless it comes within some of the *recognized heads of equitable jurisdiction* it must be held to belong to the other.
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> * * * * * * *
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> The case of Thompson *v.* Railroad Company (6 Wall., 134) had been removed from the State courts into the circuit court of the United States. In the latter a bill in chancery was filed and a decree rendered in favor of the complainant. On appeal this court held that the case had no feature of equitable cognizance, and it was ordered to be dismissed without prejudice. It was conceded that if the case had remained in the State court the plaintiff could have recovered. The court said: "The remedies in the courts of the United States are at common law or in equity, not according to the practice of the State courts, but *according to the principles of common law and equity, as distinguished and defined in that country from which we derive our knowledge of these principles.* And although the forms of proceeding and practice in the State courts shall have been adopted in the circuit courts of the United States, yet the adoption of the State practice must not be understood as *confounding the principles of law and equity* nor as authorizing legal and equitable claims to be blended together in one suit. (Citing Robinson *v.* Campbell, 3 Wheat., 212, and Bennett *v.* Butterworth, 11 How., 669, to which we beg leave to add Jones *v.* McMasters, 20 How., 8, and Basey *v.* Gallagher, 20 Wall., 680.)

In Fontain *v.* Ravenel (58 U. S., 369), Mr. Justice McLean, speaking for the court, says:

> The courts of the United States can not exercise any equity powers, except those conferred by acts of Congress and those judicial powers which the high court of chancery in England, acting under its judicial capacity as a court of equity, possessed and exercised at the time of the formation of the Constitution of the United States. Powers not judicial, exercised by the chancellor merely as the representative of the sovereign, and by virtue of the King's prerogative as *parens patriæ* are not possessed by the circuit courts.

The seventh amendment threw a bright light upon the word "law" as it is used in the Constitution, and drew clearly the distinction between law and equity, but the equity jurisprudence represented by the word "equity" in the Constitution referred to a system of jurisprudence very definitely settled, as administered by the high court of chancery in England, and by courts of chancery in the States at the time the Constitution was adopted.

It has been settled that the scope of the admiralty and maritime jurisdiction recognized by the Constitution is a judicial, not a legislative question. Is the scope of the judicial power of the Constitution in *equity* to be defined or controlled by Congress? Obviously not. Its scope is a judicial question. How far may the Congress, if at all, limit or control its scope? Can Congress lawfully enact a law forbidding the circuit courts of the United States to entertain an original bill for injunction? That was from the beginning a part of the jurisdiction in equity, as I understand it. That is *preventive* relief, *and without it there could be none.* It goes back to the *interdict*, Mr. President, of the Roman law, and from its adoption down through the history of English jurisprudence it was a jurisdiction to afford preventive relief, where the common law courts could only afford redress for past wrongs.

Can Congress pass a valid act prohibiting the circuit courts of the United States having jurisdiction in equity, from taking cognizance of an original bill to compel the performance of a contract, or forbidding the court in such case to restrain by appropriate order or writ the party defendant from conveying the property to a *bona fide* purchaser or otherwise pending the final decree?

Can the Congress pass a valid law lawfully prohibiting the Federal courts of the United States, sitting in equity, from entertaining or from taking cognizance of an original bill to preserve a trust estate, or for an accounting, or to enjoin the trustee or guardian who has fallen into evil ways from despoiling and wasting the trust estate?

If Congress has the power to obliterate one of the *original heads of equity jurisdiction*, as they existed when the Constitution was adopted, it has the power to strike them all down, because if the power be once admitted, Mr. President, the boundary at which the power of Congress shall cease is to be determined by the Congress, not by the courts.

And so we would have the Congress amending the Constitution by striking the word "equity" therefrom, which is an impossibility. The Constitution says (it can not be repeated too often) "the judicial power *shall* extend to all cases in *law* and *equity* arising," etc.

In Noonan *v.* Braley (67 U. S., 497) the court say:

> The equity jurisdiction of the courts of the United States is derived from the Constitution and laws of the United States. Their powers and rules of decision are the same in all the States. Their practice is regulated by themselves and by rules established by the Supreme Court. This court is invested by law with the power to make such rules. In all these respects they are unaffected by State legislation.

Congress may change the practice and procedure, but can they deprive the court, having jurisdiction in equity, of any power essential to the beneficial exercise of that jurisdiction?

Do Senators think that Congress has the constitutional power to provide that the facts in chancery cases shall be found by a *common-law jury* instead of by the chancellor, as has always been the rule? The Supreme Court of the United States long ago held that the seventh amendment did not apply to equity. (Shields *v.* Thomas, 18 How., 253.) The testimony is differently taken in courts of suits in equity than in courts of law. Sometimes a feigned issue was sent out of equity to be tried by a common-law jury, but it has always been the law, Mr. President, that the chancellor treated the findings of the jury as advisory only and not binding on his conscience. There have been attempts in the States to require the determination by a jury of the facts in equity cases, but the courts each time—and they were very able courts—have held such laws to be unconstitutional.

Let me call attention to what Mr. Justice Miller says in his work on the Constitution as to whether Congress may disturb, contract, or enlarge the equity jurisdiction—and when I say "jurisdiction" I refer to "jurisdiction *in equity.*" He says (p. 488):

> Not only did the *framers of the new Constitution* follow as well as they might the general polity of the English system, but they evinced an ardent desire to preserve the principles which had been accepted as part of the general administration of the law among our ancestors. This is shown in many of the provisions of the Constitution. Among others the *article concerning the judicial powers of the new Government establishes its jurisdiction as extending to all cases in admiralty and in law and in equity*, thus recognizing the English separation of these three classes of legal controversies as being governed by a separate jurisdiction. At least such has been the construction placed upon that instrument by the courts of the country without much question. It has been repeatedly decided that the jurisdiction in equity, which was a very peculiar one under the English system of legal administration, remains in the courts of the United States as it was at the time they separated from that country, and that one of the distinctive features of the difference between law and equity, namely, that at law there is a right to a trial by jury and in equity there is none, has continued to the present day. *And it is a very grave question, one which has never been brought to the attention of the courts, because Congress has never attempted to exercise any such authority, whether the Congress of the United States can make any change in the equitable jurisdiction of the courts of the United States; and if so, to what extent it can be done.*

In this connection I quote from a Wisconsin case (Callahan *v.* Judd *et al.*, 23 Wis., 343). In that State there was a class of mortgages called "farm mortgages." A great fraud had been perpetrated upon a large number of farmers in Wisconsin. In order to promote the construction of a railroad through their farms or in close proximity to them, they had been induced to give their negotiable notes, secured by mortgage upon their farms, in payment for stock of the railway company. I believe there was a little agreement attached or pinned to the notes in some way, providing that they should not be negotiated until the

stock paid dividends, or something like that. That is my recollection. Of course the notes were put at once into the hands of bona fide holders—nonresidents, many of them—and suits were brought to foreclose the mortgages. The railroad company did not ever pay any dividends; but a great many farmers lost their farms, and there was great excitement in the State. The courts, of course enforcing the law, rendered decrees of foreclosure. The legislature passed an act *prohibiting the courts from trying any action to foreclose a mortgage in which there were questions or issues of fact, without the intervention of a jury, except upon the written stipulation of the parties and giving to a verdict of the jury the same force and effect as in actions at common law.*

The court held the law to be invalid; and I read a brief ex tract from the opinion. It was a very strong court. Mr. Justice Payne, who wrote the opinion, has been dead many years. He was a man whose intellectual force and knowledge of the law would have made him a conspicuous member of the bench of the Supreme Court of the United States. He says:

I think the act invalid, and my reasons are briefly as follows: The power to decide questions of fact in equity cases belonged to the chancellor just as much as the power to decide questions of law—

Just as the power to decide whether in equity cases justice demands that the status quo shall be maintained until final judgment belongs to the chancellor, and always did belong to the chancellor—

It was an inherent part and one of the constituent elements of equitable jurisdiction. If, therefore, it shall appear that, by the Constitution, the equitable jurisdiction existing in this State is vested in the courts, I think it will necessarily follow that it would not be competent for the legislature to divest them of any part of it and confer it upon juries. If they can do so as to a part, I do not see why they may not as to the whole.

Who *can* see? If the legislative judgment can be lawfully substituted for the *judgment of the chancellor with knowledge* of the facts as to what remedial justice is demanded in a particular cause over which the court has jurisdiction in equity, where is the limit?

If they can say that in an equity case no court shall render any judgment except upon the verdict of a jury on questions of fact, I can see no reason why they may not say that the jury shall also be allowed to decide questions of law.

But the constitution, in section 2, article 7, provides that "the judicial power of this State, both as to matters of law and equity, shall be vested in a supreme court, circuit courts, courts of probate, and justices of the peace. The legislature may also vest such jurisdiction as shall be deemed necessary in municipal courts." * * *

In order to determine the meaning of the phrase "judicial power as to matters of law and equity," it is only necessary to recur to the system of jurisprudence established in this country and derived from England, in which the courts had certain well-defined powers in those two classes of actions. In actions at law they had the power of determining questions of law, and were required to submit questions of fact to a jury. When the Constitution, therefore, vested in certain courts judicial power in matters at law, this would be construed as vesting such power as the courts, under the English and American system of jurisprudence, had always exercised in that class of actions. It would not import that they were to decide questions of fact, because such was not the judicial power in such actions. And the constitution does not attempt to define judicial power in these matters, but speaks of it as a thing *existing and understood*—

Just as the Constitution of the United States speaks of it—

But to remove all doubts, in actions at law the right of a trial by jury is expressly preserved by another provision—

As it is by the Constitution of the United States—

But, as already stated, the power of a *court of chancery to determine questions of fact, as well as of law, was equally well established and understood.* And when the constitution vested in certain courts judicial power as to matters in equity, it clothed them with this power, as one of the *established elements of judicial power in equity, so that the legislature can not withdraw it and confer it upon juries.*

* * * * * * *

The plain object of this provision was to enable the legislature to distribute the jurisdiction in both matters at law and in equity as between the circuit courts and the other courts in the State, giving to the circuit courts such original jurisdiction and such appellate jurisdiction as it might see fit. But the jurisdiction there intended was jurisdiction of the suit.

It may well be that the legislature may deprive the circuit courts of original jurisdiction in actions for the foreclosure of mortgages. It is unnecessary to determine whether it could or not. *But it is quite certain that this clause contains no authority for it, while leaving those courts jurisdiction of this class of actions, to attempt to withdraw from them an acknowledged part of the judicial power and vest it in the jury.* (See Freeman *v.* McCollum, 20 Wis., 360.)

I turn also, for I think there is great wisdom in it——

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. BAILEY. Does the Senator from Wisconsin insist that in the absence of a constitutional amendment providing for trial by jury Congress would have no right or power to abolish the trial by jury?

Mr. SPOONER. There was much fear about it. There was grave dispute about it. It was argued by many, as I recollect, that the word "law" was to be construed so as to import a common-law jury. But to make that absolutely certain—the States demanded that the seventh amendment——

Mr. BAILEY. The Senator has well said that every word and phrase in the Constitution means something, and that would mean absolutely nothing if in the absence of it Congress would be as powerless as it is when it is written in the Constitution.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. SPOONER. Certainly.

Mr. KNOX. I desire to call the attention of the Senator from Texas to the fact that there is a case—I can not recall the name of it now, but I have come across it within the last few weeks—holding that the right of trial by jury is sacred and would exist independent of the provision contained in the Constitution.

Mr. SPOONER. The seventh amendment?

Mr. KNOX. Yes, sir.

Mr. BAILEY. So there is a case holding the law of a State void even before the State had a written constitution—the celebrated Rhode Island case. But nobody believes that that isolated case is the law, and neither can those of us who believe that every sentence of the Constitution means something and was written in there for a purpose believe that without this amendment Congress would still be powerless to abolish the right of trial by jury, and that it was not written into the Constitution so as to disable Congress from abolishing the right of trial by jury.

Mr. SPOONER. I think the Senator——

Mr. BAILEY. Will the Senator permit me?

Mr. SPOONER. Certainly.

Mr. BAILEY. I want to add a word. I do believe there is this limitation upon the power of Congress in respect to equity courts. I do not believe that with this amendment guaranteeing the right of trial by jury in actions at common law Congress could confer upon courts of equity jurisdiction which would defeat the constitutional guaranty of right of trial by jury. My opinion is that the only limitation upon the power of Congress in that respect——

Mr. SPOONER. Does the Senator think that Congress can pass a valid act for a common-law jury in equity cases, giving the same effect to the verdict of the jury as is given under the seventh amendment to the Constitution?

Mr. BAILEY. My own opinion is that Congress could abolish all courts of equity if it chose, just as many of the States have abolished them.

Mr. SPOONER. In the States which abolished the distinction I think they adopted constitutional amendments or else they were authorized by the constitution to do it by legislative act. I do not think Congress can take away from the chancellor the power which he has always exercised—one of the peculiarities of the chancery system—and transfer the decision of questions of fact to a jury making the verdict more than advisory.

Mr. BAILEY. If it will not interrupt the Senator——

Mr. SPOONER. No.

Mr. BAILEY. When the people who adopted the Constitution were so far dissatisfied with its guaranties as to insist upon an amendment that secured the right of trial by jury, it seems to me that undoubtedly they recognized the right of Congress to abolish the right of trial by jury in the absence of that limitation, and if Congress could abolish the right of trial by jury, as immemorial and as sacred as that right is, it seems to me it could surely extend it to a case in equity, although I am aware that there are two or three State decisions to the contrary.

Mr. SPOONER. Will the Senator tell me what limit he thinks there is to the power of Congress over the equity jurisprudence or jurisdiction recognized by the Constitution, as construed by the Supreme Court?

Mr. BAILEY. My own opinion is that Congress could abolish it; that Congress could forbid every court in the United States from exercising it. The Senator, I am aware, has just demanded to know, with a good deal of vehemence, if Congress could deny courts of equity the right to entertain certain actions—an action for accounting, an action to preserve a trust. I only remind the Senator that a little earlier in his speech he said that Congress could either grant or withhold jurisdiction over these cases; and if Congress can merely, by withholding jurisdiction, disable the courts of the United States from entertaining a bill for an accounting surely by express enactment it could do it. It needs no express enactment in a case like that, because if a suitor comes to the court with his bill for an accounting and the party on the other side says the court is without jurisdiction, the court itself must look to the statute book

and find some statute which authorizes it to entertain that bill of accounting.

Mr. SPOONER. I have never contended that Congress might not withdraw from the circuit courts the equity jurisdiction and confer it upon existing courts or might not vest equity and law jurisdiction and the admiralty jurisdiction in one court. I have denied—and if I am vehement it is more my misfortune than my fault—and I do deny, the power of Congress to obliterate the inferior courts of the United States, and it is my belief that any act of Congress which abrogated the district and circuit courts of the United States without substituting for them courts to exercise some of the jurisdiction of the Constitution would be held by the Supreme Court to be void.

I am not ready to believe that we are in England, living under a parliament. I am not ready to believe that the Senator from Texas does not exalt, beyond justification in law, the power of Congress over the courts. Does the Senator agree with me that the Congress could not pass a valid act prohibiting the circuit and district courts of Pennsylvania from issuing process to carry into effect their judgments or decrees?

Mr. BAILEY. Does the Senator wish me to answer now?

Mr. SPOONER. Not unless the Senator chooses to. I have no right to interrogate him. I beg pardon.

Whether a case is a case in equity or not depends upon whether it falls within one of the heads of the ancient equity jurisdiction which was imported into the Constitution. It does not depend upon a legislative characterization of it. When the Constitution says that the judicial power of the United States SHALL extend to all cases in LAW and EQUITY in the enumerated classes, does it mean something or nothing? The courts have said repeatedly that whether a case is a case at law or a case in equity is to be determined by the essential features of the case itself.

And, Mr. President, nothing is gained in the way of argument, it seems to me, by assuming impossibilities. I assume in all I say that the time will never come, as it never has come, when there will be found a Congress sitting under this Dome oblivious to the duties imposed by the Constitution. The Senator said the other day that Congress could repeal all laws on the statute books relating to crime. What of it? That is a mere abstraction. They would have to reckon with the people. Congress could starve the executive department. It would not need to pass any law to do it. All that would be needed would be *omission* to act. Congress could shut up the courts by starving all the court officials and neglecting to appropriate money to pay the judges. Congress could omit to appropriate money to pay the Cabinet, to pay the President, to pay the Army, to keep up the administrative department. What of it? Does that argue anything concerning the matter now before the Senate?

As Mr. Justice Iredell said, it is our duty to assume that the constitutional function of the Congress will be performed—as we know it always will be—and the question is not whether the Congress could do this or could do that; the question is whether in a suit in equity, *pending in one of the courts of the United States having jurisdiction of the subject-matter and the parties*, Congress *can pass a valid law taking from the chancellor the inherent function of a chancellor to find the facts, and require him to delegate that power or itself confer that power upon a common-law jury of twelve and make that jury's verdict have the effect of a common-law verdict.* I think it could not be done. I think the Senator can not maintain the proposition, and I believe on reflection he will not assert it—that Congress has power to do away with the whole equity jurisprudence recognized and established by the Constitution. Of course it is an impossibility.

Suppose Congress should pass an act *requiring* in a *class* of cases the chancellor to grant a preliminary injunction; would that be a valid enactment? It is for the chancellor, under the system, to determine upon investigation, having the facts before him, whether the law or the rules of equity require that a preliminary injunction should be granted, or should be denied. Where does Congress get the power, invading the judicial domain in equity, to substitute *its judgment* for the *judgment of the chancellor* or to interfere with any step which shall be taken in an equity suit?

Mr. BAILEY. Will the Senator from Wisconsin permit me?

Mr. SPOONER. Certainly.

Mr. BAILEY. The Senator from Wisconsin, I believe, agrees with me that the inferior courts of the United States can entertain jurisdiction of no cause except Congress has by law authorized them to do so. I believe the Senator assents to that proposition.

Mr. SPOONER. Admit it.

Mr. BAILEY. Then, of course, it follows naturally that if Congress confers upon the inferior courts of the United States jurisdiction only in certain cases it withholds or, if you choose to use the other word, it withdraws jurisdiction in all other cases. Let us apply the rule. Suppose Congress authorizes the courts of the United States to entertain jurisdiction in no matter of equity. The Senator from Wisconsin agrees that the chancellor is without any jurisdiction, and that effect is simply accomplished, not by affirmatively denying him the right, but by failing affirmatively to give him the right. Therefore it does seem to me a strange course of reasoning which asserts that Congress can deny jurisdiction, and yet in another breath admits that the jurisdiction does not exist except upon the affirmative action of Congress.

Mr. SPOONER. Mr. President——

Mr. BAILEY. If the Senator will permit me, I say that if Congress may withhold from the jurisdiction of inferior courts all or any part of those cases enumerated in the Constitution, then it is utterly impossible to maintain that a given law which denies them jurisdiction is unconstitutional. If the law affirmatively denying them is unconstitutional, then surely any provision in the law that provides for the exercise of any part of the jurisdiction would be void unless it provided for the exercise of every part of the jurisdiction.

Mr. SPOONER. The Senator falls back each time upon the *power of life and death*. He falls back for a basis of contention upon an impossible assumption. I am not discussing that question. It is not involved here in any way. *His amendment provides, of which this proviso is a part, for the filing of an original bill in the circuit court for an injunction to restrain putting into force a rate fixed by the Interstate Commerce Commission; and on the assumption that the court is clothed with the judicial power to hear and determine that case and to render its decree and carry it into effect I am discussing this question*—not *upon what would be done or could be done if there were no such courts.*

Mr. President, is it contended that the Congress can lawfully enact, as a part of the Senator's amendment, a provision requiring a trial by jury and a verdict upon the facts in the case which by his amendment he authorizes to be brought? That is the precise question I am now discussing. Is it contended that in this case, *which the Senator is providing for bringing, this suit in equity*, Congress can *exercise any function which from time immemorial has devolved upon the chancellor?* It has always been the function of the chancellor to determine whether in a suit brought for a permanent injunction a preliminary order was required to *prevent the doing of the wrong* complained of *until a hearing upon the testimony and the determination of the merits.* That is not a decision of the cause, as the Senator seemed to think the other day. That rests in the *sound discretion* of the chancellor, and always has so rested. The power should be exercised with caution. It does not involve a decision upon the merits. (High on Injunctions, 4th ed., secs. 1–6, pp. 2–10.)

Now, for Congress in such a case to "decide" by act in advance that if a motion is made for a preliminary injunction to maintain the status quo, no matter what the showing may be, the chancellor *shall deny it*, while he may be convinced it should be granted, is a legislative usurpation of a judicial function; and if it may be done in such a case, tell me, some one, where the power ceases? Can Congress lawfully pass an act that hereafter in all cases in equity where the court is of the opinion that justice requires a preliminary injunction, the maintenance of the status quo, upon that being made to appear, the suit shall be dismissed? Why not? In thousands of cases if the wrong were not prevented *in limine* a permanent injunction would be as idle as the wind that blows. It would be a solemn farce. It would bring the court of equity into contempt.

Suppose the trustee of an estate is about to-morrow, if not prevented, to take all that is left of the assets and embark it in a gamble, leaving penniless those for whom the decedent toiled and wrought all his life. It is the function of equity to protect that trust estate. Of what avail would equity be if in the beginning the wrong could not be prevented? Equity takes cognizance of bills to prevent, in violation of confidence, the publication of trade secrets. Of what avail would that be without the power of the chancellor, which has always been exercised, to grant in a proper case *preliminary* preventive process? Equity will take cognizance of a case, the citizenship being diverse, to prohibit a lawyer from violating the confidence of a client. Of what avail would it be if equity may not *at once* prevent that violation of confidence?

Take the case I put when I last addressed the Senate on this subject, where, by fraud, negotiable paper has been obtained from some man and he is in time, by his bill in equity, *if the preventive writ is granted*, to save himself from financial destruction by preventing the negotiation of that paper. Of what

avail would the permanent injunction be if the chancellor could not prevent *in limine* the wrong which the suit was brought permanently to prevent? If Congress, in a suit pending in equity, in an *existing* Federal court, may say to the chancellor by law, "No matter what the case may be, no matter what showing is made, if any motion is made for a preliminary writ, *you shall deny it*," why may not the Congress in another case say, "No matter what showing may be made, no matter how convinced the chancellor is that the writ ought not in justice to issue, *it shall be granted?*" Where is the limit?

Once admit the power—not the power to destroy the courts; I am assuming their existence, as the Senator's amendment does—once admit the power of Congress to say *what steps shall be taken in the progress of a lawsuit and what decisions shall be made on motions and petitions*, what is left of the judiciary? Anything? And applied to cases arising *under this bill*—for I have been speaking on general principles—but applied to cases arising under this bill, the proposition is one which is fatal, I think, to the bill. The men who are seeking to perfect this bill, who are anxious, as I am, that it shall contain no unconstitutional provision, are not to be classed as enemies of the bill. I am working here under my oath to do what I think is my duty. I believe this is an unconstitutional provision. I believe you can not, under the fifth amendment, take private property for public use and *deprive the owner of any remedy essential to his protection.*

The Congress, the Supreme Court has held, can not pass a lawful act taking private property for public use unless it contains an appropriation. Suppose it did and this power over the courts is unlimited, and it takes the property, and its officers are in possession of it, with no provision for payment; can the Congress pass a valid law under which the party is denied relief in equity? Can it pass a valid law that its agents in possession shall not be subject to any possessory action at law? That would not be "due process."

Going back, it was attempted in Michigan by an act to take the power to find the facts from the chancellor and vest it in a common-law jury. The question came up in the case of Brown *v.* Buck (75 Mich., 274). It is not obiter; it is a part of the *ratio decidendi*. The question was whether that was a valid enactment, and the supreme court of Michigan say:

> This leads to the inquiry whether it is competent for legislation to bring about any such radical change as is here attempted. We think it is not. The decisions of the United States Supreme Court before referred to do not bind State practice, but they nevertheless to some extent indicate the real difficulty. That tribunal did not decide that under the United States Constitution there could be no change in equitable procedure—

No one claims that—

> because the whole body of chancery practice has been repeatedly amended and simplified by that court.

It has all been done under the power delegated to the court.

> Their rulings mean neither more nor less than that there are various kinds of interests and controversies which can not be left without equitable disposal, without either destroying them or impairing their value. It is within the power of a legislature to change the formalities of legal procedure.

Formalities, Mr. President; *formalities* of legal procedure. Yes. These may be changed. The body of jurisprudence and the things which inhere in it and are essential to its beneficial exercise are not mere matters of practice or formal procedure.

> *But it is not competent to make such changes as to impair the enforcement of rights.* In rude times, when there is no business and no variety of property rights, very simple remedies are sufficient. But where the ordinary remedies have become inadequate to deal with more extended or peculiar interests, such as multiply in all civilized countries, different methods and different tribunals become necessary. The universally recognized basis of equitable jurisprudence, found in statutes and constitutions as well as in the reports and text writers, is the inadequacy of the common law to deal with these subjects. A principal basis of that inadequacy was the nature of the tribunal passing on the facts.
>
> In common-law issues fact and law can be readily separated; but in the great majority of equity proceedings it is impossible to make any such separation. The functions of judges in equity cases in dealing with them is as well settled a part of the judicial power and as necessary to its administration as the functions of juries in common-law cases. Our constitutions are framed to protect all rights. When they vest judicial power they do so in accordance with all of its essentials—

Barring the formal procedure, all of its *essentials*—

> and when they vest it in any court they vest it as *efficient for the protection of rights*, and not *subject to be distorted or made inadequate.* is as sacred as the right of trial by jury.

I assert, Mr. President, that this is a sound and golden sentence which is the law in the last analysis:

> The right to have equity controversies dealt with by equitable methods is as sacred as the right of trial by jury.

Let me read it again:

> THE RIGHT TO HAVE EQUITY CONTROVERSIES DEALT WITH BY EQUITABLE METHODS IS AS SACRED AS THE RIGHT OF TRIAL BY JURY.

If it be not so, Mr. President, there is nothing in equity jurisprudence.

Whatever may be the machinery for gathering testimony or enforcing decrees, the facts and the law must be decided together, and when a chancellor decides to have the aid of a jury to find out how facts appear to such unprofessional men it can only be done by submitting single issues of pure fact, and they can not foreclose him in his conclusions unless they convince his judgment.

It is said that there is no *inherent* power in equity under our Federal system. There are many inherent powers in equity. In the case of Vidal *v.* The Executors of Girard, Vidal being a relative, suit was brought in the circuit court of the United States of Pennsylvania to interfere with the bequest for education made by Stephen Girard, which the court held to be a charity within the doctrine of equity. (Vidal et al. *v.* Girard's Executors, 2 How., 194.) It was claimed by very eminent lawyers that there was no jurisdiction in equity; I do not mean over the case, but *in equity;* in other words, that it was not a case where, upon the principles of equity, the court could grant relief. It was argued with supreme ability and surpassing learning, and the court *inter alia* say:

> Sir John Leach, in the case of a charitable use before the statute of Elizabeth (Attorney-General *v.* The Master of Brentwood School, 1 Myine & Keen, 376), said: "Although at his time no legal devise could be made to a corporation for a charitable use, yet lands so devised were in equity bound by a trust for the charity, which a court of equity would then execute." In point of fact, the charity was so decreed in that very case, in the twelfth year of Elizabeth. But what is still more important is the declaration of Lord Redesdale, a great judge in equity, in The Attorney-General *v.* The Mayor of Dublin (1 Bligh. R., 312, 347, 1827), where he says: "We are referred to the statute of Elizabeth with respect to charitable uses as creating a new law upon the subject of charitable uses. That statute only created a new jurisdiction; it created no new law. It created a new and ancillary jurisdiction, a jurisdiction created by commission, etc.; but the proceedings of that commission were subject to appeal to the lord chancellor, and he might reverse or affirm what they had done or make such order as he might think fit for reserving the controlling jurisdiction of the court of chancery as it existed before the passing of that statute, and there can be no doubt that by information by the Attorney-General the same thing might be done."
>
> He then adds: "The right which the Attorney-General has to file an information is a right of prerogative. The King, as *parens patriæ*, has a right, by his proper officer, to call upon the several courts of justice, according to the nature of their several jurisdictions, to see that right is done to his subjects who are incompetent to act for themselves, as in the case of charities and other cases." So that Lord Redesdale maintains the jurisdiction in the broadest terms, as founded in the *inherent* jurisdiction of chancery independently of the statute of 43 Elizabeth. In addition to these *dicta* and doctrines, there is the very recent case of The Incorporated Society *v.* Richards (1 Drury & Warren R., 258), where Lord Chancellor Sugden, in a very masterly judgment, upon a full survey of all the authorities, and where the point was directly before him, held the same doctrine as Lord Redesdale, and expressly decided that there is *an inherent jurisdiction* in equity in cases of charity, and that charity is one of those objects for which a court of equity has at all times interfered to make good that which at law was an illegal or informal gift; and that cases of charity in courts of equity in England were valid independently of and previous to the statute of Elizabeth.

They found abundant authority for the proposition that independent of that statute, *as an inherent element of equity jurisdiction*, the courts of chancery in England had administered such trusts. So, rejecting the *prerogative* element of jurisdiction, the court upon the principle that the jurisdiction *inhered* in equity granted the relief sought.

It was held the same way in Fontain *v.* Ravenel, an interesting case which I will not take the time to read, although later I want to refer to it for another purpose. There the court held that prerogative suits in equity on the relation of the attorney-general, representing the King as parens patriæ, were no part of the equity system of the United States; but they sustained as inhering in equity jurisprudence on general principles the power to grant the relief sought in the bill.

Right here, if the Senator from Texas will do me the honor to give me his attention, he will find the principle which applies to *mandamus* and to *habeas corpus*. They were each high prerogative writs across the sea, and as it has been decided, as it was here in equity, there is distinction between the inherent jurisdiction in equity and the *prerogative* jurisdiction.

So our courts very properly have drawn the distinction as to the common-law writs *prerogative*, and they have held that the *sovereign* possesses them, and the sovereign in this country is represented not by the *courts*, but by the *Congress*, and that therefore when the *prerogative* jurisdiction shall be conferred upon the courts it is for the *Congress* to decide.

I want to read a little of what Chief Justice Taney says in the case of Fontain *v.* Ravenel (17 How., 369), in a concurring separate opinion. I read it because it is a succinct and fine statement:

> It remains to inquire whether the Constitution has conferred this *prerogative* power on the courts of equity of the United States.
>
> The second section of the article of the Constitution declares that the judicial power of the United States shall extend to all cases in law and equity specified in the section. These words obviously confer *judicial power and nothing more*, and can not, upon any fair construction, be held to embrace the *prerogative powers which the King, as parens patriæ, in England, exercised through the courts.* And the chancery jurisdiction of the courts of the United States as granted by the Constitution extends only to cases over which the courts of chan-

cery had jurisdiction in its *judicial* character as a court of equity. The wide discretionary power which the chancellor of England exercises over infants or idiots or charities has not been conferred.

These prerogative powers which belong to the sovereign as parens patriæ *remain with the States.* (Fontain *v.* Ravenel, 58 U. S., p. 80.)

If I may be pardoned one moment, I should like to refer to another case, for it is an interesting one. This was a case in which a bill was filed to *declare and enforce a resulting trust.* The Territory of Minnesota, under the authority of Congress, had passed an act in relation to resulting trusts. I will say that in the act of Congress it was provided that the laws passed by the Territorial legislature should remain in force *until* disapproved by the Congress, which had not been done. An agent receiving money from his principal for the entering of land at the land office took the title in his own name and refused to convey. Suit was brought to declare the trust and enforce it. This point was made in the case:

With regard to the fourth objection, of a want of jurisdiction in the courts of the United States, in the absence of express statutory provisions, to recognize and enforce a resulting trust like that presented by the present case, it is a sufficient response to say that the jurisdiction of the courts of the United States is properly commensurate with every right and duty created, declared, or necessarily implied, by and under the Constitution and laws of the United States. Those courts are created courts of common law and equity, and under whichsoever of these classes of jurisprudence such rights or duties may fall, or be appropriately ranged, they are to be taken cognizance of and adjudicated according to the settled and known principles of that division to which they belong.

By the language of the Constitution it is expressly declared (Art. III, sec. 2, clause 1) that the judicial power of the United States shall extend to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority. By the statute which organized the judiciary of the United States, it is provided that the circuit courts shall have jurisdiction of suits of a civil nature "at common law or in equity." (Vide 1 Stat. L., p. 78, sec. 11.) In the interpretation of these clauses of the Constitution and the statutes, this court has repeatedly ruled that by cases at common law are to be understood suits in which legal rights are to be ascertained and determined, in contradistinction to those where equitable rights alone are recognized and equitable remedies are administered. (Vide Parsons *v.* Bedford, 3 Pet., 447, and Robinson *v.* Campbell, 3 Wheat., 212.) That by cases in equity are to be understood suits in which relief is sought according to the principles and practice of equity jurisdiction, as established in English jurisprudence. (Vide the case of Robinson *v.* Campbell, just cited, and the United States *v.* Howland, 4 Wheat., 108.)

Relief is sought according to the established principle of equity and the practice of equity jurisdiction as established in English jurisprudence.

Here, then, is an exposition, both of the Constitution and laws of the United States, with reference both to the jurisdiction and powers of their courts and to the instances in which it is their duty to exercise those powers; and the inquiry forces itself upon us, *Who shall or can have the authority to deprive them of those powers and that jurisdiction?* Or can those courts, consistently with their duty, refuse to exert those powers and that jurisdiction for the protection of rights arising under the Constitution and laws, in the acceptation in which both have been interpreted and sanctioned? (Irvine *v.* Marshall, 61 U. S., p. 994.)

Mr. President, I will be greatly obliged if I may be allowed to yield the floor for to-day. I will not take much time to-morrow. I will not interfere with the Senator from Arkansas at all. I am very tired.

Mr. CLARKE of Arkansas. It will be entirely agreeable to me to address the Senate next Monday.

Mr. SPOONER. I will not take very much time further. If the Senate is willing to allow me to go on to-morrow, I shall be much obliged.

Mr. HALE. The Senator from Arkansas does not propose to go on?

Mr. CLARKE of Arkansas. Not now.

Mr. BAILEY. I suggest that it would be entirely agreeable to everyone for the Senator from Wisconsin to conclude to-morrow, and then, if there is time left, the Senator from Arkansas can proceed to-morrow. Otherwise, of course, it would be entirely agreeable to the Senate for the Senator from Arkansas to speak Monday.

Mr. SPOONER. I prefer to go on now rather than have a day lost.

Mr. BAILEY. There will be no question about the Senator going on to-morrow.

Mr. HALE. I do not think the Senator need feel that the day has been lost. It is now nearly 4 o'clock; and the Senator began very early. I think we can all realize that it would be more convenient for him to continue his remarks in the morning, and for one, unless something else is before the Senate, I will suggest or move that the Senate proceed to the consideration of executive business.

Mr. CLARKE of Arkansas. Before that motion is put, I desire to say that if the Senate will be in session on Saturday I can take the floor then, or I can take it at another time. Any time that will be agreeable to the Senate will suit me.

Mr. SPOONER. I want to consult entirely the convenience of the Senator from Arkansas. He may go on in the morning and I will follow him.

Mr. CLARKE of Arkansas. Oh, no.

Mr. HALE. I will say to the Senator from Arkansas that I have no right, nor has anyone, to settle it, but I think it is the general feeling of the Senate that as we have taken one day off this week there should be a session on Saturday.

Mr. CLARKE of Arkansas. There will be a session on Saturday?

Mr. HALE. I have no doubt that there will be.

Mr. CLARKE of Arkansas. After the Senator from Wisconsin gets through I will determine what course to pursue.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-two minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 27, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 26, 1906.

ASSISTANT TREASURER.

Julius Jacobs, of California, to be assistant treasurer of the United States at San Francisco, Cal. (Reappointment.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 26, 1906.

APPOINTMENT IN THE NAVY.

James P. Haynes, a citizen of Kentucky, to be an assistant surgeon in the Navy from the 16th day of April, 1906.

PROMOTIONS IN THE NAVY.

Commander Charles E. Vreeland to be a captain in the Navy from the 13th day of April, 1906.

Boatswain Dennis J. O'Connell, to be a chief boatswain in the Navy from the 30th day of January, 1906, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

POSTMASTERS.

MISSISSIPPI.

William F. Jobes to be postmaster at Brookhaven, in the county of Lincoln and State of Mississippi.

NEW YORK.

Fred A. Wright to be postmaster at Glen Cove, in the county of Nassau and State of New York.

WEST VIRGINIA.

Henry W. Deem to be postmaster at Ripley, in the county of Jackson and State of West Virginia.

SURVEY OF ALASKAN-CANADIAN BOUNDARY.

The injunction of secrecy was removed April 26, 1906, from a convention between the United States and Great Britain, signed at Washington on April 21, 1906, providing for the survey of the Alaskan-Canadian boundary along the one hundred and forty-first meridian of west longitude.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 26, 1906.*

The House met at 12 o'clock noon.

The Rev. WILLIAM COUDEN, of Somerville, Mass., offered the following prayer:

Almighty God, in the name of Him who came not to destroy but to fulfill, do we offer our prayer this morning. Bless, we beseech Thee, this nation that Thou hast raised up. Comfort those who are in misfortune. Guide those who are in prosperity. Let us as a people live to Thy glory. To this end, our Lord, bless this body of servants here assembled. Let there be no denial of duty, no betrayal of trust here; but let there be in all their deliberations faithfulness and honor, righteous resolve, and noble effort in end and method. Let the business of this House be transacted without that which is a reproach to any people, and with wisdom from on high. Amen.

The Journal of the proceedings of yesterday was read.

The SPEAKER. As many as are in favor of approving the Journal will say "aye;" those opposed "no."

The Journal was approved.

CHANGES OF REFERENCE.

On motion of Mr. BABCOCK, the Committee on the District of Columbia was discharged from the further consideration of the bill (H. R. 18417) for the relief of the Eastern Dispensary and Casualty Hospital; and the same was referred to the Committee on Appropriations.

On motion of Mr. BABCOCK, the Committee on the District of Columbia was discharged from the further consideration of the bill (S. 5131) incorporating the Archæological Institute of America; and the same was referred to the Committee on Foreign Affairs.

DELEGATE FROM ALASKA.

Mr. BRICK. Mr. Speaker, I submit a conference report on the bill (S. 956) providing for an Alaskan Delegate, and I ask that the statement be read in lieu of the whole report.

The SPEAKER. The gentleman from Indiana calls up the conference report on the Alaskan Delegate bill, and asks that the statement be read in lieu of the report. Is there objection?

Mr. WILLIAMS. I object.

The SPEAKER. The gentleman from Mississippi objects. The Clerk will proceed to read the report.

The Clerk read the conference report and statement.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with the following amendment, in lieu of and as a substitute for the amendment of the House, to wit:

"An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska.

"*Be it enacted, etc.*, That the people of the Territory of Alaska shall be represented by a Delegate in the House of Representatives of the United States, chosen by the people thereof in the manner and at the time hereinafter prescribed, and who shall be known as the Delegate from Alaska. Such Delegate shall at the time of his election have been for seven years a citizen of the United States, and shall be an inhabitant and qualified voter of the District of Alaska, and shall be not less than twenty-five years of age, and when duly chosen and qualified shall possess the same powers and privileges and be entitled to the same rate of compensation as the Delegates in the House of Representatives from the Territories of the United States: *Provided, however*, That such Delegate, in lieu of all other allowances, shall, in addition to his salary, receive the sum of one thousand five hundred dollars per annum, which shall cover all mileage and other expenses except stationery allowance and compensation for clerk hire.

"SEC. 2. That the first election for Delegate from Alaska shall be held upon the second Tuesday of August, in the year nineteen hundred and six, and that all subsequent elections for such Delegate shall be held on the second Tuesday in August in each year when there is a general election for Members of the House of Representatives, and that at said first election there shall be elected a Delegate who shall hold his office for the unexpired portion of the Fifty-ninth Congress, which term of office is hereinafter designated as the 'short term;' and also at said first election there shall be elected a Delegate who shall hold his office for the full term of the Sixtieth Congress, which term of office is hereinafter designated as the 'long term.'

"That the Delegate chosen at said first election for the short term shall hold his office from the date of his election certificate during the remainder of the Fifty-ninth Congress; and the Delegate chosen at said first election for the long term shall hold his office for the full term of the Sixtieth Congress; that the Delegate chosen at each subsequent election shall hold his office for the same term as the Members of the House of Representatives chosen at the general election in the same year.

"That the salary and allowances of the Delegate chosen for the short term at said first election shall begin with the date of his election certificate, and shall extend throughout and until the close of the Fifty-ninth Congress. The salary and allowances of the Delegate chosen for the long term at said first election shall begin at the commencement of the term of the Sixtieth Congress and extend throughout and until the close thereof. The salary and allowances of the Delegate chosen at each subsequent election shall be for the full term of the Congress to which he is elected a Delegate.

"SEC. 3. That all male citizens of the United States twenty-one years of age and over who are actual and bona fide residents of Alaska, and who have been such residents continuously during the entire year immediately preceding the election, and who have been such residents continuously for thirty days next preceding the election in the precinct in which they vote, shall be qualified to vote for the election of a Delegate from Alaska.

"SEC. 4. That each incorporated town in the district of Alaska shall constitute an election district, and where the population of such town exceeds one thousand inhabitants the common council may, in their discretion, at least thirty days before the election, divide the district into two or more voting precincts and define the boundaries of such precinct; and the said common council shall also appoint, at least thirty days before the election, three judges of election and two clerks for each voting precinct, all of whom shall be qualified voters of the precinct; and no more than two judges and one clerk shall belong to the same political party. The common council shall also, at least thirty days before the date of the election, provide a suitable polling place for each voting precinct, and give due notice of the election by posting a written or printed notice in three public places in each precinct, specifying the time and place of the election, and in case there are one or more newspapers of general circulation published in the town, then a copy of said notice shall also be published in one of such newspapers at least once a week for two successive weeks next prior to the date of the election.

"SEC. 5. That all of the territory in each recording district now existing or hereafter created situate outside of an incorporated town shall, for the purposes of this act, constitute one election district; that in each year in which a Delegate is to be elected the commissioner in each of said election districts shall, at least thirty days before the date of said first election, and at least sixty days before the date of each subsequent election, issue an order and notice, signed by him and entered in his records in a book to be kept by him for that purpose, in which said order and notice he shall—

"First. Divide his election district into such number of voting precincts as may in his judgment be necessary or convenient, defining the boundaries of each precinct by natural objects and permanent monuments or landmarks, as far as practicable, and in such manner that the boundaries of each can be readily determined and become generally known from such description, specify a polling place in each of said precincts, and give to each voting precinct an appropriate name by which the same shall thereafter be designated: *Provided, however*, That no such voting precinct shall be established with less than thirty qualified voters resident therein; that the precincts established as aforesaid shall remain as permanent precincts for all subsequent elections, unless discontinued or changed by order of the commissioner of that district.

"Second. Give notice of said election, specifying in said notice, among other things, the date of such election, the boundary of the voting precincts as established, the location of the polling place in the precinct, and the hours between which said polling places will be open.

"Said order and notice shall be given publicity by said commissioner by posting copies of the same at least twenty days before the date of said first election, and at least thirty days before the date of each subsequent election. Said copies shall be posted as follows: One at the office of the commissioner in said district, and three copies to be posted in three conspicuous public places in each of said voting precincts as established, one of which shall be the designated polling place in each precinct; and said commissioner shall also mail a certified copy of said order and notice to the governor of Alaska at his official residence.

"That at least thirty days prior to the date of the holding of such election the commissioner shall select, notify, and appoint from among the qualified electors in each voting precinct three judges of election for said precinct, no more than two of whom shall be of the same political party. Said commissioner shall notify all of said judges of election of their appointment as such, so that each and all of them shall receive said notice at least ten days before the date of the election.

"SEC. 6. That the judges of election of each voting precinct shall constitute the election board for said precinct and shall supervise and have charge of the election therein. They shall secure and provide a place for holding the election and a suitable ballot box. They shall pass upon the qualification of the voter and, if he be found qualified, receive and deposit his ballot in the ballot box, and shall canvass and make a return of the votes cast, as hereinafter provided.

"That the members of said election board in each precinct, before entering upon the duties of their office, shall each severally take an oath, which shall be reduced to writing, before

an officer qualified to administer oaths, to honestly, faithfully, and promptly perform the duties of their positions; and if no officer qualified to administer oaths be present or available, then any one of said duly appointed or selected judges of election may administer the necessary oath to said other two judges, and he shall afterwards in turn be sworn by one of them.

"That each of said judges shall have authority to administer any oath to the voter necessary or proper under this act, and said judges shall have equal authority; and in case of any question or disagreement over any matter during the course of said election the decision of the majority of said judges shall govern.

"That two of the three judges of election in each voting precinct, outside of incorporated towns, to be selected by a majority of said judges, shall also perform the duties of clerks of election for that precinct; the two judges performing the duties of clerks shall be of different political parties; it shall be the duty of the clerks at each voting precinct to make a full written record of such election as held in that precinct, and each of them shall keep a correct duplicate register and enter therein the names of the voters and the fact that they have voted, or have offered to vote and were refused, and a brief statement of the reasons for said refusal.

"SEC. 7. That each of the candidates for the office of Delegate herein provided for, at any election held hereunder, shall be entitled to one watcher at each voting precinct, who shall be permitted to be present within the place of voting at such precinct, and in some place therein where he may at all times be in full view of every act done. Such watcher shall have the right to be so present at all times from the opening of the polls until the ballots are finally counted and the result certified by the election board. Each watcher shall be required to present to the election board proper credentials, signed by the candidate he represents, showing him to be the duly authorized watcher for such person.

"SEC. 8. That in case any of the judges of election selected as herein provided for any precinct shall fail to appear and qualify at the time and place designated for the election for which they shall be appointed, then, in that event, the qualified voters present may, by a majority viva voce vote, select a suitable person or persons to fill the vacancy or vacancies in said election board; and the person or persons so selected shall qualify and serve on said election board, with the same powers and in the same manner as if appointed as hereinbefore provided.

"SEC. 9. That the election boards herein provided for shall keep the several polling places open for the reception of votes from eight o'clock antemeridian until seven o'clock postmeridian on the day of election. The voting at said election shall be by printed or written ballot. The ballot at said first election shall be substantially in the following form:

"'For Delegate from Alaska.

"'For the short term (here insert the name of the person voted for).

"'For the long term (here insert the name of the person voted for).'

"At all elections after said first election the ballot shall be substantially in the following form:

"'For Delegate from Alaska.

"'(Here insert the name of the person voted for.)'

"Such ballot shall be folded by the voter so as not to disclose the vote, and by him handed to any one of the judges of election, who shall immediately, in the presence of the voter and of all the members of the election board, deposit the same, folded as aforesaid, in the ballot box, where the same shall remain untouched until the polls are closed. At the time the ballot is so deposited the clerks of election shall each of them enter in his duplicate register the name of the voter and the fact that he has voted.

"SEC. 10. That any person offering to vote may be challenged by any election officer or any other person entitled to vote at the same polling place, or by any duly appointed watcher, and when so challenged, before being allowed to vote he shall make and subscribe to the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age and a citizen of the United States; that you are an actual and bona fide resident of Alaska, and have been such resident during the entire year immediately preceding this election, and have been a resident in this voting precinct for thirty days next preceding this election, and that you have not voted at this election," and further naming the place from which the voter came immediately prior to living in the precinct in which he offers to vote, and giving the length of time of his residence in the former place. And when he has made such an affidavit he shall be allowed to vote; but if any person so challenged shall refuse or fail to take such oath and sign such affidavit, then his vote shall be rejected; and any person swearing falsely in any such affidavit shall be guilty of perjury and shall, upon conviction thereof, suffer punishment as is prescribed by law for persons guilty of perjury.

"SEC. 11. That the election board at each polling place, as soon as the polls are closed, shall immediately publicly proceed to open the ballot box and count and canvass the votes cast, and they shall thereupon, under their hands and seals, make out in duplicate a certificate of the result of said election, specifying the number of votes, in words and figures, cast for each candidate, and they shall then immediately carefully and securely seal up in one envelope one of said duplicate certificates and one of the registers of voters, all the ballots cast, and all affidavits made, and mail such envelope, with said papers inclosed, at the nearest post-office by registered mail, if possible, duly addressed to the governor of Alaska at his place of residence, with the postage prepaid thereon.

"The other duplicate certificate and register of voters, with the oaths of the judges of election, the judges of election shall at once seal up in an envelope addressed to the clerk of the district court for the division in which the precinct is situate, at his place of residence, with the postage thereon prepaid, and deposit the same in the nearest post-office by registered mail, if possible. And the said clerk shall, as soon as he receives the said duplicate certificate, at once make out and duly mail to the governor of Alaska a certified copy of such certificate.

"The clerks of the district court for the various divisions of Alaska and the governor of Alaska shall each retain and carefully preserve all such documents received by them until the end of the term for which the Delegate chosen has been elected.

"SEC. 12. That the governor, the surveyor-general, and the collector of customs for Alaska shall constitute a canvassing board for the Territory of Alaska to canvass and compile in writing the vote specified in the certificates of election returned to the governor from all the several election precincts as aforesaid.

"The said canvassing board shall commence the performance of its duties at the office of the governor within ten days after the third Tuesday of October in each year in which an election is held under and by virtue of this act, and shall continue with such work from day to day until the same is completed; and said canvass shall be publicly made.

"In case it shall appear to said board that no election return as hereinbefore prescribed has been received by the governor from any precinct in which an election has been held, the said board may accept in place thereof the certified copy of the certificate of election for such precinct received from the clerk of the court, and may canvass and compile the same with the other election returns.

"Said board, upon the completion of said canvass, shall declare the person who has received the greatest number of votes for Delegate to be the duly elected Delegate from Alaska for the term for which he has been so elected, and shall issue and deliver to him in writing under their hands and seals a certificate of his election.

"SEC. 13. That each newspaper in Alaska authorized to publish the notice of election provided for herein shall be entitled to receive therefor not more than ten dollars for the publication of the notice of any one election; that each commissioner in the Territory of Alaska is authorized to contract for the proper posting of all elections notices, as provided herein, in each voting precinct created in his said election district, and that not more than the sum of ten dollars shall be allowed at each election for the posting of said notices in any one voting precinct in Alaska; that not more than ten dollars at each election shall be allowed for the rental of a proper polling place in each voting precinct in Alaska; that each of the judges of election who shall qualify and serve as such in any precinct on said election day and each of the clerks of election in an incorporated town shall be entitled to a compensation of five dollars for all services performed.

"SEC. 14. That the compensation for said newspaper publications, the proper posting of said notices, the rental of said polling places, the fees of the judges and clerks of election in each precinct, together with the cost of securing a ballot box and the cost of necessary postage and stationery, shall be certified with proper vouchers and receipts attached by the various election officials to the judge of the district court in the said judicial division in which said voting precinct is situate, and the same shall be audited by said judge and shall be paid by the

clerk of the court of said division out of the same fund and in the same manner as the incidental expenses of said district court are paid.

"SEC. 15. That any person who, by any means, shall hinder, delay, prevent, or obstruct any other person from qualifying himself to vote or from lawfully voting at any election herein provided for, or who shall knowingly personate and vote or attempt to vote in the name of any other person, or who shall vote more than once at the same election, or shall vote at a place where or at a time when he may not lawfully be entitled to vote, or shall do any unlawful act to secure an opportunity to vote, for himself or for any other person, or who, by or through any force, threat, intimidation, bribery, reward or offer thereof, unlawfully vote himself or procures another to vote, or prevents or induces another to refrain from exercising his right of suffrage, or induces by any means any officer of an election to do any unlawful act or omit to do his duty in any manner, or who, directly or indirectly, in any manner shall fraudulently change or cause to be changed the returns or the true and lawful result of any election hereunder or shall attempt to do the same, or who shall delay, cause to be delayed, or connive at the delay of election returns in any manner or attempt to do so, shall be guilty of a crime, and upon the conviction thereof shall be punished by a fine of not more than five hundred dollars nor less than one hundred dollars, or imprisoned not more than three years, or both, in the discretion of the court, and pay the costs of the prosecution; and every officer of an election held hereunder who neglects to perform or violates any duty imposed upon him as such officer, or knowingly does any unauthorized act with the intent to affect the election or the result thereof, or who shall permit, make, or connive at any false count or certificate of election, or who shall conceal, withhold, destroy, or willfully delay the returns of election, or connive at the same being done, or who shall aid, counsel, or procure any person to do or attempt to do any act made a crime hereinbefore, or shall attempt to do any of the acts hereinbefore mentioned, shall be guilty of a crime, and upon conviction thereof shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment of not more than five years, or both, in the discretion of the court, and shall pay all costs of the prosecution; and jurisdiction of all such matters is hereby conferred upon the district court of Alaska.

"SEC. 16. That this act shall take effect upon its passage.

"Amend the title so as to read: 'An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska.'"

And that the House agree to the same.

ABRAHAM L. BRICK,
LLEWELLYN POWERS,
JAMES T. LLOYD,
Managers on the part of the House.

KNUTE NELSON,
WM. P. DILLINGHAM,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska, submit the following statement in explanation of the effect of the action agreed upon and recommended in the conference report:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment in lieu of and as a substitute for the amendment of the House, the effect of which is as follows:

1. The words "Territory of Alaska" are substituted instead of "district of Alaska," in the enacting clause and elsewhere where the whole domain of Alaska is referred to.

2. Provision is made for the selection at the first election of a Delegate for a long and a short term, the Delegate for the short term to hold for the unexpired portion of the Fifty-ninth Congress and the one for the long term for the full term of the Sixtieth Congress. The Senate bill did not provide for a long and a short term, leaving an interregnum.

3. That each incorporated town shall constitute an election district, and when it has over 1,000 inhabitants the common council may divide it into two or more precincts; and that in such incorporated towns there shall be two clerks in addition to three judges upon the election board at each precinct; and that outside of the incorporated towns, in the election precincts in the country, two of the judges shall act as election clerks in addition to their duties as judges, instead of two election clerks at every precinct, as provided in the Senate bill, and instead of two of the judges acting as election clerks in the towns and country, as provided by the House amendment.

4. That each election board shall immediately send to the governor of Alaska all affidavits as well as a duplicate certificate and one register of voters and all ballots cast, instead of sending the affidavits to the district court in the district in which the precinct is located, thus giving the canvassing board, of which the governor is a member, the full knowledge of all that happened at the election, including such affidavits.

5. That the United States commissioner in each election district outside of the towns mentioned before shall divide the district into election precincts and provide the polling places and give election notices, as provided in the House amendment, instead of the district judges doing the work, as provided in the Senate bill.

6. That each candidate may have a watcher of the election in each precinct, which was not provided for in the Senate bill, but which was allowed in the House amendment.

7. That the House amendment provisions as to salary and recompense of Delagate are adopted instead of the Senate provisions, to wit, such Delegate to receive a salary of $5,000 per annum and, in lieu of all other allowances except clerk hire, the sum of $1,500.

8. That the governor, surveyor-general, and collector of customs for Alaska shall constitute a canvassing board instead of the Senate bill provision of the governor and one of the district judges of Alaska.

The House amendment to the Senate bill is, otherwise than in these changes mentioned, in effect adopted in the agreement of the conference.

A. L. BRICK,
LLEWELLYN POWERS,
JAS. T. LLOYD,
Managers on the part of the House.

The question was taken, and the conference report was adopted.

On motion of Mr. BRICK, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

VIEWS OF MINORITY ON H. R. 17941.

Mr. BENNET of New York. I desire to file the views of the minority on the bill H. R. 17941.

The SPEAKER. Time was given, was it not, in which to file the views of the minority of this bill?

Mr. BENNET of New York. Yes.

The SPEAKER. The Chair would state to the gentleman that the proper way to do that is by filing the document at the desk.

Mr. BENNET of New York. Very well.

CHINESE-EXCLUSION LAWS.

Mr. ADAMS of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. ADAMS of Pennsylvania. A privileged question, to report a resolution of inquiry.

The SPEAKER. The gentleman from Pennsylvania rises to a privileged question.

Mr. ADAMS of Pennsylvania. I am instructed by the Committee on Foreign Affairs to report back House resolution 408, with sundry amendments, and with the recommendation that as amended it do pass.

The SPEAKER. The gentleman, by direction of the Committee on Foreign Affairs, reports the following resolution with amendments, which will be read by the Clerk.

The Clerk read as follows:

Whereas it has been frequently alleged that the officials of the Bureau of Immigration, Department of Commerce and Labor, have been unnecessarily severe in the administration of the Chinese-exclusion laws so far as those laws affect the rights of the exempt classes of Chinese persons and persons of Chinese descent to enter the United States and its Territories: Therefore, be it

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, requested to send to the House of Representatives, for its information, all available documents, data, and statistics showing what action has been taken by the Bureau of Immigration in enforcing the Chinese-exclusion laws, and also the methods employed by Chinese coolie laborers and their agents in their efforts to surreptitiously gain admission into the United States and its Territories and to circumvent the provisions of said Chinese-exclusion laws.

With the following amendments:

Amend by striking out the preamble.

In line 3, after the word "Representatives," insert the words "if not incompatible with public interests."

In line 3 strike out the words "for its information."

In line 6, after the word "methods," insert the words "if any."

In line 6, after the word "employed," insert the words "to evade such laws."

Strike out all of lines 6, 7, 8, and 9, beginning with the word "by," in line 6.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the resolution as amended be passed.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The resolution was agreed to.

The SPEAKER. The question is on striking out the preamble.

The question was taken; and the preamble was stricken out.

CARRIAGE OF DANGEROUS ARTICLES ON PASSENGER STEAMERS.

The SPEAKER laid before the House the bill (S. 5514) to amend section 4472 of the Revised Statutes, relating to the carrying of dangerous articles on passenger steamers, a similar bill being on the House Calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4472 of the Revised Statutes of the United States be, and the same is hereby, amended by inserting, after the word "passengers," wherever it occurs in said section, the words "for hire."

Mr. GOULDEN. Mr. Speaker, I move to substitute that bill for H. R. 17879. This bill has been considered and unanimously reported by the Committee on Merchant Marine and Fisheries in Report No. 3354, on file, which explains the matter fully.

The bill was ordered to be read a third time; was read the third time, and passed.

On motion of Mr. GOULDEN, a motion to reconsider the last vote was laid on the table.

On motion of Mr. GOULDEN, a similar bill (H. R. 17879) was laid on the table.

MINORITY VIEWS ON IMMIGRATION.

Mr. BENNET of New York. Mr. Speaker, I do not think that I made myself quite plain when I addressed the Speaker a few minutes ago. The time had been given me to file the views, but the time had expired, and under these circumstances I ask unanimous consent to present the views of the minority.

The SPEAKER. The gentleman from New York asks unanimous consent that he may file the views of the minority on the bill H. R. 9741. Is there objection?

Mr. WILLIAMS. I reserve the right to object.

Mr. GILBERT of Kentucky. Reserving the right to object, Mr. Speaker, I would like to inquire what the bill is?

The SPEAKER. The Clerk will read the title to the bill.

The Clerk read as follows:

A bill (H. R. 18941) to regulate the immigration of aliens into the United States.

Mr. WILLIAMS. Mr. Speaker, I do not think that I ought to carry my determination to resist requests for unanimous consent to the extent of objecting to requests for filing minority views. I therefore shall not object to this or similar cases.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

THE AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FOSTER of Vermont in the chair.

Mr. WADSWORTH. Mr. Chairman, before proceeding with general debate I ask unanimous consent to have inserted in the RECORD, as a part of my remarks, a list of the newspapers and National Granges protesting against the free distribution of seed.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

The following is the matter referred to:

Hon. R. R. HITT,
Representative from Illinois to House of Representatives:

As there was some discussion during the last Congress as to the appropriation for the free distribution of seeds to farmers, we, the undersigned farmers and voters, pray that you will give the following your consideration:

As that appropriation was created to distribute rare and uncommon seeds and as it only distributes common seeds that can be purchased by the farmer for two (2) or three (3) cents a packet, it is therefore only an expense to the United States Government and of no practical benefit to the farmer.

And as the Government is annually running millions in debt in order that the farmer may have a rural mail delivery, which is of some benefit, we, the undersigned farmers, pray that you use your influence to abolish the above-named appropriation.

RICHARD N. KELLEY.	WM. HOLLAND.
ERNEST J. SIEGEL.	JOE M. FARRELL.
OLIVER H. LONG.	J. B. FOX.
POLEY CLAY.	GEO. LEPPER.
GEO. R. RANDALL.	L. E. RUSSELL.

Resolution adopted by the twentieth annual closing Wisconsin Farmers' Institute, held at Plymouth March 13, 14, and 15, 1906.

Resolved, That the Round-up Farmers' Institute of Wisconsin urge the Congressmen and Senators from Wisconsin to vote to abolish the free distribution of common seeds by the Government and to favor the appropriation of more money in the introduction of valuable new seeds and plants and in the improvement of plants and animals by breeding.

The following was adopted at the thirty-fourth annual session of the State Grange of Illinois, December 12–14, 1905, and we request your favorable attention thereto:

Resolved, As practical and independent farmers, that we call upon Congress to abolish its petty, annoying, and needless practice of broadcasting free and common garden seeds all over the rural districts, and that the control of seed distribution be placed under the Department of Agriculture and limited to experimental work.

OLIVER WILSON, *Master*,
JEANNETTE E. YATES, *Secretary*,
Illinois State Grange.

John S. Crawford, Patrick Crosby, M. E. Stemler, Alfred Woolley, E. Lyle, L. H. Stemler, S. Crine, G. Heiser, Chas. H. Ludwig, J. H. Douglass, C. C. Hulsat, L. Giese, L. Ott, James Meinzer, Jacob Matthews, Hollie Matthews, John Ott.

We, the above-signed officers, etc., of Olive Branch Grange, desire to be placed on record as being against the free distribution of seeds, and respectfully ask you to use your influence against the same.

JOHN S. CRAWFORD, *Secretary*,
Matawan, N. J.

NEW YORK, *March 2, 1906.*

Hon. GEORGE H. LINDSAY, M. C.,
Washington, D. C.

DEAR SIR: We recommend action of House Committee on Agriculture regarding free distribution of ordinary varieties of vegetable seeds.

Yours, truly,

J. M. THORBURN & CO.

NEW YORK, *March 21, 1906.*

Hon. JAMES W. WADSWORTH,
House of Representatives, Washington, D. C.

DEAR SIR: As the time is nearly at hand when the appropriation for seed distribution will come before the House, we take the liberty of writing to you our final word on the question.

The Congressmen who have written to us stating they would vote for the appropriation are in two classes, one swayed entirely by their constituents, the other by the aspersions of the Department of Agriculture upon the seed trade and by their constituents. The first may be disposed of in a sentence. If it is wrong in essence to continue the practice, as they all admit, the responsibility is theirs; it is a weak admission that they will vote for it because urged to do so by some of their constituents.

The second phase of the situation requires more extended treatment. A letter from a Congressman, received only to-day, admitted the uselessness in themselves of the seeds for practical gardening purposes, but insists that they have a "stimulating effect." His letter continues: "So soon as the Agricultural Department has driven seedsmen to furnishing good seeds—that is to say, seeds that will grow—there will be no further occasion for a continuance of this gratuity." These are the sentiments of the honorable Secretary of Agriculture, repeatedly expressed recently; they are couched in almost the same language as he has used. Privately, to one seedsman, he took the opposite side. Publicly he has this year stated that he does not want the distribution of common garden seeds continued, asserts that Congress is to blame for it, and yet he charges that seedsmen are not sending out as good seeds as the Department and wants the distribution to continue until "the evil" is abolished.

At the hearing before your committee the adulterations of alfalfa, red clover, and Kentucky blue grass by some dealers was testified to by Doctor Galloway. A bill, we understand, is before Congress now aiming to control that matter; so it is disposed of. We ask how the free distribution of common garden seeds can affect it? Doctor Galloway testified: "We send out seed that must necessarily be better than the ordinary seed that the seedsmen can secure." In a recent circular letter to Congress relative to the methods of the seedsmen and the Department we explained away any vagueness contained in the foregoing statement. The effect of the testimony as it stands is to create a false impression, and it would not stand cross-examination by a practical seedsman. In answer to Mr. CANDLER, Doctor Galloway testified as follows: "Yes; we have men now who are as expert as any in the seed business. It is a regular business now." No, Doctor Galloway, it is not a regular business now, for the good reason that you have no competition; no customer who pays for your goods and is therefore a sharp critic. You yet lack the great essentials of a business. He does not claim to have better men, better methods of growing, better land, better facilities of any kind than the seedsmen, yet asserts the product is better.

The question, then, is, Do the seedsmen furnish good seeds? The answer is plain: It is to his interest to furnish the best obtainable, which every first-class seedsman does. About five years ago the contract for furnishing seeds was awarded to A. C. Nellis, of the so-called "New York Market Gardeners' Association," who had neither store nor warehouse, was simply a jobber, and could hardly be classed as a seedsman. Owing to the manner in which he was allowed to carry out his contract, the Department received just censure from all quarters. We believe he had the contract two years in succession. The experience of the Department at that time, which finally resulted in litigation with the contractor, is, we believe, largely responsible for the attitude exhibited toward the seedsmen now. For the past two or three years, then, the Department has been engaged in driving the seedsmen to furnish good seeds, as observed by the Congresman quoted.

Now, let us present some facts bearing on this. The assertion that the seedsmen do not send out good seeds—the best that careful, honest, watchful effort can produce or obtain—impeaches the veracity and insults the intelligence of the 40,000 market gardeners, 13,000 florists, 2,000 nurserymen, 10,000 private gardeners, 2,500 seed growers, and the vast number of high-class amateur growers in the country who purchase their supplies of seeds annually from the seedsmen. These men are critical to a degree; they pay for what they get, and their testimony is of more value than the ex parte statement of any bureau-

crat. We venture to assert that not one of the professional gardeners or florists uses an ounce of seeds from the Department. The vegetables on sale in every market in the country, the flowers grown by florists, which are raised from seeds, the crops grown by the seed growers, the gardens of the critical amateurs, all refute in the strongest way possible the assertions and insinuations of the Secretary of Agriculture relative to the quality of the seeds sent out by seedsmen.

Now, for the sake of argument, we will suppose that the Department really means that by sending out good seeds they will raise the standard sent out by the seedsmen. To accomplish that object it is imperative that instead of the few varieties issued by them now, as testified to by Doctor Galloway, they must compete with the seedsmen in every item. Unless the user of seeds can get the varieties he wants from the Department he must get them from the seedsman. A package of free Government seeds now before us contains five varieties of vegetables. We offer approximately 500. We offer aproximately 1,200 varieties of flower seeds. To carry out the object aimed at the Department must be prepared to supply more even than that number of sorts, for other seedsmen have some which we do not offer, as we have some which they do not catalogue, and each house has its own clientage to a certain extent.

Instead, then, of sending out the little package, as at present, the Department, to meet the seedsmen squarely, would have to catalogue what they had and send catalogues to every prospective user of seeds in the country, asking them to send in their order for what they required. The failures to grow, and there would always be failures no matter what the quality of the seeds, would have to be replaced and the causes explained. The countless requests for advice would have to be answered, pamphlets of instructions would have to be issued, Congressmen would be deluged with complaints of failure arising from natural causes, negligence, or carelessness; they would be importuned even for vegetables to take the place of the prospective crop which failed. If the Department is not ready to face this eventuality, the men in charge are not sincere in their threats or they are not farsighted enough to see where their present attitude on the matter is leading them.

Is Congress ready and willing to go that far? If it is, we can promise that eventually the programme will have to be abandoned. If it is not, then it should have the courage to stop the further distribution of common seeds at once and confine the Department to scientific and true missionary work in plant industry.

In conclusion, we wish to say that we hope the justice of our appeal, coupled with the inherent sense of right in every man, will avail to cause the Congress to grant the relief we ask. We are few; we are weak; but we rely on Congress not to thrust us aside and trample on us. We respectfully request that you present our petition and our views to Congress.

Very respectfully, yours, PETER HENDERSON & Co.

SPRINGFIELD, MASS., *April 12, 1906.*

Hon. F. H. GILLETT,
Representative Second Massachusetts District,
Washington, D. C.

DEAR SIR: As seedsmen trying to do a legitimate business, we have for the past few years felt to a great extent the unreasonable and foolish waste of public money and an attempt by the Government to cripple an industry which needs support and encouragement.

We refer to the free distribution of seed packets by Congressmen here, there, and everywhere, without any knowledge as to whether they are destined to go into the ground or are carelessly thrown into the wastebasket.

We feel confident, owing to the strong appeals from seedsmen and also many others of high authority, that you will see the gross injustice of such an appropriation and will do all in your power to blot out such an unmistakable wrong.

Yours, respectfully, E. M. LYMAN & SON.

BRISTOL, PA., *March 2, 1906.*

Hon. GEORGE F. HUFF,
Greensburg, Pa.

DEAR SIR: As citizens and landowners in Pennsylvania, we ask you to support by voice on the floor of the House and by your vote the expurgation by the Committee on Appropriations of the item in the agricultural bill covering the purchase of free seeds.

Very truly, D. LANDRETH SEED CO.

ROCHESTER, N. Y., *March 24, 1906.*

Hon. J. W. WADSWORTH,
Washington, D. C.

DEAR SIR: Inclosed please find clipping taken from a recent issue of the Democrat and Chronicle of our city, in regard to the abolition of the distribution of free seeds by the Government. We trust you fully realize the great injustice in this wholesale distribution of seeds in direct opposition to a legitimate industry, and knowing that you are a broad-minded man, have every reason to believe that this will receive your best efforts in stopping this gross outrage and aid in the elimination of any appropriation in that line, with the exception of what is necessary for the purpose of new and valuable varieties which is true text of the Department.

We remain, yours, very truly, CROSMAN BROTHERS.

[Inclosure.]

THE FREE-SEED HUMBUG.

It is announced from Washington that the House Committee on Agriculture has stricken out, this year, the appropriation for free-seed distribution, and, unless it shall be replaced by the House, the annual folly of expending nearly $300,000 for a practically useless purpose will be omitted.

It is very difficult to find a reasonable excuse or apology for the annual distribution of seeds. It has come to be regarded by Members of Congress, by the supposed beneficiaries, and, indeed, by everybody except the growers who raise and sell the seeds, as a hugh joke. In times past the sending of a few packages of white beans or grass seed was regarded as a personal recognition of a constituent by a Member of Congress, and it proved to be a convenient method of reminding the constituent that he had not been forgotten. The Government paid for the seeds and they were carried free under the Congressman's frank. Then it grew into a gigantic business in itself, although of little value to the individual recipient of the bounty. It is stated that over 50,000,000 packages of seeds were sent out last year, the appropriation being $290,000. To this must be added the cost of transportation and expenses incident to shipment.

It goes without saying that, so far as the legitimate seed industry is concerned, it brings in a competitor who is not handicapped by the necessity of selling the seeds, and to the extent to which they are furnished free the industry is affected. The truth seems to be that the original design of the seed distribution has been sadly perverted. The seeds first sent out from the Patent Office were of new and presumably choice varieties, obtained by the Government for the purpose of improving the quality of grains, fruits, and vegetables. These new varieties of seeds were greatly appreciated by the recipients, and the general results are known to have been beneficial in the introduction and propagation of new varieties.

All that is now changed. Seeds are bought in the open market in bulk, and the matter of value or novelty is not taken greatly into account. Thus, a farmer might receive a package of beans which he had himself raised and sold. But he would no longer labor under the hallucination that they would aid him in improving his seed. There will be little regret if the action of the House Committee in striking out the appropriation stands.

RAVENNA, OHIO, *March 12, 1906.*

Hon. THOMAS E. SCROGGY, M. C.,
Washington, D. C.

DEAR SIR: We believe the Committee on Agriculture has acted wisely in expunging from the general agricultural bill the appropriation for the purchase of seeds for free distribution. We hope when this bill comes up for passage you will use your influence to prevent this unjust appropriation from being incorporated in it.

This unwise distribution of seeds is not only a serious hindrance to the legitimate seed trade, but is also a useless expenditure of public funds. If the seedsmen of the country had this trade, which should by rights be theirs, it would add quite a revenue to the Post Office Department and help in a measure to make up the deficiency in this Department.

Hoping you will give your good office to sustain the action of the Committee on Agriculture, and assuring you that we, as well as thousands of our friends will appreciate such action, we are,

Very respectfully, yours,

FORD SEED CO.
J. H. FORD, *Manager.*

PHILADELPHIA, *March 30, 1906.*

Hon. E. F. ACHESON,
House of Representatives, Washington, D. C.

DEAR SIR: We ask your aid in the abolishment of the annual appropriation for the distribution of free seeds. We not only consider the distribution of common garden seeds unjust to seedsmen, who conduct a legitimate business, and pay large amounts each year to the Government for duties on importations and for postage on catalogues, merchandise, etc., but also an unjust expenditure of the public money, which could be used to great advantage for other purposes. It is also a fact that the law which created the Department of Agriculture does not authorize the distribution of common seeds, the intention only being to introduce in the United States such promising varieties as were being grown successfully in foreign countries and thus test their adaptability for use in this country.

Besides being a great waste of the public money and class legislation, it is also a great burden to the mail service, and the franking privileges cost the Government a large sum of money each year.

We have no objection to the expenditure of $40,000 for purchasing seeds of new and rare varieties, but earnestly request your aid in abolishing this yearly appropriation for the distribution of common garden seeds.

Thanking you in advance for your efforts in this direction, we have the honor to remain,

Yours, very truly,

HENRY A. DREER (Incorporated).

NEW YORK, *March 2, 1906.*

Hon. TIMOTHY D. SULLIVAN,
House of Representatives, Washington, D. C.

DEAR SIR: We noticed in the public press that a majority of the House Committee on Agriculture has reported unfavorably, and so struck out from the agricultural appropriation bill the item of $242,000 designed to continue for another year the free-seed distribution. It is needless to say that the seed trade, and we believe all right-minded people, view with pleasure this action by the committee. We sincerely hope and trust that the bill will pass the House as presented by the committee, and we respectfully request, if consistent with your ideas on the subject, that you use your best efforts to have the bill passed as reported by the committee.

Considering the manner in which this pernicious practice has been ventilated the past few years, we feel that it is unnecessary for us to enlarge upon it at the present time. We know that your sense of justice and fair play will operate to convince you that the action taken by the committee should be indorsed.

Yours, respectfully, PETER HENDERSON & Co.

SCRANTON, PA., *March 21, 1906.*

Hon. T. H. DALE,
Washington, D. C.

MY DEAR SIR: I write to ask you to use your vote against the free distribution of seeds. One of our Scrantor papers had a long article against this unappreciative expense. The great majority who receive these common seed do not appreciate free-gift business. The law has become an abuse instead of its original intent. Our Government ought to be above such an abuse of its trust.

The original law, enacted in 1862, authorized the Department of Agriculture to distribute new and valuable seeds and plants only. This authority has been stretched into annually increasing proportions and has departed entirely from the idea embodied in the law. No attempt has been made to work strictly along the lines laid down originally; only the commonest kinds of seeds have been sent out, and in such enormous quantities as to seriously hamper the postal service. They have been distributed at random, causing a reckless waste of public money.

Trusting you may look into this,
I am, very truly, G. R. CLARK.

WEST NEW BRIGHTON, *March 26, 1906.*

Hon. T. D. SULLIVAN,
House of Representatives, Washington, D. C.

DEAR SIR: Will you kindly secure a printed pamphlet covering examination of employees of the Department of Agriculture by the House Committee on Agriculture which took place the early part of January and has since been printed. We should also like to have a copy of the proposed appropriation bill as reported by the Committee on Agriculture. We trust you will use your efforts against any appropriation for the free distribution of seeds, as it is a farce without any practical good, either to the trade or the beneficiary. We have taken the liberty to write this letter to you because our interests are in your district, and believe we are seeking information through the proper channel.

Thanking you in advance for whatever information you can give us, we remain,

Yours, respectfully,

NEW YORK MARKET GARDENERS' ASSOCIATION,
A. CLUMS, *Manager.*

HORTICULTURAL SOCIETY OF NEW YORK,
New York City, March 26, 1906.

Hon. TIMOTHY D. SULLIVAN,
Washington, D. C.

MY DEAR SIR: At the regular meeting of the Horticultural Society of New York, held on March 14, the subjoined resolution was presented in council and unanimously adopted. Acting under instructions from the council, I beg leave to transmit copy of said resolution to you:

Resolved, That we view with satisfaction the probable discontinuance of the free distribution of garden seeds by the United States Government. We respectfully urge upon our Representatives in Congress, and the United States Senators from New York, that they use their best efforts to have this practice stopped. We denounce it as a useless waste of public money and flagrant perversion of the aims and intent of the law creating the Department of Agriculture.

Yours, faithfully,

LEONARD BARRON, *Secretary.*

NEW YORK, *March 15, 1906.*

Hon. GEO. H. LINDSAY,
House of Representatives, Washington, D. C.

DEAR SIR: At a regular meeting of the New York Florists' Club, at which 150 members were present, I was instructed, by the unanimous vote of the club, to send you a copy of the following resolutions:

Whereas, having learned through the public press that the Committee on Agriculture in Congress have stricken out the appropriation for the distribution of free seeds, we desire to express our approval of said action.

Resolved, That we urge upon our Representatives in Congress that they do all within their power to sustain the action of the committee.

Resolved, That a copy of these resolutions be sent to the Senators from New York and our Representatives in Congress.

Yours, respectfully,

JOHN YOUNG, *Secretary.*

TRENTON, N. J., *April 10, 1906.*

Hon. IRA WOOD, M. C.,
Washington, D. C.

MY DEAR SIR: I understand the bill to abolish the free distribution of seeds and plants is about to be presented before your honorable body.

If you can see your way clear by casting your vote to abolish the same, I will appreciate it very much.

First. Free seeds are injurious to my business, by the Government giving seeds to consumers.

Second. I don't believe it does much good to anyone receiving the same.

Third. The cost to the Government is very much.

Fourth. The Government loses a great deal of money by mailing the same, and losing in a commercial way by dealers not furnishing the same to consumers.

Fifth. The stock of seeds furnished has not proven meritorious.

Your kind consideration in the above matter will be appreciated by me.

Yours, very truly,

MARTIN C. RIBSAM.

NEW YORK, *March 22, 1906.*

Hon. JAMES W. WADSWORTH, M. C.,
Washington, D. C.

DEAR SIR: We understand from a reliable source that the impression is sought to be created in Congress that the seeds distributed by the Department of Agriculture are better than those sent out by seed houses, and thus a reason is given for the continuance of the practice.

We wish to say that the seed houses were in the business of growing and distributing seeds before the Department, that the Department obtains its supply from the seed houses, and it is therefore difficult to understand how the output can be better. Briefly stated, the method of the seed houses is as follows: They control their own stocks, they keep trial grounds for testing them, they have a clientage that pays for the seed, and if it is not good they hear from it, so that of necessity they must see to it that only the best is sent to their customers. In the growing season they send representatives to examine crops and see that they are true to type; in fact, every care that long experience and invested capital can suggest is adopted to safeguard their interests and the interests of their customers.

The Department of Agriculture sends out a circular letter to the seed houses asking for an offer of surplus stock, and if it can not obtain in this way what is wanted, we believe a contract is made with a grower for the item or items. We ask, then, in what way can the seeds be better? We submit as a reasonable proposition that the chances are infinitely greater that the stock sent out by the seedsmen is the better of the two.

We take the liberty of sending this statement to you because of the underhand, vicious attack which is made upon what is the corner stone of our business, i. e., our reputation, and it shows to what ends some one is willing to go in an effort to continue the free distribution of seeds by the Government.

Yours, very truly,

PETER HENDERSON & CO.

THE JACKSON SANATORIUM,
Dansville, N. Y., March 28, 1906.

Hon JAMES W. WADSWORTH,
House of Representatives, Washington, D. C.

MY DEAR MR. WADSWORTH: I do not know how you feel about this matter of the bill now before Congress regarding the free distribution of seeds. I have always considered that there was much abuse and useless expense connected with this matter, and it seems to me it needs decided restriction in the interests of political righteousness, and I am pleased to range myself on the side of such curtailment as shall leave only opportunity for the distribution of rare and foreign seeds which it may be desirable to introduce to our people.

Cordially, yours,

JAS. H. JACKSON.

Honorable CHAIRMAN OF THE COMMITTEE ON AGRICULTURE,
House of Representatives, Washington.

SIR: Having noticed in the papers that your committee wish to stop appropriations for free seeds, I desire to give testimony in favor of such a measure. Since 1852, when I made my father's garden in New York, to the present time I have been a recipient of "free seeds." The first were "superior foreign" field grasses, only practical for experiment stations for trial and report. Then came annually from our Member of Congress a small package of garden seeds, as one would give a little sop to a pet dog under the table. I have now on my desk such a package—four little papers of seeds, worth not over 5 cents, but costing taxpayers nearly $5. Now, I have been a voter for fifty years, and in all the campaigns I have seen I never heard seeds mentioned. Nothing, to my knowledge, ever secured a vote but hard cash or whisky or promise of appointment. I have never had more than 5 cents worth of seeds at any time, but though born a Democrat I would not have sold my vote to Bryan and his 16 to 1 for a whole carload. I can't see what a candidate for Congress expects to gain for 5 cents in seeds. City people don't want any, and since he has no choice in selection, what can a countryman do with four little papers of seeds? One or two he may have no use for, and there is not enough seeds in the others to do any good. If he is anything of a gardener, his seed bill may not be less than $2 and may exceed $20. Five cents worth of seed to a garden is of no more use than one finger of whisky to a backwoodsman. The campaign of last year developed a better plan. I received several "visiting" cards from political candidates, some from entire strangers, requesting my vote. These cards appealed to my intelligence, and I actually looked up the record of a man I had never heard of and voted for him. Therefore I make the suggestion, let Members of Congress send their visiting cards (with full titles) instead of seeds to hold down their constituents. A personal card at Christmas would turn the heart of a doubtful voter. What can be expected for 5 cents in seeds? Have done with it!

While your committee is anxious to save the people money, please ask them to examine that rare old plant "the Botanical Garden," at foot of the Capitol. It needs root pruning and transplanting into the Agricultural Department. It is nothing but an overgrown vegetable sponge for public money, and internally as hideous and full of mystery as ergot in a cornfield.

Respectfully,

OTIS BIGELOW.

SILVER SPRING, *Montgomery County, Md.*

Hon. FREDERICK H. GILLETT, M. C.,
Washington, D. C.

DEAR SIR: We understand that the matter of the annual appropriation for the purchase of seeds, intended for free distribution by the Government, is now being considered by Congress, and we believe that the present is a most favorable time to urge objections to this most unjust and iniquitous public measure.

There are a hundred sound reasons for permanently abolishing this system of "graft," and not the shadow of an excuse for further burdening the nation with such an unnecessary annual expenditure.

No other people on the face of the earth would submit to such a discreditable use of the public money, and the sooner it is discontinued the better for the self-respect of every American citizen.

The abolition of free seeds would doubtless interfere with the more or less lucrative positions of a large number of employees, and it may be that some favorites of both sexes might object to such a change, but the fact remains that the whole system of free-seed distribution, as at present conducted by the Department of Agriculture, is an outrageous abuse. The great mass of public sentiment is utterly opposed to it, and we believe that in no manner can you better serve the interests of Massachusetts than by opposing the appropriation for free seeds.

JOSEPH BRECK & SONS,
Per CHAS. H. BRECK, *President.*
W. W. RAWSON & CO.
R. & J. FARQUHAR & CO.
HOVEY & CO.
SCHLEGEL & FOTTLER CO.,
JOS. M. GLEASON, *Treasurer.*
THOMAS J. GREY & CO.
CHARLES H. STONE CO.
THOMAS W. EMERSON COMPANY,
O. H. DODDS, *President.*

NEW YORK, *March 29, 1906.*

Hon. MARSHALL VAN WINKLE, M. C.,
Washington, D. C.

DEAR SIR: Kindly permit me to request your kind attention to the pending appropriation bill for the Agricultural Department, which includes an item for the free distribution of seeds, which has grown into an abuse, and which, in my estimation, should be stopped.

The original intention of making such an appropriation was to distribute new, rare, and foreign seeds which might grow in the climate and soil found in various parts of our country and become indigenous there.

The abuse which has grown out of a proper law consists in the distribution of common, ordinary garden seeds, which cost the Government several hundred thousand dollars, besides seriously encumbering the mails.

I also object to this free distribution of common, ordinary garden seeds, on the ground that it is contrary to public policy in this that of all the seeds distributed only a very small proportion are accepted

and sown, and serve only as a petty courtesy extended to voters by their Congressman, and even as such, a package of common seeds must be a failure.

I therefore beg leave to request that you will kindly lend your influence toward an abatement of this abuse of an originally good law, and that you will not vote for the means of distributing common seeds, so easily purchased at small expense of the exact kind and variety wanted, in violation of the original intent of the law, to induce experiments in making new, rare, and foreign growths indigenous in our soil.

The present tendency to make our Government the father of us all should be checked, unless the equality of all citizens is maintained by a free distribution of whatever product may be desired, agricultural or industrial, by a Congressman's constituents.

Very truly, yours,

E. P. REICHHELM,
90 West Thirty-fourth Street, Bayonne, N. J.

JEANNETTE, PA., R. F. D. No. 1, *March 14, 1906.*

Hon. GEORGE F. HUFF.

DEAR SIR: Excuse me for taking the liberty of writing to you, but I think the Government free-seed distribution is a matter that should be done away with, and I hope you will use your influence to have it done. My experience with the seeds sent out is that they are of a very ordinary kind, and I can not see the object in sending them out. As I never yet knew anyone to receive seeds that was not able to buy all they might need, so there is apparently no benefit in that way. And as to benefit in the trial of them, there can be none, as all are old varieties and well tried long ago. In case new sorts were sent out, some good might result; but, as it is done now, I can see no benefit whatever, but a cost on the Government that should not be.

In case the Government has money that it must get rid of, let us have it for our public schools or our public roads. In this way the people will be benefited. With the free-seed nuisance no benefit is received by them. I trust you interest yourself in the matter and try to correct this evil. I think old Westmoreland would feel proud to know that through its Representative this free-seed matter was knocked into oblivion.

Very respectfully,

E. BUSHYAGER.

LE ROY, N. Y., *March 17, 1906.*

Hon. JAMES W. WADSWORTH,
House of Representatives, Washington, D. C.

MY DEAR SIR: I am very much interested and encouraged by the fact that the Committee on Agricultural Appropriations has stricken from the bill the item for the purchase of seeds to be used in the free-seed distribution for 1907. I hope you will do all you can to prevent the reinstating of this appropriation. The Government has done a great work in studying plant diseases and in aiding the farmer in his effort to do farming on scientific principles, and I certainly would be glad to see this good work continue, and the distribution of a moderate quantity of plants and seeds which are new and desirable for certain localities would no doubt do more good than harm; but the wholesale distribution of common varities of seeds is unfair and unjust and fully as uncalled for as the distribution of dry goods and groceries, and even more so, for we all use dry goods and groceries, but comparatively few use seeds.

Yours, very truly,

C. N. KEENEY.

MASSACHUSETTS AGRICULTURAL COLLEGE,
Amherst, Mass., March 27, 1906.

Hon. FREDERICK H. GILLETT,
Washington, D. C.

SIR: I take the liberty to call your attention to the present movement in Congress against Congressional distribution of seeds.

So generally has this distribution been opposed in recent years and so many are the arguments against it that I presume my writing to you may be quite unnecessary, but I wish to say most emphatically that I, in common, I believe, with all intelligent agriculturists and a great majority of all progressive farmers and gardeners, am strongly opposed to such distribution. Very briefly stated, the principal considerations which lead me to this point of view are:

1. The public money so used is largely wasted, as many of the seeds distributed are never sown.

2. The law creating the Department of Agriculture does not authorize the free distribution of common garden seeds.

3. The law providing for such distribution is class legislation, and therefore in itself pernicious.

4. The mail service is overburdened with these free seeds, the distribution of which is responsible for a considerable share of the annual deficit in the postal service of the country.

5. I know from experience and from talking with intelligent farmers and gardeners that many of them resent this paltry attempt at governmental benefaction.

6. Under the conditions now existing it seems to me there can be little doubt that only new and promising varieties of seeds should be distributed: that these should first be tested as to their adaptation to local conditions in the experiment stations of the several States, and that those found valuable only should be distributed through the experiment stations or by the General Government in cooperation with the stations.

Believing that you will give these points due consideration and that consideration will lead you to register your vote against Congressional free-seed distribution, I am,

Very respectfully, yours,

WM. P. BROOKS, *Director.*

UNIONTOWN, PA., *March, 1906.*

Hon. A. F. COOPER, M. C.

SIR: We, the members of the Union Farmers' Club of Fayette County, Pa., a list of whose names is herewith inclosed, hereby request that you use your influence and endeavors against the agricultural free-seed distribution, except in regards to the testing and sending out of new and rare seeds and plants.

The above was placed before the club at its regular meeting March 24, 1906, and adopted by a unanimous vote.

W. B. SWEARINGEN, *President.*
A. C. OGLEVEE, *Secretary.*

BUFFALO, N. Y., *April 5, 1906.*

Hon. D. S. ALEXANDER, *Washington, D. C.*

DEAR SIR: The undersigned taxpayers thoroughly approve of the movement to omit the appropriation for sending free packages of seeds, and respectfully request that you will favor the measure when it comes before you.

ALICE AUSTINE HOWARD.
MARY E. H. ROGERS.
BENJ. F. ROGERS, M. D.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., March 15, 1906.

Hon. J. W. WADSWORTH,
Chairman Committee on Agriculture, House of Representatives.

MY DEAR SIR: Inclosed find a communication from my district signed by thirty farmers, returning seeds sent to them. I believe their position is entirely correct.

Yours, very truly,

J. W. BABCOCK.

LA VALLE LODGE, AMERICAN SOCIETY OF EQUITY,
La Valle, Wis., ——— —, 1906.

Hon. J. W. BABCOCK, *Washington, D. C.*

DEAR SIR: We farmers of this vicinity, known as the "American Society of Equity," have turned down the free-seed distribution, and we have decided not to accept them, which we return to you.

The seeds are not reliable, and we think it a waste of time and money to use them.

We would rather have the money appropriated for good roads, and we petition you to give this your attention and do all you can to have such a move brought about. Thanking you for past favors, and we remain yours for equity.

[Signed by thirty farmers.]

HOUSE OF REPRESENTATIVES, UNITED STATES,
March 22, 1906.

Hon. JAMES W. WADSWORTH,
Chairman Committee on Agriculture, House of Representatives.

DEAR SIR: I have the honor to transmit herewith letter of W. Barto, a gardener at Gothenburg, Nebr., in which he expresses his views concerning the free distribution of seed by the Department of Agriculture. I regard his views as sound, and for that reason am referring it to your honorable committee for consideration when it may be pertinent to the business before it.

Very respectfully, yours,

M. P. KINKAID.

[Inclosure.[

GOTHENBURG, NEBR., *March 19, 1906.*

HONORABLE OFFICIAL: For one being a citizen of your district and interested in the general welfare and advancement of (this, ours, "all of us") the American nation, I would like to give you my opinion in regard to appropriations for free distribution of seeds, which I consider to be an example of very poor management, and object to it for the following reasons:

First. The seeds sent out are only the commonest sorts; they should be first class.

Second. Those best acquainted with the postmasters and other officials get the greater bulk of the seeds, while they are well able to buy; the poorer, less informed, most needy people receive only a small portion.

Third. Having used the seeds, but a small per cent report the result of their experiments.

Fourth. The reports received do not reach back to many of the users of seeds; but little is learned by those who most need enlightenment.

It is a random affair and a reckless waste of money.

Hoping you will give the question due thought and consideration, and that you will use your best efforts to bring about a better state of affairs,

I remain, respectfully,

W. BARTO.

SCOTTSBURG, N. Y., *April 2, 1906.*

Hon. J. W. WADSWORTH.

MY DEAR SIR: Through your courtesy I am once more in receipt of a packet of seeds from our Uncle Samuel's garden. Might I ask you to see the dear old gentleman and tell him that while appreciating his great kindness I think he had better go out of this seed-distributing business and use the money it costs in some other way. And while about it you may also say to him that I think he is overgenerous in too many other directions and he would do well to draw in his purse strings a little. It would seem as though a man of his age and experience ought to have learned that ill-advised and lavish spending of money seldom does good to anybody.

To be serious, I hope that your honorable body, by refusing to make an appropriation, will do away with the miserable practice of giving away seeds at the public expense. From something I have seen in the newspapers I conclude that you are personally in favor of such action, or rather nonaction. Be assured that you will have the hearty approval of all sensible citizens.

Very truly, yours,

JOHN H. MAGEE.

LE ROY, N. Y., *March 26, 1906.*

Hon. J. W. WADSWORTH, M. C.,
Washington, D. C.

MY DEAR SIR: I write to ask you to use your influence against the appropriation for the free distribution of common garden seeds, which entails an expense of from $250,000 to $300,000 per annum on the Government, with very little benefit resulting therefrom to the farmers or people at large, and is a measure that, in my opinion, should be done away with; the sooner the better. It looks very much like class legislation and a waste of public money, and as far as my observation goes more than one-half of the seed sent out are never used. Hoping that this will meet your view of the case,

I am, yours, respectfully,

DARRAS G. BURLINGAME.

[Orange Judd Company, publishers of books pertaining to agriculture, horticulture, live stock, husbandry, and upon all topics connected with rural affairs; also books on outdoor life, sports, domestic science, and household matters; also text-books on art, manual training, nature study, agriculture, and education.]

NEW YORK CITY, *March 9, 1906.*

JAMES W. WADSWORTH, Esq.,
Chairman Committee on Agriculture,
House of Representatives, Washington, D. C.

DEAR SIR: Allow me to congratulate your committee on its efforts to abolish the free distribution of common garden seeds. That has long

been the worst old fake perpetrated upon the American farmer. Individual and organized farmers have for years been a unit against it. The agricultural press unanimously supports your committee in its recommendations to put a stop to this hoary fraud.

I am writing this letter to each member of your committee, and trust it will be brought to the personal attention of each Member of the House. I believe it safe to say that, if this question were submitted to a vote by mail of every American farmer, the result would be 10 to 1 in favor of abolishing the free distribution of common garden seeds. And this judgment is based on a most intimate knowledge of the farmers' views and needs in every nook and corner of the United States. Congress can not do a more popular act, so far as agriculture is concerned, than to abolish the scandal of "free seeds."

Yours, very truly,

HERBERT MYRICK,
President and Editor.

THREE RIVERS, MICH., *March 30, 1906.*

Hon. JAMES W. WADSWORTH,
Chairman House Committee on Agriculture,
Washington, D. C.

SIR: We have noted with pleasure the fact that your committee has reported adversely to the free-seed measure, which for so many years has been a positive detriment to progressive American agriculture, and had hoped that this was the end of that disgraceful phase of the Agricultural Department's work, a work imposed upon it by Congressional action and never sought for by the Department itself. But we are now advised that a concerted effort is being made to restore that measure to the appropriation bill. We write to add our protest against such restoration. From our point of view, the measure is detrimental to the very purpose it professes to serve. It is not only harmful in its effects of lowering the regard in which the public should hold the Department of Agriculture, but it actually stands in the way of that broader progress which might be secured by the Department of Agriculture could it have the moneys thus appropriated to use in the encouragement of the cultivation of foreign crops susceptible to development in the arid and semiarid regions of the country. This is but one phase of the question. Another phase, and one which appeals especially to the periodical publisher of the present day, is the relation of this misappropriation of funds to the question of the postal deficit. Second-class mail matter is charged with the responsibility of that deficit, whereas we believe that if the mails were relieved of all superfluous matter—free seeds and the like—there would be no deficit, and the press of the country would be relieved of the odium thus charged.

But over and above all objections of this kind is the greater objection of the misuse of public funds and the interference of Government in that which is essentially a matter of fair competition in the business world. We know we need present no argument to you on these points; we simply refer to them to add the weight of numbers to the almost universal protest against the measure under discussion.

Trusting that your committee will persevere in its resolution to stop free-seed distribution by the Government, we remain,

Very truly, yours,

THE KELLOGG PUBLISHING COMPANY.
W. H. BURKE, *Secretary.*

THE PRACTICAL FARMER,
Philadelphia, March 13, 1906.

Hon. GEORGE R. HUFF,
Washington, D. C.

DEAR SIR: As editor of a leading farm paper of Pennsylvania and previously for sixteen or more years an officer of an experiment station, I have had a very extensive correspondence with the farmers in all parts of the country, amounting to many thousands of letters annually.

In all these years I have never known a farmer who did not ridicule the free distribution of common garden seeds by the Government.

Since the House Committee on Agriculture has wisely decided to strike out the appropriation for this purpose, it is to be hoped that when the agricultural bill comes before the House this will be agreed to and this waste of money stopped.

When, in addition to the $290,000 appropriated last year for these seeds, we take into consideration the loading of the mails with them and the wages of the host of employees engaged solely in this useless work, the seed distribution costs the Government fully $1,000,000 or more. This would far more than pay the additional appropriation that is proposed for the State experiment stations, which have been the greatest power ever devised for the uplifting of our agriculture and would enable Congress also to give aid to the farmers' institutes in the various States, which have everywhere proved their value as an educational force.

May we not ask your influence in carrying into effect the decision of your committee? I am sure that the enactment would be one of the most popular ever made.

With great respect, I am, yours, truly,

W. F. MUSSEY,
Editor of Practical Farmer.

[Washington Post, Saturday, March 10, 1906.]

SEEDS ARE EXPENSIVE—COST OF DISTRIBUTION FIGURES OUT VERY LARGE—TRIPLE VALUE OF PRODUCT—APPROPRIATION IS EATEN UP TRAVELING, SALARIES IN WASHINGTON AND THOSE OUTSIDE, ASSEMBLING AND MAILING—DILIGENT INQUIRY FAILS TO SHOW WHY IT SHOULD REQUIRE SO GREAT OUTLAY.

It costs the United States nearly three times as much to distribute seeds, bulbs, and trees to farmers and planters as it costs to purchase the commodities.

Figures in the report of B. T. Galloway, chief of the Bureau of Plant Industry, for 1905, show that the Government paid $245,000 for the handling of $90,000 worth of seeds. The items of salaries, traveling expenses, assembling and mailing, and miscellaneous amount to $2.70 for every $1 in actual value.

Congress has been asked to remedy this condition, which is regarded as a travesty on good management by the agricultural journals and societies in various parts of the country.

In 1905 there were miscellaneous authorizations amounting to $4,359; traveling expenses, $7,034; salaries in Washington, $62,471; salaries outside, $8,608; contract for assembling and mailing, $41,926, and various other costs of handling, bringing the total nearly to $90,000 of the $340,000 appropriation.

FACTS ARE NOT EXPLAINED.

It has not been explained to the satisfaction of searching inquirers why so much traveling and miscellaneous expenses are needed and why the salary bill could not be cut down, and for this reason there is strong antipathy to the annual appropriation. But Congress, they say, has a tender spot in its heart for the seed-distribution industry and has held aloof.

At the end of last year's distribution there were about 50,000 packets of seed on hand, in addition to which the Department had in stock 168,691 pounds of various seeds. The Government does not carry seed over from one year to another, as it has been found best always to distribute fresh seed. The disposition, therefore, of the enormous quantity of left-over seed is an item that is proving a study. Considerable of the salary funds are paid in getting rid of the surplus of the $90,000 worth of seed, for which the Government annually appropriates $340,000, it is said.

VIEWS OF PROFESSOR GALLOWAY.

Professor Galloway recently testified before the House Committee on Agriculture, furnishing this information. The committee's position was defined by the chairman in these words:

"We are heartily in accord with the efforts of the Department to introduce new or rare plants, grains, fruits, or vegetables, and for that purpose have recommended an appropriation of $40,000, which is all they can comfortably expend in this work. But when it comes to peas and beans and corn and turnips we feel the country is sufficiently well-informed to go it alone, without expending a quarter of a million dollars for this purpose."

[Washington Post, Sunday, March 11, 1906.]

FREE-SEED DISTRIBUTION—PERIODICAL ATTEMPT BY CONGRESS TO CUT OFF THE GRAFT.

Another of the annual Congressional farces is now on the boards. This time it is the distribution of seeds by the Agricultural Department at the command of Senators and Representatives. Nobody believes in it. The Agricultural Department is convinced the money spent for it is wasted. The Congressmen would hail a relief from the business of distributing the seeds with no attempt to conceal their satisfaction. The people would never know it had happened save for the reduction of the budget by about $200,000.

Yet the fear of dissatisfaction among the constituents represented at the Capitol is so great that it is not at all certain the abuse can be stopped now, even though the House Committee on Agriculture has stricken the seed clause from the appropriation bill.

As a matter of fact, not a tenth of these seeds are either asked for or desired. Private secretaries cuddle their brains to give them away to advantage. A great proportion is never given away, but is collected—it is just as well to speak out with the truth—by employees of the Capitol and sold. The farmer does not care to experiment with a handful of middle-grade corn when he has the planting of a hundred acres on hand. The farmer's wife does not care to sow mignonette and grow red poppies in her flower beds. It is safe prediction that if this distribution were stopped to-day not ten voters to the district would complain.

The work of the Agricultural Department is of the greatest importance to the whole nation. It is correspondingly expensive. To weigh it down with an allowance of more than $150,000 for work which has no place in the general scheme of departmental activity, and which the Department believes to be practically useless, is an extremely undesirable use of the nation's funds. In 1839 there was no Department of Agriculture, but that year Congress appropriated $1,000 to enable the Commissioner of Patents to purchase and distribute rare and valuable seeds and to publish agricultural statistics.

In 1893 the appropriation for the purchase and distribution of seed had reached $150,000. Secretary J. Sterling Morton looked upon this free distribution as petty graft, and he refused to "purchase and distribute." But Congress made the distribution mandatory, and each year the appropriation has been increased, until for the current twelve months it is $250,000, in round figures. This year the agricultural bill carries $7,000,000. There have been sporadic attempts in the past to do away with the free-seed graft, but they have always failed, not because a majority of the Members favor the practice, but because most of them are afraid their constituents would object. And yet the action of the committee last week was very largely in response to resolutions adopted by the State granges in Illinois, New York, and Connecticut, urging the stoppage of the free-seed distribution.

[The Union-Sun, Lockport, N. Y., March 12, 1906.]

SEEDS—GRAFT DIES HARD AT WASHINGTON—SMALL AMOUNT OF APPROPRIATIONS EVER REACHES THE FARMERS.

WASHINGTON, D. C., *March 12, 1906.*

The ridicule heaped by the press and public on Congressional free-seed distribution has encouraged the majority of the House Committee on Agriculture to believe that their efforts to stop this great abuse will be successful, and that the House will support their action in refusing to make any appropriation for the distribution of common flower and vegetable seeds. This graft dies hard. One of the most pernicious forms of wasting public money, without a legitimate excuse and almost without a defender, nevertheless it clings to Congress like a mother to a newborn babe, and for many years Chairman WADSWORTH, of the Committee on Agriculture, has been trying in vain to pry it loose. The report of B. T. Galloway, Chief of the Bureau of Plant Industry, for the fiscal year of 1905, tells the story of why the country is bled for $300,000 annually on this account. In it appears these items: "Salaries, in Washington $62,471; outside of Washington $8,608; traveling expenses, $7,064; contract for assembling and mailing seeds, $41,924." A A large number of persons are thus employed in the seed distribution, and every time Congress proposes to abolish this graft they weep copiously on the shirt fronts of the tender-hearted Members, who finally shrug their shoulders and say, "The public pays the freight," and vote for the appropriation.

The report of Chief Galloway contains much valuable data on this subject, but a great deal is omitted and would undoubtedly make interesting reading. For instance, it notes that during the year there were "miscellaneous authorizations amounting to $4,359," but no hint is given as to the character of these authorizations. It might be thought that less than a hundred thousand dollars worth of peas, beans, corn, etc., could be bought and distributed from Washington, yet it seems to have required $7,064 for "traveling expenses." Who traveled, where, and why? It also appears that "miscellaneous seeds" to the amount of $6,390 and "miscellaneous plants" to the amount of $3,864 were purchased and distributed.

Nothing could show the wastefulness of the seed distribution better than the cost of handling the seeds. The total expenditure of the Department of Agriculture on this account was $245,374. Of this amount

only $90,979 was expended in the purchase of seeds, bulbs, trees, and plants. In other words, it cost $2.70 to distribute every dollar's worth of seeds, plants, bulbs, and trees, without counting the immense cost to the Post-Office Department of delivering them. The flower and vegetable seeds are put up in packets. For these seeds $66,177 was expended, while to packet them by machinery and mail them cost $41,924, or more than two-thirds what the seeds cost.

But the item which most needs explaining is that of "miscellaneous expenses," which are set down at $15,961. After salaries, traveling expenses, purchase and mailing seeds, miscellaneous authorizations, telegrams, freight, express, hauling, gas and electric light, telephones, and fuel had all been set down, it was still necessary to include $15,961 for "miscellaneous expenses."

From the above it appears that although a contract was made under which $41,924 was paid for "assembling and mailing" $66,177 worth of vegetable and flower seeds, the Government paid, in addition, $71,079 in salaries in and out of Washington; $7,064 traveling expenses; $3,359 "miscellaneous authorizations," and $15,961 "miscellaneous expenses." At the end of the distribution about 50,000 packets of seed were on hand.

[The Washington Post, Monday, March 12, 1906.]

TO CURTAIL FREE SEED—HOUSE COMMITTEE WORKING TO STOP DISTRIBUTION—SECRETARY WILSON'S VIEWS—HE SENDS REPRESENTATIVE TAWNEY A RÉSUMÉ OF WHAT DEPARTMENT HAS DONE—LAYS BLAME OF SENDING OUT MISCELLANEOUS PACKAGES UPON CONGRESS—MEMBERS DEMAND IT FOR CONSTITUENTS.

In their efforts to suppress the free-seed abuse the majority of the House Committee on Agriculture will have the support of Representative JAMES A. TAWNEY, of Minnesota, chairman of the Committee on Appropriations.

Speaker CANNON is against further appropriations for the free distribution of peas, beans, corn, turnips, and peanuts, and, while the members of the Committee on Agriculture are fully informed on the subject, "Uncle Joe" thinks they should be backed up by others not on the committee.

Consequently, Mr. TAWNEY is securing much valuable and interesting data on the subject, which he will present to the House should there be an attempt to override the committee. He has received an interesting letter from the Secretary of Agriculture reviewing the history of the appropriations for this purpose. Secretary Wilson practically takes the ground that Congress and not the Department is responsible for the growth of this form of graft, and that if the Members of Congress are willing to forego their little packets of seeds he is more than willing.

FIRST APPROPRIATION $1,000.

The Secretary says the first appropriation of seeds was in 1839, when the Commissioner of Patents was allowed $1,000 for collecting agricultural statistics and "the purchase of seeds of new and rare varieties of plants." From 1839 to and including 1865 the total amount expended in collecting statistics and supplying seeds was $672,724. The appropriation for the current year for seeds alone is $290,000, or almost one-half of the total amount expended in the twenty-six years from 1839 to 1865 in the encouragement of agriculture.

Secretary Wilson notes that "the purpose of the early legislation for the introduction and distribution of seeds was to introduce into this country seeds of new and improved varieties and of new crops, in order to increase the horticultural and agricultural products of the United States." As long as it was confined to this purpose great good was accomplished. But he continues:

"As the demand for the new seeds being introduced by the Department increased, such demands naturally found expression in requests made to Senators and Members of Congress, and in course of time the number of these requests became so great that it was imposible to fill them with strictly new varieties of seeds; hence the practice began of sending out larger quantities of packages of vegetable seeds."

SOME GOOD ACCOMPLISHED.

Secretary Wilson thinks considerable good has been accomplished in this direction, but adds: "The distribution of such seeds increased, however, so that by about 1890 it had become the most prominent feature of the distribution, and, although the distribution of new varieties of field crops was not entirely lost sight of, the proportion of such seeds introduced was exceedingly small, and the original purpose of the legislation, namely, the introduction of new and improved varieties, was not kept prominently in the foreground." Acordingly, in 1897, Congress specified that $20,000 should be used for the introduction of new crops from abroad, and a separate section of foreign seed and plant introduction was established, which has done much good work.

Secretary Wilson thus compares the "graft" seed distribution with that which is recognized as legitimate and proper. "There is no doubt," he says, "that, although the amount expended distinctly for this work of introducing and developing new crops is relatively but a small proportion of the entire appropriation, the relative amount of good done by this branch of the work is far in excess of that accomplished by the mere distribution of miscellaneous standard varieties of vegetable and flower seeds, which can be purchased from any seedsman."

In conclusion, the Secretary informs Chairman TAWNEY that, as far as he is aware, there is no other government "that buys ordinary miscellaneous vegetable and flower seeds from growers and dealers and then distributes them to its citizens."

[The Washington Post, Wednesday, March 14, 1906.]

GOVERNMENT SEEDS.

One of the earliest abuses to spring up under the sway of the Federal Government was the distribution of seeds. The country at the time was much more agricultural, as a whole, than it is now, and very few politicians held their positions without the votes of farmers. It was the fashion, and still is to some extent, to set them apart in a class by themselves as especially worthy of consideration and as entitled to privileges and immunities accorded to none other. Men like Webster, Clay, and Everett were accustomed to deliver set orations at cattle shows and county fairs, and one of the most laborious items of a Congressman's duties came to be directing and mailing seed packages to his constituents. The theory at the outset seems to have been that the Government was in a better position than the farmers to find out which were the best varieties of plants and vegetables, and better able to procure the seeds, and that by its agency in the matter there would be improvement in the varieties cultivated.

Needless to say, there have been every year bushels of worthless seed distributed that never came to anything, still other bushels that were never planted, and that there have never been any benefits to anyone at all commensurate with the vast expense involved. Not only so, but there has never been under our system of government any possible justification for such expenditure. There is just as much reason why every farmer should be furnished with a fresh stock of cattle in the spring, to improve the breed, or a new set of tools, or every lawyer be presented with the statutes, or everyone else supplied with the implements of his trade or profession as that a farmer should be given his garden seeds.

There have been attempts made from time to time to do away with the practice, and this year, at last, the Committee on Agriculture by one majority has voted to leave any provision for seed out of the appropriation bill. Strange to say, the Republicans all voted against seeds and the Democrats for them, wholly reversing the traditional attitude of the parties toward paternalism. It would doubtless be found on examination that the Republicans come mostly from cities and manufacturing sections, and the Democrats from rural districts. Local considerations, when it comes to votes, have been known to be of more weight than general political principles, as when Massachusetts wants the duty taken off raw materials and Louisiana to have it kept on sugar. "Our opinions are parcels of our fortunes."

There is little reason to believe that the farmers of the country will regret or resent the nonarrival of the few seed packages they have been accustomed to receive, and it is matter of congratulation that at least one hoary and time-honored abuse has been abolished.

[Niagara Courier, Saturday, March 17, 1906.]

We see it stated that it costs the United States nearly three times as much to distribute seeds, bulbs, and trees to farmers and planters as it costs to purchase the commodities. Figures in the report of B. T. Galloway, chief of the Bureau of Plant Industry, for 1905 show that the Government paid $245,000 for the handling of $90,000 worth of seeds. The items of salaries, traveling expenses, assembling and mailing, and miscellaneous amount to $2.70 for every $1 in actual value. Will it do it?

[The News Leader, Richmond and Manchester, Va.]

Probably a good deal of light is thrown on the discussion about free distribution of Government seed through Members of Congress by the following self-explanatory communication:

DUANE, VA., *March 15.*

EDITOR THE NEWS LEADER: Your article upon "Free seed" leads me to say that I have been the postmaster here for fifteen years and can report as follows: Each year a great mass of packages come under frank and about half of them are addressed to persons that are dead or moved away—some of them ten to fifteen years—yet the seed continues to come. Not ten in a hundred persons care a fig for them and take them reluctantly. One man said he would give them to his fowls.

The original intent of the act of Congress seems to have been the gathering of rare seed by our consuls in foreign countries as a test of their usefulness by the agriculturists of the various States. Hence the perversion of the intent has become so gross and scandalous that it has overleaped itself and become a huge fiasco and waste of public funds, as well as a great injustice to those who are engaged in legitimate trade.

R. G. TYLER.

[Evening Wisconsin, Friday, March 23, 1906.]

CUT OFF THE FREE SEED WASTE.

The House of Representatives should not reverse the action of its Commitee on Agriculture, which struck from the appropriation bill the traditional provision for the free distribution of seeds. The last appropriation bill carried an allowance of $290,000 for that purpose, an amount of money that is enormous in comparison with any benefits that can possibly be conferred upon the people by the distribution of seeds of the character of those which constitute the free output through the mails.

If the flower and vegetable seeds received by the nonagricultural taxpayer are a fair sample of the seeds which are sent to agriculturists, it is difficult to find any value whatever in the distribution, as they are all flowers of the commonest varieties, and vegetables and grains which are generally grown. There is excuse for a distribution of something absolutely new, as macaroni wheat, for instance, was several years ago; but there is absolutely no reason why the Government should annually provide free seeds for farmers and gardeners who can with a little care gather their supplies from their own premises or purchase new varieties in the village stores.

The free distribution of seeds imposes a burden upon the United States mails, as the packages are all franked by the Congressmen who send them out, and consequently carried without postage. It is estimated that if the Department of Agriculture were required to pay postage at the usual rate on the seeds which are now sent free, the revenues of the Post-Office Department would be increased over $500,000. This would be a considerable item of income for a Department that calls for a large deficiency appropriation from every Congress.

If penny letter postage is desired, it can be achieved only by the establishment of economies through a reduction of the cost of carrying the mails. All illegal mail matter must be weeded out, and all burdens, such as that imposed by the free distribution of seeds, must be removed. There should be a strong popular protest against any attempt on the floor of the House to replace in the appropriation bill the provision for the free distribution of seeds, which has been wisely stricken out by the Committee on Agriculture. Dwellers in the city do not expect seeds from the Government, and the farmers are not asking for them. On the contrary, the National Grange, representing 800,000 farmers, adopted resolutions at its convention in Portland, Oreg., last year, strongly denouncing the appropriation for free seeds as a reckless waste of money, as the policy of free distribution is of no practical value.

On the 1st of April the Postmaster-General proposes to refuse to admit a large amount of matter that is now received as second class and carried at 1 cent a pound which costs the Government 5 cents a pound to carry. With this economic course as to all matter now practically deadheaded, the business and industrial interests may look for penny postage in the near future.

[Orange Judd Farmer, Chicago, March 24, 1906.]

If proper action is taken right now, the free-seed humbug will be killed. It hasn't a leg to stand on, nor has there been a single argument in many years for a continuance of this miserable graft upon the

people. Nobody really wants its perpetuity. The Secretary of the Department of Agriculture is utterly opposed to it; the National Grange has thundered against it time and again; various other farmers' organizations have made commendable effort to have it abolished. Finally, the self-respecting farmer has no use for the system. Instead, he very properly resents the cheap effort of his Congressman to curry favor by sending a measly package of the most ordinary kind of seeds, hoping in this way to win a vote. The Government has no more business to furnish free seeds than free overcoats or free horseshoes. Reckoning postage cost at a reasonable sum and the expense of handling, we venture that a million dollars a year is not wide of the mark as the sum Congress has been asking the plain people to pay annually to thus assist in reelection. Now, for the first time in years, a positive step has been taken to throw out free seeds. As recently noted, the House Committee on Agriculture decided not to recommend an appropriation. But "dead sure," some selfish Representative (is he yours, Mr. Farmer) will next week put up a wail in the House asking to have the appropriation reinstated, and probably for an increased amount. Write your Congressman to-day to sustain the House Committee on Agriculture in reforming the fake seed humbug. Unless this is done, some of the politicians who think they can buy the farmers' votes with a few pumpkin seeds will make a great fight to have the House appropriate $300,000 or more for this puprose. It is the privilege and the duty of the farmers, individually, to protest, and do it now.

[The Florists' Exchange, March 24, 1906.]

WHAT THE DAILY PAPERS SAY OF THE FREE-SEED ABUSE.

I've been a loyal citizen for five and forty years,
I've asked no favors and I've kept my taxes from arrears,
Right patiently I've tilled the soil, and when the price was low
I've taken 50 cents for wheat because 'twas ordered so;
I've voted as my conscience urged, and tried to be content
With what few blessings I have had, by Heaven or nature sent,
And is it strange my aching heart with dismal sorrow bleeds
To know they've stopped my one reward—my packages of seeds?

For years and years they've come to me, in little paper sacks,
To reconcile me to my lot of till and toil and tax;
What matter if they sprouted not, or if the corn marked "sweet"
Grew up to mangel-wurzel or became a sugar beet?
Those were but trifles light as air—the seeds gave me to know
The Government at Washington survived through weal and woe;
And 'twas unpatriotic and the most unwise of deeds
To sever all the ties that bind—my packages of seeds.

The radishes were often punk, the onions shorn of scent,
The cabbages were prone to worms, and some fell discontent
Would stunt the spinach as it grew; but every spring I'd sow
My plot at Government expense and watch for them to grow.
They made me feel an integer of governmental life,
And though they brought me days of toil and twilight hours of strife
With cut-worms, cabbage bugs, and new varieties of weeds,
They were a source of pure delight—my packages of seeds.

The rate bill is in statu quo, the tariff bill is dead,
The statehood bill is far from passed, and, far as I have read,
The toil of Congress up to date may be set down as naught;
So when they make the record of the things this session wrought,
To lay before the common folk who stand behind the gun,
The only thing of all they had to do that has been done
To fill the nation's pressing wants and meet the people's needs
Has been to cut off my supplies of governmental seeds.

(J. W. Foley, in New York Times.)

We believe that the committee made a good move when it decided to "economize" by striking this amount of money from the appropriation bill. It would be much better to expend the same in an experimental way, either through the Federal Department of Agriculture or the State experiment stations. (Prairie Farmer, Chicago.)

It is clear from Secretary Wilson's statement that he would not be sorry to see the graft element of the free-seed business reformed altogether. The majority of the committee voted right on the question, and the House should indorse its position. Useful and scientific experiments should be encouraged by the Government, but "not a cent for tribute" to Congressmen should be appropriated. They might as well ask money for free hay or free barbed wire or free brooms. (Chicago Record-Herald.)

This business is little less than political graft. Packages of seed save the recipients a few cents, but where one package does good service a score are thrown away. The business is a joke from one end of the country to the other, and yet one will hear Members of Congress seriously defend the practice when the item appropriating a couple of hundred thousand dollars for the work is under discussion in either House. Secretary Morton tried to stop it, and Congress rebuked him by increasing the appropriation. (Baltimore Herald.)

The appropriation last year was $290,000, but that sum does not represent the cost. When clerical hire, cost of packeting seeds, paper stock, printing, postage, etc., are added the cost to the country is fully $1,000,000. At the regular rate for postage on the 50,000,000 packets distributed last year a private citizen would have to pay approximately $500,000. The postal service is burdened by this huge bulk, which increases the deficit in the Post-Office Department without a commensurate advantage to the public. (Jersey City Journal.)

Competition by the Government in the seed business with individual seedsmen undoubtedly is unfair. The man who invests his capital and buys or produces seeds for sale naturally finds himself hindered and his trade diminished by $250,000 worth of seeds sent out by the United States free of cost to the purchaser. And really, with the present cheapness of things, the abundance of information in official and private publications and the wonderful facilities for distribution by the mails, there is no reason why the Government should continue its time-honored practice. (Richmond (Va.) Leader.)

The principle of the thing is most vicious. It's an outrageous abuse of a practice that had its origin in a worthy spirit of scientific research directed to the improvements of crops. Besides, the seeds are no good. Of the last batch sent us by our Congressman only about half came up. Uncle Sam has to buy in the open market the seeds he gives away and the seedsmen work off onto the amiable old gentleman their last year's stuff.

Should a misguided Senate see fit to insist on the restoration of the seed appropriation—mind, we say if it should—the doctrine of the square deal demands that the Government be given the benefit of just a little larger differential in seeds that will sprout. (Springfield (Mo.) Leader.)

The work of the Department has grown enormously since that bill was passed in 1862, and it is now a part of the public school system. It is doing a splendid service in educating the farmers directly and in helping them to solve their problems. In the prosecution of this work it might be well enough for the Department to distribute among farmers a few specimens of rare seeds that can not be procured in this country. But to pay out more than $200,000 a year for the distribution through Congressmen of seeds which the farmer can produce on his own premises, or purchase at the nearest store, is an abuse on the face of it. On the same principle, the Government could with equal propriety give the farmers agricultural implements and fertilizers. (Richmond (Va.) Dispatch.)

Last year $290,000 was appropriated by Congress for this seed distribution, of which $245,374 was expended for corn, peas, beans, carrots, turnips, grass, cotton, tobacco, and flower seeds. It is stated, however, that only $90,979 was paid for seeds and plants and $41,924 for putting them in packages and marking them. The remainder, more than $100,000, is reported to have been paid out for salaries, traveling expenses, and "miscellaneous expenses." Undoubtedly some of the Congressmen that sent out the seeds to their constitutents also got soft jobs for some of their constituents.

It is also charged that beet-sugar factories received beet seed in 100-pound lots. Of course, that is "graft" pure and simple and nothing else. These seeds are sent free through the mails, and the number of packages carried last year was 35,977,135. This was certainly a substantial contribution to the annual post-office deficit. (Niagara Falls (N. Y.) Gazette.)

Whatever be the actuating motives of different Members, it looks as though the so-called "free-seed graft" is doomed. That is the temper of the majority of the House Agricultural Committee. Uncle JOE CANNON has given out that it is time to stop this leak in the resources of the Government. Of course, there will be indignant protest from that vigorous contingent who will say that it is a pretty pass when the Government is throwing away untold millions upon the Philippines and the isthmian canal and the military establishment that it can not give away a few seed to the oppressed farmer. Be all this as it may, Chairman TAWNEY, of the Appropriations Committee, has been busy getting information on the subject, which he intends to present to the House should there be an effort to defeat the committee when it cuts out free seed. (Knoxville (Tenn.) Sentinel.)

The failure of congress to make a propriashun for the free distribushun of ghardin an' other truck seed is a howlin' calamity, an' if Mounts Butler had anything to do with it Cord Hull an' Jim Miller will beat him three sivil deestricts an' a bend in Big Scouty.

If they do away with the free distribushun of seed, how do the congressmen expect to git back to Washinton?

Echo answers "damfino."

We mind the time when Benton McMillin was fust nomernated for congress, at a convention held at Hartsville. Col. Hut Nash, in making the nomernating speech, closed by sayin': "Mr. Cheermun, McMillin is a good hand-shaker, an' he can scatter gharden seed as well as any of them." Col. Nash was no false profit. Benton sent the women folks gharden seed, the gals flower seed, and the men agricultural reports. He remained in congress 20 year, an' his name to this day is a house hold word in every gharden in the fourth deestrict. (Hag-Camp Grape Vine.)

The true way to distribute seeds by the Government is to send them out with scientific knowledge and purpose; this can only be done by experts. Fortunately, we have a governmental activity which can do this work in the most effective manner. It has rendered incalculable service to the farmers of the country by supplying them with choice seeds that have immensely increased the value of their crops. The increased yield per acre of wheat is directly due to the efforts of the United States Department of Agriculture in this behalf.

And now, if the Congressmen will divest themselves of the seed-distributing function, they will find ready to their hand an agency that can do this far more effectively and advantageously than they can do it themselves. And it will cost less, too; for the Department would not buy such tons and tons of common, ordinary seed, but would aim to get something that would be choicer, better, and that would improve on the crop to be raised. The Congressmen could not possibly do better than to give up their seed slinging, and let the work of improving the crops of the country by distributing improved seed be done by the United States Department of Agriculture. (Salt Lake City Tribune.)

It costs the United States nearly three times as much to distribute seeds, bulbs, and trees to farmers and planters as it costs to purchase the commodities.

Figures in the report of B. T. Galloway, chief of the Bureau of Plant Industry, for 1905, show that the Government paid $245,000 for the handling of $90,000 worth of seeds. The items of salaries, traveling expenses, assembling and mailing, and miscellaneous amount to $2.70 for every $1 in actual value.

Congress has been asked to remedy this condition, which is regarded as a travesty on good management by the agricultural journals and societies in various parts of the country.

In 1905 there were miscellaneous authorizations amounting to $4,359; traveling expenses, $7,034; salaries in Washington, $62,471; salaries outside, $8,608; contract for assembling and mailing, $41,926, and various other costs of handling, bringing the total nearly to $90,000 of the $340,000 appropriation.

It has not been explained to the satisfaction of searching inquirers why so much traveling and miscellaneous expenses are needed, and why the salary bill could not be cut down, and for this reason there is strong antipathy to the annual appropriation. But Congress, they say, has a tender spot in its heart for the seed-distribution industry, and has held aloof.

At the end of last year's distribution there were about 50,000 packets of seed on hand, in addition to which the Department had in stock 168,691 pounds of various seeds. The Government does not carry seed over from one year to another, as it has been found best always to distribute fresh seed. The disposition, therefore, of the enormous quantity of left-over seed is an item that is proving a study. Considerable of the salary funds are paid in getting rid of the surplus of the $90,000 worth of seed, for which the Government annually appropriates $340,000, it is said.

Professor Galloway recently testified before the House Committee on Agriculture, furnishing this information. The committee's position was defined by the chairman in these words:

"We are heartily in accord with the efforts of the Department to introduce new or rare plants, grains, fruits, or vegetables, and for that purpose have recommended an appropriation of $40,000, which is all

they can comfortably expend in this work. But when it comes to peas and beans and corn and turnips, we feel the country is sufficiently well informed to go it alone, without expending a quarter of a million dollars for this purpose." (Washington (D. C.) Post,)

THE GOVERNMENT SEED SHOP.

EDITOR FLORISTS' EXCHANGE:

If the reader will send to Washington and obtain a copy of the 300-page pamphlet covering the hearings of employees of the Department of Agriculture by the Congressional Agricultural Committee, under date of 12th January, 1906, and subsequently, he will find much interesting, though the writer will not say instructive, information.

On pages 229 to 241 occur some stenographic notes of the testimony of Professor Galloway, of the Bureau of Plant Industry of the Department of Agriculture, part of which is as follows:

Professor GALLOWAY. I do not see how anyone who took the ordinary precautions with the seed we send out could help from getting good results. We send out seeds that must necessarily be better than ordinary seed which seedsmen can secure.

Mr. SCOTT. Why?

Mr. GALLOWAY. For the reason that we buy our seed in this way: In the first place, a considerable portion of the seed is grown for us out of what we call our own stock seed. We know the full history of the stock. We get, for example, a pound of lettuce seed of high quality and it is true to name. We can take that pound of lettuce seed and turn it over to a reliable man in California and get 100 pounds that is absolutely true to name, and in order to make it true we send men to the fields where that lettuce seed is growing and have them rogue the field—that is, to eliminate all the lettuce before the seed has gotten any undesirable qualities."

Mr. SCOTT. Is it possible to acquire bids, or in any way introduce the element of competition?

Mr. GALLOWAY. Yes; we do that as far as we possibly can. For instance, we want 40,000 pounds of lettuce of a certain variety, and we know pretty well the men who can furnish that seed at different places on the Pacific coast. We send each of these men a blank form and ask them to submit a proposal for that seed. They come in at a certain time, and, unless there is a special reason, we give it to the man whose figure is the lowest.

Mr. FIELD. The common impression is that some dealers destroy all the old stock. Is that true?

Mr. GALLOWAY. I can not speak for any particular firm, but it is a general practice to blend seed. It is not only the general practice to blend seed, but there are all sorts of apparatus and devices that have for their object the rejuvenation of old seed, polishing devices that will make old seed look bright; there are certain devices to rub the dust off; there are certain cases where, if they do not want the seed to grow very well (where we get imported seed), they run them over hot plates to destroy some of their vitality. It is an object sometimes to have the seed, especially high-grade seed, low in vitality, the main object being to keep up the price.

Mr. CHANDLER. The Department seeds ought to be the very best seeds that are sent out.

Mr. GALLOWAY. Under the old practice, before the Department got its own seed, it was the custom to run in poor seed. We could not avoid it.

Mr. CHANDLER. Do you reject within certain percentages or do you reject them absolutely if they do not come up to the standard of vitality?

Mr. GALLOWAY. We can not fix any definite standard for any particular year. One year we had a peculiar case in California where the hot wind came on when these seeds were being harvested and so thickened the skin that the seeds would not germinate at all unless they were soaked. When they came in we could not germinate them, and we rejected the whole lot, and then we found that if they were cut or soaked they would germinate all right; but we had to add some special directions to our packets calling attention to this fact.

Mr. CHANDLER. What course do you pursue in order to prevent the getting of poor seeds?

Mr. GALLOWAY. By taking things forehanded we can make provisions all along the line. We have right now enough seed for next year's distribution.

Mr. CHANDLER. You spoke a moment ago of an expert you have in lettuce growing.

Mr. GALLOWAY. Yes; we have men now who are as expert as any in the seed business. It is a common business now.

[Washington Post, March 29, 1906.]

SEEDS AND THE "HAYSEEDS"—SUGGESTION FOR THE SOLUTION OF THE GARDEN-SEED ABUSE.

The statement emanating from the Department of Agriculture relative to the free distribution of seeds by Members of Congress to their constituents is not devoid of humor. In a general way it has been known to the world since Secretary Sterling Morton waged his famous and delightful warfare on the humbug that a good deal of unnecessary money was squandered on free seeds under an act of Congress whose intent had been strangely perverted in practice. The extent of the waste is now made clear in a striking way.

The act of Congress which is responsible for this seed distribution was intended to provide for a wide distribution among a large number of experimenters of "new and valuable seeds" in order that two blades of grass might be made to grow where only one grew before, and new foods, grasses, and vegetables might be introduced into our domestic and agricultural economy. This has long ago been lost sight of, and now the staid and respectable Members of Congress cling with grim determination to the privilege of sending to their constituents a number of practically worthless packets of cabbage, turnip, heliotrope, sage, gumbo, and onion seeds which may be bought at any country grocery.

The actual cost of the 40,000,000 packets which are done up into packages, giving several varieties to the 7,300,000 recipients, is about $90,000. This is indefensible enough, but though Members of Congress will admit individually that it is nonsense to send the seed around the country they stand pretty firmly for the perquisite when the abolishment of the practice comes to a vote. But the humor of the situation appears—and the joke is on Uncle Sam and his Treasury—when it is shown that the actual cost to that Treasury of $90,000 worth of seeds is nearly $250,000. To the cost of the seeds and plants must be added the freight. The cost of doing the seeds into packets for distribution is $36,000; the salaries paid for "expert explorers," gardeners, messengers, and multifarious hangers-on in the seed game amount each year to $46,000; the miscellaneous and operating expenses and office rent account call for $14,000, and the extraordinary and inexplicable item of "additional miscellaneous" is $10,000.

In short, this is as fine an example of the waste in the Government handling of a business matter as could be found in the annals of civilized nations. More than 75 per cent of the total cost of the seed largess to Congressmen is "eaten up" by the cost of getting the seeds to the "hayseeds" whose votes are thought to be powerfully influenced by the "little vote getters," as they are called.

In the interest of economy a suggestion is in order. It is positively useless to urge Congress to relinquish the perquisite, but why not allot in money to each Congressman his pro rata share of $90,000, the actual cost of the seeds? The Congressmen could send the cash by check to his constituents, who would please the merchants of their neighborhood by buying the common garden seeds in the local groceries. The country's seed dealers would not be offended by Government rivalry, Uncle Sam would save $182,268 a year in actual cash, and the "hayseed" vote affected by the seeds would be safe.

[Norfolk Dispatch, Thursday, April 5, 1906.]

NO USE OF FREE SEED.

Although we have never taken the agitation against the free distribution of seeds by the Government very seriously, we are inclined to think that Congress has been wise in cutting off its appropriation for this gift to the farmers. The annual distribution of some million packages of seeds by Congressmen forms a species of paternalism that is not demanded by the farmers of the country. We have no seedsmen's trust. On the contrary, the men who engage in this line of business should be encouraged in every way possible. They should have big profits for their products, because it is highly important that their seed should come up to the very best standard, and that they should have money enough to warrant their making experiments and doing everything in their power to obtain the best seed.

We believe in liberal appropriations for the Agricultural Department; in fact, we hope to see this Department one day receive more money from the Government than either the War or Navy Departments, as the foundation of our natural property lies in the farms, and, in our opinion, it is not possible for the Government to do too much for the farmers. But the seed that the Government has given away is simply bought without regard to its variety or its adaptability to the various classes of soil. It is handed out indiscriminately to the farmers in order that they may be reminded that the Representative at Washington is looking after their interests.

We have heard farmers remark on receipt of these seed that this free gift of a package of seed was all that their Congressmen did for them in Washington, and then when the seed failed to come up we have heard the farmers abuse the Congressmen who did them the unkind turn in giving them the seed.

It may be true, as claimed, that the Government is paying the railroads some ten or fifteen millions of dollars more each year than it should pay them for carrying the mails, and that may be the reason that the post-office has an annual deficit, but it is also true that the free distribution of seeds is partly the cause for this deficit. If the Government charged regular rates for carrying these seeds, its income would be increased a half million dollars a year. Here, then, is one direction in which it can retrench a bit. The Post-Office Department should be conducted with a view to the eventual establishment of a penny rate for postage stamps and a parcels post. To this end every economy should be practiced.

Mr. BOUTELL. Mr. Chairman, my scholarly and popular colleague, Mr. RAINEY, on the 5th and 6th of this month, made a speech in the Committee of the Whole that invited passing comment, aroused some curiosity, and excited not a little surprise. From this speech it appears that several weeks ago my colleague went to New York. What a world of meaning, Mr. Chairman, what a wealth of experience is expressed in these three words—"went to New York!" What a panorama they bring up before us of those who came from foreign shores and caught the first glimpses of the clustered homes of their adopted country from the waters of that majestic harbor, where the tides of the Hudson and the ocean meet; of the hundreds and thousands who came from the villages and farms to recruit the ranks of the workers in that throbbing center of life, whose genius and enterprise have made New York preeminent in commerce, in trade, in finance, in literature, in science, in art, in religion, in charity, in philanthropy, in all those splendid achievements that have made New York the imperial city of the Empire State, the pride and glory of America, and the marvel of the world! [Applause.] As the scenes unfold before us, what tragedies we witness, and what melodramas, what comedies, and what farces! We read the entertaining accounts of these comedies in the daily papers, and once in a while, but very seldom, one of these accounts creeps within the dignified but somnolent pages of the CONGRESSIONAL RECORD. [Laughter.] How many thousands, Mr. Chairman, before my adventurous colleague essayed this perilous journey, have gone to New York and throughout the remainder of their lives have wished that they had stayed at home. [Laughter.] "Went to New York!" Some of those who went hunted the tiger in his favorite haunts. They returned from the jungles to their native tall grass bearing with them the indelible marks of the claws and teeth of that monster upon their person as perpetual memorials that they, too, went to New York. [Laughter.]

Others who went to New York have lingered in those delightful pastures and lanes that surround Wall street, where the bulls browse upon the greenbacks of kids, and where the bears feast all the year round upon spring lambs [laughter]; and after they have been tossed to and fro between the horns of bulls and the jaws of bears, they have carried away to their

native towns a deep-seated aversion to all cattle shows and menageries to remind them that they, too, went to New York. [Laughter.] Others yet again who went to New York have been attracted by the brilliantly illuminated and popular boulevards and avenues, and they stop to parley with the benevolent vender of golden bricks, the benign distributer of emerald goods, and the deft manipulator of iridescent shells [laughter], and then exchange their surplus capital for experience, both lasting and profitable, which dwells with them to remind them that they, too, went to New York. And yet another, as he strolls up the Bowery, which one old historian calls "that fair country road," falls in with the dear old friend of his father away back in old Schoharie County in the good old days, and with this genial friend of the family he participates in a few of those friendly games that they used to play at the old homestead, and later visits various homes of joyousness and mirth. The next morning he awakes in an unfamiliar hallway to find, to his surprise that he has loaned to the dear old friend of his father his money, his watch, and all of his personal belongings, including his hat and coat. [Laughter.] He arises, when he is able; borrows money, if he is able, and repairs to 180 Broadway to provide himself with a watch to regulate his conduct and tell him when it is time to go home. [Applause and laughter.] Having returned to his native hills, he enthralls gaping audiences with the thrilling account of how he was sandbagged at half past 9 in the evening in front of the Brick Presbyterian Church as he was returning from a Stoddard lecture. [Prolonged applause and laughter.] And the frequent repetition of this tale during the shady afternoon and evening of his life serves to remind him that he, too, went to New York.

Many of those, Mr. Chairman, who have gone to New York have met with the same experience as the man who went down from Jerusalem to Jericho. Others, on the contrary, have felt that they were more fortunate, because they fell among liars; but we have it on excellent modern authority that the liar is as bad as a thief.

Now, of all the droll and entertaining comedies that have been enacted by all those who ever went to New York, the drollest is as somber as an old morality play compared with the enlivening farce in which my sedate colleague played a conspicuous, if unconscious and unwilling, part. For when my colleague went to New York he fell in with Keene—Keene, of Broadway—of lower Broadway—the lower the better for Keene. My colleague met Keene, and Keene took him in. Such delightfully taking ways has Keene, of Broadway! Such a hospitable gentleman! He is simply bubbling over with exuberant solicitude for the welfare of his fellow-man. Keene, of Broadway, is a dealer in diamonds and precious stones, but the brilliant gleam of his diamonds is as dark as the gloom of primeval chaos compared to the hospitable glitter in the eyes of Keene, of Broadway, as he welcomes the coming guest across his hospitable threshold. [Laughter and applause.] He is simply overflowing with this desire to benefit his fellow-man, and that perceptible wink in the other eye as Keene, of Broadway, speeds the parting guest, who has just paid him 191½ per cent on a watch reimported from across the water from New Jersey [laughter] is not in reality a wink. Far be it from me, Mr. Chairman, to intimate that Keene, of Broadway, would ever wink at one of his guests, or even at himself, notwithstanding the almost irresistible temptation, when he awakes in the silent watches of the night and meditates upon his function in the economy of the universe in general, and in the activities of lower Broadway in particular.

No; that apparent wink, if the truth must be told, is the normal droop in the eye of Keene, of Broadway. It is caused by his long and continuous sorrowing over the enormities of our fiscal system and his prolonged weeping over the afflictions of his fellow-men who are unable to get any kind of a watch for less than $1, or a trusty timepiece for less than $2.50. [Applause and laughter.] But he is such a delightful, kind, and hospitable gentleman, and his philanthropy is all embracing! The motive, the consuming passion in the life of Keene is to take in all his fellow-men and do them good. [Applause and laughter.] But I must not forget that Keene's philanthropy is of the practical nature. Now, we all know that a practical philanthropist must be an acute financier, and Keene, of Broadway, is all of that. There is nothing dull about Keene. He lives up to his name. The most ancient and battle-scarred veteran of the stock exchange could take valuable lessons from Keene, of Broadway. The man upon whom the Grand International Amalgamated Fraternity of Shell Workers has conferred the imperial and omnipotent degree is a clumsy, bungling neophite by the side of Keene, of Broadway. [Laughter and applause.] He not only lives up to his name; he is proud of it. He seeks to give it an international reputation, for I see by his letterheads that his cable address is "Keenness," and I think we will all admit after hearing or reading my colleague's speech that for keenness, Keene, of Broadway—of lower Broadway—is a veritable stem-winder. [Applause and laughter.]

As the possessor of these attractive qualities, these taking traits, my colleague confidently, nay, even proudly, asserts that Keene, of Broadway, is a typical Democrat. Coming as this statement does from my colleague, I must of course concede that Keene is a Democrat, but, Mr. Chairman, that he is a typical Democrat I refuse to admit. I have known a great many able and famous men in that historic party. There are some of them on the other side of the House to-day. There before me sits my good friend the gentleman from Mississippi, Mr. WILLIAMS, whose favorite theme is "intellectual integrity," and I know that every man on this side of the House will bear witness that in his political career and in his professional activities he has been as true to that ideal as was the chivalrous knight of old to the motto of his shield. [Applause.] In his political life and in his professional services he scorns all forms of lying, deceit, chicanery, and pettifogging, and Mr. WILLIAMS, of Mississippi, is a typical Democrat. Not far off sits the dauntless Democrat from New York, Mr. SULZER, but notwithstanding his resemblance to a great Whig he is a downright Democrat of the Jackson type. [Applause.] Honesty speaks from every lineament of his face; honesty is eloquent in every gesture and movement of his body; honesty is in every tone of his voice. The gentleman from New York, as you all know, is a vigorous hater of all forms of cant, hypocrisy, and fraud. The gentleman from New York City is a typical Democrat. Between the gentleman from Mississippi and the gentleman from New York and Keene, of Broadway—of lower Broadway—there is not one single point of resemblance. No, Mr. Chairman, I am wrong about that. There is one point of likeness and that is their magnitude. The gentleman from Mississippi and the gentleman from New York are great men; they are great Democrats. Keene, of Broadway—of lower Broadway—is a great humbug. [Laughter and applause.]

Now, then, Mr. Chairman, through his active philanthrophy and through his astute financiering Keene, of Broadway, has become a rich man. If we may believe my distinguished colleague, whom I am glad to welcome on the floor of the House, Keene, of Broadway, must be a very rich man. Has not my colleague shown us a photograph of his shop on lower Broadway? Now, we all know that whatever else may be low on lower Broadway there is nothing low about real estate in that locality, and a man who occupies premises there must be a very rich man. Then, again, my colleague has produced some advertisements which Keene, of Broadway, has inserted in the great metropolitan dailies, and anyone who has had any experience in these matters knows that when you insert full-page and half-page advertisements in these great journals you must be a very rich man. Then my colleague brought up here American or some other express company's receipts for fabulous sums of money shipped abroad by Keene, of Broadway, for purposes not fully disclosed. So, I say, our distinguished philanthropist and financier must be a very rich man. For some months past he has evidently been laying up something for a rainy day. [Laughter and applause.] And when the day came Keene, of Broadway, of lower Broadway, was prepared to meet not only the day but the rain he expected. [Laughter.] The method as disclosed in my colleague's address, by which Keene, of Broadway, of lower Broadway, has accumulated his fortune, reminds me very much of the method adopted by a notorious financier who recently made the acquaintance of the inspectors of the Post-Office Department and is now being fed and clothed in a very becoming costume at the expense of the United States Government. This altruistic philanthropist inserted an advertisement in the public press to this effect, "How to get rich quick without work."

"On receipt of $1 I will send, postage paid, to any address, full directions how to get rich quick without work." The dollar bills sped to the office of this distinguished financier, and the senders of those bills each received in return a card plainly printed and bearing this legend: "To get rich quick without work, fish for suckers, as I do." [Laughter.] Keene, of Broadway, of lower Broadway, has shown himself a most accomplished angler. From the time of dear old Izaak Walton none of the followers of this gentle sportsman have achieved such success. The stream that he whips is the stream that flows through Broadway, and his catches are numerous and large, and now and again he draws in some very distinguished person.

You can realize, Mr. Chairman, how greatly distressed I should be to find that Keene, of Broadway, had ever caught anybody from the great State of Illinois [laughter], for more

reasons than one, Mr. Chairman, but especially because it would apparently give some plausibility to the popular perversion of the nickname of the people of my State. [Laughter.] And here, Mr. Chairman, I must digress for one moment to explain the true name and the origin of the people of Illinois.

Some historians have asserted that the name had its origin in a taunt that was thrown out to some Illinois people by a Missourian. Early in this century men from both States used to go up in the summer to the lead mines in Galena to work, and they would return in the autumn; and this historian asserts that on one occasion a Missouri wag, seeing a party of men from my State going down the Mississippi, called out to them in derision: "You Illinois fellows are genuine suckers; you come up the river in the spring, and you go down in the fall."

Now, this was a very unkind taunt from the Missourian to his fellow-workers from Illinois, especially when we think of the retort that they might have made if they had wanted to. But be this as it may, this account shows that this event is not the true origin of our popular sobriquet, because, as you will notice, the Missourian is supposed to have said: "You fellows are genuine suckers," showing that the name was in use prior to that time.

Another distinguished antiquary has insisted that the name for the people of my State originated in an expression of Col. George Rogers Clark, on that eventful summer night when he captured Kaskaskia. It is claimed that he called to the British commandant and his officers, who were drinking mint juleps through straws: "Surrender, you suckers." [Laughter.] But a little historical research and a little logical analysis will show that this account of the origin is entirely incorrect, for the reason that when George Rogers Clark called upon the British commandant to surrender it was at midnight, and the only use that he was making of straws was the straw in the bed that he was lying on. And then there is this further fact to be considered, that in those early days those western frontiersmen would not permit straws or any other such impediment to interfere with the natural and unrestrained and rapid flow of their spirits. [Laughter.] So we must dismiss this account as altogether apochryphal.

This, Mr. Chairman, is the real origin of the word. We all know that the word "succor," in the sense of aid and assistance, is in common use to-day. We also know that the verb to "succor" is in general use. The noun "succor," meaning a person as a deliverer, although not now in common use, has been enshrined in our choicest literature. You all remember that in Shakespeare's play of Henry VI, Sir William Lucy appeals to the Duke of York in these words:

> Oh, send some succour to the distress'd lord.

And later on the same character enjoins Somerset:

> Let not your private discords keep away
> The levied succours that should lend him aid.

And in the second part of the same play the Irish messenger calls out:

> Send succours, lords, and stop the rage betime.

And again, in Fletcher's Double Marriage, one of the characters says:

> You have lost two noble succours.

Those, Mr. Chairman, are the kind of succors the people of Illinois are, and this is the way they got their name. In 1780, when George Rogers Clark and his men held Illinois, the British sent a party of English soldiers and savage Indians to take St. Louis, then a Spanish village and an ally of the American revolutionists. The distressed people in St. Louis sent at once to Clark for aid, and by forced marches he hurried to the defense of the little fortress. As the wild Indians appeared shrieking and howling on the northeast, the eager watchers from the ramparts descried the officers and men of Clark's command, and in their enthusiasm they shouted to the people below: "Here come the succors from Illinois [laughter]; thank God, the town is saved!" Now, that is the real origin of our name. I have said that the word "succor," meaning aid, was in common use. A few days ago I saw on the editorial page of one of the Chicago papers, referring to the generous outpouring of assistance from all parts of the world to the people on our western coast, this heading: "Succor for the suffering;" and in a later issue of one of the Chicago papers I found this heading: "Army officer's good judgment and zeal win admiration of people he is succoring." And I wish, Mr. Chairman, that from this hour on we could recall the use of this good old word as applied to a person, and stop the perversion of the sense and spelling as applied to the people of my good State. As we contemplate the sad condition of our fellow-countrymen in the Far West, I can not help thinking that San Francisco, sorrowing in the midst of the ruins of her former greatness, beautiful San Francisco, stricken, but not dismayed, as she watches with reviving hope order rising out of chaos under the guard of the boys in blue of our Regular Army, might well exclaim, "Thank God, our succors are here!"

And Funston, whose sleepless vigils by the Golden Gate have warded off crimes and disasters worse than the calamities of earthquakes and of fire, who has inspired the despairing with hope, who has strengthened the fainting with courage, who has given new significance to the old truth that "Peace hath her victories no less renowned than war," brave, dauntless, glorious little Funston has proven himself the noblest succor of them all. [Applause.] So, as I say, it would be a happy day for the people of Illinois if we could return to the old, legitimate use of this word and put an end forever to its perverted form and meaning.

But I must now return to my colleague [Mr. RAINEY] and his speech. A reference to this speech shows that it consists of five parts: First, a photograph that was produced of the shop of Keene, of Broadway; second, an advertisement of this distinguished philanthropist; third, a contribution of former Congressman Baker to a periodical; fourth, certain positive statements of fact, uncorroborated and without reference, and, fifth, certain assumptions by way of conclusions. Now, then, if my colleague's statement of facts be true, it might be interesting to see what conclusions could be legitimately drawn therefrom. So let me assume, for the purposes of argument, what I shall afterward attempt to disprove, that his statements were correct. What are his conclusions? They may be divided into two parts. First, there are his soulful conclusions, as we might term them. These soulful conclusions related to the Democratic organization. This, of course, must be a very distressing subject for some of us, and I must confess that I approach it with a degree of solicitude.

This first conclusion is that the Democratic party has no leaders. Now, of course, I must accept this, coming from such high authority, but simply as a test of the value of the rest of his reasoning I was interested to see if possible by what process of ratiocination my colleague arrived at this conclusion that the Democratic party had no leader. I take it that his mental process was something like this: Leadership assumes the idea of motion. More correctly I think it assumes the idea of progress from a certain terminus, a quo, as the lawyers would call it, to another terminus ad quem, and that as the Democratic party had been standing, as he said in his peroration, like an old soldier for two thousand years, with dust in his eyes [laughter], with no idea of progress, it would be quite correct to speak of it as having no leaders.

Now, with all modesty, not being intimately acquainted with that organization, I had no idea that the Democratic party had been standing still so long. I thought that I at times had discerned some motion, but it appeared to be rather a retrograde motion toward the original terminus a quo. But whichever way it was, I must concede, on my colleague's assertion, of course, that the Democratic party has no leaders.

The second soulful conclusion was that the Democratic party needs no leaders. This, again, I must concede, on this theory, however he may have arrived at his conclusion, that any organization that is on the eve of disbanding has no need of leaders. [Laughter and applause on the Republican side.]

His second conclusion, what might be called his "soundful conclusions" [laughter], are more difficult of comprehension. From this picture and this advertisement and the letter of our old friend, Mr. Baker, and from his own statement of facts, my colleague concludes that the present revenue laws of the United States should be revised. But there is no word from one end of his speech to the other that shows which way he thinks the tariff ought to be revised—whether up or down. As I listened to his remarks I thought he was making an argument for the repeal of that section of the present tariff law which admits free of duty American goods that had been exported. But whatever these soundful conclusions may have been, if his statement of facts was incorrect, you will all agree with me that with the disappearance of the foundation the superstructure must also vanish. I am very confident that my friend from Mississippi, with his "intellectual integrity," will be the first to admit that, as far as conclusions are drawn from misstatements of facts, they ought not to be considered in this body, particularly in a serious consideration of revenue legislation.

I wish now, Mr. Chairman, to address myself to that part of my colleague's remarks that refers to the Waltham Watch Company, of Massachusetts, and to the Elgin Watch Company, of Illinois. My colleague told us that he had been studying the watch business for some time in preparation for teaching a kindergarten. I am sure we all appreciate the modesty implied in that statement that his preparation had only gone that far. But we all know that the benefit of study depends partly

on the student and partly on the tutor. I am reminded of a banker here in this city who was very much exercised as to the way in which his son, a young college graduate, was spending his time. So he asked him one evening: "My son, what are you doing these days?" His son said: "Why, father, I am studying bookkeeping." His father said: "I am very glad to hear that. Who is teaching you?" "Why," he said, "a good old friend of mine out at Bennings." [Laughter.] "Well," said the father, "I know from experience that that sort of teaching may be entertaining, but it is neither enlightening nor profitable." So if one were to go and study the watch business, I think there might be other more valuable sources of information than Keene, of Broadway—lower Broadway.

So, Mr. Chairman, I must explain what little I know about this watch business, how I know it, and why I take an interest in speaking about it.

I must say, in the first place, that my principal interest is simply that of pure truth. No matter what the artist of the comic papers may say, no matter what humorous paragraphers may hint, the word of a Member of this House, seriously stated, is taken for truth throughout the country, and I think that in our discussions here, when we come down to the actual argument which influences men in and out of this House, we should be governed solely by a regard for truth. As there is no proper way of cross-examination here except such as may be embarrassing to the Member addressing the committee, who otherwise would make a valuable contribution to our sum of intelligence, we ought, so far as we can, voluntarily to observe the laws of evidence. So, Mr. Chairman and gentlemen, I will tell you frankly how I know what little I do in reference to these two companies and why I take an interest in seeing that only the truth is stated in regard to them.

The Waltham Watch Company, of Massachusetts, was born in my native State in the same year in which I was born, in 1856, and was then known as the American Watch Company. During the greater part of the last fifty years, both while I was a child in the vicinity of Waltham, and later on wherever I have been, I have always heard the Waltham factory spoken of as one of the model factories of the world. Soon after my graduation from college, in 1874, with the first money that I saved up, I purchased a Waltham watch of the Mattison jewelry store in Chicago, of which Spaulding & Co. are the present successors. I bought that watch in 1874 and paid for it $55. I have reason to remember very well that price. I would not part with it for one hundred times that amount. That watch, I am now assured by retailers, owing to what I presume my colleague would call the baleful and blighting influence of a Republican revenue system, could now be purchased for from $18 to $22, according to the retail store in which it might be purchased. So I have always had something of a sentimental interest in the Waltham Company, and regret to hear anything said about it that is untrue, particularly if what is untrue is also discreditable. I have here in my hand a very interesting paper called the "Norwalk Experiment," published at Norwalk, Huron County, Ohio, Tuesday, May 27, 1856, the year in which the Waltham Watch Company began turning out watches. On the advertising page there are several advertisements of merchants in this Ohio town who had returned from New York with American watches, which at that time meant only Waltham watches, and on the editorial page is this article:

AMERICAN WATCHES.

For a long time it has been thought that the United States could not manufacture watches as economically or of as good quality as is done in Europe; but the ingenuity of the Yankee has accomplished this desirable end, and they are now made in large quantities fully equal to any that are imported. These watches can be seen at J. A. Wilkinson & Co.'s jewelry store. By the way, this establishment has just been fitted up in elegant style and, with the large stock of goods just opened, looks "as neat as a new pin."

I do not see before me the Member from Ohio who represents the district in which Norwalk is located, but I trust that this store is still selling American watches and is still "as neat as a new pin."

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Mississippi?

Mr. BOUTELL. Certainly.

Mr. WILLIAMS. I would ask the date of the paper from which he just read?

Mr. BOUTELL. May 27, 1856.

Mr. WILLIAMS. Does the gentleman remember or can he tell the House what the duty on watches was at that time?

Mr. BOUTELL. On watches at that time I think the duty was 10 per cent ad valorem.

But, Mr. Chairman, I am even more interested in seeing that nothing but the truth is stated in reference to the Elgin Watch Company, of my own State. Illinois is proud of beautiful Kane County, lying in the Fox River Valley, and Kane County is proud of three things. She is proud of her farms, she is proud of her Elgin butter, and she is proud of her Elgin watch factory. [Applause.]

Now, a few days ago, after the address of my learned colleague, the gentleman from Illinois [Mr. RAINEY], I had the pleasure of receiving a call from an old friend of mine, a gentleman who lives in my ward in Chicago, a man well known for many years in the business world of Chicago for integrity and honor, Mr. Charles H. Hulburd. Mr. Hulburd told me what I did not know, or if I had known I had forgotten, that he was the president of the Elgin Watch Company. He went on to say that he had read the accounts of my colleague's remarks in the newspapers, and was so shocked and surprised at the statements made in the papers that he had secured a copy of the CONGRESSIONAL RECORD, and, although he found that the statements made in the newspapers were not in all cases borne out by the statements as they appeared in the RECORD, still he said he would like to submit to me as his Representative and to the Committee on Ways and Means certain facts in reference to the organization and present condition of the Elgin Watch Company. I assured him that I would be very glad to have him send that material to the committee, and the committee would utilize it whenever there was occasion to offer it to anyone who wished to discuss this question on the floor of the House. I asked him to make a statement in writing and also to be perfectly frank with me and to give me the situation of the employees in the Elgin factory and their views concerning public questions as well as the opinion from the directors' room. He said that he would endeavor to do this, and subsequently sent to me a written statement and also sent here a Mr. Kinna, who he said would give me any further information that I desired. Who, probably you will ask, is Mr. Kinna? Mr. Kinna is a Wisconsin boy who entered the employ of the Elgin Watch Company some years ago at a dollar and a half a day and has worked up to the position he now holds, which is that of representative of this Elgin Watch Company at its New York salesroom. That is the way the Elgin Watch Company has of dealing with its trusted employees.

I asked Mr. Hulburd if he knew anything about the Waltham Watch Company or their people. He said he knew them only as a rival, but that he had a personal acquaintance with the president, Mr. Fitch. I told him that if that company had any material giving information concerning the business of their company our committee would be very glad to have it. Subsequently I received a call from Mr. Fitch, the president of the Waltham Watch Company. You may ask who Mr. Fitch is. Mr. Fitch was a New England boy, who began his work at the bench over forty years ago and has worked his way up through all the grades until he is now the president of this corporation. Mr. Fitch also sent a written statement, and, through the counsel of the company, Mr. Crawford, has given all the information that I am going to furnish to the committee; so that, if I do not say so with every sentence, I want the gentlemen of the committee to understand that what I say in reference to these two companies is simply in the interest of absolute truth, and if I do not always give the qualification you will know that it is on the authority of these gentlemen to whom I have referred.

On page 4911 of the RECORD, in the first column, my colleague states boldly, without any reference or corroboration, that there is a watch trust composed of a certain big four, to which the Elgin Watch Company and the Waltham Watch Company are parties. On this point Mr. Hulburd says:

The Elgin Watch Company is not a party to any watch trust. Neither the company itself or its officers, directly or indirectly, hold any of the stock in any other watch company in the world; nor is its stock held by or for any other watch company.

Right here on the question of the existence of a watch trust and the method that ought to have been resorted to, if my colleague wished to be accurate, I wish to read two letters.

Mr. RAINEY rose.

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. BOUTELL. Certainly.

Mr. RAINEY. I did not expect that either the Waltham or the Elgin company would admit it?

Mr. BOUTELL. Yet at the same time my colleague must concede that there are honest men even connected with the Elgin Watch Company and with the Waltham company.

Mr. RAINEY. We thought that when the beef-trust men in Chicago denied that they were in a combination. [Applause on the Democratic side.]

Mr. BOUTELL. The two letters to which I refer as to whether there was a watch trust or a combination among the manufacturers are these. The first one is written by a typical Democrat, whose name you will all recognize. Until the Demo-

cratic party had relapsed, according to my authoritative colleague, into an unled aggregation, the gentleman who wrote this letter used to be proudly referred to as the "peerless leader."

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended until he concludes his remarks.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Illinois may finish his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. LAMB. How much time will the gentleman need?

Mr. BOUTELL. Without interruption, I should get through in half an hour or forty minutes.

Mr. LAMB. I will yield the gentleman that time.

Mr. BOUTELL. Now, remember, Mr. Chairman and gentlemen, I read these two letters for two purposes—first, to show by indirection that the former "peerless leader" of the Democratic party did not think that these companies were in any watch trust, and, secondly, to show the more careful method adopted by a really fair-minded man when he is endeavoring to get at the truth. The first letter which I read is signed "W. J. Bryan." It is dated at Lincoln, Nebr., May 6, 1905. The heading upon the paper is "The Commoner, William J. Bryan, editor and proprietor." The letter reads as follows:

WALTHAM WATCH COMPANY,
Waltham, Mass.

GENTLEMEN: Our attention has been called to the statement issued by certain retail jewelers to the effect that you and three or four other watch companies are in a combination to destroy competition by compelling those who sell your goods to refuse to handle the goods of other manufacturers——

Mr. WILLIAMS. May I interrupt the gentleman to ask him to read that part over in regard to the condition which he said he heard they had made——

Mr. BOUTELL (reading)—

that you and three or four other watch companies are in a combination to destroy competition by compelling those who sell your goods to refuse to handle the goods of other manufacturers. Please let me know whether in selling you make any such conditions, and also whether there is any agreement by your company and other companies as to prices or rules in regard to sales.

My object in inquiring is to avoid doing you injustice if the complaint made of you is without foundation.

Very truly, yours, W. J. BRYAN.

A very fair, broad-minded inquiry on the part of the proprietor and editor of a paper, who undoubtedly contemplated making some observations in his journal along this line concerning this company. The reply is as follows.

AMERICAN WALTHAM WATCH COMPANY,
Waltham, Mass., May 17, 1905.

Mr. W. J. BRYAN,
Editor The Commoner, Lincoln, Nebr.

DEAR SIR: In reply to your favor of the 6th instant, we beg to say that you have evidently been misinformed, or possibly the "certain retail jewelers," to whom you refer, have been misinformed in regard to the business policy of this company.

We do not sell to retail jewelers at all.

We confine the sale of our product strictly to a few selected wholesale dealers, known to the trade as jobbers.

We know of no combination in the watch business, and this company has never been in a combination of any nature for any purpose whatever.

The "combination" and "trust" talk which is indulged in by some people in the trade is hard to explain, but probably is partly due to competitors who realize that we are one of the largest and most dominant factors in the trade, and possibly due, secondly, to the statements of certain jobbers to whom we have ceased to sell.

During the last five years we have ceased to sell direct to five or six customers, mainly because these jobbers were also retailers and were using their connection with the manufacturing company to buy more cheaply than other retailers.

We do not decline to sell all jobbers who retail if they are fair about it, but our aim is to protect as much as possible both the retailer and jobber in securing a fair profit, and this has been our policy for nearly fifty years.

Yours, truly,

AMERICAN WALTHAM WATCH COMPANY,
E. C. FITCH, *President.*

Mr. RAINEY. Mr. Chairman, I will ask the gentleman, who has had these interviews with representatives of the Elgin company, if at any time in any of those interviews they ever denied to him what I said about the prices they make abroad for their watches is true?

Mr. BOUTELL. I will say to my colleague I will get to that later on; that they have substantially denied, with such explanation as I think will be satisfactory.

Mr. RAINEY. I saw substantial denial made by the president of the Waltham company in which he admitted it all.

Mr. BOUTELL. The next statement by my colleague and the reply of these companies that I will take up is that relating to their capital stock.

Mr. WILLIAMS. Mr. Chairman, I know the gentleman from Illinois to be not only a truth-seeking man but a good lawyer, and with that in my mind I want to ask him this question: Which would the gentleman regard as the better evidence, the letter which he has just read, or the actual contract produced, showing that conditions were made with the purchasers of those watches in a contract really signed by both parties?

Mr. BOUTELL. I will say to the gentleman from Mississippi that that matter of contracts I will explain in a few moments, and that these contracts have no bearing whatever upon the combination which Mr. Bryan says that he had heard of.

I thank the gentleman for having interrupted me, because he reminds me of something that had slipped from my mind. The Commoner is a paper that I like to look at frequently, and it is kept on file in the Library of Congress. I have had the files of that paper carefully examined since the date of Mr. Bryan's letter to this watch company, and the receipt of the answer from the president, and I will say that such examination does not disclose any editorial reference to those companies from that time to the present. I find further, that since the speech of my distinguished colleague, of which the Commoner printed some two columns in the issue of the 20th, and in reference to which a letter from Washington was printed on the 13th; this paper has made no mention editorially of the matter, and Mr. Bryan is a typical Democrat.

Now, in regard to the stock. One newspaper account of the speech of my colleague referred to the stock of the Elgin Watch Company as $10,000,000. My colleague, in the RECORD, does not give the amount of capital stock, but he makes several references to the purchasers of these watches being forced to help pay dividends on watered stock. Now, what are the facts, and these could readily have been obtained by writing to the company or by examining the records in Illinois? The Elgin Watch Company is not capitalized for $10,000,000. The capital stock is $5,000,000. The watches in process of manufacture, the buildings, the machinery, and the land are appraised at $6,000,000. No account whatever is taken of good will, trade-marks, and patent rights; and the dividend on this stock at the present time is only 8 per cent, although there were years from 1893 to 1898 when they were compelled frequently to pass their dividends—very significant years in the history of the country. [Applause on the Republican side.]

What are the facts in relation to the Waltham Company, as to which my colleague asserts that the purchasers of the watches have been helping to pay dividends on watered stock. After fifty years of honorable effort the stock of the Waltham Company is $4,000,000; and yet they report that the surplus and accumulations have been invested in tangible assets worth $7,000,000, and that their intangible assets and trade-marks, patent rights, copyrights, and good will are worth $4,000,000 more; and it is paying only 10 per cent on $4,000,000 capital stock, which has sold as high as 285. So it appears that the Waltham Company, instead of paying on any watered stock, has a stock the market value of which has nearly 200 per cent pure cream. This is the result, as I say, of fifty years of work and endeavor of those who have invested their savings in this company. Certainly nothing to alarm even one of the most "craving credulity." What individual who had worked and labored for fifty years would have been satisfied with such a moderate showing in the increase of his capital and surplus?

But I must hurry on. On page 4911, in the first column, my colleague referred to the form of contract used by the Elgin National Watch Company in connection with certain of its movements and a somewhat similar contract used by the Waltham Company; and I ask the attention of the gentleman from Mississippi to this point. My colleague has given the text of these contracts correctly, but has entirely failed to grasp the idea of their origin, the extent to which they are used, or the necessity for their use. Apparently no inquiry was made about it by him. These contracts of the two companies are conditions of sale and are far from identical. The Elgin contract is based upon patent rights; the Waltham contract upon trade-marks and secret processes. They differ widely in their language and were prepared separately, without any agreement, and there was a considerable interval of time in their appearance, the Elgin contract being first in the field.

Now, what are these contracts, and to what do they apply, which my colleague [Mr. RAINEY] says have been in restraint of the retail dealers? The contract in these cases relate solely to what is known as "railroad movements," being watch movements sold chiefly to railroad employees. These constitute not to exceed 4 per cent of the total output of the Elgin factory and about the same proportion of the output of the Waltham Company. As to all the remaining output of each company, there are no contracts whatsoever establishing any standard retail price.

What is the reason for these contracts? They are asked for, sought for, and insisted upon by the retail dealers. This system of contracts was adopted first by the Elgin and later by the Waltham Company, at the urgent insistence of the dealers throughout the entire country, who claim that their profit in railroad movements made by the Elgin and Waltham companies were cut to pieces by excessive competition. I have here in my possession a package of letters written both before and since the adoption of this system of contracts, letters written by retail dealers, some of them urging and the others approving the system. These letters show very clearly that it was the retail dealers of the country who desired the adoption of this system.

Mr. NORRIS. What per cent of the total output of watches are covered by these contracts?

Mr. BOUTELL. Four per cent. In order that while we are considering this we may have full knowledge before us, I ask the Clerk to read one letter from a retail dealer in Mason City, Iowa, and will ask permission of the committee to print the other letters in an appendix to my remarks.

Mr. WILLIAMS. Before that is done I would like to ask the gentleman a question.

Mr. BOUTELL. Certainly.

Mr. WILLIAMS. The gentleman, as I understood him, stated a moment ago that the Elgin Company was declaring a dividend of 8 per cent and had a surplus and tangible assets of $7,000,000.

Mr. BOUTELL. No; that is the Waltham Company.

Mr. WILLIAMS. How much was it?

Mr. BOUTELL. The tangible assets of the Elgin Company, as reported, are about $6,000,000, without taking into account intangible assets.

Mr. WILLIAMS. Now, in connection with the stock, does the gentleman know whether the company has any outstanding bonded indebtedness or not?

Mr. BOUTELL. I do not know, but I think not.

The Clerk read the letter referred to, as follows:

IOWA RETAIL JEWELERS' ASSOCIATION,
OFFICE OF SECRETARY,
Mason City, Iowa, March 2, 1906.

WALTHAM WATCH COMPANY,
Waltham, Mass.

GENTLEMEN: It seems to be the opinion of the jewelers over the United States that there should be a minimum selling price set on watches.

Iowa has lately organized a retail jewelers' association, and it was the unanimous opinion of everyone there that this should be the case. It has long been the writer's opinion that this should be the case, and it would eliminate many unpleasant things concerning the selling of watches and eliminate a great deal of shopping. As it is, there is no fixed selling price among the jewelers concerning watches, and which we have to sell at what we consider is a legitimate profit, and there is a wide variance of what this profit should be.

I think, as a representative and secretary of our association, that I am voicing the sentiments of the jewelers of this State when I say that it would suit us better if the representative watch companies of the United States would sell their watches under a restrictive contract and a fixed selling price on the same basis that the Victor Talking Machine Company, the Columbia and the National Phonograph Company, the Eastman Kodak Company, and others that I might mention are selling their goods.

As a dealer in these lines that I have spoken of, I have found it to be very advantageous and eliminates many unpleasant features, especially the shopping propensities of many buyers. At the same time it does not eliminate competition; it simply leaves the matter up to the firm having the best salesmen to sell the goods.

It is my opinion that a fixed selling price could be fixed on movements and also the same on the case, and the selling price to be a combination of both. In selling talking machines the price is quoted for the machine with a small horn; this could represent the movement. I almost invariably sell the machine with the much larger horn, and in these cases I simply add the price of the horn to the selling price of the machine. This gives me the correct price that the factory wishes me to sell at.

I would like you to give me a frank expression on this matter to present to our association.

Yours, very respectfully, J. H. LEPPER.

Mr. UNDERWOOD. Mr. Chairman, I should like to ask the gentleman from Illinois a question or two to see if we understand the facts in this case. According to his statement and the statement of his colleague [Mr. RAINEY], I understand that it is agreed that there are watches of a certain class that are manufactured in this country that railroad men are required by the railroads to buy.

Mr. BOUTELL. Yes.

Mr. UNDERWOOD. And no matter what the reason may be for doing so, I understand that these watch companies, on that particular class of railroad watches that the railroad men are required to buy, have fixed the price by contracts in restraint of trade, and that those watches can not be sold for less than that amount. Do we agree on that statement of facts?

Mr. BOUTELL. The contract, as I understand it, fixes the price at which both the jobber and the retailer shall sell this particular kind of movements, referred to in the contracts.

Mr UNDERWOOD. And that both great companies, or the great companies in this country engaged in the manufacture of watches, are all parties to contracts of that kind in reference to these railroad watches?

Mr. BOUTELL. That I do not know. I am simply giving the facts relating to these two companies.

Mr. UNDERWOOD. The letters of these two companies admit that to be the fact, do they not?

Mr. BOUTELL. No. The letter which has just been read is a letter from a retail watch dealer in Iowa, asking that similar contracts be applied to all retail sales of watches instead of simply to the railroad watches as at the present time, which watches constitute only 4 per cent of the total output.

Mr. UNDERWOOD. Is it not admitted by the gentleman that the Elgin Watch Company and the Waltham Watch Company as to railroad watches do have this contract with all dealers?

Mr. BOUTELL. All those who handle the watches.

Mr. UNDERWOOD. So that as to railroad watches there is a trust or a combination in restraint of trade?

Mr. BOUTELL. Hardly, as the gentleman will see when I come to the contract on those watches which constitute this small fraction of the whole output. These contracts have nothing to do with any relation between the manufacturers; they are simply individual contracts made by each company with its jobbers and retailers, and the reasons for these contracts are these. The dealers who insist on these contracts are retail jewelers along the line of the railroads, who get appointed subinspectors, and when they sell a watch it is understood in the business with the railroad employees that they will keep track of and examine and regulate all of these watches for an indefinite time; and these retail jewelers acting as subinspectors want to get a little margin above the ordinary retail price to reimburse them for this extra service. And, furthermore, these movements are seldom sold for cash, but usually on installments at the retailer's risk. It is a contract in which the manufacturers have no interest whatever. These contracts bring no additional profit either to the manufacturer or to the jobber.

Now, I pass to another subject. My colleague asserts on the strength of Keene's advertisement that the various watch movements made by the Elgin Watch Company and the Waltham Watch Company are sold at Keene's at a price greatly below those for which the same movements can be purchased from the ordinary retail dealer. He quotes one advertisement of February 2, 1906, but fails to call attention to a phrase near the end, which reads as follows: "The prices quoted below are for movements alone; I do not sell movements without cases or cases without movements."

Now, we all know that the watch consists of two parts, the movement and the case, and it is immaterial in a certain measure what the price fixed on the works is if the price on the case makes an abnormal or an unreasonable price for the complete watch. I have here in my possession two bills of Keene's, of Broadway, the one to Mr. W. Russ and another to Theodore Weigele, ordinary citizens, who purchased these advertised watches. I have no doubt they went in there pursuant to these advertisements.

Mr. RAINEY. I would like to ask the gentleman a question.

Mr. BOUTELL. I will yield to the gentleman.

Mr. RAINEY. I would like to ask my colleague if it is not true that the Waltham Company does not make cases?

Mr. BOUTELL. Neither the Elgin Company nor the Waltham Company makes cases. These two men evidently went into the hospitable shop of Mr. Keene and asked him for one of those antiprotection, trust-busting, tariff-smashing watches he advertised, and they were shown the watches to which I now refer. They bought them, paid for them, and took them away. Then they inquired of ordinary retail dealers and found that they had been defrauded; then they went to the Elgin Company and submitted these bills. Mr. Russ wrote a letter to the Elgin Company, which I will here insert in the RECORD:

HOBOKEN, N. J., *March 19, 1906.*

THE ELGIN NATIONAL WATCH COMPANY,
11 John street, New York City, N. Y.

GENTLEMEN: I recently purchased an Elgin watch of Charles A. Keene, 180 Broadway, New York City. This dealer has been advertising cut prices on Elgin and Waltham movements in the New York Herald and New York Press for some time, which attracted my attention, as I had in mind to purchase a watch. I went into his place of business at 180 Broadway March 14 with the intention of purchasing a cheap Elgin watch. A salesman showed me several makes, and upon request showed me an Elgin, No. 11285859, in a twenty-year Dueber case, No. 5917320, which he said would cost $25. Being satisfied to pay that much for a good watch, and feeling certain that I struck a bargain, I purchased this watch at that price. Several days later I heard different reports as to the character of this dealer, and at once became suspicious. After taking it to several other dealers, I found that I could purchase the identical watch for $15.

I trust that my experience, as related above, will be interesting to

you, and sincerely hope that you will do something to stop this dealer from further robbing the public, as I presume I am only one of many who have gone into this store with the intention of buying a "cheap watch."

Very truly, yours, WALTER RUSS.

Here we have the receipted bill, dated March 14, 1906, made by Charles A. Keene to Mr. Russ, for an Elgin watch, 17 jewels, open face, 18 size, twenty-year filled case. It is billed at $25 for the completed watch. This watch, it appears from the statement of Mr. Kinna, can be purchased as follows: The works, $5.08; case, $3.50; complete watch to ordinary retailers in the trade, $8.58; profit at $25, $16.42, or a profit of 191½ per cent. [Laughter.] As shown by the record of the Elgin Watch Company, that keeps a record of all of its watches, neither of these watches was ever sold abroad.

The next is a similar receipted bill from Charles A. Keene to Theodore Weigele, Hoboken, N. J., March 17, 1906, for a 15-jewel Elgin watch, twenty-five-year gold-filled case, which is likewise billed and sold at $25. Mr. Kinna states that this watch just as it stands, movement and case, can be purchased by retail jewelers at $9.13. So the profit on the price at which Keene sold it is 175 per cent. I repeat that neither of these watches, notwithstanding the advertisement, ever went abroad.

Mr. WILLIAMS. Mr. Chairman, I would ask the gentleman upon whose authority he is stating that these watches were sold at these percentages of profit that he has just stated?

Mr. BOUTELL. The opinion given by the officers of these companies from the retail dealers to whom they were submitted.

Mr. WILLIAMS. The officers of these companies submitted these receipts to retail dealers?

Mr. BOUTELL. Submitted these watches to retail dealers.

Mr. WILLIAMS. Did they have the watches that these men had bought?

Mr. BOUTELL. I understand they had the watches themselves.

Mr. WILLIAMS. And officers of the companies submitted them to the retailers and the retailers gave this opinion?

Mr. BOUTELL. Yes.

Mr. WILLIAMS. Did the officers of the companies send the gentleman the names of the retailers to whom they were submitted?

Mr. BOUTELL. I think I have the names of the retailers and the affidavits of the retailers relating to the watches, and if so, I will insert them in the appendix to my remarks.

Mr. LACEY. Mr. Chairman, I would like to ask the gentleman if these are the original receipted bills?

Mr. BOUTELL. They are the original receipted bills.

Mr. DALZELL. By Keene?

Mr. BOUTELL. There is no question about it. There is no attempt to get at anything except the actual facts in the case. The watches as advertised had not been exported. The watches as advertised were sold in cases at much more than their value.

Mr. WILLIAMS. Mr. Chairman, I desire to get at the truth, and I know at the same time that the gentleman desires to get at the truth. The gentleman is stating nothing of his own knowledge, and I want to get at the source of the gentleman's information. What is the source of the gentleman's statement that these watches were never exported?

Mr. BOUTELL. The statement of the officers of the Elgin Watch Company from their own records. They keep a record of all their sales of watches and of all watches exported.

Mr. LACEY. Mr. Chairman, I will ask the gentleman if he will give us the cable address of this man Keene?

Mr. BOUTELL. The cable address of this man was given earlier in my remarks, but this would seem to be a proper place for repeating it, in answer to the gentleman's question. It is "Keenness," and as I remarked before, as appears from all the examinations I have been able to make, for keenness he is a veritable stem-winder.

Now, the time is passing rapidly by, and I can not go into the details of the subject to which I would like now to briefly call the attention of gentlemen of the committee.

Several MEMBERS on the Republican side. Take the time.

Mr. BOUTELL. Gentlemen are very kind, but I must not weary the patience of the committee. My colleague from Illinois—and those of you who heard it can bear me out and those of you who did not can see it in the RECORD—made another positive assertion that all these watches are imported from abroad—all these watches in the stock of Keene, of Broadway. The Waltham Company, seeing this advertisement of their own watches which were said to have been exported and reimported, giving the numbers, sent men, unknown to Keene, to buy some of the watches, and they have purchased in this way, in the ordinary course of business, six of these watches. This was a mere business step, of course, on their part, to see what truth, if any, there was in this statement that their watches in this stock were all reimported watches, and of course we are simply interested in knowing what truth there is in the statement confidently made by my colleague, that all of them have been reimported. Theses watches I have just referred to, I will state, are now in the committee room of the Committee on Ways and Means—if anyone has any curiosity at all to examine them—with the numbers attached to them, and most of them have the private mark of Keene, of Broadway, on the inside of the case, discernible with a glass.

Mr. SMITH of Kentucky. Mr. Chairman, I rise to ask the gentleman a question—whether or not his colleague from Illinois, in speaking of the reimportation of watches, did not refer to the watches that he was exhibiting here?

Mr. BOUTELL. Mr. Chairman, my colleague's statement, I think, is such that there can be no mistake in respect to its interpretation, as we read the language in the RECORD. He was referring to the stock of watches as advertised by Keene, of Broadway.

Mr. SMITH of Kentucky. I did not so understand it at that time.

Mr. BOUTELL. He said: "Remember all these watches have been reimported."

Mr. RAINEY. All the watches embraced in his so-called "protection" sale. That is what I said.

Mr. BOUTELL. Absolutely; that is it exactly.

Mr. PRINCE. Mr. Chairman, as I understood my colleague from Illinois [Mr. RAINEY], he held up certain watches and gave the numbers of those watches and said that they were made in Illinois at the Elgin Watch Company, or at Waltham, Mass., by the Waltham Watch Company; that those identical watches were sent abroad and returned and sold here cheaper. Has my colleague from Illinois [Mr. BOUTELL] investigated as to the truthfulness of those statements with reference to the watches that my colleague from Illinois [Mr. RAINEY] held up in the presence of the Committee of the Whole House?

Mr. BOUTELL. Mr. Chairman, the watches referred to and held up here as reimported watches may have been such. I believe that few of the high-grade watches were ever exported as advertised. In one of these advertisements Keene says he succeeded in getting hold of thousands—notice the language in the advertisement—of watches of the Elgin company of certain of their best makes. The record of the Elgin company shows that in five years only thirty-seven of that particular make of watches were sold for export.

I refer now to the Waltham watch known as the "Traveler" movement No. 11918774, in a ten-year gold-filled hunting case, which was sold by Keene on January 20, 1906, for $10 just as it stands. I have here the affidavit of the man making the purchase. The identity of the watch is proved by Keene's private mark scratched on the watch case, reading "K S 1-20-06." This watch was submitted to the old established concern of A. C. Benedict & Co., doing business at 28 Bowery, New York, a concern which has been established in the same spot since the year 1818, and Robert S. Ferguson, the proprietor of that firm, makes affidavit that he would sell a watch, movement and case complete, similar in every respect to this one, in the ordinary course of business for $10, which is exactly Keene's price.

The next exhibit is a "Riverside Maximus," Waltham movement, Montauk, twenty-year gold-filled open-faced case, movement No. 11570101, and the case is No. 7305085. The movement in this watch was advertised by Mr. Keene at $42.30, with the usual extravagant statements with regard to lowness of his price compared with those of other dealers, and the assertion that he was able to sell the movements so low because they were purchased abroad. The complete watch was sold by Keene on January 27, 1906, for $54.30. This complete watch was submitted to the same firm of A. C. Benedict & Co., who quoted the price at which they would sell the identical watch, movement and case complete, in the ordinary course of business at $55, only 70 cents more than Mr. Keene's boasted low price.

Mr. RAINEY. Is it not true the watch the gentleman has just described is one of the movements that can not be sold for less than $60 under this contract they exact from retailers? And if that is true, then this retailer has violated his contract with this company.

Mr. BOUTELL. I do not think so. These contracts only cover lever setting Riverside Maximus movement. This movement, being a stem setting, is not under the contract.

Mr. RAINEY. I put the contract in the RECORD, and it shows for itself.

Mr. BOUTELL. The next exhibit is a so-called "lady's Waltham" movement, 10574385, in a 14-carat gold open-face case. This movement was advertised on January 28, 1906, at

$9.98. It was sold in the case for $29.98. I have here the bill and price at which it was sold.

Mr. RAINEY. Will the gentleman state the kind of case in which that was sold?

Mr. BOUTELL. It was a 14-carat gold open-face case.

Mr. RAINEY. They are the most expensive cases, I believe?

Mr. BOUTELL. Benedicts quote as their price for that kind of case and movement, $23. There are several other instances——

Mr. RAINEY. I will ask my colleague to describe what kind of a case that was.

Mr. BOUTELL. That is the same one I answered my colleague about just now.

Mr. RAINEY. A 14-carat gold case is the most expensive case made, I believe?

Mr. CHARLES B. LANDIS. Does the record kept by the watch people show any of these watches had been exported?

Mr. BOUTELL. No; they had not been exported.

Mr. SMITH of Kentucky. I would like to ask the gentleman one other question at that point.

Mr. BOUTELL. Certainly.

Mr. SMITH of Kentucky. Do the affidavits or statements of these retailers that you produce here show that they have been selling at the prices stated, or do they say they would sell at those prices?

Mr. BOUTELL. That the prices given would be the ordinary retail prices for these watches.

The next exhibit is a Waltham "Grade No. 820" movement, having the serial number 11725401. This movement was advertised by Mr. Keene in the New York Sunday Herald of February 4, 1906, at $3.98. It was sold by Mr. Keene in a twenty-year, gold-filled, open-faced case on February 6, 1906, for $13.98. The price of A. C. Benedict & Co. for the same movement and case identically is $10. I have here the affidavit of the person making the purchase, and the bill rendered by Mr. Keene for the same.

The next exhibit is a Waltham 15-jewelled, 16-size movement, No. 11456022, which was sold June 21, 1905, for $15 for the complete watch. I have here the bill for the same and the affidavit of the purchaser. The price of A. C. Benedict & Co. for the same movement and case identically is $13.

The last watch exhibit which I shall present you at this point is perhaps the most interesting of all. It is a Waltham "Royal" movement, No. 12599521, which was advertised by Mr. Keene at $10.98. The movement in this watch is exactly of the same grade and quality as the Royal movement mentioned by my colleague (RECORD, p. 4939), and of which he says: "Mr. Keene sells it for $10.98, cheaper than any retail dealer can buy it from the watch trust." Let us see how these alleged low prices of Mr. Keene's benefit the purchaser. Mr. Keene charged for the movement in a 14-karat, open-faced case $35.75. The price quoted by A. C. Benedict & Co. for exactly similar movement and case is $28. I have also the affidavit and bill accompanying this watch.

All the statements that I have made in regard to these exhibits of Waltham watches are sworn to, and the affidavits and bills are here for inspection by any Member.

Where Mr. Keene has advertised a complete watch at an apparently low price, it appears that he makes it practically impossible for anybody to purchase one, and that the offer is really fictitious. I have here three affidavits, one of J. V. V. Boss, another of John T. McGovern, and a third from Robert E. Davidson, referring to Mr. Keene's advertisements of cased Elgin watches at $5.98, and stating that they called at Mr. Keene's store and endeavored to purchase one of such watches, but were told in one case that they had no such watches and in the other cases that they were out of such watches, and in each instance the salesman endeavored to sell to these affiants watches of another manufacture.

From these exhibits it may be seen how much reliance may be placed upon the attractively low prices quoted by Mr. Keene for various watch movements.

On page 4912, in the second column, my colleague said, and I quote here his exact remarks:

> Now, all of these watches in this store at 180 Broadway have been reimported from England. Every one of them has been reimported.

That is the end of the quotation. I want to call the attention of my friend from Mississippi to that, also my friend from Kentucky, who asked about that point. I have quoted the language exactly from the RECORD, and in that blunt, confident, positive assertion, without any corroboration from any authority, he states that all of these watches in this store at 180 Broadway have been reimported from England.

Mr. GAINES of Tennessee. Will my friend allow me to ask a question? I have been detained from the Chamber and missed a greater portion of the gentleman's valuable speech, and now I would ask that he permit me to ask him this question: Do you claim that watches are not made in America and sold to foreigners cheaper than to the people over here?

Mr. BOUTELL. I would say, in answer to the gentleman from Tennessee, that he puts that question in just the form in which we sometimes hear on the floor of this House a question put and the demand made that it should be answered "yes" or "no" and the assertion that you can always answer any question "yes" or "no." Now, I answer the question from the information I have gotten from these men acquainted with the watch business that no watches are manufactured in this country and sold abroad to consumers cheaper than they are to consumers here. I would say further that I have statements and affidavits here to corroborate this opinion. First, you must bear in mind that there are three transactions in the watch trade, as we learn from the correspondence that has been read. The manufacturer sells to the wholesaler—he calls him the jobber. The jobber sells to the retailer, and the retailer sells to the customer. That is on the good old principle, "live and let live." And I understand that according to a code of honor in business all first-class manufacturers, jobbers, and retailers try to live up to this rule. So that when the gentleman from Tennessee asked the question whether watches are made and sold abroad cheaper than they are here, he can quite readily see that any intelligent answer needs explanation. The real question is not whether the watch is sold cheaper to the jobber or the retailer, but does the consumer, the real one in whom we are interested, get it cheaper? The affidavits I have here and their reference to the several American watches show that a retailer in London, England, sells an American watch, if he sells it at all, at a higher price than the American consumer gets it in this country.

Mr. GAINES of Tennessee. Let us see if I can not get your question along by degrees. Do you sell cheaper over there to the jobber than to the jobber in the United States?

Mr. BOUTELL. The gentleman from Tennessee uses a pronoun to which I object. I do not do anything about it.

Mr. GAINES of Tennessee. Does the manufacturer?

Mr. BOUTELL. I do not know anything about that except this—except as I am bringing forward the statements of those familiar with the business—and if the gentleman had been on the floor at the time when I gave the full source of my information and the names of all my informants—I gave it as freely as if I had been cross-examined—he would have known to whom I refer.

Mr. GAINES of Tennessee. I regret I was not here, and regret I interrupted the gentleman now, and will not interrupt him further.

Mr. BOUTELL. Neither one of these companies export or ever has exported to Europe any considerable number of these so-called "railroad" movements, including the Elgin Veritas, 23 jewels, or the Waltham Vanguard, 23 jewels, and any statement made by Keene or anybody else to the contrary would appear to be absolutely without foundation.

Mr. WILLIAMS. I dislike very much to disturb the gentleman. We know, of course, he is speaking only from information from others. Have you any information in your possession that would enable you to answer the question whether our manufacturers—the Elgin Company or the Waltham Company—sell to the jobber abroad any cheaper than to the jobber here?

Mr. BOUTELL. I have no full information on that subject, but my impression in reference to this whole business of exporting watches is simply this, that the watch manufacturers of this country are endeavoring to build up, and succeeding to a certain extent in building up, an expert business in a class of very low-grade watches for which there is no market in this country.

Now, that, as I understand it, is about the sum and substance of the watch export business. As I understand it, the wearer of the cheaper watches in this country almost always want a nickel-plate watch. Some of these watches——

Mr. WILLIAMS. You do not mean a nickel price, but a nickel case.

Mr. BOUTELL. A nickel plate. At any rate they tell me that the cheap watches, for which they are opening up a trade, are what they call "gilt-plate watches," and these "gilt watches," so called, if there was any market for them in this country, would be sold just as cheap or cheaper in this country than abroad.

Mr. WILLIAMS. But at the same time you are under the impression that they are sold cheaper abroad?

Mr. BOUTELL. My impression is that the sale of these cheap watches, for which there is no market in this country, would be perhaps 5 or 10 per cent cheaper to the jobber abroad

than they would be sold in this country, if they were sold at all, and that the retailer makes a much larger profit abroad.

Mr. WILLIAMS. And you think that would apply only to watches of that class and sort?

Mr. BOUTELL. I understand that American watches of the better class have little market abroad; and if the gentleman from Mississippi will allow me to finish this paragraph, it may throw some light on the question. In one of these advertisements we find these words:

> For the past two years I have been secretly following up the watch trust and their nefarious methods of selling watches to far-away countries for a mere fraction of the prices they charge for identically the same grades in the United States. My buyer quietly went to London and bought thousands of all grades of those watches.

And then Keene enumerates Elgin Veritas, 23 jewels; Elgin B. W. Raymond, 19 jewels; Elgin Veritas, 21 jewels; Elgin Father Time, 21 jewels. Now, the Elgin people say from their records that since 1901, five years ago, not one Elgin Veritas, 23 jewels, and not one B. W. Raymond, 19 jewels, has been exported to Europe by or for the Elgin Company, and only thirty-seven Elgin Veritas and Elgin Father Time movements collectively.

But we have still further evidence of the incorrectness of the statement that is deluding the ordinary public, that all the watches in this store are reimported and therefore can be sold more cheaply than by the ordinary retailer. It seems that these honorable watch companies have in connection with their trade what is called a "rebate sysem." That is, people in the trade who have their watches in possession and have not disposed of them, when there is some reduction made in the price by the manufacturers, are allowed to send in a report of the watches which they have on hand, duly verified, and obtain this rebate. The officers of the Waltham Company have brought here, supported by affidavits, the original list, with the stamp of Keene upon it, of the watches upon which he claims this rebate, and bearing in mind the statement of my colleague [Mr. RAINEY] that all the watches in this store are imported, we are simply stunned to find that only a very small fraction of these watches—not over 20 per cent—ever were exported. So we have here the exhibition of this distinguished financier, as it were, hoist by his own petard. [Applause on the Republican side.]

Mr. GILBERT of Kentucky. Do these companies keep a record of their watches?

Mr. BOUTELL. Yes; they keep a record of all their watches.

Mr. GILBERT of Kentucky. Clear through to the consumer?

Mr. BOUTELL. No.

Mr. GILBERT of Kentucky. How far do they trace each watch on the books of their company?

Mr. BOUTELL. They trace their watches to the jobber. The two Elgin watches referred to by my colleague [Mr. RAINEY], Nos. 7877492 and 10925821, are both gilt plate watches made solely for the foreign trade, to which I referred a few moments ago. The former of these two Elgin watches left the factory eight years ago, which is entirely sufficient evidence that it is at least not a new watch. Since that time the Elgin Company has never sold any watches of similar kind in this country, and when he states that any other dealer would ask a certain price for the watch, he states something which is obviously impossible, since the watches in question are not sold in this country at all, and the president of the Elgin Company tells us that if the company made this watch for this market the dealer would buy in this country just as cheaply as abroad.

So, Mr. Chairman, with the leave to insert some of these exhibits and affidavits in the appendix to my remarks, and to extend my remarks, I will hasten on to my close by referring briefly to what has been done by these companies in carrying on their business in establishing a foreign market. I do not know whether I understood the gentleman from Illinois corectly or not——

Mr. WILLIAMS. Let me right there ask another question.

Mr. BOUTELL. Yes.

Mr. WILLIAMS. The Elgin Company keep a list of the watches that they export?

Mr. BOUTELL. So I understand.

Mr. WILLIAMS. They do not keep any list of watches that jobbers buy from them and export, or that case makers export, do they?

Mr. BOUTELL. I do not understand that their record would show the export of these watches by jobbers other than their agents.

Mr. WILLIAMS. It is quite possible, then, that watches may have been exported by somebody else than the Elgin Company?

Mr. BOUTELL. Oh, yes; or people traveling abroad may have disposed of a few.

Mr. WILLIAMS. I do not know that I understood your colleague [Mr. RAINEY] aright the day he was talking, but as I understood him, Mr. Keene had exported some.

Mr. HAMILTON. Will the gentleman yield for a question?

Mr. BOUTELL. Certainly.

Mr. HAMILTON. The gentleman from Illinois [Mr. RAINEY] a few days ago, if I remember correctly, stated that the agent of Keene in London bought a large number of watches in Manchester, and these watches were made by the Elgin Watch Company and the Waltham Watch Company, and that he (Keene) had caused these watches to be reimported; that on arrival here they were held up, and that it was shown that Swiss dials had been substituted for American dials so as to prevent reimportation on the ground that they had been improved. Has the gentleman any information in relation to that?

Mr. RAINEY. Will my colleague yield?

Mr. BOUTELL. The gentleman from Michigan has asked for some information.

Mr. RAINEY. Very well, I will wait.

Mr. BOUTELL. Whatever watches have been reimported into this country, of course, in the very nature of things, can for the most part only be watches of the cheaper grades that have been exported.

Mr. HAMILTON. The gentleman said 2,000 watches, if I remember.

Mr. BOUTELL. Well, there may have been that number held up under the law until duties had been paid.

Mr. RAINEY. Is it not true that Waltham movements are exported by the Keystone company in Keystone cases?

Mr. BOUTELL. That I do not know; but I think not. Neither the Elgin company nor the Waltham company makes cases. If they sell the watches abroad—that is, complete watches—they have to purchase the cases. The Waltham company does no business, as I am informed, through the Keystone company.

Mr. RAINEY. Is it not true that the Keystone company is exporting the Waltham movements abroad in Keystone cases, and therefore when the gentleman says that the Waltham company has not exported any railroad watches he is telling the truth? But did not the Keystone company in London make the defense to Michael Brothers, as I set out in my speech here, to the suit brought by them against the Keystone company on account of 2,000 Waltham movements in Keystone cases contracted for by the plaintiffs in this suit, did they not file a plea that it had been represented to them that these movements were to be exported to France and that they now knew that they were to be reimported into the United States, and for that reason they claimed the plaintiffs had no right to recover in this suit?

Mr. BOUTELL. I do not find that I have any memorandum on that subject from the Waltham company, and my colleague in his speech made no such statement respecting that company.

Mr. RAINEY. The gentleman's investigation into the watch companies has not led to any denial of that fact.

Mr. BOUTELL. If I find any denial I will insert it in the RECORD.

Mr. RAINEY. The gentleman's investigation into the subject does not bring any denial to the fact stated in my speech that on the 24th of March of this year there were 2,400 American watches in New York held up in the New York custom-house by the Waltham Watch Company upon the theory that Swiss dials had been added to them and that they had thus been improved, and therefore could not be admitted to this country without the payment of duty. Has the Waltham Watch Company ever denied that?

Mr. BOUTELL. That is the correct law, isn't it?

Mr. RAINEY. Did the Waltham Watch Company deny that they protested against the admission of 2,400 American watches on the theory that 1,209 of them had been improved in value while abroad by putting a Swiss dial on them worth 4 cents apiece?

Mr. BOUTELL. According to my colleague, apparently not. [Applause on the Democratic side.]

Mr. RAINEY. Until the Waltham Watch Company and the Keystone Company deny these charges which I have made against them, the charges are admitted by them.

Mr. BOUTELL. Now, Mr. Chairman, my colleague seems to find there is something sinister in the exportation of watches.

Mr. RAINEY. The Waltham Watch Company and the Elgin Watch Company do not deny any statements that are of record against them. They dare not deny them under oath or in any other way. They only deny some statements that are not of record.

Mr. BOUTELL. Nobody here is under oath at the present time. I venture the suggestion, however, Mr. Chairman and gentlemen, that the signed statement by the president of the Waltham Watch Company, Mr. Fitch, and Mr. Hulburd, of the

Elgin Watch Company, are entitled to as much credence in this committee and I think will be given much more credence before the country than the uncorroborated advertisements of Mr. Keene, of lower Broadway. Now, Mr. Chairman, I decline to yield any further, as I have already taken too much time. No one wishes to deny the fact that these companies are attempting to build up an export trade in cheaper watches, and if anybody wishes to reimport these cheaper watches for their own advertising purposes, or for any other purpose, it does not affect the issue we have before us here to-day. What are the facts and what are the reasons for this building up of the export trade? I wish in conclusion, in a few words, to show how they are attempting to build up the foreign trade, and I wish to say that it comports exactly with the careful opinion given by my colleague some time ago.

On the 23d of October the Chicago Evening Post gave a sort of symposium of the opinions of certain Illinois Representatives on the subject of the tariff, and it is significant that the remarks of my colleague, of the Twentieth district, begin with these words:

> In order to keep both capital and labor employed we must seek a market for our goods beyond the sea.

These companies are endeavoring to seek a market beyond the sea for such goods as there is a market for, and the establishment of a foreign market is in a measure necessary in order always to safeguard our industries at home. In periods of depression the manufacturer can, by selling an important part of his product abroad, keep his shops open and his workmen employed at home until the time of stagnation is over. Without the foreign market, which is not available unless previously developed, his only alternative would be to shut down his works and throw his people out of employment. In other words, the establishment of this foreign market furnishes an outlet which provides steady work for the American wage-earner. This is further shown in the history of the Elgin Watch Company, of my own State, of which all the people of Illinois are so justly proud. Prior to 1893 that company had no export trade at all. When the panic of that year came, the sales of that company diminished from $350,000 per month to $50,000 per month. The company was then paying out in wages more than three times its total sales. It could not stand this very long, and was obliged to lay off more than one-half of its employees and reduce the wages from the president down. Finally, only a small portion of the company's force was at work. After this experience the officers of the company felt that it was essential, for the sake of the company and for the sake of its employees, to endeavor to obtain a world's market, so that a panic in one place would not entirely destroy the company's business or organization.

In the panic of 1893 great numbers of employees of all American watch companies sought employment in other lines, and gave up watch making entirely. When business revived the companies were obliged to train new operators in their places, which has been a very long and a very costly task.

This, Mr. Chairman, substantially closes what I have to say in reference to the statements made by my colleague. Certainly, when he came away from New York, Keene, of Broadway, furnished him not only with those watches and those express company certificates, but he must have imposed upon him a most rococo assortment of mental suggestions as to the business of these two companies about which he knew nothing whatever. I think the gentleman from Mississippi [Mr. WILLIAMS] with his devotion to "intellectual integrity" will agree with me that there has been no such statement of facts by my colleague as makes it worth while to discuss, at least at this time, the assumptions or conclusions in his remarks.

I had almost forgotten one matter that I had before me. I asked Mr. Hulburt, the president of the Elgin company, to tell me frankly the condition of the people, the working people, in his employ, and he gave me that information very fully. My colleague, after saying that these two companies were parties to a trust,—a big four in a trust—and that sounds portentous; it suggests some sort of an ogre going around through a dark wood with a club ready to hit the retailer and consumer—after, I say, stating bluntly that these two concerns were part of a trust, my colleague stated in other parts of his remarks that the employment of women by the watch companies had increased and that they were employing children in their factories. I want to say in denial of that assertion concerning the model factory of my State, that we have in our State of Illinois the most generous and most enlightened factory and compulsory education laws in the world. [Applause.] They have substantially the same laws in the State of Massachusetts. In neither of those States can any child be employed who is under 14 years of age. Between the ages of 14 and 16 he must have the certificate of his parent or guardian as to his age and as to his school attendance.

The president of the Elgin Company assures me that the ratio between men and women in their factory has not varied 5 per cent in sixteen years. At the present time he states that the ratio of men to women is as 51 to 49, and that there are no children employed in his factory at all. Substantially the same applies to the Waltham Company. In reference to the condition of the men and women in the beautiful city of Elgin, I want to testify myself, for in the city of Elgin is one of the academies of the Northwestern University, of Evanston, Ill., of which I have the honor to be an alumnus and a trustee. I have known many of the boys and girls that have come up from that academy to the Northwestern University from the families of those engaged in this watch factory. They are among the best-paid, the most intelligent, and the best-educated mechanics in the State of Illinois, and, I think, anywhere in the world, unless it be the Waltham employees, who are fully as good. Mr. Hulburd said that he would ask the Elgin employees what they would say in reference to a proposal to repeal the present tariff on watches or to a reduction in the duty on watches. I received, in the Ways and Means Committee room a few days ago, this communication. I do not know for whom my distinguished colleague is speaking when he attacks these two companies and the fiscal system under which their prosperity has been attained. I can simply say, in recognition of this communication, that the Republican party will at least endeavor to see that the workmen of this factory are not prejudiced by anything we may do. This is the communication:

WATCH WORKERS' UNION,
Elgin, Ill., April 18, 1906.

Hon. H. S. BOUTELL,
Washington, D. C.

DEAR SIR: Whereas attempts have been made by certain Members of Congress to remove the duty on watches, which action would, in our opinion, be extremely detrimental to the watch industry of this country: Therefore, be it

Resolved, That the Watch Workers' Union No. 6961, American Federation of Labor, enters an emphatic protest against any removal or reduction of the tariff on watches or parts of watches, and request you to work and vote against the same.

Respectfully, yours,

[SEAL.] WATCH WORKERS' UNION, *Elgin, Ill.*
J. W. LEGATE, *Secretary.*

This is all I care to say in reference to the assumptions or conclusions in my colleague's speech, and I think the gentleman from Mississippi will perhaps agree with me——

Mr. WILLIAMS. I want to ask the gentleman if he has letters to read to the House from people who buy watches?

Mr. BOUTELL. The gentleman from Mississippi asked me if I have any letter from anybody in this country who buys watches. I began my remarks by saying the watch for which I paid $55 in 1874 can now be bought for $18, and that you can get a mighty good timepiece for $1. [Applause.]

Mr. WILLIAMS. Now, then, let me ask the gentleman a question there, because he has referred several times to-day to my admiration for intellectual integrity—and that is the seat and source of my admiration for the gentleman himself—is the gentleman of the opinion that that watch has been reduced in price because of the tariff which has been placed upon watches for the purpose of raising that price?

Mr. BOUTELL. The reduction in the price of watches, I will say to the distinguished gentleman from Mississippi—and he knows this quite as well as I do—has been caused by the expiration of the original patents and the cheapening which has come in the reduction of the price of silver, and by American competition under our protective system. Now, in conclusion, I am very positive that there is one point on which the gentleman and I can agree, and that is the point upon which I started—that, owing to the faith and confidence that is given to Members upon the floor of this House, it is always wise to corroborate, if possible, all statements, to give references wherever possible, and in discussion of the question relating to changes in existing laws that the discussion should proceed with as near as possible judicial calmness and deliberation, and that no conclusions should be drawn except from a statement of facts upon the correctness of which we can all agree.

So it seems to me that when my distinguished colleague bases a proposition for reconstructing and revising our revenue system upon a display advertisement of Keene, of Broadway, of lower Broadway, and upon a letter to a periodical of our dear old friend, ex-Congressman Baker, the mercurial jester of the last House, he must have in mind that celebrated reply of the great Swedish chancellor, Oxenstierna, to his son, "You do not know, my boy, with how little wisdom the world is governed." [Applause.] There is an old adage, Mr. Chairman, "See Naples and die;" but New York is a much more wonderful place than Naples, much better worth seeing, and

I would say in closing, to all those who went to New York, especially to all those who have been taken in by Keene, of Broadway, of lower Broadway, "See New York and live—live it down!" [Loud and prolonged applause.]

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD and include therein extracts from sundry documents. Is there objection? [After a pause.] The Chair hears none.

APPENDIX.

HORNELLSVILLE, N. Y., *February 6, 1905.*

WALTHAM WATCH COMPANY,
Waltham, Mass.

GENTLEMEN: I inclose a circular put out by Frank E. Wickwire, of Elmira, N. Y. You will see the prices he is offering them at. This is creating a dissatisfaction among the railroad men. They think the regular jeweler is trying to do them on prices. Now, can't there be some way to stop this man getting the movement to sell? I have lately been appointed official watch inspector for Erie Railroad, to take effect February 1, and there will be lots of men that will have to have new movements. Please advise me regarding this.

Yours, truly,

L. L. KINNER.

GREENSBORO, N. C., *June 26, 1905.*

Messrs. ROBBINS & APPLETON.

GENTLEMEN: Jobbers selling at retail at wholesale prices; some jewelers advertising these goods at list, such as Mr. Leonard, in Winston, N. C. Of course this will stop, and the other retailers will see to it. As 90 per cent of our railroad grades are sold on time, we feel that the price you mention is not high enough to sell goods in four monthly installments, even if the railroad companies collect the money, as even in this plan there is a loss, and we shall therefore add from $3 to $5 a movement, as to grade, when we sell goods that way; same price as we always have sold them. Shall do all in our power to maintain this new system.

Yours, truly,

R. C. BERNAU.

LATROBE, PA., *August 17, 1905.*

WALTHAM WATCH COMPANY.

GENTLEMEN: I received your circular. Your scheme of selling your fine grade of watches is right. I know from my own experience dealers in our town have sold your high grade for as low as $1 profit.

Yours, truly,

C. W. HOFFMAN.

STATE OF MASSACHUSETTS,
County of Middlesex, ss:

Dame Anna Fahey, being duly sworn, deposes and says that she resides at the city of Waltham, in the State of Massachusetts, and that prior to about the 1st day of December, 1905, she was in the employ of the American Waltham Watch Company at Waltham, Mass.; that she was employed during the month of October, and that her position in said factory was that of accountant; that during the said month a list of watch movements as hereinafter given, and which was stamped with the name of Charles A. Keene, was handed to her with instructions to examine the books of the said company and see to what places the said movements were sent from the factory of the said company, which deponent proceeded to do, and found from the said books that the said movements were shipped to the places named after the respective numbers; that it appears from the said list only forty-six out of the total number of movements there given were sent by the said company to any foreign country; that the rest were all shipped to places in the United States.

No. 12084061, P. S. B. O. F., to New York.
No. 12055467, P. S. B. O. F., to New York.
No. 12084067, P. S. B. O. F., to New York.
No. 12505164, P. S. B. O. F., to New York.
No. 11028920, P. S. B. O. F., to New York.
No. 12505608, P. S. B. O. F., to New York.
No. 12505182, P. S. B. O. F., to New York.
No. 12505321, P. S. B. O. F., to Chicago.
No. 12084031, P. S. B. O. F., to New York.
No. 12054990, P. S. B. O. F., to New York.
No. 12004960, P. S. B. O. F., to New York.
No. 12004981, P. S. B. O. F., to New York.
No. 12021903, P. S. B. O. F., to New York.
No. 11061757, P. S. B. O. F., to New York.
No. 10540743, P. S. B. O. F., to Boston.
No. 12070063, P. S. B. O. F., to New York.
No. 12083536, P. S. B. O. F., to New York.
No. 12004876, P. S. B. O. F., to New York.
No. 12021966, P. S. B. O. F., to New York.
No. 11505152, P. S. B. O. F., to New York.
No. 12505603, P. S. B. O. F., to New York.
No. 11529497, P. S. B. O. F., to New York.
No. 10008978, P. S. B. Htg., to New York.
No. 12055484, P. S. B. Htg., to New York.
No. 10008693, P. S. B. Htg., to New York.
No. 12004389, P. S. B. Htg, to New York.
No. 9538402, P. S. B. Htg., to New York.
No. 12004230, P. S. B. Htg., to New York.
No. 12069279, P. S. B. Htg., to New York.
No. 12004226, P. S. B. Htg., to New York.
No. 12004395, P. S. B. Htg., to New York.
No. 12529600, P. S. B. Htg., to New York.
No. 12529546, P. S. B. Htg., to New York.
No. 12004376, P. S. B. Htg., to New York.
No. 12554783, P. S. B. Htg., to Chicago.
No. 12061334, La. Wal. 6s. O. F., to London.
No. 12032847, La. Wal. 6s. O. F., to London.
No. 12032682, La. Wal. 6s. O. F., to London.
No. 12061386, La. Wal. 6s. O. F., to London.
No. 12061118, La. Wal. 6s. O. F., to London.
No. 12943011, No. 81 O. F., to New York.
No. 11980773, No. 220 Htg., to New York.
No. 11980940, No. 220 Htg., to New York.
No. 11575004, No. 220 Htg., to New York.
No. 12126317, No. 220 Htg., to New York.
No. 12126314, No. 220 Htg., to New York.
No. 12126311, No. 220 Htg., to New York.
No. 12126319, No. 220 Htg., to New York.
No. 11980938, No. 220 Htg., to New York.
No. 11980038, No. 220 Htg., to New York.
No. 11980735, No. 220 Htg., to New York.
No. 11980734, No. 220 Htg., to New York.
No. 11980733, No. 220 Htg., to New York.
No. 11980939, No. 220 Htg., to New York.
No. 11980936, No. 220 Htg., to New York.
No. 11980796, No. 220 Htg., to New York.
No. 11980774, No. 220 Htg., to New York.
No. 11980731, No. 220 Htg., to New York.
No. 11980732, No. 220 Htg., to New York.
No. 11755366, No. 220 Htg., to New York.
No. 11575005, No. 220 Htg., to New York.
No. 12186570, No. 220 Htg., to New York.
No. 12186566, No. 220 Htg., to New York.
No. 12186569, No. 220 Htg., to New York.
No. 9710996, No. 220 Htg., to New York.
No. 11755872, No. 220 Htg., to London.
No. 11575002, No. 220 Htg., to New York.
No. 11755971, No. 220 Htg., to London.
No. 11575003, No. 220 Htg., to New York.
No. 10120622, No. 220 Htg., to New York.
No. 11575001, No. 220 Htg., to New York.
No. 11755368, No. 220 Htg., to New York.
No. 9660276, No. 220 Htg., to New York.
No. 11755601, No. 220 Htg., to London.
No. 11755974, No. 220 Htg., to London.
No. 9661716, No. 220 Htg., to New York.
No. 9660273, No. 220 Htg., to New York.
No. 11755873, No. 220 Htg., to London.
No. 9660277, No. 220 Htg., to New York.
No. 10738455, No. 220 Htg., to London.
No. 10120621, No. 220 Htg., to New York.
No. 11086897, No. 220 Htg., to New York.
No. 10120625, No. 220 Htg., to New York.
No. 9661718, No. 220 Htg., to New York.
No. 11276390, No. 220 O. F., to New York.
No. 11154931, No. 220 O. F., to New York.
No. 11214207, No. 220 O. F., to New York.
No. 9850990, No. 220 O. F., to New York.
No. 11344939, No. 220 O. F., to New York.
No. 11756100, No. 220 O. F., to New York.
No. 11154933, No. 220 O. F., to New York.
No. 11214210, No. 220 O. F., to New York.
No. 11213922, No. 220 O. F., to New York.
No. 11756393, No. 220 O. F., to New York.
No. 11756102, No. 220 O. F., to London.
No. 11344788, No. 220 O. F., to New York.
No. 10735651, No. 220 O. F., to Chicago.
No. 11154934, No. 220 O. F., to New York.
No. 11154932, No. 220 O. F., to New York.
No. 12126696, No. 220 O. F., to New York.
No. 11866894, No. 210 Htg., to New York.
No. 11406111, No. 210 Htg., to Boston.
No. 11981401, No. 210 Htg., to New York.
No. 11866322, No. 210 Htg., to New York.
No. 9852041, No. 210 Htg., to Boston.
No. 10800706, No. 210 Htg., to London.
No. 10799070, No. 210 Htg., to London.
No. 10950092, No. 210 Htg., to London.
No. 10730453, No. 210 Htg., to New York.
No. 9853201, No. 210, Htg., to New York.
No. 8624509, No. 210 Htg., to Chicago.
No. 11982791, No. 210 Htg., to New York.
No. 11982794, No. 210 Htg., to New York.
No. 10736666, No. 210 Htg., to Chicago.
No. 11865381, No. 210 Htg., to New York.
No. 11981403, No. 210 Htg., to New York.
No. 10950781, No. 210 Htg., to London.
No. 10738518, No. 210 Htg., to London.
No. 10950790, No. 210 Htg., to London.
No. 10172651, No. 210 Htg., to Boston.
No. 10950091, No. 210 Htg., to London.
No. 10738452, No. 210 Htg., to London.
No. 9760094, No. 210 Htg., to Boston.
No. 10273386, No. 210 Htg., to Boston.
No. 10950099, No. 210 Htg., to London.
No. 11982253, No. 210 Htg., to New York.
No. 9886347, No. 210 Htg., to New York.
No. 9760092, No. 210 Htg., to Boston.
No. 10800701, No. 210 Htg., to London.
No. 9852604, No. 210 Htg., to New York.
No. 11981385, No. 210 Htg., to New York.
No. 10950100, No. 210 Htg., to London.
No. 10950096, No. 210 Htg., to London.
No. 9761097, No. 210 Htg., to New York.
No. 9592059, No. 210 Htg., to Boston.
No. 9661719, No. 210 Htg., to New York.
No. 9886346, No. 210 Htg., to New York.
No. 11926066, No. 210 Htg., to New York.
No. 9712757, No. 210 Htg., to New York.
No. 9663128, No. 210 Htg., to Boston.
No. 9032000, No. 210 Htg., to New York.
No. 10172614, No. 210 Htg., to Chicago.
No. 9760080, No. 210 Htg., to Boston.
No. 11926067, No. 210 Htg., to New York.
No. 11982256, No. 210 Htg., to New York.
No. 9852045, No. 210 Htg., to Boston.
No. 9591450, No. 210 Htg., to Boston.
No. 9592056, No. 210 Htg., to Boston.
No. 10738519, No. 210 Htg., to London.
No. 9591671, No. 210 Htg., to Chicago.
No. 10273384, No. 210 Htg., to Boston.
No. 11578012, No. 210 O. F., to New York.
No. 11157943, No. 210 O. F., to London.
No. 10900832, No. 210 O. F., to London.
No. 11407611, No. 210 O. F., to New York.
No. 10925121, No. 210 O. F., to Montreal.

No. 10901916, No. 210 O. F., to London.
No. 11299444, No. 210 O. F., to London.
No. 11472513, No. 210 O. F., to New York.
No. 11703643, No. 210 O. F., to New York.
No. 10900859, No. 210 O. F., to London.
No. 10900565, No. 210 O. F., to London.
No. 10952124, No. 210 O. F., to London.
No. 10900568, No. 210 O. F., to London.
No. 10901893, No. 210 O. F., to London.
No. 10900840, No. 210 O. F., to London.
No. 10900673, No. 210 O. F., to London.
No. 11578013, No. 210 O. F., to New York.
No. 10900675, No. 210 O. F., to London.
No. 10901920, No. 210 O. F., to London.
No. 9979268, No. 210 O. F., to New York.
No. 11704920, No. 210 O. F., to New York.
No. 10900561, No. 210 O. F., to London.
No. 10901177, No. 210 O. F., to London.
No. 11579463, No. 210 O. F., to Boston.
No. 11579794, No. 210 O. F., to Chicago.
No. 11215009, No. 210 O. F., to New York.
No. 11578862, No. 210 O. F., to Boston.
No. 11579330, No. 210 O. F., to Boston.
No. 11579470, No. 210 O. F., to Boston.
No. 11579322, No. 210 O. F., to Boston.
No. 11579324, No. 210 O. F., to Boston.
No. 11579326, No. 210 O. F., to Boston.
No. 10951613, No. 210 O. F., to London.
No. 9964341, No. 210 O. F., to Chicago
No. 10951501, No. 210 O. F., to London.
No. 11814210, No. 210 O. F., to New York.
No. 10952285, No. 210 O. F., to New York.
No. 11579462, No. 210 O. F., to Boston.
No. 10952285, No. 210 O. F., to New York.
No. 11579467, No. 210 O. F., to Boston.
No. 11578863, No. 210 O. F., to Boston.
No. 11472515, No. 210 O. F., to New York.
No. 10951619, No. 210 O. F., to London.
No. 11473350, No. 210 O. F., to New York.
No. 11641932, No. 210 O. F., to London.
No. 10900671, No. 210 O. F., to London.
No. 11578654, No. 210 O. F., to New York.
No. 11578011, No. 210 O. F., to New York.
No. 11579323, No. 210 O. F., to Boston.
No. 11758724, No. 210 O. F., to New York
No. 11758344, No. 210 O. F., to New York.
No. 11579321, No. 210 O. F., to Boston.
No. 11578865, No. 210 O. F., to Boston.
No. 12130011, No. 210 O. F., to New York.
No. 11578861, No. 210 O. F., to Boston.
No. 11579325, No. 210 O. F., to Boston.

ANNA FAHEY.

Subscribed and sworn to before me this 12th day of Auril, 1906.
[SEAL.] WILLIAM J. BANNAN,
Notary Public

UNITED STATES OF AMERICA,
Southern District of New York, ss:

Joseph W. Goodwin, having been duly sworn, deposes and says: That he resides at Richmond Hill, Borough of Queens, New York City; that on April 10 and April 11, 1906, deponent called at the place of business of various representative jewelers in the Borough of Manhattan, city of New York, for the purpose of ascertaining the prices at which the Waltham watches, including the cases, described in the tabulation hereto annexed, would be sold by said jewelers in the ordinary course of business; that on April 11, 1906, deponent called at the place of business of George N. Joyce, jeweler, No. 123 Nassau street, Borough of Manhattan, New York City; that the prices in the annexed tabulation in the column under the words "George N. Joyce" are those stated by Mr. Joyce to be the prices at which the watches described therein would be sold by him; that on April 10, 1906, deponent called at the place of business of Benedict Brothers, jewelers, No. 141 Broadway, Borough of Manhattan, New York City; that the prices in the annexed tabulation in the column under the words "Benedict Bros." are those stated by Mr. Courvasier, a salesman in said place of business, at which the watches described therein would be sold by Benedict Brothers; that on April 11, 1906, deponent called at the place of business of Howard & Co., jewelers, No. 264 Fifth avenue, Borough of Manhattan, New York City; that the prices in the annexed tabulation, in the column under the words "Howard & Co.," are those stated by Mr. Hoffman, a salesman in said place of business, at which the watches described therein would be sold by Howard & Co.

Deponent further says that the prices in the annexed tabulation, in the column under the word "English," are those stated in a catalogue published by H. W. Bedford & Co. (Limited), 6 Cheapside, London, E. C., in pounds sterling, and changed by deponent into dollars and cents at the rate of $4.80 per pound.

JOSEPH W. GOODWIN.

Sworn to before me this 14th day of April, 1906.
[SEAL.] JOSEPH F. O'BRIEN,
Notary Public, New York County.

UNITED STATES OF AMERICA,
Southern District of New York, ss:

Myron Harris, having been duly sworn, deposes and says: That he resides at Orange, N. J.; that on April 12, 1906, deponent called at the store of A. C. Benedict & Co., jewelers, No. 28 Bowery, in the Borough of Manhattan, city of New York, and there saw Robert S. Ferguson, the proprietor of the said business, and asked him for the prices at which he would sell the Waltham watches, including the cases, described in the tabulation hereto annexed, in the ordinary course of business; that the prices in the annexed tabulation in the column under the words "A. C. Benedict & Co." are those stated on the said occasion by the said Robert S. Ferguson as the prices at which he would sell the identical watches, cases included, which are described in the first column in said tabulation.

MYRON HARRIS.

Sworn to before me this 14th day of April, 1906.
[SEAL.] JOS. F. O'BRIEN,
Notary Public, New York County.

Waltham watches.

Description	English.	Howard & Co.	Geo. N. Joyce.	Benedict Bros.	A. C. Benedict & Co.
Riverside, 16 S., O. F., in 14 K. 25-year filled case	$42.00	$35.00	$34.00	----------	$32.00
Riverside, 16 S., Htg., in 14 K. 25-year filled case	43.20	35.00	35.00	----------	33.00
Riverside, Os., O. F., 17 J., in 14 K. 25-year filled case	25.28	33.00	----------	----------	26.00
Riverside, Os., Htg., 17 J., in 14 K. 25-year filled case	36.48	33.00	----------	----------	28.00
Riverside, Os., O. F., in solid 18 K. gold case	55.44	50.00	----------	----------	----------
Riverside Maximus, 16 S., O. F., in 14 K. 25-year filled case	79.20	$75.00 to 80.00	----------	----------	63.00
Riverside Maximus, 16 S., Htg., in 14 K. 25-year filled case	80.40	75.00 to 80.00	----------	----------	65.00
Riverside Maximus, 16 S., O. F., in solid 18 K. gold case	132.00	125.00	----------	$115.00	100.00
Riverside Maximus, 16 S., Htg., in solid 18 K. gold case	141.60	125.00	----------	125.00	110.00
Royal, 16 S., O. F., in 14 K. 25-year filled case	28.80	----------	----------	----------	26.00
Royal, 16 S., Htg., in 14 K. 25-year filled case	30.00	----------	----------	----------	28.00
P. S. Bartlett, 18 S., 17 J., O. F., in 14 K. 25-year filled case	30.24	----------	----------	----------	22.00
P. S. Bartlett, 18 S., Htg., in 14 K. 25-year filled case	31.44	----------	----------	----------	24.00

£=$4.80.

NOTE.—The above is the tabulation referred to in the last two preceding affidavits.

English prices.—H. W. Bedford & Co. (Limited), 6 Cheapside, London E. C.

American prices.—Howard & Co., 264 Fifth avenue, New York; George N. Joyce, 123 Nassau street, New York; A. C. Benedict & Co., 28 Broadway, New York; Benedict Brothers, 141 Broadway, New York.

STATE OF NEW YORK,
County of New York, ss:

Robert S. Ferguson, being duly sworn, says: That he resides at 529 Mount Hope place, Borough of Bronx, New York City, and is now sole proprietor of A. C. Benedict & Co., jewelers, established in the year 1818, and engaged in selling jewelry and watches at retail, and doing business at No. 28 Bowery, Borough of Manhattan, city of New York. Deponent says that he has been engaged in the jewelry business, particularly in buying watch movements and watch cases and selling them at retail, for upward of fifty years, in the city of New York.

Deponent further says that he has been shown and has examined a 16-size "Traveler" American Waltham watch movement, No. 11918774, in a ten-year, filled hunting case, No. 771030, and that he would sell a watch, movement and case, complete, similar in every respect to this one, in the ordinary course of business, for $10.

Deponent further says that he has been shown and has examined a 16-size "Riverside Maximus" American Waltham watch movement, 23 jewel, No. 11510701, in a Montauk twenty-year, gold-filled, open-face, screw-back case, No. 7305085, and that he would sell a watch, movement and case, complete, similar in every respect to this one, in the ordinary course of business, for $55.

Deponent further says that he has been shown and has examined an 0-size "Lady Waltham" American Waltham watch movement, No. 10574385, in a 14-carat gold, open-face case, No. 238026, made by Dubois Watch Case Company, and without a cap, and that he would sell a watch, movement and case, complete, similar in every respect to this one, in the ordinary course of business, for $23.

Deponent further says that he has been shown and has examined an 18-size "grade No. 820" American Waltham watch movement, 15 jewel, No. 11725401, in a S. W. C. Co. twenty-year, gold-filled, open-face, screw-back case, No. 558136, and that he would sell a watch, movement and case, complete, similar in every respect to this one, in the ordinary course of business, for $10.

Deponent further says that he has been shown and has examined a 16-size American Waltham watch movement, 15 jewel, No. 11456022, in a Montauk twenty-year, gold-filled, open-face, screw-back case, No. 7305742, and that he would sell a watch, movement and case, complete, similar in every respect to this one, in the ordinary course of business, for $13.

Deponent further says that he has been shown and has examined a 12-size "Royal" American Waltham watch movement, No. 12599521, in a Solidarity 14-carat open-face case, No. 203584, and that he would sell a watch, movement and case, complete, similar in every respect to this one, in the ordinary course of business, for $28.

Deponent further says that the aforementioned prices would in each instance insure him a fair profit on the cost of the movement and case complete.

ROBT. S. FERGUSON.

Sworn to before me this 12th day of April, 1906.
[SEAL.] E. A. LAHM,
Notary Public, New York County.

CHARLES A. KEENE,
WHOLESALE WATCHES AND DIAMONDS,
189 Broadway, New York, February 6, 1905.

Sold to H. Stanley, one 18 O. F., 20 Y., 15 J. Walt.; movement No. 11725401, $13.98.
Received payment February 6, 1906.

CHARLES A. KEENE.

NOTE.—The foregoing bill is for the second watch, described in the following affidavit:

UNITED STATES OF AMERICA,
Southern District of New York, ss:

Harry Mousley having been duly sworn, deposes and says: That he resides at No. 109 South Oxford street, Borough of Brooklyn, New York City. That on the 20th day of January, 1906, deponent called at the place of business of Charles A. Keene, No. 180 Broadway, in the Borough of Manhattan, New York City, and there purchased a watch containing a 16-size movement, No. 11918774, known as the "Traveler," made by the American Waltham Watch Company, in a "Winner" case, No. 771030, and paid for the same $10. That the said watch purchased by deponent is marked "Exhibit 1," and the tag accompanying the same is identified by deponent's initials. That at the time when deponent purchased said watch the salesman selling the same scratched on the case of the watch a private mark, reading apparently as follows: K. S. 1-20-06.

That on the 6th day of February, 1906, deponent again called at the store of Charles A. Keene, No. 180 Broadway, and asked to see a 15-jewel Waltham, grade No. 820, which deponent had seen advertised in the Sunday Herald for $3.98. That deponent was told by the clerk in the said store that the price stated was for the movement only, and that the case alone for the movement would cost $10, as it was a large size. That the movement shown deponent was a grade No. 820, 15 jewel, 18 size Waltham, No. 11725401, and the case containing the same was an open-face, gold-filled S. W. C. Co., bearing the number 558136. Deponent purchased the said movement in said case and paid for the same $13.98, receiving a receipted bill for the same under the name of H. Stanley, which is hereto attached, marked "Exhibit A." That the watch so purchased is marked "Exhibit 4," and is identified with deponent's initials.

Sworn to before me this 12th day of April, 1906.

HARRY S. MOUSLEY.

[SEAL.] ARTHUR J. RONAGHAN,
Notary Public, New York County.

CHARLES A. KEENE,
WHOLESALE WATCHES AND DIAMONDS,
180 Broadway, New York, January 27, 1906.

Sold to Miss Olano, 1319 Bedford avenue, one 20-year Riverside Maximus, $54.30. Fully warranted.
Received payment January 27, 1906.

CHARLES A. KEENE.

UNITED STATES OF AMERICA,
Southern District of New York, ss:

Charles Olano, having been duly sworn, deposes and says that he resides at No. 1319 Bedford avenue, borough of Brooklyn, New York City. That on the 23d day of January, 1906, deponent called at the store of Charles A. Keene, No. 180 Broadway, borough of Manhattan, New York City, and there asked one of the salesmen to show him a watch he had seen advertised in the New York Herald of January 21, 1906, as the "pride of the trust," at $9.98. That said clerk told deponent that they were not selling the watch referred to any more, but showed deponent a watch called the "Traveler," which he said they were advertising for $10. Deponent did not then buy.

That on the following day, January 26, deponent again called at the store of the said Charles A. Keene and asked to be shown a "Riverside Maximus," and was then told by the clerk that he could purchase a Riverside Maximus movement for $42.30 in a gold-filled $12 case, making the price $54.30 for the movement and case.

That on the following day, January 27, 1906, deponent again called at the store of Charles A. Keene with his wife, and then purchased a 16 size Riverside Maximus, 23 jewels, movement No. 11510701, made by the American Waltham Watch Company, in a Montauk open face, twenty-year, filled case, bearing the number 7305085, and paid for the same $54.30. That deponent at the time asked the clerk how he could sell the watch so cheap, and was told that they bought them in the open market and were fighting the trust and made practically nothing on the works, but their profits came in on the case. That deponent at the same time obtained a receipt, which is hereto attached marked "Exhibit B," with deponent's initials, and the watch so purchased is marked "Exhibit 2," and bears a tag identified with deponent's initials.

CHAS. H. OLANO.

Sworn to before me this 12th day of April, 1906.

[SEAL.] ARTHUR J. RONAGHAN,
Notary Public, New York County.

CHARLES A. KEENE,
WHOLESALE WATCHES AND DIAMONDS,
180 Broadway, New York, February 1, 1906.

Sold to Mr. Joseph Johnston, lady's 14-K. gold case, $20; watch movement, $9.98—$29.98. Fully warranted.
Received payment February 2, 1906.

CHARLES A. KEENE.

UNITED STATES OF AMERICA,
Town of Old Lyme, County of New London,
State of Connecticut, ss:

Marcie Dunn, having been duly sworn, deposes and says: That he resides at No. 345 West Twenty-seventh street, in the Borough of Manhattan, city of New York; that on the 29th day of January, 1906, he called at the store of Charles A. Keene, No. 180 Broadway, Borough of Manhattan, city of New York, and there asked to be shown a lady's Waltham 0 size, which deponent had seen advertised for $9.98. The salesman stated that he had no watch at that price. Deponent then went out and bought a New York Sunday World of January 28, 1906, and showed said salesman an advertisement by said Keene of a lady's Waltham for $9.98. The salesman then said: "Oh, that is what we charge for the movement." Deponent then asked what he would charge for the movement in a 14-karat open-face case. The salesman said $20 for the case and $9.98 for the movement, making in all $29.98. Deponent did not purchase on that day, but on February 1, 1906, deponent again called at the said store, and purchased the watch previously shown him, same being an 0 size lady's watch, containing a movement numbered 10574385, made by the American Waltham Watch Company, in an open-face case numbered 238026, and paid for the same $29.98. That on the following day, February 2, 1906, deponent called at the said store and obtained a receipt showing the payment for said watch, which receipt is hereto attached marked "Exhibit E." At the time the said watch was purchased deponent gave his name as Joseph Johnston, which name appears on said receipt.

MARCIE DUNN.

Sworn to before me this 13th day of April, 1906.

[SEAL.] R. W. CHADWICK,
Notary Public.

CHARLES A. KEENE,
WHOLESALE WATCHES AND DIAMONDS,
180 Broadway, New York, June 21, 1905.

Sold to Mr. J. Kinzig, 32 Nassau street, city, one gent's 15-jeweled, 20-year Waltham watch, $15. Warranted.
Received payment June 22, 1906.

CHARLES A. KEENE.

UNITED STATES OF AMERICA,
Southern District of New York, ss:

Joseph F. O'Brien having been duly sworn, deposes and says that he resides at No. 556 West Thirty-eighth street, in the borough of Manhattan, city of New York; that on or about June 22, 1905, deponent called at the store of Charles A. Keene, No. 180 Broadway, in the borough of Manhattan, city of New York, and purchased a 16 size, open-face Waltham watch, inscribed on the plate of the movement "A. W. W. Co., Waltham, Mass.," 15-jewel, No. 11456022, and on the case with the words, "Fahy's Montauk, guaranteed 20 years, No. 7305742," paying therefor the sum of $15 and receiving a receipt for the same, which is hereto attached, marked "Exhibit D." Deponent gave the name of J. Kinzig, and the said receipt is made out in that name. That said watch is marked "Exhibit 5."

JOS. F. O'BRIEN.

Sworn to before me this 14th day of April, 1906.

[SEAL.] ARTHUR J. RONAGHAN,
Notary Public, New York County.

CHARLES A. KEENE,
WHOLESALE WATCHES AND DIAMONDS,
180 Broadway, New York, February 7, 1906.

Sold to R. D. Dunn one 14 K gold O. F. Royal Waltham watch, $35.75. Fully warranted.
Received payment February 16, 1906.

CHARLES A. KEENE.

UNITED STATES OF AMERICA,
Southern District of New York, ss:

Richard D. Dunn, having been duly sworn, deposes and says that he resides at No. 345 West Twenty-seventh street, in the borough of Manhattan, city of New York. That on February 7, 1906, deponent called at the store of Charles A. Keene, No. 180 Broadway, borough of Manhattan, city of New York, and there asked to see a 12-size Waltham watch, known as the "Royal." A clerk in said store, whose name deponent learned is C. E. Katsch, then showed deponent such a movement in a 14 K. open-face case and stated that the price of the case was $22.75 and the price of the movement and case was $35.75. The said clerk also told deponent that such a watch would cost $40 in any other jewelry store. Deponent then paid a deposit of $2 on account of the watch and received a receipt for the same, with the understanding that the watch should be held for him.

That on February 16, 1906, deponent again called at the store of said Charles A. Keene and purchased the said watch, paying the balance of $33.75 for the same and receiving a receipt which is hereto attached, marked "Exhibit C." That the watch purchased by deponent was a 12-size Royal movement, No. 12599521, made by the American Waltham Watch Company. That the case was open faced, with cap, and bore the number 203584. Said watch is marked "Exhibit 6," identified with deponent's initials.

RICHARD D. DUNN.

Sworn to before me this 12th day of April, 1906.

[SEAL.] ARTHUR J. RONAGHAN,
Notary Public, New York County.

Comparative profits on Swiss and American watches.

The gravamen of my colleague's speech is the implied charge that American watches are sold by dealers at unreasonably large profits. The fact is that the jobber's profit on Elgin and Waltham watches is only 10 per cent and the retailer's profit is ordinarily not over 25 to 35 per cent, with a slightly higher rate on the railroad movements. On the other hand, it is well known throughout the trade that profits made by retail dealers on Swiss watches are very much greater than those made by retailers on American watches. I have here six Swiss watches with an affidavit showing the prices at which they may be bought by the retailer, the prices at which they were sold by retail dealers to their customers, and the bills rendered for them. These exhibits show that the profits of the various retail dealers on these six watches ranged from 54 to 100 per cent, and averaged for the whole six 77 per cent. These large profits can be obtained because Swiss watches, generally speaking, bear no trade-marks or other distinguishing marks by which a purchaser can identify the movement or determine its actual value. Thus he is entirely at the mercy of the dealer. In contrast to this, the better movements made by the Elgin and Waltham companies and practically all their high-grade movements bear well-known trade-marks by which any purchaser can identify the movements and can approximate their value and their fair selling price.

The following is the affidavit referred to:

UNITED STATES OF AMERICA,
Southern District of New York, ss:

Frederick Leach, having been duly sworn, deposes and says that he resides at Tompkinsville, Borough of Richmond, New York City. That he has been in the watch business for over thirty years and is at present employed as material clerk for the firm of Robbins & Appleton, selling agents of the American Waltham Watch Company, at No. 21 Maiden Lane, Borough of Manhattan, New York City. That previous to his employment with the said firm, deponent was employed by retail dealers and jobbers of watches of all kinds, including Swiss watches, and was then and has always since been familiar with the prices at which Swiss watches of all grades are bought by retailers in New York City.

That on April 13, 1906, deponent purchased the six Swiss watches complete described in the following schedule and paid for the same.

That the prices set opposite each watch therein described, in the column under the words "Cost to consumer," are the prices paid by deponent in each instance for that particular watch complete; that at the time of such purchases deponent received with each watch a receipted bill describing the same, with the price paid, and said bills are hereto attached numbered corresponding to the watch exhibits themselves and identified with deponent's initials; that deponent has inquired of various jobbers in New York City and persons familiar with jobbers' prices as to the cost to the retailer of the various Swiss watches purchased by deponent, and from such inquiries and from deponent's own knowledge, deponent states that the prices set opposite the various watches in the column under the words "Cost to retailer" are in every instance in excess of the actual cost to retailers; that the figures under the words "Percentage of profit to retailers" represent the percentage of profit to the retailer upon each watch so purchased by deponent.

Description.	Cost to retailer.	Cost to consumer.	Percentage of profit to retailer.
Swiss No. 1, 20-year gold-filled 12 s., O. F., nickel, 7-jewel movement, No. 701963; case No. 1058554	$7.26	$12.50	72
Swiss No. 2, gold-filled 16 s., 20-year, nickel, 17-jewel movement, No. 14453; case No. 5447602	26.02	45.00	72
Swiss No. 3, 6 s. silver, Htg., gilded movement and case, No. 510578	7.50	15.00	100
Swiss No. 4, silver, 6 s., Htg., nickel movement and case, No. 1032513	10.34	16.00	54
Swiss No. 5, silver, O. F., 12 s. case with 6 s., nickel movement No. 907901, and case No. 907901	12.10	23.00	90
Swiss No. 6, 12 s., silver, O. F., nickel, 15-jewel movement No. 1492555, and case no. 1492555	14.10	25.00	77
Average percentage of profit			77

FREDERICK LEACH.

Subscribed and sworn to before me this 24th day of April, 1906.

[SEAL.] JOS. F. O'BRIEN,
Notary Public, New York County.

APRIL 13, 1906.

Mr. F. Leach, bought of Benjamin F. Spink, manufacturing jeweler and importer of diamonds, office 9–11 Maiden Lane, New York, one 20-year gold-filled Wadsworth case Swiss Gotham movement (7 J.), $12.50.

Received payment.

B. F. SPINK.

NEW YORK, *April 13, 1906.*

Mr. F. Leach, bought of J. A. Linherr, diamonds, watches, and rich gold jewelry, 193 Sixth avenue, gentleman's gold-filled watch, 17 jewel, Swiss movement, $45; 6 size silver watch, Swiss movement, Longine, $15=$60.

Received payment.

J. A. LINHERR.

THEODORE B. STARR,
IMPORTER AND MANUFACTURER,
Madison Square West, New York, April 13, 1906.

Sold to Mr. F. Leach, 321 West Seventy-ninth street, one silver hunting-case watch (15 J.), $16.

Received payment.

THEODORE B. STARR.

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328 FIFTH AVENUE, NEW YORK, *April 13, 1906.*

Mr. Leach bought of Bartens & Rice Company open-face silver watch, case No. 907901, $23.

Received payment.

BARTENS & RICE COMPANY.

LINDO BROTHERS,
1157 Broadway, New York, April 13, 1906.

Sold to Mr. F. Leach setter O. F. watch, No. 1492555 (15 J.), $25.

Received payment.

LINDO BROTHERS.

Comparison of wages.

SWISS.

About a year ago Mr. Burckes, an employee of the American Waltham Watch Company, made a visit to a large number of the more prominent Swiss watch factories, and carefully inquired as to the wages paid, with the following result: Women received from 2 to 3 francs (40 to 60 cents) per day, only a few skilled ones earning as high as 4 francs (80 cents) per day. Men received from 6 to 7 francs ($1.20 to $1.40) per day. These figures are corroborated by the figures given in consular reports (see below).

AMERICAN.

In the factory of the Waltham Company at Waltham, Mass., the average wages of women is $1.50 per day, and of men considerably over $3 per day. The wages paid by the Elgin Company in its factory at Elgin, Ill., are about the same as those in the Waltham factory for men and women separately, and for men, women, and children the average is $2.28.

This comparison shows that the prices paid by the American watch companies are from two to two and a half times as much as those paid in Switzerland for the same class of labor.

NOTE.—The authority referred to is a Government publication entitled "Special Consular Reports—Money and prices in foreign countries," Vol. XIII, part 1, 1896, p. 106, under heading "Wages in Switzerland in 1895." This publication is in the Bureau of Manufactures of the Department of Commerce at present in the Census building. It gives the following as the wages of mechanics and factory operatives in Switzerland in 1895:

Mechanics, per day, 3.7 francs to 7 francs (74 cents to $1.40).

Factory operatives, per day, 2 francs to 3.5 francs (40 cents to 70 cents).

These reports do not mention watchmakers separately, but they are presumably included in one or both of the foregoing classes.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8997) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 267) to prohibit aliens from fishing in the waters of Alaska, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRYE, Mr. LODGE, and Mr. BACON as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 15911. An act to amend the laws of the United States relating to the registration of trade-marks; and

H. R. 11946. An act to amend section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 17757. An act extending to the subport of Spokane, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutable merchandise without appraisement.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. LAMB. I yield one hour to the gentleman from New York.

Mr. SULZER. Mr. Chairman, yesterday the gentleman from Ohio [Mr. GROSVENOR] addressed the House at great length in support of the so-called "Gallinger ship-subsidy bill," now pending in the Committee on the Merchant Marine and Fisheries, of which he is the chairman. In doleful tones the gentleman depicted the decline of our over-seas carrying trade and sorrowfully deplored the fact, which of late has become quite patent, that he was unable, with all his ability and astuteness, to secure enough votes in his own committee to have the bill favorably reported to this House. No doubt this is exasperating to the gentleman from Ohio, but we can console ourselves with the reflection that the taxpayers of the country will survive the gentleman's discomfiture without serious disaster.

We know the gentleman from Ohio is working, and has been working, assiduously in his committee and out of his committee for months, in season and out of season, for this ship-subsidy bill, but I do not think the honest people of the country generally sympathize with his arduous efforts any more than they did with the late Senator Mark Hanna's unwearied struggle to pass a similar ship-subsidy measure.

Now, let us see for a moment just what this Gallinger ship-subsidy bill—the bric-a-brac work of the Merchant Marine Commission—does, so that we will understand what we are considering. I will read the subsidy part of it: "That in the interest of the national defense and for the performance of the public services hereinafter specified, after July 1, 1907, the Secretary of the Treasury is hereby authorized and directed to pay, subject to the provisions of this act, out of any money in the Treasury, to be annually appropriated therefor upon estimates to be annually submitted to Congress in the Book of Estimates, to the owner or owners of any steam vessel of over 1,000 gross tons, and of any sail vessel of over 200 gross tons, and fishing vessel of over 20 gross tons hereafter built and registered in the United States or now duly registered by a citizen or citizens of the United States (including as such citizens any corporation created under the laws of the United States or any of the States thereof), engaged exclusively as a common carrier for the service of the public, subventions [that is, subsidies; they both mean the same thing] as hereinafter provided—that is to say, (a) the sum of $5 per gross registered ton for each vessel which has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of twelve months, including time necessarily consumed in receiving or discharging cargo, or not to exceed two months in making annual or extraordinary repairs; (b) the sum of $4 per gross registered ton

for each vessel which during any twelve consecutive months has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of nine months or over, but less than twelve months, including the time necessarily consumed in receiving or discharging cargo or not to exceed one month in making extraordinary repairs; (c) the sum of $2.50 per gross registered ton for each vessel which during any twelve consecutive months has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of six months or over, but less than nine months, including time necessarily consumed in receiving or discharging cargo or not to exceed one month in making extraordinary repairs." This is the salient subsidy feature of the Gallinger bill, and it is all I desire to read to the House at the present time for the purpose of this discussion.

Mr. Chairman, this ship-subsidy proposition is not a new one. It is the same old effort to get something from all the people for somebody for nothing. It has been pending in either one branch or the other of the Congress, in one form or another, for the last ten years. At one time it was the Hanna-Payne ship-subsidy bill, and Senator Hanna succeeded in passing it through the Senate, only to have it ignominiously defeated in the House of Representatives. In another Congress Senator Hanna did his very best to pass it again through the Senate, but failed, and in this Congress we have the old foe with a new face in the Gallinger ship-subsidy bill, introduced by the Senator from New Hampshire at the beginning of this session.

This Gallinger ship-subsidy bill differs but little in principle from its predecessors, and its fate should be the same. It is essentially a subsidy bill, and by subsidy I mean that the Government is compelled by law to take a part of its money, paid in taxes by all the people for the support of the Government, and give the money to a special interest to aid that interest in its special line of business. This is the scheme in a nutshell, and any policy of this character is inherently wrong in principle, constitutionally indefensible, and can not be justified by any theory of our system of government. Subsidies are monarchial and not republican; they have no place in a government of the people and by the people.

The Gallinger ship-subsidy bill was cleverly manipulated through the Senate on the 14th day of February last by a vote of 38 to 27. Not a Democratic Senator, I am glad to say, voted for the bill, and to their eternal fame be it said that five Republican Senators voted against it. These Republican Senators, in my opinion, are entitled to the commendation of the people, and I take great pleasure in giving their names. They were: Messrs. BURKETT, DOLLIVER, LA FOLLETTE, SPOONER, and WARNER. The American people should remember these names.

It is not my purpose to-day, Mr. Chairman, to discuss at length the cause of the decline of our deep-sea carrying trade, or my own views, if I could have my way in the matter, concerning the speediest remedy to restore our merchant marine. I have not the time at my disposal to do so, even if I wanted to go into an exhaustive examination of the intricate question. I want to speak to the House at this time briefly on this ship-subsidy question and frankly point out the evils incident to subsidies and sure to follow their adoption.

My position regarding this subject I believe is well known, but I want to say again to the Members of this House that I have always been, am now, and always hope to be opposed to every effort to place upon the statute books of our country a ship-subsidy law. I have given considerable study to this question and I think I know something about it. I agree substantially with the gentleman from Ohio regarding the deplorable condition of our merchant marine, but I differ with him absolutely respecting the cause of the decline of our over-seas carrying trade; and we are as far apart as the poles respecting the best and most practical remedy for the rehabilitation of our shipping industries and the carrying of our ocean trade in American ships, built by American workmen, manned by American sailors, and flying the American flag.

Mr. Chairman, it is a fact, and a most deplorable fact, and every man who has investigated the subject knows it, that we have less registered tonnage for ocean carrying trade to-day than we had one hundred years ago. In 1806 the United States, with a population of less than 7,000,000 inhabitants, owned more registered tonnage for ocean carrying trade than the United States in 1906, with a population of over 85,000,000. The American tonnage in 1806 was over 900,000, and it is now less than 800,000, and, what is worse still, it showed an actual decrease of more than 6,000 tons last year. In 1806 American ships, flying the American flag and manned by American sailors, carried over 90 per cent of our deep-sea trade and a great part of that of all the countries of Europe. To-day we carry very little of our own trade and practically none of other countries, notwithstanding the fact that we should be the foremost maritime power in the world. More than nine-tenths of our once great and powerful deep-sea fleet has vanished, and not one new keel for an ocean-going ship is being laid to-day on either our Atlantic or Pacific coast, while the vessels of foreign nations throng our ports and monopolize more than nine-tenths of all our import and export commerce.

In 1806 over 92 per cent of our export and import trade was carried in American bottoms; in 1906 less than 8 per cent of our imports and exports are carried in American ships. The United States pays to the owners of foreign deep-sea vessels for conveying our freights and passengers over $200,000,000 a year, and much of this vast sum of money goes to the owners of foreign steamers which are regularly enrolled on the merchant cruiser lists of European governments, manned by naval reserve officers and sailors, and available for immediate service against us in case of war. The British Empire has 14,800,000 tons of merchant shipping; Germany has 4,960,000 tons; France, 1,680,000; Norway, 1,460,000, and Italy, 1,280,000. The larger part of all these great deep-sea fleets is engaged in the ocean carrying trade, but the Government of the United States, which produces and exports more merchandise than any other nation on earth, has a fleet registry of deep-sea commerce of less than 800,000 tons.

I agree with the gentleman from Ohio that this statement of the facts exhibits a most deplorable condition of our merchant marine affairs, but I say to him, and I say to the country, that it is all our own fault, and due entirely to our own short-sighted maritime policy, and especially to our failure to enact proper navigation legislation.

The gentleman from Ohio seeks to remedy the situation by ship subsidies, and hence earnestly favors and eloquently advocates the Gallinger ship-subsidy bill, which is no remedy at all, but a mere temporary makeshift to rob the many for the benefit of the few, by taking money out of the pockets of the taxpayers generally and giving it to a few favored individuals. I am opposed to this subsidy policy. The taxpayers, when they understand it, will never consent to it. The Gallinger bill is a subsidy bill pure and simple, and at the very best is only a temporary expedient, and no one who understands this subject believes for a single moment that it will ever accomplish what its advocates so vociferously claim. A subsidy is a bounty, a bonus, a gratuity, and it never has succeeded, and it never will succeed, in accomplishing the purpose desired. All history proves it conclusively. Wherever and whenever it has been tried it has failed. In my opinion, if this Gallinger subsidy bill should pass as it is to-day it would not restore our American merchant marine or aid materially our shipbuilding industries. It is a waste of time to talk about ship subsidies, and I believe every honest American is absolutely opposed to them. We might just as well pass a bill to pay a subsidy to every man who grows a bushel of wheat, or a barrel of potatoes, or a bale of cotton, or who makes a wagon, or builds a locomotive, as to pay a subsidy to a man who builds a ship or sails a vessel.

The taxpayers of our country, burdened now almost beyond endurance are opposed to ship subsidies. They are opposed to this Gallinger gift bill. They say no private business interests should be aided by direct grants from the Treasury. Ship subsidies are subversive of the eternal principles of justice and equality, contrary to the theory of our free institutions, of doubtful expediency, and at war with the spirit of the Constitution. Congress has no power to subsidize any trade or any calling or any business on land or sea at the expense of the taxpayers of our country.

But, Mr. Chairman, in my opinion, the Gallinger subsidy bill will not materially benefit our shipbuilding industries, and of course if it will not benefit the shipping industries of the country no new ships will be built and American tonnage on the high seas will not be increased, and only the ships now in commission will get the benefits of the subsidies. This being so, this Gallinger ship-subsidy bill, giving away from four to six millions of dollars a year, will benefit no shipowners except the Standard Oil trust, the American shipping trust, the New England fishing smacks, and perhaps a few vesels on the Pacific Ocean. It will be observed by reading the bill that the Senator from New Hampshire was particularly watchful of the interests of the fishing smacks that go out of New England ports to fish on the Grand Banks, and the bill provides that these small craft shall participate in the subsidy.

The principal ships, however, that would benefit by the Gallinger ship-subsidy bill and get most of the subsidies are the ships plying the high seas, owned by the American shipping trust and the Standard Oil trust. But at best the Gallinger ship-subsidy bill is only a temporary expedient—a mere makeshift—and unless it should be continued and the subsidies increased it will accomplish practically no good whatever. However, there are many far-seeing citizens who believe that this subsidy bill is a mere beginning—only an entering wedge—and

that it will be followed ere long, if it becomes a law, by greatly increased subsidies until the Treasury is depleted or the patience of the taxpayers exhausted.

Mr. Chairman, the people who are clamoring the loudest for the ship-subsidy bill are the bounty beggars who will get the subsidies; but so far as I have been able to find out, I have heard no great demand from the honest folk of the country in favor of this iniquitous measure to take money out of the Treasury of the people and pay it over to the American shipping trust in order that it may get additional gratuities under this trust-ridden Republican Administration.

It seems to me, sir, that this is an inopportune time to ask for ship subsidies when the people all over the country are demanding a revision of the tariff, especially of those tax schedules which shelter monopoly and give protection to the trusts that sell their manufactured wares cheaper abroad than they do at home. But it seems that the chief argument of these ship-subsidy schemers, reduced to its simplest form and last analysis, amounts to about this: As all other monopolies are protected, therefore the shipping monopoly must be protected; as all other trusts are licensed to rob the many for the benefit of the few, therefore the shipping trust must have an opportunity to pilfer the people and get its share of the spoils. The plea, however, seems to come at a very unfortunate time, because from one end of the land to the other the people are demanding not only the prosecution of the criminal trusts, but the revision of all protective tariff taxes that aid and abet and shelter monopoly.

But the advocates and supporters of this ship-subsidy iniquity, by which all the people of the country are to be compelled to contribute a few millions of dollars a year to the American shipping trust, forget the history of the past and are reckless as to the consequences of the future. They seem to forget that consequences are unpitying, and that there is no cause without an effect. Their contention reminds one a good deal of a Chinese almanac in which every other day is labeled, "This is a lucky day to pay taxes." But these ship-subsidy grafters go even further, and write in their selfish almanac that every day is a lucky day to pay subsidies. If foreign governments grant subsidies, they say we should grant subsidies; and if foreign governments do not grant subsidies, they say that is the very reason we should grant subsidies. If foreign steamship owners raise the price of ocean freight rates, they get up in Congress and demand subsidies. If foreign steamship owners reduce ocean freight rates, they also get up in Congress and demand subsidies. Every wind that blows, in their opinion, evidently blows in favor of the Government giving the American shipping trust subsidies. But I am satisfied that the farmers and the toilers of our country, the men who pay the taxes, understand this subsidy question and are not in favor of putting their hands in their pockets and contributing gratuities to the extent of millions of dollars a year to any shipping trust or to any trust-owned steamship line.

Mr. Chairman, I have always been, and always expect to be, a sincere friend of our shipping industries and an enthusiastic advocate of just and proper and honest legislation that will build up and restore our merchant marine. I believe every true American desires the supremacy of American ships in our over-seas carrying trade, but I believe they prefer it along the lines of tonnage taxes, and not by subsidies. They see no necessity of taking money out of the Treasury and paying it to the present trust owners of ships for doing what they are already doing; and those most conversant with the subject even go so far as to declare that this Gallinger ship-subsidy scheme, if enacted into law, will not lay a new keel in any American shipyard, or secure an additional ton of freight of our over-seas commerce. Practically every dollar granted will go to the ships now afloat owned by the oil trust and the shipping trust.

Ship subsidies do not build ships—they create ocean-trading monopolies. Ship subsidies will not give workmen employment in American shipyards—the money will simply go into the capacious pockets of the plutocratic beneficiaries of the shipping trust. Every scheme of this kind simply permits respectable corruption and benefits the few at the expense of the many. The principle of ship subsidies is inherently wrong and absolutely indefensible—it is unrepublican, undemocratic, and un-American, and no man who understands the question can justify the steal in the face of the facts. If the Congress should pass this pilfering ship-subsidy bill, I believe the people will demand its repeal in less than five years, but I hope the wisdom of this House will never permit this iniquitous bill to pass.

Mr. Chairman, I am now, always have been, and always will be a friend of the American merchant marine. I long for the coming of the day when American ships will be on every sea, and our flag gloriously floating on the breeze in every port. I am willing to go as far as any man in this country to legislate for the restoration of the American merchant marine to all its former glory, and to secure for the American people their just share of the over-seas carrying trade of the world. As I have said, I do not agree with the reasons advanced by the advocates of the Gallinger ship-subsidy bill as to the cause of the decline of our merchant marine and the loss to the United States of our over-seas carrying trade. I know, and every man who has investigated this subject knows, that our loss of deep-sea commerce is due entirely to our own iniquitous legislation and short-sighted policies. If the American Congress would legislate intelligently regarding this subject, we could restore our merchant marine and secure nine-tenths of all our commerce on the high seas, exports and imports, without a ship subsidy, or without taking a single dollar from the pockets of the taxpayers to give subsidies to favored shipowners and shipbuilders. This whole subject is a very simple matter when reduced to an intelligent business proposition. We do not need to take a dollar out of the pockets of the taxpayers, or out of the Treasury of the United States, to revive our shipbuilding industries or restore our merchant marine. All we need to do is to legislate intelligently, repeal the iniquitous laws against our deep-sea shipping now on our statute books, put in their place laws similar to the navigation laws that were enacted by the early statesmen of the country—laws that built up our merchant marine in those historic days—laws that placed our flag on the high seas and gave us nine-tenths of our entire over-seas carrying trade. It is a simple matter, and would be done but for the influence of special interests and the tenacious power of monopoly.

Now, sir, I have introduced in several Congresses bills to accomplish this—not subsidy bills, not bills that rob the many for the benefit of the few—not bills that take money out of the pockets of the taxpayers generally and hand the money over specifically to special interests—but bills along intelligent businesslike lines, and in accordance with the policy of the fathers of the Republic and the framers of our Constitution who understood this subject of over-seas shipping trade and commerce and legislated accordingly, and the United States had in those days the finest merchant marine the world had ever seen. If we had continued the policy of the fathers we would to-day be the greatest maritime nation in the world and our flag would be on every sea, and our ships would be carrying the commerce not alone of our own country but perhaps half of that of all the other great nations of the world.

I introduced at the beginning of this Congress a bill to accomplish this (H. R. 8767), but it has been sleeping the sleep that never awakes in the Committee on Merchant Marine and Fisheries. It will never come out. It will never be reported, simply because it is an honest bill and not a subsidy bill, because it does not rob the many for the benefit of the few, because it will accomplish practically all the people of the country desire—the building up of our merchant marine upon legitimate lines, in a business way, and the restoration of the American flag to the high seas.

My bill is a tonnage-tax bill along discriminating lines in favor of American-built ships and against foreign-built ships—and the foreigner pays the tonnage tax. In other words, the essential difference between my ship tonnage-tax bill and the Gallinger ship-subsidy bill is that the Gallinger subsidy bill compels the American people to give a bonus, or a subsidy, or a subvention—and they are all the same—to the American shipowner, while my bill makes the foreign shipowner pay an additional tonnage tax on goods, wares, and merchandise brought into this country in foreign bottoms. This bill of mine is a most comprehensive measure, covering every phase of this question, and in the judgment of those who know most about the matter it would effectually solve the problem without taking a single dollar from the pockets of the taxpayers of our country. I send this bill of mine to the Clerk's desk and ask to have it read in my time. I want the bill to go into the RECORD, so that those interested in this subject can read it and judge for themselves.

The Clerk read as follows:

A bill to regulate commerce with foreign nations; to make preference for the use of American freighting vessels; to extend the postal service by American steamships, and to promote American trade.

Be it enacted, etc., That the law relating to vessels, to the duties of tonnage, and to the ocean mail service in force when this act shall be approved be, and the same is hereby, supplemented and amended, as follows:

PART 1. TONNAGE DUTIES.

SECTION 1. That a discriminating tonnage duty based upon the gross admeasurement, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from all vessels not of the United States that shall arrive with merchandise, passengers, or mails to be landed in the United States from countries, colonies, or possessions where the said cargo, in whole or in part, was laden, to which said vessels do not belong, as follows:

Clause 1. On all vessels not exceeding 5,000 tons the additional duty shall be $1.25 per ton until the 1st day of January, A. D. 1909, after

which date it shall be $1.50 per ton until the 1st day of January, A. D. 1911, after which date it shall be $2 per ton on the gross admeasurement.

Clause 2. On all vessels between the sizes of 5,000 and 10,000 tons the additional duty shall be $1.50 per ton until the 1st day of January, A. D. 1909, afted which date it shall be $2 per ton until the 1st day of January, A. D. 1911, after which date it shall be $2.50 per ton on the gross admeasurement.

Clause 3. On all vessels between the sizes of 10,000 and 15,000 tons the additional duty shall be $2 per ton until the 1st day of January, A. D. 1909, after which date it shall be $2.50 per ton until the 1st day of January, A. D. 1911, after which date it shall be $3 per ton on the gross admeasurement.

Clause 4. On all vessels exceeding the size of 15,000 tons the additional duty shall be $3 per ton until the 1st day of January, A. D. 1909, after which date it shall be $3.50 per ton until the 1st day of January, A. D. 1911, after which date it shall be $4 per ton on the gross admeasurement. Any vessel violating this section or refusing to pay duties as aforesaid shall not be permitted by the collector to load cargo in a port of the United States.

SEC. 2. That a duty of $1 per ton on the gross admeasurement, in addition to the regular duty imposed on tonnage by law, shall be levied and collected from every vessel not of the United States that shall arrive in ballast or without merchandise, mails, or passengers to be landed in the United States from a country, its colony or possession, to which said vessel does not belong, if it shall be shown to the satisfaction of the collector that no bounty, subsidy, or subvention of any sort from its Government has been promised, earned, or will be received in consideration of making such voyage; but in case such voyage to the United States has been made with the understanding and expectation on the part of owners, arising from law or agreement, that bounty, subsidy, or subvention of some sort will be earned or received in consideration of said voyage, then, and in that case, the duty aforesaid shall be at the rate of $2 per ton until the 1st day of January, A. D. 1909, after which date the additional duty aforesaid shall be at the rate of $2.50 per ton until the 1st day of January, A. D. 1911, after which date the additional duty shall be at the rate of $3 per ton of gross admeasurement. Any vessel violating this section or refusing to pay duties as aforesaid shall not be permitted by the collector to load cargo in a port of the United States.

SEC. 3. That a duty of 50 cents per ton on the gross admeasurement, in addition to the regular duty imposed by law, shall be levied and collected from every vessel not of the United States that shall arrive in ballast or with merchandise or passengers in a proportion less than one-fourth of her capacity for the same from the country, its colony or possession, to which said vessel or vessels may belong. But no vessel coming direct from her own country, its colony or possession, with merchandise or passengers in excess of one-fourth of her capacity for the same to be landed in the United States, shall be charged with an additional or extra tonnage duty, except in cases where the country from which she comes direct charges an additional or extra tonnage duty to vessels of the United States; and in all such cases, if there be any, the extra duty per ton of the vessel's country shall be added to the extra duty per ton of the United States, and the sum so found shall be the full charge per ton for additional or extra duty to be collected; or unless the country from which such vessel so laden or coming direct shall hold out to its vessels by law the payment of bounty, subsidy, or subvention of some sort in consideration of making voyages like the one in question, in which case three-fourths of the amount of the gratuity as aforesaid shall be charged and collected as countervailing duty in addition to the regular and extra duty otherwise chargeable and to be collected. Surveyors of tonnage shall certify to the collector the proportion of carrying capacity occupied by passengers, by freight, and by ballast, respectively.

SEC. 4. That a duty of $2.50 per ton on the gross admeasurement, in addition to the regular duty imposed on tonnage by law, shall be levied and collected from every vessel not of the United States that shall arrive from a country not its own, whether with or without cargo, but under engagement to load for another country than its own, or that shall effect such engagement after arrival at a time and while there shall be one or more vessels of American registry in port listed at the custom-house as ready and offering to engage for the same or a similar voyage, until the 1st day of January, A. D. 1909, after which date the duty aforesaid shall be at the rate of $3 per ton; but if there be not such vessel or vessels so listed at the time of arrival or of engagement in port, then tonnage duty shall be payable under section 1 or section 2; but if in addition to coming as aforesaid under engagement or making it after arrival as above, a foreign vessel shall have held out to her by law the payment of bounty, subsidy, or subvention of some sort in consideration of making voyages like the one in question, then, and in such cases, a duty of $4 per ton additional to the regular duty shall be levied and collected. And vessels of foreign register running under bounty, subsidy, or subvention by law of their country arriving at the Gulf ports of the United States from the Atlantic ports, or vice versa; or arriving at the Pacific ports of the United States from the Atlantic or Gulf ports, or vice versa; or arriving at any port of the mainland of the United States from any part of the insular possessions of the United States, or vice versa, in ballast, seeking cargo, shall pay additional tonnage duties as follows: On arrival from Atlantic to Gulf ports, or vice versa, $1 per ton; on arrival from Atlantic or Gulf ports to Pacific ports, or vice versa, $2 per ton; on arrival from any port of the mainland to any port of the insular possessions of the United States, or vice versa, $3 per ton. No foreign vessel shall take in cargo without a permit. Any vessel violating this section or refusing to pay duties as aforesaid shall not be permitted by the collector to load cargo in a port of the United States.

SEC. 5. That a tonnage duty of $1 per ton on the gross admeasurement, in addition to the regular duty imposed on tonnage by law, shall be levied and collected from every vessel that shall enter a port of the United States from a port of her own country, either with or without cargo, passengers, or mails, if she has called or stopped on the way at a port of a country not her own and there received merchandise, passengers, or mails to be landed in the United States, unless said vessel has been built in the United States or is owned by citizens of the United States to the extent of 40 per cent, to be proved to the satisfaction of the collector and the district attorney of any United States court.

SEC. 6. That a tonnage duty, to be termed light tax, of 5 cents per ton on the gross admeasurement of every merchant vessel, not of the United States, that shall enter a port of the United States, shall be levied and collected, in addition to the duties required by preceding sections, before clearance for sea, except in case such vessel shall clear in ballast or may have made port in distress, or was built in the United States.

SEC. 7. That a tonnage duty, to be termed race tax, of 4 cents per ton, on the gross admeasurement of every merchant vessel not of the United States that shall enter a port of the United States and there discharge merchandise, passengers, or mails, shall be levied and collected, in addition to the duties required by preceding sections, if said vessel shall be manned to an extent exceeding 10 per cent of the crew by persons belonging to a different race of men from the owners of said vessel. The regular tonnage tax to be paid by all vessels in the foreign trade shall be collected hereafter on every entry; the said tax shall be computed on the gross admeasurement, and the rates shall be increased from 6 cents to 10 cents and from 3 cents to 5 cents, respectively. American mail steamers shall pay tonnage tax but once a year.

PART 2. EXPORT PREMIUMS.

SEC. 8. That all collections of tonnage duties and charges against vessels of every kind, whether regular or additional, light, race, and passenger tax, entrance and clearance fees provided by this and former acts to be levied, collected, and paid at the custom-house, and all fines, penalties and forfeitures paid into the courts from violations of the navigation laws of the United States, this act included, shall, after the passage of this act, be set apart in the Treasury as a special fund from which to pay, first, for the support of marine hospitals for American seamen in the foreign trade; and, second, for the payment of premiums to exporters of merchandise for giving preference in the employment of vessels to those of the United States not in fact owned by themselves.

SEC. 9. That on and after thirteen months from the passage of this act there shall be paid, out of the special export fund in the Treasury provided for by section 8 of this act, to the bona fide owners and exporters of merchandise, the growth, production, and manufacture of the United States, to foreign countries not adjoining the United States, in vessels of the United States, registered pursuant to law, and not owned in fact by themselves, as follows: A premium of one-fourth of 1 per cent on the cash valuation of each shipment direct to a port not less than 65 miles from the tidal boundary of the mainland of the United States; and a premium of one-half of 1 per cent on the cash valuation of each shipment direct to a port not less than 400 miles from the port of departure in the United States; and a premium of 1 per cent on the cash valuation of each shipment direct to a port not less than 1,000 miles from the port of departure in the United States; and a premium of 1½ per cent on the cash valuation of each shipment direct to a port not less than 2,000 miles from the port of departure in the United States; and a premium of 2 per cent on the cash valuation of each shipment direct to a port, not less than 3,000 miles from the port of departure in the United States; and a premium of 2½ per cent on the cash valuation of each shipment direct to a port not less than 4,000 miles from the port of departure in the United States; and a premium of 2¾ per cent on the cash valuation of each shipment direct to a port not less than 5,000 miles from the port of departure in the United States, which premium shall be the highest paid whatever the distance in excess of 5,000 miles, and such premiums to an exporter shall be payable to his order upon report of the clearance of the vessel, with a statement of the collector of the port fixing the value of the shipment, which must be sworn to by an appraiser for the United States, within ten days, according to such regulations as the Secretary of the Treasury shall prescribe, distances between ports to be determined by the Hydrographic Office of the Navy Department and stated in sea miles.

PART 3. MAIL CARRIAGE.

SEC. 10. That the postal act, approved March 3, 1891, be, and it is hereby, amended to provide and to read as follows:

Clause 1. The Postmaster-General shall, as often as once in each year, advertise for informal proposals for the carriage of mails by sea in American vessels between such ports of our own and other countries as to exporters may seem advantageous. The advertisements shall be inserted four times weekly in a paper printed in Boston, New York, Philadelphia, Baltimore, New Orleans, Galveston, Norfolk, Charleston, Savannah, Mobile, San Francisco, Portland, and Seattle, describing the service as that of mail and naval vessels adapted to promote the postal, commercial, and naval interests of the United States, and to subserve those of their owners as well. Proposers will state the size and speed of vessels, number of trips yearly, remuneration required, time when service could be begun, and such other particulars as may seem useful for the Government to consider.

Clause 2. Within one month after receipt of informal proposals the Secretary of the Navy and the Postmaster-General shall together consider their contents, the wants of the Navy, and the needs of the Post-Office, and fix upon a schedule of requirements that will satisfy both services. The Secretary of the Navy will control the plans for the vessels and the Postmaster-General will decide upon the postal programme, and the two together shall advertise formally to let contracts for the running of the vessels required. Such advertisements shall be inserted in the same papers that called for informal proposals four times weekly, describing the route, the character of the vessels, the size and speed, the number of trips yearly, the times of sailing, and the time when the service shall begin. The letting of such contracts shall be the same as prescribed by law for the letting of inland mail contracts so far as shall be applicable to vessels. Every contract must have the approval of the President, and none shall exceed the limit of thirty years; but the President may require improved service every ten years.

Clause 3. The vessels employed under this act shall be commanded by citizens, and at least two officers and two engineers of each vessel shall also be citizens of the United States; and on each departure a portion of the crew, inclusive of firemen, shall owe allegiance to the United States, to wit: During the first year, one-eighth thereof; during the next two years, one-fifth; during the fourth and fifth years, one-fourth; during the sixth and seventh years, three-tenths; during the remainder of contract time, one-third thereof. But no mail carrier shall be delayed in sailing to obtain a crew in above proportion. It may be stipulated that mails may be brought from abroad, the foreign country paying for the service; also that passengers and baggage and freight may be carried both ways. After January 1, 1908, the mails shall be sent foreign by vessels of the United States, and no others, without express consent of Congress; and in cases of need, when private enterprise fails to undertake or carry on the service at reasonable or lawful rates of remuneration, the Secretary of the Navy shall have authority, and it shall be his duty to furnish suitable vessels of the Navy in which to send mails foreign or bring them home, until the further order of Congress.

Clause 4. That all vessels in the postal service and hereafter built for it shall be prepared to receive arms for immediate use as cruisers, scouts, or transports in time of war; and in future their plans and specifications shall be agreed upon by and between the owners and the Secretary of the Navy, the strength and stability to be sufficient to carry armament most useful in naval service, and the materials of hull

and machinery to be such as will command the highest classification given by American inspection and rating. And all such vessels hereafter built shall be constructed under the inspection of a naval officer detailed by the Secretary of the Navy, to whom he will report in writing the progress made monthly, whether or not the contract is being well performed, and when the trial trip may be made; and no vessel not approved by the Secretary as fulfilling the contract shall be accepted for the service.

Clause 5. The compensation to be agreed upon and paid for such service as may be contracted for under this act shall be reasonable and as low as responsible bidders will perform the same, having regard to the encouragement to vessels provided by this act, to the commercial circumstances in each case, and to the rate of compensation for similar service paid by other countries. Where a bid may be deemed too high, the programme may be modified or the route readvertised; payment for service to be made at the end of each round voyage. If the contract shall fail to be fulfilled for six months the President may declare it forfeited, and thereupon the route shall be readvertised and let to another bidder.

Clause 6. Upon each mail vessel the United States shall have transported, free of charge, one messenger, whose duty shall be to receive, sort, take in charge, and deliver the mails to and from the United States, and who shall be provided with suitable room for himself and for the mails.

Clause 7. Officers of the Navy may volunteer for service on said vessels, and when accepted by the contractors may be assigned to such duty by the Secretary of the Navy whenever in his opinion such assignment can be made without harm to the service, and while in said employment they shall receive furlough pay from the Government and such other compensation from the contractors as may be agreed upon: *Provided*, That they shall be required to perform only such duties as pertain to the service.

Clause 8. Said vessels shall carry as cadets one American boy under 21 years of age for each 2,000 tons gross register, who shall be educated to the duties of the service as seamen, rank as petty officers, and receive reasonable remuneration.

Clause 9. Said vessels may be taken and used by the Government as cruisers, scouts, or transports at any time, on payment to the owners of their fair actual value at the time of the taking, and if there shall be a disagreement as to the value, then the same shall be settled by two appraisers, one appointed by each party, they selecting the third, who shall act in case the two shall fail to agree.

Clause 10. All vessels not of the United States coming with passengers from a country to which said vessels do not belong shall pay to the collector of the port an entrance tax of $20 for each and every passenger brought from such country who shall be landed, with his or her effects.

PART 4. GENERAL PROVISIONS.

SEC. 11. That marine underwriters or insurance companies belonging abroad, in person or through agencies in the ports of the United States, may issue policies, in conformity with State regulations, on shipments of goods, wares, and merchandise to be exported, but any discrimination made by them or their agents in the clauses of policies, in the premium rates, or effected through inspection of hulls or otherwise, which shall tend to favor the employment of foreign vessels, or tend to disfavor the engagement of vessels of the United States, shall be deemed a misdemeanor, punishable by a fine as a penalty in a district court of the United States. Said fine for the first offense shall not exceed $5,000 nor be less than $3,000; for a second offense said fine shall be not less than $10,000, and for the third offense and each one afterwards said fine shall be not less than $15,000 nor more than $25,000, and suits shall be prosecuted by the attorney of the court aforesaid for each and every violation brought to his notice. In any such suit it shall be no defense that the orders or directions of any person, or the rules and regulations of any association of underwriters, shipowners, merchants, marine surveyors, or their agents, not citizens of the United States, or that the inspection or classification of any vessel by any person, society, or authority whatsoever, can be claimed to justify the discrimination that may have been the subject of complaint. In a time of peace it shall not be lawful for any officer of the Government to receive tenders of service to be performed by vessels not of the United States, and in all contracts for the performance of public work it must be provided that transportation shall be performed by vessels of the United States.

SEC. 12. That on and after the passage of this act it shall be lawful for the space of thirty months, but no longer, for any bona fide citizen, citizens, or domestic corporation engaged in, or intending immediately to engage in, the carriage of merchandise, mails, or passengers in the foreign trade of the United States, to import and enter at the custom-house, for his or their own use, and no other, in said trade, but not to be held for sale or sold to others, and not to be employed in the domestic trade more than two months in the year, any vessel or vessels suitable therefor, of size not less than 2,000 tons gross and of age not more than 5 years, and have the same duly registered as a vessel or vessels of the United States, but upon the following conditions, nevertheless, to wit, that all vessels imported in the first six months of the term of thirty months as aforesaid shall pay a duty of $4 per gross ton; those imported in the second six months shall pay a duty of $5 per gross ton; those imported in the third six months shall pay a duty of $6 per gross ton; those imported in the fourth six months shall pay a duty of $7 per gross ton; those imported in the fifth six months shall pay a duty of $8 per gross ton measurement. The Treasury Department may allow credit on duties for imported tonnage to the extent of six and twelve months' time on secured notes of owners. And it shall be unlawful, upon penalty, as for a misdemeanor, punishable by fine of not exceeding $1,000 in a district court of the United States, for the master, owner, or agent of any foreign-built freighting vessel or yacht not duly registered, enrolled, or licensed to fly the flag of the Union from or abaft of the aftermost mast, spar, or pole, except as a sign of distress.

SEC. 13. That where it may become known to the collector that rebates of freight are paid in the commerce of any port of the United States, either by citizens or foreigners, he shall bring the facts to the attention of the United States district attorney, who shall bring suit to break up the practice. And for the prevention of frauds under this act, in indirect voyaging, foreign vessels not built in the country of registry shall undergo a probation of three years before being adjudged by the collector as belonging in good faith to the country of registration.

SEC. 14. That, coincident with the passage and approval of this act, section 4136 of the Revised Statutes of the United States shall stand repealed, and it shall not be lawful longer for any officer of the Government to issue a register, enrollment, or license for any vessel built abroad except such as have been captured in war and condemned as prize, and such as have been forfeited for a violation of the laws and bought at public sale, or admitted by an act.

SEC. 15. That the regular duties of tonnage computed on the gross admeasurement shall be paid alike by American and foreign vessels on each and every arrival when entry of vessel is made. Entrance or passenger tax shall be paid when permit is given for the landing of passengers from vessels not of the United States brought from countries to which said vessels do not belong. All additional tonnage duties and the light and race tax to be paid before lading permit is issued, but if loading be delayed, then, at latest, at the end of two months from date or entrance. American vessels carrying crews of which one-eighth the number are citizens or owe allegiance to the United States shall have rebate of tonnage tax to the extent of 20 per cent; if one-fourth of the crew be citizens, the rebate shall be 30 per cent; if three-eighths of the crew be citizens, the rebate shall be 40 per cent; if one-half of the crew be citizens, the rebate shall be 50 per cent; if five-eighths of the crew be citizens, the rebate shall be 75 per cent; and if three-fourths of the crew be citizens, the rebate shall be 100 per cent. The United States shipping commissioner shall ascertain and certify to the collector the proportion of citizens in each crew where rebate of tax may be demanded. Regular apprentices as seamen or engineers, if citizens, shall count as men in computing rebate of tax. In trade to and from tropical countries, where it may not be practicable to find any but natives of such regions to man American vessels, permits may be issued on applications under oath of the owner or agent by the Secretary of Commerce and Labor for one year, or while necessary, to carry a crew such as it may be practicable to engage in any given place. In all cases where vessels may be fined for infractions of law in accordance with the statutes it shall be unlawful for the Secretary of the Treasury or other Department to remit any portion thereof without an order of court; and it shall also be unlawful for the Commissioner of Navigation to order refunds of tonnage taxes that have been paid to a collector without an order of court.

SEC. 16. That sections 8, 10, 11, 12, 13, 14, and 16 of this act shall take effect upon its passage, and sections 1, 2, 3, 4, 5, 6, 7, 9, and 15 in one year and thirty days thereafter; and all acts or provisions of law in conflict herewith are hereby repealed; also any and all articles or clauses in existing conventions or treaties in contravention herewith are hereby annulled and abrogated, in conformity with the stipulations and equities of said agreements and the rights of the United States; and the formal notice of the Congress of the United States is hereby given that in one year from the approval of this act all convention or treaty stipulations for the suspension of discriminating duties under the aforesaid agreements are receded from on the part of the United States, and all enactments therefor are by this act repealed.

Mr. SULZER. Now, Mr. Chairman, that bill speaks for itself, and I have had it read at the Clerk's desk for the purpose of getting it in the RECORD, so that the people who are interested in this great shipping question can read the bill and judge accordingly. I place this tonnage-tax bill by the side of the Gallinger ship-subsidy bill and submit the merits of the two measures to the impartial judgment of the taxpayers of the country, confident that the general principles of my bill will be accepted by them in preference to those of the Gallinger ship-subsidy bill. My bill is a practicable, honest, businesslike measure, and, in the opinion of those most competent to testify regarding this matter, its enactment into law will go far to solve the shipping problem, restore our merchant marine, place our flag on the high seas, and give us at least nine-tenths of our ocean-going commerce. There is a difference as wide as the poles between the principle of my bill and the principle of the Gallinger bill. My bill is a tonnage-tax bill, and the foreigner pays the tax. In other words, all goods brought to this country in foreign bottoms would have to pay a tonnage tax on the ship's gross admeasurement. This being the case, foreign shipowners would have to charge higher freight rates than American shipowners, with the consequence that the American shipowners would get all the ocean-carrying trade. This would create a demand for American-built ships, and the demand would revive our languishing shipbuilding industries and the revival of those industries would give employment to thousands and thousands of workmen on both the Atlantic and Pacific coasts. Of course no foreign shipowner will commend my bill. No subsidy grabber advocates it. No shipowners' trust favors it. No marine monopoly likes it. Naturally every foreign shipowner is absolutely opposed to it, because every foreign shipowner knows that if a bill like this should become a law in this country in less than ten years the United States would be the mistress of the seas and do the major part of the deep-sea carrying trade of the world. I do not expect foreign shipowners to favor my bill, but I know when the question is understood by the taxpayers of our country every patriotic American will be in favor of my bill in preference to the Gallinger ship-subsidy bill, which takes money out of the pockets of the people of this country and pays it over in the nature of a gratuity to a special business interest. There is no graft in my bill; no private gain at public expense; it is just a plain, simple, practical, business, maritime measure for a tax on the tonnage of the gross admeasurement of foreign ships.

Now, Mr. Chairman, I know we all realize that there is a strong feeling throughout the country in favor of the rehabilitation of our merchant marine. This is a patriotic sentiment, eminently proper, and should be encouraged by every true American. It is unfortunate, however, that a great many well-meaning citizens, who desire to see our ocean carrying trade restored, have little knowledge of the causes which drove our shipping from the high seas and placed us at the bottom of the

list of the world's maritime powers; and consequently the noisy subsidy boomers, knowing they are sure to get all the benefits, are having everything down here pretty much their own way.

There are a great many people who have an idea that the civil war was responsible for the destruction of our ocean commerce, but this is not true, because between 1865 and 1875 the statistics show that about 63 per cent of American imports and exports were carried in American bottoms. Our registered tonnage in 1861 stood at 2,496,000, and to-day it is less than 800,000. Deep-seated economic conditions, together with barbaric navigation laws, are really responsible for our deplorable maritime condition and have done more than all other agencies combined to deprive us of our rightful position in the ocean carrying trade of the world.

Now, Mr. Chairman, what shall we do to restore the American merchant marine? What shall we do to place our flag on every sea? What shall we do to regain our ocean carrying trade, and revive our ship-building industry? There are several policies, sir, advocated by those who desire to restore the American flag to the high seas and secure for our country its proper share of the world's ocean commerce; and succinctly enumerated, they are as follows:

First. Free ships, which means the right of an American citizen to build or buy a ship anywhere, give it the benefit of the American registry laws, and place upon it the American flag. This is the good old honest American plan. To bring this about all that is necessary is to repeal our antiquated prohibitive navigation laws, which are a blot on our maritime intelligence, and this will never be done while the Republicans can prevent it, because they believe it will be a death blow to their pet doctrine of protection. This policy of free ships has been advocated for years by a great many sincere and able and patriotic men who understand this shipping question thoroughly and deplore as much as any of us the loss we are sustaining every year by reason of the elimination of our merchant marine. As Senator NELSON said in the Senate just before the final vote on the Gallinger subsidy bill: "It is my opinion, and it is my honest opinion, that you can grant subsidies as much as you please, but you will never put our shipping on a par with other countries until you grant them that which every other maritime country has on the face of the earth, and that is free ships." Under our existing navigation laws the American who builds or buys a ship in a foreign country is an outlaw, prevented from giving the ship American registration, and compelled to sail the ship under the protection of a foreign flag. There are other objections urged, however, to free ships, tenable or untenable, and very briefly stated, these objections are that the American shipbuilder can not compete with the foreign shipbuilder; that the prices of labor and material are higher here than in foreign countries, and that if American capitalists had the right to build ships and buy ships in foreign countries and bring them here and register them under our laws it would close the shipyards of our country and force a great many workmen out of employment.

This proposition, however, is controverted, but I am frank to say there is reliable testimony regarding it sustaining both sides. I have not the time in the hour at my disposal to go into details, as I should like to do. Suffice it for me to say now that I know it has been stated that ships can be built cheaper abroad than at home, but the statement loses much of its force when we realize that we have the greatest shipyards on earth, and can build battle ships and cruisers as quick and as cheap as any other country in the world. They say that it costs more for ship material here than it does abroad. If this is so, then the trust manufacturers of steel and iron are selling their manufactured products cheaper abroad than they are here, and if such is the fact, it seems to me to be the immediate duty of Congress to legislate so that the trust manufacturers of ship material for our shipyards shall sell to American purchasers just as cheap as they sell to foreign purchasers. They say that wages are higher here than they are abroad. This may be so in some instances, but if it is so I undertake to affirm that the reason is because American skilled mechanics are better and more efficient workmen and perform more work in a given time than foreign workmen. There are no tariff barriers against the importation of foreign workmen to compete with American workmen, and if American shipbuilders were paying so much more to their workmen than foreign shipbuilders, what is to prevent the workmen of foreign shipbuilders from coming to this country and working in American shipyards? There is no law to prevent it. Labor, skilled and unskilled, comes into this country free, while the necessaries of life that labor must buy are brought in under a heavy tax, and the consumer pays the tax. This is the argument pro and con, and those interested can pursue it to its logical conclusion. All I have time to say further regarding free ships is that efforts have been made for years in Congress to secure free ships, but without avail, and I believe at the present time it is absolutely impossible to pass a free-ship law. But before I leave this phase of the subject I want to say that I am a friend of organized labor, first, last, and all the time—and if I thought free ships would injure the rights and interests of the workingman of our country, I do not hesitate to say that I would be for the rights of labor first and the policy of ships afterwards. So much for free ships, and we will now consider the next plan.

Second. Ship subsidies, in accordance with the provisions of the Gallinger ship-subsidy bill. This plan, however, meets with much adverse criticism from those who are opposed to taking money out of the Treasury of the Government to aid any special line of business, and the principle is radically wrong and undeniably untenable. Democrats are absolutely opposed to ship subsidies or bounties or gratuities, because it is a scheme that robs the many for the benefit of the few, because it is trust favoritism, rank class legislation, and a policy of doubtful constitutionality. I do not believe it ever was intended by the framers of our Constitution that taxes should be levied on all the people to aid any special class of people, and the policy of our Government has always been adverse to ship subsidies of any kind. All recent efforts along this line have failed, and I believe they will fail now and in the future. Whenever the Government puts its hand in one man's pocket and takes a dollar from that man and gives it to another man, the Government is guilty of larceny.

The cohorts of ship subsidies who want to pilfer the people know that their scheme is contrary to the spirit of our institutions and can not be justified under our system of government. They do not attempt to justify it, but make flamboyant speeches about the glory of the flag, the deplorable condition of our merchant marine, and the great financial loss we are sustaining every year in our ocean carrying trade. But I can not bring my mind to believe that the House of Representatives will be so recreant to its duty as to pass a subsidy bill, and I will take up the next plan suggested—that of discriminating duties.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman from New York allow me to ask him a question?

Mr. SULZER. Yes.

Mr. HUMPHREY of Washington. I should like to ask the gentleman how discriminating duties will help us on the Pacific coast? Take it at Puget Sound to illustrate. Forty-seven per cent of our imports are already on the free list. I had a calculation made, taking the Boston Steamship Company's larger vessels, of 10,000 tons each, as to how much it would benefit them to have a discriminating duty of 10 per cent in their favor on the imports that they brought into Puget Sound; and this calculation, according to mathematics, showed that one of these great steamers of 10,000 tons each would be benefited just $70 for a 6,000-mile trip.

Mr. SULZER. Benefited just $70 on what?

Mr. HUMPHREY of Washington. Seventy dollars by a 10 per cent discriminating duty on the imports brought in at one trip; in other words, giving them the advantage of a 10 per cent discriminating duty, dividing it among the vessels, it would amount to $70 a trip for a 6,000-mile trip of one of those steamers.

Mr. SULZER. I assume the ship the gentleman refers to a cargo of tea carried from Yokohama to Seattle, and tea is not now taxed, and the tea coming in free of duty, the ship, of course, carrying a cargo of nondutiable goods, under a discriminating duty would not receive much advantage. But the ship gets no advantage under the law now, and there are not many articles on the free list under the present tariff laws—and not likely to be for some time to come. But let me call the gentleman's attention to his party's platform——

Mr. HUMPHREY of Washington. I do not want to interrupt the gentleman, but I want information.

Mr. SULZER. Very well, the gentleman shall have all the information I can give in regard to discriminating duties. I want to call the attention of the House to the Republican national platform of 1896. I read from it, as follows: "We favor the early American policy of discriminating duties for the upbuilding of our merchant marine."

And now, if the gentleman will allow me, I shall briefly discuss this plan for the upbuilding of our merchant marine.

Third. Discriminating duties in favor of American vessels built in American shipyards. This was practically the policy in vogue in this country up to 1828, when, to please some foreign interests, the law was repealed, and from that day to this our prestige on the high seas has been declining until it is less to-day that it was a century ago. Many disinterested friends of our merchant marine believe that if this policy of the

fathers was restored to-day it would revive our over-seas carrying trade and in a very few years build up our shipping industries so that we would secure our share of the ocean commerce of the world and save millions and millions of dollars that we now pay annually to foreign shipowners. In reading over the report of the Merchant Marine Commission, I observe that several large shipbuilders and shipowners testified that they formerly believed in subsidies, but had changed their opinions and now believed in and preferred discriminating duties. There seems to be only one objection, so far as I can learn, to a return to discriminating duties, and this objection comes from the advocates of ship subsidies, who declare that we have about thirty commercial treaties with foreign governments containing the favored-nation clause, and in order to inaugurate the policy of discriminating duties it will be necessary to change our commercial treaties, and this can not be done without giving these favored nations one year's notice. However, there is no doubt the change could be made if this Government wanted to make it, and a year's notice to bring it about would cause no great delay, especially when we consider that the subsidies granted under the Gallinger bill do not begin until after July, 1907. If we desire to change our commercial treaties with these favored nations, we have a perfect right to do so and no nation can object, and I do not think that any of the nations would retaliate. Besides, if there is to be retaliation, two can play at the same game, and our trade is more important to other nations than their trade is to our country. Many citizens and several distinguished Members of Congress who have given this subject much thought and consideration believe that discriminating duties will effectually solve the problem in the most feasible and practicable way, and heretofore this has been the plan of the Republicans as outlined in their several platforms, especially in the platform of 1896, and President McKinley, in his letter of acceptance, said: "We must encourage our merchant marine; we must have more ships; they must be manned by and owned by Americans. The policy of discriminating duties in favor of our shipping which prevailed in the early days of our history should be again promptly adopted by Congress and vigorously supported until our prestige and supremacy on the seas are fully attained."

The leading Republicans of the country, in Congress and out of Congress, adhered tenaciously to this policy of discriminating duties until Mr. Hanna introduced in the Fifty-sixth Congress his ship-subsidy bill, and since then the Republican platforms have dodged the subject, and Republican leaders have been divided, some favoring subsidies, some tonnage taxes, and some discriminating duties. I now come to the next plan.

Fourth. Tonnage taxes on gross admeasurement by way of discrimination in favor of American-built ships, owned by Americans, flying the Stars and Stripes, and against foreign-built ships sailing under foreign flags. In this case the foreign shipowner would have to pay this tonnage tax on the gross admeasurement of his ship, and of course he would have to charge freight rates high enough to cover this tax, and the consequence would be that foreign exporters would send their goods to this country in American ships and bring their imports home in American ships. This would create an immediate demand for American ships and speedily revive our shipbuilding industries on our Atlantic and Pacific coasts. In some respects tonnage taxes and discriminating duties are similar, but in my opinion tonnage taxes are less complicated than discriminating duties and will more speedily bring about the desired result. In several previous Congresses I introduced a shipping bill on the lines of discriminating duties. The bill was always referred to the Committee on Ways and Means, because it related to the revenue, and I was never able to get it reported, so I made up my mind that the Republican leaders in the House of Representatives were not in favor of discriminating duties and would never pass a discriminating-duty bill to revive our merchant marine and secure for our country its share of the world's over-seas carrying trade. I therefore introduced at the beginning of this session of Congress a bill for tonnage taxes on the gross admeasurement of the foreign ships, and this bill, not being a bill affecting the revenue, was referred to the Committee on Merchant Marine and Fisheries, over which the gentleman from Ohio presides.

This bill has met with much favor from people opposed to subsidies and who want to see Congress do something to revive our merchant marine. This bill of mine is a tonnage-tax bill and nothing more. It is not a subsidy bill nor a free-ship bill nor a discriminating-duty bill, and under its provisions it would not take one dollar out of the Treasury of the Government or out of the pockets of the taxpayers of the country. It makes the foreigner pay the tax, and this ought not to be objectionable to the Republicans, because up to very recently they claimed that under the protective tariff the foreigner paid the tax, but I understand they have abandoned that absurd claim, and now admit that the consumer pays the tax. This tonnage tax on the gross admeasurement of foreign ships in favor of American ships is, I believe, substantially in line with the policy of the men who molded our legislative marine history in the early days of the Republic. The bill is indorsed by the American Shipping Society of the United States, of which Hon. W. W. Bates, of Denver, Colo.—formerly United States shipping commissioner—is president, and has been approved by some of the ablest writers and thinkers and political economists in our land. It is a comprehensive bill, but when studied its provisions are very simple, and those who know most about the subject affirm that if this bill were enacted into law it would solve our maritime problem, restore our merchant marine, build up our shipyard industries, place our flag on ships on every sea, and give us a great auxiliary navy in case of foreign complications; and it would accomplish all of this without doing violence to any of the principles of our Government or taking one dollar out of the Treasury or the pockets of the people.

The bill may not be perfect, and if it is not, I shall be glad to do my share to perfect it; but I believe, from a careful study of all bills that have been offered on this subject in Congress for the past ten years, that my bill presents the most speedy and effective remedy. I know it is said by the friends of the shipping trust, and the advocates of subsidies, that the bill discriminates in favor of American ships against foreign ships; but I reply that we never can build up our shipping industries and restore our merchant marine unless we adopt the policy of free ships, or a policy that will discriminate in some way in favor of our own ships and against foreign ships. The fact is that we discriminate now against our own ships in favor of foreign ships. My bill simply reverses the situation. I sincerely believe that if this bill, or one similar to it, containing substantially its provisions, should be enacted into law, that the United States in a few years would become mistress of the seas, and American ships, built in our own shipyards, would do all of our own ocean commerce besides a great part of the deep-sea carrying trade of the other countries of the world.

Mr. Chairman, I see my time is nearly consumed and I must conclude; and in doing so I want to say that my bill is not a makeshift. It is not a temporary expedient. It is a permanent remedy, and once adopted and upon the statute books it would continue in favor for years and years to come, until the American people possessed the greatest merchant marine in all the world; and I therefore say in conclusion that from a careful study of the whole subject-matter I sincerely believe that the adoption of this bill, in my opinion, will speedily restore our ocean carrying trade, revive our shipbuilding industries, give employment in our shipyards to thousands and thousands of men in all parts of the country, bring about an era of prosperity such as we have never known before in our shipping trade and deep-sea commerce, place our flag on ships on every ocean and in every port, and make the American sailor what he was in the historic days of the Republic—the pride of the people, the master of the seas, and the arbiter of the ocean highways of the world. [Loud applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SIMS. Mr. Chairman, I am not going to talk about free seeds, although I am in favor of them. I think this Government is getting very economical at the little end of the horn, but there is another matter about which they are getting extremely economical, that is very practical, and that I am confident will come home, if the policy is pursued, to some of my Republican brethren as well as to some of my Democratic brethren, and that there will be some vacant seats on both sides of the House if it is not discontinued. I have reference to a recently adopted policy of the Post-Office Department with reference to rural service. The Department in the past has been fairly liberal in the establishment of rural service. It is acting now just about as far the other way in disestablishing it and preventing it. A certain number of prescribed boxes must now be bought and put up before the Department will order the service established.

Heretofore after inspection by the special agent the number of families were ascertained and the service put in and time given in which to buy and put up the regulation boxes, but now the special agent goes over the route, ascertains the number of families, and orders it put in and the service held up until the regulation-approved boxes are first purchased and put up.

Mr. WM. ALDEN SMITH. If my friend will permit me, I will state the same rule applies to all post-office boxes. They have to be approved. General uniformity is what they are after.

Mr. SIMS. I am going to talk about uniformity, and that uniformity is going to vex somebody on that side as well as on this. Why is it that the patron of the rural route, whose box stands right in front of his door, can not for himself determine what kind of a box and out of what material and who shall make it in which he receives his mail after it is deposited there and the Government has no further responsibility?

Why is it, I ask the gentleman from Michigan [Mr. WM. ALDEN SMITH], because he is a very representative gentleman of this House, and it looks like he is determined to leave us and go to the Senate, which will be our loss—why is it that the Government must say what kind of a box your mail shall be put in? In the rural service, where the rural carrier is paid $720 a year to carry the mail, we must have uniformity, when right by the same box in which the rural carrier delivers the mail is a box put up in which the star-route carrier delivers mail, and that may be any kind of a box that the patron sees proper with which to provide himself.

Mr. WEBB. Will the gentleman permit a question there?

Mr. SIMS. Certainly.

Mr. WEBB. Do you know anything as to the enormous profits that are being made out of the sale of these regulation rural boxes?

Mr. SIMS. I do not know, but I have a suspicion, and I think a well-grounded suspicion, that there is a good profit, a very good profit, to the men who manufacture and sell them, and a good profit to the steel manufacturers who prepare the material from which they are made, so commonly called the "steel trust." But here is the Second Assistant Postmaster-General, with as large experience as the Fourth Assistant, and he says to the star-route carrier, "Put the mail in the box that the patron prepares and puts up himself." That is a part of the Department of the Government; and the Second Assistant, with the same character of mail, valued just the same to the man who receives it, says the farmer can make his own box or get a carpenter near him to make it, or get his own tinner in his own town to make it, and the mail is put in that box.

Mr. WM. ALDEN SMITH. I think that is proper, and he ought to have that privilege, and——

Mr. SIMS. I know you could not think otherwise; you have too much common sense, too good a heart, to indorse this arbitrary method of the Fourth Assistant that says he must prescribe the kind of property you must put up and use yourself, and the material with which even the boxes themselves are manufactured, which is made by one of the worst and most gigantic trusts that ever flourished in any country.

I am not here charging that the Fourth Assistant Postmaster-General and his Department are intending to benefit the manufacturers of iron and steel, the material of which these particular boxes are made, but I am here to say they are men of common sense, and we presume every intelligent man intends the natural result following his act. I want to show how this thing is going on. The people have resented this idea of having to buy the regulation boxes, and on many routes that have been established they have not bought the number of boxes the Department wanted them to buy from these enormously profitable private sources, and now what are they doing? Discontinuing the service, reducing it to three times a week where it was daily, because, by the arbitrary, tyrannical, and unjust requirements of the Department, that benefits nobody but the men or corporations who manufacture the material of which the boxes are composed, the service is held up, with no law to authorize it but a post-office regulation, until 75 per cent of the patrons purchase the boxes so foolishly, unjustly, and unnecessarily required of them.

Now, let me tell you of an actual case in point. From my little town of Linden, Tenn., there is a rural free-delivery route from Linden going west toward Perryville. Going right up by and over the same road from Perryville is a star route, and there stands to-day on that road a rural route box put up under the regulation requiring steel or iron (trust-made products), right by the side of which stands a wooden box made by the farmer, in which the United States star-route mail carrier deposits the mail just the same as the rural carrier does in the other. It is just as reasonable, just as necessary that the mail should be adequately protected in one box as in the other. The order for a box in each case emanates from the same Department. I say that the Second Assistant Postmaster-General is a patriot and a man of common sense, a friend of the people, and not their oppressor, but the action of the Fourth Assistant that requires a man to put up a certain kind of box to receive his own mail in is a friend of the manufacturer of that character of box, is an oppressor of the people, who resent being dictated to as to how they shall receive that which is their own.

I suppose it will not be very long until the Fourth Assistant Postmaster-General will say: "You shall not open your letters unless you do it by using a certain kind of approved opener." He is invading the rights and privileges of the private citizen for the benefit of a trust-manufactured material and we tamely submit to it, surrendering our liberties one at a time. That is what we are coming to. That is what is being done. No longer than yesterday I received a letter about a route just inspected where there are 114 families on the route, and the order is made that it go into operation, provided 75 per cent of these people first buy these trust-manufactured boxes and put them up before they get the service, and all this with no law of Congress behind it; nothing but the tyrannous regulation of the Department depriving the people of what is right and just and what Congress intended they should have.

Why should we extend the rigorous criminal laws of the United States and rigorous criminal penalties to protect this trust-made box?

Mr. JOHNSON. Will the gentleman from Tennessee yield for a suggestion?

Mr. SIMS. I will.

Mr. JOHNSON. I spent three months last summer in going all over the rural routes in my district with the carriers, and in nineteen cases out of twenty somebody stood on the side of the route to get the mail, and the carrier never had to open a box.

Mr. SIMS. Why, the gentleman from South Carolina has suggested that which is within the knowledge of every man who knows anything about it, except the Department, that we would presume should know something about it, but seems to be groping in darkness. In nine cases out of ten, unless the weather is bad, there stands a little boy or a little girl, the wife of the farmer or the farmer himself, or somebody beside the road and gets the mail before the carrier has a chance to put it in the box. Yet they are telling us, "You shall not receive this mail unless you put in this trust-manufactured box." You can not put in the box made by the carpenter next door, or made by the farmer himself, or the village tinner, because a Government official forsooth has not stamped on it "approved."

Where are the liberties of the private citizen going if we are to submit to such tyranny as this, while on a star route the mail carrier puts the mail in a box that is prepared by the patron himself?

Mr. GAINES of Tennessee. How do you know there is a trust making these boxes?

Mr. SIMS. Who makes nearly all the steel, iron, and tin? And there is very little that is manufactured of any one of those articles that is not in a trust. Why should the criminal laws be applied to these boxes? No registered letter can be put in them, no pension letter can be put into them, but if it is maliciously destroyed or mutilated it is a high crime and misdemeanor against the United States. It is right to have criminal-law protection against malicious destruction or damage of these boxes, but let the State furnish it. The United States needs not to extend its criminal jurisdiction for the protection of these boxes. It is all right to extend it to the receiving boxes, to those boxes for which the Government is responsible after the mail is deposited in them, but when a patron puts his money in a box it is his own private property; if he is willing to take take the risk, let him take it. Let the States make the laws to punish those who damage these boxes, and let the boy or man, whoever he may be, be tried by a jury of the citizens of his own county.

Now, let me give you an example of the result of this glorious method of procedure. Three boys, one of them 15 years old, started from the county seat of a county in my district five years ago to attend an evening meeting. The younger boy was in advance of the others. They came along singing, whooping, and hallooing, as boys will. The younger boy with his riding switch struck a rural mail box to make a noise to cause the other boys' horses to dodge. It was a box of very poor quality, and it made a little dent, not as big as your finger. It did not damage the box at all. What was the result? It got talked about, and the postmaster was informed that he must report it to the Department at Washington.

Three long years after that occurred this 15-year-old boy, who has an invalid father, an invalid mother, and a sister whom he is trying to educate, had gone to the State of Texas, working there as a wage-earner. Three years after this thing occurred an inspector came down there to hunt up this thing. He sent for the two boys that were along and took their testimony or statements. He sent for the man who owned the box, and that man would not come. He cared nothing about it; no injury was really done him. The inspector sent back a most threatening message to come or he would apply the thumbscrews of Federal power to him. The poor man was dragged up there and made this statement in the post-office, with numbers of good Republican witnesses present. It was stated to

this inspector that this boy did not hurt this box. The owner made no complaint. The father of the boy offered to buy a new box, and the owner said "I do not want it;" but this imperial inspector was sent out to find something, and he found it. He said there, in the presence of the postmaster, "If you lay the weight of your hand upon one of these boxes, you will be carried to court."

He made his report; it was sent to the United States district attorney at Memphis, and these witnesses were dragged to the Federal court. In the meantime the boy was in Texas trying to make an honest living. He was indicted for maliciously damaging a mail box. The parents of the boy are poor and unable to employ a lawyer. I went to see the district attorney. He said that his assistant handled the case. I talked to the assistant and he said, "Well, I came very near advising the grand jury to ignore the case, but there had been a number of complaints up there and we never could locate the individuals, and we thought we would indict this boy as an example to others." That is what happened about this trust-made box. That young man has to be dragged back from Texas, where he is at work making a modest but honest living, to be tried in the criminal court of the United States, when in the bottomless pit of hades no jury could be found mean enough to convict him. If it had been a wooden box made by this good farmer, in which he was willing to receive his mail, that boy would not be to-day bound over to a criminal court for doing that which he had no more idea was wrong than if he was an infant child, and did not even know what it was when he struck it. If the boy had done something wrong, and could have been tried in his own State court, there would not have been all this delay and injustice. Who wants to create Federal crimes for Federal courts to punish in such a way as this? The people would rather not have the service, if they have got to accept it under such tyrannous conditions as these.

I want to say to my friends over there, politically I am "agin" you, but I know many of you are as good men as there is to be found anywhere. You might not expect me to say that, but it is a fact; I know it by experience. Do you know that a great many intelligent people look to us as the author of this rural-route service, and that they will hold us responsible for its discontinuance? I will prove it to you. Out of one little town in my district there were three rural mail routes. Two of the routes were doing well, and the third one showed a poor return. One of these inspectors was sent down there and he made a report to discontinue route 3 absolutely, and, I think, was entirely justified in that. The people made no complaint; but he changed routes 1 and 2 to three times a week; then he took out the carrier from route 2 and put the carrier on route 1 to carry both routes. What was the matter with the carrier on route 2?

He has done nothing wrong; he has his horses, he has his hack, and on the 30th of April his route stops, when it is too late for that poor man to get land and plant a crop. With no notice, he is thrown out of his job. What for? To be economical, to make a showing that the Department is doing something on the side of retrenchment. When I asked over the telephone, a few hours ago, why didn't the Department let both carriers on these routes carry the mail, after reducing to three times a week, and thus reduce each man the same—each would have had something to help himself along the balance of the year—the reply was it was more economical for one carrier to carry both.

Mr. WM. ALDEN SMITH. The gentleman is talking about rural carriers?

Mr. SIMS. Rural carriers. Now, I want to read to you a letter to show that the people down there do hold us responsible. I am not making a speech for buncombe. Let me read you a letter, a well-written letter, from a man who is no fool, although he is not fully informed, as to all the red-tape requirements that are enforced here against the plain people:

FINGER, TENN., *April 2½, 1906.*

Hon. T. W. SIMS, *Washington, D. C.*

DEAR SIR: About one year ago our mail route started with about 450 or 500 pieces of mail; this month it will be about 2,000 pieces. We are doing all we can to educate the people to the great benefit of the same. It seems now that our route (No. 2) is to be cut down to every other day, and we therefore beg earnestly of you to please continue our route every day, as we think it will be only a short time until we will have better than 3,000 pieces per month.

Mr. SIMS, we have stood by you in every race that you have made and expect to stay with you. We favored you when you needed help and will favor you this year when your reelection is certain, and now you have an opportunity to favor us. We think that if our route has grown from 500 to 2,000 in one year, and it the first year at that, that it is nothing but right for it to still continue every day.

I fully believe that it will increase at least 1,200 pieces this coming year. You will greatly favor your many friends here by coming to the rescue and giving us our route every day.

You know how inconvenient it would be to you to get your mail only every other day, and should we not feel as well?

I voice the sentiment of every true Democrat and every wide-awake Republican when I say that we ask of you to give us daily mail.

We thank you in advance for your kindness.

Your Democratic friend, J. T. ROBISON.

You see from this letter that we are to be held responsible for this tyrannous course pursued by the Department, without any statutory requirement for it. Here is another letter just like it, which I now read:

FINGER, TENN., *April 23 1906.*

Mr. T. W. SIMS, M. C.,
Washington, D. C.

KIND SIR AND FRIEND: I understand that rural free delivery No. 2 and No. 1 have been cut out one-half, and No. 3 cut out entirely April 30, 1906; Levi B. McIntyre, carrier of No. 2; Murry F. Walker, carrier of No. 1. Murry F. Walker has been selected to carry both routes (or mails). Mr. SIMS, we want route No. 2 put back to full time, and we want Levi B. McIntyre placed back carrier of route No. 2, as formerly. This rural free delivery justifies what we ask for. Here are some figures to show you that I am right in the matter. The inspector was here and inspected route No. 2 the latter part of February; Mr. McIntyre was carrying 1,000 pieces per month, with 30 boxes; through the month of March the people added to that number 57 boxes, with prospect of more, and carrier carried 2,000 pieces during March; rural free delivery No. 3 being killed will add five to six hundred more pieces to route No. 2. This rural free delivery passes through a good section of country, and they are good people, and have always been for you and are for you yet; with the reestablishing of the route to full time, and Levi B. McIntyre carrier, will still add voters to your list. Please see to this work promptly before the change comes, which will take place April 30, 1906. If you can do anything for this it will be appreciated.

Yours, truly, W. H. HARRIS.

It may be that I am the first gentleman that has received such letters, but they will come to more than to myself. Now, that identical section in McNary County, Tenn., is white; there are not a half a dozen negro families in it. Two-thirds of them are Republicans and never voted for me in their lives.

To show you what the people think, here is a petition signed by many names asking me to restore the service to six times a week. It is no use to read it; it is just like the letters in substance.

The Fourth Assistant Postmaster-General, with reference to these routes, says in his letter just received:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FOURTH ASSISTANT POSTMASTER-GENERAL,
Washington, April 26, 1906.

Hon. T. W. SIMS,
House of Representatives.

SIR: Referring to your telephone message of to-day inquiring as to the reasons for discontinuance of rural route No. 3, Finger, Tenn., and the substitution of every-other-day service for daily service on routes 1 and 2, involving the discontinuance of the services of one of the carriers, I have to say that it appearing from the reports of the amount of mail handled on these routes that there was a lack of patronage, an inspection was made with a view to ascertaining the exact conditions.

As to route 1, it appears that, although the route had been in operation for almost two years, of the 110 families within the territory only seventy-five families are patronizing the service, using thirty-five boxes, and the amount of mail handled during the three months ended December 31, 1905, was 3,142 pieces, of all classes. On the average route throughout the country for the fiscal year ended June 30, 1905, the average number of pieces of mail handled per month was 3,688. It was not found practicable to rearrange the service so as to increase the patronage materially, because the adjacent territory is supplied by rural delivery from other points. A slight change was made in order to place the service nearer six families, in the hope that they might patronize it.

The same general conditions prevailed as to route No. 2. It is being patronized by 90 families out of 115, with 30 boxes in use, and the total number of pieces of mail handled during the three months ended December 31, 1905, was 3,955. It appearing from the patronage and the amount of mail handled that daily service is not appreciated in this territory, the Department feels that it is not warranted in continuing such service, and accordingly has ordered that these routes be operated every other day, the service being performed by one carrier.

As to route No. 3, it was found that this route, which was established September 1, 1905, has handled about 700 pieces of mail per month, the whole amount of mail handled during the three months ended December 31, 1905, being only 1,956 pieces. There are 26 boxes erected on the route, which is patronized by 48 families out of 98 families reported convenient for service. As there is no unserved territory which can be added to this route with a view to increasing its patronage, and as there is no prospect of an increased interest on the part of the existing patronage, 30 per cent of which can be served by route No. 2, and some of whom are located on the star route from Finger to Leapwood, which duplicates with the rural route for a distance of 2 miles, the continuance of service on this route was not deemed warranted, and it was accordingly ordered discontinued. The action of the Department in this case is in line with its policy as announced by the Postmaster-General in his annual report, issued December 5, 1905, page 89, which contemplates the discontinuance of the service where, because of a lack of appreciation of it, the expenditure involved is unwarranted, and the substitution of every-other-day service for daily service where the patronage is not sufficient to warrant daily service.

Very respectfully,

P. V. DE GRAW,
Fourth Assistant Postmaster-General.

Here is the statement that in the month of March this year in the letter I read from W. H. Harris, a merchant and a reliable man, who says since last December, the time referred to by the Fourth Assistant, fifty-seven additional boxes have

been put up on this route No. 2, and they will soon have more than 3,000 pieces of mail per month. But without notice, without anything but the report of an inspector, the Department here with nothing but a regulation behind it, in pursuance of a policy which they speak of, discontinued one route entirely, of which I do not complain, neither do the people, and turns the other into a tri-weekly service, and sent one carrier in the cold world to live as best he can for no wrong of his. They turned him out after it was too late in that country to plant and make a crop successfully. Here he is with his horses, here he is with his back, here he is with his wife and children, if he has any, to starve, because this great Government through one branch of one Department says it is more economical to starve one man than to half starve two. Where is the justice? Why should Congress sit here waiting for adjournment with this kind of tyranny hanging over them? You will be blamed if you do not stand up against it. Now, let the Post-Office Committee or some member of it introduce and report a bill to allow a free-born, educated, and enlightened citizen decide for himself what kind of a box he can use. Let us say to him, You have sense enough to say what kind of a box you want to receive your mail in, and let him put it up and brand it. What are the facts now? There is no law or regulation requiring a box to be locked. Go up and down the rural routes and these little tin boxes, sold at I don't know how many hundred per cent profit, stand wide open with no kind of fastening device.

Mr. GAINES of Tennessee. Can't you take a penknife and cut any one of them open?

Mr. SIMS. Oh, of course I would not say that, for I do not know.

Mr. GAINES of Tennessee. Well, I can do it. [Laughter.] Are not our papers in the little towns in Tennessee delivered and put in the little wooden boxes at the front gates, and no one takes them away?

Mr. SIMS. Why, of course. I want to state that in all the star routes in my district where the box delivery has been established there has never yet been a complaint of destruction or damage to one of the wooden boxes, but, on the other hand, there have been a number of complaints that the steel-trust-made boxes have been damaged and broken open. The evil man thinks that the best value is where there is the greatest apparent security. A thief cracks a safe to get money, but never an ash barrel. [Laughter.] What do you want with these boxes if it is not simply to protect the mail from the weather? Nothing else. The Second Assistant Postmaster-General says that it is common sense and justice to let patrons on star routes put up such boxes as they desire, but the Fourth Assistant Postmaster-General says, in effect, to the rural route patron: "No; you shall not risk your own property with your own method of protection; we will stop your routes, curtail them, shorten them, refuse to establish them, if you do not first patronize the steel-trust-made product."

Mr. Chairman, I am not talking because I feel in a good humor. [Laughter.] I am afraid I am manifesting a little too much temper. It does not help a case; but when you see people—humble, honest, God-fearing, country-loving citizens, who go to war and bare their breasts to the cannon's mouth—who are denied the simple privilege of receiving a postal card in such a box as they are willing to receive it in, it is enough to get one out of patience with the red-tapism of any autocratic, despotic bureau official who says that I must eat with a fork or starve. [Prolonged laughter.]

I want the people to know that we, their representatives, do not indorse the course being pursued by the honorable Fourth Assistant Postmaster-General and that we are in no sense responsible for it.

I have thus held up the ridiculous spectacle of one of the Assistant Postmaster-Generals saying that the rural patron shall not receive a postal card in any kind of a box except those of his dictating and choosing and another Assistant Postmaster-General saying to patrons on star-route lines: "Yes; put up boxes of your own choice, and the mail shall be deposited in them." Which of these officials would you suppose is possessed with the spirit of free-born American independence and self-respecting manhood?

I am indeed surprised that the present Postmaster-General permits such a state of affairs to exist in his Department. But I say to you gentlemen on the other side, you are responsible; this is your Administration; you can stop this unjust and tyrannical course now being pursued in hostility to the further extension of the free rural delivery service. It will be noticed in the letter above read from the honorable Fourth Assistant Postmaster-General he says that his action is taken in pursuance of the policy of the Postmaster-General. Who is the present Postmaster-General? Hon. George B. Cortelyou, chairman of the national Republican committee. If I wanted party advantage I should rather encourage the present administration of the free rural-delivery service; but as I prefer the best service the Government can give my constituents rather than party advantage I can not too strongly condemn the so-called "policy" of the Postmaster-General.

Mr. HEPBURN. Mr. Chairman, I am of the opinion that gentlemen on the other side of the Chamber believe that the next great political contest in this country will be based upon the question of protection—protection to American industries. I arrive at that conclusion from the number of gentlemen who have addressed the country upon this subject, upon the bitterness of assault that they have made upon the system, and upon the hedging that I think I have discovered upon the part of some of these gentlemen as to the position they propose to take on the question. Everyone who is conversant with the history of this country, who knows aught of its politics, who has ever studied the attitude of parties upon this question, knows that the position of the Democratic party has at all times been that of a party of free traders. Recently two gentlemen of importance in the councils of that party have challenged this statement, and have declared that "the Democratic party at no time"—the gentleman from Mississippi [Mr. WILLIAMS] emphasizing the fact by saying "either before or after the war"—"has declared itself to be in favor of free trade." I have thought that gentlemen who made that statement lacked something of familiarity with their own platforms. I would like to call attention to this language that I find in the twenty-first resolve of the Democratic platform adopted in the national convention in the year 1848:

Resolved, That the fruits of the great political triumph of 1844, which elected James K. Polk and George M. Dallas President and Vice-President of the United States, have fulfilled the hopes of the Democracy of the Union in defeating the declared purposes of their opponents in creating a national bank; in preventing the corrupt and unconstitutional distribution of the land proceeds from the common Treasury of the Union for local purposes; in protecting the currency and labor of the country from ruinous fluctuations, and guarding the money of the country for the use of the people by the establishment of the constitutional Treasury; in the noble impulse given to the cause of free trade by the repeal of the tariff of 1842, and the creation of the more equal, honest, and productive tariff of 1846.

Again I invite the attention of these gentlemen to the platform adopted in 1856. In the first resolve they say:

Resolved, That there are questions connected with the foreign policy of this country which are inferior to no domestic question whatever. The time has come for the people of the United States to declare themselves in favor of free seas and progressive free trade throughout the world, and by solemn manifestations to place their moral influence at the side of their successful example.

"Progressive free trade!" What does it mean?

Progressive.—A moving forward toward ideal completeness or perfection in respect to quality or condition.

Can you avoid the charge of having declared yourselves in favor of free trade as a policy that under Democratic rule and sway was to be made worldwide? The great question above all other domestic questions was this one of free seas and progressive free trade throughout the world.

Again, in their next convention they affirmed that same doctrine. Again it is their faith. Three times they have declared it, and everyone whose recollection goes back so far as to encompass some of those memorable campaigns knows that the watchword of the party in 1840, in 1844, in 1848, was free trade and sailors' rights.

I am not an old man like my friend here [Mr. GROSVENOR]. [Laughter and applause.] He was born twenty-four hours before I [applause]; and yet I can remember some of those campaigns, the torchlight processions, the legends on banners and transparencies, and free trade was their watchword and their shibboleth. Again, I have some proofs. There is in this House a gentleman from Missouri, stalwart in his politics, and a man whose word any man can take, a man in whom there are no disguises in politics, that which he believes he announces, and there are no occasions when policy, political, curbs his speech. He glories in his Democracy. Let me read briefly from him. [Laughter and applause on the Republican side.]

Mr. CLARK of Missouri. Mr. Chairman, after nine days of sore travail, at least one truth has been brought forth on the Republican side of this House, and that by the gentleman from North Carolina [Mr. LINNEY], when he said that I would destroy every custom-house in America. He is entirely correct. If I had my way to-day, sir, I would tear them all down, from turret to foundation stone, for from the beginning they have been nothing but dens of robbers.

And at that utterance, so destructive to the property of the United States, involving so many millions of dollars, every gentleman on that side of the House laughed and applauded. Why? Because back of his declaration they recognized there lay the very foundation of their faith. But the gentleman went a little further than this. If he had not, it might be said this was a

mere figure of speech, that this was but Pike County oratory, based upon some Scottish story. He said:

I am not in favor of free whisky, as is the gentleman. Neither have I any sympathy for the "moonshiners" in his district, who shoot down the revenue officers in the legitimate discharge of their duty as though they were so many dogs. I repeat, so that all men may hear, that I am a free trader, and proudly take my stand with Sir Robert Peel, Richard Cobden, John Bright, and Henry George. I may be but an humble member of that illustrious company, but it is better to be a doorkeeper in the house of honest free traders than to dwell in the tents of wicked protectionists.

And again there was laughter and applause on the Democratic side.

My entire plan for raising money enough to run the Government, "economically administered," which is the old Jeffersonian measure of taxation, is: First, to levy internal revenue on all proper subjects—high on luxuries, low or not at all on necessaries; second, to so amend the Constitution that a fair and equitable direct tax can be levied, and pass a law in pursuance thereof, which will cause the people to closely scrutinize their tax lists, that would prevent jobs and stealing here; third, to levy a graduated income tax, which would force the aggregated wealth of the country to bear its just proportion of the public burden. Sooner or later this scheme will be accepted as the settled policy of the country.

That is the opinion of this gentleman, and I undertake to say that could the House have been polled—that side of it—he would have been sustained by an overwhelming majority. It is their doctrine; it is their faith——

Mr. GILBERT of Kentucky. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Kentucky?

Mr. HEPBURN. For a question.

Mr. GILBERT of Kentucky. May I ask one little bit of a question? Did the gentleman from Iowa, in the second session of the Forty-seventh Congress, make a speech in favor of free trade in lumber?

Mr. HEPBURN. I think it is likely; yes, sir. We were cutting off our forests at a rate that we are now suffering from, and if you remember that speech, if you have done me the honor to read it, you will find I had based my argument upon that fact—upon the statement that we then had that within ten years the entire northern supply of lumber would be gone. I await the gentleman's pleasure.

Mr. GILBERT of Kentucky. I just wanted to remind the gentleman that free trade has been advocated by different members of all parties under certain particular circumstances.

Mr. HEPBURN. No, sir. Free trade in certain particular things has been advocated at different times by different people, but no party has ever advocated the general policy of free trade that I know of except the Democratic party. [Applause on the Republican side.]

I can cite hundreds of speeches not less strong, positive, and vehement than that of the gentleman from Missouri, all declaratory of the faith of the party, "free trade," and especially is this true of the southern wing of the party. For ten years before the era of nullification and ever since that time it has been the one principle of party faith that has had the support of the largest number of Democrats. Sometimes it has been thinly veiled by declarations favoring a tariff for revenue only, or some other pretense, but always there has been hostility to the protection of American labor or American industries.

But, Mr. Chairman, what is the use of gentlemen splitting hairs about this matter? They are free traders, so far as protection is concerned. They are unwilling to give to the American manufacturer protection according to their own theories. What are they? Why, they tell us that they are in favor—some of them do now—I think the gentleman from Mississippi is hedging a little, and getting around on to a platform that was somewhat popular in 1884, and that did bring value to the Democratic party in 1892, namely, they are in favor now, they will tell us, of a tariff for revenue, with incidental protection—that kind of protection, we are told, that will not at once and totally destroy the manufacturing institutions that we have or drive from their employment the great multitude of laborers. But I insist that for purposes of protection there is no difference between free trade and a tariff for revenue only. There is no difference between them. What is a tariff for revenue purposes? That which will produce the largest amount of revenue. If that is your object, you want to establish such a rate as will not prevent the inflow of the article to be taxed. You want such a rate as will not inhibit the competition of the foreigner. You want such a rate as will give you the largest amount of imports; that will carry the largest rate of duty; because then you will have the largest amount of revenue. So that, logically, there is no difference, so far as protection is concerned, between a man who says that he is a free trader and a man who says that he is in favor of a tariff for revenue purposes only, and this shifting of position is somewhat ludicrous.

Mr. WALLACE. Will the gentleman permit one inquiry? Is it not a fact that Henry Clay stated he was a free trader at one time?

Mr. HEPBURN. That is not material to the argument that I am making. At one time John C. Calhoun and Daniel Webster changed places on the tariff question. They both shifted their position. I remember being told once by a gentleman in the city of Murfreesboro, Tenn., that he, as a boy, stood near the steps of what was then the capitol of Tennessee and saw Andrew Jackson leading a procession of Democrats into the hall of that house, carrying a transparency upon which was inscribed, "We are in favor of a national bank and a high protective tariff." [Laughter.]

Mr. Chairman, if it should be true that our friends should shift their position and become advocates of a tariff for revenue purposes, with incidental protection, how singular will appear to them their platform of last year and earlier years, where they denounced all protection as robbery. Incidental protection! Would it not be incidental robbery? A little protection! Would it not be a little crime? It seems to me that there will be the difficulty that these gentlemen will labor under.

But they have many methods of assault upon the Republican party. One of those that is now most insisted upon is the fact that dumping is indulged in by Americans. It is not a new thing. Dumping is the disposal of the surplus of production in another country, even at less than the ordinary price charged for it in the country of production. Our Democratic brethren talk about that as if it were a new growth and result entirely of the protective system. Why, it is more than a century old. It is a practice that merchants have followed for a century of time. Whenever they have found that a rival is looming up in any country, that menaces in any way their future supremacy, at once, by the process of dumping, they strive to break down that industry. Their surplus is sent into that market, underselling the market at home, striking down the rival manufacturers; and when the purpose is accomplished, and the rival has been destroyed, when the competition has ceased, then go back to old prices and the foreign merchant recoups himself and makes good the losses after he is monarch of the situation and owns and controls absolutely his rivals. [Loud applause on the Republican side.] Let me read very briefly from an English author, W. J. Ashley, upon this subject. He says:

But just as it will pay a manufacturer or merchant to cut prices for a time below what will give him the ordinary profit——

Mr. WILLIAMS. What is the title of the book?

Mr. HEPBURN. The Tariff Problem, page 70—

or even to a point involving actual loss, if thereby he can drive out of business a rival manufacturer or merchant, so it may pay to "dump" goods on a foreign market if thereby a dangerous competition can be destroyed. This dumping, of which we hear so much of late, is nothing new. It is the ordinary outcome of mercantile ethics, the ethics of industrial war.

That is on page 70. Again, on page 93, he says:

Let us quote first the evidence, in May, 1901, before the United States Industrial Commission, of Mr. Charles M. Schwab, then president of the United States steel trust: "Export prices are made at a very much lower rate than those here, but there is no one who has been a manufacturer for any length of time who will not tell you that the reason he sold, even at a loss, was to run his works full and steady. That has been the chief thing regarding all of these companies in their export business. For example, export in very busy times like these is comparatively light, because we have been able to run full, and it is maintained more for the purpose of keeping in the foreign market than for any other reason. When we have as much as we can do at home, as we have to-day, people are not anxious to sell material at low prices, but when our mills are not running steadily and full we will take orders at low prices, even if there is some loss in so doing, in order to keep running."

On page 71 I find a note, which I insert here. It is as follows:

Of course, as Mr. Carnegie observes, speaking of the "dumping of surplus" upon the American market by English makers in earlier decades, "it forces the home makers to accept for their entire output the extreme low rates which had only to be taken by the invader for a small part of his." (Empire of Business, p. 230.)

On page 96 I find the following:

My idea is that the English and German manufacturers invariably make a dumping ground of America when they are slack of work; they distribute their fixed charge over a full tonnage; they get their profit out of the home trade and dump their surplus into America. We want to take a leaf out of the book of the German and the Englishman, and we want to send stuff abroad.

On page 97 there is an extract from the testimony of Mr. Gates, president of the American Steel and Wire Company, from which I quote:

Question. Will you kindly explain the business reasons for doing that?

Answer. The business reason for doing that is that by working up a foreign business we can operate our mills more fully, we can make our goods cheaper, and whenever the time comes that there is a decline of the home price it will not necessarily affect the foreign prices. There are times when the export prices are higher than the home prices. Just at the present time our home prices, I think, are probably 50, 60, or 70 cents a hundred higher than our export. I do not really know

just the difference, but I know there is a difference in favor of export to-day. At times it is the other way. But by manufacturing, say, 200,000 tons of wire per annum to export to all parts of the world we cheapen the entire cost of manufacture very materially. By doing that we are able to give the consumer at home a lower price in the long run, and employ perhaps 25 or 30 per cent more workmen, so that in the long run we figure that it will equalize itself. Our home prices and our foreign prices are never necessarily on a parity; one might be higher and the other might be lower; it would depend entirely upon circumstances.

On page 98 I find the following:

Hitherto I have said nothing of the payment by industrial combinations of quasi bounties upon exports. This is because, so far as I know, this plan has never been resorted to by American producers, and it is from America that incomparably the gravest danger to English manufactures is to be expected. It has, indeed, been an important factor in encouraging the sale of German steel in this country during the last year or so; and accordingly I shall return to its consideration in the next chapter.

Again, from page 114, I quote:

We have seen what the economic forces are which will increasingly oblige the great manufacturing countries to seek an outlet from time to time for their surplus product in foreign markets; and this at prices below those at which they sell at home, and even below the cost of production, if we understand by cost of production the normal remuneration of all the agents of production, including capital. We have seen that this is no exceptional phenomenon, but the inevitable and periodically recurring consequence of modern methods of production under competitive conditions. We have seen, also, that this export policy is facilitated by the absence of customs barriers in the countries to which the goods are offered and by their maintenance at home, so as to protect the higher domestic prices.

This subject was industriously studied by the Commission mentioned in this volume, and it was found and reported by them that of our entire manufactures, then reaching to nearly $13,000,000,000, only $4,000,000 worth had been dumped in other markets at a lower than the home price—one-thirtieth of 1 per cent of our manufactures.

I heard a gentleman the other day make a statement that I am satisfied he was not warranted in making. He was discussing this practice, and he said:

As a result of this sort of practice, already in this country it has not only become impossible to buy in the cheapest market, but it has become impossible for the American citizen to buy American goods made in the cheapest market. Up here for fifteen hundred miles along our northern frontier they have built a railroad out of American steel rails, and it cost $27 a ton for the rails that built every mile of it. It cost $27 per ton for the rails that built every mile of siding, and for the rails that keep it in repair. Just on the other side of the border, over in Canada, they have built another railroad, in every sense of the term a parallel and competing line, out of rails that cost $22 a ton, but the rails out of which the Canadian road is built and the rails out of which the American road is built all came from the same factory here in the United States, protected by our tariff laws.

I say, Mr. Chairman, that gentleman was misled when he made that statement. No such statement of fact is true or can be proved.

Mr. RAINEY. Will the gentleman yield?

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. To which does the gentleman from Iowa yield?

Mr. HEPBURN. I will yield to either.

Mr. RAINEY. The statement I made was based upon the statement of James J. Hill, of the Great Northern road, before the Senate committee which investigated this subject. [Applause on the Democratic side.]

Mr. WILLIAMS. Now, if the gentleman will permit me, I want to state that the late Daniel Lamont told me in New York himself, and gave me liberty to make the statement wherever I chose, and refer to him as authority as one of the officials of the Great Northern Railway, that that was a fact. [Applause on the Democratic side.]

Mr. HEPBURN. I do not care who makes the statement. I deny it.

Mr. WILLIAMS. I do not say all the rails.

Mr. HEPBURN. I challenge any man to make the proof. It can not be made. It is one of the statements of the men who are trying to break down the protective system, and because of its very boldness and audacity men give credence to it; but I challenge the proof. [Applause on the Republican side.]

Mr. WILLIAMS. Mr. Chairman, if the gentleman will permit me, I afterwards made that statement during the last campaign and stated my references, and now I go one step further and state that the proof can be furnished.

Mr. HEPBURN. Very well, furnish it.

Mr. WILLIAMS. And in due time I will furnish this proof as to the railroad called the "Mexican National," I believe (and that evidence appeared before a Senate hearing). The rails for that part of their road to be laid in Texas cost them $27 a ton, and the rails for that part of their road to be laid upon Mexican soil cost them $20 a ton, all bought from the same manufacturers, and they were all carried there over the same road. [Applause on the Democratic side.]

Mr. HEPBURN. Mr. Chairman, I do not desire to have my time taken up now. The gentleman can make the proof in his own time. What do I care for your simple denial? I demand proof on these matters, gentlemen. [Applause on the Republican side.] Why, Mr. Chairman, we heard the gentleman from Illinois [Mr. RAINEY] the other day take two hours, and he contented himself with making bold, broad, baseless charges, with not an iota of proof; he told us the other day of the great watch trust. Did he introduce an iota of proof as to the existence of such a trust? It was simply his ipse dixit in this matter, no proof whatever. We have heard this thing long enough. I want the gentleman to verify some of these statements.

Mr. HARDWICK. Mr. Chairman, I want to read the gentleman some proof.

Mr. HEPBURN. Will the Chairman protect me from that stalwart? [Laughter on the Republican side.] Mr. Chairman, it is an easy matter for gentlemen to get up on the floor and talk about the trusts and combinations and all of these evil things when it brings reproach upon their political adversaries, but it is an entirely different thing for these gentlemen to furnish the proofs of these facts.

Mr. WILLIAMS. If the gentleman will allow me, I have the proofs right here.

Mr. HEPBURN. I will allow the gentleman to read them in his own time.

Mr. WILLIAMS. The gentleman has called for proofs, and I will read them to him. I have them here—the sworn testimony before the Committee on Merchant Marine and Fisheries, the sworn testimony before the committee upon the railway rate hearings——

Mr. HEPBURN. Mr. Chairman, I decline to yield at this time.

The CHAIRMAN. The gentleman from Iowa has declined to yield, and the gentleman from Mississippi is out of order.

Mr. WILLIAMS. Will the gentleman yield for me to ask him this question and not to read?

Mr. HEPBURN. The gentleman will not yield, but the gentleman will listen patiently to you when your time comes. [Laughter on the Democratic side.]

Mr. WILLIAMS. I will not defy you to furnish proof and then decline to let you do it.

Mr. RAINEY. I want to say to the gentleman I will furnish proof for the charges I have made.

Mr. HEPBURN. I think it is very likely that gentlemen may be able to find that on many occasions there has been sold American manufactures abroad cheaper than at home—that is, cheaper than the price that the articles have been sold for when there was a demand for them at home. But who is there that does not know that this charge with regard to this railway company north of us is an untruth when they say that the price was $27 a ton for nearly 300,000 tons of steel? That means that the article could be sold for that price, and yet that the owner of that immense amount of property, in this transaction of nearly $8,000,000, elected to sell to Canadians across the border at a loss of a million and a half dollars. The trouble about this proposition is this—the gentleman establishes a fabulous and untruthful and unreal price at home. There was no $27 price here, or else the articles would have been sold here. There was no demand for it here at that price or it would have been sold here. It might have been that at some other time there was a demand, and before the lull in the demand came that there was a price such as they suggest and quote and bring in close juxtaposition with the price received abroad.

Think of the absurdity of the statement I have quoted from the speech of the gentleman from Illinois concerning the two railroads—evidently the Northern Pacific or the Great Northern in the United States, and the Canadian Pacific in Canada. Remember, these roads were not built simultaneously. They each occupied years in building. During the years of their building the prices did not remain uniform either in the United States or Canada. There was great fluctuation in the price of rails both at home and abroad, and a large portion of all of the three roads had been built long before the price of steel rails reached $22 per ton or even the price of $27 per ton. The gentleman has been deceived by some designing person, who wanted to use his excellent speech in an unwarrantable way to attack the protective system. A system that made it possible to buy rails at even $27 per ton, or any price greatly below the English price of $150 per ton, the price prevailing when protection made it possible for our manufacturers to enter into competition with their English rails.

Mr. Chairman, the Republican position in regard to the tariff

question is not a matter of doubt. In the last national convention we said:

Protection, which guards and develops our industries, is a cardinal principle of the party. The measure of protection should always at least equal the difference in the cost of production at home and abroad. We insist upon the maintenance of the principle of protection, and therefore rates of duty should be readjusted only when conditions have so changed that the public interest demands their alteration, but this work can not be safely committed to any other hands than those of the Republican party. To intrust it to the Democratic party is to invite disaster. Whether, as in 1892, the Democratic party declares the protective tariff unconstitutional, and whether it demands tariff reform or tariff revisions, its real object is always the destruction of the protective system. However specious the name, the purpose is ever the same. A Democratic tariff has always been followed by business adversity, a Republican tariff by business prosperity. To a Republican Congress and a Republican President this great question can be safely intrusted. When the only free-trade country among the great nations agitates a return to protection, the chief protective country should not falter in maintaining it.

We have extended widely our foreign markets, and we believe in the adoption of all the practicable methods for their further extension, including commercial reciprocity wherever reciprocal arrangements can be effected consistent with the principles of protection and without injury to American agriculture, American labor, or any American industry.

[Applause on the Republican side.]

That is the Republican doctrine. Where we engage even in reciprocal commercial treaties we want to see to it that every interest is protected and that no industry is injured by that arrangement. It is as broad in its declaration as the land; it is as complete as the varied industries; it is as widespread as all the people who may be benefited and blessed by it.

Mr. Chairman, we have often been told that this policy—this protective policy; this "building a Chinese wall about us"—must result in isolation and all of those evils that come to the isolated nation. Our tariff scheme and policy by its enemies is sometimes called a Chinese wall, and we are told—oh, how many times has the country been told!—that its maintenance and perpetuation means our separation from the balance of the commercial world. How is it in actual practice, contradistinguished from Democratic theory? Instead of isolation, our intercourse with other nations is as progressive as is our enterprise. There has been no reduction of our exports. Oh, no; but each effort that we have made toward the securing of the home market for ourselves has given us broader and further entry into the markets of the world. [Applause on the Republican side.] I was particularly amused the other day at the bland and childlike manner with which the gentleman from Tennessee asked the gentleman from Illinois if in the days of the tariff of 1846 this wicked practice of selling watches abroad for less than they sold at home was in vogue, and I saw the expression of relief, of intense gratification, that came over his handsome face when the gentleman from Illinois told him that never, no, never, under the tariff of 1846 had American manufacturers sold watches abroad for less than they sold them at home. [Applause and laughter on the Republican side.]

Mr. BROOCKS of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HEPBURN. I prefer not to yield.

Mr. BROOCKS of Texas. I desire to ask just a question for information.

Mr. HEPBURN. Then I will give it to the gentleman after I am through. If it is just for information he seeks, he can afford to wait a little while. [Laughter.] I do not want to be rude, but I have only a little time. Surely not. We sold no watches abroad for less price than we sold them at home. No; nor for any price. We made but few watches here prior to 1870, and none for export. We bought our watches from abroad—from the English and the Swiss. And we paid them just such prices as their cupidity demanded. We could not compete. Our manufacturers had no protection, and our consumers had no competition, so that the foreigner charged us what he pleased. In 1842 the value of watches imported was $390,424. In 1858 we imported watches and parts of watches to the value of $3,800,000, and in 1860 to the value of $2,788,671. Our entire production of watches and parts of watches, including watch repairing, in 1860 amounted to but $1,524,000. Last year the watches manufactured in the United States amounted to more than $14,000,000. And I have no doubt that a small fraction of them were sold in foreign countries for a less sum than was habitually demanded here. Yet think of the price, the exceedingly low price we pay for the superior watch of to-day compared to the price, the exorbitant price, we were compelled to pay fifty years ago for the inferior watch of that day.

Mr. Chairman, I want to call the attention of this committee briefly just for a moment to something that the census for the ten years from 1895 to 1905 discloses in the State in which I live. The increase in the value of farm lands was 41 per cent in that time. The increase in the value of farm grains was 80 per cent; the increase in the value of cattle was 68 per cent; the increase in the value of swine was 93 per cent; the increase in the value of dairy products was 46 per cent; the increase in the gross earnings of railroads was 82 per cent, and the net earnings 60 per cent; the increase in the product of manufacturers was 84 per cent, and in the products of coal mines 152 per cent; the increase in bank deposits of all banks 193 per cent, and of savings banks deposits only 255 per cent. These are all increases in ten years under this tariff system of ours, as will be seen from the following table:

[From the State Census Report, 1905.]

	1895.	1905.	Included in ten years.	Per cent.
Value of land in farms	$1,088,063,065	$1,552,106,449	$464,043,381	41
Value of farm grains	90,344,364	162,599,910	72,255,546	80
Value of cattle	53,820,197	91,019,753	37,199,556	68
Value of horses and mules	42,986,312	82,807,463	39,821,151	93
Value of swine	23,596,962	34,464,153	10,867,191	46
Value of dairy products, poultry, and poultry products	27,192,312	49,554,651	22,362,339	82
Gross earnings, railroads	35,874,444	57,396,848	21,522,294	60
Net earnings, railroads	10,365,290	15,345,574	4,980,284	48
Products of manufacture	63,79-,025	160,604,161	96,806,136	152
Products of coal mines	4,997,939	10,439,496	5,441,557	108
Bank deposits (all banks)	76,298,934	a223,493,958	147,195,024	193
Savings bank deposits (only)	28,158,489	100,232,671	72,074,182	255

a National and private banks estimated.

Mr. RUCKER. Mr. Chairman, I would like the gentleman to yield for a question.

Mr. HEPBURN. I do not want to be interrupted. I do not want to be rude, but I want to use my hour.

Mr. RUCKER. I merely wanted to say——

Mr. HEPBURN. Very well, I do not want the gentleman to say it. Mr. Chairman, I undertake to say that that is a wonderful growth, and it should be borne in mind that two years of this time were lost to progress, that two years and more of this time our Democratic brethren were in control and policies of their making were in vogue, and that we were laboring under the distressful conditions that came to the whole country as a result of their being intrusted with a brief period of power. For two years of this time the tariff of 1894 was in force. I have no doubt that if this census had been taken from the year 1897 instead of from the year 1895 the same percentage of growth would have been apparent in the eight years which is shown in the total of ten years.

Of course, Mr. Chairman, neither I nor any friend of the protective system believes that it is perfect. No one can be found to assert that. All that we claim for it is that under it, as compared with any other system, the blessings are shown to be beyond comparison greater than under that other system, no matter what it is. [Applause on the Republican side.] Look at our currency and see how it has grown. In 1878 there was eight hundred millions all told. We have now quite three billions, and it is natural that it should be so, because, instead of sending our wealth abroad when we are under a tariff that invites the competition of the nations and the inflow of the products of their industry, instead of sending abroad our money, gold and silver and portable wealth, to pay for that which we ought to make, we do under our system make that which we need and keep our money at home, and so the circulation grows, and with the circulation grows the individual credit and the national credit, as evidenced by the rate of interest for the public and for the private individual.

Think of the interest rate under the old system of 1846 to 1861 and compare that with the rate of interest now. Two-thirds of all the land within the State of Iowa from 1846 to 1861 was taken from the Government on the basis of the payment of 40 per cent interest. The land agent, the man with means or with the land warrants, would say to the entryman, "Give me your note for $280 and I will give you a bond for a deed at the end of one year," time being the essence of the contract on the payment of $280 for the 160 acres of land, the minimum Government price of which was $1.25 an acre. That was the manner in which the hardy pioneers of that day were able to secure their land from the Federal Government under the system that our friends tell us is the best. But look at the comforts of life; compare the wage system now with that of olden times; look at the comforts in the home. Gentlemen tell us sometimes that there are no more now than there used to be. I think that is a serious mistake. They tell us now that there has been such an enhancement of value of articles entering into daily life that at the end of the year the workman has no more than in former times. I think that is a mistake. I remember, though, that it is not in the mouths of our Democratic

brethren to tell us, to taunt us wih the rise in values. What was the contention of ten years ago, gentlemen? What were you then striving for? What was the mission of the Democratic party and of Bryan in those days if it was not to arrest the downward trend of falling prices? [Applause on the Republican side.] We have done it. We have arrested that trend and prices are going up. I have given you some evidences of it here in this little statement that I have made of comparison of values this last year in Iowa with a period ten years earlier.

Mr. Chairman, the Democratic party itself indulged in some inconsistencies in regard to this matter of the tariff. They say in their platform of 1884:

Knowing full well, however, that legislation affecting the operations of the people should be cautious and conservative in method—not in advance of public opinion, but responsive to its demand—the Democratic party is pledged to revise the tariff in a spirit of fairness to all interests. But in making reductions in taxes, it is not proposed to injure any domestic industries, but rather to promote their healthy growth. From the foundation of this Government taxes collected at the custom-house has been the chief source of the Federal revenue. Such they must continue to be. Moreover, many industries have come to rely upon legislation for successful continuance, so that any change of law must be at every step regardful of the labor and capital thus involved. The process of reform must be subject in the execution to this plain dictate of justice; all taxation shall be limited to the requirements of economical government. The necessary reduction and taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country.

That was Democratic doctrine once—that is, one of their national platforms—and when that struck my attention the other day I could not help but think that perhaps the gentleman from Illinois, in some of those wonderful figures of speech that he indulged in toward the close of his second day's oration, was not very far wrong. He said that the Democratic party has no leaders. He particularly emphasized the fact that the gentleman from Mississippi, while he thought he was the leader, as a matter of fact was but masquerading in the plumage of one. [Applause on the Republican side.] That the leadership in fact did not belong to him; and the gentleman further said that the great living motto of the Democratic party was, "Equal rights to all and special privileges to none," and that they had emblazoned that in letters of living light upon the clouds, and that that pillar of clouds by day and pillar of fire by night were the leader of the Democratic party. [Applause on the Republican side.] And possibly that might be true. We remember how light and easily wafted are the clouds; how the wind blows wheresoever it listeth, and move this leader here or there, wherever the breeze might indicate [laughter and applause], and if you will take the trouble to diagram the Democratic national platforms you will find that there is nothing on earth that looks so much like the diagram as the diagram of prices in the Chicago wheat pit when there is an exciting period [laughter and applause], following the angles, jagged here and there and elsewhere, moved by this breeze.

Gentlemen, quit it! quit it!! It is the most foolish thing for you to do to rely on leadership like that. Why, it is even worse than your triple-headed leadership of Bryan HEARST & Co. [Laughter.] You have no right to follow that kind of leadership now, because you have had an example. The Jews did it once. They had to pass a little wilderness of some 200 miles or less, and they had a pillar of cloud by day and a pillar of fire by night, and they followed it, and they were forty years in getting through. [Laughter and applause.] And only two of them got a glimpse of the Promised Land, and they were on the other side of Jordan. [Great laughter.] Do not do it; any kind of leadership is better than that, although you have become so used to it and have been following it, lo, these many years. Let me urge you, gentlemen, not to take as your type and symbol the type and symbol of the great Democratic party—that figure that was introduced by the gentleman from Illinois. It is not a fit one. A Roman soldier, that has been sightless for two thousand years—twenty centuries—that has only been dug out of the ashes a very little while [laughter], and that still hangs on to the chain, not that opens the gate, but that closes the gate—[loud applause on the Republican side]—that is hardly a desirable symbol of the Democratic party, although its wonderful fitness might excite the risibles of Americans. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. I ask unanimous consent that the gentleman may proceed until he finishes.

Mr. HEPBURN. I only want a moment more.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from Iowa may continue his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HEPBURN. Mr. Chairman, I do not sympathize with the gentleman from Illinois in the disregard that he pays to majorities. I take great pride, great pride, in the fact that the American people, the voters, by an overwhelming majority, a majority of more than a million and a half of the voting force of the United States, gave approval less than two years ago to the policies of the Republican party and to its views on the protective system, and encouragement to them to hold on and persevere. [Loud applause on the Republican side.]

Ah, gentlemen, there are those who attempt to deride us and belittle us by applying as opprobrious the term "stand-patter;" and some have said that the only "stand-patter" is that one that is dead. Not so. We mean by that, having tried the various policies, to hold fast to that one that we know is good—the protective system. [Applause.] That is what we mean. We have shown that, holding fast to our principles, we have been right, making that progress that the nation has needed. We have been able to guide it on its wonderful way. We have been able to push it forward. Everything great or good that has been suggested to the men living on this continent during the last forty-five years has come from the Republican party. [Loud applause on the Republican side.] Progressive! Oh, yes; we are. We could progress from the old teachings of the old masters to that height of patriotism and love of liberty that declared slaves should not exist. We could progress from our love of peace to entering into the greatest war that the nations have known in order to preserve the Union. We could make sacrifices of the gravest character in order to restore the States. We could build up the broken fortunes of the Republic by restoring its credit. We could progress from the penury of the old days to the splendid conditions of currency and of credit of to-day. We could go forward from this, being a borrowing nation, a purchasing nation, a dependent nation, to one where we stood at the apex, capable of loaning to the world, capable of manufacturing for the world, capable of meeting the commerce of the world, capable of feeding and of clothing the nations. Ah, the Republican party is a progressive party, but it never progresses beyond the limitation of its principles. [Loud and continued applause on the Republican side.]

Mr. LAMB. I yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Mr. Chairman, the gentlemen on the other side are applauding the usual able and eloquent speech of the gentleman from Iowa [Mr. HEPBURN], defending, as he did, protective tariff, and indirectly their unholy offspring—trusts—and yet, Mr. Chairman, not one word did he utter in defense of the proposition to put building material on the free list to aid the unfortunate earthquake victims in rebuilding their homes and business houses at a reasonable and just expense.

In days gone by, under ordinary conditions, the monopolized article was placed on the free list to rid the people of monopolies, that the people might live and move about at a reasonable expense. But here, when the earth has opened up and swallowed hundreds of Californians, and fire has laid their homes in ashes, a whole hour is spent in defending the Republican party and its robber tariffs, while the steel and lumber trusts hold up these mourning victims, demanding their oppressive prices for building material, and yet not a word has the distinguished gentleman said about untaxing such material for the benefit of the Californians spared by the earthquake, although bills to remove this tax are pending before this body.

Protective tariffs are and must be defended while these people suffer. [Applause on the Democratic side.] Ah, gentlemen, the distinguished Speaker ridicules free trade, while a Republican State and her voters suffer for the want of it.

Mr. Chairman, did the gentleman and his party help to make Garfield President? Certainly they did. In 1866 and in 1870 Mr. Garfield said:

I am for a protection which leads to ultimate free trade.

Yet he was made President by the gentleman's great influence and that of his allies, who stand to-day mute when we urge free-listing building material to aid these victims.

The Democratic party is not for free trade per se; it is for revenue tariff only, Mr. Chairman; the same kind of a tariff that the Senator from Iowa, Senator ALLISON, said for all general purposes of this Government was the best tariff that we ever had—the act of 1846. We do not hear the gentleman refer to that indorsement. We do not hear him refer to the words of John Sherman, who said:

Every advance toward the free exchange of commodities is an advance of civilization.

The gentleman is against civilization, according to John Sherman. He further said:

Every obstruction to free exchange is born of the same narrow despotic spirit which planted castles upon the Rhine to plunder peace-

ful commerce. Every obstruction to commerce is a tax upon consumption. Every facility to a free exchange cheapens commodities, increases trade and population, and supports civilization.

Mr. Chairman, I have risen at this hour to protest against an hour's speech for tariff robbery with not one word said for free trade for suffering California, a State whose people came to the rescue of McKinley, that came to the rescue of Roosevelt. Yet the Republican party dare not go to its rescue and free-list structural material; but, on a moment's notice, they quickly, and rightfully, vote a million and a half of the hard tax-earned money of our people out of the Treasury to help them. Verily, gentlemen, your sins will yet find you out. [Applause on the Democratic side.]

Mr. WADSWORTH. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the agricultural appropriation bill (H. R. 18537) and had directed him to report that they had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 14508. An act permitting the building of dams across the north and south branches of Rock River, adjacent to Vandruffs Island and Carrs Island, and across the cut-off between said islands, in Rock Island County, Ill., in aid of navigation and for the development of water power; and

H. R. 16954. An act providing for the reappraisement of certain suburban lots in the town site of Port Angeles, Wash.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. J. Res. 141. An act for the further relief of sufferers from earthquake and conflagration on the Pacific coast;

H. R. 10152. An act granting certain lands to the city of Biloxi, in Harrison County, Miss., for park and cemetery purposes; and

H. R. 15910. An act to amend the act entitled "An act to regulate commutation for good conduct for United States prisoners," approved June 21, 1902.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BURTON of Ohio, for two days, on account of important business.

JOSEPH FLEWHARD.

By unanimous consent, on motion of Mr. SMITH of Maryland, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Joseph Flewhard (H. R. 6908), no adverse report having been made thereon.

Mr. WADSWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of State, transmitting a certified copy of an ordinance of the executive council of Porto Rico permitting an extension of a railroad track into the city of Arecibo and the use of a portion of a certain highway—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a statement of the documents received and distributed by the Department during the calendar year 1905—to the Committee on Printing, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William A. Bethel, administrator of the estate of Martha Harrison, and Oliver P. Lister against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Calcasieu Lake and River, Louisiana—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BUCKMAN, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 2785) to authorize the sale of down timber and hay on the ten sections of land in the Chippewa of the Mississippi Indian Reservation, in the State of Minnesota, reserved from sale or settlement in accordance with the provisions of the act of January 14, 1889, as amended, reported the same without amendment, accompanied by a report (No. 3614); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOWLER, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 18336) for the current deposit of public moneys, reported the same without amendment, accompanied by a report (No. 3617); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 18502) to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto, reported the same with amendment, accompanied by a report (No. 3629); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TALBOTT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9577) for the relief of Charles H. Stockley, reported the same without amendment, accompanied by a report (No. 3615); which said bill and report were referred to the Private Calendar.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 17982) to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone line across said reservation, reported the same without amendment, accompanied by a report (No. 3616); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8474) to correct the military record of Daniel Graeher, reported the same adversely, accompanied by a report (No. 3618); which said bill and report were ordered laid on the table.

Mr. WILEY of Alabama, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9821) for the relief of Elijah Crabtree, reported the same adversely, accompanied by a report (No. 3619); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 9823) for the relief of Fletcher H. White, reported the same adversely, accompanied by a report (No. 3620); which said bill and report were ordered laid on the table.

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11899) to correct the military record of Wiley W. Woolard, reported the same adversely, accompanied by a report (No. 3621); which said bill and report were ordered laid on the table.

Mr. TALBOTT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12712) for the relief of Warren A. Woodson, reported the same adversely, accompanied by a report (No. 3622); which said bill and report were ordered laid on the table.

Mr. WILEY of Alabama, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13215) to remove the charge of desertion against Thomas J. Shopshire, reported the same adversely, accompanied by a report (No. 3623); which said bill and report were ordered laid on the table.

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15318) to remove the charge of desertion from the record of J. F. Harbaugh, reported the same adversely, accompanied by a report (No. 3624); which said bill and report were ordered laid on the table.

Mr. WILEY of Alabama, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15598) for the relief of Andy Inman, reported the same adversely, accompanied by a report (No. 3625); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 15601) for the relief of D. C. Napier, reported the same adversely, accompanied by a report (No. 3626); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 17405) correcting the military record of William McCormick, reported the same adversely, accompanied by a report (No. 3627); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 17867) for the relief of David Parrott, reported the same adversely, accompanied by a report (No. 3628); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LILLEY of Pennsylvania: A bill (H. R. 18663) amending the first paragraph of section 1059 of the Revised Statutes, enlarging the jurisdiction of the Court of Claims—to the Committee on Patents.

By Mr. BOWERS: A bill (H. R. 18664) to provide for the acceptance of the channel and anchorage basin, between Ship Island Harbor and Gulfport, Miss., and to repeal certain portions of the river and harbor act of March 3, 1899, relating thereto—to the Committee on Rivers and Harbors.

By Mr. FOSS: A bill (H. R. 18665) to extend the time for the completion of the Alaska Central Railway, and for other purposes—to the Committee on the Territories.

By Mr. BABCOCK: A bill (H. R. 18666) to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue, in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. LAFEAN: A bill (H. R. 18667) to improve and maintain certain public roads and parts thereof included within the limits of the national park at Gettysburg, as defined by the act of Congress entitled "An act to establish a national military park at Gettysburg, Pa.," approved February 11, 1895, and making an appropriation therefor—to the Committee on Appropriations.

By Mr. JONES of Washington: A bill (H. R. 18668) ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia River Indian Reservation, in the State of Washington—to the Committee on the Public Lands.

By Mr. WM. ALDEN SMITH: A bill (H. R. 18669) to quiet title to certain land in Donna Ana County, N. Mex.—to the Committee on the Public Lands.

Also, a bill (H. R. 18670) to quiet title to certain land in Donna Ana County, N. Mex.—to the Committee on the Public Lands.

By Mr. ESCH: A bill (H. R. 18671) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS of Pennsylvania: A bill (H. R. 18672) authorizing the erection of consular buildings in China, Korea, and Japan—to the Committee on Foreign Affairs.

By Mr. GARDNER of Massachusetts: A bill (H. R. 18673) to regulate the immigration of aliens into the United States—to the Committee on Immigration and Naturalization.

By Mr. McGUIRE: A bill (H. R. 18674) in respect to condemnation of land for public purposes in the Territories of the United States—to the Committee on the Territories.

By Mr. WM. ALDEN SMITH: A joint resolution (H. J. Res. 146) extending the thanks of the people of the United States to Horace Porter—to the Committe on the Library.

By Mr. PALMER: A joint resolution (H. J. Res. 147) proposing an amendment to the Constitution of the United States, providing for the removal from office of civil officers of the United States—to the Committee on the Judiciary.

By Mr. BENNETT of Kentucky: A memorial of the legislature of Kentucky, urging Congress to take steps for the preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, a memorial of the legislature of Kentucky, requesting Congress to amend the Constitution of the United States relative to taxes on incomes, etc.—to the Committee on Ways and Means.

Also, a memorial of the legislature of Kentucky, favoring a broad and liberal policy relative to river and harbor improvements—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENNETT of Kentucky: A bill (H. R. 18675) granting an increase of pension to William Weare—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 18676) granting a pension to James P. Summers—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: A bill (H. R. 18677) granting a pension to Martin A. Luther—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 18678) granting an increase of pension to Evans P. Hoover—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 18679) granting an increase of pension to Edward R. Cunningham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18680) granting an increase of pension to Joel Jackson—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 18681) granting an increase of pension to William E. Gray—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 18682) granting an increase of pension to Jacob J. Staiger—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 18683) granting an increase of pension to Warren Munger—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 18684) for the relief of the heirs of Jesse Phares, deceased—to the Committee on War Claims.

By Mr. DRESSER: A bill (H. R. 18685) granting an increase of pension to Francis G. Fuller—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 18686) for the relief of Bolser H. Pullin, of McDowell, Highland County, Va.—to the Committee on War Claims.

By Mr. GUDGER: A bill (H. R. 18687) granting a pension to M. C. Johnson—to the Committee on Pensions.

Also, a bill (H. R. 18688) granting a pension to R. L. Nettles—to the Committee on Pensions.

By Mr. HENRY of Texas: A bill (H. R. 18689) for the relief of the heirs of James Tandy, deceased—to the Committee on War Claims.

By Mr. HINSHAW: A bill (H. R. 18690) granting a pension to Jennie M. Lowley—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 18691) granting an increase of pension to James Pharo—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 18692) granting an increase of pension to Lewis Brown—to the Committee on Pensions.

By Mr. KNAPP: A bill (H. R. 18693) granting an increase of pension to William Loan—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 18694) granting an increase of pension to Eliza Rebecca Sims—to the Committee on Pensions.

By Mr. LILLEY of Connecticut: A bill (H. R. 18695) granting an increase of pension to Lewis F. Allen—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 18696) granting an increase of pension to Louisa C. Gibson—to the Committee on Pensions.

Also, a bill (H. R. 18697) granting an increase of pension to Martha L. Beasely—to the Committee on Pensions.

By Mr. PEARRE: A bill (H. R. 18698) for the relief of Adam Koogle—to the Committee on War Claims.

By Mr. SHARTEL: A bill (H. R. 18699) granting a pension to Martha E. Handy—to the Committee on Pensions.

Also, a bill (H. R. 18700) for the relief of Richard Graham—to the Committee on War Claims.

By Mr. SMITH of Kentucky: A bill (H. R. 18701) granting an increase of pension to Thomas O. Moore—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 18702) granting an increase of pension to Edward B. Prime—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 18703) granting a pension to Mary Faloon—to the Committee on Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 18704) granting a pension to M. Lucella Rummell—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 18705) granting an increase of pension to Thomas T. Page—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 18706) granting a pension to Thurlow W. Lieurance—to the Committee on Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 18116) granting an increase of pension to Green Evans, and it was referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Paper to accompany bill for relief of Angeline R. Lomax—to the Committee on Pensions.

Also, petition of State Council, Junior Order American Mechanics, for bill H. R. 15442, relative to restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BANNON: Petition of the Women's Missionary Society of the Second Presbyterian Church of Portmouth, Ohio, for a constitutional amendment abolishing polygamy in the United States—to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of the Patent Law Association, against pending legislation for a special court of appeals in patent cases—to the Committee on Patents.

By Mr. BATES: Petition of James F. Grimes, of the American Federation of Labor, for bill H. R. 4544, permitting ship keepers to collect wages for overtime exacted in excess of eight hours per day while in Government service—to the Committee on Naval Affairs.

Also, petition of the Postum Cereal Company, of Battle Creek, Mich., against the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of W. B. Converse, for the House bill relative to the fraud order by the Post-Office Department against the People's Bank—to the Committee on Rules.

Also, petition of the Western Branch of Consumers' League, of Pittsburg, Pa., favoring bills S. 5, H. R. 4462 and 4527, and S. 2962, relative to child labor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BENNET of New York: Petition of 66 American artists, for repeal of the duty on art works—to the Committee on Ways and Means.

By Mr. BENNETT of Kentucky: Petition of the Frankfort Business Men's Club, against amendments to pure-food bill aimed to destroy its efficiency—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Elizabeth Mullins—to the Committee on Pensions.

Also, paper to accompany bill for relief of Elizabeth Smith—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: Petition of the Minnesota Department of the Grand Army of the Republic, against any law excluding from Government service any veteran soldier because of old age—to the Committee on Appropriations.

Also, petition of the Howard Lake Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Brotherhood of Railway Trainmen, Minnesota Lodge, No. 194, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Crow Wing County, Minn., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Thomas Wilcox—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John D. Logan—to the Committee on Invalid Pensions.

Also, petition of the Minnesota Department of the Grand Army of the Republic, for pension of $12 per month for all soldiers' widows otherwise eligible—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: Petition of the American Free Art League, for repeal of the duty on art works—to the Committee on Ways and Means.

Also, petition of Abe Patterson Post, No. 88, Grand Army of the Republic, Department of Pennsylvania, for relief of Edward J. Kolb—to the Committee on Military Affairs.

By Mr. BURTON of Delaware: Paper to accompany bill for relief of William C. Gray—to the Committee on Invalid Pensions.

By Mr. DARRAGH: Petition of citizens of Central Lake, Antrim County, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DAVIS of Minnesota: Petition of the Minnesota Department of the Grand Army of the Republic, against unjust discrimination as to veterans of the civil war in Government service on account of age—to the Committee on Appropriations.

By Mr. DENBY: Petition of citizens of Wayne, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DIXON of Montana: Petition of citizens of Montana, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DUNWELL: Petition of the Pennsylvania Cement Company, for designating American Portland cement in all requisitions for use on the Panama Canal, the same as in first requisition—to the Committee on Interstate and Foreign Commerce.

Also, petition of Max C. Budell, for the Littauer bill (metric system)—to the Committee on Coinage, Weights, and Measures.

Also, petition of 66 American artists, for repeal of the tariff on art works—to the Committee on Ways and Means.

Also, petition of the Intermunicipal Research Commission, for legislation to protect the unemployed seeking employment in the District of Columbia, as per bill H. R. 17511—to the Committee on the District of Columbia.

Also, petition of the New York Board of Trade and Transportation, for an appropriation to improve Coney Island channel—to the Committee on Rivers and Harbors.

Also, resolution of the Alpha Republican Club of the Thirteenth Assembly District, Kings County, N. Y., indorsing the action of the Congressman from Kings County for building more war ships at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Benjamin Moore & Co., for a law providing for two classes of mail matter only—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS: Paper to accompany bill for relief of Joseph Clark—to the Committee on Military Affairs.

By Mr. FLETCHER: Petition of citizens of Minnesota, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of sundry citizens of Minnesota, against restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. FULLER: Petition of the Frankfort (Ky.) Business Men's Club, for the pure-food bill (S. 88) and against amendments to the same calculated to destroy its efficiency—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Wenatchee Commercial Club, for a loan by the Government, as a reclamation fund, of 70,000,000 acres in the western part of the United States—to the Committee on Irrigation of Arid Lands.

By Mr. GOULDEN: Petition of St. Luke Council, No. 438, Knights of Columbus, for bill H. R. 13304, providing for a memorial of Christopher Columbus—to the Committee on the Library.

Also, petition of Robert S. Waddell, against the powder monopoly—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of F. Westpfal, of New York, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Audubon Society of Western Pennsylvania, for legislation to preserve the birds—to the Committee on Agriculture.

Also, petition of the National Child Labor Commission, for amending in certain important particulars the bill H. R. 17838, relative to child labor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAY: Paper to accompany bill for relief of St. Paul's

Reformed Church, of Woodstock, Shenandoah County, Va.—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: Petition of Local No. 399, American Federation of Musicians, favorable to bill H. R. 8748, relative to the pay of musicians employed by the Government and their unfair competition with civilian musicians—to the Committee on Naval Affairs.

By Mr. KINKAID: Petition of citizens of Ansley, Nebr., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KNAPP: Paper to accompany bill for relief of William Loan—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: Paper to accompany bill for relief of Edwin R. Smith—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the I. S. Remson Manufacturing Company, for a postal law for two classes of mail matter only—to the Committee on the Post-Office and Post-Roads.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Berry May, of Hamilton County, Tenn.—to the Committee on Invalid Pensions.

Also, resolution of N. B. Forest Camp, United Confederate Veterans, thanking Senator J. B. FORAKER, the Congress, and the President of the United States for passing and approving the bill for locating and marking the graves of Confederate prisoners of war—to the Committee on Military Affairs.

By Mr. PEARRE: Petition of Christian Endeavor Society of Berwyn, Md., for a law to protect State and county liquor laws against outside nullifiers, and also for a law against liquor selling in Soldiers' Homes and all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. SHARTEL: Petition of Frank P. Blair Post, No. 1, Grand Army of the Republic, for making a national park of the Wilson Creek battlefield—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of Emanuel Sandusky—to the Committee on Invalid Pensions.

By Mr. SNAPP: Petition of citizens of Downers Grove, Ill., against the state of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of citizens of Elgin, Kane County, Ill., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SPERRY: Paper to accompany bill for relief of Lewis F. Allen—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: Petition of Ella M. Davidson, Mrs. G. A. Carson, and Edwin H. Tiffany, for the Crumpacker bill relative to the right of appeal in cases of individuals affected by fraud orders issued by the Post-Office Department—to the Committee on the Judiciary.

By Mr. SULZER: Resolution of the Organization of the *General Slocum* Survivors, to the mayor of San Francisco, expressing heartfelt sympathy for the city in her hour of affliction—to the Committee on Appropriations.

By Mr. VAN WINKLE: Petition of residents of the Ninth Congressional district of New Jersey, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

FRIDAY, *April 27, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

COMPAÑÍA DE LOS FERROCARRILES DE PUERTO RICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, a certified copy of an ordinance recently enacted by the executive council of Porto Rico and approved by the President, granting to the Compañía de los Ferrocarriles de Puerto Rico and its assign, the American Railroad Company of Porto Rico, the authority to extend its present branch track into the city of Arecibo, etc.; which, with the accompanying paper, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes; which, with the accompanying papers, were referred to the Committee on Claims, and ordered to be printed:

In the cause of Caroline H. Lillie and Julia W. L. Symington, executrices of the estate of A. B. H. Lillie, deceased, *v.* The United States;

In the cause of Christopher Bruns *v.* The United States;

In the cause of Merrill Spalding, executor of Enoch G. Parrott, deceased, *v.* The United States;

In the cause of John P. Gillis, son of John P. Gillis, deceased, *v.* The United States;

In the cause of Merrill Spalding, James S. Spalding, Elizabeth T. Spalding, children of Lyman G. Spalding, deceased, *v.* The United States;

In the cause of Elizabeth C. Van Reed, heir at law of George Cochran, deceased, *v.* The United States;

In the cause of Frederick W. Cotton *v.* The United States;

In the cause of Robert C. Ribbans, guardian minor heirs of William N. Maull, deceased, *v.* The United States; and

In the cause of Robert C. Ribbans, guardian of minor heirs of Isaiah E. Crowell, deceased, *v.* The United States.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11946) to amend section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 14508. An act permitting the building of dams across the north and south branches of Rock River, adjacent to Vandruffs Island and Carrs Island, and across the cut-off between said islands, in Rock Island County, Ill., in aid of navigation and for the development of water power; and

H. R. 16954. An act providing for the reappraisement of certain suburban lots in the town site of Port Angeles, Wash.

PETITIONS AND MEMORIALS.

Mr. KEAN presented a petition of Lucy Webb Hayes Council, No. 12, Daughters of Liberty, of Vineland, N. J., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of Elizabeth Lodge, No. 600, Brotherhood of Locomotive Firemen, of Elizabeth, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Lodge No. 399, American Federation of Musicians, of Lakewood, N. J., praying for the enactment of legislation to prohibit Government bands from competing with civilian bands; which was referred to the Committee on Military Affairs.

He also presented the petition of Rev. G. F. Greene, of the Presbyterian Church of Granford, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of E. W. Poore, of Manchester, N. H., and a petition of the Society of Chemical Industry, of Boston, Mass., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Washington, D. C., praying for the adoption of an amendment to the District of Columbia appropriation bill providing for the grading of Albemarle street east of Connecticut avenue in that city; which was referred to the Committee on the District of Columbia.

Mr. HEMENWAY presented a memorial of Local Division No. 394, Amalgamated Association of Street and Electric Railway Employees of America, of Tipton, Ind., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of Local Union No. 335, Brotherhood of Painters, Decorators, and Paper Hangers, of Crawfordsville, Ind., and a petition of Local Union No. 63, Brotherhood of Painters, Decorators, and Paper Hangers, of Elkhart, Ind., praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

Mr. BURNHAM (for Mr. GAMBLE) presented the petition of Chris Myhre, of Oacoma, S. Dak., praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

Mr. BURNHAM presented the memorial of Ira J. Felch, of Manchester, N. H., remonstrating against the enactment of legis-

lation to provide for the free distribution of seeds; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Pauline Cushman Council, No. 21, Daughters of Liberty, of Hillsboro Bridge, N. H., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented the petition of Gen. J. M. Clough, of New London, N. H., and the petition of Gen. J. N. Patterson, of Washington, D. C., praying for the adoption of an amendment to the Army appropriation bill to provide for the creation of a volunteer retired list; which were referred to the Committee on Military Affairs.

He also presented a petition of the National State Grange, Patrons of Husbandry, of Concord, N. H., and a petition of the New England Section, Society of Chemical Industry, of Boston, Mass., praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

Mr. BURKETT presented an affidavit in support of the bill (S. 5781) granting a pension to William B. Ashton; which was referred to the Committee on Pensions.

Mr. RAYNER (for Mr. GORMAN) presented a petition of the Congregation of the Church of God, of Carrollton, Md., and a petition of the Christian Endeavor Society, of Berwyn, Md., praying for the enactment of legislation to protect State and county laws against outside nullifiers, and also to prohibit the selling of intoxicating liquor in Soldiers' Homes and in all Government buildings; which were referred to the Committee on Military Affairs.

Mr. BRANDEGEE presented resolutions adopted by the New York Board of Trade and Transportation, praying for the enactment of legislation for the acquisition of forest reservations in the Southern Appalachian and White Mountains; which were ordered to lie on the table, and be printed in the RECORD, as follows:

NEW YORK BOARD OF TRADE AND TRANSPORTATION,
New York, April 25, 1906.

At the monthly meeting of the New York Board of Trade and Transportation, held this day, Mr. John H. Washburn, for the committee on forests, submitted the following report, and it was unanimously adopted, viz:

To the New York Board of Trade and Transportation:

GENTLEMEN: In pursuance of a report made to this board, June 4, 1904, upon a bill favorably reported by the United States Senate Committee on Forest Reservations and the Protection of Game, and the House of Representatives Committee on Agriculture for the purchase of a national forest reserve in the Southern Appalachian Mountains, the forestry committee begs leave to say that the report then made was indorsed, and the creation of such a reserve was recommended by the board.

The committee now wishes to state that a substitute bill is pending before Congress; that its purpose is to acquire "forest reserves in the Appalachian Mountains and White Mountains, to be known as the 'Appalachian Forest Reserve' and the 'White Mountain Forest Reserve,' respectively."

It is an interesting fact that the area of existing national forest reserves west of the Mississippi embraces nearly 93,000,000 acres, while there is no national reserve east of the Mississippi, and the only public reserve of any consequence is that belonging to the State of New York, embracing 1,436,686 acres, the creation of which was almost exclusively due to the work of the New York Board of Trade and Transportation.

Among the essential objects to be gained by the creation of these reserves is the protection of the head waters of almost all the important rivers of five of the New England States, and practically the head waters of the chief rivers in the South, east of the Mississippi and south of the Ohio River.

The protection of the sources of these river systems is necessary to the conservation and future development, in a large measure, of the internal navigation and commerce of these five New England States and of nine of the Southern States, as well as the mining and agricultural industries of the latter and also of the vast and increasing manufacturing interests of both of these sections of our country.

The attention of the board is called to the evils and losses from alternate drought and flood, the former becoming more severe with the removal of the forest cover, while the freshets increase their destructive powers—the losses in the Appalachians by the spring freshets of the last two years amounting to $18,000,000, or about nine times the sum set aside by this bill for the acquiring of lands in these regions. At the same time, it is to be observed that the partial stripping of the wooded reliefs of the White Mountain sections has imposed a very heavy annual burden or tax upon the cost of many goods made upon streams fed by those watersheds, the enforced substitution of steam as a motive power for water power, now so uncertain and irregular, costing each year hundreds of thousands of dollars.

The continued deforestation of the regions under consideration can not therefore fail to work correspondingly to the advantage of the manufacturing and all other industries dependent upon the proper flow of their rivers and tributaries. What is more, it will happen at a time when competition between the most advanced nations has not only reached a stage unprecedented in the history of the commercial world, but must grow more severe owing to the progressive, intelligent, and forceful character of those engaged in the direction of this mercantile rivalry. With such an outlook, no advantage, either acquired or natural, which any section of our country possesses should be sacrificed or needlessly wasted.

More particularly does this apply to that section watered by the watersheds of the Southern Appalachians. Raising such a large proportion of raw cotton, one of the most important gifts of nature to mankind, with a native population peculiarly adapted to its successful cultivation, a favoring climate, and water and electric powers practically unlimited, if wisely conserved and applied, it should in time be able to wrest from the nations of Europe the cotton trade of the nations and peoples inhabiting the countries and islands washed by the Pacific Ocean, and now constituting more than half the population of the globe. Great as it is at present, it is insignificant as to what it must be when the East has awakened from the lethargy of its ancient civilizations and entered upon the march of modern progress.

With such advantages, among others, to be conserved, acquired, and guaranteed by the preservation of the watersheds forming the subject-matter of this report, your forestry committee respectfully submits for your action the following resolution:

Resolved, That the New York Board of Trade and Transportation heartily indorses Senate bill 4953 for the creation of a White Mountain forest reserve and a Southern Appalachian Mountain reserve, and earnestly recommends that it be passed by the present Congress.

Respectfully submitted.

EDMUND P. MARTIN, *Secretary*,
JOHN H. WASHBURN,
PETER F. SCHOFIELD,
HENRY S. HARPER,
Committee on Forests.

A true copy.

WM. MCCARROLL, *President.*

Attest:
[SEAL.]

FRANK S. GARDNER, *Secretary.*

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13493) granting an increase of pension to Elizabeth J. Meek;

A bill (H. R. 13024) granting a pension to William J. Beach;

A bill (H. R. 14200) granting an increase of pension to John K. Dalzell;

A bill (H. R. 14198) granting an increase of pension to William Stewart;

A bill (H. R. 12813) granting an increase of pension to Reese Moore;

A bill (H. R. 12480) granting an increase of pension to James McKenna;

A bill (H. R. 12304) granting an increase of pension to John McDonough; and

A bill (H. R. 13236) granting an increase of pension to William Haines.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13421) granting a pension to John W. Wabrass;

A bill (H. R. 13326) granting an increase of pension to Augustus McDaniel;

A bill (H. R. 14096) granting an increase of pension to John F. Smith;

A bill (H. R. 14955) granting an increase of pension to Eliza Moore;

A bill (H. R. 14839) granting an increase of pension to James McManis;

A bill (H. R. 14827) granting an increase of pension to William K. Stewart;

A bill (H. R. 14545) granting an increase of pension to Eliza L. Nixon;

A bill (H. R. 13923) granting an increase of pension to Martin Dayhuff;

A bill (H. R. 12842) granting an increase of pension to William J. Drake;

A bill (H. R. 13689) granting an increase of pension to William S. Newman;

A bill (H. R. 13622) granting a pension to Mary Cochran;

A bill (H. R. 14470) granting an increase of pension to William A. Braselton;

A bill (H. R. 14328) granting an increase of pension to Charles M. Mears;

A bill (H. R. 13704) granting a pension to Ann Dewier;

A bill (H. R. 13465) granting an increase of pension to Eleanor Gregory;

A bill (H. R. 13111) granting an increase of pension to Lewis S. Perkins;

A bill (H. R. 12734) granting an increase of pension to Abram Van Riper;

A bill (H. R. 12664) granting an increase of pension to William E. Wallace;

A bill (H. R. 13469) granting an increase of pension to Michael Davy, alias James Byron; and

A bill (H. R. 12279) granting an increase of pension to James S. Topping.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14072) granting an increase of pension to George W. Reeder;

A bill (H. R. 13060) granting an increase of pension to Henry De Graff;

A bill (H. R. 13030) granting an increase of pension to John C. Heney;

A bill (H. R. 14106) granting an increase of pension to John S. Melton;

A bill (H. R. 13882) granting an increase of pension to Levi L. Price;

A bill (H. R. 13713) granting a pension to Allison W. Pollard;

A bill (H. R. 12733) granting an increase of pension to Charles W. Kelsey;

A bill (H. R. 13535) granting an increase of pension to William Kelly;

A bill (H. R. 12010) granting an increase of pension to Lewis Hoffman;

A bill (H. R. 13506) granting an increase of pension to Julia A. Bachus;

A bill (H. R. 14854) granting an increase of pension to Harriet Howard;

A bill (H. R. 14736) granting an increase of pension to Isaac C. Smallwood;

A bill (H. R. 14728) granting an increase of pension to William Cartwright; and

A bill (H. R. 14539) granting an increase of pension to Louis C. Robinson.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11424) granting an increase of pension to Stephen W. Neal;

A bill (H. R. 9276)) granting a pension to Mary E. O'Hare;

A bill (H. R. 9375) granting an increase of pension to Charles H. McKenney;

A bill (H. R. 8091) granting an increase of pension to John Coughlin;

A bill (H. R. 6776) granting an increase of pension to Stephen C. Smith;

A bill (H. R. 6112) granting an increase of pension to Edmund Fish;

A bill (H. R. 10774) granting an increase of pension to James D. Leach;

A bill (H. R. 10318) granting an increase of pension to James F. Hollett; and

A bill (H. R. 6111) granting an increase of pension to Edwin R. Steenrod.

Mr. BURKETT, from the Committee on the District of Columbia, to whom was referred the bill (S. 823) to rectify the boundary line of Rock Creek Park, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15972) granting an increase of pension to Thomas J. Smith;

A bill (H. R. 4595) granting an increase of pension to Thomas H. Tallant;

A bill (H. R. 4594) granting an increase of pension to Joshua S. Ditto;

A bill (H. R. 15178) granting an increase of pension to Matilda Morrison;

A bill (H. R. 15180) granting an increase of pension to Amanda Pitman;

A bill (H. R. 1547) granting an increase of pension to William A. Olmsted;

A bill (H. R. 15854) granting an increase of pension to Phillip Schloesser;

A bill (H. R. 15867) granting an increase of pension to Annie M. Stevens;

A bill (H. R. 16274) granting an increase of pension to David Lindsey;

A bill (H. R. 14493) granting an increase of pension to Henry Gentles, alias Henry Hopner;

A bill (H. R. 13679) granting an increase of pension to Joseph Nobinger;

A bill (H. R. 12561) granting a pension to Francis M. McClendon;

A bill (H. R. 13507) granting an increase of pension to Thomas Crowley;

A bill (H. R. 14861) granting an increase of pension to Dennis W. Ray; and

A bill (H. R. 14745) granting an increase of pension to Frederick B. Walton.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 5796) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 26th instant providing for the construction of a plant for the occasional chemical treatment of Potomac water necessary to produce clear and wholesome water, etc., intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 5698) to regulate the practice of veterinary medicine in the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5882) to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13233) granting an increase of pension to Jesse A. B. Thorne;

A bill (H. R. 13232) granting an increase of pension to Penina Owens;

A bill (H. R. 13229) granting an increase of pension to Sarah E. Holland;

A bill (H. R. 13228) granting an increase of pension to Augustus Hathaway; and

A bill (H. R. 13227) granting an increase of pension to Robert Blancett.

Mr. FORAKER, from the Committee on Privileges and Elections, to whom was referred the bill (S. 4563) to prohibit corporations from making money contributions in connection with political elections, reported it with amendments, and submitted a report thereon.

Mr. LONG, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 17220) providing for a recorder of deeds, etc., in the Osage Indian Reservation, in Oklahoma Territory, reported it without amendment, and submitted a report thereon.

PORT OF BUFFALO, N. Y.

Mr. ALLISON. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 11037) relating to the transportation of dutiable merchandise without appraisement, to report it back and ask that the committee be discharged from its further consideration, and that the bill be referred to the Committee on Commerce.

The report was agreed to.

Mr. FRYE. I am authorized by the Committee on Commerce to report the bill favorably and ask for its present consideration. It will not take a minute.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to extend the privileges of the first section of the act approved June 10, 1880, relating to the transportation of dutiable merchandise without appraisement, to the port of Buffalo, in the State of New York.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEARINGS BEFORE COMMITTEES ON TERRITORIES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. DILLINGHAM (for Mr. BEVERIDGE), reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the stenographer employed by the Committee on Territories to report hearings on Senate bill No. 191, and other matters pending before said committee, and the stenographer hereby authorized to be employed by said committee from time to time, as may be necessary, to report such testimony as may be taken by said committee or its subcommittees, in connection with matters pending before it, be paid from the contingent fund of the Senate; and that said committee be authorized to have such testimony printed for its use.

NOTICES UNDER PUBLIC-LAND LAWS.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 5789) to regulate the publication of notices issued under the public-land laws, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill. It is very short.

The Secretary read the bill, as follows:

Be it enacted, etc., That all notices which the general provisions of the mineral and public land laws require to be published in newspapers

shall be published in the newspaper of established character published nearest the lands described in such notices and within the land district or county in which such lands are located; and in cases where two or more such papers are published in the town nearest such lands, or in two or more towns which are of equal distance from such lands, such notices shall be published in any one of such papers as may be designated for that purpose by the register of the land office from which such notice issued.

Mr. HALE. The matter of giving notice by publication in cases affecting public lands is a very important one. The notice may be so obscure and coming from such an obscure source that nobody sees it. I wish the Senator would explain, so that the Senate will realize what change is contemplated in this bill, what is required now in the way of notices—from what kind of newspapers, how that is changed, and whether the Senator is sure that under the bill there will not be notices published that nobody will see and nobody will know of, and that private and public rights will be lost by reason of it.

Mr. HANSBROUGH. I think that the apprehension of the Senator from Maine is not fully justified. It would be difficult to legislate so as to provide that a notice published in any newspaper should be read by a given number of people. Of course a large number of papers are obscure publications. That can not be obviated or regulated by law.

The only difference between this bill and the existing law is this: The existing law provides that these notices shall be published in the newspaper nearest the land affected by such notice. It is provided in this bill that it shall be published within the land district or county where the land is situated. That is the only change from existing law.

Mr. HALE. What good purpose is subserved by that change? Why is it any better notice under the bill which the Senator reports than it is now under the present law?

Mr. HANSBROUGH. I will say to the Senator that there are several instances where the lands affected are the nearest to newspapers that are published in other States. For instance, in one case in North Dakota the lands affected are nearer to newspapers published in South Dakota, so that the paper published in South Dakota does not circulate, as the Senator can well understand, among North Dakota readers. That is the purpose of the bill.

Mr. HALE. The bill provides for the publication of the notice in a paper circulating nearest to the land?

Mr. HANSBROUGH. Precisely; and in order to do that it is necessary to publish it in the county and land district within which the land is located.

Mr. BEVERIDGE. Where is the publication made now?

Mr. HANSBROUGH. In the particular case I have mentioned it is made in South Dakota, and the lands lie in North Dakota.

Mr. BEVERIDGE. But generally speaking?

Mr. HANSBROUGH. It is made in a newspaper nearest the land.

Mr. HALE. The land districts do not extend into more than one State?

Mr. HANSBROUGH. No; they do not; they are confined within the borders of the State.

Mr. HALE. The Senator is a veteran on this kind of legislation and ought to know whether the bill will be an advantage or not. My attention was called to it by the fact that every now and then before the Committee on Appropriations, in questions coming up touching lands, the question of notice is sometimes found to be important.

Mr. HANSBROUGH. Yes; it is important.

Mr. HALE. And sometimes public and private rights are lost because there has been no adequate advertisement and notice.

Mr. HANSBROUGH. My own judgment is if this bill becomes a law it will add materially to the benefit of the situation.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. HANSBROUGH. I yield to the Senator.

Mr. FULTON. I did not understand from the explanation made by the Senator from North Dakota just what change the bill does make in the present law. I am a member of the committee from which it comes, but was not able to be present at the time it was considered. I suppose it was considered at the last meeting, was it not?

Mr. HANSBROUGH. Yes.

Mr. FULTON. I understand the law at the present time requires the notice to be published in the newspaper nearest to the land?

Mr. HANSBROUGH. Nearest to the land. It is proposed to add that it shall be published also within the land district or county in which the land is located, so that the publication relative to such land in North Dakota will not take place in South Dakota, as heretofore, where the newspaper does not circulate in North Dakota.

Mr. FULTON. Suppose there is no——

Mr. TILLMAN. Mr. President, I wish to make a parliamentary inquiry. Is the morning business over?

The VICE-PRESIDENT. The morning business has not been closed.

Mr. TILLMAN. What is before the Senate now?

The VICE-PRESIDENT. The Senator from North Dakota reported Senate bill 5789 from the Committee on Public Lands and asked unanimous consent for its present consideration. The bill was read.

Mr. TILLMAN. It seems to be taking a considerable amount of debate, and I should like to have it go over.

The VICE-PRESIDENT. Under objection——

Mr. FULTON. It will not take any further time as far as I am concerned.

Mr. HANSBROUGH. I do not think there will be any further debate.

Mr. BERRY. I wish to ask a question of the Senator from North Dakota.

Mr. TELLER. Let us know what the bill is before objection is made to it.

The VICE-PRESIDENT. Does the Senator from Colorado wish to have the bill read by its title?

Mr. TELLER. I should like to know what it is, by title at least.

Mr. HANSBROUGH. Let the bill be again read. It is a short bill.

The VICE-PRESIDENT. The bill will be again read for the information of the Senate.

The Secretary again read the bill.

Mr. BERRY. Will the Senator from North Dakota yield to me for a question?

Mr. HANSBROUGH. Certainly.

Mr. BERRY. Under the law as it is proposed to be amended, will the designation of the papers remain with the register?

Mr. HANSBROUGH. With the register.

Mr. BERRY. Is the bill in the identical language of the present law in that respect?

Mr. HANSBROUGH. It is a copy of existing law with these words added:

Within the land district or county in which such lands are located.

Mr. TELLER. Is that all the change?

Mr. HANSBROUGH. That is the only change in the existing law.

The VICE-PRESIDENT. Without objection, the bill is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MARTIN introduced a bill (S. 5918) for the relief of the St. Paul Reform Church, of Woodstock, Va.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 5919) for the relief of the estate of James S. Ford, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 5920) granting an increase of pension to Sinnett A. Duling; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SUTHERLAND (for Mr. WARNER) introduced a bill (S. 5921) granting an increase of pension to Hiram G. Hunt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 5922) granting an increase of pension to John W. Virden; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 5923) for the construction of a sea wall at Fort Screven, Ga.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TALIAFERRO introduced a bill (S. 5924) to extend the provisions of the existing bounty land laws to the officers and enlisted men, and the officers and men of the boat companies, of the Florida Seminole Indian war; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BRANDEGEE introduced a bill (S. 5925) for the relief of the city of New London, Conn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. RAYNER (for Mr. GORMAN) introduced a bill (S. 5926) providing for the payment of a certain judgment or decree against Henry E. McKee, agent and trustee for the Choctaw

Nation of Indians, out of funds payable to the said nation of Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BURKETT introduced a bill (S. 5927) granting an increase of pension to H. C. Phipps; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER (by request) introduced a bill (S. 5928) granting an increase of pension to Patrick Gaffney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 5929) granting an increase of pension to John A. Richards; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 5930) for the relief of Benjamin Hyde; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5931) granting a pension to Deborah B. Roman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 5932) granting an increase of pension to E. R. Merriman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 5933) to correct the military record of Wyatt F. Runnion;

A bill (S. 5934) to correct the military record of Louis L. Runnion;

A bill (S. 5935) to correct the military record of Edmund Reece; and

A bill (S. 5936) to correct the military record of Levi Taylor.

Mr. OVERMAN introduced a bill (S. 5937) for the relief of Leonidos H. Hall; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5938) granting an increase of pension to Gabriel Sams; and

A bill (S. 5939) granting an increase of pension to Jules Rector.

Mr. MORGAN introduced a bill (S. 5940) granting an increase of pension to Henry Bittleston; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 5941) granting an increase of pension to Joseph E. Layton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 5942) to provide for finishing the crypt of the chapel, United States Naval Academy, Annapolis, Md., as a permanent resting place for the body of John Paul Jones; which was read twice by its title, and, with the accompanying letter from the Navy Department, which was ordered to be printed, referred to the Committee on Naval Affairs.

Mr. KITTREDGE introduced a bill (S. 5943) to authorize the Minnesota, Dakota and Pacific Railway Company to construct a bridge across the Missouri River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FLINT introduced a bill (S. 5944) providing for examinations and surveys for the location of reclamation and irrigation works in the Sacramento and San Joaquin valleys, in the State of California; which was read twice by its title, and referred to the Committee on Irrigation.

Mr. SIMMONS introduced a bill (S. 5945) providing for an inspection of certain agricultural products, and for other purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. HEMENWAY introduced a joint resolution (S. J. R. 52) authorizing the Secretary of War to donate to the board of trustees of Vincennes University, Vincennes, Ind., such obsolete arms and other military equipments now in possession of said university, to be used in military instruction; which was read twice by its title and referred to the Committee on Military Affairs.

REPORT OF JOSEPH L. BRISTOW.

On motion of Mr. MILLARD, it was

Ordered, That there be printed and bound in paper covers for the use of the Senate 500 copies of the report of Joseph L. Bristow, Special Panama Railroad Commissioner, to the Secretary of War, June 24, 1905.

REGULATION OF RAILROAD RATES.

Mr. NEWLANDS submitted an amendment intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table, and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $9,500 for grading, regulating, and macadamizing Albemarle street east from Connecticut avenue extended to Broad Branch road, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CLARK of Montana submitted an amendment proposing to amend the act of April 23, 1904, relative to the survey and allotment of lands within the limits of the Flathead Indian Reservation in the State of Montana, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table, and be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On April 19:

S. R. 48. Joint resolution for the relief of sufferers from earthquake and conflagration on the Pacific coast; and

S. 5026. An act providing for the establishment of a life-saving station at or near Neah Bay, in the State of Washington, and for the construction of a first-class ocean-going tug to be used in connection therewith, for life-saving purposes in the vicinity of the north Pacific coast of the United States, and so forth.

On April 21:

S. 980. An act to authorize the sale of a portion of the lower Brulé Indian Reservation in South Dakota, and for other purposes; and

S. R. 49. Joint resolution construing the joint resolution approved April 19, 1906, entitled "Joint resolution for the relief of sufferers from earthquake and conflagration on the Pacific coast."

On April 23:

S. R. 46. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.

On April 26:

S. 4339. An act to amend section 4502 of the Revised Statutes of the United States, relating to bonds and oath of shipping commissioners;

S. 4925. An act to amend the act approved March 6, 1896, relating to anchorage and movements of vessels in St. Marys River;

S. 2452. An act creating an additional land office in the State of North Dakota; and

S. R. 7. Joint resolution authorizing the Secretary of the Navy to present the bell of the late United States sloop of war *Germantown* to the Site and Relic Society, of Germantown, Pa.

PUBLIC BUILDING AT KALAMAZOO, MICH.

Mr. BURROWS. I ask unanimous consent for the present consideration of a very brief bill, the bill (S. 5530) authorizing the procuring of additional land for the enlargement of the site for the public building at Kalamazoo, Mich. It will take but a moment.

Mr. TILLMAN. I trust the Senator from Michigan will not try to press that bill. The Senator from Wisconsin [Mr. SPOONER], who is not well, gave notice that he would want to finish his speech this morning. He is ready to proceed, and I hope the Senator will let the bill lie over until later.

Mr. BURROWS. If there is objection to it, I will not press it. It would not take over half a minute.

The VICE-PRESIDENT. Objection is made to the request of the Senator from Michigan.

REPORT ON BEET-SUGAR INDUSTRY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a report on the progress of the beet-sugar industry in the United States in 1905. Your attention is respectfully invited to the accompanying letter of the Secretary of Agriculture, recommending that 10,000 copies of the report be printed for the use of the Department of Agriculture, in addition to such number as may be desired for the use of the Senate and House of Representatives.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 27, 1906.*

The VICE-PRESIDENT. The message will be printed as a public document, and referred to the Committee on Agriculture and Forestry. The question of printing 10,000 additional copies

for the use of the Department of Agriculture, in addition to the usual number, will be referred to the Committee on Printing; and the maps accompanying the message will be ordered printed, if there be no objection.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I ask that the unfinished business may be proceeded with.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. SPOONER. Mr. President, I thank the Senate for its indulgence, and I will take as little time to-day as will suffice to present a part only of what might properly be presented on this subject.

The Senator from Texas [Mr. BAILEY] seemed to think that the Senator from Pennsylvania [Mr. KNOX] and myself were contending because of the distinction which we draw between judicial power and jurisdiction for some proposition which involved that the *lesser* shall be *larger* than the *greater*. I do not state his precise language. That suggestion, too, I think comes from a confusion of the distinction between *judicial power* and *jurisdiction*. Jurisdiction, as far as it refers to inferior courts of the United States, is a matter of legislation. The exercise of the judicial power where jurisdiction exists is *judicial*. The powers are *utterly different;* and therefore it can not be said that one is less or greater than the other.

Whether a case is made out before a court or judge which, according to the rules and established principles of equity entitle the litigant to a certain remedy, can not be a *legislative* question. That is essentially *judicial*. Will it be contended that the Congress can constitutionally enact a law prohibiting a *party to a suit* from *applying* to the *court* for a remedy, interlocutory, if you please, to which he conceives and which he is advised he is entitled? It would be practically a denial to the suitor if the Congress can control the exercise of judicial power, of the constitutional right of submitting to the chancellor on full hearing the *question* whether he is or is not entitled to the interlocutory remedy which he seeks.

Suppose this proviso were recast and *prohibited a party* complainant in a bill filed under the provisions of the Senator's amendment, if it were adopted, to apply to the court for *an order maintaining the status quo*, even though he made it plain to the court that otherwise irremedial loss would ensue, would that be *legislation?* Would it especially be legislation constitutionally enacted under the fifth amendment?

I have a right—every man has a right who is a party to a litigation—to make such application or motion to the court as he may be advised is within established usage in equity or at law, and whether the petition should be granted or denied, whether the remedy should be afforded or withheld, it does not seem to me can be made a *legislative* question.

The Senator from Texas seemed in his speech to have a consciousness that his proviso might be going too far, and his instinct for the law is excelled by that of no man whom I know. I do not mean by that that his legal knowledge is not abundant. He said:

> I am willing to leave with the court the *right to say how* it shall decide these cases—

From my standpoint that is not an option to be exercised by the Congress—

> and I only ask Congress to say when it shall decide them. I do not say—and it would be a nullity if Congress were to so say in any statute—that the courts shall decide these cases for the Commission or for the railroads.

Is that the Ultima Thule? Is that the limit of Congressional power? May the legislature go that far and no farther, or go up to that line and be free to limit, hamper, and control the judicial power in all the territory this side of the final decree? It seems to me that proposition refutes itself.

> I ask Congress to exercise no power like that, because I know that to be a judicial power.

What is the "power" to be exercised, when the Senator from Texas, on a bill filed for foreclosure, asks for the appointment of a receiver by the chancellor on the presentation of facts which under established usage authorizes such an order? Is not that a judicial power? The power to preserve the property pending the litigation has been inherent in the chancellor from time immemorial.

> I only ask Congress to say that the court shall not decide these cases at all until it is ready to decide them *right*, and, according to the Senator from Pennsylvania, that is a *legislative* power.

I think that must be an error.

> I am willing to write it in the law that Congress disclaims the power to say *how the court shall decide any case*, provided that it also be written that the court shall not decide a case under this law at all until it is ready to decide it right.

A great many questions arise, matters of right as well as matters resting in the sound discretion of the court, pending the proceeding and before the court is ready to decide it "right" or "wrong," and many of those preliminary motions and applications and the power to grant them have been part of the equitable administration and jurisdiction for over two hundred years. The decision of any one of them involves absolutely the exercise of *judicial* power. Is not the "faculty of judgment" in passing upon all applications and motions of necessity as completely exempt from legislative control and dictation as the *final* decision upon the merits? How would it do to write this disclaimer at the end of the Senator's proviso?

> *Provided, however,* That no rate or charge, regulation or practice prescribed by the Commission shall be set aside or suspended by any preliminary or interlocutory decree or order of the court: *Provided further,* That Congress disclaims any power to dictate to the court what *decision* it shall make upon any motion or application in accordance with the established principles and procedure in equity properly brought before it in the progress of any such suit in equity.

The first proviso is the Senator's. The second my proposed one to test the soundness of his position.

Obviously the Senator's proviso and mine would eat each other up; and yet, Mr. President, under the Senator's proviso, if the carrier should satisfy the court that the rate fixed by the Commission is *absolutely confiscatory*, the court would be deprived of the *faculty of judgment* upon the subject and denied the power to exercise the function which, I say, inheres in the judicial power of a court. Congress, without any knowledge, would be in the attitude of saying by legislative enactment—as unyielding and arbitrary as anything that could be imagined—that, no matter what should be made to appear to the court in such a case, it should not have the power to suspend the order upon any terms, not even if every dollar received by the carrier was paid into the registry of the court to abide the result of the litigation, and notwithstanding the fact that it was perfectly apparent to the court that the loss to the party complainant would be otherwise irremediable.

Is it possible that Congress can substitute its judgment in such a proceeding for the judgment of the court? This is not a mere rule of practice, Mr. President. Practice and procedure do not generally reach the heart of jurisprudence; and if, under the guise of regulating practice and procedure, the essential and vital jurisdiction in equity is impinged, the court would hold that beyond the power, I think, of the legislature.

RIGHT ARM OF EQUITY.

Equity, it was said one day here, acts *in rem*. The maxim which comes down to us is, "Equity acts *in personam*, not *in rem*." The judgment at common law is satisfied out of the property of the defeated litigant, but, save in few cases, the chancellor enforces his orders and decrees against the person. He constrains the conscience by orders and writs, and punishment for disobedience.

Mr. President, injunction is called, and has been called for over two hundred and fifty years, I think, the "right arm of equity." Without it how could the fundamental power in equity to afford *preventive* relief be accorded?

Injunction, temporary or permanent, is not a mere instrumentality. Disobedience of it is punished as contempt, which is inherent at the common law; and our Supreme Court has held it is inherent in *all courts*. (In re Debs, 158 U. S., 564.) Equity is full of instrumentalities. Some of them, Mr. President, are almost vital to the exercise of the jurisdiction in equity; but the injunction is the "right arm of equity." It is not a mere instrumentality. It is a part of the *body* of equity jurisprudence. This glass in my hand is an instrumentality. The arm is a part of my body; and if it lies within the power of Congress to cut off the right arm of the body of equity jurisprudence, it rests in the power of Congress to cut off the left, and if it may cut off both arms, it may cut off the head and leave nothing of the equity jurisprudence *recognized and established* by the Constitution but an armless and headless trunk.

If the Senator is right, if Congress may exercise the power for which he contends, then Congress may say to a chancellor, "You shall not, whatever case may be presented to you arising under this law—not under another, but under this law—even though essential justice demands it, suspend an order and maintain the existing status upon terms which you think to be just or upon terms which may be prescribed by the statute." I do not believe, on the strength of the authorities which I partly read yesterday, that it is in the power of Congress to take away from the inferior courts of the United States by valid enactment any process necessary to the exercise of its jurisdiction. Admit that the jurisdiction might be withdrawn, but with the jurisdiction existing under an act of Congress, I believe it to be incompetent for Congress to emasculate the ju-

dicial power by depriving the court of the power to carry out its judgments and decrees.

Congress tried that experiment, Mr. President, in the Klein case (13 Wall., 128). I referred to it on a former occasion. The Congress has apparently as unlimited power, under the Constitution, over the appellate *jurisdiction* of the Supreme Court as it has over any other subject. The Congress has the power to make such exceptions under the Constitution as it may see fit and to regulate the appellate jurisdiction of the Supreme Court; but the Congress can not give it jurisdiction and yet withhold it. It can not give jurisdiction and dictate at the same time how the court shall exercise the judicial power. That was attempted by Congress. By act of Congress the Supreme Court was *ordered* on appeal, when certain facts appeared to the court, to dismiss the appeal. The court said about it—and I will not take time to restate the case; it is familiar here, for I read it here on another occasion—

> It is evident from this statement that the denial of jurisdiction to this court, as well as to the Court of Claims, is founded solely on the application of a rule of decision, in causes pending, prescribed by Congress.
>
> The court has jurisdiction of the cause to a given point; but when it ascertains that a certain state of things exists, its jurisdiction is to cease, and it is required to dismiss the cause for want of jurisdiction.
>
> * * * * * * *
>
> The court is required to ascertain the existence of certain facts and thereupon to declare that its jurisdiction on appeal has ceased by dismissing the bill. What is this but to prescribe a rule for the decision of a cause in a particular way?

And the Supreme Court held the proviso invalid.

> In the case before us the Court of Claims has rendered judgment for the claimant and an appeal has been taken to this court. We are directed to dismiss the appeal, if we find that the judgment must be affirmed, because of a pardon granted to the interstate of the claimants. Can we do so without allowing one party to the controversy to decide it in its own favor? Can we do so without allowing that the legislature may prescribe rules of decision to the judicial department of the Government in cases pending before it?

What does the proviso to the amendment of the Senator from Texas do but prescribe the *rule of decision* to the court of equity on application made in accordance with established equitable principles for an order maintaining the status quo? It is simply a legislative mandate that every such application as that shall be decided, regardless of the facts, for the *Government*. I can not believe that that is within the constitutional capacity of the Congress. The Senator from Texas believes otherwise. That is a difference of opinion.

Mr. BAILEY rose.

Mr. SPOONER. I did not mean to say——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. BAILEY. Of course, I do not believe that Congress could command the court to decide a question in favor of the Government. If the Senator from Wisconsin——

Mr. SPOONER. I say "in effect;" I did not say that the——

Mr. BAILEY. The words "in effect" escaped me.

Mr. SPOONER. I did not say "in effect." There is no Senator who heard me who did not understand what I meant.

Mr. BAILEY. Well, I heard the Senator, and I did not understand that he meant that, or I should not have interrupted him.

Mr. SPOONER. I say that would be the effect of this proviso; but the Senator does not think so.

Mr. BAILEY. Ah! If the Senator from Wisconsin will permit me——

Mr. SPOONER. Certainly.

Mr. BAILEY. My contention is that the courts shall have no jurisdiction over that, just as if I should say the courts shall have no jurisdiction over a case involving less than $2,000. To say that the court shall not decide that question at all, because of a lack of jurisdiction to decide, is one thing; to say that the court may have jurisdiction to decide it and shall decide it in favor of either the plaintiff or the defendant is, to my mind, quite a different thing.

Mr. SPOONER. Oh, Mr. President, that is a new distinction; that is a theory of which I have not heretofore been advised. I have supposed that a court, in order to exercise the judicial power of the Constitution, must have jurisdiction—first, jurisdiction over the subject-matter; second, jurisdiction over the parties. I have never been taught that a court could have jurisdiction over the subject-matter and jurisdiction over the parties, and yet be prohibited from doing, in the exercise of judicial power in that case, what justice demands and what is in accordance with the established usages of the jurisprudence being administered. Test that. If the Congress may clip off a part of the jurisdiction which the court has in the case so as to prevent the court from hearing and deciding a preliminary motion, where must the Congress stop? Congress has a right, then, to cut off enough of the jurisdiction, or, in better words, *judicial power*—for everything the court does, Mr. President, where it has jurisdiction of the parties and the subject-matter, is the exercise of judicial power, and involves the faculty of judgment to leave a third or half of a case. On the Senator's theory it is competent for Congress to provide, splitting up the jurisdiction, that in a class of causes the court shall make no decision upon any question or proposition arising in the progress of the suit except the final decree.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly; always.

Mr. BAILEY. Mr. President, probably I can make the issue between the Senator and myself even more definite than he has made it up to this point. I not only affirm that Congress can, to borrow his expression, clip off a part of a jurisdiction here and there, but I affirm that Congress can completely deny all jurisdiction.

Mr. SPOONER. Oh, yes.

Mr. BAILEY. Not only can it take a part and another part and another part, as the Senator expresses it, but the Congress is entirely competent to declare that no circuit court of the United States shall have jurisdiction to entertain any particular kind of suit that the wisdom of Congress may choose to exclude, and if it can exclude all jurisdiction I think there is no difficulty in concluding that it may exclude partial jurisdiction.

THE REAL QUESTION.

Mr. SPOONER. Mr. President, I am not called upon to deny the broad statement which the Senator makes that the Congress can withdraw all jurisdiction from the circuit courts of the United States. I am not called upon, either, to deny that the Congress can withdraw part of the jurisdiction from the circuit courts of the United States and the district courts of the United States over a class or classes of cases enumerated in the Constitution. I am not called upon to deny that the Congress may withhold, or, if having conferred, it may withdraw, jurisdiction over *habeas corpus* as a prerogative writ as contradistinguished from the *ancillary writ* or *writs essential to the exercise of the jurisdiction*. I am not called upon to deny that the Congress may withdraw jurisdiction from the courts over mandamus upon the same basis. I am not claiming, Mr. President, nor need I, that the Congress, having conferred jurisdiction upon the circuit courts of the United States over almost all of the enumerated cases in the Constitution, can not withdraw one jurisdiction and another and another and another. But that is not the question. The question is whether Congress, having conferred jurisdiction upon an inferior court over a class of cases, and not withdrawing that jurisdiction over that class of cases, can, *where a case falling within the class is before the court*, subdivide that jurisdiction over the *one case*. I deny it. Congress can confer jurisdiction over a case or it can refuse to confer it, but, Mr. President, when Congress does confer it, the *judicial power* of the Constitution goes with it as to that particular *case*, and Congress can not take away, in my judgment, from the court in that case or in cases of that class, the power to *hear motions or applications* and to *decide them* as the *court* thinks fit, *subject* to *correction* by the *circuit court of appeals* or *the Supreme Court of the United States*.

If Congress may not only clip off the judicial power, but may give the court jurisdiction of a case and take away part of the jurisdiction over that case, what is left? The result of that would simply be this, I think, and that I believe is what this amendment would accomplish: I believe the court would say that it is such an attempted impairment of the jurisdiction that it could not assume it or exercise judicial power under it. I do not believe a court of the United States, sanctioned by the Supreme Court, would deem it possible to take half of the jurisdiction of the Constitution over a particular lawsuit. I think it must be withheld over the particular case or given to the constitutional extent.

There is where the Senator and I run against each other again. We agree up to a certain point. We agree as to the power of the Congress to confer so much of the constitutional jurisdiction over the enumerated cases of the Constitution as it may deem wise. We admit that it may be withdrawn, but if the Senator contends that the jurisdiction over the enumerated cases may be given to the court, and the judicial power as to a case within the class can be split in two, I can not see any earthly foundation upon which to support that contention.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. SPOONER. Yes.

Mr. CARTER. The construction of the word "jurisdiction"

and the term "judicial power" constitutes a point at issue, as I understand, between the Senator from Texas and the Senator from Wisconsin. The Senator from Texas contends that "jurisdiction" and "judicial power" are interchangeable terms, practically synonymous terms.

Mr. BAILEY. Will the Senator from Montana allow me to interrupt him there?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. I do.

Mr. BAILEY. I would not want to be put in the position of saying that there is no distinction between them at any time or under any circumstances. My statement was that they are the same when applied to a question like that under consideration.

Mr. SPOONER. I conceded that the Senator had made that qualification.

Mr. BAILEY. Yes.

Mr. CARTER. I understand that to be a fact, and will be glad to follow so as to confine the Senator's express understanding to the particular matter under consideration.

As I understand the issue at this moment being considered, the Senator from Wisconsin falls into what I deem the error of the Senator from Texas, to wit, disregarding the plain distinction between "jurisdiction" and "judicial power." The persons and the subject-matter being within the jurisdiction of the court by proper legal authority, it is proposed by this amendment, not to limit the jurisdiction, but to enter the court room, where the jurisdiction over persons and subject-matter is complete, and there prescribe what the court shall or shall not do with reference to an ancient and well-established course of proceeding in equity.

Therefore I submit to the Senator from Wisconsin that this is an invasion of the judicial power, and has nothing whatever to do with the jurisdiction, which presumably is complete.

Mr. SPOONER. If I did not draw that distinction I thank the Senator for his suggestion. I thought I had that distinction pretty thoroughly embodied by this time in my mind, and that either from intellectual firmness or intellectual stubbornness nobody could eliminate it from my constitution. But if in the haste of debate I did not recognize it the Senator is right, and I thank him.

Mr. CARTER. I understand the Senator to say that the Senator from Texas proposed to divide and subdivide jurisdiction. The Senator from Texas concedes that the jurisdiction of the court over the subject-matter and the parties would be complete.

Mr. SPOONER. Yes; by his amendment. In the heat of debate I very likely used "jurisdiction" where I should have used "judicial power." It must be very apparent from the argument I have made here that I should have used the term "judicial power."

Mr. CARTER. I understood that.

Mr. SPOONER. Because Congress can not give jurisdiction and yet not give it, and where Congress does give jurisdiction Congress can not emasculate the judicial power, or deprive the court of the right to exercise the whole of the judicial power in a given case. The Constitution says: "The judicial power shall extend to all *cases*," etc. It means the whole of any *case* over which it is given jurisdiction, not part of the case.

Now, Mr. President, neither the Senator from Texas nor I can find any *decision* of the Supreme Court upon this question. I should not say, perhaps, that he can not, but I know of none. It has never been presented to the Supreme Court, as I understand it. We can only reason upon general principles and analogies. That it is impossible for Congress to give jurisdiction to a court over a class of cases and yet withhold the full *judicial power* over *cases* within that class of cases, or over a single case falling within the class of cases, I think is too plain for debate.

It is a matter of congratulation that in the history of this country, during the last fifty years at least, and perhaps more, there have been rare instances, even in the States, of attempts by the legislature to interfere with the exercise of *judicial power* as contradistinguished from *jurisdiction*. Now and then such things have happened. It happened once in California as to tide lands, lands which lay between high and low tide.

On the 18th day of May, 1853, the legislature of California passed an act entitled "An act to provide for the sale of the interest of the State of California in the property within the water-line front of the city of San Francisco." The defendants, in pursuance with the terms of the act, were duly appointed commissioners to examine into and make sale of such interest, and, as such, advertised the property of the plaintiff for sale, in order to satisfy whatever interest the State of California might have therein.

The case was submitted to a referee to report upon the facts, who found that at one time the land in dispute was for the most part below high-water mark, but before the State of California was admitted into the Union the same had been wholly reclaimed and was covered with buildings and a part used as public highways. That the title of the plaintiffs was derived from grants—

Which I need not read.

Upon this state of facts the court granted a perpetual injunction, as aforesaid.

The act prescribed that no injunction should be issued against the commissioners appointed for the sale of the State interest within the water line, and the court said, dealing with this point:

The legislature can not exercise judicial functions, and therefore can not except one case, or one party, from the operation of a general rule of law, either as to right or remedy. That portion, therefore, of the act of May, 1853, entitled "An act to provide for the sale of the interest of the State of California in the property within the water line," etc., which prescribes that no injunction shall be issued against the commissioners is invalid. (Guy et al. *v.* Hermance et al., 5 Cal. (Morris).)

They treated it as a *legislative* interference with *judicial power*.

Mr. RAYNER. That was a case of final injunction.

Mr. SPOONER. Yes; final injunction. Why may not the legislature, or Congress deal with *final injunction* as well as with *preliminary injunction* where it is absolutely necessary to justice, and where the right to grant it in proper case is *inherent* in the court. Why may not Congress in this case, if it may provide that no injunction shall issue pending final decree, provide that no injunction shall issue *pending a final determination by the Supreme Court of the United States of the constitutionality of the rate?*

Congress has control over supersedeas. Why may it not go that far if it may begin? It is only attempted here to confer through delegation the power of Congress upon this Commission. Suppose Congress should pass an act prohibiting the carriage of freight from San Francisco to New York at a higher rate than one-quarter of what is now charged and providing *that no injunction shall be granted* to suspend operations under that law *until the Supreme Court of the United States shall have passed upon its constitutionality;* would that be valid? It would not be applicable only to one case. It would be applicable to a class of cases. In other words, Mr. President, if Congress in any case may constitutionally supplant the judgment of the *court* by the mandate of *legislation*, it is for Congress to draw the line where it will stop.

It was tried in Wisconsin some years ago. I can not take the time to read the case. It applied to the driving of piles in Rock River, Wisconsin. It was enacted that—

It shall be unlawful and presumptively injurious to persons and property to drive piles, build piers, cribs, or other structures * * * in Rock River *within the limits of the county of Rock*, and the doing of any such act *shall be enjoined* at the suit of any *resident taxpayer without proof* that *any injury or danger has been or will be caused* by reason of such act.

* * * * * * *

The doing of any *such act shall also be enjoined* at the suit of any owner or lessee of the right to use water of said river to operate any mill or factory *within said county*, without proof of any further fact than that such act will cause the water of said river to rise or set back, *to some extent*, at the place where the water used to operate such mill or factory is discharged into said river.

Why not? That would only be a *rule of evidence*, would it not? Or would it be more than that? The moment one leaves the beaten track, the moment one forgets that the Constitution created the judiciary a coordinate, equal, and independent branch of this Government, we get into the fog and we get into danger. It might be a rule of decision.

The Senator from Texas [Mr. BAILEY] seemed to think I would exalt the judiciary over the legislative department. I would not. Although the judiciary is to decide upon its jurisdiction, and if it decides wrong in the court of last resort there is above that no court for the correction of the error, I would keep the Congress within the limitations of the Constitution. I would as zealously protect the power and the sovereignty of the States against Congressional invasion as I would protect the power and jurisdiction of Congress against invasion by any other body. I would not consent to assign to the judiciary any other position relatively to the other departments of the Government than that *assigned to it by the Constitution*, but I do insist that that assigned to it by the Constitution *neither nor both of the other branches of the Government can take away from it.*

When Congress enacts that in a certain class of cases like the cases covered by the Senator's amendment no injunction shall be granted pending final decree, Congress, to all intents and purposes, decides that justice will not and can not demand, pending final decree, the granting of an injunction. *The conclusive legislative presumption is against it.* So it does not much differ in effect from this case, from which I will briefly read. I hope some Senator will point out the distinction between the power of Congress to say that an injunction *shall*

not be granted by the court and to say that an injunction in cases which Congress designates *shall* be granted by the courts in classes of cases. The court said:

> The legislature usurped the judicial power of the courts by the enactment of this statute. It adjudicates an act unlawful and presumptively injurious and dangerous, which is not and can not be made to be so without a violation of the constitutional rights of the defendant, and imperatively commands the court to enjoin it without proof that any injury or danger has been or will be caused by it.
>
> It reverses very many decisions of this court on the very questions involved in it, and which have the effect of a judicial determination of the defendant's rights of property.
>
> It takes away the jurisdiction of the courts to *inquire into the facts and determine the necessity and propriety of granting or refusing an injunction* in such a case, according to the *established rules of a court of equity.*

Let me read that again. It should say the "power"—

> It takes away the jurisdiction of the courts to inquire into the facts and determine the necessity and propriety of granting or refusing an injunction in such a case, according to the established rules of a court of equity. (City of Janesville *v.* Carpenter, 77 Wis., 288.)

Just as this proviso, if enacted into law, would require the court to deny preliminary injunction, no matter if the duty to issue it, from a judicial standpoint, is as plain as Holy Writ.

I will say to the Senator from Texas—I spoke to him about it once—that there is a case in California (I do not remember the report; I looked at it once hurriedly; it seemed so involved with the code and the constitution of California that I did not get back to it) which seemed to me might sustain his proposition. It is Spreckels *v.* The Hawaiian Commercial Company. He can look it up, or I will look it up.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. BAILEY. I could have found a number of State cases, but the Senator from Wisconsin knows as well as I do that there is scarcely a controverted question in this country which has not been decided both ways by the various State courts, and I did not think it worth the while, I did not think it would enlighten the Senate, to produce here the conflicting decisions of State courts on the same question. Even questions that appear plain to us sometimes as many as thirty supreme courts have decided one way and eight or twelve have decided the other.

Mr. SPOONER. I do not think there has ever been very much difference of opinion between State courts on a question like this.

Mr. BAILEY. Because this particular question has not often been presented. But the Senator will agree with my general statement, that there is scarcely a question presented for judicial determination in the States that different courts have not decided opposite ways.

Mr. SPOONER. I do not know about that. I think I can remember a great many matters upon which there has been almost universal concurrence among the courts of the States. Many of the courts of the States have been illustrious, and there have been on the supreme bench and on the circuit bench in the States a great number of judges whose opinions upon questions of law I would value as highly as any opinion ever delivered in this country. And so, on a general principle like this, where there is no decision of the Supreme Court upon it, and where one must be guided by analogy, I think the Senator and I are at liberty to avail ourselves of the opinions of the State courts.

Mr. BAILEY. I do not want to be put in the attitude of underestimating the State courts, and I think it is no reflection on them that they see the same question in different lights. I only need to remind the Senator from Wisconsin that the Supreme Court of the United States within the last four years has decided almost every important question before it by a vote of 5 to 4. It is no impeachment of their ability or integrity that that is true. Neither do I intend it as any reflection upon the State courts when I say that they have decided the same question opposite ways.

Mr. SPOONER. I did not intend to imply that the Senator disparaged in any way the judiciary of the States, of course.

Now, Mr. President, I have said all I care to say upon the general proposition. While I can not speak *ex cathedra*, nor can any Senator do so, I have an abiding conviction that on general principles this *proviso* can not constitutionally be enacted.

ARGUMENT AGAINST MY CONTENTION.

I come now to the argument of the Senator from Texas, and, first and briefly, I wish to notice some strictures which that Senator thought proper to pass upon the fairness of a portion of the speech I delivered on a former day. I have seen it stated in newspapers that issued about the time of the Senator's speech that a portion of my speech contained *misquotations* from decisions. I heard no such imputation from the Senator. Such a statement could not be maintained for a moment by a cursory reading even of the speech. The Senator from Texas, while criticising a portion of my speech delivered on the first day as misleading, acquitted me of any conscious purpose to mislead the Senate.

It is now thirty-eight years since I began the practice of my profession, which with zeal I pursued during those years except while I have been a member of the Senate. I was taught the law, Mr. President, by a great lawyer, a modest man, of sensitive honor, long since dead, who taught me as the first lesson which a lawyer should learn and never forget, that he is an *officer of the court*, bound to be frank and fair always with the court, and, *subject to that*, the advocate of the interest of the client. Never in my life have I forgotten it. The two Senators from Minnesota knew him and both loved him and revered him. I never have failed to bring to the attention of the court an adverse decision when I found it, nor have I ever nor could I ever omit to read from an opinion what seemed adverse to the proposition for which I was contending. My purpose is simply to show——

Mr. BAILEY. Will the Senator from Wisconsin permit me?

Mr. SPOONER. Certainly.

Mr. BAILEY. The Senator from Wisconsin says that I acquitted him from any design to mislead the Senate. I did that, as I recall now, in two different places. I want to say, in justice to him, that I believe him incapable of attempting to deceive either the courts, as he says now, or the Senate, as I say for him. I believe him incapable of attempting to deceive anybody by garbling or misquoting the authorities.

I wish to say, inasmuch as the Senator has referred to it in the open Senate, what I have said to my friends in private conversation, and that is, that so far as any criticism was justified—and I think it was justified against the Senator from Wisconsin—it was due to the fact that he had not examined those cases for himself, but that, under the great pressure upon us all here, he had relied upon somebody else to examine them for him, and that they had not been examined with that care which the Senator from Wisconsin would have employed if he had examined them for himself.

In view of all that has been said in the public prints and in view of what the Senator says, I think that statement ought to be made before the subject passes from us.

Mr. SPOONER. Mr. President, I desire to say to the Senate very briefly that in my opinion neither, if consciously or unconsciously uttered, could anything I said mislead the Senate.

Mr. BAILEY. If I am mistaken in thinking the Senator from Wisconsin had those cases examined by some one for him, I desire to withdraw the explanation I made.

Mr. SPOONER. What did the Senator say?

Mr. BAILEY. I said, if I am mistaken——

Mr. SPOONER. I want to show that a fair construction of my speech will show that what I said constituted no predicate for the charge that the extracts were misleading. That is a matter of opinion.

Mr. BAILEY. Yes; and of course I am perfectly willing to meet that, if it is to become a subject of discussion. But I do not want to make a statement as to the course pursued by a brother Senator if I am mistaken about it; and if the Senator examined those authorities for himself, waiving the question whether the extracts were misleading or not, I want to withdraw the explanation which I have made to my friends in private conversation and the explanation which I have offered now.

Mr. SPOONER. Mr. President, I never asked any man's silence about me, nor shall I. I propose to maintain, if I can, and I would leave that to a jury composed entirely of manly enemies—I would leave it to the Senator from Texas, who is not my enemy, although he drew inferences which he thought were justified from what he found in my speech, that the matters to which he called attention are not justly subject to such criticism.

First, the Senator criticised as misleading what I read from *Julian* v. *Central National Bank* (169 U. S., 432) in connection with my observations upon the power of courts, notwithstanding section 720, Revised Statutes, to issue injunctions restraining proceedings in State courts.

The cases cited in the extract which I read are in the opinion of the Supreme Court sustaining the proposition announced. I did not examine the cases cited in the opinion. I assumed that the Supreme Court could be relied upon to cite cases which support the doctrine which the court announces. I read first a statement of the case from the syllabus, and then I read *connectedly* the statement of the *court* as to the power of Federal courts to issue injunctions enjoining proceedings in State courts. I also stated that the rule always has been that where the Fed-

eral courts first acquired jurisdiction it issued such injunctions as were necessary to protect the jurisdiction first acquired and so it has been.

It never occurred to me that anyone could draw from my remarks or the language I quoted from the court an inference that it involved the proposition that section 720 is unconstitutional. I had admitted the binding force of the section in another part of the speech and had justified it, claiming that it was not at all antagonistic to my contention, for reasons which I do not take time to repeat. I could not for a moment imagine that anyone could fancy even that I cited the Julian case as an authority for the contention that section 720, prohibiting Federal courts from enjoining proceedings in State courts, is unconstitutional, because I knew that for *one hundred and thirteen years* that statute has been in existence and obeyed, and that it was sustained thirteen or fourteen years after its enactment by the Supreme Court of the United States. For the life of me I can not see, on reviewing that part of my speech, where anything can be found in it justifying the suggestion that it was misleading, and I pass that.

The Senator then commented on Mr. Justice Story's "essay," as he termed it, in *Martin* v. *Hunter's Lessees*, I Wheat., 304. It is only fair for me to say that I did not make that extract. I asked a lawyer friend of mine, as I was not able to use my eyes at night, to run down some authorities for me, and that was sent to me, typewritten and italicized, as was the extract from *Ex parte Crane*.

The elaborate quotation from Mr. Justice Story's opinion, although interesting, is quite irrelevant, and, moreover, emphasizes his opinion that Congress was bound to confer all of the judicial power upon the inferior courts, when I had conceded early in my speech that that is not the law. I had said, on page 4, if the Senator has it before him:

> I *concede, under the decisions*, of course, that the circuit and district courts of the United States are statutory courts; that they do not derive their jurisdiction immediately from the Constitution. They are created by Congress. Their jurisdiction is to be found in the legislation of Congress. *For many years Congress withheld from their jurisdiction a large number of cases or controversies enumerated in the Constitution. That Congress could lawfully do this I do not question.*

A part of Mr. Justice Story's opinion quoted asserts the contrary doctrine. So a part of the extract from Ex parte Crane asserts a contrary doctrine, the italics in neither case being mine.

But, Mr. President, that certainly could mislead no one who reads the speech with any care or who reads it without unfriendliness, as I know the Senator read it.

There is one part in Mr. Justice Story's opinion upon which I relied, and *one only*. The extract led up to it, and inserting stars, not to make it too long, and to call attention to the fact that something was omitted, I quoted the language, putting it in small caps to emphasize it in the strongest possible way as the language to which I particularly desired to call attention:

> BUT EVEN ADMITTING THAT THE LANGUAGE OF THE CONSTITUTION IS NOT MANDATORY, AND THAT CONGRESS MAY CONSTITUTIONALLY OMIT TO VEST THE JUDICIAL POWER IN COURTS OF THE UNITED STATES, IT CAN NOT BE DENIED THAT WHEN IT IS VESTED IT MAY BE EXERCISED TO THE UTMOST CONSTITUTIONAL EXTENT.

The statement in my speech on the first day that "it was dissented from only by one justice, and not by any as to the portion of it which *declares specifically the law to be as I am contending for it*" was too broad, which is apt to occur to one who frames his sentences as he utters them, as I do. I referred to Mr. Justice Johnson, whose opinion was a concurring not a dissenting opinion, as having criticised some of the reasoning of Mr. Justice Story. The point which I had in my mind, as emphasized above, he did not criticise. On the next day I quoted again *that clause of the opinion, and it only*, thus:

> Mr. President, I put against all comers on this question the statement of Mr. Justice Story in the case to which I called attention yesterday—Martin *v.* Hunter, reported in 1 Wheaton—at the end of an elaborate argument on the construction of the judicial clauses of the Constitution:
>
> "BUT EVEN ADMITTING THAT THE LANGUAGE OF THE CONSTITUTION IS NOT MANDATORY AND THAT CONGRESS MAY CONSTITUTIONALLY OMIT TO VEST THE JUDICIAL POWER IN COURTS OF THE UNITED STATES, IT CAN NOT BE DENIED THAT WHEN IT IS VESTED IT MAY BE EXERCISED TO THE UTMOST CONSTITUTIONAL EXTENT."
>
> That was one of the first opinions of the Supreme Court on the construction of the judicial clauses of the Constitution. It found its way in extenso into Judge Story's Commentaries upon the Constitution. No one of the great judges who sat with him on that bench, save Mr. Justice Johnson, criticised anything in that opinion. It is not to be supposed that Chief Justice Marshall was not familiar with it; that Mr. Justice Washington was not familiar with it; that Mr. Justice Livingston was not familiar with it; and had it not met their concurrence it is sure, from the practice of the judges of that day, that the dissent from its argument, even if its conclusions were approved, would have found its way into the reports. Mr. Justice Johnson *criticised a portion of the opinion*, ALTHOUGH NOT THAT PORTION OF IT.

My statement the second day, that "Mr. Justice Johnson criticised a portion of the opinion, although *not that portion of it*," could only be construed, I think, as referring to the *five lines from Mr. Justice Story's opinion*, which I had just quoted for the second time. It was that quotation to which I referred when I said that Mr. Justice Johnson criticised a portion of the opinion, *although not that portion of it*. In fact, Mr. Justice Johnson did not criticise that portion of it, and in his opinion in the case of the *Resource* he announced the same doctrine, and that is the doctrine for which I have been contending to-day, and it is a statement the accuracy of which I have never seen or heard anywhere impeached before that when Congress does vest the judicial power in courts of the United States, "it can not be denied that it may be exercised to the utmost constitutional extent."

The Senator says I did not state the point of the decision. That is true. I would have assumed that to lawyers it was not necessary to state the point of the decision in Martin *v.* Hunter's lessee. The Senator has used many extracts from cases without stating the point of the decision. I hunted up the cases to which he referred in his first speech to determine how far the language which he quoted was obiter and how far it was a part of the *ratio decidendi*.

As to the extract from Ex parte Crane. The Senator said it was so phrased at the outset, thus: "It is said by Mr. Justice Baldwin in Ex parte Crane" (5 Peters, 190–192), as to lead any lawyer to suppose it was the opinion of the court. Possibly that is so. I should not so regard it. That was part of the extract sent to me. It has been my habit to say "the court says," or "Mr. Justice—speaking for the court—says." Other lawyers may do differently, and it may be that the Senator is right; but while the extract is utterly irrelevant to any contention in my speech, while it asserts his opinion to be in accord with that of Mr. Justice Story, which I had conceded not to be the law, the extract carries *on its face indubitable evidence, so that it could not mislead anybody, that he regarded his opinion as against the uniform decisions of the Supreme Court of the United States upon the subject*. Let me read it. It is brief:

> Though the courts of the United States are capable of exercising the whole judicial power as conferred by the Constitution, and though Congress *are bound to provide by law for its exercise in all cases to which that judicial power extends*—

Those were not my italics—

> YET IT HAS NOT BEEN DONE, AND MUCH OF IT REMAINS DORMANT FOR THE WANT OF LEGISLATION TO ENABLE THE COURTS TO EXERCISE IT, IT HAVING BEEN REPEATEDLY AND UNIFORMLY DECIDED BY THIS COURT THAT LEGISLATIVE PROVISIONS ARE INDISPENSABLE TO GIVE EFFECT TO A POWER TO BRING INTO ACTION THE CONSTITUTIONAL JURISDICTION OF THE SUPREME AND INFERIOR COURTS.

I think the Senator will on reflection not feel justified in saying what he says in one part of his speech as to this extract.

The Senator quotes this, which he thought ought to have been added. I submit to him that it adds *nothing* to the evidence afforded by the extract in my speech that the decisions of the Supreme Court had been uniformly against the proposition that all the judicial power must be vested in inferior courts of the United States.

> These principles remain unquestioned. They have long been settled, as the judicial exposition of the Constitution, on solemn argument and the gravest consideration; and they are binding on all courts and judges. I shall ever be found among the last to oppose my opinion in opposition to the results of the deliberate judgment of the highest tribunal when thus formed. (Ex parte Crane, 5 Peters, 30 U. S. Reports, 202.)

And there was much more in the same line of thought which the Senator could have added, but if the Senator will place that alongside the extract found in my speech I know he will say that it adds nothing to the extract except the declaration of the justice's devotion to duty and his obligation, although differing from the court on that subject, to stand by the *decisions* of the court. The Senator said:

> The Senator from Wisconsin gave the Senate the benefit of Judge Baldwin's opinion upon the political duty of Congress to invest the court with the whole judicial power of the Government, *but he neglected to give the Senate the benefit of Judge Baldwin's admission that the court had not taken the same view of the question which he expressed.*

Is that so?

I do not intend in saying this to insinuate that the Senator from Wisconsin designed to mislead the Senate.

Of course the Senator would not insinuate that, but on the merits of the matter is it so that the extract which I read did not inform anyone that the uniform decisions of the Supreme Court of the United States had been just as he states in different language in what the Senator added? I regret that it is there, Mr. President, not because it is misleading, but because it is irrelevant and a blemish in the speech.

The Senator also criticised me with reference to the extract from the Wheeling Bridge case. (13 How., 518.) I do not think the criticism a just one, although I know perfectly well that

the Senator would consciously do me no injustice. I quoted the following:

In exercising this jurisdiction the courts of the Union are not limited by the chancery system adopted in any State, and they exercise their functions in a State where no court of chancery has been established. The usages of the high court of chancery in England, wherever the jurisdiction is exercised, govern the proceedings. This may be said to be the common law of chancery, and since the organization of the Government it has been observed.

* * * * * * *

Under this system, where relief can be given by the English chancery similar relief may be given by the courts of the United States.

The Senator complains that I omitted the following:

In Robinson *v.* Campbell (3 Wheat., 222) it is said: "The court therefore think that, to effectuate the purposes of the legislature, the remedies in the courts of the United States are to be at common law or in equity, not according to the practice of State courts, but according to the principles of common law and equity, *as distinguished and defined in that country from which we derive our knowledge of those principles.*"

And also contends that there should have been inserted before the sentence quoted, after the stars, the words:

By the act of Congress of 1828, proceedings at law, in the courts of the United States, are required to conform to the modes of proceeding in the State courts; but there is no such provision in regard to courts of chancery.

The extract from the Robinson case might well have been inserted; it is a stronger exposition of the proposition I was making, which was simply to put before the Senate the relation of the equity jurisprudence of this country to the system administered in England when the Constitution was adopted than was the extract which I quoted.

The reference to the act of Congress of 1828 would seem to be of no relevancy whatever. Out of abundance of caution, as I always do, I inserted stars, to advise anyone who might read it that there was an omission. Could either omission mislead anyone? It did not and does not occur to me so.

I think every lawyer knows that over a hundred years ago Congress conformed the proceedings at law in the Federal courts to the proceedings at law in the States, and that it has never made any such provision as to equity for one good reason that in some of the States they had abolished the distinction between law and equity, and in one State, I think, the State of Louisiana, they never had any such distinction. Nor could any inference be drawn from it at all upon the questions which we are contesting, for I never have contended for a moment that Congress might not change the practice and modes of procedure in equity not affecting the essential principles and remedies of the system.

I believe that is the end of the criticisms made by the Senator. I refer to them because there went out the imputation that there was concealment and unfairness in it, a thing of which I hold myself incapable.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. BAILEY. I wish to incorporate into the Senator's speech in this connection my language, to show just how careful I was against making a direct criticism against him in reference to section 720. I want to call his attention to the fact that I said:

To say that, "notwithstanding this plain prohibition"—

And I put that in quotation marks to indicate that it was taken from the Senator's speech—

the courts had granted the injunction, might mean that the Supreme Court had held that injunctions could be granted contrary to the provisions of that law, and this would seem to imply a doubt as to the constitutional power of Congress over the subject.

So the Senate will see that I was very careful indeed.

Mr. SPOONER. The Senator does not claim that the quotation from the opinion of the court was not accurate.

Mr. BAILEY. Oh, no.

Mr. SPOONER. Nor does he contend that there was anything in the decision pertinent to the subject which was not given.

Mr. BAILEY. I do not.

Mr. SPOONER. But the Senator finds it in one of the cases cited in the opinion, as I understand it——

Mr. BAILEY. Upon which that was based.

Mr. SPOONER. I did not look at that. I assumed that the *Supreme Court would refer to no decisions which did not sustain their proposition.* Moreover, it never entered by mind that anybody could infer from anything I had said that there is any doubt whatever about the constitutionality of section 720.

Mr. BAILEY. I read the Senator's speech while I was returning to Washington on the train, and when I read that part of it it created upon my mind the very impression that is created here, that it might mislead those who were not familiar with the cases upon which it was based.

Mr. SPOONER. I take it that that would be the fault of the Supreme Court, not mine.

Mr. BAILEY. I am not willing to accept that; but at any rate, remembering the very ground upon which the first decision was based, and the others following it, I thought it proper to put it in. I am doing this now for a double reason, first, as a matter of justice to myself to show that I do not recklessly accuse Senators of intending to mislead, and, next, to show in the Senator's own speech that I made no such charge against him in that respect.

Mr. SPOONER. The Senator, I said, acquitted me of that.

Mr. BAILEY. I did expressly, and I used the words, if the Senator will refer to the speech, that will be calculated to mislead those who are not familiar with the case.

Mr. SPOONER. Mr. President, I think a layman who read it would not draw that inference from it, and I am quite certain lawyers would not. At any rate, the proposition in my speech rests entirely upon the language of the Supreme Court of the United States which cited these decisions. The Senator as a lawyer knows that for one hundred and thirteen years section 720 has been in operation, many, many times dealt with, and never challenged as to its constitutionality. I think if the Senator had been discussing that question, which is purely a legal question, it would not have entered into his mind that a lawyer—a layman seldom reads decisions—could infer from anything said by the court that it intended to challenge the constitutionality of section 720.

That is all. I apologize for having said a personal word. I have wished to correct the impression which went out to some newspapers upon the subject. Now, Mr. President, I have done with it.

ANTI-INJUNCTION BILLS.

What does the Senator from Texas in his remarkable speech—remarkable in many ways—urge by way of precedent or authority against my contention? First, he cites the anti-injunction bills in Congress. I have been here for sixteen years, and I do not stop to spend any time upon the legislative history of the anti-injunction bills, which in a time of public excitement and passion and political disquiet have gone through one House or the other. Whatever as authority they are worth, my opponents upon this question are entitled to.

HABEAS CORPUS.

I come to the writ of habeas corpus. The Senator seems very largely to rely upon the fact that Congress has asserted its power to *abridge* the right of the courts to issue even "the great writ of liberty." Has the Congress ever abridged the power of the courts to issue the great writ of liberty? The Senator is usually extremely accurate. The Senator was not accurate, I think, in using the word "abridge." He would be if the courts possessed an inherent power to issue writs of habeas corpus; but they do not. That is a common-law writ. These are not common-law courts. I read what Chief Justice Marshall said in the Swartwout case (4 Cranch, 75); the Senator cited it and I will read but a word from it:

Courts which originate in the common law possess a jurisdiction which must be regulated by the common law, until some statute shall change their established principles; but courts which are created by written law, and whose jurisdiction is defined by written law, can not transcend that jurisdiction.

And he holds:

The reasoning from the bar, in relation to it, may be answered by the single observation, that for the meaning of the term habeas corpus, resort may unquestionably be had to the common law; but the power to award the writ by any of the courts of the United States *must be given by written law.*

I agree to that. So the failure of Congress to *confer* upon the *courts jurisdiction* over suits of *habeas corpus*, for it has been held to be a suit within the judicial power of the United States, does not *abridge* any *power* or *right* of the *courts*. It was a high prerogative writ. It simply withholds jurisdiction from the courts in one of the cases in which under the Constitution it might be conferred by the Congress. No prerogative writ, Mr. President, was brought across the seas by our forefathers to be inherited by the courts of the United States. That has been repeatedly established. Judge Betts, of New York, in an able opinion denying the writ in 1844 held, first, that a circuit court of the United States could not exercise the common-law functions of parens patriæ and had no common-law jurisdiction over the matter; second, that the court had not judicial cognizance of the matter by virtue of any statute of the United States. This was sound. The courts do not represent any sovereign in this country, Mr. President.

Mr. Justice Wilson, in Chisholm *v.* Georgia (2 Dall, 457), says:

To the Constitution of the United States the word "sovereign" is totally unknown. There is but one place where it could have been used with propriety. But even in that place it would not perhaps have

comported with the delicacy of those who ordained and established that Constitution. They might have announced themselves "sovereign" people of the United States. But serenely conscious of the fact, they avoided the ostentatious declaration.

The inferior courts of the United States have no power to exercise jurisdiction in habeas corpus unless that power is conferred by law. Congress represents the only sovereign—the people. The power to issue prerogative writs in most of the States depends upon the acts of the legislature. The power to issue prerogative writs by the inferior courts depends upon the act of the Congress. But, Mr. President, the Congress of the United States was under constitutional duty to confer jurisdiction upon some court or courts of the United States to issue "the great writ of liberty." Whether Congress would do it or not was not a question between the courts and the Congress. Their failure to do it would not weaken at all the exercise of existing jurisdiction in the courts. It would not degrade in the slightest the courts any more than withholding jurisdiction in other matters in which it might be conferred affected the power of the court. Whether Congress should confer that power on the court is a question between the Congress and the people.

They gave early, over a hundred years ago, to the courts the right to issue the writ and all writs necessary to the exercise of their jurisdiction and in accordance with law. They gave within fair limits for the time, Mr. President, the right to issue the prerogative writ to inquire as to the validity of a commitment. They did not make it general. So far as they gave it, it could be exercised, and so far as they did not give it, it could not be exercised.

Chief Justice Marshall says:

It may be worthy of remark that this act was passed by the First Congress of the United States, sitting under a Constitution which had declared "that the privilege of the writ of habeas corpus should not be suspended, unless when, in cases of rebellion or invasion, the public safety might require it."

Acting under the immediate influence of this injunction, they must have felt, with peculiar force, the obligation of providing efficient means by which this great constitutional privilege should receive life and activity; *for if the means be not in existence, the privilege itself would be lost, although no law for its suspension should be enacted.* Under the impression of this obligation they give to all the courts the power of awarding writs of habeas corpus. (Ex parte Bollman and Swartwout, 4 Cranch, 95.)

Habeas corpus is the privilege of the citizen, not a right of the courts.

MANDAMUS.

I need not repeat it, but all I have said as to habeas corpus is applicable also to the writ of mandamus. So far as it is a merely "judicial writ," essential to the exercise of jurisdiction, the power to issue it was conferred upon the courts of the United States by the judiciary act of 1789. It is a common-law writ, and essentially a high prerogative writ, called "one of the flowers of the King's bench," and issued alone out of the court of King's bench. If the right to issue the writ in any form could be said to inhere in any court of this country, it would certainly be in the common-law courts of general jurisdiction, existing in a State in which the common law had been adopted. Certainly the power to issue the writ would not exist in the courts of the United States unless conferred upon them by law.

It is said in Kendall *v.* United States (12 Pet., 619) by Mr. Justice Thompson, speaking for the court:

The theory of the British Government, and of the common law, is that the writ of *mandamus* is a prerogative writ, and is sometimes called one of the flowers of the Crown, and is therefore confided only to the King's bench, where the King, at one period of the judicial history of that country, is said to have sat in person, and is presumed still to sit. And the power to issue this writ is given to the King's bench only, as having the general supervising power over all inferior jurisdictions and officers, and is coextensive with judicial sovereignty. And the same theory prevails in our State governments, where the common law is adopted, and governs in the administration of justice; and the power of issuing this writ is generally confided to the highest court of original jurisdiction. But it can not be denied but this common-law principle may be modified by the legislature in any manner that may be deemed proper and expedient. No doubt the British Parliament might authorize the court of common pleas to issue this writ, or that the legislature of the States where this doctrine prevails might give the power to issue the writ to any judicial tribunal in the State, according to its pleasure; and in some of the States this power is vested in other judicial tribunals than the highest court of original jurisdiction.

It is not, of course, to be doubted that legislation is necessary to confer jurisdiction upon the courts of the United States over mandamus as a *case*. Absence of such legislation does not *abridge* the *right* of the court in any way, for without the legislation *it possesses no right to issue the writ at all.*

How the distinguished Senator from Texas finds in the fact that the inferior courts can not exercise jurisdiction over the writs of habeas corpus and mandamus without legislative authority support for the proposition contained in this proviso to his amendment for the life of me I can not see. Reduced to a syllogism, it resolves itself into this:

Congress may confer jurisdiction upon the inferior courts of the United States over suits of mandamus and habeas corpus.

Congress may withhold from the courts of the United States jurisdiction over mandamus and habeas corpus.

Therefore Congress may in a case over which it has conferred jurisdiction upon an inferior court of the United States control and direct the steps which shall be taken therein pending the final determination thereof.

It seems, Mr. President, a perfect *non sequitur*.

PROHIBITION OF SUITS RESTRAINING THE ASSESSMENT AND COLLECTION OF TAXES.

The Senator also referred to section 3224, Revised Statutes, which is:

No suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court.

I am surprised again that the Senator from Texas should find here any support by way of precedent for his contention. The power to lay taxes, Mr. President, is a sovereign power.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. BAILEY. That power is granted in precisely the same part of the Constitution as is the power to regulate commerce.

Mr. SPOONER. Certainly.

Mr. BAILEY. Which is the power we are proposing to exercise in this bill.

Mr. SPOONER. Yes; but, Mr. President, the power proposed to be exercised by Congress in this bill must be exercised subject to the Constitution. The Senator thinks one way as to whether this would be exercising it under the Constitution, and I think another; so that it is rather petitio principii to make that suggestion.

But what I was saying is that the power to tax is a sovereign power, and no one knows better than the Senator that whether the Government will allow itself to be sued in any case is for the Government to say. It may be unjust; it may, from the standpoint of fair play, be mean; but in the last analysis, Mr. President, Congress may provide that in no case shall the Government of the United States be liable to suit. There is nothing better settled than that.

The Congress permitting the Government to be sued may, of course, prescribe the precise conditions upon which the suit may be brought. It may dictate the form of the suit and may designate the court in which it may be maintained. The rule has often been recognized that public policy will not permit—and it would seem to be manifest—judicial intervention in respect of the assessment and collection of governmental revenue. Section 3226 provides that:

No suit shall be maintained in any court for the recovery of any internal tax alleged to have been erroneously or illegally assessed or collected, etc., until appeal shall have been duly made to the Commissioner of Internal Revenue, and a decision of the Commissioner has been had therein: *Provided*, That if such decision is delayed more than six months from the date of such appeal, then the said suit may be brought, without first having a decision of the Commissioner, at any time within the period limited in the next section—

Which is two years.

It is said in Nicholl *v.* United States (7 Wall., 122):

The immunity of the United States from suit is one of the main elements to be considered in determining the merits of this controversy. Every government has an inherent right to protect itself against suits, and if, in the liberality of legislation, they are permitted, it is only on such terms and conditions as are prescribed by statute. The principle is fundamental, applies to every sovereign power, and but for the protection which it affords the government would be unable to perform the various duties for which it was created. It would be impossible for it to collect revenue for its support, without infinite embarrassments and delays, if it was subject to civil processes the same as a private person.

UNITED STATES V. UNION PACIFIC RAILROAD COMPANY.

The Senator from Texas also cited the case of the United States *v.* Union Pacific Railroad Company (98 U. S., 569), properly characterizing it as based upon an extraordinary statute, which was sustained by the court. I find nothing either in the statute or in the decision upon it which sustains the proviso of the Senator from Texas.

The act of Congress before the court will be found in the Seventeenth Statutes at Large, 508. Briefly stated, it directed the Attorney-General to bring a suit in equity in some circuit court of the United States against the Union Pacific Railroad Company, and a great many people living in different parts of the United States, upon various causes of action, authorized subpœnas to be served wherever those persons lived, and made such service as effective for the purposes of jurisdiction over the parties in the case as if they had been served in the district in which they severally resided, and authorized all the causes of action to be combined in one suit, although it is admitted—and I admit it—that without the act of Congress the

bill would have been demurrable for being multifarious. The right of Congress to provide by special act for the issue of process running throughout the United States and bringing parties into a lawsuit pending in a district in which they do not reside, in exception to the general rule, was attacked in the Supreme Court. The court sustained the act.

Mr. President, it is perfectly within the power of Congress to make the subpœnas of the courts of the United States run throughout the jurisdiction of the United States, if Congress sees fit to do it. This was the first case I remember, but not the last, in which that was done. The Sherman antitrust law contains a provision of that kind. I offered the amendment to it, when I was first a member of the Senate, under which a subpœna could be served effectively in a suit under the Sherman antitrust law on anyone within the jurisdiction of the United States to bring the party into court, and it was adopted.

Mr. Justice Miller, delivering the opinion, says:

> Whether parties to a suit shall be compelled to answer in any court of the United States wherever they may be served with process, or shall only be bound to appear when found within the district where the suit is brought, is mere matter of legislative discretion, a discretion which ought to be governed by considerations of convenience, expense, etc., but which, when exercised by Congress, is controlling in the courts.

The Senator, I think, did not read the whole opinion, because it is perfectly clear from the opinion that this decision is not in support of his contention for this reason: The court held that, without the act of Congress, if cases involving the matters complained of had been separately brought in the same court had been pending, all being of equitable cognizance, they could have been consolidated under existing rules into one suit, and the court said, so far as this is concerned, speaking of the rule in regard to multifariousness:

> The rule itself, however, is a very accommodating one, and by no means inflexible. Such as it is, however, it is under the control of the legislative will, and may be modified, limited, and controlled by the same power which creates the court and confers its jurisdiction. *It is simply a matter of practice.*

The italicized words are not found in the official report, but are in the opinion *certified* in the Lawyers' Cooperative Edition by the clerk of the Supreme Court. I sent and had it compared with the original opinion, and it is in the original opinion.

It is simply a matter of practice. The Constitution imposes no restraint in this respect upon the legislative power of Congress. Section 921 of the Revised Statutes, which has been the law for fifty years, declares that when causes of like nature or relating to the same question are pending the court may consolidate them or make such other orders as are necessary to avoid costs and delay. It is everyday practice, under this rule, to do what the statute authorizes to be done in the case before us.

But it is argued that the statute is special, confers a special jurisdiction to try a single case, and is intended to confer new and substantial rights on the complainant at the expense and by a corresponding invasion of the rights of the defendants.

It does not create a new or special tribunal to try the case. All the circuit courts of the United States were, by the act, invested with the jurisdiction whenever called into action by filing the bill. Nor was any *new power* conferred on these courts beyond those which we have considered as affecting the *mode of procedure.*

STEPHENS V. CHEROKEE NATION.

Mr. President, the distinguished Senator from Texas cited what seemed to be—and I thought it had considerable instant effect—a Congressional precedent, which he insisted sustains so far as Congressional precedent can sustain it, his proviso. It is found in an act of Congress considered by the Supreme Court in the case of Stephens *v.* Cherokee Nation (174 U. S., 445). The statement of facts is complicated, and it is not necessary to go into the subject at any length. There were 162 appeals to the Supreme Court of the United States in citizenship and allotment cases which arose under the administration of the Dawes Commission. Appeals were allowed by Congress from the United States courts in the Indian Territory direct to the Supreme Court in all citizenship cases and in all cases between either of the Five Civilized Tribes and the United States involving the constitutionality or validity of any legislation affecting citizenship or the allotment of lands in the Indian Territory, under the rules and regulations governing appeals to said court in other cases, with a proviso that—

> Appeals in cases decided prior to this act must be perfected in one hundred and twenty days from its passage; and in cases decided subsequent thereto, within sixty days from final judgment; *but in no such case shall the work of the Commission to the Five Civilized Tribes be enjoined or suspended by any proceeding in, or order of, any court, or of any judge, until after final judgment in the Supreme Court of the United States.*

The proviso was claimed to be retrospective as to a large class of the appeals, and therefore void. The court held that the appeal granted "was intended to extend only to the constitutionality or validity of the *legislation* affecting citizenship or the allotment of lands in the Indian Territory," both as applied to citizenship cases and to cases between either of the Five Civilized Tribes and the United States. No question was made as to the provision about injunction, because it was not involved. The court say:

> The contention is that the act of July 1, 1898, in extending the remedy by appeal to this court was invalid because retrospective, an invasion of the judicial domain, and destructive of vested rights. By its terms the act was to operate retrospectively, and as to that it may be observed that while the general rule is that statutes should be so construed as to give them only prospective operation, yet where the language employed expresses a contrary intention in unequivocal terms, the mere fact that the legislation is retroactive does not necessarily render it void.
>
> And while it is undoubtedly true that legislatures can not set aside the judgments of courts, compel them to grant new trials, order the discharge of offenders, or DIRECT WHAT STEPS SHALL BE TAKEN IN THE PROGRESS OF A JUDICIAL INQUIRY, the grant of a new remedy by way of review has been often sustained under particular circumstances. (Calder *v.* Bull, 3 Dall., 386; Sampeyreac *v.* United States, 7 Pet., 222; Freeborn *v.* Smith, 2 Wall., 160; Garrison *v.* New York, 21 Wall., 196; Freeland *v.* Williams, 131 U. S., 405; Essex Public Road Board *v.* Skinkle, 140 U. S., 334.)
>
> The United States court in the Indian Territory is a legislative court and was authorized to exercise jurisdiction in these citizenship cases as a part of the machinery devised by Congress in the discharge of its duties in respect of these Indian tribes, and assuming that Congress possesses plenary power of legislation in regard to them, subject only to the Constitution of the United States, it follows that the validity of remedial legislation of this sort can not be questioned unless in violation of some prohibition of that instrument.
>
> *In its enactment Congress has not attempted to interfere in any way with the judicial department of the Government,* nor can the act be properly regarded as *destroying any vested right,* since the right asserted to be vested is only the exemption of these judgments from review, and the mere expectation of a share in the public lands and moneys of these tribes, if hereafter distributed, if the applicants are admitted to citizenship, can not be held to amount to such an absolute right of property that the original cause of action, which is citizenship or not, is placed by the judgment of a lower court beyond the power of reexamination by a higher court, though subsequently authorized by general law to exercise jurisdiction.

I do not find anything in the case which supports the Senator's proposition. On the contrary, there is pertinent language in the opinion adverse to it. The only court which was clothed with jurisdiction of the matters involved was the United States district court (misnamed, the supreme court, say, so far as the word "district" is concerned) of the Indian Territory. The Dawes Commission was an administrative body, vested with quasi judicial functions, administering on behalf of the Government and under authority of Congress trusts which the Government had assumed in its relations to the Indians. I do not know the occasion for the prohibition of injunction until the cases should be decided by the Supreme Court, but I do not think the Commission could have been sued at all without the consent of Congress, nor do I doubt the power of Congress to say that in a suit against the Government, which a suit against the Commission practically would be, they should not be sued, or injunction issued to stop their administrative duties anywhere, until the constitutionality of the law had been decided by the Supreme Court.

The power of Congress over the Indians was plenary; the power of Congress over the Dawes Commission was plenary; the power of Congress over the purely legislative court in which the jurisdiction was vested was plenary, with the single limitation that in disposing of a case pending before it it would not be subject to legislative dictation. The power of Congress over the Territory was plenary.

Mr. President, a few words and I have done with this subject. It is my conviction that on the general principle the incorporation of the amendment prohibiting the court from suspending the rate in a suit brought to prevent its enforcement pending a final decree is not constitutional. If I am wrong on the general principle upon which I have been discussing this matter, and my conviction is that I am right, I am not able to entertain any doubt whatever that in a suit brought by a carrier to restrain the enforcement of a rate fixed by the Interstate Commerce Commission under the operation of this bill an attempt to prevent the court from suspending the rate pending final decree can not be upheld.

This bill is an exercise by Congress of the constitutional power to regulate commerce among the several States. That power, it has been often held, is not without limitation. It is said in Monongahela Navigation Co. *v.* United States (148 U. S., 334):

> But like the other powers granted to Congress by the Constitution, the power to regulate commerce is subject to all the limitations imposed by such instrument, and among them is that of the fifth amendment we have heretofore quoted. Congress has supreme control over the regulation of commerce, but if, in exercising that supreme control, it deems it necessary to take private property, then it must proceed subject to the limitations imposed by this fifth amendment, and can take only on payment of just compensation.

It is conceded, for it has been too often determined to be susceptible of doubt, that the fixing of rates either by the States or by the United States, directly by law or by an administrative board through a power delegated by the legislature, can not constitutionally be made conclusive. The court said in Chi-

cago, Milwaukee and St. Paul Railway *v.* Tompkins (176 U. S., 172):

When we recall that, as estimated, over ten thousand millions of dollars are invested in railroad property, the proposition that such a vast amount of property is beyond the protecting clauses of the Constitution, that the owners may be deprived of it by the arbitrary enactment of any legislature, State or national, without any right of appeal to the courts, is one which can not for a moment be tolerated.

It was said in Chicago, Milwaukee and St. Paul Rwy. Co. *v.* Minnesota (134 U. S., 458):

The question of the reasonableness of a rate of charge for transportation by a railroad company, involving as it does the element of reasonableness, both as regards the company and as regards the public, is eminently a question for judicial investigation, requiring due process of law for its determination.

It is settled that the property of a railway company is private property, like unto other private property, save that it is affected with a public use, giving the public the right to regulate its use to prevent extortion and unjust discrimination. Subject to this limitation it can not be taken for public use without just compensation, and it is essential to valid legislation that when the just compensation shall have been *judicially ascertained the owner of the property shall be able to obtain it.* The compulsory use of such property is a "taking" within the Constitution, for its main value is in its use, and the right of the owner to receive just compensation for its use.

Mr. President, this proviso, or any having the same effect, if incorporated in the law would in effect make the rate conclusive until final decree. The "taking" is a continuous one. Every freight contract is a new taking, and if the rate fixed by the Commission, and to restrain the enforcement of which the suit is brought, is imposed upon the carrier until final hearing, and the decision of the court is against its validity, it inevitably occurs that during the pendency of the suit the use of the property of the carrier, through its own servants and at its own risk will have been taken under the law at a rate which the court will have held is not just compensation.

Can Congress do that thing constitutionally? If Congress can do that, why may it not provide that the order fixing the rate shall not be suspended until the Supreme Court shall have passed upon it? I can not believe that Congress can provide for the taking, through its own Commission, with a judicial review which is necessary to the validity of the act, and at the same time prohibit the court from exercising the inherent and long-established remedy in equity of suspending the order pending the suit, if it be made to appear that otherwise justice will not be done, but irremediable loss will ensue. *Such a remedy seems to me to be a part of the constitutional guaranty.*

On reflection, I think in such case the carrier would have no cause of action against shippers for the excess between the rate paid and the just compensation when ascertained. Under the operation of such a proviso the order would be in effect and the penalties of the law would apply, but the railway carrier could, I think, only receive and carry freight according to its published tariff, and if it attempted to do otherwise it could be enjoined or compelled by mandamus to observe it.

It is not a question, as the Senator seems to think it is, as to whether the people shall lose this money or the carrier shall lose it. We are not confronting that alternative, because it is in the power of the court and in the power of the Congress to prescribe the terms upon which such relief shall be afforded. The carrier may be required to pay into court every penny of the money collected above the rate fixed by the Commission or to give a bond, approved by the court, to pay it if in the end the determination of the court is adverse to him. The Supreme Court will know that.

There is no necessity, Mr. President, for any such provision in order to protect the people. There is necessity, in my opinion, in order to *protect this bill*, if it become a law, that no such provision *shall be incorporated in it.* If private property can be taken without just compensation for three months, it can be taken for three years. It can not be lawfully taken from an individual, and it can not be lawfully taken from a carrier. But what would be the result of the adoption of such a proviso? I fear, as I said before, that the court would decline to take jurisdiction at all. I think the court would be inclined to say that it is an impaired judicial power, which they could not exercise. In that event, Mr. President, what would become of the rate-fixing clause of this bill? It would be left without provision for judicial review, as the question could not be raised in the mandamus proceeding by the terms of the measure. It would be the Minnesota Milk case over again, of want of due process. (134 U. S.)

Mr. President, begging pardon for the time I have taken, I ask the Senate if it be not true that there is trouble enough in this subject that can not be eliminated from it? There are questions enough of the gravest possible import under the Constitution which are inseparable from it, and which can only be determined by the court when this bill becomes a law and the questions are presented. Is it wise, Mr. President, to inject into this measure one more challenge of its validity, especially when, with perfect justice, that may be omitted?

Mr. President, I am not an opponent of this measure. I want to see it speedily passed, as perfect as it may be, and with every constitutional danger avoided, so far as it can be done. I regard this as a loyal support of the measure and a real conservation of the public interest.

Mr. CLARKE of Arkansas. Mr. President, the Senator from Wisconsin [Mr. SPOONER] occupied less time than I thought would be the case, and that is the reason why I am not prepared to proceed with the debate this afternoon. I will take occasion to address the Senate next Monday, unless there is some important business before it at that time, on the general question covered by the remarks submitted by the Senator from Wisconsin.

Mr. GALLINGER. Mr. President, unless some Senator is prepared to speak on the unfinished business, I ask that it be temporarily laid aside and that we proceed to the consideration of the Calendar under Rule VIII.

Mr. McCUMBER. I will ask the Senator if he has any objection to taking up the pension bills?

Mr. GALLINGER. They will be reached in a very short time. There are few bills preceding them.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of the Calendar under Rule VIII.

Mr. ALLISON. I do not see present the Senator from South Carolina, who has in charge the regular order, but I should be glad if that bill could be continued for the remainder of the day. For one I hope we shall get away from the Capitol before the 1st of August, and I think it important that the consideration of the rate bill should be continued. It has not been considered very continuously this week.

Mr. GALLINGER. I will say to the Senator from Iowa that the request was made upon the assumption that no Senator was prepared to continue the discussion.

Mr. ALLISON. I did not even know that the Senator from New Hampshire had made a request.

Mr. GALLINGER. I had made a request that we go to the Calendar under Rule VIII, if no Senator is prepared to continue the discussion of the unfinished business. I have no disposition to interrupt that, of course. I agree with the Senator from Iowa that we ought to continue its consideration.

Mr. ALLISON. I hope that the consideration of this bill will be continued. There certainly must be opportunities desired by Senators to speak upon some phase of the bill.

Mr. TILLMAN. I gave notice day before yesterday that after this week I would be compelled to keep the bill before the Senate and either have talk or votes. Under the rules we can make Senators talk or we can vote. I have been unwilling to dragoon those who have been unwilling to agree to a vote, and I am still unwilling, but after the two set speeches which are now booked for Monday—the Senator from Virginia [Mr. DANIEL] has notified me he wants to speak and the Senator from Arkansas [Mr. CLARKE] was to speak to-day—I intend, as I said, to press matters with all the vigor that the rules permit. I think we will probably get along better if we do not begin to put on the screws until Tuesday.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. ALLISON. Certainly.

Mr. FORAKER. Mr. President, I agree with the Senator from Iowa. We ought to go ahead with the consideration of this bill. This thing of postponing and postponing the vote seems unnecessary. I understand there are some Senators who want to make regular speeches. But we have all these amendments which are pending here—there must be fifty or sixty of them—and we have made no agreement in regard to them. Why not take up some of these amendments and commence considering and voting on them? We can vote on them at one time as well as at another. If we can not vote upon them, we can at least consider them. I have presented two or three amendments. Other Senators have amendments. Why can not some Senator present his amendment now and let us go on with the discussion of it?

Mr. TILLMAN. I am perfectly willing to have that course followed. I have felt, however, that under the custom maintained here it would be more agreeable and certainly fairer to

all Senators to notify them when we are going to begin really to do some work here.

Mr. FORAKER. It would be better to notify them when we are going to vote.

Mr. TILLMAN. I mean to vote; to vote on amendments, for instance. There are probably twenty Senators out of the city on one mission or another; we all have to go off occasionally; and I do not think it would be fair to those Senators to say now we are going to take up an amendment and vote on it to-day. I had hoped and expected——

Mr. FORAKER. I do not suggest a vote, but I do suggest that we might go on with the consideration and discussion of some of these amendments.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield further to the Senator from South Carolina?

Mr. ALLISON. I yield further to the Senator from South Carolina.

Mr. TILLMAN. I was going to repeat what I said on a previous occasion, that in my judgment it would be more satisfactory, and that we would reach a wiser disposition of amendments, if, whenever we have discussed a given amendment, we vote on that amendment then and there. But we ought not to begin to dispose of amendments without notice; that is all.

Mr. ALLISON. I agree with what the Senator from South Carolina says in that respect. But there are amendments here of importance, and some of not very great importance. Still the amendments are numerous. We have had a hiatus here in the general debate nearly every day this week. I am not complaining of it. It was impossible for it to be otherwise. But we can not go on forever in this way. I was not present in the Senate Chamber during all of to-day's session, as Senators know, because I have work in committee——

Mr. TILLMAN. Everybody realizes how much work the Senator from Iowa has on his hands.

Mr. ALLISON. But I had hoped we could take up these amendments and debate them. I am very glad that the Senator from South Carolina has given notice that on Monday next he will ask the Senate to proceed with this bill without interruption; and I hope he will persist in that course.

Mr. TILLMAN. I give the Senator assurance that I will hold it before the Senate and compel a vote, or compel somebody to talk, if the Senator and others like him will back me in it.

Mr. ALLISON. I will cheerfully join the Senator from South Carolina.

Mr. BAILEY. Why can we not agree now that the general debate shall close, say, one week from to-day?

Mr. ALLISON. I hope we can; or even in less than a week.

Mr. BAILEY. Well; and then proceed to consider this bill under some rule that allows ten or fifteen minutes' debate on the amendments, and at the close of the discussion on each amendment, as suggested by the Senator from South Carolina, vote on that amendment.

Mr. TILLMAN. And dispose of it.

Mr. BAILEY. Lay it aside as finished, whether we adopt it or reject it. In that way the Senate would be brought to vote on each amendment immediately after it had been discussed.

I venture to say that Senators would hear the discussion on each amendment when they understood that at the close of that discussion they were going to be called upon to vote for or against the amendment. On the contrary, if the amendments are all under discussion and none of them is to be voted upon until the end, Senators, being thoroughly satisfied as to one amendment and not knowing whether that is the amendment under discussion or not, will not pay the close attention that they will if each amendment is to be disposed of at the end of the discussion on it.

Mr. ALLISON. I agree to everything the Senator from Texas [Mr. BAILEY] says as respects the amendments, but we shall never begin to vote on the amendments unless we have some understanding respecting them.

Mr. BAILEY. Yes.

Mr. ALLISON. So far as I am concerned personally, I would be glad to second the suggestion of the Senator from Texas, that we have an early time for beginning the ten-minute debate which he suggests, and an arrangement for a final vote on the bill.

Mr. GALLINGER. Say Thursday next.

Mr. ALLISON. I would suggest Thursday next.

Mr. FORAKER. I wish to offer an amendment. It is an amendment with respect to review by the court. I offer it now so that it may be printed and we may have it before us, and I shall want to submit some remarks on it, perhaps, at the proper time.

The VICE-PRESIDENT. Does the Senator from New Hampshire withdraw his request?

Mr. GALLINGER. I do for the present.

Mr. FORAKER. I wish to say in offering this amendment that it is one entitled to more than usual consideration. We are not the only legislative body dealing with this subject.

Mr. CULLOM. Can we not have it read?

Mr. FORAKER. I will ask to have it read in a moment.

The legislature of Ohio has been enacting railway rate legislation. After very long and very careful consideration of the subject they enacted a bill from which I take this provision, making no change whatever except only in the name of the court to which the appeal shall be made. This is the result of their deliberations. They are men who, after they had been giving considerable consideration to this subject, felt that they were not only sufficiently familiar with the general subject of rate making, but also with all the constitutional and legal difficulties involved to warrant them in advising their representatives in the Senate of the United States how they should vote on this bill.

Now, it is because of the fact that this is the result of their deliberations, now enacted into law and now in force in Ohio, that I ask to have the amendment read from the desk, for the information of Senators, as an amendment to this bill providing for a court review.

Mr. BACON. Do we understand that it meets with the approval of the Senator from Ohio?

Mr. FORAKER. Yes; entirely.

Mr. BAILEY. Mr. President, it will gratify all of us to know that cordial relations have been established between the Senator from Ohio and the legislature of his State.

Mr. FORAKER. Mr. President, there has been at no time any lack of cordiality in our relations. They have at times been more than cordial—in fact, even warm.

The VICE-PRESIDENT. The Secretary will read the proposed amendment.

Mr. FORAKER. I hope Senators will see what the legislature of Ohio thinks is a proper court review.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. —. Any railroad or other party in interest being dissatisfied with any order of the Commission fixing any rate or rates, fares, charges, classifications, joint rate or rates, or any order fixing any regulations, practices, or services may, within sixty days, commence an action in the circuit court of the United States in which the carrier has its principal operating office, against the Commission as defendant to vacate and set aside any such order on the ground that the rate or rates, fares, charges, classifications, joint rate or rates fixed in such order is unlawful or unreasonable, or that any such regulation, practice, or service fixed in such order is unreasonable, in which action the adverse parties shall be served with the summons. The Commission shall file its answer, and on leave of court any interested party may file an answer to said complaint within ten days after the service thereof, whereupon said action shall be at issue and stand ready for trial upon ten days' notice by either party. All actions brought under this section shall have precedence over any civil cause of a different nature pending in such court, and the said court shall always be deemed open for the trial thereof, and the same shall be tried and determined as other civil actions. Any party to such action may introduce original evidence in addition to the transcript of the evidence offered to said committee.

a. No injunction shall issue suspending or staying any order of the Commission except upon application to the said court or a judge thereof, notice to the Commission having been given and hearing having been had thereon.

b. If, upon the trial of such action, evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing before the Commission, or additional thereto, the court before proceeding to render judgment, unless the parties to such action stipulate in writing to the contrary, shall transmit a copy of such evidence to the Commission and shall stay further proceedings in said action for fifteen days from the date of such transmission. Upon the receipt of such evidence the Commission shall consider the same, and may alter, modify, amend, or rescind its order relating to such rate or rates, fares, charges, classification, joint rate or rates, regulation, practice, or service complained of in said action, and shall report its action thereon to said court within ten days from the receipt of such evidence.

c. If the Commission shall rescind its order complained of, the action shall be dismissed; if it shall alter, modify, or amend the same, such altered, modified, or amended order shall take the place of the original order complained of, and judgment shall be rendered thereon as though made by the Commission in the first instance. If the original order shall not be rescinded or changed by the Commission, judgment shall be rendered upon such original order.

d. Either party to said action, within sixty days after service of a copy of the order or judgment of the court, may appeal or take the case up on error as in other civil actions. Where an appeal is taken the cause shall, on the return of the papers to the higher court, be immediately placed on the calendar of the then pending term, and shall be assigned and brought to a hearing in the same manner as other causes on the calendar.

e. In all actions under this section the burden of proof shall be upon the plaintiff to show by clear and satisfactory evidence that the order of the Commission complained of is unlawful or unreasonable, as the case may be.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

Mr. FORAKER. When we come to the consideration of amendments I will have something to say in behalf of that amendment, which I think is a broad, fair, square, well-considered proposition, with which I will be satisfied, and with which I think every fair-minded man should be entirely satisfied.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I understand that some Senators desire to submit amendments to the Indian appropriation bill and probably to discuss them, and so that they may be advised, I now give notice that to-morrow morning at the close of the routine morning business I will call up the bill for consideration.

Mr. TILLMAN. Why does not the Senator call up the bill now?

Mr. CLAPP. Because the other course will, I think, better meet the convenience of Senators.

CONSIDERATION OF PENSION AND MILITARY RECORD BILLS.

Mr. McCUMBER. I understand from the Senator from New Hampshire [Mr. GALLINGER], that he will withdraw his request that we proceed with the Calendar under Rule VIII. That being the case, I ask unanimous consent at this time that we proceed to the consideration of unobjected pension bills on the Calendar.

Mr. SCOTT. And military bills.

Mr. McCUMBER. I will include bills to correct military records.

The VICE-PRESIDENT. Does the Senator from North Dakota ask that the unfinished business be laid aside?

Mr. McCUMBER. I understood it had been laid aside. If not——

The VICE-PRESIDENT. It has not been laid aside.

Mr. McCUMBER. Then I ask that it be temporarily laid aside.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of unobjected pension bills and bills to correct military records on the Calendar. Is there objection to the request of the Senator from North Dakota? The Chair hears none. The first bill in order under the unanimous-consent agreement will be announced.

CLINTON B. WINTERSTEEN.

The bill (S. 5640) granting an increase of pension to Clinton B. Wintersteen was announced as the first bill in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Clinton B. Wintersteen, late of Company C, Sixty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HILTON SPRINGSTEED.

The bill (S. 5673) granting an increase of pension to Hilton Springsteed was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hilton Springsteed, late of Company E, Ninth Regiment Michigan Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CYNTHIA CORDIAL, NOW VERNON.

The bill (H. R. 11348) granting an increase of pension to Cynthia Cordial, now Vernon, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cynthia Cordial, now Vernon, former widow of William Cordial, late of Company B, Sixty-eighth Regiment Kentucky Enrolled Militia, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA C. BASSFORD.

The bill (H. R. 14227) granting an increase of pension to Anna C. Bassford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna C. Bassford, widow of Stephen A. Bassford, late colonel Ninety-fourth Regiment Ohio Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT BIVANS.

The bill (H. R. 12407) granting an increase of pension to Robert Bivans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Bivans, late of Company E, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $46 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LISANIA JUDD.

The bill (S. 3738) granting an increase of pension to Lisania Judd was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to strike out "Volunteer Infantry" and insert "Volunteers, war with Mexico;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lisania Judd, widow of Hiram Judd, late of Company E, Mormon Battalion Iowa Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL J. LANGDON.

The bill (S. 993) granting a pension to Samuel J. Langdon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel J. Langdon, late of Company G, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel J. Langdon."

HENRY S. KNECHT.

The bill (S. 4048) granting an increase of pension to Henry S. Knecht was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry S. Knecht, late of Company I, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB SANNAR.

The bill (H. R. 12888) granting an increase of pension to Jacob Sannar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Sannar, late of Company I, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH BODKIN.

The bill (H. R. 12415) granting an increase of pension to Elizabeth Bodkin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Bodkin, widow of William A. Bodkin, late first lieutenant and captain Company A, Fifty-second Regiment Indiana Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY JACOB FOX.

The bill (H. R. 12019) granting an increase of pension to Henry Jacob Fox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Jacob Fox, late first lieutenant Company E, Eleventh Regiment Maryland Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUST DANIELDSON.

The bill (H. R. 11907) granting an increase of pension to August Danieldson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of August Danieldson, late of Company H, First Regiment Illinois Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WALROD.

The bill (H. R. 13139) granting an increase of pension to William Walrod was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Walrod, late of Company G, Ninety-first Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JENNIE P. STARKINS.

The bill (H. R. 11824) granting an increase of pension to Jennie P. Starkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie P. Starkins, widow of Joseph Starkins, late of the U. S. S. *North Carolina*, *Mohawk*, and *Mary Sanford*, United States Navy, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. FLETCHER.

The bill (S. 5641) granting an increase of pension to John W. Fletcher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Fletcher, late of Company F, First Regiment New Hampshire Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER subsequently said: I wish to recur to the bill (S. 5641) granting an increase of pension to John W. Fletcher. This is a soldier of whom I have personal knowledge. In addition to his other disabilities, he met with a terrible accident, necessitating the amputation of his right arm and the loss of the use of his left arm. So he requires the constant aid and attendance of another person. I move that the votes whereby the bill was ordered to a third reading, read the third time, and passed be reconsidered.

Mr. McCUMBER. I have no objection, Mr. President.

The motion to reconsider was agreed to.

Mr. GALLINGER. I now move an amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. In line 8, before the word "dollars," strike out "twenty-four" and insert "thirty."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BETSEY B. WHITMORE.

The bill (S. 5571) granting an increase of pension to Betsey B. Whitmore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Betsey B. Whitmore, widow of George L. Whitmore, late captain Company C, Nineteenth Regiment Maine Volunteer Infantry, and to pay her a pension of $12 per month in lien of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH F. TEBBETTS.

The bill (S. 5492) granting an increase of pension to Joseph F. Tebbetts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph F. Tebbetts, late of Company C, Sixth Regiment, and Company H, Thirty-third Regiment, Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. WARD.

The bill (S. 5359) granting an increase of pension to William H. Ward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Ward, late of Company E, Tenth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS BROWN.

The bill (H. R. 15683) granting an increase of pension to Thomas Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Brown, late acting ensign, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE M. THOMPSON.

The bill (H. R. 15835) granting an increase of pension to George M. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George M. Thompson, late of Company I, Sixth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL E. DURGIN.

The bill (H. R. 15670) granting an increase of pension to Daniel E. Durgin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel E. Durgin, late of Company F, Coast Guards, Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THERESA CREISS.

The bill (H. R. 15431) granting a pension to Theresa Creiss was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theresa Creiss, helpless and dependent child of Christian Creiss, late of Company G, Sixth Regiment New York Volunteer Infantry, and Company B, Thirty-ninth Regiment New Jersey Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT DICK.

The bill (H. R. 15484) granting an increase of pension to Robert Dick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Dick, late of Company H, Fifth Regiment New York Veteran Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. JACOBS.

The bill (H. R. 15396) granting an increase of pension to John T. Jacobs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John T. Jacobs, late of Company A, Twenty-seventh Regiment Connecticut Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE LIENALLEN.

The bill (H. R. 14553) granting an increase of pension to Jesse Lienallen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse Lienallen, late of Company B, Phelps Regiment Missouri Volunteer Infantry, and Company E, Twelfth Regiment Kansas Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY DAVEY.

The bill (H. R. 14552) granting an increase of pension to Henry Davey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Davey, late captain Company E, Sixty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN C. SANDERSON.

The bill (H. R. 14853) granting an increase of pension to Helen C. Sanderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen C. Sanderson, widow of Robert B. Sanderson, late of Company G, Second Regiment New Jersey Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL MANAHAN.

The bill (H. R. 14872) granting an increase of pension to Michael Manahan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Manahan, late of band, Sixty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARVEY FOSTER.

The bill (H. R. 13928) granting an increase of pension to Harvey Foster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harvey Foster, late of Company B, Eighth Regiment Vermont Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN CAVERLY.

The bill (S. 4175) granting an increase of pension to John Caverly was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to insert the letter "F;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Caverly, late of Company F, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KATE S. HUTCHINGS.

The bill (S. 5603) granting a pension to Kate S. Hutchings was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate S. Hutchings, widow of Jasper Hutchings, late first lieutenant Company C, Twenty-second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $17 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD GILLESPIE.

The bill (H. R. 15397) granting an increase of pension to Edward Gillespie was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Gillespie, late of Company I, Eighteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

KATE SLOAN.

The bill (S. 5691) granting a pension to Kate Sloan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Kate Sloan, invalid and dependent daughter of William H. Sloan, late of Company D, District of Columbia and Maryland Volunteers, war with Mexico, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC M. HOWARD.

The bill (S. 5631) granting an increase of pension to Isaac M. Howard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac M. Howard, late of Third Battery, Minnesota Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HERMANN MUEHLBERG.

The bill (S. 5539) granting an increase of pension to Hermann Muehlberg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hermann Muehlberg, late captain Company D, Fifth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MATHIAS HAMMES.

The bill (S. 3485) granting an increase of pension to Mathias Hammes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mathias Hammes, late of Company F, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW H. WOLF.

The bill (S. 2043) granting an increase of pension to Andrew H. Wolf was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew H. Wolf, late of Company F, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH DICKSON.

The bill (S. 5504) granting an increase of pension to Joseph Dickson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Dickson, late of Company F, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. McCUMBER. I hope the committee amendment will be disagreed to.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELI W. KNOWLES.

The bill (S. 2978) granting an increase of pension to Eli W. Knowles was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli W. Knowles, late of Company F, Eightieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS COLTON.

The bill (S. 442) granting an increase of pension to Francis Colton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Fifteenth," to insert "Second Battalion;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Colton, late of Company E, Second Battalion, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AHIMAAZ E. WOOD.

The bill (S. 3797) granting an increase of pension to A. E. Wood was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ahimaaz E. Wood, late second lieutenant Company B, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Ahimaaz E. Wood."

CHARLES FARREL.

The bill (S. 3798) granting an increase of pension to Charles Farrell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Farrell" and insert "Farrel;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Farrel, late of Company B, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles Farrel."

GEORGE CHAMBERS.

The bill (S. 2851) granting an increase of pension to George Chambers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Chambers, late of Company C, Twelfth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM O. CLARK.

The bill (S. 5536) granting an increase of pension to William O. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William O. Clark, late of Captain Sisson's company, Illinois Mounted Volunteers, Black Hawk Indian war, and pay him a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OTTO A. RISUM.

The bill (S. 5379) granting an increase of pension to Otto A. Risum was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Otto A. Risum, late first lieutenant and adjutant Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED M. HAMLEN.

The bill (S. 5516) granting an increase of pension to Alfred M. Hamlen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred M. Hamlen, late of Company B, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

WILLIAM F. M. RICE.

The bill (H. R. 15687) granting an increase of pension to William F. M. Rice was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to strike out "war with Mexico" and insert "Cherokee Indian war;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. M. Rice, late of Capt. James Morrow's company, Fourth Regiment Tennessee Mounted Riflemen, Cherokee Indian war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EDGAR B. HUGHSON.

The bill (H. R. 15840) granting an increase of pension to Edgar B. Hughson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edgar B. Hughson, late of Company D, Ninth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB FERBER.

The bill (H. R. 15548) granting an increase of pension to Jacob Ferber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Ferber, late of Company A, Third Regiment Wisconsin Volun-

teer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. GREER.

The bill (H. R. 15256) granting an increase of pension to Benjamin F. Greer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Greer, late of Company A, Seventh Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. H. FELLOWS.

The bill (H. R. 14117) granting an increase of pension to William H. H. Fellows was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. H. Fellows, late second lieutenant Company D, Seventh Regiment California Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABSALOM SHELL.

The bill (H. R. 13840) granting an increase of pension to Absalom Shell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Absalom Shell, late of Company F, Seventy-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY HAHN.

The bill (H. R. 13738) granting an increase of pension to Henry Hahn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Hahn, late of Company I, One hundred and eleventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH J. MANSON.

The bill (H. R. 13726) granting a pension to Sarah J. Manson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah J. Manson, widow of George W. Manson, late of Company A, Fifth Regiment Maine Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. RAINS.

The bill (H. R. 14116) granting an increase of pension to John P. Rains was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Rains, late of Company B, Fourth Regiment California Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE R. SCOTT.

The bill (H. R. 13741) granting an increase of pension to George R. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George R. Scott, late of Company F, One hundred and eleventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH THOMPSON.

The bill (H. R. 13504) granting an increase of pension to Elizabeth Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Thompson, widow of William Thompson, late of Company F, First Regiment Kentucky Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK CLENDENIN.

The bill (H. R. 13345) granting an increase of pension to Frank Clendenin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank Clendenin, late major, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS S. GEORGE.

The bill (S. 1705) granting an increase of pension to Lewis S. George was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis S. George, late of Company C, Seventh Regiment Michigan Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA DAVIDSON.

The bill (H. R. 14498) granting an increase of pension to Eliza Davidson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza Davidson, widow of Maxwell Davidson, late of Company M, Fifteenth Regiment New York Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT TIMMONS.

The bill (H. R. 14688) granting an increase of pension to Robert Timmons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Timmons, late of Company I, First Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUGENE B. M'DONALD.

The bill (H. R. 12996) granting an increase of pension to Eugene B. McDonald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eugene B. McDonald, late of Company H, Ninth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIUS BUXBAUM.

The bill (H. R. 13961) granting an increase of pension to Julius Buxbaum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julius Buxbaum, late of Company D, Ninety-first Regiment New York Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC L. DUGGAR.

The bill (S. 5670) granting an increase of pension to Isaac L. Duggar was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac L. Duggar, late of Lieutenant Addison's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEWIS DU BOIS.

The bill (S. 4665) granting an increase of pension to Louis Du Bois was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis Du Bois, late of Company D, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lewis Du Bois."

CHARLES SKADEN, JR.

The bill (H. R. 15321) granting an increase of pension to Charles Skaden, jr., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Skaden, jr., helpless and dependent son of Charles Skaden, late of Company C, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALEB M. TARTER.

The bill (H. R. 15621) granting an increase of pension to Caleb M. Tarter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caleb M. Tarter, late of Company H, Fourth Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRUMAN ALDRICH.

The bill (H. R. 15487) granting an increase of pension to Truman Aldrich was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Truman Aldrich, late of Company F, One hundred and forty-first Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCIUS D. WHALEY.

The bill (H. R. 14990) granting an increase of pension to Lucius D. Whaley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucius D. Whaley, late of Company E, One hundred and third Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET A. DUVALL.

The bill (H. R. 15569) granting a pension to Harriet A. Duvall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet A. Duvall, widow of Thomas S. Duvall, late captain Company A, Kentucky Home Guards, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BROWN.

The bill (H. R. 15701) granting an increase of pension to William Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Brown, late of Captain Saunder's company, First Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PLEASANT CALOR.

The bill (H. R. 15616) granting an increase of pension to Pleasant Calor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Pleasant Calor, late of Company D, Thirtieth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. PIERCE.

The bill (H. R. 15277) granting an increase of pension to George W. Pierce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Pierce, late of Company G, Third Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. NEAR.

The bill (H. R. 15050) granting an increase of pension to William H. Near was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Near, late of Company I, Sixth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUTHER S. HOLLY.

The bill (H. R. 13862) granting an increase of pension to Luther S. Holly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Luther S. Holly, late of Company K, Ninth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOLOMON JOHNSON.

The bill (H. R. 12526) granting an increase of pension to Solomon Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Solomon Johnson, late of Company C, Thirty-ninth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. ROYER.

The bill (H. R. 14780) granting an increase of pension to John A. Royer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Royer, late contract surgeon, United States Army, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA E. MIDDLETON.

The bill (H. R. 10408) granting a pension to Anna E. Middleton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna E. Middleton, helpless and dependent daughter of James Middleton, late of Company H, Eighty-ninth Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL R. LOWRY.

The bill (H. R. 13437) granting an increase of pension to Samuel R. Lowry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel R. Lowry, late of Company D, Fourth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH M. E. HINMAN.

The bill (H. R. 10251) granting an increase of pension to Sarah M. E. Hinman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "seventeen" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah M. E. Hinman, widow of Wilbur F. Hinman, late first lieutenant Company I and captain Company F, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN P. WISHART.

The bill (H. R. 11692) granting an increase of pension to John P. Wishart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Wishart, late of Company I, Ninety-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RILEY M. SMILEY.

The bill (H. R. 14993) granting an increase of pension to Riley M. Smiley was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Riley M. Smiley, late of Company A, Twenty-third Regiment Missouri Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ETHAN ALLEN.

The bill (H. R. 15061) granting an increase of pension to Ethan Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ethan Allen, late of Company A, Thirty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER COLE.

The bill (H. R. 15780) granting an increase of pension to Peter Cole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Cole, late of Company D, Forty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. TIDSWELL.

The bill (S. 4752) granting an increase of pension to Thomas J. Tidswell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Tidswell, late second lieutenant Company C, Forty-fourth Regiment Missouri Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID OGLEVIE.

The bill (S. 4525) granting an increase of pension to David Oglevie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Oglevie, late of Company I, Eighty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMANUEL S. THOMPSON.

The bill (H. R. 10424) granting a pension to Emanuel S. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emanuel S. Thompson, late of Captain Smithson's company, Third Regiment Missouri Volunteers, war with Mexico, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW W. TRACY.

The bill (H. R. 14915) granting an increase of pension to Andrew W. Tracy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew W. Tracy, late of Company C, First Regiment Missouri Volunteer Cavalry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT E. M'KIERNAN.

The bill (H. R. 14566) granting an increase of pension to Robert E. McKiernan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert E. McKiernan, late of Company I, Second Regiment Ohio Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VALENTINE GUNSELMAN.

The bill (H. R. 15380) granting an increase of pension to Valentine Gunselman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Valentine Gunselman, late of Company B, Fifty-first Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. WOODARD.

The bill (S. 5054) granting an increase of pension to George H. Woodward was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Woodard, late of Company H, Eighty-third Regiment Pennsylvania Volunteer Infantry, and Troop A, Second Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George H. Woodard."

JOSEPH M. ALLISON.

The bill (S. 3219) granting an increase of pension to Joseph M. Allison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph M. Allison, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMMA A. SMITH.

The bill (H. R. 11654) granting a pension to Emma A. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma A. Smith, helpless and dependent daughter of Samuel F. Smith, late of Company H, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM I. LUSCH.

The bill (H. R. 8687) granting a pension to William I. Lusch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William I. Lusch, late of Company B, Eighth Regiment Pennsylvania Volunteer Infantry, war with Spain, and to pay him a pension of $36 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. SCOTT.

The bill (H. R. 10591) granting an increase of pension to Sarah A. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Scott, widow of Hosea P. Scott, late of Company A, One hundred and forty-second Regiment New York Volunteer Infantry, and to pay her a pension of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mabel E. Scott, helpless and dependent child of said Hosea P. Scott, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah A. Scott the name of said Mabel E. Scott shall be placed on the pension roll at $12 per month from and after the date of death of said Sarah A. Scott.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD REYNOLDS.

The bill (H. R. 12534) granting an increase of pension to Richard Reynolds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard Reynolds, late of Company A, Loyal East Virginia Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARCATIE E. THOMPSON.

The bill (H. R. 14989) granting an increase of pension to Arcatie E. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of

Arcatie E. Thompson, widow of George K. Thompson, late of the U. S. S. *North Carolina*, *Connecticut*, and *Ohio*, United States Navy, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. FOWLER.

The bill (H. R. 15240) granting an increase of pension to James W. Fowler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Fowler, late first lieutenant Company F, Thirty-fourth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOB RICE.

The bill (S. 4239) granting an increase of pension to Job Rice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Job Rice, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM I. BREWER.

The bill (S. 5659) granting an increase of pension to William I. Brewer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William I. Brewer, late of Company D, First Regiment Indiana Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN F. TATHEM.

The bill (H. R. 8475) granting a pension to John F. Tathem was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John F. Tathem, late of Company C, First Regiment South Carolina Volunteer Infantry, and Companies K and M, Twenty-ninth Regiment United States Volunteer Infantry, war with Spain, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILDRED W. MITCHELL.

The bill (H. R. 12059) granting an increase of pension to Mildred W. Mitchell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mildred W. Mitchell, widow of James T. Mitchell, late of Company F, First Regiment North Carolina Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY PRUIT.

The bill (S. 5658) granting an increase of pension to Nancy Pruit was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Pruit, widow of John Pruit, late of Company G, Third Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JEREMIAH LUNSFORD.

The bill (H. R. 11635) granting an increase of pension to Jeremiah Lunsford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Lunsford, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ERNEST H. WARDWELL.

The bill (S. 5343) granting an increase of pension to Ernest H. Wardwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to insert "first lieutenant and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ernest H. Wardwell, late first lieutenant and quartermaster Second Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

A. M'CORMICK.

The bill (H. R. 12099) granting a pension to A. McCormick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charlotte A. McCormick, widow of Charles C. McCormick, late colonel Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL W. PLYMATE.

The bill (H. R. 12755) granting an increase of pension to Nathaniel W. Plymate was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathaniel W. Plymate, late of Company K, Forty-sixth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. DRAKE.

The bill (H. R. 14698) granting an increase of pension to William F. Drake was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Drake, late of Company K, Fifty-ninth Regiment Ohio Volunteer Infantry, and Company B, Fifth Regiment Veteran Reserve Corps, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTHER M. LOWE.

The bill (H. R. 14442) granting an increase of pension to Esther M. Lowe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Esther M. Lowe, widow of Frank E. Lowe, late of Company H, Thirty-second Regiment, and first lieutenant Company A and adjutant One hundred and twenty-first Regiment New York Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY HARES.

The bill (H. R. 15007) granting an increase of pension to Henry Hares was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Hares, late of Companies I and B, Seventy-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN K. PORTER.

The bill (H. R. 13171) granting an increase of pension to Jonathan K. Porter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonathan K. Porter, late of Company H, Twelfth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI B. NOULTON.

The bill (H. R. 11143) granting an increase of pension to Levi B. Noulton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi B. Noulton, late of Company K, Fifth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSHUA BARNES.

The bill (H. R. 13217) granting a pension to Joshua Barnes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joshua Barnes, late of Engineer Corps Company, Seventy-first Regiment New York State Militia Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM VAN KEUREN.

The bill (H. R. 13823) granting an increase of pension to William Van Keuren was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Van Keuren, late of Company M, First Regiment New York Volunteer Mounted Rifles, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHOEBE KEITH.

The bill (H. R. 7844) granting a pension to Phoebe Keith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Phoebe Keith, widow of Albert Keith, late of Company F, Sixty-fourth Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA BYRON.

The bill (H. R. 9287) granting a pension to Eliza Byron was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza Byron, widow of John Byron, late of Company F, First Regiment United States Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE E. BRAGG.

The bill (H. R. 9288) granting an increase of pension to Catherine E. Bragg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine E. Bragg, widow of Frederick A. Bragg, late captain Company A, Sixth Regiment Missouri Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE B. KIRK.

The bill (H. R. 12715) granting a pension to George B. Kirk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George B. Kirk, late of Company L, First Regiment United States Volunteer Engineers, war with Spain, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUKE WALDRON.

The bill (H. R. 517) granting an increase of pension to Luke Waldron was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Luke Waldron, late of Seventeenth Independent Battery, New York Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBA B. BEAN.

The bill (H. R. 7232) granting a pension to Alba B. Bean was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alba B. Bean, late of Company C, Twentieth Regiment United States Infantry, and Hospital Corps, United States Army, and to pay him a pension of $36 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE W. POWERS.

The bill (H. R. 6949) granting a pension to Alice W. Powers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice W. Powers, helpless and dependent daughter of Neville J. Powers, late of Company G, Tenth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELI DUVALL.

The bill (H. R. 11538) granting an increase of pension to Eli Duvall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eli Duvall, late of Company K, Twenty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving, said pension to be paid to his legally constituted guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDMUND W. BIXBY.

The bill (H. R. 11606) granting an increase of pension to Edmund W. Bixby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edmund W. Bixby, late of Company F, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURA M'NULTA.

The bill (H. R. 11703) granting a pension to Laura McNulta was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Laura McNulta, widow of John McNulta, late colonel Ninety-fourth Regiment Illinois Volunteer Infantry, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK FRIEBELE.

The bill (H. R. 12663) granting an increase of pension to Frederick Friebele was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Friebele, late of Company G, One hundred and second Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH W. COPPAGE.

The bill (H. R. 12556) granting an increase of pension to Joseph W. Coppage was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph W. Coppage, late of Company D, First Regiment Illinois Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS T. BLANCHARD.

The bill (H. R. 13445) granting an increase of pension to Thomas T. Blanchard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas T. Blanchard, late of Company G, Thirty-first Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. SIMKINS.

The bill (H. R. 12017) granting an increase of pension to James B. Simkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. Simkins, late of Company H, One hundred and second Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAIAH B. M'DONALD.

The bill (H. R. 12389) granting an increase of pension to Isaiah B. McDonald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaiah B. McDonald, late captain and commissary of subsistence, United States Volunteers, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM DELANY.

The bill (H. R. 13871) granting an increase of pension to William Delany was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Delany, late of Company E, Twenty-fourth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. RAYNOR.

The bill (H. R. 12390) granting an increase of pension to John W. Raynor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Raynor, late of Company K, Tenth Regiment New York Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JASPER N. HARRELSON.

The bill (H. R. 14534) granting an increase of pension to Jasper N. Harrelson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jasper N. Harrelson, late of Company E, Eighty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID W. WEST.

The bill (H. R. 14657) granting an increase of pension to David W. West was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David W. West, late of Company B, Thirty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REUBEN R. BALLENGER.

The bill (H. R. 14677) granting a pension to Reuben R. Ballenger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Reuben R. Ballenger, late of Company G, Fourth Regiment Illinois Volunteer Infantry, war with Spain, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN R. NELSON.

The bill (H. R. 15415) granting an increase of pension to Ann R. Nelson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann R. Nelson, widow of Henry Nelson, late of Troops I and C, United States Mounted Rifles, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORNELIUS WESTMAN.

The bill (H. R. 15119) granting an increase of pension to Cornelius Westman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cornelius Westman, late commissary-sergeant Fourteenth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRUMAN C. STEVENS.

The bill (H. R. 15216) granting an increase of pension to Truman C. Stevens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Truman C. Stevens, late of Company B, Eleventh Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHAN S. RUDDOCK.

The bill (H. R. 14001) granting an increase of pension to Nathan S. Ruddock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathan S. Ruddock, late of Company B, Seventy-sixth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EBENEZER A. RICE.

The bill (H. R. 15717) granting an increase of pension to Ebenezer A. Rice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ebenezer A. Rice, late captain Company F, Fifth Regiment Minnesota Volunteer Infantry, and major, Second Regiment Minnesota Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL PEPPER.

The bill (H. R. 15794) granting an increase of pension to Samuel Pepper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Pepper, late of Company G, Ninety-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THEODORE H. BISHOP.

The bill (H. R. 1563) for the relief of Theodore H. Bishop was considered as in Committee of the Whole. It authorizes the Secretary of the Navy to remove the charge of disobedience to orders and absence without leave now standing against the record of Theodore H. Bishop, late of the United States Navy, and to issue to him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTON ERNST.

The bill (S. 2139) to remove the charge of desertion from the military record of Anton Ernst was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 8, after the word "bounty," to insert "pension;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Anton Ernst, late of Company K, Second Maryland Infantry, and to grant him an honorable discharge to date as of October 15, 1862: *Provided*, That no pay, bounty, pension, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LORA E. REED.

The bill (S. 3862) to correct the military record of Lora E. Reed was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 5, after the word "of," to strike out "Twelfth Battery" and insert "Battery I, First;" in line 6, after the word "discharge," to strike out "from the service of the United States," and at the end of the bill to insert the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Lora E. Reed, late a member of Battery I, First Ohio Artillery, and to issue to him an honorable discharge: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMANDA LUCAS.

The bill (S. 394) granting an increase of pension to Amanda Lucas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda Lucas, widow of John Lucas, late of Company E, Sixteenth Regiment United States Infantry, war with Mexico, and lieutenant-colonel Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LORINDA J. WHITE.

The bill (S. 4796) granting an increase of pension to Lorinda J. White was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorinda J. White, widow of Daniel W. White, late of Ninth Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMMA WORRALL.

The bill (S. 522) granting a pension to Emma Worrall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 10, before the word "dollars," to strike out "twenty-five" and insert "twenty;" and in the same line, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Worrall, widow of Washington M. Worrall, late captain Company D, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and major, Two hundred and fourteenth Regiment Pennsylvania Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Emma Worrall."

AARON F. PATTEN.

The bill (S. 3033) granting an increase of pension to Aaron F. Patten was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron F. Patten, late of Company K, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. TOMLINSON.

The bill (S. 4401) granting an increase of pension to George W. Tomlinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Tomlinson, late of Company D, Thirteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD L. DELONG.

The bill (S. 5671) granting an increase of pension to Richard L. Delong was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard L. Delong late of Company B, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY T. SISSON.

The bill (S. 5579) granting an increase of pension to Henry T. Sisson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-five" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry T. Sisson, late colonel Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. WETMORE. I offer an amendment to the bill. In line 8, before the word "dollars," I move to strike out "thirty" and insert "forty."

Mr. McCUMBER. I simply desire to say that this is a case in which the Senator from Rhode Island makes a statement to me from his own personal acquaintance with the claimant and a knowledge of his condition, and his statement shows that the condition of the beneficiary is rather worse than the report indicates. Upon that statement I think we are justified in making no objection to the increase proposed by the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RUTH P. PIERCE.

The bill (S. 5704) granting an increase of pension to Ruth P. Pierce was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruth P. Pierce, widow of William H. Pierce, late of Company G, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARLAN P. COBB.

The bill (S. 4177) granting an increase of pension to Harlan P. Cobb was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert;

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harlan P. Cobb, late of Company B, Battalion United States Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY C. WILSEY.

The bill (S. 3040) granting a pension to Mary C. Wilsey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Wilsey, widow of Andrew J. Wilsey, late of Company K, Twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT BUTLER.

The bill (S. 678) granting an increase of pension to Albert Butler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Butler, late of Company B, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN CLARK.

The bill (S. 2467) granting an increase of pension to Martin Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Clark, late of Company E, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN MARAH.

The bill (S. 5163) granting an increase of pension to John Marah was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Marah, late of Company A, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM L. SHEAFF.

The bill (S. 3483) granting an increase of pension to William L. Sheaff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William L. Sheaff, late of Company I, One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS M'CORMICK.

The bill (S. 4358) granting an increase of pension to Thomas McCormick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas McCormick, late of Company F, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL QUILL.

The bill (S. 4005) granting an increase of pension to Michael Quill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Quill, late of Company A, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID N. WINSELL.

The bill (S. 5082) granting an increase of pension to David N. Winsell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David N. Winsell, late of Company E, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. DALEY.

The bill (S. 4361) granting an increase of pension to John W. Daley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Daley, late of Company G, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS J. PICKETT.

The bill (S. 5523) granting an increase of pension to Thomas J. Pickett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Pickett, late of Company C, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. H. ROBINSON.

The bill (S. 5349) granting an increase of pension to William H. H. Robinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Robinson, late of Captain Mower's company, First Regiment Illinois Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANN J. THOMPSON.

The bill (S. 4460) granting an increase of pension to Ann J. Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to strike out "Infantry" and insert "Cavalry;" and in the same line, before the word "dollars," to strike out "thirty-five" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann J. Thompson, widow of Robert M. Thompson, late major, Sixth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB WIGAL.

The bill (S. 5247) granting an increase of pension to Jacob Wigel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Wigel" and insert "Wigal;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Wigal, late of Company B, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jacob Wigal."

LOUIS A. TYSON.

The bill (S. 4457) granting an increase of pension to L. A. Tyson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis A. Tyson, late of Battery E, Fourth Regiment United States Artillery, and Twenty-eighth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Louis A. Tyson."

SPENCER C. STILWILL.

The bill (S. 3299) granting an increase of pension to Spencer C. Stilwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to strike out the name "Stilwell" and insert "Stilwill;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Spencer C. Stilwill, late of Company A, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Spencer C. Stilwill."

ADALINE M. THORNTON.

The bill (S. 4692) granting a pension to Adaline M. Thornton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adaline M. Thornton, widow of James L. Thornton, late first lieutenant and quartermaster, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Adaline M. Thornton."

LORENZO E. JOHNSON.

The bill (S. 5780) granting a pension to Lorenzo E. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo E. Johnson, late acting assistant surgeon, United States Army, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HULL.

The bill (S. 5362) granting an increase of pension to John Hull was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hull, late of Company D, One hundred and twentieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID B. OTT.

The bill (H. R. 3456) granting an increase of pension to David B. Ott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David B. Ott, late of Company I, Thirty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARETTE E. BROWN.

The bill (S. 3271) granting an increase of pension to Margaret E. Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margarette E. Brown, widow of John W. Brown, late of Company A, Second Regiment Delaware Volunteer Infantry, and Company D, Twentieth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Margarette E. Brown."

THOMAS J. BOWSER.

The bill (S. 5680) granting an increase of pension to Thomas J. Bowser was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Bowser, late of Company B, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMOS DYKE.

The bill (H. R. 13881) granting an increase of pension to Amos Dyke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amos Dyke, late of Company K, Seventh Regiment Ohio Volunteer Cavalry,

and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH M'CARTY.

The bill (S. 5754) granting a pension to Hannah McCarty was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah McCarty, widow of Lemington McCarty, late of Company F, Second Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SIMON A. SNYDER.

The bill (S. 5532) granting an increase of pension to Simon A. Snyder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Simon A. Snyder, late of Company K, Eighty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW D. DANLEY.

The bill (S. 5735) granting an increase of pension to Andrew D. Danley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew D. Danley, late of Company D, Twenty-third Regiment New Jersey Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUSAN S. THEALL.

The bill (H. R. 1953) granting an increase of pension to Susan S. Theall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan S. Theall, widow of Hiram W. Theall, late first lieutenant Company D, Stevenson's regiment New York Infantry Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET L. MORRISON.

The bill (H. R. 16972) granting a pension to Harriet L. Morrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet L. Morrison, widow of James A. Morrison, late of U. S. S. *Valley City*, United States Navy, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES F. AMIS.

The bill (S. 4488) granting an increase of pension to J. F. Amis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Amis, late of Company E, Sixteenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James F. Amis."

MARY CLARK.

The bill (S. 5736) granting an increase of pension to Mary Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Clark, widow of George Clark, late of Company A, Fourth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIOT LOSURE.

The bill (S. 557) granting an increase of pension to Mariot Losure was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Regiment," to insert "and Company D, One hundred and eighty-ninth Regiment;" so as to make the bill read:

Be it enatced, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mariot Losure, late of Company K, Thirty-eighth Regiment, and Company D, One hundred and eighty-ninth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BALTZAR MOWAN.

The bill (S. 869) granting an increase of pension to Baltzar Mowan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "late of," to insert "U. S. S. Benton;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Baltzar Mowan, late of U. S. S. Benton, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE P. SEALEY.

The bill (S. 5668) granting an increase of pension to George P. Sealey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Cavalry" and insert "Infantry;," and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George P. Sealey, late of Company B, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM R. GARNER.

The bill (S. 5378) removing the charge of desertion from the name of William R. Garner was considered as in Committee of the Whole. It authorizes the Secretary of War to remove the charge of desertion now borne on the records of the War Department against William R. Garner, who served as a private in Company G, Fifty-seventh Regiment Indiana Volunteer Infantry, provided that no pay, bounty, or other allowances shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATRICK F. M'DERMOTT.

The bill (S. 3164) to correct the military record of Patrick F. McDermott was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 5, after the word "Regiment," to strike out "New York" and insert "New Jersey;" and, at the end of the bill, to insert the following proviso:

Provided, That no pay, pension, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War, be, and he is hereby, authorized to review the military record of Patrick F. McDermott, late of Company D, Thirty-fourth Regiment New Jersey Volunteer Infantry, and grant him an honorable discharge: *Provided*, That no pay, pension, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNA C. BINGHAM.

The bill (S. 5702) granting an increase of pension to Anna C. Bingham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna C. Bingham, widow of Lafayette Bingham, late lieutenant-colonel Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES E. SISCHO.

The bill (S. 5522) granting an increase of pension to Charles E. Sischo was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Sischo, late of U. S. S. Marmora, United States Navy, and Company D, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES A. MURCH.

The bill (S. 1508) granting an increase of pension to James A. Murch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "and," to strike out "First Company, Second Battalion Veteran Reserve Corps, later known as the;" and in line 11, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Murch, late of Company H, Sixteenth Regiment Kentucky Volunteer Infantry, and One hundred and seventy-fourth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. GILSON.

The bill (S. 4718) granting an increase of pension to George W. Gilson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "late of," to strike out "Third" and insert "Captain Riddle's;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Gilson, late of Captain Riddle's independent company, Ohio Volunteer Infantry, war with Mexico, and captain Company B, Fortieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRIETT A. RAWLES.

The bill (S. 1513) granting an increase of pension to Harriet A. Rawles was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriett A. Rawles, widow of Charles H. Rawles, late of U. S. S. General Grant, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Harriett A. Rawles."

AUGUSTUS A. NEVINS.

The bill (S. 4569) granting an increase of pension to Augustus A. Nevins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus A. Nevins, late of Company C, One hundred and fourteenth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAURA B. IHRIE.

The bill (H. R. 8226) granting an increase of pension to Laura B. Ihrie was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 11, before the word "dollars," to strike out "sixteen" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura B. Ihrie, widow of George P. Ihrie, late captain's clerk, United States ship Ohio, United States Navy, war with Mexico, lieutenant-colonel Third Regiment California Volunteer Infantry, colonel and additional aide-de-camp, United States Volunteers, and major and paymaster, United States Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

THOMAS W. BARNUM.

The bill (H. R. 16504) granting an increase of pension to Thomas W. Barnum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas W. Barnum, late of Company A, First Regiment Louisiana Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK MAHONEY.

The bill (H. R. 2778) granting an increase of pension to Patrick Mahoney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick Mahoney, late of Company C, Third Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN T. ODIORNE.

The bill (H. R. 2796) granting a pension to Benjamin T. Odiorne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin T. Odiorne, late ordinary seaman, United States Navy, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN ELDRIDGE, JR.

The bill (H. R. 15011) granting an increase of pension to John Eldridge, jr., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Eldridge, jr., late of Company C, Battalion United States Engineers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN S. CUSHMAN.

The bill (H. R. 10775) granting a pension to Ellen S. Cushman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen S. Cushman, helpless and dependent sister of Benjamin S. Cushman, late of Company B, Tenth Regiment Maine Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARA N. SCRANTON.

The bill (H. R. 9441) granting a pension to Clara N. Scranton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clara N. Scranton, widow of William N. Scranton, late of Company B, Fifth Regiment Connecticut Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. FOSTER.

The bill (H. R. 4242) granting an increase of pension to Mary A. Foster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Foster, widow of Henry D. Foster, late acting ensign, U. S. S. *Calhoun*, United States Navy, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER F. BEAN.

The bill (H. R. 15956) granting an increase of pension to Walter F. Bean was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Walter F. Bean, late of Company D, Second Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY C. COFFIN.

The bill (H. R. 16296) granting an increase of pension to Henry C. Coffin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Coffin, late of Company C, Thirteenth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIUS S. COOLEY.

The bill (H. R. 16433) granting an increase of pension to Marius S. Cooley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marius S. Cooley, late of Company G, Second Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EBENEZER RICKETT.

The bill (H. R. 531) granting an increase of pension to Ebenezer Rickett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ebenezer Rickett, late of Company D, Sixth Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW H. NICHOLS.

The bill (H. R. 1910) granting an increase of pension to Andrew H. Nichols was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew H. Nichols, late of Company C, Second Regiment Connecticut Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUGENIE TILBURN.

The bill (H. R. 2102) granting an increase of pension to Eugenie Tilburn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eugenie Tilburn, widow of Edward Tilburn, late of Company D, Ninetieth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH E. GREEN.

The bill (H. R. 4669) granting a pension to Joseph E. Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph E. Green, late second-class apprentice, U. S. S. *James K. Polk*, United States Navy, war with Mexico, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. LYONS.

The bill (H. R. 3689) granting an increase of pension to Charles W. Lyons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Lyons, late of Company E, First Regiment Maine Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD E. DAVIS.

The bill (H. R. 2794) granting an increase of pension to Richard E. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard E. Davis, late of Company H, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES E. MALOON.

The bill (H. R. 4264) granting a pension to Frances E. Maloon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances E. Maloon, widow of Solon H. Maloon, late carpenter, United States ship *Vandalia*, United States Navy, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER M. CULINS.

The bill (H. R. 3430) granting an increase of pension to Peter M. Culins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter M. Culins, late second lieutenant Company H, Ninety-first Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER M. LOWRY.

The bill (H. R. 2801) granting an increase of pension to Alexander M. Lowry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander M. Lowry, late first lieutenant Company H, One hundred and twelfth Regiment New York Volunteer Infantry, and to pay him a pension to $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSE V. MULLIN.

The bill (H. R. 14299) granting an increase of pension to Rose V. Mullin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rose V. Mullin, late nurse, medical department, United States Volunteers, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIDNEY A. LAWRENCE.

The bill (H. R. 17589) granting an increase of pension to Sidney A. Lawrence was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sidney A. Lawrence, late of U. S. S. *North Carolina* and *Fahkee*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DORA C. WALTER.

The bill (H. R. 9442) granting a pension to Dora C. Walter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dora C. Walter, widow of George F. Walter, late of Companies C and D, Fifty-fifth Regiment, Company K, Thirty-eighth Regiment, and Company H, Fortieth Regiment, New York Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAUL STANG.

The bill (H. R. 3979) granting an increase of pension to Paul Stang was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Paul Stang, late of Company L, Fifth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD DUFFY.

The bill (H. R. 1567) granting an increase of pension to Edward Duffy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Duffy, late of Company H, Sixty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

QUINCY CORWIN.

The bill (H. R. 5853) granting an increase of pension to Quincy Corwin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Quincy Corwin, late of Company B, Twentieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY C. KEYSER.

The bill (H. R. 15024) granting an increase of pension to Henry C. Keyser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Keyser, late acting third assistant engineer, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES DAYTON.

The bill (H. R. 2852) granting an increase of pension to James Dayton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Dayton, late of Company F, Tenth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES T. CASKEY.

The bill (H. R. 16190) granting an increase of pension to James T. Caskey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James T. Caskey, late of Company E, Fortieth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM G. LONG.

The bill (H. R. 16210) granting an increase of pension to Abraham G. Long was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham G. Long, late of Company F, Fifth Regiment Iowa Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY DAGENFIELD.

The bill (H. R. 16215) granting an increase of pension to Mary Dagenfield was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twelve" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Dagenfield, widow of Adolph Dagenfield, late sergeant, Company C, Second Regiment United States Artillery, war with Mexico, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

AUGUSTUS J. MOREY.

The bill (H. R. 16250) granting an increase of pension to Augustus J. Morey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus J. Morey, late recruit Third Regiment United States Dragoons, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENOS DAY.

The bill (H. R. 16334) granting an increase of pension to Enos Day was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Enos Day, late of Twentieth Battery, Indiana Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN HICKS.

The bill (H. R. 16428) granting an increase of pension to Edwin Hicks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin Hicks, late of Company K, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD FARRELL.

The bill (H. R. 16520) granting a pension to Edward Farrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Farrell, late of Company C, Sixth Regiment United States Infantry, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH S. RICE.

The bill (H. R. 1138) granting an increase of pension to Joseph S. Rice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph S. Rice, late of Company C, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. GASKILL.

The bill (H. R. 667) granting an increase of pension to George H. Gaskill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Gaskill, late of Company A, Seventy-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS H. PADGETT.

The bill (H. R. 2173) granting an increase of pension to Thomas H. Padgett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. Padgett, late of Company A, Thirty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN T. SIVELS.

The bill (H. R. 16582) granting a pension to Ellen T. Sivels was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen T. Sivels, widow of Thomas Sivels, late of Company C, Ninety-ninth Regiment New York Militia Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT B. WILLIBY.

The bill (H. R. 16650) granting an increase of pension to Robert B. Williby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert B. Williby, late of Companies K and A, Thirty-fourth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. MOSIER.

The bill (H. R. 17274) granting an increase of pension to Andrew J. Mosier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Mosier, late of United States ships *Massachusetts* and *Zeta*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY B. WATSON.

The bill (H. R. 17273) granting a pension to Mary B. Watson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary B. Watson, widow of Nimrod W. Watson, late of Captain John W. Dickey's independent company, Alabama Scouts and Guides, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILAS MOSHER.

The bill (H. R. 1375) granting an increase of pension to Silas Mosher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Silas Mosher, late of Company A, One hundred and seventy-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINER L. BRADEN.

The bill (H. R. 5822) granting an increase of pension to Miner L. Braden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Miner L. Braden, late of Company F, Palmetto Regiment South Carolina Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALMA L. WELLS.

The bill (H. R. 15894) granting an increase of pension to Alma L. Wells was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alma L. Wells, widow of Henry M. Wells, late surgeon, United States Navy, and to pay her a pension of $40 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERBERT D. INGERSOLL.

The bill (H. R. 15928) granting an increase of pension to Herbert D. Ingersoll was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Herbert D. Ingersoll, late of Company D, Fifty-ninth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL F. WILLIAMS.

The bill (H. R. 16182) granting an increase of pension to Samuel F. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel F. Williams, late sergeant-major, First Regiment North Carolina Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY C. MAXWELL.

The bill (H. R. 1893) granting an increase of pension to Henry C. Maxwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Maxwell, late of Company D, Sixth Regiment Tennessee Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JERRY EDWARDS.

The bill (H. R. 10881) granting an increase of pension to Jerry Edwards was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jerry Edwards, late of Company F, First Regiment United States Colored Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILAS FLOURNOY.

The bill (H. R. 1018) granting an increase of pension to Silas Flournoy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Silas Flournoy, late of Company I, Second Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. BRANAM.

The bill (H. R. 5274) granting an increase of pension to William T. Branam was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Branam, late of Company I, Fifth Regiment Tennessee Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA HOWARD.

The bill (H. R. 17235) granting an increase of pension to Martha Howard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha Howard, widow of Lewis S. C. Howard, late of Company F, First Regiment Tennessee Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the two minor children of the soldier until they shall arrive at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. MORGAN.

The bill (H. R. 17151) granting a pension to William T. Morgan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Morgan, late of Company F, Fifth Regiment United States Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL E. CARLTON.

The bill (H. R. 16454) granting an increase of pension to Samuel E. Carlton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel E. Carlton, late of Company B, Forty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JENNIE WHITE.

The bill (H. R. 17194) granting an increase of pension to Jennie White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie White, widow of Robert O. White, late of Company E, Third Regiment Illinois Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN LONG.

The bill (H. R. 16455) granting an increase of pension to John Long was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Long, late of Company H, Thirty-first Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN B. CAHOON.

The bill (H. R. 14374) granting an increase of pension to Benjamin B. Cahoon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin B. Cahoon, late of Company D, First Regiment Delaware Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH MUNCHER.

The bill (H. R. 16376) granting an increase of pension to Joseph Muncher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Muncher, late of Company A, One hundred and thirty-second Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. POWELL.

The bill (H. R. 16442) granting an increase of pension to John A. Powell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Powell, late of Company I, Fourth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES P. HOPKINS.

The bill (H. R. 16523) granting an increase of pension to Charles P. Hopkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles P. Hopkins, late of Company M, Seventh Regiment Indiana Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. LEE.

The bill (H. R. 1734) granting an increase of pension to William H. Lee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Lee, late of Company D, Eighth Regiment Iowa Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES JACOBS.

The bill (H. R. 1858) granting an increase of pension to James Jacobs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Jacobs, late of Company K, Fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT KENNISH.

The bill (H. R. 1340) granting a pension to Robert Kennish was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Kennish, late mate United States ship *Restless*, United States Navy, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL BOUGHMAN.

The bill (H. R. 3738) granting an increase of pension to Daniel Boughman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Boughman, late of Company C, Eleventh Regiment Indiana Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIDNEY S. BREWERTON.

The bill (H. R. 17608) granting an increase of pension to Sidney S. Brewerton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sidney S. Brewerton, late of Company F, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM LOUTHER.

The bill (H. R. 15863) granting an increase of pension to William Louther was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Louther, late of Company A, Sixth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. MATHENY.

The bill (H. R. 4763) granting an increase of pension to John C. Matheny was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Matheny, late of Company H, Fourth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH SHROYER.

The bill (H. R. 13730) granting an increase of pension to Joseph Shroyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Shroyer, late of Company F, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRIETTA W. WILSON.

The bill (H. R. 15982) granting an increase of pension to Henrietta W. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henrietta W. Wilson, widow of Thomas Wilson, late major and commissary of subsistence, and colonel and assistant commissary-general of subsistence, United States Army, and to pay her a pension of $35 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BIDDLE.

The bill (H. R. 3419) granting an increase of pension to John Biddle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Biddle, late of Company I, Ninety-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA C. WALDRON.

The bill (H. R. 12803) granting a pension to Emma C. Waldron was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma C. Waldron, widow of William N. Waldron, late of Company F, Sixth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORESTES B. WRIGHT.

The bill (H. R. 3347) granting an increase of pension to Orestes B. Wright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orestes B. Wright, late of Company K, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $25 per month in lieu that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES F. HOWARD.

The bill (H. R. 8711) granting an increase of pension to James F. Howard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. Howard, late of Company A, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE R. E. NESBITT.

The bill (H. R. 4294) granting an increase of pension to Annie R. E. Nesbitt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie R. E. Nesbitt, widow of Thomas S. Nesbitt, late first lieutenant and regimental quartermaster Seventh Regiment Maryland Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY H. SIBLEY.

The bill (H. R. 16445) granting an increase of pension to Henry H. Sibley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry H. Sibley, late captain Company B, Sixteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIJAH PANTALL.

The bill (H. R. 5178) granting an increase of pension to Elijah Pantall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elijah Pantall,

late of Company F, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and Company H, Twenty-fourth Regiment Veteran Reserve Corps, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. MILES.

The bill (H. R. 4230) granting an increase of pension to William H. Miles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Miles, late of Company I, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY D. M'FARLAND.

The bill (H. R. 15895) granting a pension to Harry D. McFarland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harry D. McFarland, helpless and dependent child of James McFarland, late of Company F, Second Regiment New Jersey Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATIE B. MEISTER.

The bill (H. R. 16024) granting an increase of pension to Katie B. Meister was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Katie B. Meister, widow of Albert Meister, late of Third Independent Battery, New York Volunteer Light Artillery, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET A. RUCKER.

The bill (H. R. 16266) granting an increase of pension to Margaret A. Rucker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret A. Rucker, widow of William P. Rucker, late major, Thirteenth Regiment West Virginia Volunteer Infantry, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. BARTON.

The bill (H. R. 16514) granting an increase of pension to John W. Barton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Barton, late of Company K, Fifth Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD LILLEY.

The bill (H. R. 16578) granting an increase of pension to Edward Lilley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Lilley, late of Company C, One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. BRINKER.

The bill (H. R. 11565) granting a pension to Sarah A. Brinker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Brinker, widow of Henry R. Brinker, late of Dick's independent company Pennsylvania Militia Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PALMETTO DODSON.

The bill (H. R. 7968) granting an increase of pension to Palmetto Dodson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Palmetto Dodson, widow of Charles M. Dodson, late of Company A, Fifty-second Regiment, and Company B, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving and $2 per month additional on account of a minor child of said soldier until said child shall arrive at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. WINTERS.

The bill (H. R. 7737) granting a pension to William H. Winters was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Winters, late of the United States Marine Corps and Company F, Third Regiment United States Artillery, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM M. BARR.

The bill (H. R. 8780) granting an increase of pension to Abraham M. Barr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham M. Barr, late assistant surgeon, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE HENDERSON.

The bill (H. R. 8778) granting an increase of pension to George Henderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Henderson, late of Company K, Sixth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. PARKINSON.

The bill (H. R. 11306) granting an increase of pension to John C. Parkinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Parkinson, late second assistant engineer U. S. S. *Louisville*, United States Navy, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AQUILLA M. HIZAR.

The bill (H. R. 10727) granting an increase of pension to Aquilla M. Hizar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Aquilla M. Hizar, late captain Company I, First Regiment Delaware Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. ADAMS.

The bill (H. R. 10686) granting an increase of pension to George W. Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Adams, late of Company G, Thirty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES DORIN.

The bill (H. R. 10358) granting an increase of pension to Charles Dorin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Dorin, late of Company G, Tenth Regiment Michigan Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY GOOD.

The bill (H. R. 6864) granting an increase of pension to Henry Good was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Good, late of Company C, Third Regiment Ohio Volunteers, war with Mexico, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES C. MILLER.

The bill (H. R. 9833) granting an increase of pension to James C. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James C. Miller, late of Company K, Thirtieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. THOMPSON.

The bill (H. R. 9829) granting an increase of pension to William J. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Thompson, late of Company H, Seventh Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. WEIGAND.

The bill (H. R. 11918) granting a pension to Mary A. Weigand was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Weigand, widow of Frederick Weigand, late first lieutenant Company G, Seventh Regiment Rhode Island Volunteer Infantry, and to pay her a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA JEWELL.

The bill (H. R. 9606) granting a pension to Martha Jewell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha Jewell, widow of Quintus Jewell, late of Company K, One hundred and twenty-third Regiment United States Colored Volunteer Infantry, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL CRAIG.

The bill (H. R. 9627) granting an increase of pension to Daniel Craig was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Craig, late of Company A, Twelfth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. PAGE.

The bill (H. R. 9601) granting an increase of pension to John B. Page was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Page, late of Company K, Fifth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH C. REESE.

The bill (H. R. 10494) granting an increase of pension to Hannah C. Reese was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah C. Reese, widow of David Reese, late of Company G, Second Regiment Pennsylvania Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. MURPHY.

The bill (H. R. 9415) granting an increase of pension to John E. Murphy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John E. Murphy, late of Company B, Sixty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE A. HAVEL.

The bill (H. R. 9417) granting an increase of pension to George A. Havel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George A. Havel, late of Company C, Twenty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EPHRAIM MARBLE.

The bill (H. R. 10250) granting an increase of pension to Ephraim Marble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ephraim Marble, late captain Companies B and F, Ninth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN M. SEXTON.

The bill (H. R. 7720) granting an increase of pension to Stephen M. Sexton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen M. Sexton, late of Company F, First Regiment Iowa Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL MEADOWS.

The bill (H. R. 8518) granting an increase of pension to Samuel Meadows was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Meadows, late of Company H, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUGENE ORR, ALIAS CHARLES SOUTHARD.

The bill (H. R. 7902) granting an increase of pension to Eugene Orr, alias Charles Southard, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eugene Orr, alias Charles Southard, late master-at-arms, U. S. S. *North Carolina*, *Oneida*, and *Bienville*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. M'KIM.

The bill (H. R. 7837) granting an increase of pension to Mary J. McKim, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. McKim, widow of William E. McKim, late assistant surgeon of One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE EDDY POTTER.

The bill (H. R. 12521) granting an increase of pension to Alice Eddy Potter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice Eddy Potter, widow of William E. Potter, late captain Company G, Twelfth Regiment New Jersey Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE WOODS.

The bill (H. R. 6238) granting an increase of pension to Jesse Woods was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse Woods, late of Company I, First Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOLOMON RIDDELL.

The bill (H. R. 6256) granting an increase of pension to Solomon Riddell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Solomon Riddell, late of Company H, Ninth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN ALSPAUGH.

The bill (S. 1211) to correct the military record of John Alspaugh was considered as in Committee of the Whole. It directs the Secretary of War to enter the name of John Alspaugh on the muster-in rolls of Company E, One hundred and fifty-third Ohio National Guard Volunteers, as of May 2, 1864, thereby substituting John Alspaugh for one Elias Alspaugh, who the records erroneously show was mustered in as a member of the organization, though performing no service therein.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISRAEL E. MUNGER.

The bill (H. R. 601) granting an increase of pension to Israel E. Munger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Israel E. Munger, late of Company I, Twelfth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VIRGINIA A. HILBURN.

The bill (H. R. 16930) granting a pension to Virginia A. Hilburn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Virginia A. Hilburn, widow of Charles E. Hilburn, late of Captain Crump's company, First Regiment Texas Mounted Volunteers, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GILSON LAWRENCE.

The bill (H. R. 16985) granting an increase of pension to Gilson Lawrence was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gilson Lawrence, late of Company E, Third Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID R. WALDEN.

The bill (H. R. 16583) granting an increase of pension to David R. Walden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David R. Walden, late of Company H, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHELDON B. FARGO.

The bill (H. R. 16023) granting an increase of pension to Sheldon B. Fargo was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sheldon B. Fargo, late of Captain Lamerick's company, Oregon Volunteers, Oregon and Washington Territory Indian war, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL H. FRAZIER.

The bill (H. R. 16437) granting an increase of pension to Samuel H. Frazier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel H. Frazier, late of Company A, Seventy-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LARS F. WADSTEN, ALIAS FREDERICK WADSTEN.

The bill (H. R. 11898) granting a pension to Lars F. Wadsten, alias Frederick Wadsten, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lars F. Wadsten, alias Frederick Wadsten, late of Company K, Nineteenth Regiment Kansas Volunteer Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED B. MENARD.

The bill (H. R. 9578) granting an increase of pension to Alfred B. Menard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred B. Menard, late of Company D, First Regiment Texas Volunteer Rifles, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS C. JACKSON.

The bill (H. R. 9556) granting an increase of pension to Thomas C. Jackson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas C. Jackson, late of Company B, Forty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. HERRIDGE.

The bill (H. R. 9261) granting an increase of pension to William C. Herridge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Herridge, late of Captain Gant's company, Alabama Volunteers, Cherokee Indian disturbances, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BERRY.

The bill (H. R. 9046) granting a pension to William Berry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Berry, late of Captain Gilbreath's company, Alabama Scouts and Guides, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WHEELER LINDENBOWER.

The bill (H. R. 7745) granting an increase of pension to Wheeler Lindenbower was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wheeler Lindenbower, late of Company C, Fourth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES THOMPSON BROWN.

The bill (H. R. 8046) granting an increase of pension to James Thompson Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Thompson Brown, late of Company K, Third Regiment Missouri Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATHIAS BRADY.

The bill (H. R. 7821) granting an increase of pension to Mathias Brady was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mathias Brady, late of Company A, Fifth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. EDGEMON.

The bill (H. R. 10456) granting an increase of pension to William T. Edgemon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Edgemon, late of Company F, Second Regiment United States Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES HAMMOND, ALIAS HIRAM W. KIRKPATRICK.

The bill (H. R. 7687) granting an increase of pension to Charles Hammond, alias Hiram W. Kirkpatrick, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Hammond, alias Hiram W. Kirkpatrick, late of Company B, Sixty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. HAMMOND.

The bill (H. R. 8948) granting an increase of pension to John W. Hammond was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Hammond, late of Company C, Twentieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL M. STUKES.

The bill (H. R. 9257) granting an increase of pension to Nathaniel M. Stukes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathaniel M. Stukes, late of Captain Handley's company, First Regiment Texas Volunteer Cavalry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL S. GARST.

The bill (H. R. 8277) granting an increase of pension to Samuel S. Garst was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel S. Garst, late of Company G, Second Regiment Illinois Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. SIZER.

The bill (H. R. 10924) granting an increase of pension to Thomas J. Sizer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Sizer, late of Company I, Seventeenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL FISH.

The bill (H. R. 10580) granting an increase of pension to Samuel Fish was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Fish, late of Company C, Thirty-fourth Regiment Illinois Volunteer Infantry, and One hundred and seventh Company, Second Battalion Veteran Reserve Corps, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. GERARD.

The bill (H. R. 10473) granting an increase of pension to John B. Gerard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Gerard, late of Company I, Second Regiment Minnesota Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN R. SOUTH.

The bill (H. R. 10161) granting an increase of pension to Benjamin R. South was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin R. South, late of Company K, Seventy-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. LOCKHART.

The bill (H. R. 10173) granting an increase of pension to John H. Lockhart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Lockhart, late of Company G, Ninety-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARBY FRIER.

The bill (H. R. 10030) granting an increase of pension to Arby Frier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Arby Frier, late of Company A, Sixteenth Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. GRIFFITH.

The bill (H. R. 7540) granting an increase of pension to William F. Griffith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Griffith, late of Company L, Third Regiment Indiana Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN C. SMITH.

The bill (H. R. 6985) granting a pension to Susan C. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan C. Smith, widow of Ashbel W. Smith, late of Independent Battery E, Pennsylvania Volunteer Light Artillery, and to pay her a pension of $8 per month, such pension to cease upon proof that the soldier is living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. DOHERTY.

The bill (H. R. 6452) granting an increase of pension to William H. Doherty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Doherty, late of Company K, Forty-second Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM LINN.

The bill (H. R. 6213) granting an increase of pension to Hiram Linn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram Linn, late of Company H, Ninety-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EVANS BLAKE.

The bill (H. R. 11593) granting an increase of pension to Evans Blake was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Evans Blake, late first lieutenant and regimental quartermaster Forty-fifth Regiment Illinois Volunteer Infantry, and captain and commissary of subsistence, United States Volunteers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. HALL.

The bill (H. R. 11591) granting an increase of pension to John B. Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Hall, late of Captain Stoke's battery, Illinois Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. SPEED.

The bill (H. R. 11532) granting an increase of pension to Andrew J. Speed was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Speed, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNY L. CONINE.

The bill (H. R. 11374) granting an increase of pension to Fanny L. Conine, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fanny L. Conine, widow of James W. Conine, late of Captain Simmon's independent battery, Kentucky Volunteer Light Artillery, and colonel Fifth Regiment United States Colored Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMELIA E. GRIMSLEY.

The bill (H. R. 9791) granting an increase of pension to Amelia E. Grimsley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amelia E. Grimsley, widow of Fielding W. Grimsley, late of Company B, Permanent Guard (Draft Rendezvous, Indianapolis) Indiana Volunteer Infantry, and unassigned, Twenty-second Regiment Indiana Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH A. C. CURTIS.

The bill (H. R. 6919) granting an increase of pension to Joseph A. C. Curtis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph A. C. Curtis, late of Company D, Sixth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANNIE L. SCHMITT.

The bill (H. R. 6450) granting an increase of pension to Nannie L. Schmitt was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of Nannie L. Schmitt, widow of William A. Schmitt, late lieutenant-colonel Twenty-seventh Regiment Illinois Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INEZ TALKINGTON.

The bill (H. R. 8820) granting a pension to Inez Talkington was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Inez Talkington, helpless and dependent daughter of Robert Talkington, late of Company A, Ninth Regiment Indiana Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILTON H. WAYNE.

The bill (H. R. 8157) granting an increase of pension to Milton H. Wayne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton H. Wayne, late of Company A, Twentieth Regiment Wisconsin Volunteer Infantry, and Company C, Fifth Regiment Veteran Reserve Corps, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VALENTINE BARTLEY.

The bill (H. R. 1151) granting an increase of pension to Valentine Bartley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Valentine Bartley, late of Company H, Sixth Regiment Indiana Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID RANKIN.

The bill (H. R. 1245) granting an increase of pension to David Rankin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Rankin, late of Company G, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN D. CLARK.

The bill (H. R. 4679) granting an increase of pension to Franklin D. Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin D. Clark, late of Company E, Forty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SIMMONS.

The bill (H. R. 3333) granting a pension to William Simmons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Simmons, late recruit, United States Army, war with Mexico, and Company I, Second Regiment United States Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH H. WAGONER.

The bill (H. R. 5956) granting an increase of pension to Joseph H. Wagoner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph H. Wagoner, late of Company I, Fifth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM G. HOKE.

The bill (H. R. 5044) granting an increase of pension to Hiram G. Hoke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram G. Hoke, late of Company B, Ninth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASHFORD R. MATHENY.

The bill (H. R. 2721) granting an increase of pension to Ashford R. Matheny was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ashford R. Matheny, late of Company K, Eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH W. VANCE.

The bill (H. R. 4350) granting an increase of pension to Joseph W. Vance was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph W. Vance, late of Company I, Forty-second Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. EDDY.

The bill (H. R. 2731) granting an increase of pension to James M. Eddy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Eddy, late of Company F, One hundred and sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LORENZO D. HARTWELL.

The bill (H. R. 17028) granting an increase of pension to Lorenzo D. Hartwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo D. Hartwell, late of Company F, Thirty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM N. J. BURNS.

The bill (H. R. 16179) granting an increase of pension to William N. J. Burns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William N. J. Burns, late hospital steward, Fifth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS DE LAITTRE.

The bill (H. R. 15907) granting an increase of pension to Lewis De Laittre was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Army," to insert "war with Mexico;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis De Laittre, late of Company A, Corps of Engineers, United States Army, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE W. WARREN.

The bill (H. R. 9993) granting a pension to George W. Warren was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Warren, late of Company D, Nineteenth Regiment Kansas Volunteer Cavalry, and to pay him a pension of $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LLOYD D. BENNETT.

The bill (H. R. 8290) granting an increase of pension to Lloyd D. Bennett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lloyd D. Bennett, late of Company D, Thirty-ninth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS HUGHES.

The bill (H. R. 11361) granting an increase of pension to Thomas Hughes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Hughes, late captain Company A, Berry's battalion Missouri

Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MANNING ABBOTT.

The bill (H. R. 11367) granting an increase of pension to Manning Abbott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Manning Abbott, late of Company C, Twenty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY G. THOMAS.

The bill (S. 2624) granting an honorable discharge to Henry G. Thomas, deceased, Company C, Second Kentucky Cavalry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "Cavalry," to insert the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of, and grant an honorable discharge to, Henry G. Thomas, deceased, late captain of Company C, Second Kentucky Cavalry: *Provided*, That no pay, bounty, or other emoluments shall accure by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PELEG T. GRIFFITH.

The bill (S. 1166) to correct the military record of Peleg T. Griffith was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 8, after the name "Griffith," to insert the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause the records to be so amended as to remove the charge of absence without leave from the military record of Peleg T. Griffith, late captain Company F, One hundred and seventeenth United States Colored Troops, and that an honorable discharge be granted the said Peleg T. Griffith: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEZEKIAH DAVIS.

The bill (S. 4197) authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in section 2, page 2, line 16, after the word "wars," to insert the following proviso:

Provided, That nothing in this act shall be construed as granting a pensionable status to the said Elizabeth C. Davis to date prior to the passage of this act.

So as to make the section read:

SEC. 2. That when the name of Hezekiah Davis has been entered on the roll of Captain Humason's company, as authorized and directed, his widow, Elizabeth C. Davis, shall be granted the pay due said soldier for his services and pension under the act of June 27, 1902, in the same manner as such claims are granted to the widows of Indian war volunteers whose names now appear on the original company rolls and records of the various Indian wars: *Provided*, That nothing in this act shall be construed as granting a pensionable status to the said Elizabeth C. Davis to date prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the Calendar of pension and military record bills.

Mr. McCUMBER. If no one desires an executive session, Mr. President, I shall move that the Senate adjourn.

Mr. KEAN. I should like to have an executive session.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Jersey for that purpose?

Mr. McCUMBER. Certainly.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 28, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 27, 1906.

COLLECTORS OF CUSTOMS.

Charles T. Stanton, of Connecticut, to be collector of customs for the district of Stonington, in the State of Connecticut. (Reappointment.)

John Peterson, of Minnesota, to be collector of customs for the district of Minnesota, in the State of Minnesota. (Reappointment.)

PROMOTIONS IN THE ARMY.

Subsistence Department.

Maj. Albert D. Kniskern, commissary, to be deputy commissary-general with the rank of lieutenant-colonel from April 24, 1906, vice West, deceased.

Capt. Charles P. Stivers, commissary, to be commissary with the rank of major from April 24, 1906, vice Kniskern, promoted.

Artillery Corps.

Capt. John C. W. Brooks, Artillery Corps, to be major from March 16, 1906, vice Parkhurst, promoted.

Capt. George T. Bartlett, Artillery Corps, to be major from March 26, 1906, vice Macomb, promoted.

Capt. Charles A. Bennett, Artillery Corps, to be major from April 1, 1906, vice Harrison, promoted.

Capt. Edward A. Millar, Artillery Corps, to be major from April 14, 1906, vice Greble, detailed as inspector-general.

PROMOTION IN THE PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

Second Lieut. Pedro J. Parra, Porto Rico Provisional Regiment of Infantry, to be first lieutenant from February 23, 1906, vice Stephenson, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 27, 1906.

COLLECTOR OF CUSTOMS.

William F. Stone, of Maryland, to be collector of customs for the district of Baltimore, in the State of Maryland.

PROMOTION IN THE NAVY.

Assistant Naval Constructor Richard H. Robinson to be a naval constructor in the Navy from the 21st day of April, 1906.

POSTMASTERS.

MISSOURI.

Malissa Conway to be postmaster at Vandalia, in the county of Audrain and State of Missouri.

NEW JERSEY.

Elias H. Bird to be postmaster at Plainfield, in the county of Union and State of New Jersey.

NEW YORK.

James M. Miller to be postmaster at Washingtonville, in the county of Orange and State of New York.

William N. Wallace to be postmaster at Gowanda, in the county of Cattaraugus and State of New York.

OHIO.

E. L. Byers to be postmaster at Mechanicsburg, in the county of Champaign and State of Ohio.

E. A. Gordon to be postmaster at Upper Sandusky, in the county of Wyandot and State of Ohio.

L. E. Simes to be postmaster at Covington, in the county of Miami and State of Ohio.

PENNSYLVANIA.

Preston E. Hannum to be postmaster at Christiana, in the county of Lancaster and State of Pennsylvania.

VIRGINIA.

Charles A. Lacy to be postmaster at Houston, in the county of Halifax and State of Virginia.

Charles P. Nair to be postmaster at Clifton Forge, in the county of Alleghany and State of Virginia.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 27, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

SAN FRANCISCO DISASTER.

Mr. LITTAUER. Mr. Speaker, I am directed by the Committee on Appropriations to report the bill (H. R. 18709) making additional appropriations for the public service on account of the earthquake and attending conflagration on the Pacific coast, which I send to the desk and ask to have read.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

Mr. LITTAUER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill of which the Clerk has just reported the title.

Mr. WILLIAMS. Mr. Speaker, I understand that this is one of those San Francisco relief bills.

Mr. LITTAUER. It is a bill to provide for the necessary expenditures in the postal service arising from the earthquake and fire disaster in the State of California.

Mr. WILLIAMS. It is intended to furnish employment for laboring men there?

Mr. LITTAUER. One part of the bill, that in connection with the Navy Department, is to furnish employment at the Mare Island Navy-Yard. The other part would take care of the necessary temporary quarters and clerical force in the Post-Office Department occasioned by the earthquake.

Mr. WILLIAMS. As I understand the proposed legislation, it merely does now certain work which would have to be done later on.

Mr. LITTAUER. That is true as far as it applies to the Navy Department. It takes care of the postal service by meeting requirements for its immediate necessities.

Mr. WILLIAMS. I shall not object to the consideration of that bill.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. LITTAUER. Certainly.

Mr. MANN. I understand that a part of this bill is for the purpose of giving employment to labor in San Francisco?

Mr. LITTAUER. A part of this bill is to enable the Navy Department at Mare Island to proceed immediately with repairs to the ships now there. Authorization for these repairs has already been made, but the funds are not sufficient to carry on the work at this time. In the regular course this work would proceed after the 1st of July next, but this provision would enable the work to go right on at once. The bill will make the funds appropriated available only until the 1st of July.

Mr. MANN. I do not quite understand the purpose of the bill at this time, but I see by the morning paper that labor is in great demand at San Francisco, and it would seem that any bill especially designed for the purpose of putting men at work there would be against the interests of the people there instead of in their interest. There is money there and there is work there.

Mr. LITTAUER. We have taken that matter under full consideration and limited the expenditure until the 1st of July. It will apply to skilled mechanics and laborers in connection with the repairs under the Bureau of Steam Engineering.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. LITTAUER. Mr. Speaker, I now ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the following sums for the objects herein specified, namely:

NAVY DEPARTMENT.

To enable the Secretary of the Navy to employ such additional laborers and mechanics as may in his judgment be necessary for immediate service under the Bureau of Steam Engineering in the navy-yard at Mare Island, Cal., to remain available until June 30, 1906, the sum of $100,000, or so much thereof as may be necessary.

POSTAL SERVICE.

To enable the Postmaster-General, in his discretion, to meet emergencies in the postal service in the State of California, occasioned by earthquake and fire, to be paid out of the revenues of the postal service and to remain available until June 30, 1906, the sum of $70,000. A detailed statement of the expenditures of the sum shall be submitted to Congress at its next regular session.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken, and the bill was ordered to be engrossed and read a third time; was read the third time, and passed.

Mr. LITTAUER. Mr. Speaker, I am a little dilatory, but I would like to state to the House the reason why we submit an appropriation of $100,000 while the message of the President recommends an appropriation of $300,000.

The SPEAKER. Is there objection to the gentleman making a statement? [After a pause.] The Chair hears none.

Mr. LITTAUER. The $300,000 was intended to give employment to 2,100 men over a period of twelve months. We were advised by the Assistant Secretary of the Navy that $50,000 of this amount could properly be expended each month, consequently as the bill reported to the House extended only to the 30th of June, the balance of the current year, $100,000 was sufficient to meet the requirements. It was made applicable only to the Bureau of Steam Engineering, as all the other bureaus have funds sufficient for their work. On July 1 the annual appropriation for the Bureau of Steam Engineering will become available and the continuance of this work can be taken care of thereby.

The Postmaster-General wrote requesting $100,000, based on an estimate to cover twelve months. As the very largest part of this appropriation would be needed for temporary quarters, for equipment, wagon service, and the like, on figures presented to us by the Second Assistant Postmaster-General we have submitted $70,000 instead of $100,000, believing that full and ample provision was thus made for the emergency.

On motion of Mr. LITTAUER, a motion to reconsider the last vote was laid on the table.

REGULATION OF THE PRACTICE OF PHARMACY IN THE DISTRICT OF COLUMBIA.

Mr. CAMPBELL of Kansas. Mr. Speaker, I offer the conference report on the bill (H. R. 8997) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia for the purpose of being printed in the RECORD under the rule.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

The bill (H. R. 8997) entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes."

The SPEAKER. The report and statement will be printed in the RECORD.

ALLOTMENT OF LANDS TO INDIANS.

The SPEAKER laid before the House the bill (H. R. 11946) to amend section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians of the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," with Senate amendments.

The Senate amendments were read.

Mr. SHERMAN. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar, in order to-day under the rule, may be considered in the House as in Committee of the Whole.

Mr. WILLIAMS. Mr. Speaker, I feel constrained to object.

The SPEAKER. The gentleman from Mississippi objects.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar, in order to-day under the rule.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole, with Mr. CAPRON in the chair.

JOHN SPAULDING.

The next pension business was the bill (H. R. 4244) granting an increase of pension to John Spaulding.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of John Spaulding, late of Company D, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOSEPH FRENCH.

The next pension business was the bill (H. R. 17072) granting a pension to Joseph French.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph French, late of Company K, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "K" and insert in lieu thereof the letter "E."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Joseph French."

JOHN W. MARSHALL.

The next pension business was the bill (H. R. 17557) granting an increase of pension to John W. Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Marshall, late lieutenant-colonel Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

PHILO GREEN.

The next pension business was the bill (H. R. 17913) granting an increase of pension to Philo Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philo Green, late of Company M, Twenty-fourth Regiment New York Volunteer Cavalry, and of Company M, Provisional New York Mounted Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out the words "and of Company M, Provisional New York Mounted Volunteer Infantry."

In line 9 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ENOCH BOYLE.

The next pension business was the bill (H. R. 17806) granting an increase of pension to Enoch Boyle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enoch Boyle, late of Troop G, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Troop" and insert in lieu thereof the word "Company."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILBUR F. LANE.

The next pension business was the bill (H. R. 17797) granting an increase of pension to Wilbur F. Lane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilbur F. Lane, late of Company G, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THADDEUS C. S. BROWN.

The next pension business was the bill (H. R. 17395) granting an increase of pension to Thaddeus C. S. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thaddeus C. S. Brown, late of Company I, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES GRAY.

The next pension business was the bill (H. R. 15003) granting an increase of pension to James Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Gray, late of Company K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL M. REESE.

The next pension business was the bill (H. R. 15634) granting an increase of pension to Samuel M. Reese.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel M. Reese, late of Company B, One hundred and fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteer" and insert in lieu thereof the words "National Guard."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-five."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM T. BURGESS.

The next pension business was the bill (H. R. 15819) granting an increase of pension to William T. Burgess.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Burgess, late of Company E, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NORTH ANN DORMAN.

The next pension business was the bill (H. R. 16471) granting an increase of pension to North Ann Dorman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of North Ann Dorman, widow of Ephraim D. Dorman, late of Company G, Second Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY B. TEETOR.

The next pension business was the bill (H. R. 16648) granting an increase of pension to Henry B. Teetor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry B. Teetor, late captain Company B, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "first lieutenant and."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL SHRADER.

The next pension business was the bill (H. R. 16193) granting an increase of pension to Daniel Shrader.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Shrader, late of Company I, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOUIS STOECKIG.

The next pension business was the bill (H. R. 16629) granting an increase of pension to Louis Stoeckig.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis Stoeckig, late of Companies A and L, Fourth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "Companies A and" and insert in lieu thereof the word "Company."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANKLIN COOLEY.

The next pension business was the bill (H. R. 14391) granting an increase of pension to Franklin Cooley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Cooley, late of Company A, Tenth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the letter "G."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARGARETTA E. HUTCHINS.

The next pension business was the bill (H. R. 14500) granting an increase of pension to Margaretta E. Hutchins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaretta E. Hutchins, widow of Moses F. Hutchins, late of Company I, Twelfth Regiment, and Company E, Fifth Regiment, New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out the words "and Company E, Fifth Regiment."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty."

In line 10, after the word "receiving," insert the words "*Provided*, That in the event of the death of Ernest B. Hutchins, helpless and dependent son of said Moses F. Hutchins, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Maragretta E. Hutchins the name of said Ernest B. Hutchins shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Margaretta E. Hutchins."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES M'KELVY.

The next pension business was the bill (H. R. 15316) granting an increase of pension to James McKelvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McKelvey, late of Company G, Sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "McKelvey" and insert in lieu thereof the word "McKelvy."

In line 7, after the word "Infantry," insert the words "and second lieutenant Company A, Fourteenth Regiment New York Volunteer Heavy Artillery."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH N. PIERSELL.

The next pension business was the bill (H. R. 10561) granting an increase of pension to Joseph N. Piersell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph N. Piersell, late of Company G, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EBENEZER W. AKERLEY.

The next pension business was the bill (H. R. 10524) granting an increase of pension to Ebenezer W. Akerley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ebenezer W. Akerley, late of Company B, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD ROSS.

The next pension business was the bill (H. R. 12810) granting an increase of pension to Edward Ross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Ross, late second lieutenant Company I, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES S. PROSE.

The next pension business was the bill (H. R. 13077) granting an increase of pension to James S. Prose.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James S. Prose, late of Company G, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PARDON B. LAMOREUX.

The next pension business was the bill (H. R. 13075) granting an increase of pension to Pard Lamoreux.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Pard Lamoreux, late of Company K, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Pard" and insert in lieu thereof the words "Pardon B."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FLORENCE SULLIVAN.

The next pension business was the bill (H. R. 8771) granting an increase of pension to Florence Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence Sullivan, late of Company F, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "sixty" and insert in lieu thereof the word "fifty-five."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES H. KEMP.

The next pension business was the bill (H. R. 7584) granting an increase of pension to James H. Kemp.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Kemp, late sergeant, Company B, Second Kentucky Battery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "sergeant" and insert in lieu thereof the word "of."

In same line strike out the word "Second" and insert in lieu thereof the words "First Regiment."

In line 7 strike out the word "Battery" and insert in lieu thereof the words "Volunteer Light Artillery."

In lines 7 and 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AUGUST CROME.

The next pension business was the bill (H. R. 9135) granting a pension to August Croma.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of August Croma, late of Company G, Tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the Committee were read, as follows:

In line 6 strike out the word "Croma" and insert in lieu thereof the word "Crome."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting a pension to August Crome."

JAMES W. DORMAN.

The next pension business was the bill (H. R. 10008) granting an increase of pension to James W. Dorman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Dorman, late of Company D, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. CHAPMAN.

The next pension business was the bill (H. R. 6061) granting an increase of pension to William H. Chapman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Chapman, late of Ninth Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES F. VOSS.

The next pension business was the bill (H. R. 6865) granting an increase of pension to Charles F. Voss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Voss, late of Company K, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANK L. FORNSHELL.

The next pension business was the bill (H. R. 735) granting an increase of pension to Frank L. Fornshell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank L. Fornshell, late of Company F, Twelfth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM BRIDGES.

The next pension business was the bill (H. R. 2168) granting an increase of pension to William Bridges.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Bridges, late of Company K, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. SMITH.

The next pension business was the bill (H. R. 2155) granting an increase of pension to William H. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Smith, late of Company G, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN F. ANDREWS.

The next pension business was the bill (H. R. 7508) granting an increase of pension to Benjamin F. Andrews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Andrews, late of Company G, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH S. LARRANCE.

The next pension business was the bill (H. R. 11510) granting a pension to Joseph S. Larrance.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph S. Larrance, late of Company B, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

PHILIP DUMONT.

The next pension business was the bill (H. R. 16630) granting an increase of pension to Philip Dumont.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip Dumont, late of Company E, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving

The bill was ordered to be laid aside with a favorable recommendation.

DELOSS WILLIAMS.

The next pension business was the bill (H. R. 17771) granting an increase of pension to Deloss Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Deloss Williams, late of Company I, Fifth Regiment Iowa Volunteer Cavalry, and Company B, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "I" and insert in lieu thereof the letter "B."

In line 7 strike out the word "Cavalry" and insert in lieu thereof the word "Infantry."

In same line strike out the letter "B" and insert in lieu thereof the letter "I."

In line 8 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM R. SNELL.

The next pension business was the bill (H. R. 17830) granting an increase of pension to William R. Snell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Snell, late of Company F, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE WILLY.

The next pension business was the bill (H. R. 16635) granting an increase of pension to George Willey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Willey, late of Company A, Fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Willey" and insert in lieu thereof the word "Willy."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to George Willy."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM HENDRICKS.

The next pension business was the bill (H. R. 16408) granting an increase of pension to William Hendricks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hendricks, late of Company B, Third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EZRA H. BROWN.

The next pension business was the bill (H. R. 15305) granting an increase of pension to Ezra H. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ezra H. Brown, late of Company A, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVIS PRESTON.

The next pension business was the bill (H. R. 11917) granting an increase of pension to Davis Preston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Davis Preston, late of Company H, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AARON L. ROCKWOOD.

The next pension business was the bill (H. R. 9138) granting an increase of pension to Aaron L. Rockwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron L. Rockwood, late of Company E, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "forty" and insert in lieu the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NELLIE A. BATCHELDER.

The next pension business was the bill (H. R. 8479) granting a pension to Nellie A. Batchelder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie A. Batchelder, widow of Winfield S. Batchelder, late first lieutenant Company H, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 9 strike out the word "fifty" and insert in lieu thereof the word "seventeen;" in same line, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Nellie A. Batchelder."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. MADISON.

The next pension business was the bill (H. R. 8547) granting an increase of pension to John W. Madison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Madison, late of Company F, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDNA M. JOHNSON.

The next pension business was the bill (H. R. 8833) granting an increase of pension to Edna M. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edna M. Johnson, dependent daughter of John B. Johnson, late of Company H, Fourteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "dependent," insert the words "helpless and."

In line 7 strike out the initial letter "H" and the word "Fourteenth" and insert in lieu thereof the initial letter "E" and the word "First."

In line 8 strike out the word "Infantry" and insert in lieu thereof the words "Heavy Artillery."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBERT M. BYAN.

The next pension business was the bill (H. R. 4406) granting a pension to Albert M. Ryan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert M. Ryan, late of Capt. Mike Gilbreth's company of scouts and guides, Alabama Volunteers, and pay him a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Mike Gilbreth's" and insert in lieu thereof the words "Michael M. Gilbreath's."

In line 7 strike out the words "of scouts and guides."

In same line strike out the word "Volunteers" and insert in lieu thereof the words "Scouts and Guides."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID F. EAKIN.

The next pension business was the bill (H. R. 17387) granting an increase of pension to David F. Eakin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David F. Eakin, late assistant surgeon, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-five."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL P. HOLLAND.

The next pension business was the bill (H. R. 4965) granting an increase of pension to Samuel P. Holland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel P. Holland, late of Company B, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

STEWART J. DONNELLY.

The next pension business was the bill (H. R. 18054) granting an increase of pension to Stewart J. Donnelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stewart J. Donnelly, late lieutenant and captain Company K, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "lieutenant and."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MILTON A. GRIFFETH.

The next pension business was the bill (H. R. 18019) granting an increase of pension to Milton A. Griffith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton A. Griffith, late of Company F, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Griffith" and insert in lieu thereof the word "Griffeth."

Amend the title so as to read: "A bill granting an increase of pension to Milton A. Griffeth."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES P. LORD.

The next pension business was the bill (H. R. 17480) granting an increase of pension to Charles P. Lord.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles P. Lord, late of Company C, Sixth Regiment Massachusetts Volunteer Infantry, and Company F, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out the words "of Company C, Sixth Regiment Massachusetts Volunteer Infantry, and" and insert in lieu thereof the words "first lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABRAHAM I. CANARY.

The next pension business was the bill (H. R. 17747) granting an increase of pension to Abraham I. Canary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham I. Canary, late of Company F, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILEY H. DIXON.

The next pension business was the bill (H. R. 13991) granting an increase of pension to Wiley H. Dixon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wiley H. Dixon, late of Company K, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Indiana," insert the words "and unassigned, Seventy-ninth Regiment."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMELINE A. STEWART.

The next pension business was the bill (H. R. 13979) granting a pension to Emeline A. Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emeline A. Stewart, widow of William E. Stewart, late lieutenant and adjutant, Twelfth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "second lieutenant, Company K, and first."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Emeline A. Stewart."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS ARMSTRONG.

The next pension business was the bill (H. R. 14801) granting an increase of pension to Thomas Armstrong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Armstrong, late of Company A, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPHINE B. PHELON.

The next pension business was the bill (H. R. 17736) granting an increase of pension to Josephine B. Phelon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine B. Phelon, widow of Henry A. Phelon, late of the United States Navy, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "acting master."

In line 7, before the word "United," strike out the word "of."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILSON H. M'CUNE.

The next pension business was the bill (H. R. 15869) granting an increase of pension to Wilson H. McCune.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilson H. McCune, late of Company A, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN C. LINSDAY.

The next pension business was the bill (H. R. 16044) granting an increase of pension to John C. Lindsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Lindsey, late of Company D, Thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Lindsey" and insert in lieu thereof the word "Linsday."

Amend the title so as to read: "A bill granting an increase of pension to John C. Linsday."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSIAS R. KING.

The next pension business was the bill (H. R. 15565) granting an increase of pension to Josias R. King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josias R. King, late captain, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "captain First" and insert in lieu thereof the words "lieutenant-colonel Second."

In same line strike out the word "Minnesota" and insert in lieu thereof the words "United States."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID W. KIRKPATRICK.

The next pension business was the bill (H. R. 16783) granting an increase of pension to David W. Kirkpatrick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David W. Kirkpatrick, late of Company A, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANK M. DOOLEY.

The next pension business was the bill (H. R. 15692) granting an increase of pension to Frank M. Dooley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank M. Dooley, late a chief of scouts in the Army of the Tennessee, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "a chief of scouts in the Army of the Tennessee" and insert in lieu thereof the words "scout, United States Volunteers."

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LAURENCE FOLEY.

The next pension business was the bill (H. R. 16295) granting an increase of pension to Lawrence Foley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lawrence Foley, late first lieutenant Company C, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Lawrence" and insert in lieu thereof the word "Laurence."

The title was amended so as to read: "A bill granting an increase of pension to Laurence Foley."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WHITMAN V. WHITE.

The next pension business was the bill (H. R. 16566) granting a pension to Whitman V. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Whitman V. White, late surgeon in chief First Division, Ninth Army Corps, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "in chief, First Division, Ninth Army Corps" and insert in lieu thereof the words "Fifty-seventh Regiment Massachusetts Volunteer Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE ROGERS.

The next pension business was the bill (H. R. 16284) granting an increase of pension to George Rogers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Rogers, late of Company F, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY T. CORNS.

The next pension business was the bill (H. R. 15152) granting an increase of pension to Mary T. Corns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary T. Corns, widow of James H. Corns, late captain, Eighty-first Regiment Ohio Volunteer Infantry, and United States Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "captain," insert the words "Company D."

In lines 7 and 8 strike out the words "United States" and insert in lieu thereof the words "captain Company K, Eighth Regiment, and Company C, Seventeenth Regiment."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN M'DONALD.

The next pension business was the bill (H. R. 10922) granting an increase of pension to John McDonald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McDonald, late brigadier-general, United States Volunteers, and pay him a pension at the rate of $150 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "brigadier-general, United States Volunteers" and insert in lieu thereof the words "major, Eighth Regiment Missouri Volunteer Infantry."

In lines 7 and 8 strike out the words "one hundred and fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN SIRMYER.

The next pension business was the bill (H. R. 11151) granting an increase of pension to John Sirmyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Sirmyer, late of Company D, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT D. WILLIAMSON.

The next pension business was the bill (H. R. 11365) granting an increase of pension to Robert D. Williamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert D. Williamson, late of Company I, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "thirty," insert the word "six."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH ELLEN DICKENS.

The next pension business was the bill (H. R. 12874) granting a pension to Ellen Dickens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Dickens, widow of Thomas Dickens, late of Company A, Sixty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Ellen," insert the word "Sarah."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM GIBSON.

The next pension business was the bill (H. R. 9529) granting an increase of pension to William Gibson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Gibson, late of Company E, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL DEEMS.

The next pension business was the bill (H. R. 10257) granting an increase of pension to Samuel Deems.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Deems, late of Company E, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALEXANDER MOORE.

The next pension business was the bill (H. R. 17678) granting an increase of pension to Alexander Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Moore, late captain and aid-de-camp and brevet colonel, United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out the words "and brevet colonel."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARVEY DEAL.

The next pension business was the bill (H. R. 10319) granting an increase of pension to Harvey Deal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey Deal, late of Company B, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS D. CAMPBELL.

The next pension business was the bill (H. R. 4363) granting an increase of pension to Thomas D. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas D. Campbell, late of Company M, Eleventh Regiment Missouri State Militia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the words "Cavalry, and Company L, Second Regiment Missouri Volunteer Cavalry."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM A. FAILER.

The next pension business was the bill (H. R. 5048) granting an increase of pension to William A. Failer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Failer, late of Company G, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDERSON J. SMITH.

The next pension business was the bill (H. R. 4625) granting a pension to Anderson J. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anderson J. Smith, late first lieutenant Company A, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "first lieutenant" and insert in lieu thereof the word "of."

In line 7, after the word "Regiment," insert the words "and Company C, Seventy-seventh Regiment."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIAS C. KITCHIN.

The next pension business was the bill (H. R. 5732) granting an increase of pension to Elias C. Kitchin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias C. Kitchin, late of the Twenty-first and the One hundred and fifty-fifth Regiments Volunteer Infantry, as assistant surgeon, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of the" and insert in lieu thereof the words "assistant surgeon."

In same line strike out the words "and the" and insert in lieu thereof the words "Regiment Pennsylvania Volunteer Cavalry and surgeon."

In line 7 strike out the word "Regiments" and insert in lieu thereof the words "Regiment Pennsylvania."

In same line and in line 8 strike out the words "as assistant surgeon."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GREENE having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 17:

H. R. 10480. An act for the relief of certain settlers upon land within the indemnity limits of the present St. Paul, Minneapolis and Manitoba Railway Company; and

H. R. 15328. An act to approve certain final proofs in the Chamberlain land district, South Dakota.

On April 18:

H. R. 2996. An act to reimburse Captain Sydney Layland for sums paid by him while master of the U. S. transport *Mobile* in July and August, 1898;

H. R. 12863. An act to create a new division of the southern judicial district of Texas, and to provide terms of court at Victoria, and for other purposes; and

H. R. 16140. An act to authorize the maintaining and operating for toll an existing structure across Tugaloo River, known as Knox's Bridge, at a point where said river is the boundary between the States of South Carolina and Georgia.

On April 19:

H. R. 9165. An act authorizing the Secretary of the Interior to issue patent to the Scandinavian Evangelical Lutheran Little Missouri River congregation to certain lands for cemetery purposes.

On April 20:

H. R. 10584. An act for the relief of F. H. Driscoll;

H. R. 13154. An act for the relief of John T. Irion;

H. R. 13247. An act for the relief of John H. Tharp, of Eversonville, Mo.; and

H. R. 14578. An act to provide for the establishment of a public crematorium in the District of Columbia, and for other purposes.

On April 21:

H. R. 120. An act to amend section 9 of the Code of Law for the District of Columbia;

H. R. 11275. An act increasing the penalty for certain offenses in the District of Columbia;

H. R. 16014. An act to amend an act entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein," approved June 1, 1900, and all acts amendatory thereof;

H. R. 3649. An act for the relief of Zenas Parker;

H. R. 6982. An act for the relief of James W. Jones;

H. R. 7709. An act for the relief of Joseph Crow;

H. R. 10605. An act for the relief of Edward F. Stahle;

H. R. 6158. An act granting an increase of pension to Henry Rittenhouse;

H. R. 6401. An act granting an increase of pension to William V. Van Ostern;

H. R. 9924. An act granting an increase of pension to Carrie A. Conley;

H. R. 11748. An act granting an increase of pension to James Wilson; and

H. R. 13010. An act granting an increase of pension to Alice B. Hartshorn.

On April 23:

H. R. 8278. An act authorizing the Secretary of the Interior to issue patent to Keystone Camp, No. 2879, of the Modern Woodmen of America, to certain lands for cemetery purposes;

H. R. 9324. An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County;

H. R. 15259. An act to authorize the North Mississippi Traction Company to construct dams and power stations on the Bear

River on the northeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.;

H. R. 1863. An act for the relief of M. A. McCafferty;

H. R. 6675. An act for the relief of the Methodist Church at New Haven, Ky.;

H. R. 14541. An act for the relief of C. R. Williams;

H. R. 17987. An act making an appropriation for the improvement of the mouth of the Columbia River;

H. R. 18334. An act making an appropriation to supply a deficiency in the appropriation for bringing home remains of officers and men of the Navy and Marine Corps who die abroad;

H. R. 1895. An act granting a pension to H. Edward Goetz;

H. R. 2034. An act granting a pension to Cora F. Mitchell;

H. R. 3569. An act granting a pension to Ada N. Hubbard;

H. R. 5840. An act granting a pension to Catherine Spier;

H. R. 6094. An act granting a pension to Julia G. Aldrich;

H. R. 6969. An act granting a pension to Ellen C. Lewis;

H. R. 7588. An act granting a pension to Thomas F. Dowling;

H. H. 8191. An act granting a pension to John Hobart;

H. R. 8307. An act granting a pension to William C. Estill;

H. R. 9190. An act granting a pension to Ida Carty;

H. R. 9661. An act granting a pension to Charles R. Hill;

H. R. 9888. An act granting a pension to Abigail Townsend;

H. R. 11076. An act granting a pension to Marion W. Stark;

H. R. 11622. An act granting a pension to Martha A. Remington;

H. R. 11657. An act granting a pension to Madison M. Burnett;

H. R. 12182. An act granting a pension to Sallie W. Mason;

H. R. 12651. An act granting a pension to Louis Grossman;

H. R. 13526. An act granting a pension to Levi N. Lunsford;

H. R. 14472. An act granting a pension to Thomas Cheek;

H. R. 523. An act granting an increase of pension to Franklin G. Hawkins;

H. R. 603. An act granting an increase of pension to Thomas Blyth;

H. R. 1069. An act granting an increase of pension to Daniel Britton;

H. R. 1218. An act granting an increase of pension to Nathan Hinkle;

H. R. 1357. An act granting an increase of pension to George W. Burton;

H. R. 1667. An act granting an increase of pension to Abram H. Hicks;

H. R. 1793. An act granting an increase of pension to Playford Gregg;

H. R. 1939. An act granting an increase of pension to William F. Limpus;

H. R. 1969. An act granting an increase of pension to Christian Peterson;

H. R. 2120. An act granting an increase of pension to Parmer Stewart;

H. R. 2263. An act granting an increase of pension to Edward Keating;

H. R. 2377. An act granting an increase of pension to John N. Moore;

H. R. 2468. An act granting an increase of pension to John Broad;

H. R. 2491. An act granting an increase of pension to Edwin A. Botsford;

H. R. 2757. An act granting an increase of pension to Jonathan E. Floyd;

H. R. 3223. An act granting an increase of pension to Thomas G. McLaughlin;

H. R. 3273. An act granting an increase of pension to Andrew J. Levi;

H. R. 3423. An act granting an increase of pension to Thomas Watt;

H. R. 3434. An act granting an increase of pension to George W. Darby;

H. R. 4364. An act granting an increase of pension to George W. Neece;

H. R. 4633. An act granting an increase of pension to Fannie E. Morrow;

H. R. 4671. An act granting an increase of pension to William H. Brady;

H. R. 5210. An act granting an increase of pension to Elizabeth Moore;

H. R. 5373. An act granting an increase of pension to John L. Smith;

H. R. 5403. An act granting an increase of pension to John Lines;

H. R. 5488. An act granting an increase of pension to Margaret E. Foster;

H. R. 5511. An act granting an increase of pension to Christopher Bohn;

H. R. 5555. An act granting an increase of pension to Andrew P. Allen;

H. R. 5638. An act granting an increase of pension to Alpheus Jones;

H. R. 5639. An act granting an increase of pension to Thomas C. Craig;

H. R. 5712. An act granting an increase of pension to Caroline Dehlendorf;

H. R. 5806. An act granting an increase of pension to Samuel J. Harding;

H. R. 5850. An act granting an increase of pension to Lucas Hagar;

H. R. 5936. An act granting an increase of pension to Caroline Neilson;

H. R. 6055. An act granting an increase of pension to Angeline Watson;

H. R. 6118. An act granting an increase of pension to Bridget Reidy;

H. R. 6384. An act granting an increase of pension to William McBeth;

H. R. 6454. An act granting an increase of pension to Milo B. Morse;

H. R. 6461. An act granting an increase of pension to Daniel G. Sterling;

H. R. 6488. An act granting an increase of pension to Frank Osterberg, alias William McKay;

H. R. 6500. An act granting an increase of pension to Jesse Bucey;

H. R. 6563. An act granting an increase of pension to George Stewart;

H. R. 6576. An act granting an increase of pension to Napoleon McDowell;

H. R. 6773. An act granting an increase of pension to Weston Ferris;

H. R. 6897. An act granting an increase of pension to Abbie B. Gould;

H. R. 6937. An act granting an increase of pension to Thomas Furey;

H. R. 7243. An act granting an increase of pension to Moses B. Page;

H. R. 7483. An act granting an increase of pension to Laurence V. Whitcraft;

H. R. 7518. An act granting an increase of pension to George Richter;

H. R. 7630. An act granting an increase of pension to Henry W. Higley;

H. R. 7718. An act granting an increase of pension to Jacob D. Peterson;

H. R. 7759. An act granting an increase of pension to John Gemmill;

H. R. 7760. An act granting an increase of pension to William H. Brown;

H. R. 7807. An act granting an increase of pension to John D. Atwaters;

H. R. 7935. An act granting an increase of pension to Samuel J. Stannah;

H. R. 8137. An act granting an increase of pension to Marion L. Holvenstot;

H. R. 8319. An act granting an increase of pension to John Gardner Stocks;

H. R. 8869. An act granting an increase of pension to Nathan Coward;

H. R. 8953. An act granting an increase of pension to Lutellus Cook;

H. R. 9033. An act granting an increase of pension to Burgoyne Knight;

H. R. 9039. An act granting an increase of pension to James R. Hales;

H. R. 9270. An act granting an increase of pension to Wiley B. Johnson;

H. R. 9271. An act granting an increase of pension to Joseph Henry Martin;

H. R. 9277. An act granting an increase of pension to Elizabeth A. Butler;

H. R. 9294. An act granting an increase of pension to S. Amanda Mansfield;

H. R. 9397. An act granting an increase of pension to Mary A. King;

H. R. 9451. An act granting an increase of pension to Frederick M. Wood;

H. R. 9587. An act granting an increase of pension to Samuel S. Thompson;

H. R. 9765. An act granting an increase of pension to John C. Anderson;
H. R. 9832. An act granting an increase of pension to Alexander D. Polston;
H. R. 9910. An act granting an increase of pension to John McCoy;
H. R. 10148. An act granting an increase of pension to John Sphar;
H. R. 10432. An act granting an increase of pension to John E. Oyler;
H. R. 10449. An act granting an increase of pension to George B. D. Alexander;
H. R. 10451. An act granting an increase of pension to Robert M. White;
H. R. 10452. An act granting an increase of pension to Richard C. Daly;
H. R. 10523. An act granting an increase of pension to Elizabeth Gorton;
H. R. 10747. An act granting an increase of pension to Jonathan Lengle;
H. R. 10818. An act granting an increase of pension to George W. Creasey;
H. R. 10819. An act granting an increase of pension to John Burns;
H. R. 10830. An act granting an increase of pension to Dudley Portwood;
H. R. 10831. An act granting an increase of pension to Levi C. Bishop;
H. R. 10864. An act granting an increase of pension to John P. Kleckner;
H. R. 10884. An act granting an increase of pension to Lorenzo D. Libby;
H. R. 11168. An act granting an increase of pension to Robert R. Matthews;
H. R. 11206. An act granting an increase of pension to John Wilhelm;
H. R. 11256. An act granting an increase of pension to William M. Ewing;
H. R. 11331. An act granting an increase of pension to Thomas Rowan;
H. R. 11332. An act granting an increase of pension to William F. Kenner;
H. R. 11334. An act granting an increase of pension to John M. Steel;
H. R. 11409. An act granting an increase of pension to Josiah H. Seabold;
H. R. 11484. An act granting an increase of pension to Thomas H. Wilson;
H. R. 11563. An act granting an increase of pension to John Henderson;
H. R. 11597. An act granting an increase of pension to George M. Apgar;
H. R. 11702. An act granting an increase of pension to Lucy A. Pender;
H. R. 11716. An act granting an increase of pension to Warren B. Tompkins;
H. R. 11804. An act granting an increase of pension to Patrick McDermott;
H. R. 11856. An act granting an increase of pension to Luke McLoney;
H. R. 11866. An act granting an increase of pension to David H. Allen;
H. R. 11868. An act granting an increase of pension to Joseph Dougal;
H. R. 11926. An act granting an increase of pension to John Hornbeak;
H. R. 12049. An act granting an increase of pension to Rolland Havens;
H. R. 12122. An act granting an increase of pension to Robert G. Shuey;
H. R. 12187. An act granting an increase of pension to Mary L. Davenport;
H. R. 12192. An act granting an increase of pension to William Cummings;
H. R. 12205. An act granting an increase of pension to George Holden;
H. R. 12241. An act granting an increase of pension to Elizabeth E. Barber;
H. R. 12498. An act granting an increase of pension to Charles F. Runnels;
H. R. 12509. An act granting an increase of pension to Benjamin Botner;
H. R. 12532. An act granting an increase of pension to Zachariah George;
H. R. 12533. An act granting an increase of pension to Zadick Carter;
H. R. 12884. An act granting an increase of pension to Lucinda Gain;
H. R. 12992. An act granting an increase of pension to Henry G. Klink;
H. R. 13019. An act granting an increase of pension to George Whitman;
H. R. 13079. An act granting an increase of pension to James H. Griffin;
H. R. 13110. An act granting an increase of pension to James M. Moomaw;
H. R. 13153. An act granting an increase of pension to George Budden;
H. R. 13170. An act granting an increase of pension to John R. Mabee;
H. R. 13255. An act granting an increase of pension to William J. Hays;
H. R. 13336. An act granting an increase of pension to Samuel Horn;
H. R. 13537. An act granting an increase of pension to Elizabeth B. Busbee;
H. R. 13573. An act granting an increase of pension to Francis M. Ballew;
H. R. 13723. An act granting an increase of pension to John Underwood;
H. R. 13803. An act granting an increase of pension to Henry H. Forman;
H. R. 13822. An act granting an increase of pension to Augustus D. King;
H. R. 13866. An act granting an increase of pension to Isaac Place;
H. R. 14131. An act granting an increase of pension to Francis M. Simpson;
H. R. 14143. An act granting an increase of pension to Zacur P. Pott;
H. R. 14235. An act granting an increase of pension to John Williams;
H. R. 14241. An act granting an increase of pension to Lydia M. Edwards;
H. R. 14337. An act granting an increase of pension to Gabriel Y. Palmer;
H. R. 14375. An act granting an increase of pension to Edmond R. Haywood;
H. R. 14437. An act granting an increase of pension to Marquis M. De Burger;
H. R. 14454. An act granting an increase of pension to William A. Blossom;
H. R. 14489. An act granting an increase of pension to Peter C. Krieger;
H. R. 14532. An act granting an increase of pension to Augustus N. Mason;
H. R. 14547. An act granting an increase of pension to Thomas Chapman;
H. R. 14559. An act granting an increase of pension to Henry West;
H. R. 14560. An act granting an increase of pension to Elizabeth Weston;
H. R. 14718. An act granting an increase of pension to Joseph A. Jones;
H. R. 14823. An act granting an increase of pension to William Woods;
H. R. 14824. An act granting an increase of pension to Samuel P. Newman;
H. R. 14855. An act granting an increase of pension to Henry C. Carr;
H. R. 14874. An act granting an increase of pension to William C. Hearne;
H. R. 14875. An act granting an increase of pension to Mary A. Witt;
H. R. 14909. An act granting an increase of pension to John W. Creager;
H. R. 14918. An act granting an increase of pension to Franklin Simpson;
H. R. 14920. An act granting an increase of pension to Winfield S. Bruce;
H. R. 14951. An act granting an increase of pension to James Nunan;
H. R. 15028. An act granting an increase of pension to Anthony Emes;
H. R. 15029. An act granting an increase of pension to Sabine Vancuren;
H. R. 15059. An act granting an increase of pension to Alfred W. Morley;

H. R. 15110. An act granting an increase of pension to John Green;
H. R. 15192. An act granting an increase of pension to John J. Meredith;
H. R. 15198. An act granting an increase of pension to Elizabeth J. Martin;
H. R. 15200. An act granting an increase of pension to Charles Klein;
H. R. 15251. An act granting an increase of pension to Alexander M. Taylor;
H. R. 15252. An act granting an increase of pension to Samuel Allbright;
H. R. 15253. An act granting an increase of pension to Balos C. Dewees;
H. R. 15304. An act granting an increase of pension to Irwin O'Bryan;
H. R. 15306. An act granting an increase of pension to Asa Wall;
H. R. 15347. An act granting an increase of pension to John M. Love;
H. R. 15382. An act granting an increase of pension to Mary C. Moore;
H. R. 15385. An act granting an increase of pension to William Lucas;
H. R. 15392. An act granting an increase of pension to John W. Wise;
H. R. 15393. An act granting an increase of pension to Nancy N. Allen;
H. R. 15414. An act granting an increase of pension to John L. Blinn;
H. R. 15491. An act granting an increase of pension to James Buckley;
H. R. 15536. An act granting an increase of pension to Henry H. Tillson;
H. R. 15552. An act granting an increase of pension to George W. Hayter;
H. R. 15553. An act granting an increase of pension to Susan H. Isom;
H. R. 15622. An act granting an increase of pension to Argyle Z. Buck;
H. R. 15893. An act granting an increase of pension to Volney P. Ludlow;
H. R. 15940. An act granting an increase of pension to James M. Carley;
H. R. 15974. An act granting an increase of pension to Martin C. King; and
H. R. 16519. An act granting an increase of pension to Erwin G. Dudley.

On April 24:

H. J. Res. 141. Joint resolution for the further relief of sufferers from earthquake and conflagration on the Pacific coast;
H. R. 5931. An act granting an increase of pension to Robert L. Narron;
H. R. 8158. An act granting an increase of pension to Lemuel P. Storms;
H. R. 8892. An act granting an increase of pension to Malek A. Southworth;
H. R. 10298. An act granting an increase of pension to Oliver C. Redie;
H. R. 11046. An act granting an increase of pension to Helen G. Heiner;
H. R. 13572. An act granting an increase of pension to Saturnino Baca;
H. R. 15691. An act granting an increase of pension to Jerry W. Tallman;
H. R. 11976. An act for the relief of the Compañia de los Ferrocarriles de Puerto Rico;
H. R. 229. An act providing for the purchase of metal and the coinage of minor coins, and the distribution and redemption of said coins;
H. R. 13103. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes;
H. R. 14592. An act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.;
H. R. 14591. An act to authorize the construction of a bridge across the Cumberland River in or near the city of Clarksville, State of Tennessee; and
H. R. 16133. An act to simplify the issue of enrollments and licenses of vessels of the United States.

On April 26:

H. R. 5976. An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes; and
H. R. 12028. An act granting relief to John W. Donovan.

JAMES A. SPROULL.

The committee resumed its session.

The next pension business was the bill (H. R. 1946) granting an increase of pension to James A. Sproull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Sproull, late a captain in the One hundred and seventy-fourth Regiment of New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "a."
In same line strike out the words "in the" and insert in lieu thereof the words "Company F."
In line 7 strike out the word "of."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. CHILDERS.

The next pension business was the bill (H. R. 1768) granting an increase of pension to George W. Childers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Childers, late of Company H, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANK J. OATLEY.

The next pension business was the bill (H. R. 1557) granting an increase of pension to Frank J. Oatley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank J. Oatley, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, and Company F, Eleventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out the words "and Company F, Eleventh Regiment Rhode Island Volunteer Infantry."
In line 9 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES W. STORR, JR.

The next pension business was the bill (H. R. 549) granting an increase of pension to Charles W. Starr, jr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Starr, jr., late of Company K, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Starr" and insert in lieu thereof the word "Storr."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to Charles W. Storr, jr."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM BIEBER.

The next pension business was the bill (H. R. 9867) granting a pension to William Bieber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Bieber, the helpless and dependent son of Oscar Bieber, late of Company K, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "the."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES P. FLEWELLEN.

The next pension business was the bill (H. R. 3933) granting a pension to J. P. Flewellen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. P. Flewellen, late a lieutenant in the United States Artillery, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

Change the initials "J. P." where they appear in claimant's name in the title and the body of the bill to "James P."

In line 6 strike out "a lieutenant in the" and insert "cadet, United States Military Academy."

In line 7 strike out "Artillery" and insert "Army;" and in the same line strike out "fifty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES MARSHALL.

The next pension business was the bill (H. R. 8287) granting a pension to James Marshel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Marshel, late of Troop A, Third Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Change the spelling of the claimant's surname where it appears in the title and the body of the bill from "Marshel" to "Marshall."

In line 7 strike out "twelve" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN L. COFFEY.

The next pension business was the bill (H. R. 8716) granting an increase of pension to J. L. Coffey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. L. Coffey, late of Company G, Fourth Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Change the initial "J." where it appears in the claimant's Christian name in the title and the body of the bill to "John."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LAWYER SUGS.

The next pension business was the bill (H. R. 11822) granting a pension to Lawyer Sugs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lawyer Sugs, late of Patton's company, Georgia Volunteer Regiment, Indian war, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain."

In lines 6 and 7 change "Volunteer" to "Volunteers."

In line 7 strike out "regiment" and insert "Cherokee," and in the same line strike out "war" and insert "disturbances."

In line 8 strike out "thirty" and insert "sixteen," and add to the end of the bill the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ARRENEE NOLEN.

The next pension business was the bill (H. R. 12514) granting a pension to Arrenee Nolen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arrenee Nolen, widow of John S. Nolen, late of Company H, Fourth Regiment Kentucky Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MINNIE C. O'CONNOR.

The next pension business was the bill (H. R. 12623) granting a pension to Minnie C. O'Connor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minnie C. O'Connor, dependent mother of John H. Reagin, late private, Hospital Corps, United States Army, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

NANCY ANN GEE.

The next pension business was the bill (H. R. 12807) granting a pension to Nancy Ann Gee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Ann Gee, widow of Richard Burnand, late of Company B, Second Regiment Ohio Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Gee," insert "former," and in the same line, after "Burnand," insert "alias Richard Borrand."

In line 8 strike out "twenty-four" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JEHU MARTIN.

The next pension business was the bill (H. R. 15275) granting an increase of pension to J. Hugh Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. Hugh Martin, late of Company E, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Change the claimant's Christian name where it appears in the title and the body of the bill from "J. Hugh" to "Jehu."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

VIRGINIA J. D. HOLMES.

The next pension business was the bill (H. R. 15450) granting an increase of pension to Virginia J. D. Holmes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Virginia J. D. Holmes, widow of James C. Holmes, late of Captain Lane's drafted Georgia militia in Indian wars of 1836, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "drafted" and insert "company, First Regiment;" and in the same line, after "Georgia," insert "drafted;" and in the same line strike out "in" and insert "Creek."

In line 8 strike out "wars of 1836" and insert "war."

In line 9 strike out "twenty-five" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. M. CARPENTER.

The next pension business was the bill (H. R. 15486) granting a pension to William H. M. Carpenter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. M. Carpenter, late of Company D, Thirty-fifth Regiment Michigan Volunteer Infantry, war with Spain, and pay him a pension at the rate of $40 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "forty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID ROSS.

The next pension business was the bill (H. R. 16398) granting an increase of pension to David Ross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Ross, late of Company D, First Regiment, Kentucky Volunteer Cavalry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES WASKOM.

The next pension business was the bill (H. R. 16824) granting an increase of pension to James Waskom.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Waskom, late of Company ——, Fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "of Company" and insert "recruit."
In line 7, after "Infantry," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRIET PAYNE.

The next pension business was the bill (H. R. 16994) granting an increase of pension to Harriet Payne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet Payne, widow of Alpheus Payne, late of Companies H and E, Third Regiment Missouri Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LUCY C. STROUT.

The next pension business was the bill (H. R. 16704) granting a pension to Lucy C. Strout.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy C. Strout, mother of Roy L. Strout, late of Company L, Ninth Regiment United States Infantry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Lucy C. Strout," insert "dependent."
In line 8 strike out "twenty-four" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM C. BERGHAHN.

The next pension business was the bill (H. R. 11686) granting a pension to William C. Berghahn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Berghahn, late of Company D, Third Regiment Nebraska Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain," and in line 8 strike out "twenty-four" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH A. HODGES.

The next pension business was the bill (H. R. 17951) granting an increase of pension to Elizabeth A. Hodges.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Hodges, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after "Hodges," insert "widow of Washington Ludlow Hodges, late of Company E, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA J. BASS.

The next pension business was the bill (H. R. 18006) granting an increase of pension to Martha J. Bass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha J. Bass, widow of Joseph C. Bass, late of Company D, Third Regiment Missouri Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH HODGES.

The next pension business was the bill (H. R. 17989) granting an increase of pension to Elizabeth Hodges.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Hodges and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after "Hodges," insert "widow of John E. Hodges, late of Company H, Palmetto Regiment South Carolina Volunteers, war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMILY COMPTON.

The next pension business was the bill (H. R. 18005) granting a pension to Emily Compton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Compton, widow of Henry Compton, late of Company F, Third Regiment Missouri Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twelve" and insert "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LAURA HILGEMAN.

The next pension business was the bill (H. R. 4388) granting a pension to Laura Hilgeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura Hilgeman, widow of William Hilgeman, late of Company C, First Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 7, after "Infantry," insert "war with Spain."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID J. BENTLEY.

The next pension business was the bill (H. R. 17548) granting a pension to David J. Bentley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David J. Bentley, late of Troop A, Ninth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN J. ELLIOTT.

The next pension business was the bill (H. R. 17515) granting an increase of pension to J. J. Elliott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. J. Elliott, a veteran of the war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the claimant's Christian name where it appears in the title and the body of the bill from "J. J." to "John J.;" and in line 6 strike out "a veteran of the" and insert "late of Captain Handley's company, First Regiment Texas Volunteer Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

VIRGINIA C. MOORE.

The next pension business was the bill (H. R. 17514) granting an increase of pension to Virginia C. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Virginia C. Moore, widow of Albert T. Moore, late of Company —, Regiment Georgia Volunteers, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Albert T. Moore" to "Albert H. Moore."
In line 7, before the word "Company," insert "Captain Loyall's;" in the same line strike out "Regiment" and, after "Georgia," insert "Mounted."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARGARET HAYNES.

The next pension business was the bill (H. R. 17592) granting an increase of pension to Margaret Haynes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Haynes, widow of Hezekiah Haynes, late of Capt. John Evans's company, Kentucky Militia, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Militia," insert "war of 1812."
In line 8 strike out "thirty" and insert "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARGARET A. HOPE.

The next pension business was the bill (H. R. 16253) granting an increase of pension to Margaret A. Hope.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Hope, widow of James B. Hope, late major Forty-fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late," insert "of Company F, Fifth Regiment Tennessee Volunteers, war with Mexico."
In line 8, after "Infantry," insert "and captain, Seventh Regiment Iowa Volunteer Infantry."
In line 8 strike out "thirty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES E. BENSON.

The next pension business was the bill (H. R. 17788) granting a pension to Charles E. Benson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Benson, late of Company E, First Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty" and insert "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL WATKINS.

The next pension business was the bill (H. R. 17843) granting an increase of pension to Samuel Watkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Watkins, late of Company E, Third Regiment Kentucky Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ABRAHAM K. SMITH.

The next pension business was the bill (H. R. 17892) granting an increase of pension to Abraham K. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham K. Smith, late of Capt. Henry Davis's company, Second Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Capt. Henry Davis's."
In line 7, after "Company," insert "F."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES WHITE.

The next pension business was the bill (H. R. 17584) granting an increase of pension to James White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations af the pension laws, the name of James White, late of Company D, Third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers;" and in the same line strike out "Infantry" and insert "war with Mexico."
In line 8, strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH KOHLER.

The next pension business was the bill (H. R. 10177) granting a pension to Elizabeth Kohler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Kohler, widow of John Kohler, late of Battery B, First United States Artillery, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "First," insert "Regiment;" add to the end of the bill the words "and $2 per month additional on account of the minor child of said John Kohler until she reaches the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRIETT E. MILLER.

The next pension business was the bill (H. R. 17855) granting an increase of pension to Harriett E. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriett E. Miller, widow of Jacob O. Miller, late of Company E, Fifth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Mexico;" and in line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY H. SCOTT.

The next pension business was the bill (H. R. 18032) granting an increase of pension to Mary H. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary H. Scott, widow of Albert B. Scott, late major, United States Army, war with Spain, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late," insert "captain, Thirteenth Regiment."
In line 7 strike out "Army" and insert "Infantry."
In line 8, strike out "fifty" and insert "thirty," and add to the end

of the bill the words "and $2 per month additional on account of the minor children of said Albert B. Scott until they reach the age of 16 years."

Mr. BARTLETT. Mr. Chairman, I move to amend the committee amendment by striking out the word "thirty" and inserting "forty," and I desire to give my reasons for it.

This is a bill to increase from $20 a month to $50 a month the pension that was allowed to the widow of Capt. A. F. Scott, captain of the Thirteenth Infantry, who was wounded in the battle of San Juan, and from which wound he died. The Committee on Pensions has reported a bill increasing it to $30. Captain Scott left, without sufficient means to support them, a widowed mother 75 years old, now almost bedridden, who requires the constant services of an attendant; he also left a widow and two minor children, one of whom is also afflicted, and has to have constant care and attention. The widow is a daughter of a distinguished Federal general who died in the civil war upon the battlefield of the Wilderness—General Howell. Captain Scott was wounded by a Spanish bullet, which entered his neck and spine, and for eight years he dragged himself around, undertaking to perform what duties he could, and refused to apply for a pension. He was assigned to duty at the Georgia Military College, at Milledgeville, Ga., and after eight years of lingering and of suffering and of torture from the wound received in the defense of his country's flag, he died from that wound. About this there is no question, as I have the report of the committee to that effect, as well as the affidavits produced by most reputable physicians and the neighbors of the soldier. The captain left an estate that would probably yield to the widow and the two children and the mother an income of about $30 a month. This sum it is proposed to use to pay the expenses of the last illness and for the taking care of the wife, whose letter, if I undertook to read it to the House, containing the request that she makes for an increase sufficient to support the widowed mother of her husband, herself, and two minor children, would, I think, appeal to the House sufficiently that it would grant the pittance of an increase of $10 a month.

She has given, Mr. Chairman and gentlemen, a father to her country—General Howell, who was killed at the battle of the Wilderness. She has given to her country her husband, who fell wounded, from which wounds he died, upon another battlefield for the advancement of civilization and the glory of her country's flag and her country's honor. She is left to-day almost without means—at least without sufficient means with which to care for the aged, decrepit mother of her husband or for herself and her two minor children.

There are those who have gained probably more honor, more distinction than this humble captain of the Regular Army from the battle of San Juan Hill. I have seen it stated in the press, and not denied, that the gentleman who now occupies the White House, and gained such distinction in that battle, was not there. Here is a man who was there, who fell mortally wounded upon that battlefield—wounds from which he lingered for eight years. It is true that he was retired as a major, but his widow is only to get the pay of the widow of a captain.

It is not often, Mr. Chairman, that I appeal to the House to change the report of a Committee on Pensions. The committee has gone as far as its rules permit. The Pension Bureau went as far as its rules permit. They pension his widow as the widow of a captain. He was a captain when he was shot down, leading his company in the fight. For eight years he lingered, as I stated, with this terrible wound. I have seen him myself, unable to rise except with the assistance of an attendant, and for eight years he dragged his weary life along until he was eased by his death. The report of the physicians shows that he died from decay of the spine, in which he was wounded. Now, I simply ask this House to increase this pension in recognition of the services of this gallant soldier. He was not a native of my State; neither is his wife. He was appointed to the Military Academy, as his military record will show, by General Grant. He served with distinction in the wars on the frontier against the Indians. His record is an honorable and a noble one, as the records of the War Department show. He landed among the first soldiers on the coast of Cuba, and he fell from a wound received from his country's enemies at the front of his company as he led them into battle. He has left his mother aged and decrepit, without means, except such as his wife may be able to furnish from this pension and the little pittance left his family by this soldier. He has gone, and his wife, broken down with eight years of nursing, appeals to the House to merely give an increase of $10, that she shall not be compelled to seek manual employment in order to support herself, the mother, and the children. I appeal to the generosity and the magnanimity of this House to give to her that pension to which she would have been entitled had her husband been a major at the time he was wounded.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Just a minute, and I have done.

The CHAIRMAN. Is there objection to extending the time of the gentleman for five minutes? [After a pause.] The Chair hears none.

Mr. BARTLETT. He was on the retired list as a major. The widow of a major would be entitled to $40 a month. Because the wound prevented him being promoted, being disabled by the wound, he was never able to receive promotion for active service as a major; but he was a major on the retired list when he died. I simply ask the House to give to the widow and children enough money to support them, not in luxury, not in ease, but to buy the necessities of life for this widow of a soldier and this daughter of another soldier, who has given for the honor of her country both father and husband, that she may be prevented from having to work for a livelihood, which may be done by the Government extending the small pittance of $10 a month.

Mr. LOUDENSLAGER. Mr. Chairman, there is no doubt a good record by this soldier and officer, but no more so than there is concerning the record of thousands of others who served under our flag. The gentleman is earnest in his sympathetic appeal, and it comes to all of us with great feeling when they themselves appear before us. But certainly neither this committee nor this House ought to be moved by sympathetic feeling to make an exception of this case as against thousands of others. This is a widow of a gallant officer, who, if she had been pensioned at the rate that the general law would give her under her husband's highest rank, would receive $25 a month. As she was pensioned as the widow of a captain, she receives $20 a month.

Mr. BARTLETT. May I ask the gentleman a question? Is it not a fact that the reason Captain Scott was not promoted to major was on account of incapacity from the wounds to do active service? And is it not a fact that he was on the retired list as a major?

Mr. LOUDENSLAGER. That does not in any way affect the facts that I am stating; and I am giving the gentleman the benefit of all these things. Yet had she been pensioned as the widow of a major, she would only have received, under the general law, $25 a month. She now receives $20. The committee have reported a bill recommending 66 per cent increase over that amount. There are many widows of soldiers and sailors of this Union who fought as gallantly behind the guns as did the officers, but who are compelled to-day to subsist on $12 a month. We are now giving the highest amount given by the committee, given by this House, and given by Congress in cases of this kind and character, and I submit to the committee that the action on these other meritorious cases ought not to be overridden at this time. I therefore hope the amendment will be voted down.

Mr. Chairman, there are one or two other things which might be suggested. This widow is not entirely dependent upon her pension. She has property and has an income from it.

Mr. BARTLETT. Will the gentleman state how much that is?

Mr. LOUDENSLAGER. That is another reason why this amendment should not prevail in the committee.

Mr. BARTLETT. I ask unanimous consent to make a short reply.

The CHAIRMAN. The gentleman asks unanimous consent that he may reply. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. I want to say that I do not know this lady; I never saw her. Her husband I have seen, and knew after he was wounded, when he came to our State and undertook to discharge duty, in pain and suffering, like a noble soldier that he was, as military instructor in the Georgia Military Academy. He was nothing to me or to my people, except that he lived with them. But they witnessed his suffering. They witnessed the devotion of his wife for the eight long years, and their hearts opened and their sympathies extended to the widow, her mother, and the children, and they have appealed to me to aid her by increasing her pension. Of course it is nothing but noble neighborly sympathy that actuates them. Permit me to read from letters that I have received from this lady. Surely if what I have said does not appeal to you, what she says should and may:

I shall truly be under a lifelong obligation to you.

That is, for having introduced the bill.

Eight years of sorrow, anxiety, and constant nursing will undermine anyone's health. A fairly good increase would ease the load, whereas if I don't get it it means hard work, which will soon break me down.

In another letter she wrote:

My means are so limited that unless I get an increase of pension I must go to work to support my little daughters, and my health is so broken with care and anxiety that hard work would soon end my life, and I should leave my little girls with no one to care for them.

Now, when did the committee have a rule? I know of an officer who was killed in the Philippines, Colonel Stotsenburg, as I understand, and he was pensioned at $50 a month, which was beyond the amount that the Pension Bureau would allow for his rank.

This is an exceptional case. I appeal to the House in the name of humanity, in the name of justice to this soldier and his wife and little ones and his mother, not to permit this wife to have to go out in the world and earn her living and undermine her health, which is already broken by a strain of eight years' close attention to and nursing of her husband. The gentleman from New Jersey says she has an income. Let us see. There is herself and the mother of the soldier, who is 75 years old. Here are the affidavits of reputable physicians and neighbors, who state that the mother is almost bedridden, and that she requires the constant attention of a nurse. One of the children is seriously afflicted and requires the constant attention of a nurse, and she has an income of not exceeding $30 a month. Think of it, $30 a month income! I propose to give her $40 a month; $480 a year and her income of $360 a year make together something over $800 a year, the magnificent sum upon which the gentleman from New Jersey expects this woman to support herself, the widowed mother of her husband, her two children, and pay physicians' bills, nursing, and maintenance. This lady, I repeat, has offered on the altar of her country both her father and her husband and is entitled to this small increase of the amount of pension allowed by the committee. I appeal to you to grant it to her.

The CHAIRMAN. The question is upon the amendment to the amendment offered by the gentleman from Georgia.

Mr. MANN. I ask that the amendment be again reported.

The Clerk read as follows:

Strike out "thirty" and insert "forty."

The question being taken on the amendment to the amendment, on a division (demanded by Mr. LOUDENSLAGER) there were—ayes 41, noes 53.

Accordingly the amendment to the amendment was rejected.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES F. BROWN.

The next pension business was the bill (H. R. 18143) granting an increase of pension to James F. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Brown, late of R. P. Ligon's company, Battalion Alabama Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "captain;" and in the same line change "R. P." to "R. F."

In line 7 strike out "Infantry;" and in the same line change "Volunteer" to "Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES J. WINKLER.

The next pension business was the bill (H. R. 18157) granting a pension to J. J. Winkler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. J. Winkler, late of Company A, Easton's battalion Missouri Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "of," strike out the initial "J." and insert "James."

Amend the title so as to read: "A bill granting a pension to James J. Winkler."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

IDA M. WARNER.

The next pension business was the bill (H. R. 18235) granting a pension to Ida M. Warner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida M. Warner, widow of Norman C. Warner, late first lieutenant Company E, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $17 per month.

The bill was ordered to be laid aside with a favorable recommendation.

S. HORACE PERRY.

The next pension business was the bill (H. R. 18149) granting an increase of pension to S. Horace Perry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. Horace Perry, late of Company I, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company I" and insert in lieu thereof the words "second lieutenant and first lieutenant Company G."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM G. MELICK.

The next pension business was the bill (H. R. 18094) granting an increase of pension to William G. Melick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. Melick, late of Company F, Thirty-first Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE B. HESS.

The next pension business was the bill (H. R. 1192) granting a pension to George B. Hess.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George B. Hess, late of Company C, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to George B. Hess."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PERRY F. BELDEN.

The next pension business was the bill (H. R. 18147) granting an increase of pension to Perry F. Belden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Perry F. Belden, late of Company B, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANNA E. KINGSTON.

The next pension business was the bill (H. R. 18075) granting a pension to Anna E. Kingston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna E. Kingston, widow of Samuel T. Kingston, late surgeon Second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the word "assistant."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "seventeen."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Anna E. Kingston."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH GUIOTT.

The next pension business was the bill (H. R. 18067) granting an increase of pension to Joseph Guiott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Guiott, late of Company I, Seventy-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Regiment," insert the words "and Company C, Eighty-fourth Regiment."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MOSES DAVIS.

The next pension business was the bill (H. R. 18056) granting an increase of pension to Moses Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses Davis, late of Company E, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Thirty-second" and insert in lieu thereof the word "Twenty-second."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALONZO WELLS.

The next pension business was the bill (H. R. 17996) granting an increase of pension to Alonzo Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo Wells, late of Company C, Tenth Regiment Wisconsin Volunteer Infantry, and Company K, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "Massachusetts Volunteer Infantry" and insert in lieu thereof the words "Veteran Reserve Corps."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT A. SEAVER.

The next pension business was the bill (H. R. 17939) granting an increase of pension to Robert A. Seaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert A. Seaver, late lieutenant Company E, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the word "second."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES REPPETO.

The next pension business was the bill (H. R. 17921) granting an increase of pension to James Reppeto.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Reppeto, late of Company D, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $48 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty-eight" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WINCY A. LINDSEY.

The next pension business was the bill (H. R. 17826) granting a pension to Wincy A. Lindsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wincy A. Lindsey, widow of Berry Grove Lindsey, late of Company A, Seventh Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of —— dollars per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Grove" and insert in lieu thereof the letter "G."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8, before the word "dollars," insert the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN DIETZ.

The next pension business was the bill (H. R. 17711) granting an increase of pension to John Dietz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Dietz, late of Company E, Sixteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RICHARD DUNLAP.

The next pension business was the bill (H. R. 17526) granting an increase of pension to Richard Dunlap.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Dunlap, late of Company A, Fourth Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Artillery" and insert in lieu thereof the words "Colored Volunteer Heavy Artillery."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARGARET M'GIFFIN.

The next pension business was the bill (H. R. 17361) granting an increase of pension to Margaret McGiffin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret McGiffin, widow of George W. McGiffin, late of Company D, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ESEK W. HOFF.

The next pension business was the bill (H. R. 17333) granting an increase of pension to Esek W. Hoff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Esek W. Hoff, late lieutenant, Company K, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "lieutenant" and insert in lieu thereof the word "of."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES L. WESTFALL.

The next pension business was the bill (H. R. 17268) granting an increase of pension to Charles L. Westfall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles L. Westfall, late of Eighteenth Independent Battery, New York Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the words "New York," insert the word "Volunteer."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW E. KINNEY.

The next pension business was the bill (H. R. 17175) granting an increase of pension to Andrew E. Kinney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew E. Kinney, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SCOTT RUDDICK.

The next pension business was the bill (H. R. 17162) granting an increase of pension to Scott Ruddick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Scott Ruddick, late of Company G, Sixty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL SMITH.

The next pension business was the bill (H. R. 17035) granting an increase of pension to Samuel Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Smith, late of Company A, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to,

The bill as amended was ordered to be laid aside with a favorable recommendation.

JEREMIAH Y. ANTRIM.

The next pension business was the bill (H. R. 16857) granting an increase of pension to Jeremiah Y. Antrim.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Y. Antrim, late of Company A, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY C. JACKSON.

The next pension business was the bill (H. R. 16810) granting a pension to Henry C. Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Jackson, late of Company K, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $72 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Henry C. Jackson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY A. JONES.

The next pension business was the bill (H. R. 16749) granting an increase of pension to Henry A. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry A. Jones, late of Company K, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LEWIS P. CHANDLER.

The next pension business was the bill (H. R. 16699) granting an increase of pension to Louis P. Chandler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis P. Chandler, late of Company H, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Louis" and insert in lieu thereof the word "Lewis."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Lewis P. Chandler."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM MATTISON.

The next pension business was the bill (H. R. 16586) granting an increase of pension to William Mattison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Mattison, late of Company K, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW J. ROE.

The next pension business was the bill (H. R. 16423) granting an increase of pension to Andrew J. Roe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Roe, late of Company C, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY JOHNSON.

The next pension business was the bill (H. R. 16285) granting an increase of pension to Henry Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Johnson, late assistant surgeon, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES S. BRAND.

The next pension business was the bill (H. R. 16255) granting an increase of pension to James S. Brand.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James S. Brand, late of Company B, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JACOB R. DECKARD.

The next pension business was the bill (H. R. 15748) granting an increase of pension to Jacob R. Deckard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob R. Deckard, late of Company I, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN T. WAGONER.

The next pension business was the bill (H. R. 15695) granting a pension to John T. Wagoner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Wagoner, late a private in Captain Diggs's Fifth Battalion, District of Columbia Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Diggs's" and insert in lieu thereof the words "Degges' company."

In line 7 strike out the word "of."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD W. BELL.

The next pension business was the bill (H. R. 15274) granting an increase of pension to E. W. Bell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of E. W. Bell, late of Company B, Sixteenth Regiment Kentucky Volunteer Infantry, war of the rebellion, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E" and insert in lieu thereof the word "Edward."

In line 7 strike out the words "war of the rebellion."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Edward W. Bell."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC N. LONG.

The next pension business was the bill (H. R. 14982) granting an increase of pension to Isaac N. Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac N. Long, late of Company C, Fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ISAAC KINDLE.

The next pension business was the bill (H. R. 14237) granting an increase of pension to Isaac Kindle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Kindle, late of Company C, Fifth Regiment United States Veteran Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Regiment," insert the words "Ohio Volunteer Cavalry, and Company C, Fifth Regiment."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BETTIE STERN.

The next pension business was the bill (H. R. 14169) granting an increase of pension to Bettie Stern.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bettie Stern, widow of Meier Stern, late of Company A, Fourth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD DELANY.

The next pension business was the bill (H. R. 14118) granting an increase of pension to Edward Delaney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Delaney, late of Company B, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Delaney" and insert in lieu thereof the word "Delany."

Amend the title so as to read: "A bill granting an increase of pension to Edward Delany."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH W. HARSH.

The next pension business was the bill (H. R. 13337) granting an increase of pension to Joseph W. Hersh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Hersh, late of Company C, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Hersh" and insert in lieu thereof the word "Harsh."

Amend the title so as to read: "A bill granting an increase of pension to Joseph W. Harsh."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

J. BAILEY OREM.

The next pension business was the bill (H. R. 13026) granting an increase of pension to J. Bailey Orem.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of J. Bailey Orem, late of Company C, Fourth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH L. GHRIST.

The next pension business was the bill (H. R. 13022) granting an increase of pension to Sarah L. Ghrist.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah L. Ghrist, widow of James F. Ghrist, late of Company K, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JESSE H. BRANDT.

The next pension business was the bill (H. R. 12762) granting an increase of pension to Jesse H. Brandt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse H. Brandt, late of Company A, Seventeenth Regiment, and Company F, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "of Company A, Seventeenth Regiment, and Company F," and insert in lieu thereof the words "second lieutenant Companies F and A."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN D. BOGIA.

The next pension business was the bill (H. R. 12727) granting an increase of pension to Benjamin D. Bogia.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin D. Bogia, late of Company B, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Regiment," insert the words "and first lieutenant Company C, First Battalion, Eighth Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCIS M. HINDS.

The next pension business was the bill (H. R. 11989) granting an increase of pension to F. M. Hinds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of F. M. Hinds, late of Company B, First Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "F." and insert in lieu thereof the word "Francis."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Francis M. Hinds."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABRAHAM G. LEISER.

The next pension business was the bill (H. R. 11552) granting an increase of pension to Abraham G. Leiser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham G. Leiser, late of Company D, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL W. HARLAN.

The next pension business was the bill (H. R. 11062) granting an increase of pension to Samuel W. Harlan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel W. Harlan, late of Company E, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ARTEMAS D. MANY.

The next pension business was the bill (H. R. 10525) granting an increase of pension to Artemas D. Many.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Artemas D. Many, late of Company E, One hundred and twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert the words "and Company F, Eighteenth Regiment Veteran Reserve Corps."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN HARRISON.

The next pension business was the bill (H. R. 10246) granting an increase of pension to John Harrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Harrison, late of Company C, First Battalion, Nineteenth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABRAM HIGBIE.

The next pension business was the bill (H. R. 10029) granting an increase of pension to Abraham Higbee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham Higbee, late of Company C, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Abraham Higbee" and insert in lieu thereof the words "Abram Higbie."

In same line strike out the letter "C" and insert in lieu thereof the letter "A."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Abram Higbie."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE CUNNINGHAM.

The next pension business was the bill (H. R. 8954) granting a pension to George Cunningham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Cunningham, late of Company H, One hundred and twenty-fifth Regi-

ment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HORACE A. MANLEY.

The next pension business was the bill (H. R. 8737) granting an increase of pension to Horace A. Manley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace A. Manley, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELISHA G. HORTON.

The next pension business was the bill (H. R. 8552) granting an increase of pension to Elisha G. Horton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elisha G. Horton, late assistant surgeon, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUCY A. THOMAS.

The next pension business was the bill (H. R. 8140) granting a pension to Lucy Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy Thomas, widow of Harvey B. Thomas, late of First Brigade, First Division, Seventh Army Corps, Band, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Lucy," insert the letter "A."

In same line, before the word "First," insert the word "band."

In line 7 strike out the word "Band."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

Amend the title so as to read: "A bill granting a pension to Lucy A. Thomas."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NATHANIEL N. WINSLOW.

The next pension business was the bill (H. R. 8056) granting an increase of pension to Nathaniel N. Winslow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel N. Winslow, late of Company A, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM CARY.

The next pension business was the bill (H. R. 5571) granting an increase of pension to William Cary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of William Cary, who enlisted in the Navy in 1855; volunteered in arctic expedition for the relief of E. K. Kane in 1857; was with the U. S. S. Niagara, laying the Atlantic cable; in 1857 was with the U. S. S. Prebel, to France and Spain; was with same ship in the trouble with Paraguay; in 1859 and 1860 was with same ship in the Gulf of Mexico; was discharged in 1860 and reenlisted in 1861 and served until 1864, and pay him a pension of $30 per month in lieu of the pension now received by him, said increase of pension to be paid subject to the provisions and limitations of the pension laws.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Cary, late of U. S. S. Shenandoah, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSE N. LUCERO, ALIAS NASARIO LUCERO.

The next pension business was the bill (H. R. 15523) granting a pension to Jose N. Lucero.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jose N. Lucero, late of Company B, First Regiment New Mexico Volunteers, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias Nasario Lucero."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

Amend the title so as to read: "A bill granting a pension to Jose N. Lucero, alias Nasario Lucero."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL A. WHITE.

The next pension business was the bill (H. R. 6546) granting an increase of pension to Samuel A. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel A. White, late of Company F, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Mounted."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH A. NOYES.

The next pension business was the bill (H. R. 5804) granting an increase of pension to Joseph A. Noyes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. Noyes, late of Company C, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LEWIS R. STEGMAN.

The next pension business was the bill (H. R. 5222) granting an increase of pension to Lewis R. Stegman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis R. Stegman, late major commanding One hundred and second New York Volunteers, and late major and brevet colonel First Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "captain, Company E, and."

In same line strike out the word "commanding."

In line 7, after the word "second," insert the word "Regiment."

In same line and in lines 8 and 9 strike out the words "Volunteers, and late major and brevet colonel First Regiment United States Veteran Volunteer Infantry" and insert in lieu thereof the words "Volunteer Infantry."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH D. EMERY.

The next pension business was the bill (H. R. 3694) granting an increase of pension to Joseph D. Emery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph D. Emery, late of Company E, Twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWIN W. REED.

The next pension business was the bill (H. R. 3482) granting an increase of pension to Edwin W. Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin W. Reed, late of Company K, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHRISTINA WHITE.

The next pension business was the bill (H. R. 3345) granting an increase of pension to Christina White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christina White, widow of Hiram H. White, late of Company K, Eleventh Regiment Pennsylvania Cavalry Volunteers, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Cavalry," insert the word "Volunteer."
In same line and in line 8 strike out the word "Volunteers."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY E. ADAMS.

The next pension business was the bill (H. R. 2791) granting an increase of pension to Mary E. Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Adams, widow of Enoch Q. Adams, late captain Company D, First Regiment United States Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "Q." and insert in lieu thereof the letter "G."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EZEKIEL BRIDWELL.

The next pension business was the bill (H. R. 1182) granting a pension to Ezekiel Bridivell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ezekiel Bridivell, late of Company B, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Bridivell" and insert in lieu thereof the word "Bridwell."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HAMILTON D. BROWN.

The next pension business was the bill (H. R. 718) granting an increase of pension to Hamilton D. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hamilton D. Brown, late captain of Company K, One hundred and tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "captain," strike out the word "of."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HAUTVILLE A. JOHNSON.

The next pension business was the bill (S. 13) granting an increase of pension to Hautville A. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hautville A. Johnson, late of Sixth Battery Maine Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. EGOLF.

The next pension business was the bill (S. 556) granting an increase of pension to William H. Egolf.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Egolf, late of Signal Corps, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM C. BANKS.

The next pension business was the bill (S. 591) granting a pension to William C. Banks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Banks, late of Company A, Third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

LUCIAN W. FRENCH.

The next pension business was the bill (S. 834) granting an increase of pension to Lucian W. French.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucian W. French, late musician, Second Brigade Band, Second Division, Sixth Army Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EDWIN N. BAKER.

The next pension business was the bill (S. 918) granting an increase of pension to Edwin N. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin N. Baker, late of Company A, First Regiment New Hampshire Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. HACKNEY.

The next pension business was the bill (S. 971) granting an increase of pension to William H. Hackney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Hackney, late second lieutenant Company I, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. ODEAR.

The next pension business was the bill (S. 1013) granting an increase of pension to William H. Odear.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of William H. Odear, late of Company H, First Regiment United States Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FRANK PUGSLEY.

The next pension business was the bill (S. 1260) granting an increase of pension to Frank Pugsley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Pugsley, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and Company D, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. WICKS.

The next pension business was the bill (S. 1514) granting an increase of pension to George W. Wicks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Wicks, late of Companies A and M, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LEANDER C. REEVE.

The next pension business was the bill (S. 1564) granting an increase of pension to Leander C. Reeve.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leander C. Reeve, late captain Company C, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

RICHARD H. LEE.

The next pension business was the bill (S. 1605) granting an increase of pension to Richard H. Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard H. Lee, late first lieutenant, Sixteenth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHRISTIAN H. GOEBEL.

The next pension business was the bill (S. 1628) granting an increase of pension to Christian H. Goebel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christian H. Goebel, late captain Company D, Seventy-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALICE S. SHEPARD.

The next pension business was the bill (S. 1691) granting an increase of pension to Alice S. Shepard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice S. Shepard, widow of Edwin M. Shepard, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELLEN H. SWAYNE.

The next pension business was the bill (S. 1692) granting a pension to Ellen H. Swayne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen H. Swayne, widow of Wager Swayne, late colonel Forty-fifth Regiment United States Infantry, and major-general, United States Volunteers, and pay her a pension at the rate of $30 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOSEPH H. ALLEN.

The next pension business was the bill (S. 1728) granting an increase of pension to Joseph H. Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Allen, late of U. S. S. New Ironsides, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EDWARD T. WHITE.

The next pension business was the bill (S. 1818) granting a pension to Edward T. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward T. White, late of Company G, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $16 per month.

The bill was ordered to be laid aside with a favorable recommendation.

CLARA F. LESLIE.

The next pension business was the bill (S. 1913) granting a pension to Clara F. Leslie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara F. Leslie, widow of John A. Leslie, late first lieutenant and adjutant Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JULIET K. PHILLIPS.

The next pension business was the bill (S. 2021) granting a pension to Juliet K. Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Juliet K. Phillips, widow of Jesse J. Phillips, late lieutenant-colonel Ninth Regiment Illinois Volunteer Infantry, and brevet brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM B. MITCHELL.

The next pension business was the bill (S. 2759) granting an increase of pension to William B. Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Mitchell, late of Company H, Second Regiment Missouri Mounted Volunteers, war with Mexico, and major, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SARAH S. ETUE.

The next pension business was the bill (S. 2767) granting a pension to Sarah S. Etue.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah S. Etue, dependent mother of Joseph Etue, late of Company I, One hundred and second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

DAVID B. NEAFUS.

The next pension business was the bill (S. 2977) granting an increase of pension to David B. Neafus.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David B. Neafus, late of Company C, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. BODENHAMER.

The next pension business was the bill (S. 2985) granting an increase of pension to George W. Bodenhamer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of George W. Bodenhamer, late of Company E, Fourteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARTHA HOFFMAN.

The next pension business was the bill (S. 2886) granting an increase of pension to Martha Hoffman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Hoffman, widow of William T. Hoffman, late of Company A, Twentieth Regiment Indiana Volunteer Infantry, and Company D, Fifth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM R. GALLION.

The next pension business was the bill (S. 2959) granting an increase of pension to William R. Gallion.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Gallion, late of Company C, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIS H. WATSON.

The next pension business was the bill (S. 2799) granting an increase of pension to Willis H. Watson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Willis H. Watson, late captain Company G, Eightieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FRANCIS A. BERANEK.

The next pension business was the bill (S. 3119) granting an increase of pension to Francis A. Beranek.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis A. Beranek, late of Company A, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE B. VALLANDIGHAM.

The next pension business was the bill (S. 3130) granting an increase of pension to George B. Vallandigham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George B. Vallandigham, late of Company E, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DANIEL SHELLY.

The next pension business was the bill (S. 3178) granting an increase of pension to Daniel Shelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Shelly, late of Company E, One hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM C. BOURKE.

The next pension business was the bill (S. 3230) granting an increase of pension to William C. Bourke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Bourke, late of Company B, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN HIRTH.

The next pension business was the bill (S. 3272) granting an increase of pension to John Hirth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hirth, late of Company A, Forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of 30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ABISHA RISK.

The next pension business was the bill (S. 3273) granting an increase of pension to Abisha Risk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abisha Risk, late of Company A, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SARAH LOVELL.

The next pension business was the bill (S. 3308) granting an increase of pension to Sarah Lovell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Lovell, widow of George Lovell, late of Company E, Fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM TRIPLETT.

The next pension business was the bill (S. 3415) granting an increase of pension to William Triplett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Triplett, late of United States Marine Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM WILSON.

The next pension business was the bill (S. 3454) granting an increase of pension to William Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Wilson, late of Company M, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MYRA R. DANIELS.

The next pension business was the bill (S. 3468) granting an increase of pension to Myra R. Daniels.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Myra R. Daniels, widow of William H. Daniels, late of Company D, First Regiment District of Columbia Volunteer Cavalry, and Company F, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARTHA H. TEN EYCK.

The next pension business was the bill (S. 3549) granting an increase of pension to Martha H. Ten Eyck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha H. Ten Eyck, widow of Tenedor Ten Eyck, late captain, Eighteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SOLOMON JACKSON.

The next pension business was the bill (S. 3551) granting an increase of pension to Solomon Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Solomon Jackson, late of Company D, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALICE A. FRAY.

The next pension business was the bill (S. 3555) granting an increase of pension to Alice A. Fray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice A. Fray, widow of Louis C. Fray, late of Company E, Fourteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MARY A. GOOD.

The next pension business was the bill (S. 3655) granting an increase of pension to Mary A. Good.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Good, widow of John Good, late of Company H, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SMITH VAUGHAN.

The next pension business was the bill (S. 3720) granting an increase of pension to Smith Vaughan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Smith Vaughan, late of Company I, Sixth Regiment, and Company G, Fifty-ninth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY D. MILLER.

The next pension business was the bill (S. 3759) granting an increase of pension to Henry D. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry D. Miller, late of Company I, Fifty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES R. FROST.

The next pension business was the bill (S. 3765) granting an increase of pension to Charles R. Frost.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles R. Frost, late of Company K, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FERDINAND HERCHER.

The next pension business was the bill (S. 3883) granting an increase of pension to Ferdinand Hercher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ferdinand Herscher, late of Company C, Thirty-sixth Regiment Illinois Volunteer Infantry, and hospital steward, United States Army, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BRIDGET EGAN.

The next pension business was the bill (S. 4010) granting an increase of pension to Bridget Egan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bridget Egan, widow of James Egan, late of Company B, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EBENEZER LUSK.

The next pension business was the bill (S. 4018) granting an increase of pension to Ebenezer Lusk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ebenezer Lusk, late of Company F, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY SWIGART.

The next pension business was the bill (S. 4112) granting an increase of pension to Henry Swigart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Swigart, late of Company D, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLARD FARRINGTON.

The next pension business was the bill (S. 4126) granting an increase of pension to Willard Farrington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Willard Farrington, late second lieutenant Company L and first lieutenant Company C, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CALVIN D. WILBER.

The next pension business was the bill (S. 4193) granting an increase of pension to Calvin D. Wilber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin D. Wilber, late of Company C, Second Regiment Connecticut Volunteer Infantry; Company F, Tenth Regiment Connecticut Volunteer Infantry, and U. S. S. Ohio and Wachusett, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

OWEN MARTIN.

The next pension business was the bill (S. 4231) granting an increase of pension to Owen Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Owen Martin, late of Company F, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY E. LINCOLN.

The next pension business was the bill (S. 4359) granting an increase of pension to Mary E. Lincoln.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Lincoln, widow of Willard H. Lincoln, late of Company F, Tenth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of the said Willard H. Lincoln until they reach the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

CORNELIA A. MOBLEY.

The next pension business was the bill (S. 4392) granting an increase of pension to Cornelia A. Mobley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia A. Mobley, widow of Edward Mobley, late of Third Independent Battery, Iowa Volunteer Light Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM HOAGLIN.

The next pension business was the bill (S. 4511) granting an increase of pension to William Hoaglin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hoaglin, late of Company G, Second Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM MONKS.

The next pension business was the bill (S. 4576) granting an increase of pension to William Monks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Monks, late captain Company K, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SETH H. COOPER.

The next pension business was the bill (S. 4582) granting an increase of pension to Seth H. Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Seth H. Cooper, late of Company M, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

NOEL J. BURGESS.

The next pension business was the bill (S. 4688) granting an increase of pension to Noel J. Burgess.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Noel J. Burgess, late of Company G, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BENJAMIN F. BURGESS.

The next pension business was the bill (S. 4739) granting an increase of pension to Benjamin F. Burgess.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Burgess, late of Company D, Thirty-sixth Regiment Illinois Volunteer Infantry, and Battery H, Fifth Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SUSAN J. F. JOSLYN.

The next pension business was the bill (S. 4745) granting an increase of pension to Susan J. F. Joslyn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan J. F. Joslyn, widow of Charles E. Joslyn, late captain Company A, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

OLIVER M. STONE.

The next pension business was the bill (S. 4759) granting an increase of pension to Oliver M. Stone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver M. Stone, late of Company H, Sixth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN B. LEE.

The next pension business was the bill (S. 4760) granting an increase of pension to John B. Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Lee, late captain Company D, Fourth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HARRISON RANDOLPH.

The next pension business was the bill (S. 4763) granting an increase of pension to Harrison Randolph.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harrison Randolph, late of Company C, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOSHUA M. LOUNSBERRY.

The next pension business was the bill (S. 4901) granting an increase of pension to Joshua M. Lounsberry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua M. Lounsberry, late of Company D, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MELVIN GRANDY.

The next pension business was the bill (S. 5055) granting an increase of pension to Melvin Grandy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melvin Grandy, late of Company L, Second Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GABRIEL CODY.

The next pension business was the bill (S. 5077) granting an increase of pension to Gabriel Cody.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gabriel Cody, late of Company G, Third Regiment North Carolina Mounted Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SALLIE TYRRELL.

The next pension business was the bill (S. 5091) granting an increase of pension to Sallie Tyrrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie Tyrrell, widow of David E. Tyrrell, late of Company K, Seventy-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY C. FEIGLEY.

The next pension business was the bill (S. 5092) granting an increase of pension to Mary C. Feigley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Feigley, widow of Samuel Feigley, late of Company M, First Regiment Maryland Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOSIAH F. STAUBS.

The next pension business was the bill (S. 5093) granting an increase of pension to Josiah F. Staubs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josiah F. Staubs, late of Company H, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL F. BAUBLITZ.

The next pension business was the bill (S. 5094) granting an increase of pension to Samuel F. Baublitz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel F. Baublitz, late of Company D, Third Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JEREMIAH M'KENZIE.

The next pension business was the bill (S. 5095) granting a pension to Jeremiah McKenzie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah McKenzie, late of Company D, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

LIZZIE B. CUSICK.

The next pension business was the bill (S. 5114) granting an increase of pension to Lizzie B. Cusick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie B. Cusick, widow of Cornelius C. Cusick, late first lieutenant Company D, One hundred and thirty-second Regiment New York Volunteer Infantry, and captain, Twenty-second Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY J. M'LEOD.

The next pension business was the bill (S. 5146) granting a pension to Mary J. McLeod.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. McLeod, widow of William C. McLeod, late of Company D, Fifth Battalion District of Columbia Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM S. GARRETT.

The next pension business was the bill (S. 5173) granting an increase of pension to William S. Garrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Garrett, late of Company C, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ROBERT STAPLINS.

The next pension business was the bill (S. 5186) granting an increase of pension to Robert Staplins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Staplins, late of Company H, Fourteenth Regiment Connecticut Volunteer Infantry, and Company C, Twenty-fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARGARET F. JOYCE.

The next pension business was the bill (S. 5189) granting an increase of pension to Margaret F. Joyce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret F. Joyce, widow of William H. Joyce, late captain Company F, Seventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN H. STACY.

The next pension business was the bill (S. 5192) granting a pension to John H. Stacy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Stacy, late of Company L, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN F. ALSUP.

The next pension business was the bill (S. 5205) granting an increase of pension to John F. Alsup.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Alsup, late of Company B, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DAVID N. MORLAND.

The next pension business was the bill (S. 5219) granting an increase of pension to David N. Morland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David N. Morland, late of Company B, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN D. CUTLER.

The next pension business was the bill (S. 5255) granting an increase of pension to John D. Cutler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. Cutler, late of Company E, Sixteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIJAH A. SMITH.

The next pension business was the bill (S. 5291) granting an increase of pension to Elijah A. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah A. Smith, late first lieutenant Company A, Second Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL M. TOW.

The next pension business was the bill (S. 5337) granting an increase of pension to Samuel M. Tow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel M. Tow, late of U. S. S. Proteus, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DAVID BUCKNER.

The next pension business was the bill (S. 5338) granting an increase of pension to David Buckner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Buckner, late of Company F, Second Regiment North Carolina Mounted Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY E. JOHNSON.

The next pension business was the bill (S. 5342) granting an increase of pension to Mary E. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Johnson, widow of James D. Johnson, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SOPHRONIA ROBERTS.

The next pension business was the bill (S. 5344) granting an increase of pension to Sophronia Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sophronia Roberts, widow of Stephen Roberts, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANNIE M. WALKER.

The next pension business was the bill (S. 5355) granting an increase of pension to Annie M. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie M. Walker, widow of John W. Walker, late captain Company D, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN BEATTY.

The next pension business was the bill (S. 5366) granting an increase of pension to John Beatty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Beatty, late of United States ships New Hampshire, Pontiac, and North Carolina, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FRANCES L. PORTER.

The next pension business was the bill (S. 5375) granting an increase of pension to Frances L. Porter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances L. Porter, minor child of Hugh F. Porter, late first lieutenant Company K, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of $17 per month, and $2 per month additional, in lieu of that she is now receiving, such pension to cease when she becomes 16 years of age.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. DUNLAP.

The next pension business was the bill (S. 5439) granting an increase of pension to George W. Dunlap.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Dunlap, late of Company F, Twelfth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JACOB M. PICKLE.

The next pension business was the bill (S. 5453) granting an increase of pension to Jacob M. Pickle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob M. Pickle, late of Company E, Third Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EMILY J. ALDEN.

The next pension business was the bill (S. 5455) granting a pension to Emily J. Alden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily J. Alden, widow of William P. Alden, late of Company A, Twenty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. H. SHAFFER.

The next pension business was the bill (S. 5517) granting an increase of pension to William H. H. Shaffer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Shaffer, late of Company B, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and Company I, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN CRAWFORD.

The next pension business was the bill (H. R. 1413) granting a pension to John Crawford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Crawford, late a member of Company E, Third Regiment West Virginia Volunteer Infantry, and Company I, Third West Virginia Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a member."

In same line and in line 7 strike out the words "E, Third Regiment West Virginia Volunteer Infantry, and Company."

In line 8, after the word "Third," insert the word "Regiment."

In line 9, before the word "dollars," strike out the word "twenty" and insert the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John Crawford."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PHILIP COOK.

The next pension business was the bill (H. R. 1482) granting an increase of pension to Philip Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip Cook, late of Company H, Eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM N. WHITLOCK.

The next pension business was the bill (H. R. 1719) granting an increase of pension to William N. Whitlock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William N. Whitlock, late first lieutenant Company A, Third United States, and Company I, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "first lieutenant Company A, Third United States, and" and insert in lieu thereof the word "of."

In line 8 strike out the word "sixty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE F. LONG.

The next pension business was the bill (H. R. 2226) granting an increase of pension to George F. Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. Long, late of Company D, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JACOB W. GERSTENEKER.

The next pension business was the bill (H. R. 2234) granting an increase of pension to Jacob W. Gersteneker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob W. Gersteneker, late of Company C, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "C" and insert in lieu thereof the letter "H."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES C. TOWN.

The next pension business was the bill (H. R. 2816) granting an increase of pension to James C. Town.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Town, late of Company H, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY R. COWAN.

The next pension business was the bill (H. R. 3686) granting an increase of pension to Henry R. Cowan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry R. Cowan, late of Company E, First District of Columbia Regiment Cavalry, and Company I, First Maine Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "First," insert the word "Regiment."
In same line, after the word "District," strike out the word "of."
In line 7 strike out the word "Regiment" and insert in lieu thereof the word "Volunteer."
In same line, before the word "Maine," insert the word "Regiment."
In line 8, before the word "Cavalry," insert the word "Volunteer."
In same line strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES F. CHIPMAN.

The next pension business was the bill (H. R. 4240) granting an increase of pension to James F. Chipman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Chipman, late of Company —, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the letter "D."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW J. DOUGLASS.

The next pension business was the bill (H. R. 6114) granting an increase of pension to Andrew J. Douglass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Douglass, late of Company B, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ISAAC C. FRANCE.

The next pension business was the bill (H. R. 6498) granting an increase of pension to I. C. France.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of I. C. France, late of Company B, One hundred and forty-third New York Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "I." and insert in lieu thereof the word "Isaac."
In line 7, before the word "New York," insert the word "Regiment."
In same line, before the word "Infantry," insert the word "Volunteer."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to Isaac C. France."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH J. MISHLER.

The next pension business was the bill (H. R. 9923) granting a pension to Joseph J. Mishler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph J. Mishler, late of Company E, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Joseph J. Mishler."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL JONES.

The next pension business was the bill (H. R. 10993) granting an increase of pension to Samuel Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Jones, late of Company H, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOUISA SPIELMAN.

The next pension business was the bill (H. R. 12088) granting an increase of pension to L. F. Spielman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of L. F. Spielman, widow of David H. Spielman, late of Company I, Forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letters "L. F." and insert in lieu thereof the word "Louisa."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."
Amend the title so as to read: "A bill granting an increase of pension to Louisa Spielman."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM LANDAHN.

The next pension business was the bill (H. R. 12135) granting an increase of pension to William Landahn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Landahn, late of Eighth Company, Independent Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Eighth," insert the word "Independent."
In same line strike out the word "Independent" and insert in lieu thereof the words "Ohio Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HELEN S. BROWN.

The next pension business was the bill (H. R. 12238) granting an increase of pension to Helen S. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen S. Brown, widow of Moses T. Brown, late of Company C, Seventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EZRA H. WIGGINS.

The next pension business was the bill (H. R. 14731) granting a pension to Ezra H. Wiggins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ezra H. Wiggins, late of Company G, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Ezra H. Wiggins."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CATHARINE PIPER.

The next pension business was the bill (H. R. 16267) granting a pension to Catharine Piper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine Piper, widow of Frederick Piper, late of Company B, Seventy-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the letter "B." and insert in lieu thereof the letter "P."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL HOUGH.

The next pension business was the bill (H. R. 16751) granting an increase of pension to Samuel Hough.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Hough, late of Company C, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISABELLA ELLIS.

The next pension business was the bill (H. R. 16807) granting an increase of pension to Isabella Ellis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isabella Ellis, widow of George H. Ellis, late of Company A, Eleventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS J. DAVIS.

The next pension business was the bill (H. R. 17173) granting an increase of pension to Thomas J. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Davis, late of Company B, Tenth Regiment Missouri Volunteer Infantry, and Company L, Second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out the words "and Company L, Second Regiment Illinois Volunteer Infantry."

In line 9 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALVA D. SMITH.

The next pension business was the bill (H. R. 17209) granting an increase of pension to Alva D. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alva D. Smith, late of Company E, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM T. STOTT.

The next pension business was the bill (H. R. 17373) granting an increase of pension to William T. Stott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Stott, late of Company I, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AARON K. CLARK.

The next pension business was the bill (H. R. 17782) granting an increase of pension to Aaron K. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron K. Clark, late of Company G, Tenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HARRIET E. VANDINE.

The next pension business was the bill (H. R. 17933) granting an increase of pension to Harriet E. Vandine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet E. Vandine, widow of Michael Vandine, late of Company E, Eighth Regiment Kentucky Volunteer Cavalry, and Company E, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES W. HAGER.

The next pension business was the bill (H. R. 17950) granting an increase of pension to James W. Hager.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Hager, late of Company H, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC COPE.

The next pension business was the bill (H. R. 18158) granting a pension to Isaac Cope.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Cope, helpless son of Edmund Cope, deceased, late of Company K, Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "helpless," insert the words "and dependent."

In same line strike out the word "deceased."

In line 7, before the word "Regiment," insert the word "Forty-seventh."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARGARET STEVENS.

The next pension business was the bill (H. R. 18169) granting a pension to Margaret Stevens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Stevens, widow of Joshua Stevens, late of Company I, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $10 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "ten" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JEREMIAH VAN RIPER.

The next pension business was the bill (H. R. 18175) granting an increase of pension to Jeremiah Van Riper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Van Riper, late of Twenty-eighth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

RACHEL EGENESS.

The next pension business was the bill (H. R. 18237) granting an increase of pension to Rachel Egeness.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rachel Egeness, widow of Larse T. Egeness, late of Company M, First Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Martin Egeness, imbecile and dependent son of said Larse T. Egeness, the additional pension hereby granted shall cease and determine: *And provided further*, That in the event of the death of Rachel Egeness the name of Martin Egeness shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Rachel Egeness.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In line 10 strike out the word "imbecile" and insert in lieu thereof the word "helpless."

In line 16 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. SCHOFIELD.

The next pension business was the bill (H. R. 18325) granting an increase of pension to John W. Schofield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Schofield, late of Company K, Fourth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES TUCKER.

The next pension business was the bill (H. R. 13809) granting an increase of pension to James Tucker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Tucker, late of Company C, Second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Insert the initial "P." in claimant's name in the title and body of the bill.

In line 7 strike out "Volunteer Infantry" and insert "Volunteers, war with Mexico."

In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA A. KENNEY.

The next pension business was the bill (H. R. 14490) granting an increase of pension to Martha A. Kenney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Kenney, widow of Robert E. Kenney, late of Company D, Palmetto Regiment, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after "Regiment," insert "South Carolina Volunteers."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MILTON DIEHL.

The next pension business was the bill (H. R. 15032) granting a pension to Milton Diehl.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton Diehl, late of Company D, Twenty-sixth Regiment Indiana Volunteers, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "D, Twenty-sixth Regiment Indiana Volunteers," and insert in lieu thereof "H, Thirty-second Regiment United States Infantry, and Company H, Twenty-first Regiment United States Infantry."

In line 7 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PETER G. THOMPSON.

The next pension business was the bill (H. R. 15206) granting an increase of pension to Peter G. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter G. Thompson, late of Company D, Eleventh Battalion Georgia Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Eleventh."

In line 8 strike out "fifty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN MISNER.

The next pension business was the bill (H. R. 15886) granting an increase of pension to John Misner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Misner, late of Company L, Second Regiment Wisconsin Volunteer Cavalry, and Company G, Seventh Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "Company L, Second Regiment Wisconsin Volunteer Cavalry, and."

In line 8, after "Infantry," insert "war with Mexico, and Company L, Second Regiment Wisconsin Volunteer Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CATHARINE PRICE.

The next pension business was the bill (H. R. 16528) granting an increase of pension to Catherine Price.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Price, widow of John Price, late of Company C, First Regiment North Carolina Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change claimant's Christian name where it appears in the title and body of the bill to "Catharine."

In line 7 strike out "C" and insert "I." In the same line strike out "Infantry" and add the letter "s" to the word "Volunteer." Also in the same line insert, after "Volunteers," "war with Mexico."

In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DERIAS THOMAS JEAN.

The next pension business was the bill (H. R. 17229) granting an increase of pension to J. T. Jean, sr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. T. Jean, sr., of Blum, Tex., a veteran of the war with Mexico, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Amend the title so as to read: "A bill granting an increase of pension to Derias Thomas Jean."

In line 6 strike out the initials "J. T." and insert "Derias Thomas."

In line 6 strike out the words "senior, of Blum, Tex., a veteran of the war."

Also in line 6, after the word "Jean," insert "late of Company C, First Battalion, Mississippi Volunteer Rifles."

In line 7, before the word "with," insert "war."

Also in line 7 strike out "forty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HANNAH J. K. THOMAS.

The next pension business was the bill (H. R. 17654) granting an increase of pension to Hannah J. K. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah J. K. Thomas, widow of William Thomas, late of Captains Redding and Norton's companies, Florida Indian war, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Florida," insert "Volunteers, Florida."

In line 8 strike out "sixteen" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS C. ALEXANDER.

The next pension business was the bill (H. R. 17796) granting an increase of pension to T. C. Alexander.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of T. C. Alexander, late of company —, ——— Regiment, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "T." in claimant's name where it appears in the title and body of the bill to "Thomas."

In line 6, after "late of," insert "Captain Lenow's."

In the same line, before the word "Regiment," insert "First:" and after the word "Regiment" insert the words "Tennessee Volunteer Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

J. T. BANDY.

The next pension business was the bill (H. R. 17890) granting an increase of pension to J. T. Baudy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. T. Baudy, late of Company —, ——— Regiment ——— Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change claimant's surname where it appears in the title and body of the bill to "Bandy."

In line 6, after "Company," insert "C, First;" and after "Regiment," in the same line, insert "Illinois."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES G. WALL.

The next pension business was the bill (H. R. 17971) granting an increase of pension to James G. Wall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James G. Wall, late of Capt. James F. P. Johnston's independent company, Florida Mounted Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DAVID B. GUTHRIE.

The next pension business was the bill (H. R. 18188) granting an increase of pension to David D. Guthrie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David D. Guthrie, late of Company C, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change "David D. Guthrie," where it appears in the title and the body of the bill, to "David B. Guthrie."

In line 7 change "Volunteer" to "Volunteers;" and in the same line strike out "Infantry" and insert "war with Mexico."

In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID F. CROUCH.

The next pension business was the bill (H. R. 18393) granting an increase of pension to David F. Crouch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David F. Crouch, late of Company F, Fourteenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANDREW JACKSON.

The next pension business was the bill (H. R. 18406) granting an increase of pension to Andrew Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Jackson, late of Company A, Fourth Regiment United States Artillery, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain Miller's;" and in the same line strike out the letter "A."

In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABBY B. CLOUD.

The next pension business was the bill (H. R. 18465) granting an increase of pension to Abby B. Cloud.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abby B. Cloud, widow of William F. Cloud, late of Company K, Second Regiment Ohio Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MAHALA JONES.

The next pension business was the bill (H. R. 18506) granting an increase of pension to Mahala Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject

to the provisions and limitations of the pension laws, the name of Mahala Jones, widow of Henderson Jones, who served in Captain Kelsey's North Carolina Volunteers, in the Cherokee Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "who served in" and insert after "Jones" the words "late of."

In line 7, after "Kelsey's," insert "company;" in the same line strike out "in the."

In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MATILDA C. FRIZELLE.

The next pension business was the bill (S. 5515) granting an increase of pension to Matilda C. Frizelle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda C. Frizelle, widow of Daniel C. Frizelle, late of Company F, Fourteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Daniel C. Frizelle until she reaches the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY GUDE.

The next business was the bill (H. R. 13245) to remove the charge of desertion against Henry Gude.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against Henry Gude, late of Company F, Seventeenth Regiment Missouri Volunteer Infantry.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert the following: "That Henry Gude shall be held and considered to have been honorably discharged from Company K, Seventeenth Missouri Infantry Volunteers, as of date of August 26, 1865: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Amend the title so as to read: "A bill to correct the military record of Henry Gude."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. SULLOWAY. Mr. Chairman, I move the committee do now rise and report the bills and amendments to the House with the recommendation that the amendments be agreed to, and that the bills as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAPRON, Chairman of the Committee of the Whole House, reported that the committee had had under consideration bills on the Private Calendar and directed him to report the same, some with and some without amendments, with the recommendation that the amendments be agreed to and the bills as amended do pass.

HOUSE BILLS WITHOUT AMENDMENTS.

The following bills, reported from the Committee of the Whole House, were ordered to be engrossed, read a third time, and passed:

H. R. 4244. A bill granting an increase of pension to John Spaulding;

H. R. 17557. A bill granting an increase of pension to John W. Marshall;

H. R. 17395. A bill granting an increase of pension to Thaddeus C. S. Brown;

H. R. 15003. A bill granting an increase of pension to James Gray;

H. R. 10561. A bill granting an increase of pension to Joseph N. Piersell;

H. R. 12810. A bill granting an increase of pension to Edward Ross;

H. R. 11510. A bill granting an increase of pension to Joseph S. Larrance;

H. R. 16630. A bill granting an increase of pension to Philip Dumont;

H. R. 17747. A bill granting an increase of pension to Abraham I. Canary;

H. R. 15869. A bill granting an increase of pension to Wilson H. McCune;

H. R. 10319. A bill granting an increase of pension to Harvey Deal;

H. R. 12514. A bill granting a pension to Arrenee Nolen;

H. R. 12623. A bill granting a pension to Minnie C. O'Connor;

H. R. 16398. A bill granting an increase of pension to David Ross;

H. R. 16994. A bill granting an increase of pension to Harriet Payne;

H. R. 18006. A bill granting an increase of pension to Martha J. Bass;

H. R. 17843. A bill granting an increase of pension to Samuel Watkins;

H. R. 18235. A bill granting a pension to Ida M. Warner;

H. R. 18094. A bill granting an increase of pension to William G. Melick;

H. R. 18147. A bill granting an increase of pension to Perry F. Belden;

H. R. 16749. A bill granting an increase of pension to Henry A. Jones;

H. R. 14982. A bill granting an increase of pension to Isaac N. Long;

H. R. 11552. A bill granting an increase of pension to Abraham G. Leiser;

H. R. 11062. A bill granting an increase of pension to Samuel W. Harlan;

H. R. 8056. A bill granting an increase of pension to Nathaniel N. Winslow;

H. R. 5804. A bill granting an increase of pension to Joseph A. Noyes;

H. R. 1482. A bill granting an increase of pension to Philip Cook;

H. R. 6114. A bill granting an increase of pension to Andrew J. Douglass;

H. R. 12238. A bill granting an increase of pension to Helen S. Brown;

H. R. 16807. A bill granting an increase of pension to Isabella Ellis;

H. R. 17782. A bill granting an increase of pension to Aaron K. Clark;

H. R. 17933. A bill granting an increase of pension to Harriet E. Vandine;

H. R. 18175. A bill granting an increase of pension to Jeremiah Van Riper;

H. R. 18325. A bill granting an increase of pension to John W. Schofield;

H. R. 17971. A bill granting an increase of pension to James G. Wall;

H. R. 18393. A bill granting an increase of pension to David F. Crouch; and

H. R. 18465. A bill granting an increase of pension to Abby B. Cloud.

HOUSE BILLS WITH AMENDMENTS.

In the following House bills, reported from the Committee of the Whole with amendments, the amendments were agreed to; and the bills as amended were ordered to be engrossed for a third reading, read the third time, and passed.

H. R. 17072. A bill granting a pension to Joseph French (title amended);

H. R. 17913. A bill granting an increase of pension to Philo Green;

H. R. 17806. A bill granting an increase of pension to Enoch Boyle;

H. R. 17797. A bill granting an increase of pension to Wilbur F. Lane;

H. R. 15634. A bill granting an increase of pension to Samuel M. Reese;

H. R. 15819. A bill granting an increase of pension to William T. Burgess;

H. R. 16471. A bill granting an increase of pension to North Ann Dorman;

H. R. 16648. A bill granting an increase of pension to Henry B. Teetor;

H. R. 16193. A bill granting an increase of pension to Daniel Shrader;

H. R. 16629. A bill granting an increase of pension to Louis Stoeckig;

H. R. 14391. A bill granting an increase of pension to Franklin Cooley;

H. R. 14500. A bill granting an increase of pension to Margaretta E. Hutchins;

H. R. 15316. A bill granting an increase of pension to James McKelvey (title amended);

H. R. 10524. A bill granting an increase of pension to Ebenezer W. Akerley;

H. R. 13077. A bill granting an increase of pension to James S. Prose;

H. R. 13075. A bill granting an increase of pension to Pard Lamoreux (title amended);

H. R. 8771. A bill granting an increase of pension to Florence Sullivan;
H. R. 7584. A bill granting an increase of pension to James H. Kemp;
H. R. 9135. A bill granting a pension to August Croma (title amended);
H. R. 10008. A bill granting an increase of pension to James W. Dorman;
H. R. 6061. A bill granting an increase of pension to William H. Chapman;
H. R. 6865. A bill granting an increase of pension to Charles F. Voss;
H. R. 735. A bill granting an increase of pension to Frank L. Fornshell;
H. R. 2168. A bill granting an increase of pension to William Bridges;
H. R. 2155. A bill granting an increase of pension to William H. Smith;
H. R. 7508. A bill granting an increase of pension to Benjamin F. Andrews;
H. R. 17771. A bill granting an increase of pension to Deloss Williams;
H. R. 17830. A bill granting an increase of pension to William R. Snell;
H. R. 16635. A bill granting an increase of pension to George Willey (title amended);
H. R. 16408. A bill granting an increase of pension to William Hendricks;
H. R. 15305. A bill granting an increase of pension to Ezra H. Brown;
H. R. 11917. A bill granting an increase of pension to Davis Preston;
H. R. 9138. A bill granting an increase of pension to Aaron L. Rockwood;
H. R. 8479. A bill granting a pension to Nellie A. Batchelder (title amended);
H. R. 8547. A bill granting an increase of pension to John W. Madison;
H. R. 8833. A bill granting a pension to Edna M. Johnson;
H. R. 4406. A bill granting a pension to Albert M. Ryan;
H. R. 17387. A bill granting an increase of pension to David F. Eakin;
H. R. 4965. A bill granting an increase of pension to Samuel P. Holland;
H. R. 18054. A bill granting an increase of pension to Stewart J. Donnelly;
H. R. 18019. A bill granting an increase of pension to Milton A. Griffith (title amended);
H. R. 17480. A bill granting an increase of pension to Charles P. Lord;
H. R. 13991. A bill granting an increase of pension to Wiley H. Dixon;
H. R. 13979. A bill granting a pension to Emeline A. Stewart (title amended);
H. R. 14801. A bill granting an increase of pension to Thomas Armstrong;
H. R. 17736. A bill granting an increase of pension to Josephine B. Phelon;
H. R. 16044. A bill granting an increase of pension to John C. Lindsey (title amended);
H. R. 15565. A bill granting an increase of pension to Josias R. King;
H. R. 16783. A bill granting an increase of pension to David W. Kirkpatrick;
H. R. 15692. A bill granting a pension to Frank M. Dooley;
H. R. 16295. A bill granting an increase of pension to Lawrence Foley (title amended);
H. R. 16566. A bill granting a pension to Whitman V. White (title amended);
H. R. 16284. A bill granting an increase of pension to George Rogers;
H. R. 15152. A bill granting an increase of pension to Mary T. Corns;
H. R. 10922. A bill granting an increase of pension to John McDonald;
H. R. 11151. A bill granting an increase of pension to John Sirmyer;
H. R. 11365. A bill granting an increase of pension to Robert D. Williamson;
H. R. 12874. A bill granting a pension to Ellen Dickens (title amended);
H. R. 9529. A bill granting an increase of pension to William Gibson;
H. R. 10257. A bill granting an increase of pension to Samuel Deems;
H. R. 17678. A bill granting an increase of pension to Alexander Moore;
H. R. 4363. A bill granting an increase of pension to Thomas D. Campbell;
H. R. 5048. A bill granting an increase of pension to William A. Failer;
H. R. 4625. A bill granting a pension to Anderson J. Smith (title amended);
H. R. 5732. A bill granting an increase of pension to Elias C. Kitchin;
H. R. 1946. A bill granting an increase of pension to James A. Sproull;
H. R. 1768. A bill granting an increase of pension to George W. Childers;
H. R. 1557. A bill granting an increase of pension to Frank J. Oatley;
H. R. 549. A bill granting an increase of pension to Charles W. Starr, jr. (title amended);
H. R. 9867. A bill granting a pension to William Bieber;
H. R. 3933. A bill granting a pension to J. P. Flewellen (title amended);
H. R. 8287. A bill granting a pension to James Marshel (title amended);
H. R. 8716. A bill granting an increase of pension to J. L. Coffey (title amended);
H. R. 11822. A bill granting a pension to Lawyer Sugs (title amended);
H. R. 12807. A bill granting a pension to Nancy Ann Gee;
H. R. 15275. A bill granting an increase of pension to J. Hugh Martin (title amended);
H. R. 15450. A bill granting an increase of pension to Virginia J. D. Holmes;
H. R. 15486. A bill granting a pension to William H. M. Carpenter;
H. R. 16824. A bill granting an increase of pension to James Waskom;
H. R. 16704. A bill granting a pension to Lucy C. Strout;
H. R. 11686. A bill granting a pension to William C. Berghahn;
H. R. 17951. A bill granting an increase of pension to Elizabeth A. Hodges;
H. R. 17989. A bill granting an increase of pension to Elizabeth Hodges;
H. R. 18005. A bill granting a pension to Emily Compton;
H. R. 4388. A bill granting a pension to Laura Hilgeman;
H. R. 17548. A bill granting a pension to David J. Bentley;
H. R. 17515. A bill granting an increase of pension to J. J. Elliott (title amended);
H. R. 17514. A bill granting an increase of pension to Virginia C. Moore;
H. R. 17592. A bill granting an increase of pension to Margaret Haynes;
H. R. 16253. A bill granting an increase of pension to Margaret A. Hope;
H. R. 17788. A bill granting a pension to Charles E. Benson;
H. R. 17892. A bill granting an increase of pension to Abraham K. Smith;
H. R. 17584. A bill granting an increase of pension to James White;
H. R. 10177. A bill granting a pension to Elizabeth Kohler;
H. R. 17855. A bill granting an increase of pension to Harriett E. Miller;
H. R. 18032. A bill granting an increase of pension to Mary H. Scott;
H. R. 18143. A bill granting an increase of pension to James F. Brown;
H. R. 18157. A bill granting a pension to J. J. Winkler (title amended);
H. R. 15140. A bill to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes;
H. R. 18149. A bill granting an increase of pension to S. Horace Perry;
H. R. 1192. A bill granting a pension to George B. Hess (title amended);
H. R. 18075. A bill granting a pension to Anna E. Kingston (title amended);
H. R. 18067. A bill granting an increase of pension to Joseph Guiott;
H. R. 18056. A bill granting an increase of pension to Moses Davis;
H. R. 17996. A bill granting an increase of pension to Alonzo Wells;
H. R. 17939. A bill granting an increase of pension to Robert A. Seaver;

H. R. 17921. A bill granting an increase of pension to James Reppeto;
H. R. 17826. A bill granting a pension to Wincy A. Lindsey;
H. R. 17711. A bill granting an increase of pension to John Dietz;
H. R. 17526. A bill granting an increase of pension to Richard Dunlap;
H. R. 17361. A bill granting an increase of pension to Margaret McGiffin;
H. R. 17333. A bill granting an increase of pension to Esek W. Hoff;
H. R. 17268. A bill granting an increase of pension to Charles L. Westfall;
H. R. 17175. A bill granting an increase of pension to Andrew E. Kinney;
H. R. 17162. A bill granting an increase of pension to Scott Ruddick;
H. R. 17035. A bill granting an increase of pension to Samuel Smith;
H. R. 16857. A bill granting an increase of pension to Jeremiah Y. Antrim;
H. R. 16810. A bill granting a pension to Henry C. Jackson (title amended);
H. R. 16699. A bill granting an increase of pension to Louis P. Chandler (title amended);
H. R. 16586. A bill granting an increase of pension to William Mattison;
H. R. 16423. A bill granting an increase of pension to Andrew J. Roe;
H. R. 16285. A bill granting an increase of pension to Henry Johnson;
H. R. 16255. A bill granting an increase of pension to James S. Brand;
H. R. 15748. A bill granting an increase of pension to Jacob R. Deckard;
H. R. 15695. A bill granting a pension to John T. Wagoner.
H. R. 15274. A bill granting an increase of pension to E. W. Bell (title amended);
H. R. 14237. A bill granting an increase of pension to Isaac Kindle;
H. R. 14169. A bill granting an increase of pension to Bettie Stern;
H. R. 14118. A bill granting an increase of pension to Edward Delaney (title amended);
H. R. 13337. A bill granting an increase of pension to Joseph W. Hersh (title amended);
H. R. 13026. A bill granting an increase of pension to J. Bailey Orem;
H. R. 13022. A bill granting an increase of pension to Sarah L. Ghrist;
H. R. 12762. A bill granting an increase of pension to Jesse H. Brandt;
H. R. 12727. A bill granting an increase of pension to Benjamin D. Bogia;
H. R. 11989. A bill granting an increase of pension to F. M. Hinds (title amended);
H. R. 10525. A bill granting an increase of pension to Artemas D. Many;
H. R. 10246. A bill granting an increase of pension to John Harrison;
H. R. 10029. A bill granting an increase of pension to Abraham Higbee (title amended);
H. R. 8954. A bill granting a pension to George Cunningham;
H. R. 8737. A bill granting an increase of pension to Horace A. Manley;
H. R. 8552. A bill granting an increase of pension to Elisha G. Horton;
H. R. 8140. A bill granting a pension to Lucy Thomas (title amended);
H. R. 5571. A bill granting an increase of pension to William Cary;
H. R. 15523. A bill granting a pension to Jose N. Lucero (title amended);
H. R. 6546. A bill granting an increase of pension to Samuel A. White;
H. R. 5222. A bill granting an increase of pension to Lewis R. Stegman;
H. R. 3694. A bill granting an increase of pension to Joseph D. Emery;
H. R. 3482. A bill granting an increase of pension to Edwin W. Reed;
H. R. 3345. A bill granting an increase of pension to Christina White;
H. R. 2791. A bill granting an increase of pension to Mary E. Adams;
H. R. 1182. A bill granting a pension to Ezekiel Bridivell (title amended);
H. R. 718. A bill granting an increase of pension to Hamilton D. Brown;
H. R. 1413. A bill granting a pension to John Crawford (title amended);
H. R. 1719. A bill granting an increase of pension to William N. Whitlock;
H. R. 2226. A bill granting an increase of pension to George F. Long;
H. R. 2234. A bill granting an increase of pension to Jacob W. Gersteneker;
H. R. 2816. A bill granting an increase of pension to James C. Town;
H. R. 3686. A bill granting an increase of pension to Henry R. Cowan;
H. R. 4240. A bill granting an increase of pension to James F. Chipman;
H. R. 6498. A bill granting an increase of pension to I. C. France (title amended);
H. R. 9923. A bill granting a pension to Joseph J. Mishler (title amended);
H. R. 10993. A bill granting an increase of pension to Samuel Jones;
H. R. 12088. A bill granting an increase of pension to L. F. Spielman (title amended);
H. R. 12135. A bill granting an increase of pension to William Landahn;
H. R. 14731. A bill granting a pension to Ezra H. Wiggins (title amended);
H. R. 16267. A bill granting a pension to Catherine Piper;
H. R. 16751. A bill granting an increase of pension to Samuel Hough;
H. R. 17173. A bill granting an increase of pension to Thomas J. Davis;
H. R. 17209. A bill granting an increase of pension to Alva D. Smith;
H. R. 17373. A bill granting an increase of pension to William T. Stott;
H. R. 17950. A bill granting an increase of pension to James W. Hager;
H. R. 18158. A bill granting a pension to Isaac Cope;
H. R. 18169. A bill granting a pension to Margaret Stevens;
H. R. 18237. A bill granting an increase of pension to Rachel Egeness;
H. R. 13809. A bill granting an increase of pension to James Tucker (title amended);
H. R. 14490. A bill granting an increase of pension to Martha A. Kenney;
H. R. 15032. A bill granting a pension to Milton Diehl;
H. R. 15206. A bill granting an increase of pension to Peter G. Thompson;
H. R. 15886. A bill granting an increase of pension to John Misner;
H. R. 16528. A bill granting an increase of pension to Catharine Price (title amended);
H. R. 17229. A bill granting an increase of pension to J. T. Jean, sr. (title amended);
H. R. 17654. A bill granting an increase of pension to Hannah J. K. Thomas;
H. R. 17796. A bill granting an increase of pension to T. C. Alexander (title amended);
H. R. 17890. A bill granting an increase of pension to J. T. Baudy (title amended);
H. R. 18188. A bill granting an increase of pension to David D. Guthrie (title amended);
H. R. 18406. A bill granting an increase of pension to Andrew Jackson;
H. R. 18506. A bill granting an increase of pension to Mahala Jones; and
H. R. 13245. A bill to remove the charge of desertion against Henry Gude (title amended).

SENATE BILLS WITHOUT AMENDMENTS.

The following Senate bills, reported from the Committee of the Whole House without amendment, were ordered to a third reading, read a third time, and passed:

S. 13. An act granting an increase of pension to Hautville A. Johnson;
S. 556. An act granting an increase of pension to William H. Egolf;
S. 591. An act granting a pension to William C. Banks;
S. 834. An act granting an increase of pension to Lucian W. French;
S. 918. An act granting an increase of pension to Edwin N. Baker;

S. 971. An act granting an increase of pension to William H. Hackney;
S. 1013. An act granting an increase of pension to William H. Odear;
S. 1260. An act granting an increase of pension to Frank Pugsley;
S. 1514. An act granting an increase of pension to George W. Wicks;
S. 1564. An act granting an increase of pension to Leander C. Reeve;
S. 1605. An act granting an increase of pension to Richard H. Lee;
S. 1628. An act granting an increase of pension to Christian H. Goebel;
S. 1691. An act granting an increase of pension to Alice S. Shepard;
S. 1692. An act granting a pension to Ellen H. Swayne.
S. 1728. An act granting an increase of pension to Joseph H. Allen;
S. 1818. An act granting a pension to Edward T. White;
S. 1913. An act granting a pension to Clara F. Leslie;
S. 2021. An act granting a pension to Juliet K. Phillips;
S. 2759. An act granting an increase of pension to William B. Mitchell;
S. 2767. An act granting a pension to Sarah S. Etue;
S. 2977. An act granting an increase of pension to David B. Neafus;
S. 2985. An act granting an increase of pension to George W. Bodenhamer;
S. 2886. An act granting an increase of pension to Martha Hoffman;
S. 2959. An act granting an increase of pension to William R. Galion;
S. 2799. An act granting an increase of pension to Willis H. Watson;
S. 3119. An act granting an increase of pension to Francis A. Beranek;
S. 3130. An act granting an increase of pension to George B. Vallandigham;
S. 3178. An act granting an increase of pension to Daniel Shelly;
S. 3230. An act granting an increase of pension to William C. Bourke;
S. 3272. An act granting an increase of pension to John Hirth;
S. 3273. An act granting an increase of pension to Abisha Risk;
S. 3308. A act granting a pension to Sarah Lovell;
S. 3415. An act granting an increase of pension to William Triplett;
S. 3454. An act granting an increase of pension to William Wilson;
S. 3468. An act granting an increase of pension to Myra R. Daniels;
S. 3549. An act granting an increase of pension to Martha H. Ten Eyck;
S. 3551. An act granting an increase of pension to Solomon Jackson;
S. 3555. An act granting a pension to Alice A. Fray;
S. 3655. An act granting an increase of pension to Mary A. Good;
S. 3720. An act granting an increase of pension to Smith Vaughan;
S. 3759. An act granting an increase of pension to Henry D. Miller;
S. 3765. An act granting an increase of pension to Charles R. Frost;
S. 3883. An act granting an increase of pension to Ferdinand Hercher;
S. 4010. An act granting an increase of pension to Bridget Egan;
S. 4018. An act granting an increase of pension to Ebenezer Lusk;
S. 4112. An act granting an increase of pension to Henry Swigart;
S. 4126. An act granting an increase of pension to Willard Farrington;
S. 4193. An act granting an increase of pension to Calvin D. Wilber;
S. 4231. An act granting an increase of pension to Owen Martin;
S. 4359. An act granting an increase of pension to Mary E. Lincoln;
S. 4392. An act granting an increase of pension to Cornelia A. Mobley;
S. 4511. An act granting an increase of pension to William Hoaglin;
S. 4576. An act granting an increase of pension to William Monks;
S. 4582. An act granting an increase of pension to Seth H. Cooper;
S. 4688. An act granting an increase of pension to Noel J. Burgess;
S. 4739. An act granting an increase of pension to Benjamin F. Burgess;
S. 4745. An act granting an increase of pension to Susan J. F. Joslyn;
S. 4759. An act granting an increase of pension to Oliver M. Stone;
S. 4760. An act granting an increase of pension to John B. Lee;
S. 4763. An act granting an increase of pension to Harrison Randolph;
S. 4901. An act granting an increase of pension to Joshua M. Lounsberry;
S. 5055. An act granting an increase of pension to Melvin Grandy;
S. 5077. An act granting an increase of pension to Gabriel Cody;
S. 5091. An act granting an increase of pension to Sallie Tyrrell;
S. 5092. An act granting an increase of pension to Mary C. Feigley;
S. 5093. An act granting an increase of pension to Josiah F. Staubs;
S. 5094. An act granting an increase of pension to Samuel F. Baublitz;
S. 5095. An act granting a pension to Jeremiah McKenzie.
S. 5114. An act granting an increase of pension to Lizzie B. Cusick;
S. 5146. An act granting a pension to Mary I. McLeod;
S. 5173. An act granting an increase of pension to William S. Garrett;
S. 5186. An act granting an increase of pension to Robert Staplins;
S. 5189. An act granting an increase of pension to Margaret F. Joyce;
S. 5192. An act granting a pension to John H. Stacey;
S. 5205. An act granting an increase of pension to John F. Alsup;
S. 5219. An act granting an increase of pension to David N. Norland;
S. 5255. An act granting an increase of pension to John D. Cutler;
S. 5291. An act granting an increase of pension to Elijah A. Smith;
S. 5337. An act granting an increase of pension to Samuel M. Tow;
S. 5338. An act granting an increase of pension to David Buckner;
S. 5342. An act granting an increase of pension to Mary E. Johnson;
S. 5344. An act granting an increase of pension to Sophronia Roberts;
S. 5355. An act granting an increase of pension to Annie M. Walker;
S. 5366. An act granting an increase of pension to John Beatty;
S. 5375. An act granting an increase of pension to Frances L. Porter;
S. 5439. An act granting an increase of pension to George W. Dunlap;
S. 5453. An act granting an increase of pension to Jacob M. Pickle;
S. 5455. An act granting a pension to Emily J. Alden;
S. 5517. An act granting an increase of pension to William H. H. Shaffer; and
S. 5515. An act granting an increase of pension to Matilda C. Frizelle.

On motion of Mr. CALDERHEAD, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

PROGRESS OF THE BEET-SUGAR INDUSTRY.

The SPEAKER pro tempore (Mr. DAWSON in the chair) laid before the House the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Agriculture, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a report on the progress of the beet-sugar industry in the United States in 1905. Your attention is respectfully invited to the accompanying letter of the

Secretary of Agriculture, recommending that 10,000 copies of the report be printed for the use of the Department of Agriculture in addition to such number as may be desired for the use of the Senate and House of Representatives.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 27, 1906.*

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18537—the agricultural appropriation bill—and pending that motion, I move that general debate on the bill be closed at half past 3 to-morrow (Saturday) afternoon.

The SPEAKER pro tempore. The gentleman from New York [Mr. WADSWORTH] moves that general debate on the agricultural appropriation bill be closed at half past 3 to-morrow afternoon.

The motion was agreed to.

Accordingly, on motion of Mr. WADSWORTH, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18537—the agricultural appropriation bill—with Mr. FOSTER of Vermont in the chair.

Mr. LAMB. Mr. Chairman, I yield one hour to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Chairman, in the forefront of my remarks to-day, I want to congratulate this side of the Chamber upon the fact that we have finally "flushed the covey." [Applause.] All the birds of the flock are rising rapidly as a result of our shots. They are no longer resting in the insolence of fancied security. The covey is acting as a covey of partridges generally does, each pursuing general partridge habits, but each with individual characteristics. He who is always the boldest on the other side, the gentleman from Ohio [Mr. GROSVENOR], came forward the other day and made a speech in favor of the most unequal, iniquitous, and infamous of all species of class legislation—the ship-subsidy bill. If I have time after I am through with other things, I will attempt to analyze the reasoning, or alleged reasoning which he utters in support of that measure. I shall attempt at some time, if not to-day, to find out wherein the lawyers, doctors, dentists, preachers, carpenters, bricklayers, sewing women, and all the balance of the varied occupations that make up American citizenship, are benefited by money collected by taxation and then taken out of the Treasury in order to enrich men in the shipbuilding trade, who are already very rich, and already the most highly protected class in the American Union, because they have an absolute monopoly of shipbuilding for the coastwise, lake, and river trade—a monopoly given them by statute.

The gentleman from Ohio followed the usual partridge flight circle—the orthodox way—and then there came the gentleman from Illinois [Mr. BOUTELL], and he ran along the ground in his elegant way. Some partridges, you know, will run along the ground, in order to attract attention from that which they desire to conceal, perhaps their infants, or maybe their "infant industries."

I do not listen to any man upon either side of this House with as much pleasure as to the gentleman from Illinois. I love good English, and the waters of his "well of pure English, undefiled," flow down from his mouth like the honey that "ran down Aaron's beard."

He is the essayist of the Republican side. He speaks the English of Addison and Dick Steele, and if at last his English somewhat smacks of the midnight oil, what of that? We are all glad of it, because by the aid of the midnight oil he brings upon the floor of this House what is seldom brought here—a finished product. I for one love to hear him, and yesterday when he pronounced his delightful essay upon "The gentleman who went to New York," and upon "Keene, of Broadway, Keene, of Lower Broadway," and rang all the changes that a cultured man of elegant diction could ring upon that key, I kept feeling within myself, "if he is that strong in the index, what the dickens is to become of RAINEY when he gets to the argument?" Mr. Chairman, sometimes out of the style of Dick Steele and Joseph Addison he fell into the strong and suggestive satire of Swift, and I began to think my friend his colleague was going to look particularly small before he got through; but really after shining in the preamble I think that both sides will bear me out in stating that before he reached the point that the old playwriters used to call the "argument," he fell far below the high standard of his index. [Applause.] The gentleman opened by saying the remarks of his colleague [Mr. RAINEY] had met with some "passing comment," and then he proposed to make a few "passing" remarks. It took him two hours to "pass" his colleague from Illinois. [Applause.] He said that his colleague had put a mass of stuff into "the somnolent pages of the CONGRESSIONAL RECORD." I noticed this; the RECORD may be somnolent, like dead things usually are, but that side of the Chamber was not somnolent while his colleague from Illinois was speaking. [Loud applause.] He rang the changes upon the fact that the gentleman had gone to New York. "He went to New York." He rang the changes so finely and so feelingly and so naturally on that that I thought perhaps my friend [Mr. BOUTELL] himself had been to New York. [Laughter and applause.] He knew so well just what would happen to a green "sucker" from his State in the city of New York. [Applause.] But, Mr. Chairman, before he got through I think the whole House appreciated the fact that what was hurting him was not that his colleague *had been* to New York, but that his colleague had *come back* from New York and brought a story to tell the House and the country.

Now, then, Mr. Chairman, my friend with his elegant diction went on to try to show that the people of his State were not "suckers" but "succors." Now, whether they are "suckers" or "succors" is a matter to be determined by the next election. If they are "suckers" they will still continue to be fooled and deceived by the blandishments of this Republican party that revises the tariff "by its friends" before it goes in and "stands pat" after it gets in. [Applause.] If they shall deserve the name of "succors," it will be because at the end of that election they shall bring succor by their votes to the American people who are fighting special interests that are robbing them in the interest of foreign consumers.

The gentleman displayed a watch which cost $55 away back yonder, and which could be bought for $22 now, and he seemed to think the reduction in price was owing to the protective tariff and the policies of his party. Nothing is plainer to him who studies the history of the country than the fact that the watch went down from $55 to $22 *in spite* of just such things as the gentleman from Illinois [Mr. RAINEY], his colleague, had exposed upon the floor of this House. Watches have gone down in price in England, Switzerland, everywhere where watches are made. And the gentleman himself [Mr. BOUTELL] disclosed during his argument the fact that as far back as 1856 "the ingenuity of the Yankee," as the witness called it, had even then established a thriving and prosperous watch business in the United States, when the duty on watches was, as he admitted, only about 10 per cent ad valorem. He himself read the evidence of some one, I have forgotten of whom, to that effect. And yet I have introduced a bill into this House to reduce the duty on watches and cases, and thus far the, shall I say "somnolent," Committee on Ways and Means has not taken any notice of that bill, and although I am no prophet, I dare say they will not.

Now, Mr. Chairman, when my friend had gotten through with the diction of his speech, which was not only pleasant and entertaining, but edifying, he came to the testimony, and there he made an appeal in which I join him. I believe that men ought upon the floor to be absolutely sincere with one another. As far as men in the heat of debate can be accurate and just, they ought to be accurate and just. I expected to hear something from him himself; and if any testimony had come from him I would have believed it almost as conclusively as if it had come from my own brother. I have the most absolute confidence, not only in his intellectual integrity, but in his integrity of every sort. But when he began to produce his witnesses, they were the defendants themselves, and every one of them, as far as I could learn, was an interested witness in the case. He said that his colleague from Illinois [Mr. RAINEY] asserted that there was a trust. His colleague inferred that there was a trust from the fact of the manner of dealing in the watch trade and from the similarity of the contracts which were made with the retailers not to sell at less than certain prices. It is at least a natural inference. It is true that the gentleman from Illinois [Mr. BOUTELL] rather showed that these were contracts about a certain sort of watch only, and contended that it was a contract with the jobber. That may be true. But the fact remains that it was a contract binding the buyer from the watch companies to sell at not below a certain price in America, and the fact remains that those watches are sold in Europe at less than that price. And if there were testimony needed upon that subject, the gentleman from Massachusetts [Mr. TIRRELL]—a Republican, and as I understand it, in the watch trade—a few days ago gave it to the House; frankly and honestly, fairly and squarely admitted the fact, and undertook to justify it.

Mr. Chairman, the question is: Was there any such contract as the gentleman from Illinois [Mr. RAINEY] sent up to the desk and put in the RECORD? All talk about the contract avails

nothing in the presence of the actual contract. It speaks for itself.

Then my friend from Illinois [Mr. BOUTELL] attempts to show by the testimony of W. J. Bryan, in the most curiously remote possible manner, that would never have suggested itself to any but a remarkably metaphysical intellect like his own, that these people are not in a trust. Now, it depends upon what you mean by a trust. That they have formed a technical trust I do not believe. That they are doing business together in a pool I do not believe; but that they have an agreement about prices I do believe, because the evidence, in my opinion, makes that fact conclusive, and that they have combined about a scale of prices in the American market below which they must not go appears to my mind to be conclusive. The contracts themselves show it.

Now, Mr. Chairman, after he was through it turned out that Mr. Bryan had merely written a letter to the Elgin or the Waltham Watch Company, I have forgotten which, to ask the question if they were in a trust, and that the party to whom the letter was addressed wrote back, very naturally, to say that they were not in a trust. Bryan was very childlike if he expected a different reply, if any at all was made. The gentleman seems to think that evidently Mr. Bryan had in his mind to make a few observations in the columns of the Commoner concerning that matter. I think upon reflection he will know what Mr. Bryan really had in his mind. I believe Mr. Bryan has stated to the whole world that he will not publish the advertisement of a trust in the columns of the Commoner, and I suppose his idea was to find out whether or not this was a trust so that he could cut out the advertisement in case it was, or be prepared to refuse an advertisement if offered. But suppose that was not. Suppose that was not his object; what sort of a metaphysical ingenuity must that be which would denominate as *proof* a letter of inquiry merely coupled with the demonstration of the fact that the writer of the letter never afterwards opened his mouth.

Mr. BOUTELL. Will the gentleman allow me a question?

Mr. WILLIAMS. I will yield to the gentleman.

Mr. BOUTELL. I will ask the gentleman, upon his assumption of Mr. Bryan's motive, if we find that advertisements of the Elgin Watch Company and the Waltham Watch Company are in the Commoner——

Mr. WILLIAMS. I would arrive at the conclusion that Mr. Bryan had arrived at the conclusion that the Elgin Watch Company and the Waltham Watch Company were not in the trust. I would arrive at the further conclusion, from what I have lately heard, that if Mr. Bryan had heard the testimony that has been offered to this House, which was not then in existence, and had known of the exploits of one Keene—perhaps a doubtful character, I do not know, but undoubtedly "of Broadway—Lower Broadway"—he would not have arrived at that conclusion and could not very well have arrived at it. [Applause on the Democratic side.]

And then if Mr. Bryan could arrive at it that would not make it absolutely true. I do not agree with the gentleman's colleague [Mr. RAINEY] that a party should be leaderless. I think the gentleman from Illinois [Mr. RAINEY] did not mean quite that. He was in the heat of debate and indulging in metaphors. I think that a leaderless party is a good deal like a jackass with his head cut off—it will not go very far, it will not accomplish very much; it can not go forward or even altogether backward or sideways. [Laughter.] But at the same time the Democratic party is not to that extent led by anybody that when one of the leaders arrives by inference at a conclusion, his having done so would make it compulsory upon the part of every other Democrat to adopt that conclusion.

Now, the gentleman had read some letters here to prove that the watch companies did not originate these contracts, that it was not on their account that these agreements about price were made, but that they were made in the interest of the retailer, or at the request of the retailer. Suppose that is true. You have merely shifted your ground from an agreement among the manufacturers to an agreement between the manufacturers and the retailers or jobbers, at the instigation of the latter, to hold up to a certain price in the American market. Certain language which I caught in those letters impressed that fact upon my mind. In one of them this language occurs which the gentleman from Illinois will recollect: That this agreement with the factory, if the factory would have it made with all to whom it sold, would "eliminate many unpleasant things." "Eliminate many unpleasant things." How significant! That is, a good deal of the unnecessary competition among the people who are buying watches to sell to others! Another letter he read said, "they wanted the assistance of the 'factory' to hold a fixed price." So they "wanted the assistance" of the factory to form an agreement, or combination, as regards the price, amongst themselves and thus force the agreed price in the American market. The factory "consented" and the contracts were sent out to the trade and were required to be signed when the factory sold the watches. So, whether the factory was the original mover of the combination or not, it was the final consenting, propelling, and compelling party to it.

Then I noticed this sentence in one letter: "The price which the factory *wishes* me to sell at." It seems that the factory "wished."

Then the gentleman brings the testimony of certain retailers that certain watches which were sent to them *by the factory* and which the factory *said* it had caused to be bought from Keene, could be bought for certain prices in the market, in several instances less than the price alleged to be that at which the same watch was sold by Keene. And he says that the manner in which these watches came into their possession was that these witnesses "went, unknown to Keene," and bought them. That certain watches were bought from Keene at the instance of the factory, there can be no doubt. That certain watches were sent by the factory to the retailers to be priced, there can be no doubt. The gentleman has proven all this. True, I have no doubt, they bought watches and sent watches, but the gentleman from Illinois is too good a lawyer not to notice the possible hiatus between the initiation and the conclusion of the transaction. Who knows whether the watches bought were the watches submitted to the retailers or not?

The gentleman then rang the changes and proved beyond all doubt that there had not been this degree of exportation "by the Elgin company." Nobody said that there had been. Never at one moment has the assertion been made that the Elgin Watch Company or the Waltham Watch Company was the exporter of the watches. Everybody knows that the Elgin and Waltham companies make only works, and that works have to go in cases, as a rule, before they are exported as "watches." The assertion was made that they were exported and that they were reimported and sold in New York, not that *the factories* exported them. The question here is not, Who is Keene? I do not care who Keene is. He may be the greatest get-rich-quick rascal that ever existed, and he may have the worst character that ever was. I am willing to admit that for the sake of argument, although I understand that he is a man of good character, notwithstanding he lives on "Broadway, lower Broadway," and notwithstanding the fact that he formed the acquaintance of my friend Mr. RAINEY, of Illinois, when Mr. RAINEY, of Illinois, "went to New York." [Laughter.]

The question is not, Who is Keene? The question is, What did Keene do? And the question back of that, and more important than that, is, What are these watch companies doing, and what have they been doing? And back of that, and more important yet, is the question: What is it that enables them to do what they are doing? My friend from Illinois [Mr. BOUTELL] is a good debater as well as a good essayist, and he is a good lawyer and a good reasoner, and for that reason, I suppose, he never went into two phases of this question. They lie there yet, embedded in the argument of his colleague the gentleman from Illinois [Mr. RAINEY] like very rocks of resistance against all the assaults of the gentleman from Illinois [Mr. BOUTELL]. All that he has said thus far has had the same effect upon those irrefragable facts as shooting peas at the face of Gibraltar would have in the way of removing obstructions across the Peninsula of Spain. Oh, Mr. Chairman, a fact is the one thing in this world that a brave and true man will fall down before and reverence and worship wherever he meets it. A fact comes from God. You can not burrow under it. You can not go through it. It is there. It is the one imperishable thing in this world whose influence extends to the next. Granite may wear away, things may burn up and go into the invisible air, and after a while the whole of creation may become a wreck and a ruin, but a fact recognized by a sound human mind as a fact, once seen, is always unforgetable, and no wise man ever tries to avoid or evade it. You may try to meet what is sought to be proven by the fact, but no wise man ever attempts to shirk the fact itself or to go around it, to deny its existence, or to avoid it. What are these two facts? The first fact is that there were a lot of these watches sent over to England, and a lot more of those watches were later contracted to be sent over to England, and the watches were not delivered, and when suit was brought to force delivery the plea of the defense was that a man had bought the watches *to sell in France*, and that they, the defendants, had found out he wanted them really to sell in the United States. Horrible duplicity!

If there were no combination to fix one price in America and another abroad—if this company did not have one price in America and another abroad—what business was it of the com-

pany in America what the man had done or would do with the watches? He had bought them from the company here. They were his. He had paid for them or had agreed to pay for them and had entered into an agreement that was satisfactory to the company. The company had sold them at its own price. There was no doubt or solid pretense of doubt about the payment and the compliance of the buyer with every condition of the sale, save only the condition, or understanding, to sell in France and not in America. The American sellers could not be hurt by one particle if he sold the watches at a loss or if he gave them away, nor whether he sold them in Timbuctoo or Baltimore. The company had no sort of legitimate business interest in the question as to whether he should dispose of the watches at Timbuctoo, at London, in Sydney, or in New York.

Mr. RAINEY. Mr. Chairman, I would like to state that I neglected to say the other day in my argument that this suit was settled. It did not go to a conclusion. The Keystone Company paid on behalf of the Elgin Company and themselves £500 rather than keep this contract.

Mr. WILLIAMS. Yes; rather than keep this contract or continue their own suit, they paid £500—$2,500—and why? Oh, "gentle shepherd, tell me why." [Applause on the Democratic side.] Suppose I sell 300 bales of cotton to a man in Liverpool and he tells me he wants to make goods out of it in England and send the goods to Bombay. I then find out afterwards, lo and behold! that he wants to ship the cotton back to Charleston; that he finds it profitable to himself to do so. I would be regarded as a roving lunatic, if I made any objection, because I am nothing but a cotton planter. I am engaged in the obscure pursuit of raising things out of the soil. Again, I repeat, at your first opportunity, "gentle shepherd, tell me why." What is the rational answer to it? There can be but one. There was an interest somewhere involved in keeping up one price in the American market regardless of the profit to the purchaser in other markets. What was that interest? The watch factories? I do not know. The American jobbers? I do not know. An agreement amongst the American retailers and indorsed and approved by the watchmakers? I do not know. But I know that there can be no legitimate business reason in the ordinary course of affairs after a man sells his goods at his own price why he should follow them any further. He is not to be damaged in any way of which he can legitimately complain. Why, if I went to the Waltham Watch Company to-morrow and bought three hundred and eighty-odd watches at their American price and came back here and *gave them away*, one to each Member of this House, I dare say there would be no complaint. Yet, if I go to the Waltham Watch Company, I have got to tell them, in the first place, it appears, what I want my watches for, export or domestic sale; and then, if I tell them I want them for export and I export them and then get ready to bring the watches back to America, they will come into court and refuse to deliver the watches which they have contracted to sell, on the ground that I have deceived them about my purpose. Now, that is one of these irrefragible facts in the argument of Mr. RAINEY which has been avoided by his colleague, Mr. BOUTELL—both of Illinois. Let me state another irrefragible fact. And right there I want to stop long enough to say to the gentleman from Illinois [Mr. BOUTELL] that he denies arguendo that the watches that Keene sold were exported, and yet these watches could not have been reimported unless they had been first exported by somebody.

There lies the irrefragible fact that 1,200 of them, I believe it was, were refused admission upon being reimported, upon the ground that they had been changed in character by the addition of a Swiss dial, I believe it was. There were 1,200 of them at least that the gentleman from Illinois [Mr. BOUTELL] must admit had been exported and were sought to be reimported.

Mr. BOUTELL. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. BOUTELL. Because we might as well have our minds come together on this, if I am incorrectly informed as to the facts, so that it takes this whole matter of this reimportation of these 1,300 or 2,300 watches out of this discussion altogether. Right here I must say that I did not even comprehend some of the questions that were asked yesterday relating to these 2,300 watches, because our minds were working along two different channels.

The advertisements which the gentleman, my colleague, inserted in the RECORD, in perfect good faith, of course, advertised a number of the high-grade watches of both the Waltham and the Elgin works—high-grade movements, selling from $30 upward. The testimony of these companies, as corroborated by their records, show, first, that there is little, if any, foreign market for those high-grade movements; second, the actual number sold for export by the Elgin company was 37, as against thousands stated in the advertisement. Now, these 2,300 watches, as I have been told, are 1,000 Elgin watches and 1,300 Waltham watches of the very cheapest movement—those that are called "gilt-plate" movements—costing from $2.50 to $3 a movement, sold abroad to the cheap jobbers of England and Switzerland to be fitted up with foreign cases and dials. Now, that is the point I thought was perfectly clear to all the members of the committee, but the questions, as I read over the remarks, showed they were not, and we were speaking of two different things.

Mr. WILLIAMS. Now, Mr. Chairman, there is this point always: The gentleman seems to go back all the time to the number of watches "exported by the Elgin Company" or "sold by the Elgin Company for export." Nobody contends that the "Elgin Company exported them." Moreover, he seems to forget that in the present condition of industrial affairs in this country there is almost a habit—there are a great many instances, at any rate—of people deceiving the factory by pretending to buy for export when they are really buying for domestic sale, and their object in deceiving the factory is that the factory has a lower price for purchases for export than for purchases for domestic sale. It by no means follows, even if we admit the absolute veracity of every statement made by the Elgin company as regards the number of watches that *they* have exported or sold for export, that that number comes anywhere near agreeing with the number of watches that have been actually exported or sold in our market.

Why, I remember, if the gentleman will excuse me, in a speech upon this floor in the Fifty-seventh Congress, I believe it was, in the speech upon "Tariff Barons and Tariff Beggars," I quoted from an editorial in a great manufacturer's journal, I have forgotten which one—it is in the RECORD—an article in which the journal complained of the bad faith and trickery and swindling passed upon the manufacturers of the country by men who bought under the pretense they were buying for export when really they wanted to sell the goods in America, and especially one demonstrated instance, which will appear in that editorial then quoted by me, was concerning somebody who bought a lot of steel stuff under the pretense that it was to be sold in British Columbia, and then managed to have it landed en route at some point in the State of Washington; and this trade journal absolutely called up to the halter almost, called up to the judgment seat at any rate, and sentenced this purchaser as a vile swindler—this man who had told this lie in order to get these goods in order to commit the great crime of letting American citizens have the goods cheap rather than sell them cheap to British subjects across the line, as he had promised the factory to do. [Applause on the Democratic side.] Now, that that man did lie there is no doubt; that a gentleman would not have lied there is equally no doubt. I do not stand here to say that the man who did the thing did a right thing, but I cite it merely to prove a condition of things so chronic that absolutely manufacturers' journals complain about it as a constant swindle and menace to the trade. Now, then, I want to call the gentleman's attention to another fact. If Keene did not import these watches or reimport them, then the custom-house records will show it. The copies of the invoices which had to be shown to the custom-house officials are there somewhere. I am informed by the gentleman from Illinois [Mr. RAINEY] that he has made every effort to get the Government to give him certified copies of those papers, and that he has met with refusal or failure at the hands of this Republican Administration, presumably protecting these, the beneficiaries of its peculiar policy. Let the gentleman, if I may use the inelegant phrase, "rub his mind up against" these two propositions: Why is it that the watchmakers took the trouble to make themselves a party to prevent the reimportation of the watches turned back if they could not be hurt by it? How could they be hurt by it if they did not fear underselling? How could there be any apprehension of underselling if the price at which they had been sold for resale abroad was not one less than that at which like watches were sold here? Aye, not only less, but so much less as to enable the reimporter to be able to lose freight both ways and yet sell in our sheltered market at a profit sufficient to induce him to go into the business and to try to stay in it! If it be true that their price abroad be equal to the price at home, or even if it be true that it is only a little less or so near the price at home that the freight across the ocean and the freight back would make the goods cost as much money (or more) when brought back as they would have cost if bought originally for the home market and held here from the beginning, then what interest do these people have in making themselves a party to stopping the reimportation?

Then this second and more significant fact: Why did they refuse to deliver the watches in England when they found out what Keene was doing? And, when sued, why did they plead that the man who bought had said he was going to "sell them

in France?" What makes it a crime or a breach of business faith to send those watches back to America? What makes it a violation of the vital interests of the Waltham Company and the Elgin Company? For what reason did the companies object? After all is said and done, what is it the Keene folks are caught in doing? They are caught in committing the stupendous fraud of bringing back to America, to sell to Americans, goods they had bought under a promise to sell to Frenchmen! That is the whole thing in a nutshell. There is no way to get around it. The watch companies had sold at their price. The case companies had sold at their price. What difference to them was it to whom as watch wearers the watches were to be sold?

The only rational solution of it all is this: First, that they have one price in Europe, as Mr. TIRRELL confessed, and another price here; and secondly, that they have an agreed price in this sheltered market—sheltered by the tariff on watches—to such an extent that an agreement can be successfully entered into and carried out, which they dare not allow to have the first breach made in. The moment that anybody begins to sell those watches upon the American market cheaper than the American listed price, that moment this agreement between somebody—and judging by the contracts here it is between the jobbers and the factories and the retailers all, all along the line—this combination as to prices between somebody goes to pieces, and that moment that thing which the Republican party promised years ago would take place as the result of protection—would actually take place not as a result of protection, but in spite of it. And what was that thing? They said: If you protect these infant industries, you will after a while have a sufficient number of home producers and home manufacturers to bring down the price by competition with one another to the foreign price. Now, then, to avoid that promised result—because in spite even of any obstacle legislatively erected that sort of thing might possibly in the course of time take place—this combination as to prices is entered into. Meanwhile the people would have paid an enormous price for the legislative hastening process. But to prevent that end which would come upon the consummation of the hastening process, these people enter into their agreement—I do not care whether you call it a trust or not—into their combination to charge a certain price, let us call it, in what market? In the American market. Why not in the foreign market? Because they are not sheltered there. They could not carry out the agreement there. Why in the American market? Why, to keep the very things which the Republicans promised would take place after the "establishment of industries" from taking place. [Applause on the Democratic side.]

Now, Mr. Chairman, in that connection I want to read an article from a paper that is dear to the heart of my friend from Connecticut who is now looking at me. It is from the old Hartford Courant, a good old paper, a little old-maidish in its ways, but mighty true and mighty truthful. I cut this out of the Washington Post. It is headed: "The Shabbiest Fraud." The language "the shabbiest fraud" is that of the Hartford Courant itself, as you will see in a moment. The Hartford Courant is a Republican paper of the better sort, of the common-sense sort, not of the "stand-pat" sort.

The Hartford Courant—

Says the Washington Post—

which was a venerable newspaper long before the Republican party was born and has been a strong and consistent advocate of Republican principles and policies ever since the birth of that party, finds it hard under present conditions to put up the defense of protection that the system deserves—

Says the Washington Post, and, you know, the Washington Post is, upon "the principle of protection," a Republican and not a Democratic paper—

When open and avowed enemies of this beneficent policy show up the trickery and hoggishness of certain protected interests and then denounce protection itself, our contemporary's trouble begins.

I would not use that language. It would be unparliamentary, coming from me.

When, for example, the free traders or "tariff-for-revenue-only" advocates show that some of our principal manufacturers habitually sell their products in foreign countries at prices far below those which their home patrons are compelled to pay.

Mark that word "compelled," my friends. Are they compelled by the manufacturers? No. By the trusts or manufacturers that make a combination? No. But by something back of that. By the big stick in the hands of these people. And what is the big stick? The tariff. No manufacturers in the world could by a combination compel me to pay more for a plow than that plow sells for in the Argentine, if other people all over the world who make plows could sell me a plow in the United States.

Are compelled to pay; they put a plausible argument into the mouths of antiprotectionists. And the plausibility of that argument is so difficult to expose that it is often accepted as sound logic.

Well, I reckon it is. The Washington Post continues:

Of course it is a fallacy, for there is not a more thoroughly and overwhelmingly vindicated policy in the arena of American politics than the protection of home industries.

"Protection of home industries!" How generous that sounds! How cunningly that sort of language is devised to make you forget that while protectionism protects *some* home industries, it taxes in order to do it all other industries and all consumers. The word "some" ought always to precede the phrase "home industries," if the sentence is to express truth and not pretense.

It stands so firmly that its enemies can not overthrow it, even with the aid of those false friends of protection who persist in abusing it for their own advantage.

Now, here we have what the Hartford Courant—dear old veteran, abolition, Republican paper—says:

The shabbiest fraud that is played on the United States by managers of protected industries is this trick of misusing the protection that we provide—of making it benefit foreigners to our disadvantage.

If it were necessary to maintain a certain price in order to maintain protection, then everyone would accept the situation, unless he were a free trader of the pronounced stamp, who advocates shutting up every factory that can not run without protection. But it is a different proposition when a protected factory makes Americans pay for the protection, and then gives foreign countries the benefits of successive cheapening processes. It is all nonsense to talk of the policy as necessary. If the goods can be sold in Paris at 30 per cent less than the price asked for them in New York—

Mark the language—

then they can also be sold in New York at the lower price; and the difference represents the excess of profit which is extorted from the American people.

Protection, like every other institution or policy, must justify itself. Protection in America, for the benefit of European consumers, can not be justified.

That last clause from the Hartford Courant I especially recommend to your tender memories. The Post continues:

There are not many protection newspapers that emulate the candor of the Courant, but a great and growing number show their sympathy with the views of our venerable Hartford contemporary. The American people are too fair to complain of any man or association of men for making money by fair business methods; but they do not believe it is fair for their Congress to legislate millions of money out of the pockets of the consuming masses into the hands of a comparatively few persons. The demand for reform is becoming extremely insistent. A sense of injury too long endured lends a strong coloring of anger to the call for relief.

So much for the old Hartford Courant. Why, from the Federalist and Whig standpoint even at the beginning, at the inauguration of this protective system, nobody ever contemplated the notion that there would be perpetual protection for anything. The first new tariff acts passed in this country were passed for a limited number of years, to expire at the end of that time. Clay and Hamilton and all of them said that they were passed for the purpose of "putting infant industries upon their feet." Ah, above the portals of the Committee on Ways and Means we find the inscription, in letters almost visible, "No infant need enter here." You must have influence—political or financial—power, capital, and then you can get what is called "protection," but what an honest intellect prefers to call legislative favoritism.

Now, Mr. Chairman, so much for the speech of my friend from Illinois.

Mr. BOUTELL. Mr. Chairman, will the gentleman yield for a few moments?

Mr. WILLIAMS. Yes.

Mr. BOUTELL. If the gentleman prefers not, if the time is wanting, I shall not persist. The gentleman has stated that he was a cotton planter.

Mr. WILLIAMS. Yes, sir.

Mr. BOUTELL. You sell cotton from your cotton-planting districts to the factories of the South and the factories of the North?

Mr. WILLIAMS. Sell to both.

Mr. BOUTELL. And some abroad?

Mr. WILLIAMS. Yes.

Mr. BOUTELL. Is there any difference in the selling price to the factories in Mississippi and Massachusetts?

Mr. WILLIAMS. Not a particle to me in Yazoo City, Miss.

Mr. BOUTELL (continuing). And Manchester?

Mr. WILLIAMS. At the mill here and at the mill in England?

Mr. BOUTELL. Yes.

Mr. WILLIAMS. Oh, yes; but no advantage in the price to me—not a particle. The buyer for Fall River, Mass., and the buyer for Manchester, England, both alike pay me the Yazoo City, Miss., market price.

Mr. BOUTELL. I will ask the gentleman a second question. Where the cotton that is sold is made into cotton goods in Manchester and returned in the shape of cotton cloth, white

goods, and comes back here, are you in favor of repealing the duty on that cotton cloth?

Mr. WILLIAMS. I favor reducing it somewhat.

Mr. BOUTELL. Are you in favor of repealing it altogether?

Mr. WILLIAMS. No, I am not; because I want to raise revenue to run this great, glorious, and expensive Government of ours. [Applause on the Democratic side.]

Mr. BOUTELL. One more question. The gentleman represents a beautiful, rich cotton-growing district of the South, his district one of the richest. I will ask, when plain cotton goods manufactured in those numerous factories in the South that have grown under the beneficent Republican protective policy, the plain white cotton goods, are sent over to Germany and are changed like those watches, are dyed and printed in Germany and come back here, have you any objection to the admission of those cotton goods free?

Mr. WILLIAMS. I have just told you that I would have objection to admitting any cotton goods free. We have got to raise a revenue to run this Government. I want not only the consumers of cotton goods, but, as nearly as may practically be, the consumers of all sorts of goods to pay their share of governmental expense, necessary to protect them in life, limb, liberty, and property.

Mr. BOUTELL. Just one more question. In the room of the committee of which we both have the honor to be members, and over which is that inscription which has been quoted by the gentleman, a little infant passed a few months ago, an infant now less than 4 months old—House bill 10076:

A bill to provide for and levy an import duty on Egyptian and other long-staple cotton imported into the United States from foreign countries.

Be it enacted, etc., That on and after the 1st day of October, 1906, there shall be levied, collected, and paid upon all Egyptian and other long-staple cotton imported into the United from foreign countries, in the lint, an import duty at the rate of 10 cents per pound, and upon all Egyptian and other long-staple cotton imported into the United States from foreign countries, in the seed, an import duty at the rate of 4 cents per pound.

Will the gentleman give his opinion as to how we ought to deal with this infant in our committee?

Mr. WILLIAMS. I have very little objection to answering the question. In the first place, this infant has not yet got what is asked for it. In the second place, if my friend from Illinois had listened to me with half the attention and love of being edified that I always indulge in when I listen to him, he would have known that it is a cardinal point of faith with me that a tariff is a tax, and a tax upon the consumer, and that therefore all consumers, as nearly as practicable, ought to pay their part of the tax. I would not have the slightest objection to a tax for revenue only upon cotton imported into the United States, say 5 per cent, or, at the highest, 10 per cent ad valorem. I would have exactly the same objection to a protective duty upon cotton that I would have to a protective duty on any other article.

Now, let me say to the gentleman—and he ought to have known me well enough to have saved me the trouble of saying it—that when I say that taking money by indirect or direct taxation out of one man's pocket in order to make another man prosperous; that prostituting the taxing power, exercised upon all the people, for the benefit of some of the people—i. e., for private use—is immoral, socialistic, and wrong. He ought not to have expected me to think it was any less immoral, any less socialistic, any less wrong if he could concoct some tariff scheme whereby money could be put into my pocket. [Applause on the Democratic side.] And this one would for a time put some money into my pocket, I suppose. If I were cultivating to-day in long-staple cotton every acre of land I have that could produce it, I suppose a bill like that would put into my pocket an increased annual revenue for some time, at any rate—that is, until everybody who could got to raising long-staple cotton. I would vote against that bill, for a very simple reason—it is not a tariff for revenue. It would be a very highly protective tariff, if I understood the gentleman aright, 10 cents a pound on cotton in the lint and 4 cents a pound on cotton in the seed. Was that it?

Mr. BOUTELL. Ten cents a pound for cotton in the lint and 4 cents a pound for cotton in the seed.

Mr. WILLIAMS. Now, cotton of that sort is worth about 15 cents per pound in the lint in the Yazoo market, so that it would be a duty of ten-fifteenths, which would be 66⅔ per cent—not only highly protective, but prohibitive. Not a dollar of the tax would ever get into the Treasury. Moreover it would destroy the market in America for much short-staple cotton, which is used mixed with long-staple Egyptians in the manufacture of certain goods.

Mr. BOUTELL. I am sorry if the gentleman from Mississippi thinks I have led him into a discussion.

Mr. WILLIAMS. Oh, no; it is not that.

Mr. BOUTELL. I have listened to the gentleman's speech without moving from my chair, except to interrupt him for a question, and have listened with all the attention of which my ears and my intellect were capable.

Mr. WILLIAMS. My feelings were not hurt by that. My feelings were hurt at the idea that seemed to be lurking in the gentleman's mind, that if there could be found a protective tariff that would put money in my pocket I might be in favor of it.

Mr. BOUTELL. Can we come back to the question as to this particular bill, a practical question, an infant before our committee? I had hoped that the gentleman from Mississippi and myself could agree on favoring that bill.

Mr. WILLIAMS. We can not. I hope we can agree about another thing, and that is that a tariff is a tax on the consumer?

Mr. BOUTELL. Will the gentleman agree with me that we both favor this bill?

Mr. WILLIAMS. Why, no; I said emphatically that I was opposed to it.

Mr. BOUTELL. The gentleman is opposed to the bill?

Mr. WILLIAMS. Absolutely. Do you think I would rob all the poor sewing women and all the dentists and all the bricklayers and all the carpenters of this country to put money into my pocket or the pocket of my constituents? If you do, you mistake me. [Applause on the Democratic side.]

Mr. BOUTELL. Mr. Chairman, the gentleman from Mississippi has now said exactly what I knew, with his mental and intellectual integrity, he would say, and I only wish to say in reply that this bill was introduced by one of the most distinguished Democrats in the House, representing a great cotton district, Mr. CLARK of Florida.

Mr. WILLIAMS. Well, the gentleman from Florida is undoubetedly a Democrat, but his bill is indubitably not Democratic.

Mr. CLARK of Florida. Will the gentleman permit me a moment?

Mr. WILLIAMS. I will yield to the gentleman for a question.

Mr. CLARK of Florida. Mr. Chairman, I want to say, as my name has been mentioned in this discussion, that I introduced that bill which the gentleman from Illinois has produced, because I believe that it is absolutely necessary for the purpose of this Government to have a tariff. I think that is the Democratic position, and I am in favor of levying that tariff where the burdens will be heavier upon the luxuries and where if benefit is to accrue at all it will accrue to the producer as well as to the manufacturer.

Mr. WILLIAMS. Now, Mr. Chairman, I yielded for a question. I will not yield any further. [Laughter and applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BOUTELL. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Mississippi be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. KEIFER. I hope the gentleman from Mississippi will not object himself. [Laughter.]

Mr. WILLIAMS. Mr. Chairman, having declined to object to the continuation of the tolerably good speech made by the gentleman from Illinois [Mr. BOUTELL] and to the endurably good speech made by the gentleman from Iowa [Mr. HEPBURN], I shall treat myself impartially and not object to the continuation of my own eloquent and wise remarks. [Laughter.]

To continue, Mr. Chairman, there is something that I neglected to read that I wanted to read ere this. The gentleman from Massachusetts [Mr. TIRRELL] the other day came to the front to defend the watch companies, and then my friend [Mr. BOUTELL] coming to the front also the flurry reminded a friend of mine of a part of the Acts of the Apostles—Chapter XIX, verses 23 to 28, inclusive—which I will read for the edification of the House. If Members will change the name "Demetrius" into the names "TIRRELL" and "BOUTELL," and change the words "shrine and temple of Diana" into the words "shrine and temple of protectionism," and also change the word "trades" into "specially protected industries" and "Asia" to "America" and the word "idols" or "images" to "schedules in the Dingley bill," they will see how the covey was flushed. I read:

And the same time there arose no small stir about that way.

For a certain man named Demetrius, a silversmith, which made silver shrines for Diana, brought no small gain unto the craftsmen—

This is the man who makes tariff schedules for the temple of protectionism, you know—

whom he called together with the workmen of like occupation, and said, "Sirs, *ye know that by this craft we have our wealth.*"

Moreover ye see and hear, that not alone at Ephesus, but almost

throughout all Asia, this Paul hath persuaded and turned away much people, saying that they be no gods which are made with hands—

And that is to be likened to this Democratic voice and this reasonable, common-sense Republican voice, "turning away much people," from the Republican party. I hear a whisper this morning that it has "turned away much people" in Iowa under the call of one Cummins, who called in a very forcible manner—

So that not only this our craft is in danger to be set at nought; but also that the temple of the great goddess Diana should be despised, and her magnificence should be destroyed, whom all Asia and the world worshipeth.

And when they heard these sayings, they were full of wrath, and cried out, saying, "Great is Diana, of the Ephesians."

So we seem to have brought the watchmakers to book, at any rate. The idol worship of others (schedule worship) is much to their profit.

Mr. friend the gentleman from Kentucky [Mr. SMITH] has just handed to me a notice, which I will not read at this time, in the Washington Times, showing how the Juggernaut car of political independence has claimed another victim out in Iowa, and how Cummins is managing things out there and the Secretary of the Treasury is not. "The bloody Tenth" in Iowa—the Gibraltar of Republicanism in that State—has refused to indorse the appointment by the President of Mr. Shaw, the Secretary of the Treasury, the Big Chief of the stand-patter tribe.

Mr. BOUTELL. Will the gentleman now yield to such a question as he said he would consent to yield for?

Mr. WILLIAMS. Pertinent to what I am talking about.

Mr. BOUTELL. I have written it out so as to give the rule in its actual economic terms. May I remind the gentleman from Mississippi of the universally recognized economic law that fixes absolutely, almost mechanically, the limit of the difference in prices at which dealers can sell similar goods in different markets, namely, that the difference in price between the lower market and the higher market can not be greater than the cost of transportation from the lower market to the higher market? I ask that of the gentleman as an economist and not as a party man. Is not that a well-established and universally recognized law?

To illustrate, if American watches are offered for sale in the London market at a less price than they are offered for sale in the New York market, and the difference is greater than the cost of transportation from London to New York, those watches never would be sold in London, but would find their way to New York; if so, cotton is offered at Manchester at a less price than its selling price at Lowell, and the difference is greater than the cost of transportation from Manchester to Lowell, that cotton will find its way to Lowell just as certainly as the waters of the Mississippi find their way to the Gulf, and I know that the gentleman must admit that this law is uniform and universal in operation.

Mr. WILLIAMS. Now, Mr. Chairman, it is true, as an economic proposition, that under ordinary and normal circumstances, if a man were to sell a given line of goods at London for a price so much lower than the price at which he offered them in New York, as that the price in London plus transportation both ways would not equal the price paid at home, then, of course, those goods might and generally would come back to New York, and that is just exactly what happened in this watch case to a dot, and they would have come back to New York, and did come back to New York, and Keene sold them in New York, and then these people objected to his bringing more of them back to New York, and they furthermore declined to deliver other goods they had contracted to deliver for England, because they find out he is going to bring them back to New York. [Applause on the Democratic side.]

But, Mr. Chairman, one thing is certain. Those watches were exported, and those watches were reimported, and those watches were sold after they were exported and reimported into the American market. [Applause on the Democratic side.] They were sold in the open market, and everybody knows it. And another thing is true, that to stop this same natural process, the very economic process to which the gentleman calls attention, this company steps into court and in defense to a suit requiring them to deliver the goods sold they plead that the man is going to send them back into America! In other words, the plea itself is a protest against the operation of the very economic law to which the gentleman refers and which the agreement to sell abroad only and not in America was intended to defeat. [Applause on the Democratic side.]

Mr. HILL of Connecticut rose.

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Connecticut?

Mr. WILLIAMS. Yes.

Mr. HILL of Connecticut. I judge that the gentleman desires to force the tariff question to the front; therefore it is very desirable to know where he stands and what he proposes.

Mr. WILLIAMS. I am going to tell you before I get through.

Mr. HILL of Connecticut. I want to know whether he still stands by the declaration in Everybody's Magazine, supplemented by the statement of the chairman of the last Democratic national convention, Mr. CLARK, and, if the gentleman will pardon me, I will read.

Mr. WILLIAMS. Will the gentleman prefer to read an old utterance of mine or to hear some new ones this morning?

Mr. HILL of Connecticut. I prefer to read the language and——

Mr. WILLIAMS. I will state this: I do not remember anything in that article in Everybody's Magazine that I would not stand by.

Mr. HILL of Connecticut. The gentleman may have changed in the last two years. Perhaps the gentleman would like to have the country have both, so as to see whether he has changed his position.

Mr. WILLIAMS. The gentleman may of course read out a sentence independent of its context, which may modify it to some extent. Now, I will ask, if the gentleman desires, to insert as a part of my remarks my article in Everybody's Magazine. [Applause on the Democratic side.] Now I yield to the gentleman. Mr. Chairman, have I consent to insert the article?

Mr. HILL of Connecticut. The statement was as follows:

The ultimate goal of Democratic striving is "tariff for revenue only." Perhaps it might be said that an ideal Democratic tariff for revenue only would consist in levying import duties upon all or nearly all imports, dividing them, however, into three classes—necessaries of life and of industries; second, comforts, and, third, luxuries. The general principle that protectionism is wrong, morally wrong, and a prostitution of government to private ends, should never be forgotten; the goal ought not to be lost sight of.

That is supplemented by the statement of the gentleman from Missouri, as president of the last Democratic national convention, as follows——

Mr. WILLIAMS. Mr. Chairman, I do not think the gentleman ought to take up my time, except for the purpose for which I have yielded, to wit, to read what I wrote in the article.

Mr. HILL of Connecticut. The gentleman has unlimited time.

Mr. WILLIAMS. But I have not unlimited strength.

Mr. HILL of Connecticut (reading):

The true Democratic position on the tariff——

Mr. WILLIAMS. Do not read me what Mr. CLARK says. That has nothing to do with the matter. CHAMP CLARK generally says the right thing anyhow. Do not read me the balance. You have read what I have said. I stand by every word of it. [Applause on the Democratic side.] I decline to be interrupted any more. I decline to have the whole Democratic campaign book read to me now.

Mr. HILL of Connecticut. I would like to ask the gentleman this question.

Mr. WILLIAMS. I will answer the gentleman a question.

Mr. HILL of Connecticut. Last year we imported $570,000,000 of goods dutiable, and $517,000,000 on which no payment of duty was made. Would the gentleman put a duty on that $517,000,000 of free goods imported last year in accordance with that declaration?

Mr. WILLIAMS. That brings it all back to the same thing. Because descanting on that very matter later on, in that same article, in dealing with it in what I hope is a practical, common-sense way that I try to make a characteristic of mine, I go on to show that, while that is the goal toward which we would look, while that is the ideal Democratic tariff, that there is nobody so lacking in common sense as to think we can reach it all at once in one act.

Mr. HILL of Connecticut. The gentleman evades the question. Both he and his colleague, the president of the last national Democratic convention, declared that duty should be laid on all articles for revenue. Then I ask him now fairly and frankly if that is the Democratic policy, and if that party is successful in the next campaign, would he put a duty on that $517,000,000 worth of importations that under the Republican system was admitted free into this country?

Mr. WILLIAMS. Mr. Chairman, my answer to that will be twofold. First, of course I would not revolutionize the business of this entire country by doing all that at once. I would begin the work though and carry it as far at once as actual conditions confronting me would permit, meantime reducing prohibitive, trust-engendering duties, thus gradually equalizing taxes on consumers.

Mr. HILL of Connecticut rose.

Mr. WILLIAMS. Now, please sit down. [Laughter.] The gentleman from Connecticut frequently makes me look like I am convinced, in consonance with his opinion, because he is so

persistent that frequently I would rather appear to be wrong than argue with him much longer. [Laughter.] Now, then, that is the first answer to it. The second answer is this: Suppose we did. Suppose we did? What quarrel could any Republican have with us about it? If a tariff be in and of itself a blessing and not a mere necessary evil like all other taxes; if taxes on imports are in and of themselves blessings, why not have the blessing made universal and tariff taxes provided on everything?

Now, to go back in connection with that, because it makes me think of something which, when the gentleman from Florida and the gentleman from Illinois a moment ago were talking and had interrupted me, I had intended to say. To complete my reply to the gentleman from Illinois I will say that I see no equitable reason why the factory which consumes wool should pay a tax upon its wool and make the consumers who buy woolen goods from it pay taxes to carry on the Government or to them on the woolen goods, in the price of which the tariff on raw wool is a factor, and the manufacturer who consumes cotton should be free of any taxes upon the cotton which he uses, which he is consuming for making cloth, thus leaving the man who consumes the cotton cloth free of the tax upon cotton which enters into the cloth. I want to say that I can see no good Democratic reason, for example, why the consumer of coffee should pay a tax (if he did; he does not) and why the consumer of tea should not pay a tax, or why both should be exempt from paying taxes to carry on the Federal Government while the person who puts sugar in his coffee or tea does pay a tax. Now, then, if the gentleman had let me alone, after a while I was going to reach all that, and at the right place of coming to it, and much more satisfactorily to him.

Now, I ask unanimous consent to print in the RECORD at the end of my remarks when I shall have completed them that article written by me for Everybody's Magazine, if I can find it. I very much fear I have lost it.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to insert a certain article in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. I want to add that I will stand to it as the very slogan of pure Democracy, undefiled, as understood by me, both in what it expresses about the ideal ultimately to be consummated—the goal ultimately to be reached—and in the conservative, safe, and gradual manner of reaching it. [Applause on the Democratic side.]

Mr. CHARLES B. LANDIS. I would like to ask the gentleman a question that I would like to go with the answer. When was that article published?

Mr. WILLIAMS. I have forgotten the date; I doubt if I have one, but perhaps the gentleman from Connecticut can tell you. It seems to have struck him. It was some time in 1903.

Mr. HILL of Connecticut. 1904.

Mr. WILLIAMS. It was at the beginning of the last Congress.

Mr. HILL of Connecticut. Just before the St. Louis convention.

Mr. WILLIAMS. Right after I was elected floor leader on this side.

Mr. HILL of Connecticut. In February, 1904.

Mr. CHARLES B. LANDIS. I was going to suggest this: I know how it struck the gentleman from Connecticut. The question I would like to ask the gentleman is this: How that article struck the people of the country? [Laughter on the Republican side.]

Mr. WILLIAMS. Yes; a statesmanlike question! I have an impression, Mr. Chairman, that if we could have fought this last campaign upon the line of a common-sense and sensible reduction and revision of the tariff, to prevent the exploitation of home consumers by concerns which exploit them under the shelter of a tariff while they sell cheaper to the foreigner, and on the very lines laid down in that article we would have won the election. [Applause on the Democratic side.]

And I have another idea, and I will give it to the gentleman now: That the personality of your candidate and our disorganization had more to do with your last overwhelming victory than the strength of your party. And I have another idea, and I will give it to the gentleman now, and it is more a wonderment than an idea: I am wondering, and sometimes dreaming, of what will happen to the gentleman from Iowa [Mr. HEPBURN], the gentleman from Pennsylvania [Mr. DALZELL], the gentleman from New York [Mr. PAYNE], and the gentleman from Indiana [Mr. CHARLES B. LANDIS], and all the other leaders of the cohorts of "stand-patism," when toward the tail end of this session, or during the next session of this Congress, the man in the White House—who carried your party to victory rather than the party carried him—shall send a message to this House to revise and reduce the tariff. [Applause on the Democratic side.] It is in the air that he wanted to do it before this. It was asserted in the newspapers—I do not know whether it was true or not, I hope not—that there was some sort of an agreement between him and the Speaker whereby he must hold back the opening of this box with all these serpents of discord—this Pandora's box—from being turned loose amongst the House and Senate members of the Republican party, provided the Speaker, who did not want the box opened, would first help him get through certain things that he considered of primary and paramount importance at this moment. Let me tell you something: You have got to revise this tariff. If you don't, we will. [Applause on the Democratic side.] Because our common masters, the people of America, have made up their minds that it shall be revised.

Mr. CHARLES B. LANDIS. I will say to the gentleman——

Mr. WILLIAMS. Wait a minute.

Mr. CHARLES B. LANDIS. I have waited.

Mr. WILLIAMS. I know; but you can wait longer. It will do you good, because what I am saying to you may be a light whereby to guide your footsteps. You are not old in iniquity, like a lot of these other fellows. You can still take advice and counsel, and you are young enough and supple enough and mentally elastic enough to profit by it. They are not; they are doomed; they are riding to their fall. One by one they will go down. But there is a future in you; there is hope for you. [Laughter.] You not only wear optimism in your face, but you wear optimism in your heart, and you are flexible, and when you see the handwriting on the wall your reason will teach you to bend somewhat from your present and past course, in order to adopt a wiser course in the future. In fact, the main object of my making this speech to-day is to appeal to you and young men like you, now, "in the days of your youth, while the evil days draw not nigh," to fix yourselves in the direction in which you shall grow for future usefulness in the political field. [Laughter and applause.] For I tell you that every man who worships the schedules of the Dingley bill as an idol in the Temple of Diana is doomed to defeat. [Applause on the Democratic side.] Not now, perhaps; not all of them in the very next election; some of them then—enough of them to give us the House—unless you revise the tariff at this session or the next session of this Congress. I will tell you another thing; I am going to tell you a whole lot of things. You have got to pass a bill to admit Oklahoma and the Indian Territory as a State in this Union, and leave Arizona and New Mexico uncoupled. For if you don't, we will, because the people, your masters and our masters, have made up their minds upon that point. [Applause on the Democratic side.]

I will tell you another thing. Your Republican Senate has got to pass a reasonable and right and just railroad rate bill, and if you don't, then that is another thing that we will do by the people's commission. Like these other things I have mentioned, it is our policy, not yours. I am not boasting of our strength, Mr. Chairman. I regret our weakness. I hope it is a weakness of the past. I notice more of homogeneity amongst Democrats, more commonness of purpose, more unity of action than there has been in a long, long time. I am not predicating these expectations, however, so much upon our strength before the country as I am upon your weakness, upon the demonstrated fact that you have neither the intellect nor the courage to take the bull by the horns and do the people's work yourselves. As surely as there is a sun in heaven unless you do it the people will commission somebody else to do it.

Mr. CHARLES B. LANDIS. I should like to ask the gentleman what there is in the record of the Democratic party on the tariff question that would lead him to suppose that the people will intrust that work to the Democratic party?

Mr. WILLIAMS. Mr. Chairman, of course it is perfectly justifiable, a trick of debate, to dislocate the order of a man's argument and bring things into the wrong place. The gentleman is a skillful debater. But the gentleman from Indiana asks me what there is in the past of the Democratic party to justify the trusting of the power to its hands——

Mr. CHARLES B. LANDIS. To justify the people in turning over a revision of the tariff to the Democratic party.

Mr. WILLIAMS. Very well, I will confine myself to that question. I am glad the question is restricted, because if I had to go into everything good about the Democracy in its glorious day of just and equal government, it might have been a speech too long for my strength.

I have heard a great deal of boasting lately about the growth of the country in the last census decade—the decade between 1890 and 1900. There are people who see nothing except what is before their noses and know nothing about what has taken place in the past. I want now to call the gentleman's atten-

tion to a comparison between the record made by this country under Democratic tariffs—the tariff of 1842 and the tariff of 1857 in very many particulars—and I want to contrast that rate of increase and growth with this "great and unparalleled 'Republican' prosperity" about which you are boasting every day. You do not seem to be aware of the fact that this country has a history as well as a present.

Now, let us take corn, the great basic product of agriculture in the Middle West—the country of the gentleman from Indiana. From 1850 to 1860, under tariffs for revenue only—and I quote these figures from Professor Conner, who gives the census reports—from 1850 to 1860 there was an increase of 41.7 in the corn production of the United States. The decade beginning in 1880 to 1890, under a Republican tariff, there was an increase of only 21 per cent. In the decade beginning in 1890 and ending in 1900 there was an increase of only 25.6 per cent.

In the decade from 1840 to 1850, under a Democratic tariff, the railroad mileage of this country increased from 2,800 in round numbers to 9,000 miles in round numbers, an increase of over 300 per cent.

From 1850 to 1860, under Democratic tariffs, the railway mileage increased from 9,000 in round numbers to 30,600 in round numbers, an increase of over 300 per cent. In the decade from 1890 to 1900—your boasted decade—the railroad mileage went up from 163,500 miles in round numbers to 193,500 miles in round numbers. That is an increase of 30,000 miles on a basis of 160,000 miles, the percentage of which I can not calculate in my head at this moment—say, 19 per cent.

Now, coming to the growth of the manufacturing industries of the country—because if the tariff favors any class of industry over and above all others and at the expense of nearly all others it is the manufacturing industries—I will show you what a Democratic tariff with low duties has done, in comparison with your tariff with high duties for the aggregate of manufactures throughout the country. Of course in your tariff you hothouse a few industries into a degree of wealth that no industry could reach in any normal and natural way by only natural profits. We can not hope and do not desire to compete with you in that respect. The following is a statement of contrast for the entire manufacturing business of the country. The growth of all the manufacturing industries of the United States since 1860—and this is a quotation from Carroll D. Wright's Industrial Evolution of the United States, page 159.

"In 1850 the capital employed in manufacturing in the United States was $533,000,000" in round numbers. "In 1860 it had gone up to $1,009,000,000" in round numbers, an increase of nearly 100 per cent, or, to be perfectly accurate, an increase of 89.4 per cent. From 1890 to 1900, this boasted era of yours, the increase was from $6,500,000,000 to $9,800,000,000, or an increase of 50.7 as against an increase of 89.4 per cent, a little over half as great an increase under a protective as it was under a revenue tariff.

Now, let us take the manufacturing products. From 1850 to 1860 the increase was 85.1. From 1890 to 1900 the increase was 38.9 per cent only, or less than half as much. There is the history of the progress of the agricultural and of the manufacturing interests under a Democratic tariff and under a Republican tariff.

Mr. GAINES of West Virginia. Will the gentleman from Mississippi permit me to give him some figures?

Mr. WILLIAMS. I will yield for a question, but I can not yield for a statement.

Mr. GAINES of West Virginia. I want the gentleman to let me give the figures for wheat and corn value in 1895, under the Wilson tariff, and for 1905, under the Dingley tariff.

Mr. WILLIAMS. Mr. Chairman, I will not yield to the gentleman from West Virginia [Mr. GAINES] to make the statement which he would make. I think it is not altogether ingenuous to take a year when the country was just coming out of an immense panic and compare it with a year eleven years afterwards when it had recuperated and got upon its feet. I could go back, for example, and take the year 1816 or the year 1846 or the year 1857 or 1867 or 1873, or a year one or two years after either of these, and compare any one of those years of panic, or years immediately after panic, with some other year selected by me very much to the disadvantage of the former years. Panics come and panics go, and when panics come prices fall and people do not get the cost of production upon hardly anything they raise in agriculture or produce in manufacture or take out of the mines; then after the panic is gone it takes a year or two for the country to retrieve itself and get upon its normal footing.

Mr. OVERSTREET. Mr. Chairman, has not the gentleman from Mississippi [Mr. WILLIAMS], in his figures which he has given the committee, taken the period immediately following the civil war?

Mr. WILLIAMS. Oh, no; I did not. I took the last census report, from 1890 to 1900.

Mr. CHARLES B. LANDIS. But the gentleman did play the partridge on the period in which the Democratic party had control of this Government.

Mr. WILLIAMS. What period was that? Will the gentleman tell me the decade the Democratic party has been in power?

Mr. CHARLES B. LANDIS. I did not say decade. I said the period during which the Democratic party had control of the Government.

Mr. WILLIAMS. The two years during which the Democratic party was in power?

Mr. CHARLES B. LANDIS. Yes.

Mr. WILLIAMS. Oh, pshaw! Mr. Chairman, I am bound to compare by census figures. I have not the figures for 1893 and 1894, and the gentleman has them not, and he can not get them of an authoritative character. Besides, the first year—1893—was an exceptional year—a panic year—like 1867 and 1873, and, like them, under a Republican tariff. Times were easier in 1894, after the Republican tariff had been repealed by the passage of the Wilson-Gorman bill, but still the full effect of Republican legislation, both tariff and financial, had not yet entirely passed away. I have the census reports, which come out once in ten years, and those are used because they are authoritative, and I have compared ten-year period with ten-year period, and I have taken the ten-year period under the highest protective tariff the country ever saw, and I have taken the ten-year period under the lowest revenue tariff the country ever saw, and I have compared those two sets of figures with one another.

Mr. RUCKER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. RUCKER. I want to suggest to the gentleman that, taking the ten-year period from 1875 to 1884, the average price of wheat in the United States was 94.12 cents a bushel. During the next ten-year period, from 1885 to 1894, inclusive, the average price of wheat was 70.93 cents a bushel, and for the last ten-year period, from 1895 to 1904, it was only 67.01 cents a bushel. [Applause on the Democratic side.]

Mr. WILLIAMS. I thank the gentleman from Missouri [Mr. RUCKER].

Here is the article referred to by Mr. HILL of Connecticut and inserted in whole at Mr. WILLIAMS's request, in reply to Mr. HILL's question concerning a portion of it. It was published in the February number, 1904, of Everybody's Magazine. [Prolonged applause.]

"WHAT DEMOCRACY STANDS FOR.

"The two great parties are fundamentally divided as Jefferson and Hamilton were. Issues change with changing conditions from year to year, but issues are, after all, but the application of fundamental principles to conditions.

"As to the tariff, the Democratic party stands for the principle that protectionism is a system of taxation whereby many are robbed in order that a few may be hothoused by legislation into artificial prosperity. The method whereby 'protection' does this is by deflecting capital and labor from naturally profitable pursuits into pursuits made by legislation profitable, pursuits which without legislation would have been less profitable or perhaps not profitable at all.

"The ultimate goal of Democratic striving is 'tariff for revenue only,' but in the striving toward this goal common sense, good judgment, and conservatism will prevail and time will enter as a factor. Perhaps it might be said that an ideal 'Democratic tariff for revenue only' would consist in levying import duties upon all or nearly all imports, dividing them, however, into three classes—first, necessaries of life and necessaries of industries; secondly, comforts; and, third, luxuries.

"THE REFORMER MUST GO SLOW.

"The general principle that protectionism is wrong, morally wrong, a prostitution of government for private ends, should never be forgotten; the goal ought not to be lost sight of. At the same time friends of tariff reform would not strike down in a revolutionary way, 'over night,' as the Germans say, all the scaffolding which the false system has erected. Even in Great Britain, where free trade was and is possible, free trade was not reached in that way. Duties were reduced amidst the dismal predictions of the advocates of protectionism that 'destruction and ruin,' 'starvation and poverty,' would follow. Destruction, ruin, starvation, and poverty did not follow after the duty was removed. Object lesson after object lesson was

thus furnished to the people of the falsity of the claims of the advocates of the old system.

"In this country, owing to the decision of the Supreme Court in the income-tax case, founded on the provision in the Constitution of the United States about direct taxes, the goal can not be, as it was in Great Britain, free trade. 'A tariff for revenue, to carry on a government economically and effectively administered,' becomes the American tariff reformer's goal. It must be kept in mind until it is reached, but it must be reached by the exercise of wisdom and good sense. The tariff reformer who would do things recklessly or too suddenly would run the risk of destroying the very end which he had in contemplation, by furnishing object lessons, which would not help, but would hurt him, and in consequence of which he and those of his opinion might be hurled out of place and deprived of the power of doing anything.

"There is also a tariff revision by piecemeal, which is a handmaiden of the other system. It is very important in its place, although it ought never to be permitted to handicap the larger movement by general legislation. This is tariff revision by reciprocal trade agreements with other nations. I have always thought that there ought to be about every tariff law some degree of elasticity—a maximum and a minimum—a margin within which, by international trading and bartering, the friends of untrammeled, or comparatively untrammeled, commerce could be rewarded for the admission of our farm and mining products free, or nearly free, encouraged to continue in their course, and others encouraged to imitate it; and whereby also, incident to the rewarding of these, peoples pursuing an inimical course toward our commerce could be punished. They could not complain, because they would not be punished directly—indeed, punishment would not be the end in view. They would be punished by their own act, and their punishment could be remitted by their own act.

"Much can be done along this piecemeal line of tariff revision under a Democratic, or approximately Democratic, law. Some things along this line can be done even under the Dingley law, with nothing but the small 20 per cent margin of elasticity given in that act. Chamberlainism in England and in her colonies can be killed a-borning by a wisely executed policy of that sort, and with an advantage incalculable to American producers, whether on the farm, in the mine, or in the factory, while at the same time benefiting American consumers of British products to the extent of 20 per cent. The framers of the Dingley bill themselves confessed that they had placed the duties on a level 20 per cent higher than was necessary, even in their own opinions and from their standpoint—that of high protectionism. They made this confession when they inserted in the bill section 4, which authorizes a reduction of 20 per cent to be made upon all articles and commodities upon the dutiable list by international agreement in certain international contingencies.

"Were we to pass a law to-morrow giving this differential advantage of 20 per cent to all such countries as do now or may hereafter admit duty free the growth and product of our farms and mines—so-called 'natural products'—the selfish appeal which Mr. Chamberlain is now making in Great Britain, with a view of placing import duties upon natural products admitted into the British market, except when such natural products are sent from British colonies, would receive its counter blast and countercheck. It is needless here to say that over half of the entire exports of the natural products of the American people are sent to the British market. Other countries maintaining a free-trade, or an approximately free-trade, system in regard to natural products would likewise be encouraged to continue their present policy and not to diverge from it into the pathway of commercial warfare. Still others would be encouraged to inaugurate such a policy. The American farmer would find a guaranty of the retention of present markets and the opening up of new markets. The price of his product in the foreign market being lower than now, owing to the removal of international tolls, he would find himself enabled thereby to sell a very much larger quantity of goods than formerly at the same profit heretofore obtained by him.

"THE DEMOCRATIC IDEA.

"The Democratic tariff idea, like anything else Democratic, is founded as nearly as possible upon the principle of 'equality of opportunities and equality of burdens.' This same principle extended to other matters of anticipated legislation will give you what Democracy means, or ought to mean, with regard to them. It stands for equality of charges by railroads and transportation companies, with destruction of the power of secret rebates or open discrimination, whether against corporations or localities. Neither Government nor Government-created corporations ought to be permitted to encourage or continue in a course of favoritism to any individual, any interest, or any locality.

"A Democratic interstate and foreign commerce committee would produce a bill under which some things that we now see could not happen; it would be made impossible, for example, for the great railway systems to make a rebate of 33⅓ per cent upon iron and steel and the products of iron and steel, when carried for export, and recoup for that reduction by increasing freight charges on commodities from Chicago to the seaboard 2 per cent. This system whereby the railroads assist the steel trust in selling its goods much cheaper to the dealer abroad than the dealer at home, much cheaper to the foreign shipbuilder than to the American shipbuilder, would be destroyed just to the extent that the railroad rebate in favor of its products when exported, as against the same products when exported, as against the same products when disposed of at home, would be removed.

"A Democratic tariff law would now, even from the beginning, contain rates of duty more above a mere revenue point, in cases where it is so self-evident that the existing duty serves only the purpose of home extortion, as it is in those where the producer here, still receiving the benefit in the home market of the tariff tax, is actually selling abroad in competition with so-called "pauper labor." The fact that he can do so makes self-evident the lack of need for the tax for any other than a revenue purpose, even from a protectionist's standpoint.

"A Democratic interstate-commerce bill would give to the Interstate Commerce Commission many of the powers which it has been vainly asking of a Republican Congress. The child's play which is exhibited now in that the Interstate Commerce Commission, though legally empowered to pronounce a given rate of charge unreasonable, yet lacks the power to say what rate in its stead would be reasonable, would then come to an end; and the further child's play of maintaining a rate decided excessive by the Interstate Commerce Commission, during the pendency of railroad-instigated litigation, would also cease.

"The same old principle of Democratic equality, or approximate equality, of benefit and of burden, ought to show that the Democratic party could not very well stand in finance for the Aldrich bill or the Fowler bill—certainly not for any proposition looking toward the giving out for circulation of Government-guaranteed currency upon the deposit of the bonds of private corporations—thus making the Government a partner in the affairs and in the maintenance of the credit of a few selected, and therefore favored, bond-issuing corporations. The same principle, when applied to the present system of Government deposits, which national banks would teach, or ought to teach, that the Government ought not virtually to lend its money free—would teach, or ought to teach, that if Government money is to be deposited in banks at all (and with a revenue far beyond the needs of an economical, or even of the present extravagant Government, that seems a present necessity in order not to starve commerce and industry by lack of cash), then the deposits ought to be made upon some system whereby there could be secured, first, undoubted, gilt-edged, and infallible security for the return of the principal deposited, and, secondly, in such banks, as, having given that security, should, by competitive bid, offer for the deposit the highest rate of interest. Nor is there any Democratic reason why Government deposits, amply secured in some such way as I have indicated, should be confined to national banks alone, it being apparent that the security which ought to be deposited in the Government vaults in return for the money deposited in the bank vaults would be, as above indicated, a self-sufficing security, totally independent of the bank's future solvency or insolvency.

"Talking about depositaries and their security; except the miraculous construction by the President and his Administration of the treaty with Colombia, whereby the pledge of the United States to 'guarantee the sovereignty of Colombia' over the transisthmian strip was construed to mean a promise to upset that sovereignty by preventing Colombia from enforcing it, there is nothing quite so marvellous as the construction which the Secretary of the Treasury gave to section 5153 of the Revised Statutes. The language of that section is this: 'The Secretary of the Treasury shall require the associations thus designated' (meaning the depositaries) 'to give satisfactory security by the deposit of United States bonds and otherwise * * * .' The Secretary of the Treasury simply and calmly scratched out the word 'and' and inserted the word 'or' in lieu thereof.

"I am asked: 'Is there now a live issue in abating trusts?' Of course there is. It has been proven that trusts are not quite the 'get-rich-quick' concerns which many innocent and gullible people, misled by exploiting swindlers authorized by

law to swindle, once thought them to be. Any concern of the gigantic magnitude of one of the great combinations of corporations called a 'trust' must necessarily, to a large extent, do without the restraining and economizing 'eye of the master,' and it must, moreover, be managed, in a large measure, without regard to that most important factor of all business, the known private character of the man immediately supervising and controlling. This all being true, it is but natural that a great deal of water should in the natural course of inevitable exposure, have been squeezed out of the trusts; but it still remains true that a system of law regulating interstate commerce, which permits public cheats and swindles of the Jersey-born variety to go untrammeled and unwhipped of justice, is a grave thing and ought to constitute an issue, whether it does or not.

"EQUAL OPPORTUNITIES IN THE PHILIPPINES.

"The same great Democratic principle of equality applied to the Philippine Islands will give as a result of its application the Democratic policy there. The Philippine Islands ought not to be retained as a part of the American body politic, because, from the very nature of the population—alien and inimical—they can not, with safety to our rule, be given 'equal opportunities' and subjected only to 'equal burdens.' A country which has been afflicted, as this has been, from the landing of the first slave ship at Jamestown down to now, with an apparently insoluble race problem, ought never to have annexed another, and, having annexed it, ought to 'unannex' it just as soon as practicable; that is, just as soon as the waste places have been reoccupied by the people of the country and that people set upon their feet.

"On the other hand, if, in spite of all the lessons of history, they are to be retained anythow, then in their trade relations with the people of the balance of the United States, and with regard to their natural rights, they should have 'equal opportunities and equal burdens' under the flag and under the Constitution. They should be permitted to grow rich as we have grown rich, by sharing the magnificent benefits of free trade between all parts of the Union.

"I say with regard to their natural rights. I do not say with regard to the statutory privilege of the suffrage, which is a different thing and ought never to be conferred save in the interest of organized society's chief aim—good government. I refer to the 'God-given' rights of the individual as such and as a factor in industrialism, chief of all the right to earn an honest living in the sweat of one's brow.

"As to the isthmian canal question, the Democracy wants a canal. It wanted it, by an overwhelming majority within its ranks, at Nicaragua, because of the natural advantages of that route, regardless of the first cost. The main benefits, in my opinion, to be looked for in a transisthmian canal are: First, in connection with our intercoastal trade—trade between the Atlantic and Gulf on the east and the Pacific ports on the west—furnishing a cheap waterway, competition with transcontinental railroads; second, in connection with increased naval strength and efficiency—enabling Gulf and Atlantic squadrons on the one side and Pacific squadrons on the other to concentrate without the necessity of going around the Horn. The question of first cost is a mere bagatelle in contrast with the attainment of these two great ends.

"The great transcontinental railways, however—all of their henchmen and a great many innocent persons who have been misled by them—have deflected public opinion toward Panama, because Panama, being so very much farther in distance and in time necessary for intercoastal voyages, furnishes very much less competition to them in their transcontinental business than a canal at Nicaragua would. The Democracy, however, is for a canal and is willing to take a canal even at Panama, because it can not get the other, and because it will do the American Navy, American commerce, and American industry a vast deal of good even there.

"The party is not going to permit itself to be thrown by its enemies into an anticanal attitude.

"RECKLESS INTERNATIONAL CONDUCT.

"On the other hand, it is not going to permit itself to be thrown by anyone into the attitude of condoning the infinitely reckless disregard of international law, rights of nation and customs of civilization illustrated in our recent connection with the birth of the mushroom Republic of Panama—a birth evidently foreseen, provided for, and aided. We are not responsible for what the Republican Administration has already done; we do not indorse it; we do not condone it. We warn it, in the interest of business, in the interest of the people, and in the interest of the peace of the world, against the danger of future repetitions of this sort of rough-rider, all-too-sudden, and superlatively reckless international conduct. It might be a government able and willing to resent insult—to lift a gauntlet insolently flung down. A child with a lighted torch in a powder magazine is a dangerous thing. The Presidential cannon is a dangerous weapon to play with, especially when the man, amusing himself by firing it off, sits astride the cannon, with his face to the breech and his back to the muzzle, and sees nothing that is or might be in front of the gun.

"It is said that the so-called Republic of Panama is an accomplished fact. France repeats that it is 'un fait accompli.' We want it distinctly understood that we had nothing to do with the 'accomplishment,' and are not proud of the part our country took in it. It has been, or soon will be, recognized as one of the 'independent nations of the earth' by our Government, by France, by Great Britain, by Germany, and by Russia. Recognition was marvelously sudden in comparison with the failure to recognize even belligerent rights for the Republic of Cuba or independence for the Boer Republic in South Africa. Amongst honest men, who believe in certain recognized, fundamental principles of international dealings, the so-called Republic of Panama is an abortion—misbegotten, hagborn—a misshapen Caliban among the 'independent nations' of the earth.

"As to the sin and unscrupulousness of it, that is the affair of the Republican Administration; it is not ours. We shall hope that the President of the United States will yet obey the plain letter of the law, as expressed in the Spooner Act, and give the American people a canal where they ought to have it—at Nicaragua. But if not, and we are forced to forego that desire and to take our canal at Panama, we want it. In taking it there, and in recognizing 'accomplished facts,' we can not in the minds of just men anywhere be held chargeable with the manner of their accomplishment."

Mr. CHARLES B. LANDIS. Why does not the gentleman finish his speech to-morrow?

Mr. WILLIAMS. Mr. Chairman, I believe, if the House would indulge me, I would rather finish to-morrow, as I am not as well as I might be.

Mr. CHARLES B. LANDIS. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to conclude his remarks to-morrow.

Mr. WILLIAMS. Oh, I have unanimous consent to conclude, but I would like to have the House adjourn now and allow me to conclude to-morrow.

Mr. LAMB. Mr. Chairman, I think I must object to that.

The CHAIRMAN. The gentleman from Mississippi has the floor now.

Mr. LAMB. There are other gentlemen to whom I have promised time. We have already agreed, Mr. Chairman, to go into debate under the five-minute rule at half past 3 to-morrow.

Mr. CHARLES B. LANDIS. I will say, Mr. Chairman, that the gentleman from Mississippi has been interrupted in his remarks and has been very courteous in permitting interruptions, and I do not think it is any more than fair that he be permitted to conclude his remarks when he is physically able.

The CHAIRMAN. The gentleman has the floor now, and if he yields for a motion to adjourn, he will have the floor when the House meets to-morrow.

Mr. CHARLES B. LANDIS. I was going to suggest we could adjourn until 11 o'clock——

Mr. WILLIAMS. No; I would rather not do that. Mr. Chairman, I now have the floor, and have unlimited time, and I will yield for a motion that the committee rise, and for a motion that the House adjourn.

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

And the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18537—the agricultural appropriation bill—and had directed him to report that it had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 11037. An act relating to the transportation of dutiable merchandise without appraisement.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 5872. An act authorizing the Secretary of the Navy to employ additional laborers and mechanics at the navy-yard, Mare Island, Cal.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5872. An act authorizing the Secretary of the Navy to employ additional laborers and mechanics at the navy-yard, Mare Island, Cal.—to the Committee on Appropriations.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 18025. An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes;

H. R. 17217. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," regulating proceedings for condemnation of land for streets; and

H. R. 11490. An act granting the Edison Electric Company a permit to occupy certain lands for electric power plants in the San Bernardino, Sierra, and San Gabriel forest reserves, in the State of California.

REGISTRATION OF TRADE-MARKS.

The SPEAKER laid before the House the bill (H. R. 15911) to amend the laws of the United States relating to registration of trade-marks, with a Senate amendment.

The Senate amendment was read.

Mr. CURRIER. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken; and the amendment was concurred in.

Mr. HENRY of Connecticut. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned until to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Director of the Bureau of Engraving and Printing submitting an estimate of appropriation for labor and expenses—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of Commerce and Labor submitting an estimate of appropriation for the Bureau of Fisheries—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey of the harbor at Two Rivers, Wis.—to the Committee on Rivers and Harbors, and ordered to be printed, with accompanying illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Mississippi River between Ashport, Tenn., and Fort Pillow, and from Ashport east—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for relief of George M. Esterly, of Valdez, Alaska—to the Committee on Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the president of the Spanish Treaty Claims Commission submitting an estimate of appropriation for payment of the claim of Rosalia de Torres de Larrieur—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BENNET of New York, from the Committee on Immigration and Naturalization, to which was referred the bill of the House H. R. 17349, reported in lieu thereof a bill (H. R. 18713) to validate certain certificates of naturalization, accompanied by a report (No. 3632); which said bill and report were referred to the House Calendar.

Mr. DIXON of Montana, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17114) to provide for the disposition, under the public land laws, of the lands in the abandoned Fort Shaw Military Reservation, Mont., reported the same without amendment, accompanied by a report (No. 3633); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18376) to authorize the Minnesota, Dakota and Pacific Railway Company to construct a bridge across the Missouri River, reported the same with amendment, accompanied by a report (No. 3634); which said bill and report were referred to the House Calendar.

Mr. GARDNER of Massachusetts, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 18673) to regulate the immigration of aliens into the United States, reported the same without amendment, accompanied by a report (No. 3635); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 59) providing for the establishment of a uniform building line on streets in the District of Columbia less than 90 feet in width, reported the same without amendment, accompanied by a report (No. 3636); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LONGWORTH, from the Committee on Foreign Affairs, to which was referred the bill of the Senate (S. 5131) incorporating the Archæological Institute of America, reported the same without amendment, accompanied by a report (No. 3637); which said bill and report were referred to the House Calendar.

Mr. OVERSTREET, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the Senate (S. 2140) to authorize the Postmaster-General to dispose of useless papers in post-offices, reported the same without amendment, accompanied by a report (No. 3638); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McGUIRE: A bill (H. R. 18707) creating and establishing a Territorial park in Woods County, Territory of Oklahoma, and for other purposes—to the Committee on the Public Lands.

By Mr. HUGHES: A bill (H. R. 18708) to provide for the removal of prosecutions for capital offenses from State to Federal courts in certain cases—to the Committee on the Judiciary.

By Mr. PALMER: A bill (H. R. 18710) to regulate appeals in cases of contempt—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: A bill (H. R. 18711) to subject the mineral lands on the Indian reservations in the United States and Territories to location, operation, development, and entry under the mining laws of the United States—to the Committee on Indian Affairs.

By Mr. SULZER: A bill (H. R. 18712) to regulate the price of mileage tickets on railway transportation companies doing an interstate-commerce business, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York, from the Committee on Immigration and Naturalization: A bill (H. R. 18713) to validate certain certificates of naturalization—to the House Calendar.

By Mr. UNDERWOOD: A bill (H. R. 18714) authorizing the President to negotiate trade contracts—to the Committee on Ways and Means.

By Mr. GILLETT of Massachusetts: A bill (H. R. 18715) apportioning the cost of the new Anacostia Bridge and providing means for the collection thereof—to the Committee on the District of Columbia.

Also, a bill (H. R. 18716) to extend the authority of the Commissioners of the District of Columbia over all street railway companies operating in the streets of the city of Washington—to the Committee on the District of Columbia:

Also, a bill (H. R. 18717) authorizing and directing the Commissioners of the District of Columbia to extend Monroe street, in Anacostia, and construct a bridge or viaduct, and provide for

the assessment of certain costs of construction and repair—to the Committee on the District of Columbia.

By Mr. LIVINGSTON: A bill (H. R. 18718) to acquire certain lands in Washington Heights for a public park and site for the McClellan statue—to the Committee on Public Buildings and Grounds.

By Mr. GILLETT of Massachusetts: A bill (H. R. 18719) regulating the assessment of real estate in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BEDE: A joint resolution (H. J. Res. 148) authorizing the use of the Mississippi River reservoir system in Minnesota for the prevention of floods—to the Committee on Rivers and Harbors.

By Mr. STEPHENS of Texas: A resolution (H. Res. 415) requesting of the Secretary of the Interior certain information relative to lands in New Mexico—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 18720) granting an increase of pension to Ella Donnald—to the Committee on Pensions.

By Mr. BELL of Georgia: A bill (H. R. 18721) granting an increase of pension to Elisha Anderson—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 18722) granting an increase of pension to George W. Littlejohn—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 18723) granting a pension to William E. Hannigan—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 18724) granting an increase of pension to Alfred Gude—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 18725) granting a pension to Nancy V. J. Ferrell—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 18726) granting an increase of pension to Horace O. Balch—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 18727) granting an increase of pension to Franklin B. Beach—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 18728) granting an increase of pension to George Bingaman—to the Committee on Pensions.

By Mr. FLOYD: A bill (H. R. 18729) granting a pension to George Kidwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18730) granting an increase of pension to W. C. Mahaffey—to the Committee on Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 18731) granting an increase of pension to Warren W. Reynolds—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 18732) granting a pension to James J. Chirsty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18733) granting a pension to Jacob N. Wunder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18734) granting a pension to David U. Brown—to the Committee on Invalid Pensions.

By Mr. GILBERT of Kentucky: A bill (H. R. 18735) granting a pension to John B. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18736) for the relief of the Madison Female Institute, of Richmond, Ky.—to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 18737) for the relief of the heirs of the estate of John McDermott—to the Committee on War Claims.

By Mr. HUBBARD: A bill (H. R. 18738) granting a pension to Sarah Cobb—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 18739) for the relief of the heirs of Richard Parsons and Mildred Parsons—to the Committee on War Claims.

By Mr. LOUDENSLAGER: A bill (H. R. 18740) to correct the military record of William B. Strang—to the Committee on Military Affairs.

By Mr. McGUIRE: A bill (H. R. 18741) granting to the town of Pawnee, in Pawnee County, Oklahoma Territory, certain lands for park, educational, and other public purposes—to the Committee on the Public Lands.

By Mr. MANN: A bill (H. R. 18742) granting an increase of pension to Martin V. Barney—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 18743) granting an increase of pension to Alfred Williamson—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 18744) granting an increase of pension to Charles B. Johnson—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 18745) granting an increase of pension to Michael J. Geary—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 18746) granting an increase of pension to Isaac Howard—to the Committee on Pensions.

Also, a bill (H. R. 18747) granting an increase of pension to W. H. Colegate—to the Committee on Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 18748) granting an increase of pension to Mary Dowling—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of Massachusetts: A bill (H. R. 18749) to waive the age limit governing the appointment of warrant officers as ensigns in the Navy in the case of William Boteler Stork, warrant machinist, United States Navy—to the Committee on Naval Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 17271) granting an increase of pension to James D. Taylor—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18505) granting an increase of pension to M. Belle May—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMSON: Paper to accompany bill for relief of Joseph Edge—to the Committee on War Claims.

By Mr. AMES: Petition of citizens of Lowell, Mass., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: Petition of Frank P. Blair Post, No. 1, Grand Army of the Republic, for a military park on the Wilson Creek battlefield—to the Committee on Military Affairs.

Also, petition of Mission Institute of Homœopathy, for passage of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BEALL of Texas: Paper to accompany bill for relief of John J. Mullins—to the Committee on Claims.

Also, paper to accompany bill for relief of Martin Ellison—to the Committee on Pensions.

By Mr. BELL of Georgia: Paper to accompany bill for relief of George H. Gordon—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Jamison F. Skeens—to the Committee on Pensions.

Also, paper to accompany bill for relief of George W. Littlejohn—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: Paper to accompany bill for relief of H. G. Butterfield—to the Committee on Pensions.

By Mr. BURLEIGH: Petition of Northern Light Grange, No. 6, of Winterport, Me., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of William Martinson—to the Committee on Military Affairs.

By Mr. CAPRON: Petition of Local Council of Women of Rhode Island, for an appropriation to investigate the industrial condition of women and child workers—to the Committee on Appropriations.

By Mr. CHAPMAN: Petition of William Lawrence Post, Grand Army of the Republic, of Illinois, favoring the McCumber pension bill—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of the Business Men's Club of Frankfort, Ky., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DOVENER: Paper to accompany bill for relief of James Darrah—to the Committee on Invalid Pensions.

By Mr. DUNWELL: Petition of Robert S. Waddell, against the powder monopoly—to the Committee on Military Affairs.

By Mr. FLOYD: Paper to accompany bill for relief of Charles G. Tompkins—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Rand, McNally & Co., of Chicago, Ill., for the Littlefield, pilotage bill (H. R. 5281)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. GARDNER of New Jersey: Petition of residents of the Second Congressional district of New Jersey, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of granges and residents of the Second Congressional district of New Jersey, for the consolidation of third and fourth classes of mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of residents of Millville, N. J., against the ship-subsidy bill (S. 529)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of residents of the Second Congressional district of New Jersey, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of William McKinley Camp, No. 9, Sons of Veterans, of Pleasantville, N. J., against bill H. R. 8131, relative to wearing uniforms, etc.—to the Committee on Military Affairs.

Also, petition of citizens of Bridgeton and Vineland, N. J., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAMILTON: Petition of citizens of Benton Harbor, Mich., against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. HOUSTON; Paper to accompany bill for relief of John McDermott—to the Committee on Claims.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of James Pharo—to the Committee on Invalid Pensions.

By Mr. HUBBARD: Petition of the Woman's Home Missionary Auxiliary, of Spencer, Iowa, for a law in behalf of prohibition in Indian Territory—to the Committee on the Territories.

Also, petition of the Spencer (Iowa) Woman's Home Missionary Auxiliary, for a law forbidding the sale of intoxicants in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. LINDSAY: Petition of Isabella Sullivan, president of the Associate Alumnæ, favoring the pure-food bill (H. R. 4527)—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Paper to accompany bill for relief of Martin V. Barney—to the Committee on Invalid Pensions.

By Mr. PIERRE: Petition of citizens of Cumberland, Md., for an appropriation to rebuild Government buildings in San Francisco—to the Committee on Appropriations.

By Mr. REID: Paper to accompany bill for relief of M. A. Lucas, heir of Richard S. Lucas—to the Committee on War Claims.

By Mr. SAMUEL: Petition of Washington Camp, No. 105, Patriotic Order Sons of America, of Berwick, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Pennsylvania: Petition of the Patriotic Order Sons of America, Washington Camp, No. 622, of Lindsay, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the T Square Club, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Trades League of Philadelphia, Pa., opposing the Little and Gilbert bills, relative to labor organizations in disputes—to the Committee on the Judiciary.

Also, petition of 66 American artists, for repeal of the duty on art works—to the Committee on Ways and Means.

By Mr. SULLIVAN of New York: Petition of the parties to the coal-strike controversy, submitting the facts as to the demands of 1902, the Commission findings, the demands of 1906, and the operators' reply—to the Committee on Labor.

Also, petition in the form of a reprint from the National Druggist, against the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of Fred Fear & Co. and G. Lowenstein, for extending the term of letters patent to John A. Gunn for a soap, dated March 18, 1890—to the Committee on Patents.

Also, petition of the Burglar and Fire Proof Mail and Express Car Company, for use of steel mail cars by the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. WEBB: Petition of R. F. Johnson, editor of Good Times, against the tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

SATURDAY, *April 28, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 15911) to amend the laws of the United States relating to the registration of trade-marks.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8997) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes.

The message further announced that the House had passed the following bills:

S. 13. An act granting an increase of pension to Hautville A. Johnson;

S. 556. An act granting an increase of pension to William H. Egolf;

S. 591. An act granting a pension to William C. Banks;

S. 834. An act granting an increase of pension to Lucian W. French;

S. 918. An act granting an increase of pension to Edwin N. Baker;

S. 971. An act granting an increase of pension to William H. Hackney;

S. 1013. An act granting an increase of pension to William H. Odear;

S. 1260. An act granting an increase of pension to Frank Pugsley;

S. 1514. An act granting an increase of pension to George W. Wicks;

S. 1564. An act granting an increase of pension to Leander C. Reeve;

S. 1605. An act granting an increase of pension to Richard H. Lee;

S. 1628. An act granting an increase of pension to Christian H. Goebel;

S. 1691. An act granting an increase of pension to Alice S. Shepard;

S. 1692. An act granting a pension to Ellen H. Swayne;

S. 1728. An act granting an increase of pension to Joseph H. Allen;

S. 1818. An act granting a pension to Edward T. White;

S. 1913. An act granting a pension to Clara F. Leslie;

S. 2021. An act granting a pension to Juliet K. Phillips;

S. 2759. An act granting an increase of pension to William B. Mitchell;

S. 2767. An act granting a pension to Sarah S. Etue;

S. 2799. An act granting an increase of pension to Willis H. Watson;

S. 2886. An act granting an increase of pension to Martha Hoffman;

S. 2959. An act granting an increase of pension to William R. Galion;

S. 2977. An act granting an increase of pension to David B. Neafus;

S. 2985. An act granting an increase of pension to George W. Bodenhamer;

S. 3119. An act granting an increase of pension to Francis A. Beranek;

S. 3130. An act granting an increase of pension to George B. Vallandigham;

S. 3178. An act granting an increase of pension to Daniel Shelly;

S. 3230. An act granting an increase of pension to William C. Bourke;

S. 3272. An act granting an increase of pension to John Hirth;

S. 3273. An act granting an increase of pension to Abisha Risk;

S. 3308. An act granting a pension to Sarah Lovell;

S. 3415. An act granting an increase of pension to William Triplett;

S. 3454. An act granting an increase of pension to William Wilson;

S. 3468. An act granting an increase of pension to Myra R. Daniels;
S. 3549. An act granting an increase of pension to Martha H. Ten Eyck;
S. 3551. An act granting an increase of pension to Solomon Jackson;
S. 3555. An act granting a pension to Alice A. Fray;
S. 3655. An act granting an increase of pension to Mary A. Good;
S. 3720. An act granting an increase of pension to Smith Vaughan;
S. 3759. An act granting an increase of pension to Henry D. Miller;
S. 3765. An act granting an increase of pension to Charles R. Frost;
S. 3883. An act granting an increase of pension to Ferdinand Hercher;
S. 4010. An act granting an increase of pension to Bridget Egan;
S. 4018. An act granting an increase of pension to Ebenezer Lusk;
S. 4112. An act granting an increase of pension to Henry Swigart;
S. 4126. An act granting an increase of pension to Willard Farrington;
S. 4193. An act granting an increase of pension to Calvin D. Wilber;
S. 4231. An act granting an increase of pension to Owen Martin;
S. 4359. An act granting an increase of pension to Mary E. Lincoln;
S. 4392. An act granting an increase of pension to Cornelia A. Mobley;
S. 4511. An act granting an increase of pension to William Hoaglin;
S. 4576. An act granting an increase of pension to William Monks;
S. 4582. An act granting an increase of pension to Seth H. Cooper;
S. 4688. An act granting an increase of pension to Noel J. Burgess;
S. 4739. An act granting an increase of pension to Benjamin F. Burgess;
S. 4745. An act granting an increase of pension to Susan J. F. Joslyn;
S. 4759. An act granting an increase of pension to Oliver M. Stone;
S. 4760. An act granting an increase of pension to John B. Lee;
S. 4763. An act granting an increase of pension to Harrison Randolph;
S. 4901. An act granting an increase of pension to Joshua M. Lounsberry;
S. 5055. An act granting an increase of pension to Melvin Grandy;
S. 5077. An act granting an increase of pension to Gabriel Cody;
S. 5091. An act granting an increase of pension to Sallie Tyrrell;
S. 5092. An act granting an increase of pension to Mary C. Feigley;
S. 5093. An act granting an increase of pension to Josiah F. Staubs;
S. 5094. An act granting an increase of pension to Samuel F. Baublitz;
S. 5095. An act granting a pension to Jeremiah McKenzie;
S. 5114. An act granting an increase of pension to Lizzie B. Cusick;
S. 5146. An act granting a pension to Mary J. McLeod;
S. 5173. An act granting an increase of pension to William S. Garrett;
S. 5186. An act granting an increase of pension to Robert Staplins;
S. 5189. An act granting an increase of pension to Margaret F. Joyce;
S. 5192. An act granting a pension to John H. Stacey;
S. 5205. An act granting an increase of pension to John F. Alsup;
S. 5219. An act granting an increase of pension to David N. Norland;
S. 5255. An act granting an increase of pension to John D. Cutler;
S. 5291. An act granting an increase of pension to Elijah A. Smith;
S. 5337. An act granting an increase of pension to Samuel M. Tow;
S. 5338. An act granting an increase of pension to David Buckner;
S. 5342. An act granting an increase of pension to Mary E. Johnson;
S. 5344. An act granting an increase of pension to Sophronia Roberts;
S. 5355. An act granting an increase of pension to Annie M. Walker;
S. 5366. An act granting an increase of pension to John Beatty;
S. 5375. An act granting an increase of pension to Frances L. Porter;
S. 5439. An act granting an increase of pension to George W. Dunlap;
S. 5453. An act granting an increase of pension to Jacob M. Pickle;
S. 5455. An act granting a pension to Emily J. Alden;
S. 5515. An act granting an increase of pension to Matilda C. Frizelle; and
S. 5517. An act granting an increase of pension to William H. H. Shaffer.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 549. An act granting an increase of pension to Charles W. Storr, jr.;
H. R. 718. An act granting an increase of pension to Hamilton D. Brown;
H. R. 735. An act granting an increase of pension to Frank L. Fornshell;
H. R. 1182. An act granting an increase of pension to Ezekiel Bridwell;
H. R. 1192. An act granting an increase of pension to George B. Hess;
H. R. 1413. An act granting an increase of pension to John Crawford;
H. R. 1482. An act granting an increase of pension to Philip Cook;
H. R. 1557. An act granting an increase of pension to Frank J. Oatley;
H. R. 1719. An act granting an increase of pension to William N. Whitlock;
H. R. 1768. An act granting an increase of pension to George W. Childers;
H. R. 1946. An act granting an increase of pension to James A. Sproull;
H. R. 2155. An act granting an increase of pension to William H. Smith;
H. R. 2168. An act granting an increase of pension to William Bridges;
H. R. 2226. An act granting an increase of pension to George F. Long;
H. R. 2234. An act granting an increase of pension to Jacob W. Gersteneker;
H. R. 2791. An act granting an increase of pension to Mary E. Adams;
H. R. 2816. An act granting an increase of pension to James C. Town;
H. R. 3345. An act granting an increase of pension to Christina White;
H. R. 3482. An act granting an increase of pension to Edwin W. Reed;
H. R. 3686. An act granting an increase of pension to Henry R. Cowan;
H. R. 3694. An act granting an increase of pension to Joseph D. Emery;
H. R. 3933. An act granting a pension to James P. Flewellen;
H. R. 4240. An act granting an increase of pension to James F. Chipman;
H. R. 4244. An act granting an increase of pension to John Spaulding;
H. R. 4363. An act granting an increase of pension to Thomas D. Campbell;
H. R. 4388. An act granting a pension to Laura Hilgeman;
H. R. 4406. An act granting a pension to Albert M. Ryan;
H. R. 4625. An act granting an increase of pension to Anderson J. Smith;
H. R. 4965. An act granting an increase of pension to Samuel P. Holland;
H. R. 5048. An act granting an increase of pension to William A. Failer;
H. R. 5222. An act granting an increase of pension to Lewis R. Stegman;

H. R. 5571. An act granting an increase of pension to William Cary;
H. R. 5732. An act granting an increase of pension to Elias C. Kitchin;
H. R. 5804. An act granting an increase of pension to Joseph A. Noyes;
H. R. 6061. An act granting an increase of pension to William H. Chapman;
H. R. 6114. An act granting an increase of pension to Andrew J. Douglass;
H. R. 6498. An act granting an increase of pension to Isaac C. France;
H. R. 6546. An act granting an increase of pension to Samuel A. White;
H. R. 6865. An act granting an increase of pension to Charles F. Voss;
H. R. 7508. An act granting an increase of pension to Benjamin F. Andrews;
H. R. 7584. An act granting an increase of pension to James H. Kemp;
H. R. 8056. An act granting an increase of pension to Nathaniel N. Winslow;
H. R. 8140. An act granting a pension to Lucy A. Thomas;
H. R. 8287. An act granting a pension to James Marshall;
H. R. 8479. An act granting an increase of pension to Nellie A. Batchelder;
H. R. 8547. An act granting an increase of pension to John W. Madison;
H. R. 8552. An act granting an increase of pension to Elisha G. Horton;
H. R. 8716. An act granting an increase of pension to John L. Coffey;
H. R. 8737. An act granting an increase of pension to Horace A. Manley;
H. R. 8771. An act granting an increase of pension to Florence Sullivan;
H. R. 8833. An act granting a pension to Edna M. Johnson;
H. R. 8954. An act granting a pension to George Cunningham;
H. R. 9135. An act granting a pension to August Crome;
H. R. 9138. An act granting an increase of pension to Aaron L. Rockwood;
H. R. 9529. An act granting an increase of pension to William Gibson;
H. R. 9867. An act granting a pension to William Bieber;
H. R. 9923. An act granting an increase of pension to Joseph J. Mishler;
H. R. 10008. An act granting an increase of pension to James W. Dorman;
H. R. 10029. A act granting an increase of pension to Abram Higbie;
H. R. 10177. An act granting a pension to Elizabeth Kohler;
H. R. 10246. An act granting an increase of pension to John Harrison;
H. R. 10257. An act granting an increase of pension to Samuel Deems;
H. R. 10319. An act granting an increase of pension to Harvey Deal;
H. R. 10524. An act granting an increase of pension to Ebenezer W. Akerley;
H. R. 10525. An act granting an increase of pension to Artemas D. Many;
H. R. 10561. An act granting an increase of pension to Joseph N. Piersell;
H. R. 10922. An act granting an increase of pension to John McDonald;
H. R. 10993. An act granting an increase of pension to Samuel Jones;
H. R. 11062. An act granting an increase of pension to Samuel W. Harlan;
H. R. 11151. An act granting an increase of pension to John Sirmyer;
H. R. 11365. An act granting an increase of pension to Robert D. Williamson;
H. R. 11510. An act granting an increase of pension to Joseph S. Larrance;
H. R. 11552. An act granting an increase of pension to Abraham G. Leiser;
H. R. 11686. An act granting a pension to William C. Berghahn;
H. R. 11822. An act granting an increase of pension to Lawyer Sugs;
H. R. 11917. An act granting an increase of pension to Davis Preston;
H. R. 11989. An act granting an increase of pension to Francis M. Hinds;
H. R. 12088. An act granting an increase of pension to Louisa F. Spielman;
H. R. 12135. An act granting an increase of pension to William Landahn;
H. R. 12238. An act granting an increase of pension to Helen S. Brown;
H. R. 12514. An act granting a pension to Arrenee Nolen;
H. R. 12623. An act granting a pension to Minnie C. O'Connor;
H. R. 12727. An act granting an increase of pension to Benjamin D. Bogia;
H. R. 12762. An act granting an increase of pension to Jesse H. Brandt;
H. R. 12807. An act granting a pension to Nancy Ann Gee;
H. R. 12810. An act granting an increase of pension to Edward Ross;
H. R. 12874. An act granting a pension to Sarah Ellen Dickens;
H. R. 13022. An act granting an increase of pension to Sarah L. Ghrist;
H. R. 13026. An act granting an increase of pension to J. Bailey Orem;
H. R. 13075. An act granting an increase of pension to Pardon B. Lamoreux;
H. R. 13077. An act granting an increase of pension to James S. Prose;
H. R. 13245. An act to correct the military record of Henry Gude;
H. R. 13337. An act granting an increase of pension to Joseph W. Harsh;
H. R. 13809. An act granting an increase of pension to James P. Tucker;
H. R. 13979. An act granting an increase of pension to Emeline A. Stewart;
H. R. 13991. An act granting an increase of pension to Wiley H. Dixon;
H. R. 14118. An act granting an increase of pension to Edward Delany;
H. R. 14169. An act granting an increase of pension to Bettie Stern;
H. R. 14237. An act granting an increase of pension to Isaac Kindle;
H. R. 14391. An act granting an increase of pension to Franklin Cooley;
H. R. 14490. An act granting an increase of pension to Martha A. Kenney;
H. R. 14500. An act granting an increase of pension to Margaretta E. Hutchins;
H. R. 14731. An act granting an increase of pension to Ezra H. Wiggins;
H. R. 14801. An act granting an increase of pension to Thomas Armstrong;
H. R. 14982. An act granting an increase of pension to Isaac N. Long;
H. R. 15003. An act granting an increase of pension to James Gray;
H. R. 15032. An act granting a pension to Milton Diehl;
H. R. 15140. An act to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes;
H. R. 15152. An act granting an increase of pension to Mary T. Corns;
H. R. 15206. An act granting an increase of pension to Peter G. Thompson;
H. R. 15274. An act granting an increase of pension to Edward W. Bell;
H. R. 15275. An act granting an increase of pension to Jehu Martin;
H. R. 15305. An act granting an increase of pension to Ezra H. Brown;
H. R. 15316. An act granting an increase of pension to James McKelvy;
H. R. 15450. An act granting an increase of pension to Virginia J. D. Holmes;
H. R. 15486. An act granting a pension to William H. M. Carpenter;
H. R. 15523. An act granting a pension to Jose N. Lucero, alias Nasario Lucero;
H. R. 15565. An act granting an increase of pension to Josias R. King;
H. R. 15634. An act granting an increase of pension to Samuel M. Reese;
H. R. 15692. An act granting a pension to Frank M. Dooley;
H. R. 15695. An act granting a pension to John T. Wagoner;
H. R. 15748. An act granting an increase of pension to Jacob R. Deckard;

H. R. 15819. An act granting an increase of pension to William T. Burgess;
H. R. 15869. An act granting an increase of pension to Wilson H. McCune;
H. R. 15886. An act granting an increase of pension to John Misner;
H. R. 16044. An act granting an increase of pension to John C. Linsday;
H. R. 16193. An act granting an increase of pension to Daniel Shrader;
H. R. 16253. An act granting an increase of pension to Margaret A. Hope;
H. R. 16255. An act granting an increase of pension to James S. Brand;
H. R. 16267. An act granting a pension to Catharine Piper;
H. R. 16284. An act granting an increase of pension to George Rogers;
H. R. 16285. An act granting an increase of pension to Henry Johnson;
H. R. 16295. An act granting an increase of pension to Laurence Foley;
H. R. 16398. An act granting an increase of pension to David Ross;
H. R. 16408. An act granting an increase of pension to William Hendricks;
H. R. 16423. An act granting an increase of pension to Andrew J. Roe;
H. R. 16471. An act granting an increase of pension to North Ann Dorman;
H. R. 16528. An act granting an increase of pension to Catharine Price;
H. R. 16566. An act granting an increase of pension to Whitman V. White;
H. R. 16586. An act granting an increase of pension to William Mattison;
H. R. 16629. An act granting an increase of pension to Louis Stoeckig;
H. R. 16630. An act granting an increase of pension to Philip Dumont;
H. R. 16648. An act granting an increase of pension to Henry B. Teetor;
H. R. 16699. An act granting an increase of pension to Lewis P. Chandler;
H. R. 16704. An act granting a pension to Lucy C. Strout;
H. R. 16749. An act granting an increase of pension to Henry A. Jones;
H. R. 16751. An act granting an increase of pension to Samuel Hough;
H. R. 16783. An act granting an increase of pension to David W. Kirkpatrick;
H. R. 16807. An act granting an increase of pension to Isabella Ellis;
H. R. 16810. An act granting an increase of pension to Henry C. Jackson;
H. R. 16824. An act granting an increase of pension to James Waskom;
H. R. 16857. An act granting an increase of pension to Jeremiah Y. Antrim;
H. R. 16994. An act granting an increase of pension to Harriet Payne;
H. R. 17035. An act granting an increase of pension to Samuel Smith;
H. R. 17072. An act granting an increase of pension to Joseph French;
H. R. 17162. An act granting an increase of pension to Scott Ruddick;
H. R. 17173. An act granting an increase of pension to Thomas J. Davis;
H. R. 17175. An act granting an increase of pension to Andrew E. Kinney;
H. R. 17209. An act granting an increase of pension to Alva D. Smith;
H. R. 17229. An act granting an increase of pension to Derias Thomas Jean;
H. R. 17268. An act granting an increase of pension to Charles L. Westfall;
H. R. 17333. An act granting an increase of pension to Esek W. Hoff;
H. R. 17361. An act granting an increase of pension to Margaret McGiffin;
H. R. 17373. An act granting an increase of pension to William T. Stott;
H. R. 17387. An act granting an increase of pension to David F. Eakin;
H. R. 17395. An act granting an increase of pension to Thaddeus C. S. Brown;
H. R. 17480. An act granting an increase of pension to Charles P. Lord;
H. R. 17514. An act granting an increase of pension to Virginia C. Moore;
H. R. 17515. An act granting an increase of pension to John J. Elliott;
H. R. 17526. An act granting an increase of pension to Richard Dunlap;
H. R. 17548. An act granting a pension to David J. Bentley;
H. R. 17557. An act granting an increase of pension to John W. Marshall;
H. R. 17584. An act granting an increase of pension to James White;
H. R. 17592. An act granting an increase of pension to Margaret Haynes;
H. R. 17635. An act granting an increase of pension to George Willy;
H. R. 17654. An act granting an increase of pension to Hannah J. K. Thomas;
H. R. 17678. An act granting an increase of pension to Alexander Moore;
H. R. 17711. An act granting an increase of pension to John Dietz;
H. R. 17736. An act granting an increase of pension to Josephine B. Phelon;
H. R. 17747. An act granting an increase of pension to Abraham I. Canary;
H. R. 17771. An act granting an increase of pension to Deloss Williams;
H. R. 17782. An act granting an increase of pension to Aaron K. Clark;
H. R. 17788. An act granting a pension to Charles E. Benson;
H. R. 17796. An act granting an increase of pension to Thomas C. Alexander;
H. R. 17797. An act granting an increase of pension to Wilbur F. Lane;
H. R. 17806. An act granting an increase of pension to Enoch Boyle;
H. R. 17826. An act granting a pension to Wincy A. Lindsey;
H. R. 17830. An act granting an increase of pension to William R. Snell;
H. R. 17843. An act granting an increase of pension to Samuel Watkins;
H. R. 17855. An act granting an increase of pension to Harriett E. Miller;
H. R. 17890. An act granting an increase of pension to J. T. Bandy;
H. R. 17892. An act granting an increase of pension to Abraham K. Smith;
H. R. 17913. An act granting an increase of pension to Philo Green;
H. R. 17921. An act granting an increase of pension to James Reppeto;
H. R. 17933. An act granting an increase of pension to Harriet E. Vandine;
H. R. 17939. An act granting an increase of pension to Robert A. Seaver;
H. R. 17950. An act granting an increase of pension to James W. Hager;
H. R. 17951. An act granting an increase of pension to Elizabeth A. Hodges;
H. R. 17971. An act granting an increase of pension to James G. Wall;
H. R. 17989. An act granting an increase of pension to Elizabeth Hodges;
H. R. 17996. An act granting an increase of pension to Alonzo Wells;
H. R. 18005. An act granting a pension to Emily Compton;
H. R. 18006. An act granting an increase of pension to Martha J. Bass;
H. R. 18019. An act granting an increase of pension to Milton A. Griffeth;
H. R. 18032. An act granting an increase of pension to Mary H. Scott;
H. R. 18054. An act granting an increase of pension to Stewart J. Donnelly;
H. R. 18056. An act granting an increase of pension to Moses Davis;
H. R. 18067. An act granting an increase of pension to Joseph Guiott;
H. R. 18075. An act granting an increase of pension to Anna E. Kingston;

H. R. 18094. An act granting an increase of pension to William G. Melick;
H. R. 18143. An act granting an increase of pension to James F. Brown;
H. R. 18147. An act granting an increase of pension to Perry F. Belden;
H. R. 18149. An act granting an increase of pension to S. Horace Perry;
H. R. 18157. An act granting a pension to James J. Winkler;
H. R. 18158. An act granting a pension to Isaac Cope;
H. R. 18169. An act granting a pension to Margaret Stevens;
H. R. 18175. An act granting an increase of pension to Jeremiah Van Riper;
H. R. 18188. An act granting an increase of pension to David B. Guthrie;
H. R. 18235. An act granting a pension to Ida M. Warner;
H. R. 18237. An act granting an increase of pension to Rachel Egeness;
H. R. 18325. An act granting an increase of pension to John W. Schofield;
H. R. 18393. An act granting an increase of pension to David F. Crouch;
H. R. 18406. An act granting an increase of pension to Andrew Jackson;
H. R. 18465. An act granting an increase of pension to Abby B. Cloud;
H. R. 18506. An act granting an increase of pension to Mahala Jones; and
H. R. 18709. An act making additional appropriations for the public service on account of earthquake and attending conflagration on the Pacific coast.

Subsequently, the foregoing House pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 17757) extending to the subport of Spokane, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Providence Section, Council of Jewish Women, of Providence, R. I., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented a memorial of the executive committee of the National Business League, of Chicago, Ill., remonstrating against the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented the petition of George D. B. Prescott, of Concord, N. H., praying for the enactment of legislation to remove the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

He also presented the petition of W. V. Lewis, of Brookland, D. C., praying for the adoption of an amendment to the District of Columbia appropriation bill providing for grading and macadamizing Girard street, South Brookland, between Twelfth street and Brentwood road NE.; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Department of the Potomac, Grand Army of the Republic, of Washington, D. C., praying that an appropriation of $500 be made for marking places of historic interest in the District of Columbia; which was referred to the Committee on Appropriations.

Mr. KEAN presented a memorial of the First Methodist Episcopal Church of Dover, N. J., remonstrating against any change being made in the management of the schools in the Territory of Alaska; which was referred to the Committee on Territories.

He also presented the petition of J. Herbert Plassall, of Westfield, N. J., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented petitions of Hoboken Lodge, No. 508, Brotherhood of Railroad Trainmen, of Hoboken; of the Brotherhood of Locomotive Engineers of Jersey City, and of Weehawken Lodge, No. 491, Brotherhood of Railroad Trainmen, of Weehawken, all in the State of New Jersey, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of Pomona Grange, No. 1, Patrons of Husbandry, of Columbus, N. J., and a petition of Lincoln Grange, No. 136, Patrons of Husbandry, of Hillsdale, N. J., praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

Mr. BURKETT presented sundry affidavits to accompany the bill (S. 5871) granting an increase of pension to William B. Ashton; which were referred to the Committee on Pensions.

Mr. LODGE presented a petition of sundry citizens of Webster, Danvers, Newton, Peabody, Lynn, Wakefield, North Brookfield, and Greenwich, Mass., and a petition of sundry citizens of Newton, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Centralville Methodist Episcopal Church, of Lowell, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Board of Trade of Boston, Mass., praying for the enactment of legislation to remove the duty on hides; which was referred to the Committee on Finance.

He also presented a petition of the Society of Master House Painters and Decorators of Massachusetts, and a petition of Local Union No. 797, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Manchester, Mass., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the Associated Charities of Fall River, Mass., and a petition of Local Lodge, Brotherhood of Railroad Trainmen, of Buffalo, N. Y., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Somerville, Mass., remonstrating against the issuing of money orders on Sundays; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the congregation of the Warren Avenue Baptist Church, of Boston, and of sundry citizens of Hamilton, Newton Center, and Wenham Depot, all in the State of Massachusetts, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. McCREARY presented a petition of the legislature of Kentucky, praying for the adoption of an amendment to the Constitution to provide for an income tax; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

IN SENATE, *January 24, 1906.*

Be it resolved by the general assembly of the Commonwealth of Kentucky, That the Congress of the United States be requested to pass an act proposing an amendment to the Federal Constitution in substance as follows:

SEC. 1. Congress shall have power to levy a tax on incomes, gifts, and inheritances, regardless of the source from whence derived, except that no tax shall be levied or collected on the interest derived from municipal, State, or United States bonds.

SEC. 2. Small incomes, gifts, and inheritances may be exempted from said tax, which shall be uniform throughout the United States, and may be so graduated as to be at a higher rate on larger than on smaller incomes, gifts, and inheritances.

Adopted. Attest:

WM. CROMWELL,
Chief Clerk of Senate.

Mr. McCREARY presented a memorial of the legislature of Kentucky, praying for the passage of a river and harbor appropriation bill at each session of Congress; which was referred to the Committee on Commerce.

Mr. ELKINS presented the petition of D. E. Abbott & Co., of Huntington, W. Va., praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of Washington Camp, No. 7, Patriotic Order Sons of America, of Shenandoah Junction, W. Va., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13577) granting an increase of pension to Ellen M. Van Brunt;

A bill (H. R. 14504) granting an increase of pension to Aaron P. Seeley;

A bill (H. R. 12372) granting an increase of pension to J. Morgan Seabury;
A bill (H. R. 13575) granting a pension to Frances Bell;
A bill (H. R. 13140) granting an increase of pension to Jesse W. Howe;
A bill (H. R. 12588) granting an increase of pension to Joseph B. Dickinson;
A bill (H. R. 12180) granting an increase of pension to Charles H. Dunning; and
A bill (H. R. 12160) granting an increase of pension to Josephine D. McNary.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon;
A bill (H. R. 16174) granting an increase of pension to John Williamson;
A bill (H. R. 15355) granting an increase of pension to George M. Dailey;
A bill (H. R. 15495) granting an increase of pension to Job B. Sanderson;
A bill (H. R. 16606) granting an increase of pension to James A. Duff;
A bill (H. R. 16806) granting an increase of pension to Henry Brenizer;
A bill (H. R. 16547) granting an increase of pension to John Rutter;
A bill (H. R. 16165) granting an increase of pension to Morris Smith;
A bill (H. R. 15943) granting an increase of pension to William D. Jones; and
A bill (H. R. 15925) granting an increase of pension to Abraham Walker.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 14660) granting an increase of pension to Daniel M. Philbrook;
A bill (H. R. 12653) granting a pension to Sarah Adams;
A bill (H. R. 15932) granting an increase of pension to Hartley B. Cox;
A bill (H. R. 15233) granting an increase of pension to William G. Westover;
A bill (H. R. 15418) granting an increase of pension to Samuel P. Sargent;
A bill (H. R. 16887) granting an increase of pension to Darwin Johnson;
A bill (H. R. 16996) granting an increase of pension to Joseph Delisle; and
A bill (H. R. 16173) granting a pension to Sarah Smith.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 16765) granting an increase of pension to Angus Campbell;
A bill (H. R. 16681) granting a pension to Gustave Bergen;
A bill (H. R. 16627) granting a pension to Delilah Moore;
A bill (H. R. 16622) granting an increase of pension to James Webb;
A bill (H. R. 16516) granting an increase of pension to James B. Fairchild;
A bill (H. R. 16491) granting an increase of pension to Lewis Denson;
A bill (H. R. 16429) granting an increase of pension to Caroline M. Peirce;
A bill (H. R. 15147) granting an increase of pension to Joseph B. Teas;
A bill (H. R. 16335) granting an increase of pension to John A. Bryan;
A bill (H. R. 16279) granting an increase of pension to Edward E. Elliott;
A bill (H. R. 15566) granting an increase of pension to Andrew F. Kreger;
A bill (H. R. 15539) granting an increase of pension to John McConnell;
A bill (H. R. 15490) granting a pension to Mary E. Darcy;
A bill (H. R. 15459) granting an increase of pension to Drucillar A. Massey; and
A bill (H. R. 15229) granting an increase of pension to Edwin Howes.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 15762) granting an increase of pension to Harmon Freeman, alias Harmon Storme;
A bill (H. R. 16390) granting a pension to Katharine Partridge;
A bill (H. R. 16400) granting an increase of pension to James McCracken;
A bill (H. R. 16427) granting an increase of pension to William W. Carter;
A bill (H. R. 16535) granting an increase of pension to Jonathan I. Wright;
A bill (H. R. 16536) granting an increase of pension to Cyrus S. Case;
A bill (H. R. 16991) granting an increase of pension to Stephen Vaught;
A bill (H. R. 15614) granting an increase of pension to Clark Cornett;
A bill (H. R. 15641) granting an increase of pension to Eli Woodbury;
A bill (H. R. 6578) granting an increase of pension to James B. McWhorter;
A bill (H. R. 15102) granting an increase of pension to William H. Ryckman;
A bill (H. R. 15592) granting an increase of pension to Levi H. Townsend; and
A bill (H. R. 15761) granting an increase of pension to Lafayette North.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 360) to relinquish the interest of the United States in and to certain land in the city of Pensacola, Fla., to the Right Rev. Edwin P. Allen, Catholic bishop of the diocese of Mobile, Ala., in trust for the Catholic congregation of Pensacola, Fla., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5418) relinquishing the title of the United States to certain land in the city of Pensacola, Fla., to James Wilkins, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. WARREN introduced a bill (S. 5946) to increase the allowance of commutation of quarters to officers of the Army in certain cases; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CLARK of Wyoming introduced a bill (S. 5947) to provide for the purchase of a site for a public park in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:
A bill (S. 5948) granting an increase of pension to Samuel B. Rice; and
A bill (S. 5949) granting an increase of pension to George F. White.

Mr. ELKINS introduced a bill (S. 5950) granting an increase of pension to Wade H. Powers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ELKINS submitted an amendment proposing to increase the salary of the Public Printer from $4,500 to $6,500 per annum, intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $600 to pay J. F. Siebert, Parker Williams, and William McCaffery for extra services rendered to the Committee on Interstate Commerce, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BUILDINGS FOR DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE AND LABOR.

Mr. WETMORE. I ask unanimous consent to call up the bill (S. 5773) to provide a site and buildings for the Departments of State, Justice, and Commerce and Labor.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Treasury, in his discretion, to acquire, by purchase, condemnation, or otherwise, the whole of squares Nos. 226, 227, 228, 229, and 230, in the city of Washington, and appropriates $3,000,000 to pay for the land so acquired and toward the erection of one or two buildings thereon.

The bill further creates a commission, to be composed of the Secretary of State, the Secretary of the Treasury, the Attorney-General, the Secretary of Commerce and Labor, and the Superintendent of the Capitol Building and Grounds, to report to

Congress preliminary plans and an estimate of cost for one or two buildings to be erected on the site for the use of the Departments of State, Justice, and Commerce and Labor, and for other governmental purposes, the preliminary plans and estimate of cost to be paid for out of the appropriation therein made.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

H. R. 13245. An act to correct the military record of Henry Gude was read twice by its title, and referred to the Committee on Military Affairs.

H. R. 15140. An act to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes, was read twice by its title, and referred to the Committee on Naval Affairs.

H. R. 18709. An act making additional appropriations for the public service on account of earthquake and attending conflagration on the Pacific coast was read twice by its title, and referred to the Committee on Appropriations.

MISSOURI RIVER BRIDGE.

Mr. CLAPP obtained the floor.

Mr. WARNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. CLAPP. I yield to the Senator.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (S. 5796) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road.

There being no objection, the bill was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

That the Kansas City, St. Joseph and Excelsior Springs Railway Company, a corporation organized under the laws of the State of Missouri, its successors and assigns, be, and they are hereby, authorized to construct a railroad, wagon, and foot bridge and approaches thereto across the Missouri River at a point on the north boundary line of Kansas City, Mo., to a point opposite the said Kansas City, Mo., on the north side of said river, in Clay County, in the State of Missouri, said bridge to be so placed as to be erected between what is known as Delaware street and Lydia avenue, in Kansas City, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT KALAMAZOO, MICH.

Mr. BURROWS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Michigan?

Mr. CLAPP. I yield to the Senator.

Mr. BURROWS. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 5530) authorizing the procuring of additional land for the enlargement of the site for the public building at Kalamazoo, Mich.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, additional land for the enlargement of the site of the Federal building in the city of Kalamazoo, Mich., for the purpose of affording means for the future enlargement of the building to meet the necessities of the public business, and appropriates $12,000 for such additional land.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FOREIGN-BUILT DREDGES.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 395) concerning foreign-built dredges.

The VICE-PRESIDENT. The Chair would invite the attention of the Senator from Washington [Mr. PILES], who filed a memorandum concerning this bill with the Secretary.

Mr. GALLINGER. The Senator from Washington [Mr. PILES] has withdrawn his objection to the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Commerce with an amendment, to strike out the proviso after the words "United States," in line 5, in the following words:

Provided, That this act shall not apply to any foreign-built dredges now at work under contract in the waters of the United States.

And to insert the following:

SEC. 2. That the Commissioner of Navigation is hereby authorized and directed to document as vessels of the United States the foreign-built dredges Holm, Leviathan, Nereus, and Triton, owned by American citizens and now employed at Galveston, and the dredge Sea Lion, now under construction abroad for use at Galveston, on which an American citizen, the contractor at Galveston, has an option.

So as to make the bill read:

Be it enacted, etc., That a foreign-built dredge shall not, under penalty of forfeiture, engage in dredging in the United States unless documented as a vessel of the United States.

SEC. 2. That the Commissioner of Navigation is hereby, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I move that the Senate proceed to the consideration of House bill 15331, being the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907.

Mr. FORAKER. I should like to inquire of the Senator from Minnesota how much longer the consideration of this bill will perhaps require?

Mr. CLAPP. It ought to take perhaps half an hour, or it may be an hour.

Mr. FORAKER. Then we will get through with it soon.

Mr. CLAPP. On page 14, line 20, in the appropriation for purchase of Indian supplies, I move to strike out "$60,000" and to insert the word "and;" in line 21 to change the capital "F" in "For" to a small letter "f;" in line 23 to strike out "$200,000" and insert "$230,000;" and to add, after the word "dollars," "and warehouses for the receipt, storage, and shipping of goods for the Indian Service shall be maintained at the following places: New York, Chicago, Omaha, St. Louis, and San Francisco."

The amendment was agreed to.

Mr. CLAPP. I move to strike out the first five lines on page 71, in the following words:

MISSOURI.

To maintain at the city of St. Louis, Mo., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, $10,000.

Mr. WARNER. I hope the chairman of the committee will not insist upon that amendment.

Mr. LODGE. A general provision has just been adopted covering everything.

Mr. CLAPP. The necessity for this clause has been obviated by the provision for all warehouses in the one item of $230,000. In that item St. Louis is designated as one of the warehouse towns.

Mr. WARNER. It is already designated?

Mr. CLAPP. Yes; and we do the same with Omaha, and the same with San Francisco.

Mr. WARNER. That is satisfactory. I did not understand it.

The amendment was agreed to.

Mr. CLAPP. On page 24 I move to strike out the clause beginning in line 8, in the following words:

To maintain at the city of San Francisco, Cal., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, $10,000.

The amendment was agreed to.

Mr. CLAPP. At the top of page 86, I move to strike out all down to and including line 4, in the following words:

To maintain at the city of Omaha, Nebr., in the discretion of the Secretary, a warehouse for the receipt, storage, and shipping of goods for the Indian service, $10,000.

The amendment was agreed to.

Mr. DUBOIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. CLAPP. With pleasure.

Mr. DUBOIS. I desire to offer an amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "patented," in line 6, page 156, insert:

To enable the Commissioner of Indian Affairs to pay in behalf of Ann Francis, a Chippewa Indian woman, and lineal decendant of Bow-Kow-Ton-den, for printing record in the case of Francis *v.* Francis, now pending in the Supreme Court, involving her title to land claimed under treaty and patent, and such briefs as may be necessary therein, $175, or as much thereof as may be necessary.

The amendment was agreed to.

Mr. CARTER. I offer an amendment to come in on page 84. This amendment is offered for and in behalf of my colleague [Mr. CLARK of Montana], a member of the committee, who is unavoidably absent to-day.

The VICE-PRESIDENT. The amendment will be read by the Secretary.

The SECRETARY. After line 20, page 84, insert:

FLATHEAD RESERVATION.

That the act of April 23, 1904 (33 Stat. L., p. 302), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by section 9 of the act of March 3, 1905 (33 Stat. L., p. 1048), be amended by adding the following sections:

"SEC. 17. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks, not less than 40 acres of said land at or near each of the present settlements of Arlee, Dayton, Ravalli, Dixon, and Ronan, and not less than 80 acres at the present settlements of St. Ignatius and Polson, and at such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements.

"Such town sites shall be surveyed, appraised, and disposed of as provided in section 2381 of the United States Revised Statutes: *Provided*, That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lots to the date of his or her application to enter, shall be entitled to enter, at any time prior to the day fixed for the public sale and at the appraised value thereof, such lot and any one additional lot of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *Provided further*, That before making entry of any such lot or lots the applicant shall make proof, to the satisfaction of the register and receiver of the land district in which the land lies, of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proof as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *Provided further*, That in making their appraisal of the lots so surveyed it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry in their regular order, with the other unimproved and unoccupied lots. That no lot shall be sold for less than $10: *And provided further*, That said lots, when surveyed, shall approximate 50 by 150 feet in size.

"SEC. 18. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside 160 acres of land at and surrounding the present hot springs, situated on said reservation near the settlement of Camas.

"That said hot springs and the said 160 acres of land last mentioned shall be under the control and direction of the Secretary of the Interior, under such rules and regulations as he may prescribe, but any and all moneys that shall be derived from such use shall be for the benefit of the persons holding tribal relations with said tribes of Indians, the same to be disbursed as provided in section 13 of this act.

"SEC. 19. That nothing in this act shall be construed to deprive any of said Indians or said persons or corporations, to whom the use of land is granted by the act, of the use of water appropriated and used by them for the necessary irrigation of their lands or for domestic use or any ditches, dams, flumes, reservoirs constructed and used by them in the appropriation and use of said water.

"SEC. 20. That there is hereby appropriated, for the survey, appraisement, and sale of said town sites, out of any money in the Treasury not otherwise appropriated, the sum of $15,000, or so much thereof as may be necessary, the same to be reimbursable out of the funds arising from the sale of said lands: *Provided*, That the persons employed or detailed under this appropriation shall be allowed therefrom while on duty a per diem in lieu of subsistence at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares."

Mr. CARTER. Mr. President, I feel that an explanation of the amendment is due the Senate somewhat lengthy. In the nature of things, at this late hour in the pendency of the bill, Senators can not be expected to read the amendment and inquire into it, and this consideration causes me to do it.

A bill passed the House, known as H. R. 8461, and subsequently passed the Senate, relating to the subject-matter embraced in this amendment. That bill was amended in the Senate and a conference called for.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Maine?

Mr. CARTER. Certainly.

Mr. HALE. The subject-matter of the amendment was considered in the Senator's committee in the bill which came from the House and was afterwards reported by the Committee on Indian Affairs of the Senate.

Mr. CARTER. It was considered in the committee of my colleague, the Committee on Indian Affairs. I am not a member of that committee. It was regularly considered. The bill, however, as it passed the House and the Senate is not identical with the amendment I have offered. The amendment I offer is the bill as finally perpared by the conferees after consultation with the General Land Office and the Commissioner of Indian Affairs.

Mr. HALE. I think the Senator will see that this is embodying in an appropriation bill a whole statute with many sections. I do not think it ought to be done unless some committee has given it thorough examination and approves of it as a result of the investigation.

Mr. CARTER. This amendment has been approved by the committee of the other body, likewise by a committee of the Senate, and the bureaus having to deal with the subject-matter. I will briefly state to the Senator the purpose to be subserved by the amendment.

In 1904 an act was passed opening the Flathead Indian Reservation to settlement. By the terms of that act no provision whatever was made for laying out town sites. It has become obvious to the Department that the Indians should be given the benefit of the sale of town lots within the area to be opened. That will add very materially to the amount they are to receive for the lands. The bill passed by the House and subsequently by the Senate contemplated the accomplishment of this beneficent purpose. The bill further provided, in conformity with the wishes of the Indians, that a hot springs or a series of hot springs, which have been visited by these Indians from time immemorial, should be set apart as a public reservation for their use in the future, to be subject to the control of the Secretary of the Interior. That was overlooked in the original bill, as was the town-site feature covered by this amendment. It will add greatly to the revenue to be derived by the Indians from the sale of their lands and will secure to them in perpetuity the hot springs reservation, embracing, I believe, 160 acres.

The difficulty with the bill in conference rests in this, to wit, that a mistake was discovered in the title of the bill, a mistake manifestly due to a misprint. If it were not for this mistake the conferees on the part of the Senate and the House would to-day report an agreement upon the amendment I have suggested, and the bill would be passed as a separate and independent proposition. But in printing the title of the original bill, which is now in conference, the word "chapter" was unfortunately used in referring to the Revised Statutes rather than the word "section." This requires an amendment to the title, which renders the bill emanating from the conference committee with an amendment of the title subject to a point of order in the House. The conferees, realizing this parliamentary difficulty, unanimously requested that the bill upon which they had agreed, which had in substance passed both Houses, should be presented as an amendment to this appropriation bill, and the amendment is offered only for the purpose of overcoming a parliamentary difficulty relating to a subject-matter on which all are agreed, on which the conference stands in agreement, and to which the Commissioner of Indian Affairs and the Commissioner of the General Land Office likewise agree.

Mr. LODGE. May I ask the Senator a question?

Mr. CARTER. Certainly.

Mr. LODGE. I have no doubt the Senator stated it, but I did not catch it. Why was not the conference report adopted?

Mr. CARTER. The conference report was arranged, all the conferees agreeing to it, both on the part of the Senate and the House. The difficulty rested in the necessity of amending the title to the bill, which would render it of necessity obnoxious to an inflexible rule of the House. It would compel the conferees to bring back one bill to that body when they had received another. That is the difficulty in which they find themselves. I think the amendment is a beneficent and proper one. All the parties agreed that it should be adopted, and I trust it will be.

The amendment was agreed to.

Mr. WARNER. I offer an amendment to the amendment of the committee, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Missouri to the committee amendment will be stated.

The SECRETARY. On page 48, after line 24, it is proposed to amend the amendment of the committee by inserting the following:

That the following-described area in the Indian Territory shall constitute a new recording district, which shall be known as recording district No. 32: Beginning where the west line of range 17, east of the Indian meridian, intersects the north bank of Red River; thence

north to the south line of township 5 south; thence west to the west line of range 16 east; thence north to the south line of township 4 south; thence west to the west line of range 15 east; thence north to the south line of township 3 south; thence west to the west line of range 12 east; thence south to the north bank of Red River; thence easterly along said north bank to the point of beginning; and terms of the district court of the central judicial district of said Indian Territory and a commissioners' court shall hereafter be held at the town of Boswell, and all laws applicable to and regulating the courts of the Indian Territory shall be applicable to the courts hereby created.

Mr. KEAN. Mr. President, is this simply another new recording district in the Indian Territory?

The VICE-PRESIDENT. The Chair so understands.

Mr. KEAN. I understand that there are nine already now in this bill, which have been put on here, and I do not know where it is going to end.

Mr. CLAPP. Everyone concedes, I think, that these districts should be materially reduced. We desire that the matter shall go into conference, where we may have a better opportunity to consider the propriety of their establishment with reference to the needs of the entire Territory. It seems to me the matter of reducing these districts down to a reasonable number requires some attention.

Mr. KEAN. I will say to the Senator from Minnesota that I hope before Congress adjourns we are going to admit Oklahoma and the Indian Territory to statehood.

Mr. CLAPP. I hope so, too.

Mr. KEAN. And I do not want to divide up all the political plums here, and not leave a few for the people of the Indian Territory and the State of Oklahoma to themselves divide.

Mr. WARNER. This will not interfere with the new States which are to come in at this session of Congress.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Missouri [Mr. WARNER] to the amendment of the committee.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The first amendment which was passed over, on page 7, will be stated.

Mr. CLAPP. Before that is taken up I wish to inquire of the Senator from Missouri [Mr. WARNER] whether another amendment should not come in there?

Mr. WARNER. The Senator from Colorado [Mr. TELLER] has another amendment to offer.

Mr. CLAPP. Then I desire the attention of the Senator from Colorado [Mr. TELLER]. I should like to complete the individual amendments before we take up the amendments of the committee which were passed over.

Mr. TELLER. I desire to offer an amendment, to come in with the other court amendments. I have no personal knowledge of the necessity for this amendment; but it has been handed to me, and I offer it so that it may go into the bill now, and the subject can be considered in the conference committee, who will be able to determine what is the proper thing to be done in relation to court matters.

The VICE-PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. Where the other court provisions are inserted in the bill, it is proposed to insert the following:

That, in addition to the places now provided by law for holding courts in the Indian Territory, terms of court shall hereafter be held at Madill; and the judge of the judicial district in which said Madill is situated shall, until further provision of law, prescribe the area and number of the district and the times and number of terms of court to be held at said Madill.

Mr. ALLISON. I hope the Senator from Colorado will find a place in the bill for his amendment, so that we may know where it is to come in. I understood from the reading at the Secretary's desk that there was no place in the bill designated for the amendment, and I think there ought to be such a designation.

Mr. TELLER. I asked that the amendment be inserted in connection with the other court provisions.

Mr. ALLISON. Have other provisions been inserted in the bill in regard to courts?

Mr. TELLER. Yes. I will say that I have no personal knowledge of the amendment. It was simply handed to me by people who, I think, know something about it, and who have asked that it be inserted in the bill.

There is a good deal of difference of opinion as to where these courts ought to be held. I thought when we should get them before the conference committee, the committee would probably be able to select and retain such of them as ought to be in the bill and eliminate the others. It is utterly impossible for us to do that here in the Senate. For that reason I offered the amendment. I should like to have it come in on page 48, after the word "established," at the end of line 3.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Colorado to the amendment of the committee, which has been read, to come in on page 48, in line 3.

The amendment to the amendment was agreed to.

Mr. TELLER. Turning to page 53, I move to strike out all the amendment of the committee beginning in line 19 and going down to and including line 13, on page 54, and then to insert in lieu thereof what I send to the desk.

The VICE-PRESIDENT. The amendment of the Senator from Colorado to the amendment of the committee will be stated.

The SECRETARY. In lieu of the amendment reported by the Committee on Indian Affairs, which has been passed over, from line 19, on page 53, to line 13, on page 54, it is proposed to insert:

That the Court of Claims is hereby authorized and directed to hear and adjudicate the claims against the Choctaw Nation of the heirs of Peter P. Pitchlynn, deceased, and to render judgment thereon in such amounts as may appear to be equitably due. Said judgments, if any, in favor of the heirs of Pitchlynn shall be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation; said judgment to be rendered on the principle of quantum meruit for services rendered and expenses incurred. Notice of said suit shall be served on the governor of the Choctaw Nation, and the Attorney-General of the United States shall appear and defend in said suit on behalf of said nation.

Mr. TELLER. Mr. President, the part stricken out deals with three different claims. I desire to eliminate two of those claims from this bill, because it seems that those two claims are to be contested. I do not believe at this time that we want to go into any controversy about them. The Pitchlynn claim is an old claim which has been repeatedly before Congress. The others seem to be comparatively new. I do not know anything about them, but I do know something about the Pitchlynn claim. I think it is a valid claim which the Pitchlynn heirs have, and they ought to be permitted to go into court; but as to the others I have no personal knowledge whatever. For that reason, rather than to have a controversy over the matter, I thought it better to eliminate the other two claims from the amendment reported by the committee, and let them go over until another session, when the matter can be presented more in detail.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Colorado to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. TILLMAN. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 44, after line 16, it is proposed to insert the following:

Amend the act approved April 27, 1906, "to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," by striking out the following words in section 9:

"The disbursements, in the sum of $186,000, to and on account of the loyal Seminole Indians, by James E. Jenkins, special agent appointed by the Secretary of the Interior, and by A. J. Brown as administrator de bonis non, under an act of Congress approved May 31, 1900, appropriating said sum, be, and the same are hereby, ratified and confirmed: *Provided*, That this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him."

Mr. McCUMBER. I do not understand whether the amendment of the Senator proposes to strike out something already in the bill or merely to insert what has been read.

Mr. TILLMAN. It strikes out a provision in the bill which was approved yesterday and which passed the Senate about two weeks ago, in relation to suspension of suits, forbidding suits against Brown and Jenkins. The Senator from North Dakota will recall that there was considerable debate here, almost running a whole afternoon, on that controversy.

Mr. McCUMBER. I recall the occasion.

Mr. TILLMAN. I find that the bill to which I refer, although it only became a law yesterday, is already being amended on this appropriation bill, and I thought I would try to have it amended by striking out this provision, to which I objected when the bill was in conference.

Mr. McCUMBER. I understand.

Mr. TILLMAN. It is about the Brown business. I am proposing to amend the bill which we passed here about two weeks ago, and which was approved yesterday, in reference to the Five Civilized Tribes, by striking out of that bill, which is now a law, the provision validating the acts of Brown and Jenkins. That is all.

Mr. SPOONER. Will the Senator from South Carolina be kind enough to explain the object of his amendment?

Mr. TILLMAN. I thought the Senator was fully aware of the nature of the case, because he debated it here and he

objected, as well as I did, to the action of the Senate in undertaking to stop these lawsuits.

Mr. SPOONER. I thought that was stricken out.

Mr. TILLMAN. No; the Senate did not strike it out, because we did not get hold of it before it got into conference, and then we were blocked by the parliamentary situation. The House conferees insisted on the Senate amendment, and, therefore, it remained in the bill; but as we are already amending that bill, which has now become a law, I thought I would propose to amend it further by striking that out of it. That is the purpose of my amendment.

The VICE-PRESIDENT. The question is on the amendment of the Senator from South Carolina [Mr. TILLMAN].

The amendment was agreed to.

Mr. McCUMBER. I wish to offer an amendment on page 7, by striking out from line 19, down to and including the word "*Provided*," in line 2, on page 8. I wish to move to disagree to that portion of the amendment of the committee. I ask the Secretary to read the portion which I propose to strike out.

The SECRETARY. On page 7, in the amendment of the Committee on Indian Affairs, which was passed over, it is proposed to strike out, beginning in line 19, the following:

That when the land of deceased allottees has been sold under existing laws, the Secretary of the Interior be, and he hereby is, directed to immediately cause to be paid to the heirs of said deceased allottees any and all moneys on deposit due said heirs from the sale of said land of said deceased persons, and that he be further directed to cause to be paid immediately upon collection, all moneys due Indian allottees or their heirs as the proceeds of leases upon individual allotments: *Provided.*

The VICE-PRESIDENT. The question is on agreeing to that portion of the amendment of the committee which has been read. Without objection, it will be regarded as disagreed to.

Mr. CLAPP. I think the other morning, on the motion of the Senator from Wisconsin, we reconsidered the votes by which those two committee amendments were agreed, and now they are both open.

Mr. McCUMBER. I only wish to strike out a portion of the committee amendment. If it is passed over, I do not care to make any remarks on it, but if the Senator wishes an explanation of my amendment I can give it.

Mr. CLAPP. I certainly do, because I am opposed to the motion to strike out.

The VICE-PRESIDENT. The Chair understood the amendment of the Senator was to strike out the entire committee amendment.

Mr. McCUMBER. Only a portion of it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota to the amendment of the committee.

Mr. CLAPP. That amendment is objected to.

Mr. SPOONER. What amendment is that?

The VICE-PRESIDENT. Striking out on page 7, beginning with line 19, all of the committee amendment down to and including the word "*Provided*," in line 2, on page 8.

Mr. CLAPP. I would ask the Senator from North Dakota if we can not pass this amendment over for a few moments until we complete the amendments which will not give rise to any debate, because that proposition and the one preceding it will be the subject of some debate?

Mr. McCUMBER. I do not think that probably the portion of the committee amendment I move to strike out will give rise to any great debate. I will detain the Senate only for a short time. I merely wish to explain why I have moved to strike out those particular words.

Mr. President, the law as it now exists provides for the sale of inherited lands of deceased allottees. Under the provision for the sale of such lands the Secretary of the Interior may prescribe such rules as he may deem for the best interest of the heirs or owners not only in reference to the sale, but also in reference, as I understand, to the moneys received from that sale.

Under the present ruling the money which is paid for the sale of the land is required to be deposited in some local bank, and, instead of paying the same out to the heir immediately, many of the heirs being minors, the Secretary of the Interior requires that the heir shall not draw more than $10 a month. So the money is in the bank subject to the check of the persons for whose benefit it is deposited not to exceed the sum of $10 per month.

There are two classes of persons who are at these reservations, or near them, who are extremely interested in the Indian and in the funds. The local banks that desire to retain these funds and to use them are necessarily interested in the retention of the funds, although the letters which I have from the banks indicate that their solicitude is entirely for the Indians. I have letters also from the traders, who are equally solicitous for the welfare of the Indians and the minors, complaining bitterly of this ruling. So we have the two friends of the Indian there looking after his interests, one of them insisting that the money should remain in the bank for the benefit of the Indian, so that he may receive it gradually and not all at one time; the other insisting that it should be paid to the Indian immediately in bulk, so that the Indian can go to the traders and get rid of it in bulk, and not require a year or several years to make the transfer.

As between these two friends of the Indians, the question is which one, if either, we had better favor. Following my usual method in trying to protect the Indian, I have always insisted that the longer you can keep the funds from the Indian the better it is for him. Therefore, while without question the trader or some one else will get the money just as soon as the Indian gets hold of it, I think it will be probably better for the Indian, although I am willing to admit it will also be better for the bank, that he be not allowed to take this money all at one time and get rid of it all at one time.

I have read over the report upon this subject. It appears from the report that a claim is made that the Indian does nothing but wait until the next pay day the following month before he will go to work, waiting for this $10 to come to him. On the other hand, if he gets his money all in bulk, he will be waiting then until the next pay day from the Government to support the Indian. It seems to me that the excuse that is made for this would not appeal to the judgment of the ordinary individual. I can see no real benefit in it. I can not agree entirely with the statement that is made in the report, which will be found on page 6 of Report No. 2561. Here is an explanation that to me does not explain. It is stated:

In many cases the heirs are minors—

That is true, probably, in most cases—

and the deeds have been executed by guardians appointed in the probate courts where the land is located. Bonds have been given, and the courts are now calling upon the guardian for report and settlement. The guardian is unable to report other than the fact of the sale and the amount for which it sold. He has not the money, and yet is liable for it on his bond.

I can hardly understand how the guardian can become liable on his bond for property which has never come into his possession. If the Department has a right to sell these lands and has a right to determine what shall be done with the funds, the funds, being under the superior guardianship of the Department, certainly are not subject to the local law of guardianship of the county wherein those lands are situated.

Mr. CLAPP. Will the Senator pardon an interruption?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Certainly I yield to an interruption and an explanation.

Mr. CLAPP. On the Senator's statement there could be but one answer to his question; but the difficulty is that back of all this lies a law, which, as to all past allotments, provides that the heirs shall take their estates under the law of the State or Territory in which the allotment is situated.

Mr. McCUMBER. And subject to their laws?

Mr. CLAPP. And subject to their laws. There is one class of individuals that the Senator has omitted in this gathering and aggregation of the interested parties, and that is the attorneys in the localities. Already three suits are pending, one either in the Senator's State or in South Dakota—I forget which—one in Wisconsin, and one in Minnesota, to compel the payment of this money under that law. I undertake to say that in those suits, in my judgment, a mistake has been made in the party defendant. When they get the right party defendant they will recover the money.

We have passed a bill—I think it was day before yesterday—to cure that, so far as we can legally cure it, by providing that in future allotments not only the allottee will not become a citizen until he gets his final patent, but if he dies in the interim the allotment, instead of vesting under the State law in the heirs, revests in the Government, to be distributed by the Government to the heirs.

There is no question of the legality, although I doubt the wisdom somewhat of that provision. But as to these past allotments, they were made under a law in accordance with the provisions of which the heirs take under the State law. I do not believe that it is within the power of Congress to interfere with their estates, and, without meaning any reflection on the Department, but speaking purely from the standpoint of a legal proposition, I do not believe the Department has any more control over the funds derived from the sale of the lands of deceased allottees than it would have over the property of the children of the Senator in case he should pass away.

There is no use in talking. We can have all the sentiment we want in this matter; but in years gone by we passed legislation that fixed certain rights, and to undertake to take those rights away under the plea of friendship for the Indian would simply entail upon the Indian the expense of additional legislation.

In this very bill we have stricken out in clause after clause one word that will cost hundreds of allottees from one to five hundred dollars each, and all in the name of the Indians. That is where we have stricken out the word "corrected," where we undertake to remove restrictions as to individual allottees. Every one of those individual allottees will be made to believe by some attorney that he has influence and ability, and that it is only through his influence and his ability that the allottee can get those restrictions removed; and the Indian will have to pay a fee of from one to five hundred dollars. The amendment was made from the best motive probably, and I would not question the motive of the Senator who offered that amendment.

Mr. TELLER. And they will get the restrictions removed, too.

Mr. CLAPP. Yes; they will get them removed.

Mr. TELLER. And the Indian will pay for it.

Mr. CLAPP. And the Indian will pay for it.

Mr. McCUMBER. It is not a question of the removal of restrictions,

Mr. CLAPP. No; but it is a question of interfering with property which we placed in the control of the State.

Under existing law the allottee becomes a citizen of the United States when he takes his allotment as absolutely as any member of this Senate, save and except that, as to the land which is distributed to him, the Government retains a restriction against alienation. That may be good and it may not be, but, independent of that one limitation, the Indian takes his property absolutely and his heirs take their property under the State law.

So far as I am concerned, I would not give a fig one way or the other whether that language remains in the bill or not. If it is striken out it can not effect their rights, but if it remains there it may enable the heirs to have the money paid them under the law, instead of having to squander what little they have as heirs in paying for legal services and fees for attorneys.

I know, Mr. President, that sentiment is invoked in this matter. I know that it is not perhaps a desirable thing to state these facts as they are; but why should we allow our sentiment for the Indians—a misguided sentiment, so far as the solution of legal problems that have arisen in regard to proper legislation is concerned—to cause us to impose upon those people an unnecessary burden and expense?

Mr. McCUMBER. According to the position of the Senator, the ruling of the Department requiring this money to be placed on deposit and to be paid out $10 per month only is absolutely illegal and erroneous, and no one is bound to follow it.

Mr. CLAPP. No——

Mr. McCUMBER. If that is true, if it has no binding effect whatever, then why should we by a special law declare that the Secretary of the Interior shall have no power to have the funds kept in the banks, and provide otherwise? In other words, if the matter is under the control absolutely of the State law, then there should be no Government law attempting to interfere.

Mr. CLAPP. Mr. President, this provision does not interfere, and that is why I say I do not care whether it is left in the bill or taken out, so far as I am concerned. It amounts to this: That instead of the Indian heir being told by the attorney and by the Indian agent, "You can not get your money without a lawsuit," he will be able to get it. They are watching these things; they will know of the passage of this law; and with this law staring the Department in the face we will cease to hold the authority over this money that, in my humble judgment, and I believe in the judgment of the Senator from North Dakota, they have no right to hold. The suits are pending now. More suits will be brought. It is true in one or two suits the plaintiff failed, because he made the wrong party defendant, but they will get the right defendant in time, and when they do they will get this money.

Now, why cloud the title to this money by an attempted restriction that confessedly we can not impose? If it were possible to-day to go back to the legislation, I think, of 1887, and change that legislation I would not combat it seriously, although I would doubt the wisdom of it, perhaps. But we can not do that. That is gone. Why should we embarrass the title to this property by a legislative declaration, which has no effect on earth except to make the heir part with some of his money in attorneys' fees in order to get what is due him?

Mr. McCUMBER. Let us apply this case. The law which is attempted to be inserted here is:

That when the land of deceased allottees has been sold under existing laws, the Secretary of the Interior be, and he hereby is, directed to immediately cause to be paid to the heirs of said deceased allottees any and all moneys on deposit due said heirs from the sale of said land of said deceased persons.

The present rule is to deposit it in the local bank to the credit of the Indian to whom it belongs. The money therefore is the money of the individual Indian, subject to his check.

Mr. CLAPP. Not at all, Mr. President.

Mr. McCUMBER. How is that?

Mr. CLAPP. The Senator is mistaken about that. It is deposited in some way. These Indians have attorneys in the first instance. That could not be done. But in some way, when the sale is made, the money is deposited in bank, subject to the check of the guardian, to be countersigned——

Mr. McCUMBER. Guardian, where there is a minor, of course.

Mr. CLAPP. Yes. The check has to be countersigned by the agent. That is the situation.

Mr. McCUMBER. Yes. Suppose we are dealing either with minors or with those who are not minors. The money is deposited in the local bank. There is where it is deposited under the present law. We will take the case at Sisseton, in South Dakota. It is deposited, say, at a bank in Sisseton, or a bank at Browns Valley. It is subject to be paid, under the present rules, at a certain amount per month and not above that. That money belongs to the claimant, and if that is true, instead of being placed under the necessity of hiring attorneys in every individual case, one case in that county in the State of South Dakota against the bank to gain possession of the whole sum at one time would determine all those cases.

If it is true that the Department has ceased all control of the Indian and over that property which he has inherited from the ancestor by reason of the allotment to the ancestor, it may be determined in that case—but I am very doubtful indeed if it will be determined, if we take into consideration the case of The United States *v.* Rickert—that the Department has entirely lost control over that Indian and his property by reason of declaring him to be a citizen of the United States and subject to all of the laws of the State or Territory in which he resides. That case originated from that identical point.

Under the law of 1887 it was declared that any allottee should from the date of the allotment become a citizen of the United States and subject to the protection of the laws of the State and subject to the jurisdiction of the laws of the State in which he resided. That was in 1887. The case of The United States *v.* Rickert was not decided until 1902. The county of Roberts, in South Dakota, sought to levy a tax upon the personal property as well as the real property and the improvements of an Indian allottee.

Mr. CLAPP. What was the personal property?

Mr. McCUMBER. The personal property consisted or horses, cattle, etc.

Mr. CLAPP. That the Government had given the Indians, and the court says it was put there by the Government for a purpose. That is why it could not be taxed.

Mr. McCUMBER. No; I have read that case——

Mr. CLAPP. Horses and cattle that the Government had bought for the Indian to develop the Indian.

Mr. McCUMBER. That does not reach the subject at all. If the Government gives me a horse or a cow, I being a citizen of the United States and subject to the laws of the State, the State can tax that horse and that cow no matter where the property comes from. The question is as to the character of citizenship, and if the Indian is a full-fledged citizen and fully under the law of the State wherein he resides and his property is subject to that law, then neither the United States nor any other authority can prevent the levying of a tax upon that property. The very fact that they do hold that the Government has given this property to the Indian for his protection and to secure such enlightenment on his part that he may fulfill the duties of citizenship, declaring it absolutely, and following that up with a declaration that they intend to protect that property during his period of tutelage, that he may become a citizen, indicates clearly that the court in deciding that case did not regard this property as subject to the laws of the State nor him fully a citizen in all respects, although the Government had lost its guardianship over him and would cease to protect him.

There is nothing in the case, as I recall, which shows that it was property that came directly from the United States. It was the personal property of the Indian. The case does not show whence it came. It might have been purchased with

Government money that was given to him, but it would not be the identical property. The decision of the court was that the Government still retained an interest in the individual Indian after his allotment was given and in the property necessary for his support. It placed it upon the ground that he was in a condition of tutelage during that time, even after the Government had granted him the right to vote and the right of citizenship. Otherwise their reasoning would fall to the ground—that the Government could protect his personal property and protect any other property as against taxation by the State wherein he resided—because the Government could not do that, as the Senator must admit, if it had made a grant of property to a white man.

I admit that the Government can protect any interest it may have in that real estate. In that instance the Government's interest in the real estate was not affected in any way. All it had to do was at the end of twenty years to issue its patent in fee for that land. No tax, no tax sale, no tax title could have been superior to the Government's right in that case. So it was directly interfered with. But even if we concede that proposition, we can not reason away the other proposition, that the personal property was the property of a citizen of the United States and subject to the laws of the State in which the allottee resided, and therefore was not taxable, if the Senator's position is absolutely true. I admit that I have been unable absolutely to harmonize that case with the Heff case.

Mr. CLAPP. I dislike very much to prolong this debate, but it comes to a question that seems to me is of great importance. I am glad the Senator has rested his contention in the Rickert case upon the assumed guardianship of the Government over the Indians, for if there is one contention the Supreme Court has absolutely repudiated it is that.

Mr. McCUMBER. That is, in the Heff case.

Mr. CLAPP. In the Heff case the Rickert case was cited by the Government in its brief and urged as a reason why the Government might exercise some sort of a supervision over the Indian after he became a citizen, and the court in commenting upon that says:

> But the logic of this argument implies that the United States can never release itself from the obligation of guardianship; that so long as an individual is an Indian by descent, Congress, although it may have granted all the rights and privileges of national and therefore State citizenship, the benefits and burdens of the laws of the State, may at any time repudiate this action and reassume its guardianship, and prevent the Indian from enjoying the benefit of the laws of the State, and release him from obligations of obedience thereto. Can it be that because one has Indian, and only Indian, blood in his veins he is to be forever one of a special class over whom the General Government may in its discretion assume the rights of guardianship which it has once abandoned, and this whether the State or the individual himself consents? We think the reach to which this argument goes demonstrates that it is unsound.

Mr. McCUMBER. That is a case involving simply political rights?

Mr. CLAPP. Simply political rights, but in this case the Rickert case was urged as authority for the proposition that the Government in some way still has some guardianship over these Indians.

Mr. McCUMBER. And did not the court differentiate as between the political rights and the property rights of the Indian?

Mr. CLAPP. In this respect: In the Heff case the court said that there is a difference between those political rights which have come under this law and those cases where the Government, in granting land to an Indian, reserved a limitation upon the right of alienation. In the cases involved in this act there is no such principle. These allottees became citizens. Their heirs became entitled to all their rights under the State law, and to attempt now to repeal that is simply to impose upon them the burden and expense of useless litigation.

Mr. TELLER. Which you can not do.

Mr. CLAPP. Which you can not do.

Mr. McCUMBER. I am not attempting to repeal anything. I leave the law as it stands.

Mr. CLAPP. I shall not discuss it any further.

Mr. McCUMBER. If that is the law, under the act of 1887, then this provision seems to me absolutely unnecessary. If it is not the law, if there is any question about it, this leaves the Department still in control of the funds.

Mr. SPOONER obtained the floor.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. HALE. I rise to a parliamentary question. Has the point of order been made upon the amendment, that it is general legislation?

Mr. SPOONER. I was about to make it.

The VICE-PRESIDENT. No point of order has been interposed.

Mr. HALE. The Senator from Wisconsin rose for that purpose.

Mr. SPOONER (to Mr. HALE). Go on.

Mr. HALE. If I may be allowed to make a suggestion to the Senator in charge of the bill, he will never get his appropriation bill through unless he makes points of order where general legislation is involved. I do not know so much about the subject as does the Senator in charge, nor the Senator from Wisconsin; but to bring matters to a head, I was about to raise the point of order that it is general legislation. I have no doubt it is. I did not know but that the point had already been made.

Mr. CLAPP. No; it has not been.

Mr. TELLER. Mr. President, I have no question that three-quarters of all the legislation in the last fifteen years on Indian questions has been upon appropriation bills. While that may not be a reason, there is some reason why Senators who do not have anything to do with those questions and are not bothered with them might at least, I think, leave some of these things to those who are charged with that special duty.

There is no pleasure in serving on the Committee on Indian Affairs. It is the most disagreeable of all committee service in the Senate. It is the most difficult and troublesome and unsatisfactory of all duties that I have ever had put upon me. Somebody must do this work. The committee has been in session, I will venture to say, more than any other committee in the Senate during this session, coming here frequently at half past 9 o'clock in the morning and staying here until the Senate convenes, and then retiring for a meeting when we had an opportunity so to do. We have had before us the Commissioner, we have had the Secretary, we have had witnesses; and the committee have been trying to meet the present condition, which is different from any other condition that has ever existed in this country touching these people. We have been compelled to do some things that we would like not to have done, and yet we have been compelled to do them by an overpowering sense of necessity.

I think myself it is a bad plan, as a rule, to legislate upon an appropriation bill, and yet when we come to make provisions, as we have been doing in this bill, for the closing up of conditions existing between the Government and these people for the last forty or fifty years, it is utterly impossible for us to do it unless we do in some instances in settling these matters transcend the rule that no general legislation shall be put upon an appropriation bill.

Mr. President, this very question now presented may seem to Senators to be a matter of not very much importance. It is of vital importance. In the first place, in my judgment, the Department, without any authority of law whatever, have seized upon the moneys belonging to these Indians, who are to-day citizens of the United States; and they may be, and doubtless are, as incapable as it is said they are. But at no time in the history of this country has any man been heard here or anywhere else to assert that, because a citizen of the United States was incapable of discharging his duties to himself and his family as he ought to do, the Government of the United States had the right to become his guardian.

The Department, without any authority of law in my opinion, has put its hand upon the property of these men and has been paying them, under certain conditions, $10 a month. You could not conceive of any plan that would quicker make a pauper of an Indian, or a white man either for that matter, than to have somebody doling out to him per month $10, just enough out of his money to keep him alive; not enough to enable him to engage in business; not enough to enable him to become self-supporting; withholding from him that which belongs to him by law and by custom in this country.

It may be, Mr. President, that the amendment violates the rule, and it may be that the occasion does not justify it, but in my opinion if it ever was justified it is justified in this particular case and in half a dozen other cases where we have already transcended the rule ex necessitate, as a matter of duty.

Mr. President, I heard read here the other day a letter touching some question arising in Wisconsin. It was said that if the money that was to be paid out by a provision that had been inserted in the bill was paid out, those people would become paupers. I have not the slightest doubt that some of them would, but that is no reason why they should not be paid if they have ceased to be the wards of this nation. The Senator from North Dakota [Mr. MCCUMBER] seems to think that the Indian is still a ward of the nation, although he is a citizen.

Mr. McCUMBER. I do not want to say more than that the case I have mentioned raises a question of doubt on that subject.

Mr. TELLER. It does not raise any question of doubt.

There can not be any question of doubt, upon principle; and if there were no decision whatever, there could be no question that this Government possesses no police power whatever in this matter. This Government has no right to act as a guardian for anybody except the Indian, when he is an Indian, not racially, but an Indian under the law.

The Heff case is as square and positive an enunciation of the doctrine for which I am contending as it is possible for the English language to make it, the decision being rendered by one of the clearest-headed men on the bench, and, I believe, without dissent.

Mr. President, I sympathize with every effort to help those who are down. I have learned—what I think we have all learned by observation, by experience, by history—that after all the way to make men men is to compel them to discharge the duties of manhood, to take them out of leading strings, to put them upon their own mettle, as the saying is. If these Indians will waste their substance, let them waste it, and when they have wasted it and when they do not get $10 a month doled out to them, when no charity is given to them, they will go to work and they will cease to be paupers and vagabonds.

Mr. President, I believe that the provision we have put in here is a proper one. I understand there is a large amount of this money. I have seen the statement made by a man who claims to know that all told in the United States there are nearly $2,000,000 held in this way. That may be an exaggeration; I do not know. Some of it will be wasted; all of it will not be wasted, and there is no principle which would justify us here in maintaining any control over it.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the point of order raised by the Senator from Maine go to all of the committee amendment beginning with line 19, page 7, and ending with line 10, on page 8?

Mr. HALE. It extends as far as the proviso.

Mr. McCUMBER. I understand it includes that which I asked to have stricken out.

The VICE-PRESIDENT. The Chair sustains the point of order, as the amendment clearly proposes general legislation.

Mr. SPOONER. To what part of this language does the ruling of the Chair apply—the whole of it?

The VICE-PRESIDENT. To that part which was challenged by the point of order.

Mr. SPOONER. The whole of it. I raise the same point of order against the portion of the amendment at the top of page 7, extending down to line 19.

The VICE-PRESIDENT. The Chair sustains the point of order raised by the Senator from Wisconsin.

Mr. CLAPP. On page 14, line 23, I move to insert "$290,000." I think it was fixed this morning at $260,000.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be stated.

The SECRETARY. On page 14, line 23, it is proposed to strike out "thirty" and insert in lieu thereof "ninety."

Mr. PERKINS. I should like to have the amendment now read as it will read if amended.

The VICE-PRESIDENT. The amendment as proposed to be amended will be read by the Secretary.

MISCELLANEOUS.

Telegraphing, telephoning, and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian service, including inspection and pay of necessary employees; advertising, at rates not exceeding regular commercial rates, and all other expenses connected therewith, and for telegraphing and telephoning, and for transportation of Indian goods and supplies, including pay and expenses of transportation agents and rent of warehouses, $290,000; and warehouses for the receipt, storage, and shipping of goods for the Indian service shall be maintained at the following places: New York, Chicago, Omaha, St. Louis, and San Francisco.

The amendment was agreed to.

The VICE-PRESIDENT. The Chair will say that the portion of the amendment of the committee on page 8 is agreed to. That was passed over.

Mr. LODGE. What remains after the word "*Provided?*"

The VICE-PRESIDENT. What remains after the part excluded by the objection.

Mr. CLAPP. Is that subject to a point of order?

The VICE-PRESIDENT. No point of order has been made against it. Without objection, it is agreed to.

Mr. CLAPP. I understand that the Senator from Kansas [Mr. LONG] has an amendment to offer, and also the junior Senator from Wisconsin [Mr. LA FOLLETTE].

The VICE-PRESIDENT. The Chair would call the attention of the Senator from Minnesota to line 7 on page 44, where a blank is to be filled by inserting the words "April 26." Without objection, that amendment will be agreed to. Two amendments were added on the same page, one by the Senator from South Carolina [Mr. TILLMAN], which reads "April 27." That should be changed to "April 26."

Mr. CLAPP. That is right; it should be "April 26."

The VICE-PRESIDENT. Without objection, it is agreed to. The Senator from Wyoming [Mr. CLARK] also offered an amendment in which the same words, "April 26," should be inserted. Without objection, it is agreed to.

Mr. CLAPP. I understand the junior Senator from Wisconsin has an amendment that he desires to offer.

Mr. LA FOLLETTE. I should like to offer an amendment to come in after line 21, page 162.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. After the amendment already adopted, line 21, on page 162, it is proposed to insert:

That the Secretary of the Interior be, and he hereby is, authorized to permit the business committee of the Menominee tribe of Indians in Wisconsin to cause to be cut into logs and hauled to suitable places for sawing and cause to be scaled, under such rules and regulations as he may prescribe, the dead and down timber on the sections containing dead and down timber in the north half of township No. 29, range 13 east; the north half of township No. 29, range No. 14 east, and in the south half of township No. 30, range No. 13 east, on the Menominee Indian Reservation, in Wisconsin, as herein provided, such cutting of timber to be in addition to the amount authorized to be cut and sold annually by the act of June 12, 1890. (26 Stat. L., p. 146.)

The Secretary of the Interior shall make contracts with a sufficient number of portable mill owners to come upon the reservation and saw into lumber the logs so cut from such dead and down timber, the compensation for such sawing to be fixed at a certain rate per thousand feet, which amount shall not exceed the sum of $3.50 per thousand feet board measure, both hard and soft wood included.

That the Secretary of the Interior is hereby authorized to pay out of the funds of the said Menominee tribe of Indians now on deposit in the United States Treasury all necessary expenses incurred in the cutting and sawing of the timber as provided herein, which amount of money shall be reimbursed from the sale of the lumber as herein provided.

That said lumber shall be sold in such quantities as the Secretary of the Interior may direct, under such rules and regulations as he may prescribe, to the highest and best bidder for cash, after due advertisement inviting proposals, and in such manner and at such time and place as the Secretary may direct, and from the proceeds of the sales of such lumber there shall be deposited in the Treasury of the United States to the credit of the said Menominee tribe of Indians the amount of money paid out of said fund as the expense of cutting and sawing said lumber; and also there shall be deposited in the Treasury of the United States to the credit of said Indians the one-fifth part of the net proceeds of the sales of said lumber, to be used under the direction of the Secretary of the Interior for the benefit of said Indians, and the residue of said proceeds shall be deposited in the United States Treasury to the credit of said tribe and shall bear interest at the rate of 5 per cent per annum to be paid to the said tribe per capita in semi-annual cash payments.

The amendment was agreed to.

Mr. LONG. I offer the amendment which I send to the desk.

The SECRETARY. On page 41, after line 7, it is proposed to insert:

That the Secretary of the Interior is hereby authorized and directed to cause, at as early date as practicable, an examination to be made of lands that have been or may be allotted to members of the Five Civilized Tribes, with a view to determining the lands which may, in his judgment, be reasonably classified as mineral lands because of supposed deposits therein of coal, asphalt, oil, gas, or other minerals of commercial value; and to the extent that the President may approve such classification, he shall give notice thereof, by proclamation, that such lands have been so classified; and the President may, from time to time, eliminate therefrom, by like proclamation, such lands as may be shown to his satisfaction to be in fact nonmineral; but nothing herein contained shall affect the authority of the Secretary of the Interior, under other laws, to remove restrictions upon alienation of the lands so proclaimed to be mineral in character; nor shall anything in this provision contained be held or construed to discontinue or in any respect affect the supervisory authority of the Secretary of the Interior relative to any mineral lease or mineral leases heretofore executed by any allottee of said tribes.

To enable the Secretary of the Interior to make the classification of said lands there is hereby appropriated the sum of $50,000, out of any money in the Treasury not otherwise appropriated.

All restrictions on the alienation of lands which have been or hereafter may be allotted to Indian allottees of the Five Civilized Tribes are hereby removed, except as to full bloods, minors, homesteads, and as to lands aforesaid classified as mineral lands, until the right to alienate such lands accrues under existing laws: *Provided*, That no agricultural leases for a term exceeding one year nor any mineral lease of lands from which the restrictions are not removed shall be valid unless approved by the Secretary of the Interior, and shall be subject to such regulations as he may prescribe; and no lands from which the restrictions are not removed by law shall be alienated or encumbered without the approval of the Secretary of the Interior.

The removal of the restrictions hereinbefore provided for shall take effect at the earliest time practicable, to be determined by the President, who shall give at least thirty days' notice thereof by proclamation.

Mr. CLARK of Wyoming. Mr. President, I do not propose to object to this amendment, because I realize that objections along this line are absolutely futile. But I do want to put upon record my dissent from the prevailing view that the people of the Indian Territory should be further and continually bothered and hampered both in their progress and prosperity by throwing around them restriction after restriction upon their power to do business. I wish to put upon record my dissent from the idea that the people of the Indian Territory (and when I say the people of the Indian Territory I mean those

classified as members of the Five Civilized Tribes) are not competent to transact their own business. I want to put upon record my disclaimer of this policy which every year is holding back the progress of that people, taking thousands and hundreds of thousands of dollars away from their property values.

Mr. President, the amendment had its inception in an idea that something should be done to alleviate the situation. We all know that all the property substantially down there is hampered and bound up by Congressional restrictions as to its alienation. The amendment, I say, had its inception in an idea that those restrictions shall be liberalized, and it comes before the Senate still further restricted.

As I said, I am not going to make any opposition to the amendment; but I wish to call attention to two matters—I wish I had them before me—showing the condition of affairs in the Indian Territory and what misapprehension exists not only in the whole country, but in this Chamber. I would be glad if I had with me an interview by Mr. Clarence Douglas, the editor of the leading daily paper of the Indian Territory, given to the Post of this city, I think, some three or four weeks ago, upon the proposition of the ability of the people of the Five Civilized Tribes to transact their own business.

I have here, however, a statement by a Cherokee by blood, which sufficiently speaks for itself. I will state that this gentleman was before the Committee on Indian Affairs protesting in the strongest terms against the injustice that men fully competent to transact their own business, men of collegiate education, men of business education, should not be allowed to sell or to have to do with one foot of their land without first consent having been had and obtained. This gentleman when before the Committee on Indian Affairs was asked, "Why do you object to this? You certainly can have your restrictions removed by the Secretary of the Interior." He said: "Gentlemen, I object for the same reason that you would object. I would not for all the property I possess there subject my American citizenship to the humiliation of having to say to a clerk of the Dawes Commission or of the Interior Department, 'I want these restrictions removed,' and be subject to his cross-examination as to whether I am capable of carrying on my own business, as to whether I can read or write, as to how many debts I owe, as to what I intend to do with the money if I sell this property." This gentleman makes the following statement, which I ask to have read from the desk.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Robert L. Owen, of Indian Territory, who made the leading argument in the Supreme Court for the Eastern Cherokees in their $5,000,000 claim, is at the Riggs House.

"The Indian Territory," said Mr. Owen, "is making great progress. The allotments are almost completed, and a great immigration is going on. The citizen Indian is hardly distinguishable from any other citizen of the United States. He is entirely different from the Indians of other States, being educated, cultivated, refined, and self-supporting. Over half of them are so nearly white that their Indian blood would not be recognized. Only a fourth of the Indian people are of full Indian blood, and they have had the advantages of schools and churches and self-government for seventy-five years. The idea that they are generally incompetent is absurd. They do not differ materially from a like number of people in the agricultural districts of southern Kansas or Texas.

"Of course, we have our average proportion of deaf, dumb, blind, insane, and incompetents, but the mere name 'Choctaw, Chickasaw, Seminole, Creek, and Cherokee' at a distance of 1,500 miles has established the idea of general incompetency, and the Government, with great benevolence, insisted, against the wishes of our people, in legislating on this unsound theory. The law, therefore, imposed the condition that the surplus land of our people should not be alienable for five years from the date of the patent. This does not prevent sales; it merely diminishes the selling price. Where a clear legal fee would bring $15 an acre, the equitable estate will only bring half as much, and the law, instead of protecting our people, ties their hands while their pockets are picked.

"They own the equitable estate in their several allotments, and when they sell this equity, while the bare legal fee does not pass for five years, the equitable estate does pass, and nine out of ten will, by proper deed, make good the legal title when the 'restrictions' are removed.

"The so-called 'restrictions' are well meant, but are only injurious. This will never be understood at long range, and our people will be kept benevolently bound by their friends, strangely enough, for the benefit of unscrupulous speculators."

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The Secretary. A bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. TILLMAN. If there is no Senator ready to go on with a speech, I will ask that the unfinished business be laid aside temporarily.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. CLARK of Wyoming. Now, Mr. President, the utterance read from the desk is the utterance of a man whom the Congress of the United States, in its wisdom, says shall not dispose of an acre of his land without consent first had and obtained, and this amendment says he shall not dispose of an acre of his land in any way if it contains oil, gas, or mineral. The utterance is the utterance of a man who is at present in this city engaged in the trial of a lawsuit before the Supreme Court of the United States involving $5,000,000 worth of property.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Minnesota?

Mr. CLARK of Wyoming. Certainly.

Mr. CLAPP. May I interrupt the Senator to remind him that I am credibly informed one of the justices of that great court went so far as to say the argument which the gentleman made was one of the ablest presentations ever made to the court?

Mr. CLARK of Wyoming. There is no question about it, Mr. President, and yet we stand here day after day and year after year and insult the intelligence of that people by throwing continually around them more and more of these humiliating conditions. I simply to-day, Mr. President, want to protest now and for the last time against that benevolent action of the American Congress which, as Mr. Owen says, binds the hands of those people so that others may pick their pockets.

Mr. HALE. Before the Senator sits down I wish to say that here is a provision to which the Senator very forcibly objects. It is a clean piece of new and general legislation. If the Senator is so strongly opposed to it, why does he not make the point of order, when it would go out at once? I make this suggestion because when Senators who are not as near to the Indian question as our western friends have made points of order that provisions are general legislation some impatience has been shown because of the interposition of Senators whose special attention is not directed to these subjects.

Now, here is the instance of a Senator who is near to the whole scene of action, who expresses in strong language his opposition to the entire proposition of the Senator from Kansas [Mr. Long]. I should be glad to know why it is that the Senator does not, on his responsibility as a Senator and a western man near to the Indian question and knowing about it, invoke the point of order.

Mr. President, when committees specially charged with the subject-matter have incorporated provisions into the bill that they report to the Senate or when a Senator nigh to the scene of action reports or introduces an amendment which he says and believes will be beneficent in its effect, but which is yet subject to a point of order and is general legislation, it is not an agreeable task for a Senator who is dealing simply with the business of the body to interpose, and I again ask the Senator from Wyoming why he has not made the point of order?

Mr. CLARK of Wyoming. The Senator asks me at some length. I will answer him at much less length. The Senator from Wyoming does not make the point of order because the Senator from Wyoming does not consider that under the rule the amendment is subject to the point of order.

Mr. CLAPP. Mr. President, I do not wish to delay the Senate, but before this matter is disposed of I want to indorse the sentiment expressed by the Senator from Wyoming.

There is another thing that I think it is fair to protest against, and that is the continual characterization of everybody on the frontier in connection with the Indians, and especially in the Indian Territory, as grafters. It was my duty to go down there last fall and look over that Territory. I found people from all States there, reputable people, people who are laying the foundation of a great Commonwealth, people who are framing a policy there and working out the problem of Government, and in the absence of needed legislation, without power to raise one dollar of taxes for their streets and highways. They have built splendid cities of 15,000 and 20,000 people, which compare with other cities, and yet all done by subscription. We have labored this winter as best we could somewhat, in a measure, to relieve that situation. They are at least now vested with the power to assess taxes for that purpose. As I have already said this morning, in our zeal for the Indian instead of serving the Indian we have thrown around him limitations which he will break through, with the aid of judicial investigation and judicial determination, and all that it will result in will be that he will be mulcted in an additional sum out of his estate in attorney's fees.

I do not believe this policy is a fair one, either to the people or to the Indians down there. It was my privilege last fall to address in the Indian Territory an Indian school, and many of the scholars and students in that school were as fair in com-

plexion as anyone in this Chamber, but because upon one side or the other they have inherited Indian blood they are Indians, and they must be kept subject to restrictions.

Mr. President, the history of our dealing with the American Indian is a story of wrong from start to finish; but with every other wrong that we have done the American Indian the wrong we have done him in robbing him of his self-respect overtops all the other wrongs. We assume to be the guardian of the Indian, and we have taught him almost every vice he knows. The Indian is no fool. He laughs at the white man, with all his vices, assuming to teach civilization and morals to the Indian. The Indian is not blind to the situation, and he laughs at the plea of the white man coming to deal honestly with him, and acting as guardian of his property, when our great Government stands appalled in the unlawful taking over of thousands and millions of acres of our public domain.

Is that the kind of education which will make a man of the Indian? The Indian has a sense of humiliation. I can take the brightest boy in the city of Washington, and dole out $10 a month to him until he was 35 or 40 years of age, and he would not know enough to buy the necessaries of life. That is not the way to bring about the development of the Indian.

I know too well, and every man in the West must know, that the Indian is improvident, that many of them squander their means; but I believe to-day in regard to the funds we are trying to dispose of, it would be better for the Indian if the fund could be buried in the depths of the sea.

We are confronted to-day with the problem whether we will retain that fund, and keep this pupilage of the Indian, keeping him a child, doling out $10 a month to him, so that he can accomplish nothing in the acquisition of improvements, and simply squander it as readily as he would squander the larger fund that might be given him. On the other hand, if we give it to them in bulk we all know too well that much of it will be squandered. In would be better for them if the funds did not exist. But the funds are there, and the funds belong to these people, and our action this winter on the other bill and much of our action on this bill, humane as have been our purposes, kind as have been our sentiments, and inspired by a desire to serve the Indian, have simply complicated the rights of the Indians. Subjected as he is to the other great drafts upon him, we place him now subject to the additional draft at the hands of the attorneys, who will point out to them the ineffectual legislation which we have passed in the other bill and in this bill, and in the end the burden falls upon the poor Indian. Well might the Indian exclaim, "God save me from my friends!"

Mr. MONEY. Mr. President, I will make the point of order against the amendment, that it is general legislation on an appropriation bill.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken. The Chair sustains the point of order.

Mr. LA FOLLETTE. I rise, sir, to ask to have stricken out of the bill from and including line 17, on page 161, down to and including line 2, on page 162.

The VICE-PRESIDENT. The Chair will state to the Senator from Wisconsin that his motion is not in order, that amendment having been agreed to.

Mr. CLAPP. I would suggest to the Senator that he make a motion to reconsider the vote by which the amendment was agreed to.

Mr. LA FOLLETTE. I did not know but that it had been passed over.

The VICE-PRESIDENT. Without objection, the vote by which the amendment was agreed to is reconsidered.

Mr. SPOONER. The Senator can make the motion when the bill gets into the Senate out of the Committee of the Whole.

The VICE-PRESIDENT. The Senator can make the motion when the bill reaches the Senate.

Mr. LA FOLLETTE. If I can make it at this time as well, I would prefer to do so.

The VICE-PRESIDENT. Is there objection to reconsidering the vote by which the committee amendment was agreed to, on pages 161 and 162? The Chair hears none. The vote is reconsidered, and the amendment is before the Senate. The question is on agreeing to the amendment.

Mr. LA FOLLETTE. My reason for making that motion is that the subject-matter of the amendment which I have submitted is now under consideration by the Interior Department and is not yet determined. This provision of the bill takes it out of the hands of the Interior Department and determines it here and now by legislation; and that should not be done. I offer and ask to have read a letter from the delegate of the business committee of the Menominee Indians of Wisconsin.

Mr. TELLER. I should like to know to what amendment the Senator from Wisconsin refers.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 161, beginning with line 17, it is proposed to strike out down to and including line 2, on page 162.

Mr. LA FOLLETTE. I now send to the desk and ask to have read the letter to which I have referred.

The VICE-PRESIDENT. The Secretary will, without objection, read the letter submitted by the Senator from Wisconsin.

The Secretary read as follows:

WASHINGTON, *D. C., April 23, 1906.*

HON. ROBERT M. LA FOLLETTE,
Washington, D. C.

SIR: In the Indian appropriation bill now pending before the Senate, page 161, commencing from line 17, contains the following provision:

"That the Secretary of the Interior is hereby authorized and directed to pay to such members of the Stockbridge and Munsee tribe as he shall find entitled thereto, under the said act of March 3, 1893, and the enrollment made thereunder, and the descendants who are living and in being on the 1st day of July, 1904, in cash, per capita, the whole of the trust fund now to their credit in the Treasury of the United States, etc."

I desire to say that the Menominee tribe of Indians have a claim against the Stockbridge and Munsee Indians, arising out of timber which was cut on the Menominee Indian Reservation by the said Stockbridge and Munsee Indians many years ago. This timber was afterwards sold for the benefit of the Stockbridge and Munsee Indians. A statement of the nature of this claim was filed in the office of the honorable Commissioner of Indian Affairs some time ago.

The Commissioner of Indian Affairs, on July 3, 1905, referred this matter to the superintendent of the Green Bay Indian School, with instructions to investigate the contentions of these two tribes, and to submit a full report of his views upon the question to the Indian Office, as shown by the copy of office letter, which is attached hereto.

Some time during the past winter the business committees representing the Menominee and Stockbridge and Munsee Indians met at the agency office at Keshena, Wis., in the presence of Supt. Shepard Freeman, and a hearing was held. At this hearing the Menominees produced substantial evidence to sustain their contentions, while the Stockbridge and Munsee Indians had none save their own denial to the assertions made by the Menominees.

The witnesses in behalf of the Menominee tribe of Indians at said hearing were John Winans and J. L. Whitehouse, both white men and residents of Shawano County, Wis. Both of these men are prominent citizens in the community in which they reside and are entitled to credit as witnesses. They are old settlers of Shawano County, Wis., and they were well familiar with the facts connected with the cutting of the timber on the Menominee Indian Reservation by the Stockbridge and Munsee Indians.

After the hearing was over the Stockbridge and Munsee Indians admitted that the claim of the Menominees was a just claim. Then an agreement was made between the two tribes to the effect that as soon as the ground was dry in the spring the location of the land upon which the timber was cut should be ascertained and the timber estimated. The Stockbridge and Munsee Indians stated that after this was done they are willing to pay the indebtedness as claimed by the Menominees.

I inquired at the Indian Office the other day whether Supt. Shepard Freeman had made his report upon this subject, and I was informed that he had not as yet.

Supt. Shepard Freeman will not be able to make his report until after the timber has been estimated.

I am informed that the Stockbridge and Munsee Indians have only $75,000 to their credit in the Treasury of the United States. This provision I have quoted authorizes the Secretary of the Interior to pay the Stockbridge and Munsee Indians all this money. If this is done, our claim will not be settled.

I therefore ask that said provision authorizing the Secretary of the Interior to pay the Stockbridge and Munsee Indians the whole of the trust fund now to their credit in the Treasury of the United States be stricken off, and the money withheld until after they have settled the claim of the Menominee tribe of Indians.

Respectfully submitted.

MITCHELL OSHKENANIEW,
Delegate of Business Committee of Menominee Indians of Wisconsin.

Mr. LA FOLLETTE. I caused inquiry to be made at the Interior Department some days ago, and I find that no report is on file at the present time from Shepard Freeman, the superintendent of the Green Bay Indian school, to whom this matter was referred for investigation. For that reason I think it fitting that this provision in the bill, which forestalls that investigation and report, shall be stricken out.

The VICE-PRESIDENT. The question is on the amendment reported by the committee on page 161, beginning in line 17, and going down to line 2, on page 162, which the Chair understands the Senator from Wisconsin [Mr. LA FOLLETTE] desires disagreed to.

The amendment was rejected.

Mr. WARNER. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Missouri will be stated.

Mr. TELLER. Mr. President——

Mr. SPOONER. Mr. President, I do not understand whether the question was on the motion made by my colleague [Mr. LA FOLLETTE] to strike out the committee amendment, or whether the question was on agreeing to the amendment of the committee.

Mr. LA FOLLETTE. My request was that the committee amendment be stricken out.

Mr. SPOONER. That, as I understand, is a Senate amendment?

The VICE-PRESIDENT. It is a Senate amendment.

Mr. SPOONER. And it has been disagreed to?

The VICE-PRESIDENT. The question was on the committee amendment. Shall the amendment be agreed to? By a negative vote it has been disagreed to.

Mr. SPOONER. Then it is out?

The VICE-PRESIDENT. It is out by a vote of the Senate. The amendment submitted by the Senator from Missouri [Mr. WARNER] will be stated.

The SECRETARY. In the amendment of the committee, on page 41, after the word "records," in line 7, it is proposed to insert:

That all restrictions upon the alienation of lands of Indian allottees of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, excepting as to homesteads, are hereby removed, to take effect July 1, 1906.

The VICE-PRESIDENT. The question is on the amendment.

Mr. SPOONER. What is that amendment?

The VICE-PRESIDENT. The Secretary will again state the amendment.

The Secretary again read the amendment proposed by Mr. WARNER.

Mr. SPOONER. Mr. President, that has been the subject of much debate in the Senate. I agree with much that was said by the Senator from Minnesota [Mr. CLAPP]. I think there is a great deal in the history of the governmental dealing with the Indians which is entirely discreditable to the United States. I think a great deal of it is due to the fact that the rules of the Senate have generally been entirely ignored in the consideration of Indian appropriation bills, and they have been filled with general legislation. Subjects which ought to have been, in the interest of the Indians and in the interest of the honor of the Government of the United States, separately considered as independent propositions and debated upon their merits have been concealed in the womb, if I may say so, of these very elaborate bills. Doubtless there have been a great many cases where legislation was needed and where it could probably be best accomplished through appropriation bills. Undoubtedly there are thousands of cases in which restrictions ought to be removed. I have no doubt there are thousands of cases in which it is an injustice not to remove restrictions; but there are thousands of cases, Mr. President, in which restrictions ought not to be removed, if they lawfully exist.

An Indian does not become overnight competent to transact the business of life, competent to protect himself against rapacious white men. I am not reflecting on the race, but I take it there are almost as many white men in this country who have followed the trail of the half-breed and the full blood, not in the interest of the Indian, as there are Indians, and there always will be.

I think, Mr. President, the legislation was a great mistake which transformed by the signature of a President the Indian from his traditional position of dependence and guardianship to independence, with the responsibilities which that status carries with it. I think the time has come when general legislation in the Indian appropriation bills ought to be much more carefully guarded.

This is general legislation. I am in favor of investigation, which shall enable an intelligent discrimination in the removal or retention of restrictions upon the power of alienation; but I do not believe it is in the interest of the Indian; I do not believe it is fair play to thousands of Indians, Mr. President, that by one provision, broad as it can be made, incorporated without investigation and further intelligent debate, in an Indian appropriation bill, this change in status should be brought about; and I make the point of order, Mr. President, that the amendment offered is general legislation.

Mr. TELLER. I hope the Senator will withdraw the point of order.

Mr. SPOONER. I will withhold the point of order.

Mr. WARNER. Mr. President, I understand the point of order is not debatable.

Mr. SPOONER. It is debatable.

Mr. WARNER. I am not sufficiently familiar with the rules of the Senate to discuss the point of order, and therefore I shall be glad to give way to the Senator from Colorado [Mr. TELLER], who was about taking the floor. I may have a few words to say later in answer to the suggestion of the Senator from Wisconsin [Mr. SPOONER].

Mr. TELLER. Mr. President, I understand the point of order is withdrawn.

Mr. SPOONER. No; it is withheld.

Mr. TELLER. I do not know that I care to discuss the point of order, the Chair having, as I understand, passed upon a similar point of order. I have expressed my dissent from the ruling of the Chair, and I do not know that I care to discuss it further.

But, Mr. President, I approach the subject without very much hope. I regard the condition, in the Indian Territory particularly, as an exceedingly critical and anomalous one. I do not expect that the Senate of the United States to-day is going to give very much attention to this question. If it should, it would be the first time in thirty years that the Senate would take hold of this question as the Senate ought to take hold of it.

It is nearly thirty years since I came into the Senate. This question has been a live question, and it has been left practically for half a dozen men to investigate and make themselves acquainted with the facts, and then for the Senate, unacquainted with the facts, to overrule them in their conclusions of law and conclusions of fact. If I speak with some warmth upon it, it is because we in the West have suffered immeasurably at the hands of well-intentioned members of the Senate and well-intentioned people who are outside of the Senate, who have assumed to control this question, in which we of the West are more particularly interested than anybody else.

I do not agree with the Senator from Wisconsin that the trouble has arisen out of legislation upon appropriation bills. It is only a few years since that system was adopted. While the appropriation bills remained with the general Committee on Appropriations there was very little of this; but when the Indian appropriation bill was by the Senate referred to the jurisdiction of the Committee on Indian Affairs, it was but natural and to be expected that that committee would deal with the subject not simply in the way of a financial measure, but as a question of Indian policy and Indian necessities.

A few moments ago there was offered an amendment that was declared out of order, on the suggestion of the Senator from Misssisippi [Mr. MONEY], who, I suppose, without any consideration whatever as to what the effect of the provision would be, but simply upon the theory that general legislation should not be put upon an appropriation bill, raised a point of order against it.

An amendment was offered by the Senator from Kansas [Mr. LONG], who has some knowledge of the needs and wants of the people of that country—and I am sure no one will doubt but that he is as anxious to protect the Indians as anybody could be. That amendment was not very satisfactory to me, and not very satisfactory, I think, to himself; but we believed it would be better than the present condition. That being disposed of, the Senator from Missouri [Mr. WARNER] offers an amendment which is much more extensive and far-reaching in its effect than the amendment offered by the Senator from Kansas.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. TELLER. Certainly.

Mr. TILLMAN. I desire to get information as to why the committee did not consider the important phases of the Indian question. I may be mistaken in saying that they did not; but I ask why did they not, in the amendments which came from the committee and were incorporated in the bill suggesting to us changes in the law, deal with this important question of removing restrictions? Why is it brought in here at the twelfth hour, so to speak, in written form, without having been printed, so that we could examine it and see what its effect would be? That is the complaint of the Senate; that is my trouble. I do not know what is going on, and do not seem to be able to "catch on." I may be "clabber headed."

Mr. TELLER. I do not know that I care about going into the question as to why the committee did not do so. There is a difference of opinion in the committee.

Mr. CLARK of Wyoming. May I interrupt the Senator?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. Certainly, I yield to the Senator.

Mr. CLARK of Wyoming. I wish to give my understanding of the matter to the Senator from South Carolina [Mr. TILLMAN]. It is my understanding only—I may be wrong—but I understand that substantially this provision was passed by the House of Representatives in the Five Civilized Tribes bill, which has lately been before both Houses, and that this provision substantially was also passed by the Senate when that bill came up for consideration here. Other amendments to the House bill were also passed; and in the conference report, which was discussed and to which both Houses agreed, this particular part of the action of both Houses was eliminated

finally from the bill; so that, as a matter of fact, it has been considered by the Committee on Indian Affairs.

Mr. TILLMAN. If the Senator from Colorado will permit me further, I should like to know whether or not this sweeping amendment which is proposed now does not alter and radically change the situation produced by the amendment offered by the Senator from Wisconsin in regard to coal lands and oil lands?

Mr. CLARK of Wyoming. Not at all.

Mr. TILLMAN. Are not these allottees supposed throughout all that Territory to have some coal and oil under their lands, and is it not the purpose to give the monopolies, which have seized the coal and oil elsewhere, an opportunity to get their fingers in here?

Mr. CLARK of Wyoming. I can not speak as to what may have been the purpose of other people. I have advocated this thing very strenuously, but I will not answer the Senator——

Mr. TILLMAN. Let us leave out "purpose"——

Mr. CLARK of Wyoming. It has not been my purpose, nor has it been the purpose of any member upon this floor who is advocating it so far as I know. But I want to say to the Senator further that this amendment does not touch the coal land, about which the Senator from Wisconsin spoke the other day, because that land is not allotted land, but is land segregated from allotment by the Secretary of the Interior under the direction of Congress.

Mr. TILLMAN. If the Senator will allow me, I will change the word "purpose" to "result" or "effect." Will not the effect of this amendment be to enable those who are seeking to monopolize the oil fields in the Indian Territory to get in under this provision and get possession of the oil? Will that not be the effect of it?

Mr. CLARK of Wyoming. If would be no more the effect of it there than it would be here. The effect of putting any land in private ownership is to consolidate that land in other ownership if the sale shall be made. That would be the effect of it no more there than elsewhere. I deprecate the idea that whenever the Government takes an action of this kind to give men their citizen's rights under the law it shall be characterized as an effort to monopolize and grab.

Mr. TELLER. Mr. President, there is no reason to suppose there will be any aggregation of land if this amendment is adopted either for the purpose of mining coal or obtaining oil or anything else that would not exist without it. The country down there is now pretty well divided up and in the hands of large corporations, and that difficulty, if it is a difficulty, exists and can not be saved, in my judgment, by any legislation that we may here enact.

I do not know that any serious trouble would arise if certain parties should become the owners of these coal lands, provided they buy them and pay the proper price for them and that the people who have them and own them get the proper price. That is one of the reasons that a number of Senators here who have given some attention to this subject favor removing these restrictions, because it would enable the owner of property to sell it in the open market without having to come to Washington to secure the consent of some subordinate in the Interior Department, for no one will pretend, of course, and we can not believe for a moment, that the Secretary of the Interior can give personal attention to and have personal knowledge of these transactions.

As has been stated, if the Indian wants to sell, he must go and get some lawyer, or somebody who says he has got influence enough, to secure a removal of the restrictions. Then the lawyer has to get an adequate fee out of it. We had a gentleman before us the other day who, without any hesitation and without any concealment, said that he had secured the removal of restrictions on quite a number of claims, and that he had charged $500 in each case. In some cases there had been much more than that charged.

The most common method, I believe it will be found, of dealing with this subject is for some man to go and say to an Indian, "You want to sell your land"—that is, land other than his homestead—"you have a right to sell it, provided you can get the approval of the Secretary of the Interior. To do that you must show that you are capable of discharging the duties of citizenship to the extent that you will know how to take care of your property after you get it." There are some people down there, Mr. President, who will not employ that class of agents, and who are as capable of dealing with the subject of their property rights as any man in the Senate. They decline to do that, and they are not allowed to sell unless they do that thing or come here and humiliate themselves before the Department.

When the contract is made it is provided that the attorney shall have $500, or whatever the fee may be, and an additional arrangement is made that the allottee shall take a certain amount for the land, which is generally less than any other person would pay. The Indian feels that he must get somebody to release him from these restrictions, and then he agrees with the party who is to secure his release that he will take a certain sum for the land. The man pays him a few dollars. Then he goes on and gets the restrictions removed and sells the land for less than it would bring if the allottee himself had a right to sell it without securing consent.

Mr. President, not only is the Indian affected, but the white man who has gone down there to live and those who expect to go there to live are involved. There are, I suppose, about 90,000 Indians inside of the Indian Territory. There are four or five times that number of white people, and perhaps even more. Those people are without land. They are anxious to buy, but unless there is somebody to sell of course they can not become landowners.

Every one of the Indians in the Indian Territory is a citizen of the United States. Whether wisely or not does not make any difference; he is a citizen. The Senator from North Dakota, as I understand him, insists that notwithstanding his citizenship the Government still has some control over him, and he cites in support of that the case of The United States *v.* Rickert, decided in 188 United States, October term, 1902. In that case the only question was whether the Government of the United States had such title in the property that it could not be taxed by the State. At that time these Indians were not freed from their wardship. They were still members of the tribe, and they were not citizens of the United States. The court declared that they were wards. All that was decided in this case was, in the first instance, that the Government of the United States had the ownership of the property to such an extent that the State could not tax it. As an elementary principle of law, I suppose everybody will admit that a State can not tax the land of the Government of the United States. It is true that when some of the Western States were admitted they guaranteed that they would not do that, but the Supreme Court of the United States years ago declared that without any such guaranty in the constitution of the State it had no right to tax Government property. They did that in several cases. It is not worth while to cite them.

There was another question in this case which the Senator from North Dakota cites, and that was whether personal property belonging to the Indian was taxable; and the court decided that the personal property was not taxable. It so decided on the ground that it was practically the property of the United States, and because it was the property of the United States it could not be taxed, as no property of the United States can be taxed by a State.

In 1888 the Attorney-General gave an opinion that the government of the State could not tax Indian lands held under the act of 1887. The act of 1887 provided for what is called a "patent," which the Supreme Court declared was not a patent, but merely a memorandum in writing that on a certain occasion, at a certain time, the Government would convey the title; that the title remained with the United States. A patent, in a technical sense, is a deed, but the court made the distinction between that kind of a patent and the ordinary patent issued to a citizen of the United States who becomes the owner of 160 acres of land. The court said the—

> statute plainly imports nothing more than instruments or memoranda in writing, designed to show that for a period of twenty-five years the United States shall hold the land allotted in trust for the sole use and benefit of the allottee.

They also held that the buildings erected by the Indians were a part of the realty.

Now, coming to personal property—

> Was the personal property, consisting of cattle, horses, and other property of like character, which had been issued to these Indians by the United States, and which they were using upon their allotments, liable to assessments and taxation by the officers of Roberts County in 1899 and 1900?

Then the court say:

> The personal property in question was purchased with the money of the Government, and was furnished to the Indians in order to maintain them on the land allotted during the period of the trust estate, and to induce them to adopt the habits of civilized life. It was, in fact, the property of the United States, and was put into the hands of the Indians to be used in execution of the purpose of the Government in reference to them. The assessment and taxation of the personal property would necessarily have the effect to defeat that purpose.

That is all that was decided in that case—that the Government had a property interest.

Now we come to the Heff case, which is the last declaration of the court on that subject and is perfectly consistent with a dozen decisions the court has made at different times. As I have said again and again here, if there never had been any decision of the Supreme Court of the United States on the subject it could not be a question of doubt among lawyers.

The Senator from Minnesota [Mr. CLAPP] read a portion of this decision; I merely wish to read a word or two.

Mr. McCUMBER. From which decision is the Senator about to read?

Mr. TELLER. From the Heff case. I guess I will read only a little on page 509, because the Senator from Minnesota read the most of it.

Referring now to this very case to which I have just called attention, the court say:

> In United States v. Rickert (188 U. S., 432), we sustained the right of the Government to protect the lands thus allotted and patented from an incumbrance of State taxation.

Then the court goes on to say:

> But it is unnecessary to pursue this discussion further. We are of the opinion that when the United States grants the privileges of citizenship to an Indian—

I wish the Senate would give attention to this decision—

> it gives to him the benefit of and requires him to be subject to the laws, both civil and criminal, of the State; it places him outside the reach of police regulations on the part of Congress; that the emancipation from Federal control thus created can not be set aside at the instance of the Government without the consent of the individual Indian and the State, and that this emancipation from Federal control is not affected by the fact that the lands it has granted to the Indian are granted subject to a condition against alienation and incumbrance, or the further fact that it guarantees to him an interest in tribal or other property.
>
> The district court of Kansas did not have jurisdiction of the offense charged, and therefore the petitioner is entitled to his discharge from imprisonment.

It can not be controverted that a citizen, having been an Indian, is just as much a citizen as if he had never been an Indian. We have never made any distinction as against a foreigner who came here and abjured his allegiance to a foreign government and swore allegiance to ours. His rights have been equal in all respects to the rights of any native-born citizen. We have never asserted any control over him, nor is it possible that the General Government can maintain such control.

The fact that these people down there are citizens of the United States has materially changed the condition and has made it more difficult, perhaps, to deal with. But at the same time we ought to understand that that has passed beyond any controversy; right or wrong, it must be left as it is. If these are citizens, they must be assumed to have the rights of citizenship as well as the obligations of citizenship. Of course they have taken their property with restrictions, and they must hold that property until those restrictions expire.

Mr. SPOONER. Of course that doctrine applies as much to the full bloods as to the others?

Mr. TELLER. It applies to all. There is no distinction between a full blood and a mixed blood. Of course we may maintain that they shall not sell their lands because they have taken their lands with these restrictions. It is a simple question of public policy. It is a simple question as to what will be best for the Indian and what will be best for the white man who comes in contact with him: Shall the Indian be allowed to sell or shall he not?

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. SPOONER. It is merely for information. I understood the Senator from Colorado the other day to say, in answer, I think, to an interrogatory which I took the liberty of putting to him, that there were a good many thousand Indians who confessedly were not competent to manage with discretion their own affairs. Is it not possible to make some investigation and discriminate between the great body who are and the large but still minor body who are not competent?

Mr. TELLER. I have no doubt we might make some investigation with reference to whether we will remove the restriction on full bloods.

Mr. SPOONER. That is what I mean; and the others, where the restrictions exist—where they are in the patent.

Mr. TELLER. That is what we have been trying to do. That has been the vice of this legislation in the past. We have submitted that question to the Secretary of the Interior to determine. Here are 90,000 people owning land, for every Indian owns land. There are no landless Indians at the present time. Those 90,000 people have no way of determining whether they are allowed to sell their land until they come before the Secretary of the Interior and try to persuade him that they are competent to deal with this subject and ought to be allowed to sell. If we had simply said originally that they should not sell their land; that they should hold it for twenty years or twenty-five years, and had stopped there, it would undoubtedly have been better for the Indians than the present condition. But we did not do that, and we have been allowing the Indians to sell, and not always, perhaps, have those most capable of taking care of themselves been allowed to sell.

This land in the Indian Territory owned by the Indians is going to be occupied by somebody. You can not in this age prevent it from being occupied. It will be occupied according to law or it will be occupied without law. White men will go there and make some arrangement with the Indians, which may be beneficial or which may not; and I think myself the wisest thing we can do is to give, at least to the mixed bloods, the right to alienate. I do not mean to say they are qualified, but the large percentage would be qualified, and the few who would not be must suffer rather than that the great mass of these people should be kept in a bondage that prevents them from progressing and retards the progress of the community in which they live.

Mr. DUBOIS. Mr. President, I can not support the amendment of the Senator from Missouri [Mr. WARNER], even if it is not ruled out on a point of order. I think the point has not been pressed as yet. The amendment is too broad, too sweeping; it removes all restrictions, even from the full-blood Indians.

Mr. TILLMAN. It excepts the full bloods.

Mr. MONEY. No; it does not.

Mr. TILLMAN. It does not?

Mr. DUBOIS. It removes the restriction from the full-blood Indians.

From my observation, which, of course, is somewhat limited, there is not much difference between the full-blood Indians of the Indian Territory and the full-blood Indians of the Pacific slope. I have seen numbers of them this session.

They appeared before me as chairman of a subcommittee to urge some legislation. Of course there are exceptions. There are some very bright full-blood Indians in the Indian Territory, as there are on the western coast. But the full-blood Indians of the Indian Territory generally, in my judgment, are no more capable of taking care of their property than are our Indians on the coast. I think it would be a tremendous mistake for us to remove the restriction upon the alienation of their land, as is contemplated in this amendment.

I was sorry that the Senator from Mississippi [Mr. MONEY] made a point of order against the amendment offered by the Senator from Kansas. That restricted alienation. It was a compromise which was about as good as we can get, and it would have enabled these partly white Indians who are capable to dispose of their surplus land.

The criticism does not lie fairly against the committee that they have not fully and carefully considered the subject. The trouble is that the Senate would not agree to what the committees of both Houses thought wise in regard to these restrictions. The conditions in the Indian Territory among the Five Civilized Tribes are different from the conditions among other Indians. Those Indians are much more highly civilized. Only about 24,000 of the 90,000 are full bloods, and of the large number, three-fourths of the Indians, who are white there is a much higher order of civilization and education than among other Indians. The proportion of those who are able to take care of their property is much larger than it is among other Indians, and that class ought to be allowed to dispose of their property, and that was pretty well guarded, I believed, in the amendment offered by the Senator from Kansas.

Mr. WARNER. Do I understand that the Senator from Idaho would support the amendment if full bloods were prohibited from selling; that is, that the mixed bloods are capable of transacting their own business?

Mr. DUBOIS. I would say to the Senator from Missouri that while I do not agree with the Senator from Wisconsin, I have a good deal of sympathy with his contention. I do not believe that all of the mixed bloods, by any manner of means, are capable of transacting their business. If we have the power to——

Mr. WARNER. Are all the white men of any State or city capable of attending to their own business?

Mr. DUBOIS. Oh, no; not at all. But there is a responsibility here which devolves upon us. I have in view also the white people of that section. I want to go as far as I can, but I would not willingly vote, and I never yet have been able to bring my mind to consent, to remove the restrictions absolutely from those Indians, whether they are mixed bloods or not; and I will not consent to remove the restrictions absolutely from the surplus lands of the full bloods. I think the amendment of the Senator from Kansas came as near satisfying the different views of the Senate as any that can be drawn, and I regret that the Senator from Mississippi raised the point of order against it. I think, I may add in passing, that it would have been satisfactory to the Senator from Missouri.

Mr. WARNER. It would have been entirely satisfactory to me, being a step in the right direction.

Mr. MONEY. I should like to inquire the parliamentary status of the amendment offered by the Senator from Missouri?

The VICE-PRESIDENT. It is the pending amendment. A point of order was raised by the Senator from Wisconsin, but afterwards withheld.

Mr. MONEY. I offer an amendment in the nature of a substitute for the pending amendment.

The VICE-PRESIDENT. The Senator from Mississippi proposes an amendment in the nature of a substitute, which will be stated.

The Secretary read as follows:

That all restrictions upon the alienation of lands of Indian allottees of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, except Indians of full blood, are, except as to homesteads, hereby removed, to take effect July 1, 1906.

Mr. WARNER. If it be in order to accept the amendment, I will say that the amendment is entirely acceptable.

The VICE-PRESIDENT. The Senator from Missouri can accept the amendment.

Mr. McCUMBER obtained the floor.

Mr. MONEY. If the Senator from North Dakota will excuse me, I should like to make one remark on the amendment I have just offered.

Mr. McCUMBER. Certainly.

Mr. MONEY. I will not detain the Senate long.

Mr. President, I desire to say that the amendment I have offered I consider a sort of compromise of the matter as between those who are contending for supervision of Indian affairs and those who believe that all restrictions should be entirely removed. The amendment protects the Indians of full blood, and, on the other hand, it ought to content those who are of opinion that the mixed bloods and the white men there are just as competent as American citizens anywhere else.

As far as I am advised—and I do not pretend to any knowledge on this subject; I speak simply from information derived from very reliable sources within the Territory, from intelligent people, all of them, with whom I have had communication—this amendment will about meet their views as to what is best for the Territory. I do not see how the Indian or anybody else will be benefited by a compulsion to have his treasure remain undiscovered in the bowels of the earth, or how he is to improve his condition by a reservation of all he has, above his homestead, until some remote period when he will be gathered to his fathers, his children meantime growing up without enjoying the advantages which they would have had if he had been allowed to dispose of his surplus land at least.

Mr. McCUMBER. Mr. President, I have no objection to this amendment, I think. I would prefer that it be amended so as to exclude mineral and coal lands known at the time of sale to be such. While it is true that the coal and mineral lands which we have heretofore discussed have been those that have been reserved and are not in allotment whatever, still there may be other mineral lands and other oil lands there, and I would prefer to keep them intact and unsold for some little time, or at least until we can determine their character and value.

This amendment makes a distinction between the full-blood and the white Indian. I desire frankly to state that I have never regarded and do not now regard an individual having one-sixteenth or one-thirty-second part of Indian blood in his veins as being an Indian in fact. He is to all intents and purposes a white man. His association with the Indians, his living with the Indians, may possibly have given him some of their natural characteristics, if we may include laziness as among those characteristics.

But I am not particularly solicitous for the white man in the Indian Territory. There are about 24,000 full-blood Indians in the Indian Territory, if I have the figures correctly. There are about 90,000 white men called Indians. I have not the slightest objection to every white man in that Territory selling all of the land he has, and to removing restrictions entirely with respect to him. I do regard it as a moral and a sacred duty on the part of the Government of the United States to continue the existence of the red man or the Indian just as long as it can. We took his land from him without his consent. We obligated ourselves when we took that land to at least care for him. The only way to care for him is to care for him in a way in which he can live.

I do not agree with the Senator from Minnesota [Mr. CLAPP] in the suggestion that the only way to legislate for the Indian is first to make him a pauper and then after he is made a pauper to let him develop the necessary character to make a white man. That has been our error through all our legislation—the folly of ever expecting to take a tribe of Indians, with their thousands and hundreds of thousands of years of inheritance, and make white men out of them, when the white men have an equal line of inheritance of an entirely different nature. If the Indians had been of that character so that they would develop when left to themselves, they would naturally, with all the vast opportunities there have been on this continent in the last thousand years, have grown and become a great people. The very fact that they have failed to do so in the face of these wonderful opportunities seems to be almost conclusive evidence of their inability to do so. If we will admit that basic truth in the first instance in dealing with our Indian population, we will rid ourselves of a good deal of this needless legislation.

The Indian to-day would have been a hundredfold better if he never had been brought in contact with white civilization, if he had been kept separate and allowed to live as was his wont to live. We have tried to impose our morals upon him; we have attempted to impose our ideals upon him, entirely foreign to his nature and foreign to his condition. It has never been a success. It never can be a success.

But we have a few of the full-blood Indians left. Let us protect those. Inasmuch as we have taken all the land from them so that they can no longer help themselves or live in the way they did a hundred or more years ago, let us protect them to the extent of our ability. We are not going to do it by still trying to make a white man out of him. One would have to argue with me, with my knowledge of the Indian, a great while before he would ever succeed in convincing me that the Indian is better off if he has no land and no property whatever. He may be a pauper, but in heaven's name, if he be, let us keep a little spot of 160 acres of this green earth between the two oceans that he can say is still the red man's land, on which he can build his own tepee, and in which he can protect himself from the elements, so that he will have at least that right—some little spot that is his own.

If we remove those restrictions absolutely, then in ten years the Indian will not own one foot of land upon the face of the earth, and he will be a wanderer. I call the attention of Senators on the committee to an appropriation we have made in this very bill to take care of vagabonds whose lands we had taken. There are remnants of several tribes in the State of California that we have had to support year after year, and finally we have an appropriation in this very bill to buy them land again. Yet, in the face of that provision in the bill, Senators are making the claim here that we must first pauperize the Indians by taking away all their lands. But when we have done that we must buy some more land for them and place them on it, as we have done in the State of California.

So far as this amendment is concerned, I shall vote for it, and I hope we will forever get rid of the white Indian as a ward of the Government. Then we can concentrate our energies toward taking care of the real red man.

Mr. President, I think that is all I can say except as to the little question of difference in the law as applied to those citizens in the Indian Territory. When we applied the Heff case, when we applied the Rickert case to the Indian status, we must remember that those cases were applied to Indians who had ceased their tribal relations. The law has declared that the tribal relations in the Indian Territory should continue. The Government has, therefore, its control over the tribal property, and with the control over the tribal property it may control its division and the extent in which any limitation may be imposed upon it. Therefore, as long as the title has not absolutely been divested from the Government, I am inclined to think that we can change or enlarge restrictions on its sale where the tribal relation still continues and where there has not been a complete adjustment, as there has not been in the Indian Territory. It is in process of adjustment, and even the allotment may possibly be changed or substituted under the present law. There we have 24,000 real Indians. I hope we will still attempt to protect the real Indian and by this amendment eliminate the white Indian from future legislation.

Mr. BAILEY. Mr. President, I suggest to the Senator from Mississippi that in addition to the exception of the full blood it might be well enough to except minors. Of course an Indian minor, no more than any other minor, can alienate his property; but under this provision an Indian minor, like any other minor, could make a deed, and that deed would be good unless disaffirmed within a reasonable time after he attains his majority.

I would like to see a direct prohibition against conveyance by Indian minors. Of course, as soon as the Indian minor attains his majority then the restrictions would be removed. I do not regard it as vital, but I believe it might serve a good purpose.

Mr. MONEY. Does the Senator mean as to the full bloods?

Mr. BAILEY. Of course the expression "full bloods" would include all full bloods, minors as well as others, and the exception

which I would like to make would be the Indian minors not included under the description of full bloods.

Mr. MONEY. Mixed bloods.

Mr. BAILEY. Yes.

Mr. MONEY. I would not like that amendment, although I would not be very obstinate about it, because I think the mixed blood minors would have such relation with their kindred that they would not be tempted as in the case of full bloods.

Mr. BAILEY. The truth is, as those of us who live right near that country know, that there are a few, and I say it to the credit of the white people there, a very few consciousless speculators there, and I believe that with the restrictions removed, and no disability except that of minority existing, it would be a safe prediction that advantage will be taken of the minors. I will not press it, but if it is entirely agreeable, I should like to see that exception made.

Mr. MONEY. I have no objection to the amendment.

The VICE-PRESIDENT. Will the Senator from Texas state his proposed amendment to the amendment?

Mr. BAILEY. I think I can state it from the floor. After "full bloods" insert "and minors," if the Secretary will be good enough to read it.

The VICE-PRESIDENT. The Secretary will read the amendment as proposed to be amended.

The Secretary read as follows:

That all restrictions upon the alienation of the lands of Indian allottees of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, except Indians of full blood and minors, are, except as to homesteads, hereby removed to take effect July 1, 1906.

Mr. BAILEY. I think perhaps it would be a little more accurate to say, after "Indians of full blood," "and Indian minors." Of course we are dealing with Indians and that would be understood.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. CLAPP. If the amendment is going to be voted upon, I think the amendment ought to be made to it which I send to the desk.

The VICE-PRESIDENT. The Senator from Minnesota proposes to amend the amendment of the Senator from Missouri by adding what the Secretary will read.

The Secretary read as follows:

Provided, That nothing in this act contained shall be held or construed to discontinue or in any respect affect the supervisory authority of the Secretary of the Interior relative to any mineral lease or mineral leases heretofore executed by any allottee of said tribes.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. BAILEY. I suggested the amendment to the amendment without reflection as to the language of it, and while I think the expression as it stands is accurate enough, I believe it could be made more definite to say, "Indians under the age of 21 years." Of course minority is understood well in the law, and a minor is understood to be a person under 21 years old, but without being certain that there is any statute defining minority as applicable to those people I think it might be well enough to define it in the amendment. So, after "Indians of full blood," I suggest to insert "and Indians under 21 years of age," instead of the words I suggested a moment ago.

The VICE-PRESIDENT. Without objection, the amendment to the amendment will be so modified.

Mr. LA FOLLETTE. Mr. President, I believe an amendment was adopted to the bill—I was not present at the time—providing for an investigation to be prosecuted by the Secretary of the Interior with respect to coal lands in the Indian Territory. I will inquire of the chairman of the Committee on Indian Affairs if I am right with respect to it?

Mr. CLAPP. There was an amendment appropriating $50,000. I think in justice to the Senator I ought to state that, as I recall it, it would apply to the segregated coal lands. I doubt whether in its present form—I am speaking now from memory—it would apply to an investigation beyond the segregated coal lands. The amendment is at the desk, however.

Mr. TILLMAN. The Senator had better have it read.

Mr. HALE. Let us dispose of this other matter first.

Mr. LA FOLLETTE. I should like to have that amendment read.

Mr. HALE. What has become of the amendment offered by the Senator from Missouri and the point of order raised upon it?

The VICE-PRESIDENT. The point of order was withheld by the Senator from Wisconsin [Mr. SPOONER]. The Chair was prepared to rule upon it, but the Senator from Colorado asked the Senator from Wisconsin to withhold his point of order, he desiring to address the Senate. The Senator from Wisconsin has not renewed his point of order. The amendment to the amendment proposed by the Senator from Missouri is pending.

Mr. HALE. Let us dispose of that before we go to any other amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment offered by the Senator from Missouri. The Secretary will state the proposed amendment to the amendment.

The SECRETARY. Add at the end of the amendment the following proviso:

Provided, That nothing in this act contained shall be held or construed to discontinue or in any respect affect the supervisory authority of the Secretary of the Interior relative to any mineral lease or mineral leases heretofore executed by any allottee of said tribe.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Missouri as amended.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin rise to this amendment?

Mr. LA FOLLETTE. I rise to ask that the amendment adopted previously—I do not know what day it was when this bill was under consideration; I was not present—with respect to the investigation to be made by the Secretary of the Interior as to coal lands, may be read.

The VICE-PRESIDENT. Does the Senator wish to have the pending amendment withheld?

Mr. LA FOLLETTE. Yes, sir; I should like to have that amendment previously adopted reported first.

Mr. CLAPP. I think we can save time if I read it from the RECORD.

That the Secretary of the Interior is hereby authorized and directed to make further investigation of the character, extent, and value of the coal deposits in and under the segregated coal lands of the Choctaw and Chickasaw nations, Indian Territory; and in order that said investigation may be thoroughly practical and exhaustive the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated.

It would seem from this that the application of this appropriation was limited to the segregated coal lands.

Mr. LA FOLLETTE. I had been informed, Mr. President, that the amendment was broader. My information, with respect to the coal lands in Indian Territory that have been segregated, is that only those lands have been reserved in which the vein of coal shows at the surface. I am informed by the geologist who made the examination and surveys that this would in all probability not include all of the coal-bearing land in the Indian Territory; that coal underlies, beyond question, much of the land adjoining, where the coal does not appear on the surface, and under this amendment we are as likely to authorize the sale of lands that are coal lands and lands that are oil lands as well.

Such study as I have been able to make of this subject leads me to favor the policy of gradually educating the Indians to assume the responsibility of administering their own business affairs.

But it would seem to me the part of wisdom with respect to Indians not well advanced in civilization that their education should begin with a control of the proceeds of their lands. They should not be allowed to part with the title to their lands. If allowed to handle the proceeds, without being authorized to sell except under proper limitations, they will acquire business experience, and at the same time will be protected from the danger of improvidence and future need. I have understood that the Indians in the Indian Territory are, except as to the full bloods, in the main capable and progressive, but it seems to me they ought to have the aid and assistance of the Government when it comes to selling their land.

At the proper time, Mr. President, I should like to submit an amendment to the one pending providing that all sales shall be made under the supervision of the Secretary of the Interior.

The VICE-PRESIDENT. The amendment now would be an amendment in the third degree.

Mr. LA FOLLETTE. Yes, sir; I fancied it would be out of order at this time.

The VICE-PRESIDENT. The Senator can offer the amendment when the bill reaches the Senate. The question is on agreeing to the amendment of the Senator from Missouri [Mr. WARNER] as amended.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The Secretary will read the amendment as it would stand amended.

The SECRETARY. On page 41, after line 7, insert:

That all restrictions upon the alienation of lands of Indian allottees of the Choctow, Chickasaw, Cherokee, Creek, and Seminole tribes, except Indians of full blood and Indians under 21 years of age, are, except as to homesteads, hereby removed, to take effect July 1, 1906: *Provided*, That nothing in this act contained shall be held or construed

